



# DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

# DÁIL ÉIREANN

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

Déardaoin, 24 Bealtaine 2012.

# DÁIL ÉIREANN

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*Déardaoin, 24 Bealtaine 2012.  
Thursday, 24 May 2012.*

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

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*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Barry Cowen:** Following the EU meeting yesterday, there seems to be a concerted effort and progress on the part of member states for growth initiatives through project bonds. This is to be welcomed by us all. There can now be no doubt that the stability treaty will not be changed. The commitment to growth initiatives are long overdue and we look forward to the June EU summit in this regard. We must remember, however, that it is in addition to and separate from the stability treaty which the Irish people will vote for next Thursday. I reiterate our party's commitment to that treaty in calling for a "Yes" vote.

A related matter concerns jobs in the economy, which is vitally important considering the ominous signs from Hewlett Packard this morning. Just over a month ago, on 18 April, the Taoiseach told this House that water meters would be introduced. He said that, as a result, there would be no job losses in the 34 local authorities but that an additional 2,000 jobs would be created for quantity surveyors, engineers, plumbers and others working in the water system. I do not want to get into the pros and cons of water metering today.

**Deputy Jerry Buttmer:** You cannot.

**Deputy Barry Cowen:** I want to ask the Tánaiste about the plan around those jobs. Is he aware of any plan by the Government to introduce any training programmes with FÁS or Solas for water meter installation? This should surely be a priority to allow 2,000 people to come off the live register. When will these positions be filled? Is there cross-departmental co-operation on this issue and have the Ministers with responsibilities in this area met to discuss a plan?

Have Ministers Hogan, Bruton, Quinn and Burton met prior to, or since, this announcement to discuss mechanisms whereby people on the live register can avail of such opportunities and prepare to be in a position to take up such job offers, or has the Government directed Bord Gáis to prioritise people on the live register? In answering those questions, will the Tánaiste reaffirm the Taoiseach's commitment to this House a month ago that 2,000 jobs would emanate from this initiative?

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** First of all, I want to confirm — as Deputy Cowen has said — that yesterday's meeting of EU leaders brought forward a number of proposals which will be worked on between now and June. They are aimed at stimulating growth and job creation within the EU. Those proposals fit in very well

[Deputy Eamon Gilmore.]

with the Government's plans to bring forward measures to stimulate the domestic economy. Yesterday's meeting is something the Irish Government has sought for some time and the outcome is very positive, particularly in addressing the issue of youth unemployment. So many young people from this country and throughout the EU either cannot get jobs or cannot get the work for which they are qualified.

I also want to confirm that the stability treaty will not be changed. What is being voted upon on this day week is exactly the treaty that has been signed. There are no changes in that treaty, nor will there be any changes to it.

**Deputy Finian McGrath:** No change, no change.

**The Tánaiste:** With regard to the specific issue of water metering that Deputy Cowen has raised, the Government's decision is to establish a State water utility company, which will be done under Bord Gáis. Work is currently under way through Bord Gáis on the modalities of how that company will be established and what steps will then be taken following the establishment of the water utility company. When it comes to the issue of water metering, as the Taoiseach has said, it is anticipated that there will be 2,000 new jobs in that sector. Meetings are taking place between the Department of the Environment, Community and Local Government, NewERA, the local government system and Bord Gáis on that issue. There is a staged process, the first stage of which is the establishment through Bord Gáis of the water utility company. A programme will then be worked through by the water utility company on how the actual water metering will take place.

**Deputy Barry Cowen:** It is time for the rhetoric to meet the reality in this regard or even the reality to meet the rhetoric. Only last week a constituent told me he had called into an FÁS office to seek information pertaining to getting the correct accreditation to take up an opportunity that might arise, to find out if there was a training course, plans or an initiative in this area and he was told there was not. What does that tell me about what the Taoiseach had to say here a month ago? How does that say there is a concerted effort, a plan in place or, as the Tánaiste said again here today, that line Ministers with responsibility in this area have met. It is the not the case on the ground. The situation on the ground does not match the rhetoric emanating from the Tánaiste's side of the House.

Despite the spin and the rhetoric, it is becoming more obvious day by day and month and month that the situation on the ground is not matching what the Tánaiste and his Ministers say. I have asked the Tánaiste have the Ministers met to discuss a plan? I have asked him has he or his Government directed Bord Gáis to make provision that those jobs that will emanate from this initiative will be offered to people on the live register. There is nothing in what he has said that tells me or the constituent to whom I referred that there is a plan, prospects, or an initiative in place by the Government, let alone what the Government will put to Europe with regard to other initiatives that will emanate from the growth pact we talked about that will begin in June and to which we look forward.

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

**Deputy Barry Cowen:** The Tánaiste has to get his own house in order here to prove that he can do it over there.

**A Deputy:** Where are the jobs?

**The Tánaiste:** First, it is important to recognise that the plans for water metering are at an early stage. The decision that has been made — perhaps some of this has arisen because some people speculated about what may or may not happen — is to establish the water utility company. That is being done through Bord Gáis Éireann. Those plans have to be brought forward in the first place.

**Deputy Michael Healy-Rae:** What will that cost in terms of local authority jobs?

**Deputy Brendan Howlin:** Do not be silly.

**The Tánaiste:** What the Taoiseach told the House, and what I confirm, is that it is expected there will about 2,000 jobs in water metering once that programme has been rolled out. The agencies which have responsibility for training will work in advance of that to prepare the courses and so on which will suit people on the live register who would be engaged in that work, but first we have to see the proposals from the water utility company.

That is not the only area where there are proposals for job creation in the economy. The Deputy will have seen the announcement that has been made by NAMA of an investment it is making of €2 billion, which is intended to create——

**Deputy Billy Kelleher:** The Tánaiste is the most hypocritical man I have heard. He once accused NAMA of being a bailout for bankers and developers. The hypocrisy is appalling.

**Deputy Brendan Howlin:** Does the Deputy not want the jobs? He destroyed enough of them.

**Deputy Billy Kelleher:** A bailout for the bankers and developers.

**Deputy Brendan Howlin:** He should welcome the jobs that will be created.

**An Ceann Comhairle:** If Deputy Kelleher does not stop, I will put him out. Stop the shouting.

**Deputy Brendan Howlin:** The Deputy has a brass neck.

(*Interruptions*).

**An Ceann Comhairle:** Deputy Kelleher, please leave the House.

**A Deputy:** Go get a sun tan.

**Deputy Eric Byrne:** Go cut the grass.

**The Tánaiste:** I think Deputy Kelleher——

(*Interruptions*).

**An Ceann Comhairle:** I asked the Deputy to stop and he would not stop. Will he please leave the House? We are not putting up with this roaring and shouting every morning. Please leave the House. Thank you.

**Deputy Dara Calleary:** What about Deputy Stagg?

**An Ceann Comhairle:** Will the Tánaiste proceed?

**The Tánaiste:** Our priority here should be the people who are out of work for whom we need to find employment.

**Deputy Brendan Howlin:** Hear, hear.

**The Tánaiste:** NAMA has announced a reinvestment programme in its properties of €2 billion, the object of which is to provide 35,000 jobs in the construction industry. That is the start of an investment programme which will be overseen by the Government. In this case it is an investment by NAMA, which will be followed through by the work that the Minister, Deputy Howlin, and the Minister, Deputy Noonan, have been doing to bring forward a package of proposals to re-stimulate the economy. On top of that, we have the plans and proposals which are being developed at a European level, all of which will help to provide employment, investment in this country and get people back to work. That is what it is all about. It is about firm proposals and firm activity to provide employment. The announcement made by NAMA yesterday of €2 billion is aimed at providing 35,000 jobs in the construction industry, a sector of the economy that was most severely hit by the recession.

**Deputy Caoimhghín Ó Caoláin:** This morning the Tánaiste and the Taoiseach gave categorical assurances that there would be no changes to the austerity treaty on which the people are being asked to vote this day week. Did the Government argue for no changes or did it just meekly accept that no changes would occur in the treaty text, which will enshrine harsh fiscal rules in international law in which we are being asked to give constitutional protection?

**Deputy Michael McNamara:** That is European law——

**An Ceann Comhairle:** Will the Deputy please allow a question be asked without interruption?

**Deputy Timmy Dooley:** He should make up his mind. Throw him out.

**An Ceann Comhairle:** I do not need any help from the Deputy either. Deputy Ó Caoláin, please proceed.

**Deputy Jerry Buttmer:** Is Deputy Ó Caoláin for or against it?

**An Ceann Comhairle:** The Deputy is trying to make his case. Will the Deputy please allow him to do so without interruption?

**Deputy Caoimhghín Ó Caoláin:** It is not only that there will be no changes in the treaty text but what of the rules it seeks to enshrine in international law and, constitutionally, what will happen after the event? We will have no means of changing those in the future if our worst fears prove well founded. That is my question to the Tánaiste because he must realise this is the last opportunity for an exchange on the floor of this House before we go to the polls next week and we must have respect for both views that have been well articulated in recent weeks. What if the fears of so many citizens prove to be well grounded? How does the Tánaiste see us making our way back out of such a mess? Let us recognise that this carefully crafted German engineered text has only one gear. There is no reverse.

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

**Deputy Caoimhghín Ó Caoláin:** The steering is locked; it cannot turn right or left. We are heading straight for whatever lies ahead in terms of the consequences. How does the Tánaiste anticipate dealing with the consequences if the worst, well grounded and well articulated fears of the Irish people in all 43 constituencies have a sound basis? What will he do then?

**The Tánaiste:** First, the text of the treaty is not changed and will not change. Some who are arguing for a “No” vote in the referendum have been suggesting that somehow the treaty would change. It will not change and that is absolutely clear, arising from yesterday’s meeting in Brussels.

The Deputy asked how I see us getting out of the economic mess we are in and I am very happy to tell him.

**Deputy Caoimhghín Ó Caoláin:** Post a “Yes” vote.

**The Tánaiste:** Yes, post a “Yes” vote.

First, we must ensure there is stability and certainty for the currency. We have seen much volatility with regard to the euro over a period of time and it is not in the interests of the people of the country that this volatility continues. The euro must settle down and we must have a stable currency. It is our currency and this stability is necessary to underpin confidence among investors who create jobs here. Our way out of the economic difficulty is to create jobs and get the economy to grow. The passing of the stability treaty will provide this confidence for investors, and since the beginning of this year we have seen a series of job announcements made by some of the biggest multinationals in the world who are coming here to invest. We want to continue this flow of inward investment to the country and the creation of jobs here. These investors must have certainty about the euro and Ireland’s relationship with it. This is why we need a “Yes” vote this day week.

The stability treaty is not the only instrument and means to get our economy to recover. This is why we need a growth agenda and why setting down a clear agenda for Europe’s economic growth at yesterday’s meeting was so important. A range of issues will be worked on between now and the June summit meeting. These issues include using structural funds from throughout the European Union which have not been drawn down and spent, particularly to address youth unemployment. Another issue is capital for the European Investment Bank so funding will be available for the type of programmes we want to advance in this country and on which the Minister for Public Expenditure and Reform, Deputy Howlin, has been working to re-stimulate our domestic economy. There are also issues the European Union can address in any event, such as the completion of international trade agreements outstanding for sometime with countries such as Canada and Japan. These need to be completed to enable the European economy to grow.

A number of steps towards economic recovery must be taken. We will pass the stability treaty this day week; get the euro to stabilise; underpin investor confidence in the country; and have a growth agenda in Europe and a stimulus agenda here. The critical issue is having access to emergency funding, should we ever need it, and the insurance policy that goes with this which in turn underpins investor confidence. This is the route to economic recovery and the route which the Government recommends. I have not heard a credible alternative to this strategy from the Deputy or Sinn Féin.

**Deputy Caoimhghín Ó Caoláin:** Once again the Tánaiste did not answer the question, which is the pattern of his performance here and that of the Taoiseach. We are locking ourselves into a situation in terms of international law and constitutional protection of these harsh fiscal measures. It has already been stated that irrespective of the complexion of a future government, it will not have the ability to reverse from the situation we will find ourselves in post a “Yes” vote next week. The Tánaiste has not addressed the worst-case scenario in terms of the fears expressed by so many people. Again he trundled out the arguments as he sees them in support of a “Yes” position. He has not used the opportunity to give a response to the questions I put to him.

[Deputy Caoimhghín Ó Caoláin.]

At the so-called emergency summit yesterday what proposals did he and the Taoiseach put before the other member state representatives on jobs, growth and stimulus? What specific proposals did the Government representatives put forward with regard to youth unemployment about which the Tánaiste spoke this morning on "Morning Ireland"? Will the Tánaiste outline for us what presentation he made, or was it the case, as often times appears, that we were but a listening ear as others put forward their respective positions? The summit yesterday and this morning considered youth unemployment, as the Tánaiste termed it this morning——

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

**Deputy Caoimhghín Ó Caoláin:** He failed to reflect on the fact that 1,500 of our young people leave these shores every week. What has the Tánaiste done to meet the demand of his affiliated trade union, SIPTU, to meet its particular stimulus demands?

**An Ceann Comhairle:** The Deputy is way over time and should please ask a question and sit down.

**Deputy Caoimhghín Ó Caoláin:** He has not even been able to bring them on board his campaign platform in this regard. He has failed even to convince those who are closely aligned to him. The only position to ensure the Irish people's interests going forward is a solid "No" vote rejection of the proposals on next Thursday, 31 May.

**The Tánaiste:** Sinn Féin is wrong in several respects. The passing of the treaty will ratify an agreement under which we will write into our domestic law budgetary discipline measures as part of the fiscal responsibility legislation. Sinn Féin is also wrong in its assertion that the Government had been in listening mode and did not make proposals. In fact it was the Government as far back as last year which argued for a growth agenda in Europe and put it on the agenda. I am delighted——

**Deputy Caoimhghín Ó Caoláin:** What did you put on the table last evening?

**An Ceann Comhairle:** Sorry——

**The Tánaiste:** I already listed a number of issues we put on the table.

**Deputy Caoimhghín Ó Caoláin:** Last evening.

**The Tánaiste:** I will give a number of specifics. We argued that project bonds should not be confined to major——

**Deputy Caoimhghín Ó Caoláin:** They will not apply to us as things stand.

**The Tánaiste:** The Deputy asked the questions.

**Deputy Brendan Howlin:** He does not want to hear the answers.

**The Tánaiste:** If he asks a question he should at least——

**Deputy Caoimhghín Ó Caoláin:** It is rhetoric.

**An Ceann Comhairle:** There is a time limit on this, thank you.

**Deputy Colm Keaveney:** We are giving Deputy Ó Caoláin the specifics.

**The Tánaiste:** The Deputy asked a question and accused me of not answering it and when I attempt to answer he keeps interrupting me.

**Deputy Colm Keaveney:** Censorship.

**Deputy Caoimhghín Ó Caoláin:** This applies to our unemployment.

**The Tánaiste:** This is typical Sinn Féin. It has been wrong so many times. It was wrong, for example, when it voted for the bank bailout.

**Deputies:** Hear, hear.

**The Tánaiste:** At the time, Deputy Ó Caoláin stated Sinn Féin members will support——

**Deputy Caoimhghín Ó Caoláin:** No, you are the people who voted for the bank bailout and have implemented it time after time, to your shame.

**Deputy Brendan Howlin:** The Deputy does not like to hear it.

**An Ceann Comhairle:** Sorry, would you please——

**The Tánaiste:** The Deputy has been wrong. Sinn Féin has been wrong. The Deputy stated Sinn Féin Members would support the Minister in the passage of the legislation. He was wrong then and he is wrong now.

**Deputy Caoimhghín Ó Caoláin:** I ask the Tánaiste's colleagues what if he is wrong. What will happen then? He has no answer.

**The Tánaiste:** His colleague, Deputy Doherty, stated Sinn Féin supported the Bill because it was in the national interest. Sinn Féin was wrong then and it is wrong now.

**Deputy Caoimhghín Ó Caoláin:** The Tánaiste will not be able to reverse it.

**The Tánaiste:** Sinn Féin was wrong about the bank bailout and Sinn Féin its wrong about the stability treaty.

**Deputy Caoimhghín Ó Caoláin:** Do not worry about Sinn Féin. We will worry about Sinn Féin. I am asking the Tánaiste in the interest of the Irish people.

**An Ceann Comhairle:** I ask Deputy Ó Caoláin to respect the Chair.

**Deputy Brendan Howlin:** He cannot take it. He can only give it.

**The Tánaiste:** Deputy Ó Caoláin asked questions and accused me of not answering them——

**Deputy Caoimhghín Ó Caoláin:** The Tánaiste has not done so.

**The Tánaiste:** —but he interrupts every attempt I make to answer them. He has interrupted me approximately ten times since I started answering the questions. I will tell him what we put on the table.

**Deputy Caoimhghín Ó Caoláin:** Answer.

**The Tánaiste:** We have put on the table that project bonds should be used for projects and proposals in this country. We put on the table that funding through the increased capital funding through the European Investment Bank should be made available for a stimulus package

[The Tánaiste.]

in this country and the Minister, Deputy Howlin, has been in discussions with the European Investment Bank and the European Commission on this.

**Deputies:** Hear, hear.

**The Tánaiste:** With regard to stimulus packages for this country it is not about what we will announce in the future as we are already seeing it take shape. The NAMA announcement of €2 billion——

**Deputy Dara Calleary:** There the Tánaiste goes again.

**The Tánaiste:** ——to employ 35,000 people in the redevelopment of NAMA properties will stimulate activity in the construction industry and get people back to work. Structural funds which have not been used in the European Union need to be used to address the problems of youth unemployment. Measures are now on the European agenda and being worked on because this country and the Government put them there.

**Deputy Caoimhghín Ó Caoláin:** It is not an agenda we need, it is action here at home and it is in the Tánaiste's gift.

**The Tánaiste:** We are seeing progress being made and Sinn Féin cannot take it because all Sinn Féin can do is talk down what is happening and talk down this country.

**Deputies:** Hear, hear.

**The Tánaiste:** I am sick and tired of Sinn Féin taking every opportunity to talk down this country, to talk down the people of this country and to talk down the opportunities that should be there for them for employment.

**Deputy Dara Calleary:** You applied a good template. You wrote the script.

**Deputy Caoimhghín Ó Caoláin:** All rhetoric and nonsense.

**Deputy Barry Cowen:** Are they treasonous?

**An Ceann Comhairle:** I call for silence please.

**Deputy Thomas Pringle:** The Minister for Health talks about money following the patient in our health services and the Labour Party claims to have a policy of providing universal health care to ensure everybody receives timely treatment, but in recent months a policy has emerged in the Dublin hospitals that is preventing seriously ill patients from receiving treatment. Patients from outside Dublin are being refused treatment because they do not live in the catchment area of the hospitals. One young woman from County Donegal has been refused treatment in St. Vincent's University Hospital. The hospital removed a spinal stimulator from her back to carry out an MRI scan and now refuses to replace it. This is specialist treatment that can only be provided in this hospital. This policy is being implemented in all the Dublin hospitals. It appears that the hospitals are not being paid by the HSE for these treatments because the patients live in a certain part of the country. Is this the type of health care we can expect from the Government and is this the type of treatment people can look forward to under Labour's way?

**The Tánaiste:** The Government is reforming our health services and in particular reforming the way in which our hospitals are——

**A Deputy:** Closing.

**The Tánaiste:** ——operating. The key to reform of the health service is the development of an effective primary care system. Already this year we have allocated a significant amount of money for the start of the development of the primary care centres. Work is proceeding with the development of those centres, the objective of which is to ensure that people get care quickly at the first opportunity. Alongside that a programme of reform is taking place in our hospital system which will result in a more efficient and effective use of our hospital resources, and reduce waiting lists to ensure people get access to the treatment and procedures they need without having to wait for long periods of time or experiencing cancellations. I am not familiar with the particular case the Deputy raised, but if he lets me have its details, I would be happy to ask the Minister for Health to respond directly to him on it.

**Deputy Thomas Pringle:** I was not asking about primary care — these treatments cannot take place in a GP's surgery. These are vital treatments on which patients depend and they are being refused simply because they do not live in Dublin. It is being done as a cost-saving measure within the HSE and the hospitals. This is how the hospitals are reducing waiting lists and seems to be how the Government wants to achieve a reduction in waiting lists. I have given just one example, but there are many examples from throughout the country as my colleagues in the Technical Group can confirm. The Government needs to give a direction that hospitals in Dublin that provide specialist care on which people throughout the country depend must not refuse people simply because they do not come from Dublin. Patients must get their treatment in a timely way.

**The Tánaiste:** I would not disagree with the Deputy at all. People who present for care should be treated.

**Deputy Thomas Pringle:** Then make sure it happens.

**The Tánaiste:** As I have said already, if the Deputy gives me the details of the case he is raising——

**Deputy Michael Healy-Rae:** What about the other cases?

**The Tánaiste:** ——or other similar cases——

**Deputy Thomas Pringle:** It is not about individual cases — it is about policy across the board.

**The Tánaiste:** Hospital care and medical care in general come down to the individual at the end of the day. If the Deputy lets me have the details of the case he is raising and any other cases that may exist, I can ask the Minister for Health to address them. On the general issue of the reform of the health service and reform of the hospital services, a roadmap has been agreed to move to universal health insurance and universal health care, which represent the cornerstones of the reformed health system. Progress is being made on that. It is not the true to say that the primary care issue is unrelated to that — it is very related. We need an integrated health system where the best care is made available to people at the earliest possible opportunity. I do not deny that there are problems in the hospital system and in the health care area. Those problems, particularly where they relate to the immediate individual needs of patients, are issues that are being looked at and will be looked at. If the Deputy gives me the details of the case or cases he is raising, I will ask the Minister for Health to respond to him on them.

**Deputy Michael Healy-Rae:** So people will not get care unless a case is made to the Minister.

### **Order of Business**

**The Tánaiste:** It is proposed to take No. *b*12, motion re ministerial rota for parliamentary questions; No. *c*12, motion re nomination of Comptroller and Auditor General; No. 12, motion re proposed approval by Dáil Éireann of the Council decision on the conclusion of the agreement between the United States of America and the European Union on the use and transfer of passenger name records to the United States Department of Homeland Security (back from committee); No. 5, Local Government (Miscellaneous Provisions) Bill 2012 — Committee and Remaining Stages; and No. 6, Electricity Regulation (Carbon Revenue Levy)(Amendment) Bill 2012 — Order for Second Stage, Second and Subsequent Stages. It is proposed, notwithstanding anything in Standing Orders, that No. *b*12 shall be decided without debate; the proceedings in relation to No. *c*12 shall, if not previously concluded, be brought to a conclusion after 25 minutes and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, and who may share their time, shall not exceed five minutes in each case, and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; the proceedings in relation to No. 12 shall, if not previously concluded, be brought to a conclusion after 20 minutes and the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, and who may share their time, shall not exceed five minutes in each case; the proceedings on the Committee and Remaining Stages of No. 5 shall, if not previously concluded, be brought to a conclusion at 1.30 p.m. today by one Question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for the Environment, Community and Local Government; the following arrangements shall apply in relation to No. 6: the proceedings on the Second Stage shall, if not previously concluded, be brought to a conclusion at 3 p.m. today and the opening speeches of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, shall not exceed 15 minutes in each case, the speech of each other Member called upon shall not exceed ten minutes, and such Members may share their time, and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 3.42 p.m. today by one Question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Communications, Energy and Natural Resources; and the Dáil on its rising today shall adjourn until 10.30 a.m. on Wednesday, 6 June 2012.

**An Ceann Comhairle:** There are six proposals to be put to the House. Is the proposal for dealing with No. *b*12, motion re ministerial rota for parliamentary questions, without debate agreed to? Agreed. Is the proposal for dealing with No. *c*12, motion re nomination of Comptroller and Auditor General, agreed to? Agreed. Is the proposal for dealing with No. 12, motion re proposed approval by Dáil Éireann of the Council decision on the conclusion of the agreement between the United States of America and the European Union (back from committee) agreed to? Agreed. Is the proposal for dealing with No. 5, Committee and Remaining Stages of the Local Government (Miscellaneous Provisions) Bill 2012 agreed to? Agreed. Is the proposal for dealing with No. 6, Order for Second Stage, Second and Remaining Stages of the Electricity Regulation (Carbon Revenue Levy) (Amendment) Bill 2012 agreed to? Agreed. Is the proposal that the Dáil on its rising today shall adjourn until 10.30 a.m. on Wednesday, 6 June 2012 agreed to?

**Deputy Richard Boyd Barrett:** It is not agreed.

**Deputy Joe Higgins:** I have no problem with Members of the Dáil being free next week to campaign on a full-time basis on the austerity treaty.

**Deputy Bernard J. Durkan:** There is no austerity treaty.

**Deputy Joe Higgins:** However, I have a major problem with the Dáil rising today amidst a fog of confusion over what is implied in a vote for the fiscal compact.

**An Ceann Comhairle:** We are not having a debate on that.

**Deputy Colm Keaveney:** The Deputy should have come earlier.

**An Ceann Comhairle:** Deputy Higgins is entitled to make his case as to why the Dáil should not adjourn, but not go into full details.

**Deputy Joe Higgins:** That is exactly what I am doing. This morning we read that the German Parliament was supposed to vote tomorrow on the austerity treaty.

**Deputy Bernard J. Durkan:** There is no austerity treaty.

**Deputy Joe Higgins:** It is refusing to do so. It has postponed the vote until the autumn and until it sees concrete proposals for growth and investment. The Government returned from yesterday's summit with no such proposal——

**An Ceann Comhairle:** I ask the Deputy for his co-operation.

**Deputy Joe Higgins:** —but it is still insisting that our people vote next week on pure austerity. Meanwhile, it threatens on a daily basis if our people vote “No”.

**An Ceann Comhairle:** Deputy, will you please make your case? We cannot have a long debate on the stability treaty.

**Deputy Joe Higgins:** I am making an argument for a variation——

**An Ceann Comhairle:** This is a technical issue. I cannot allow a full debate again on the stability treaty. There is plenty of business here where there are time limits and people want to make their contributions.

**Deputy Joe Higgins:** A Cheann Comhairle, under Standing Order 26(2)(a)——

**An Ceann Comhairle:** Yes, you are entitled to make a brief contribution as to why you do not agree to a proposal.

**Deputy Joe Higgins:** —I can say why I oppose the proposal as is. It is very unfair that I cannot make a simple proposal, as I am allowed to under Standing Orders.

**An Ceann Comhairle:** You are not making any proposal on this issue. You are either for or against it.

**Deputy Joe Higgins:** I am making an argument as to why I oppose this proposal. There is a threat being made on a daily basis if our people vote “No”. We are just waiting for a threat that we will be exiled to Siberia if we vote “No”. The reality is——

**An Ceann Comhairle:** Deputy, I am not going to tolerate this.

(*Interruptions*).

**Deputy Dinny McGinley:** You would know plenty about Siberia and the gulags.

**An Ceann Comhairle:** I do not need help from the Deputies on the Government side of the House. You are just encouraging more disorder. I ask Deputy Higgins to co-operate.

**Deputy Joe Higgins:** We need a variation of the Government's proposal so the Government can come to the Dáil before 31 May to tell our people exactly what is involved in proposals that are supposed to bring forward investment and growth and are seen as part and parcel, according to the Government, of the treaty on which it is asking our people to vote.

**An Ceann Comhairle:** Thank you. I call Deputy Boyd Barrett.

**Deputy Joe Higgins:** It is fraudulent to ask us to vote on this as it is.

**Deputy Richard Boyd Barrett:** It is unacceptable that this House will not have the opportunity to debate the outcome of the European Council before the referendum. Yesterday's Council debated the very serious possible consequences of a Greek exit from the eurozone, the very deep crisis within the European economy and a political sea change that is occurring in Europe regarding——

**An Ceann Comhairle:** Deputy, we know all of that at this stage.

**Deputy Richard Boyd Barrett:** ——how to deal with that crisis. More and more people, countries and political leaders are rejecting the austerity path contained in the fiscal treaty and are refusing to ratify the treaty until a clear strategy for growth, jobs and investment is set out.

**An Ceann Comhairle:** I think you have made your point.

**Deputy Richard Boyd Barrett:** We have not got that and we must debate, in this House, the outcome of that European Council. We must have a full opportunity to question the Taoiseach about what happened and what proposals for growth and investment——

**An Ceann Comhairle:** Deputy, you have made your case. I will ask the Tánaiste to reply.

**Deputy Richard Boyd Barrett:** ——are there because that has a serious bearing on the referendum vote on 31 May. The Government should allow a discussion about what happened at the European Council.

**The Tánaiste:** First, there will be plenty of time for discussion about the proposals being worked upon because they will be going back to the June summit meeting. However, in reply to the two Deputies, I am happy to set out in summary what is being proposed. It is intended to do this across three pillars. The first pillar is to mobilise EU policies to fully support growth, to advance legislative measures dealing with the Single Market Act, the energy efficiency directive, the European patent and the digital agenda, and to pursue work on how to better use international trade as an engine for growth and to complete major trade agreements.

The second pillar is the stepping up of efforts to finance the European economy. The board of the European Investment Bank, EIB, is being invited to consider an increase of its capital by June for financing projects across the European Union. As I indicated, the Minister for Public Enterprise and Reform, Deputy Brendan Howlin, has been in discussion with the EIB about how that might be applied in Ireland. There is also the European Union-EIB project bond initiative and the reprogramming of current Structural Funds to support growth, jobs and training and the gearing of the multi-annual financial framework to enhance growth and jobs enhancing policies.

The third pillar is the strengthening of job creation. That will address areas such as skills and training, promoting a job rich recovery, the development of national jobs plans which will be given prominence following country-specific recommendations, better synergies between national and European instruments, including Structural Funds, to combat youth unemployment, the introduction of youth guarantees and quality traineeships. Those proposals will be worked on between now and the June summit and there will be plenty of time for the House to have a full debate on them. Constructive proposals from Members to support those measures will be particularly welcome.

**Deputy Joe Higgins:** Anything concrete?

Question, “That the Dáil on rising today shall adjourn until 10.30 a.m. on Wednesday, 6 June 2012”, put and declared carried.

**An Ceann Comhairle:** I call Deputy Cowen on the Order of Business.

**Deputy Barry Cowen:** The Tánaiste was recently asked about his commitment to the upward only rent reviews. In response, and renegeing on his commitment prior to the election, he said there would be a review of the Valuation Act. We are all receiving representations from businesses across the country which are finding it increasingly difficult to pay the type of rates they were being charged when they had 60 employees when they now have six. This alone illustrates the loss of income and turnover that exists and their incapacity to meet the payments being demanded. It is time the Tánaiste gave the House a definitive time line for the review of the Valuation Act. When will the review commence, when is it due to be completed and when will proposals be put before the House to ease the burden on businesses throughout the country that are struggling to make ends meet? In the absence of addressing the upward only rent review issue, will the Tánaiste at least address the issue of rates?

**The Tánaiste:** It is intended to publish the Valuation Bill in this session. Its purpose is to make changes in the legislation to allow for the acceleration of the revaluation programme and other issues relating to the valuation process.

**Deputy Caoimhghín Ó Caoláin:** Dr. Tracey Cooper, who attended the health committee meeting this week, stressed the importance of leadership in the context of health delivery systems in this country. If one cannot measure it, one cannot manage it, to quote the saying. On what date will the health information Bill be published? This Bill aims to provide a legislative framework for the better governance of health information to enhance individual patient care and safety. It is hugely important, particularly in the context of the recent report on Tallaght Hospital by the Health Information and Quality Authority.

Another proposed legislative measure is relative to the focus of the Private Members' business that concluded last night. When will the monuments Bill be published? The need for that Bill, which aims to consolidate, update and improve the legislative code governing the protection and regulation of national archaeological heritage and other heritage sites, is hugely relevant in the context of the decisions that have been made.

**The Tánaiste:** The health information Bill is due to be published in late 2012. Work is ongoing in respect of the unique patient identifier and on research, ethical approval and some patient safety issues. As I stated, publication is expected to be in late 2012. The national monuments Bill is expected early next year.

**Deputy Michael Healy-Rae:** Last week, I asked the Taoiseach about the Gaeltacht Bill and I now seek further clarification from the Tánaiste. Does that Bill contain a policy by the Government to downgrade the Gaeltachts?

**An Ceann Comhairle:** Sorry, we will not get into a debate.

**Deputy Michael Healy-Rae:** We all know the great work that our——

**Deputy Bernard J. Durkan:** One cannot do that.

**An Ceann Comhairle:** About what legislation is the Deputy worried?

**Deputy Michael Healy-Rae:** The Gaeltacht Bill. Is there a policy by the Government to downgrade the Gaeltachts?

**An Ceann Comhairle:** We will discuss policy some other time. The Tánaiste, on the Gaeltacht Bill.

**The Tánaiste:** The Gaeltacht Bill is expected this session. The policy of the Government is to support the Gaeltachts and the Irish language and to do everything it can to improve the circumstances in which hopefully it will grow and increase.

**Deputy Clare Daly:** Arising from the Indecon report into the State of the taxi industry, can the Tánaiste indicate when the amendments to the road transport Bill and the taxi regulation Bill will be brought before the House?

**The Tánaiste:** The Government this week gave approval to progress work on the taxi regulation Bill, which the Minister of State at the Department of Transport, Tourism and Sport, Deputy Kelly, brought to the Cabinet this week. Consequently, the taxi regulation Bill is being progressed.

**Deputy Paschal Donohoe:** What is the status of the national vetting bureau Bill? An issue that is continually raised with me concerns the challenge of those who are qualified and experienced to do work in the child care industry and to work in sensitive areas but who continue to experience prolonged and lengthy delays in having their qualifications and suitability checked. The introduction of such legislation would reduce that bottleneck and is long overdue.

**The Tánaiste:** The national vetting bureau Bill is due this session. It is being treated as a priority by the Government and a considerable amount of work already has been done on it.

**Deputy John McGuinness:** The company law consolidation Bill is expected sometime this year and I understand it will contain 1,300 or 1,400 sections. When I asked the Taoiseach about this recently, he stated it might be possible to give Members the opportunity to debate in the Chamber those sections or pillars that have been completed. The Tánaiste should indicate what indications are in place for such a debate to take place and what is the current status of the Bill.

**The Tánaiste:** I understand the Deputy is referring to the consolidated companies Bill. The state of play is it is expected the Bill will be published late in 2012. I understand the Deputy is asking that certain pillars of the Bill might be debated.

**Deputy John McGuinness:** The Bill comprises a number of pillars and the Taoiseach gave a commitment that because of the size of the Bill, which will contain 1,300 or 1,400 sections, those pillars which have been completed would be debated. It would be important for Members to debate the Bill as it is produced or completed.

**The Tánaiste:** That appears to be a perfectly good idea. I will ask the Whips, perhaps in conjunction with the Minister and the party spokespersons, to consider how that might be progressed.

**An Ceann Comhairle:** I call Deputy Durkan.

**Deputy Dara Calleary:** The man from Del Monte.

**Deputy Bernard J. Durkan:** When is the regulation of lobbying Bill likely to come before the House and have the heads been discussed by the Cabinet? I seek similar information on the clamping Bill, which is an appropriate item of legislation.

**Deputy Robert Troy:** Has Deputy Durkan been clamped?

**Deputy Bernard J. Durkan:** I can think of several uses for such legislation.

**The Tánaiste:** As for the regulation of lobbying Bill, I understand the heads are expected during the summer and the intention is to have it published by the end of this year. The clamping Bill, that is, the vehicle immobilisation regulation Bill, is also expected later this year.

**An Ceann Comhairle:** I call Deputy Bannon.

**Deputy Dara Calleary:** Jedward

**Deputy James Bannon:** Deputy Durkan has obliged by asking the question I had intended to ask as to when it is expected the clamping Bill will come before the House.

**An Ceann Comhairle:** The Deputy is happy.

**Deputy James Bannon:** Hopefully it will be brought forward fairly soon. The Deputy must have been looking at my notes.

**An Ceann Comhairle:** Another happy punter.

**Deputy Dara Calleary:** The Deputy is Fine Gael's answer to Jedward.

**Deputy Robert Troy:** When will the public service management (recruitment and appointments) Act 2004 (amendment) Bill come before the House? Will this Bill include provisions to ensure that public servants who retire on large pensions will not be rehired at a time when huge numbers of qualified unemployed people cannot get work? This week, a reply to a parliamentary question revealed 67 retired teachers were rehired, even though there are thousands of teachers of my age and younger who have failed to get employment.

**An Ceann Comhairle:** Thanks very much.

**Deputy Robert Troy:** It is disgraceful and the Bill should be brought before the House without delay.

**An Ceann Comhairle:** The Deputy can pursue that matter in another way and I will try to facilitate him.

**The Tánaiste:** The heads of the public service management (recruitment and appointments) Act 2004 (amendment) Bill are being finalised and it is expected this year.

**Parliamentary Questions: Motion****Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That, notwithstanding anything in the Order of the Dáil of 9 March 2011, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Education and Skills, shall be set down to Ministers in the following temporary sequence:

Minister for Arts, Heritage and the Gaeltacht,

Minister for Jobs, Enterprise and Innovation,

Minister for Social Protection,

Minister for Public Expenditure and Reform,

whereupon the sequence established by the Order of 9 March 2011 shall continue with Questions to the Minister for Communications, Energy and Natural Resources.

Question put and agreed to.

**Nomination of Comptroller and Auditor General: Motion****Minister for Finance (Deputy Michael Noonan):** Targaím:

Go n-ainmníonn Dáil Éireann Séamus Mac Cárthaigh lena cheapadh ag an Uachtaráin mar Ard-Reachtaire Cuntas agus Ciste.

I move:

That Dáil Éireann nominates Séamus McCarthy for appointment by the President to be the Comptroller and Auditor General.

As Deputies know, the Comptroller and Auditor General, Mr. John Buckley, retired in February. While this motion is about his replacement, it is appropriate that I begin by expressing my appreciation of the services rendered by Mr. Buckley in his period as Comptroller and Auditor General. Mr. Buckley was in this important position for almost four years and in that time he carried out his functions in a highly professional and effective manner. As Members know, the role of the Comptroller and Auditor General is a constitutional one and is extremely important in terms of public accountability and the performance of the public service. While the essential functions of the office remain as set out in the Constitution, its operation has evolved significantly during the period of Mr. Buckley's tenure in line with developments in the general practice of audit in recent years and with various changes to strengthen accountability in Departments and other State agencies.

The Office of Comptroller and Auditor General was originally provided for under the Exchequer and Audit Departments Act 1866. Article 33 of the Constitution sets down the responsibilities of the Comptroller and Auditor General, in terms of his or her role as comptroller in controlling, on behalf of the State, all disbursements of moneys administered by or under the authority of the Oireachtas, and in terms of his or her role as auditor in auditing the accounts of Departments and State bodies for regularity and accuracy. In accordance with the Constitution, the Comptroller and Auditor General is appointed by the President on the nomination of Dáil Éireann and reports to Dáil Éireann at stated periods as determined by law. The Constitution also provides that the Comptroller and Auditor General shall not be

removed from office except for stated misbehaviour or incapacity and then only upon resolutions passed by the Dáil and Seanad calling for such removal. This underlines the independent status of this important office.

The terms and conditions of the Office of Comptroller and Auditor General are determined by law and the role of the Comptroller and Auditor General must be seen in the context of the significant developments in the public sector since Mr. Buckley's appointment in May 2008. The Comptroller and Auditor General (Amendment) Act 1993 enhanced the nature of the audit process by giving the Comptroller and Auditor General a new statutory role in respect of economy, efficiency and effectiveness, that is, value for money. This value for money function was an important new power given to the Comptroller and Auditor General, providing him or her with the discretion to examine and report on the economy and efficiency of Departments and bodies, which are expected to have in place the necessary systems to evaluate the effectiveness of their operations. It is these systems that are subject to examination by the Comptroller and Auditor General. It is worth mentioning, however, that section 11 of the 1993 Act prohibits the Comptroller and Auditor General from questioning or expressing an opinion on the merits of policies or of policy objectives. The Act applies the same prohibition to Accounting Officers in the performance of their statutory duties. Both of these restrictions are reflected in the terms of reference of the Committee of Public Accounts. All of this is in accordance with the long-standing tradition that in policy matters Ministers are answerable to this House. This also reflects the position in many other countries that the national auditor should not become involved in policy, which is the prerogative of the Government with accountability to Parliament.

While there has been significant enhancement of governance arrangements over the past few years, new arrangements have been made to progress the reform agenda. The key driver in the reform process is the Cabinet Committee on Public Service Reform, which provides political direction and accountability for reform. The Cabinet committee, chaired by the Taoiseach and convened by the Minister for Public Expenditure and Reform, meets regularly to consider priority issues and ensure that overall progress is being achieved. In addition, an advisory group of Secretaries General has been established and meets quarterly to provide support and advice on strategic issues to the Cabinet committee. A reform delivery board, primarily comprising assistant secretaries responsible for leading reform in each Department and major office, meets regularly to oversee and monitor the delivery of public service reform at organisational and sectoral level and to provide assurance to the reform and delivery office and Cabinet committee that public service reform is being successfully delivered.

The three key elements of the public expenditure reform measures were set out in the CER which has informed our approach to reforms to the Estimates, budgeting and value for money. The three main elements, all of which are important in the context of this appointment are multi-annual expenditure framework, new value for money code and performance-based budgeting.

**An Ceann Comhairle:** Is it agreed that the Minister be allowed to finish his speech? Agreed.

**Deputy Michael Noonan:** Mr. McCarthy takes over the post of Comptroller and Auditor General at a time of substantial change and reform within the public service. Public service reform requires a commitment from the whole of Government to become more transparent, accountable and efficient. One of the key deliverables in this regard is the radical streamlining of State bodies. The Government's public service reform plan, which was published last November, provides for the critical review of a range of State bodies, including the Office of the Comptroller and Auditor General and the Local Government Audit Service. The plan indicates that there is a possibility of merging the Local Government Audit Service with the

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Office of the Comptroller and Auditor General, subject to the outcome of the review. This review will include representatives from those two bodies, the Departments of the Environment, Community and Local Government, Finance, and Public Expenditure and Reform and local authority management expertise. The critical review of the merger of Office of the Comptroller and Auditor General and the Local Government Audit Service will inform the future development of external audit at local and central government level. While there are challenges to the integration of the central and local government external audit process, there are benefits to be explored from the synergies of agency rationalisation, greater scrutiny of public money, common audit standards and enhanced accountability. Any integration must, of course, take account of the respective positions of local and central government and the local government reform agenda which, among other things, will seek to strengthen the role of elected Members in relation to oversight of local authority performance.

Developments in external audit under the reform agenda will also take account of a range of issues relating to the mandate of the Comptroller and Auditor General. The overall objective is to provide for enhanced scrutiny of public expenditure, including the delivery of value for money. The Government recognises that VFM is more important in the current climate than it has been at any time since its inception.

As I stated earlier, the Constitution provides that the Comptroller and Auditor General shall be appointed by the President on the nomination of Dáil Éireann. Members of the House, in particular those who served on the Committee of Public Accounts, will be very aware of the responsibilities of the post. Having fully considered the matter and following consultation with the leaders of the Opposition parties, including the Technical Group, the Government recommends the nomination of Mr. Seamus McCarthy to succeed Mr. Buckley. Mr. McCarthy is currently a Director of Audit within the Office of the Comptroller and Auditor General, with responsibility for a number of issues, including exchequer control, Comptroller and Auditor General reporting and Committee of Public Accounts liaison. He has many years service in the Office of the Comptroller and Auditor General. Prior to joining that office, he worked in the Department of Finance, where he was involved in policy analysis, including the development of appraisal and management guidelines for public sector capital projects. Mr. McCarthy holds a BA in economics and political science and an MSc in public sector analysis. The new Comptroller and Auditor General will take up his appointment in a period in which increasing attention is being paid to public sector reform and the value for money obtained from public funds. Value for money in all sectors of the economy is key to ensuring economic growth into the future. The Office of the Comptroller and Auditor General has a key role to play in this respect.

I am satisfied that Mr. McCarthy will make an excellent Comptroller and Auditor General. I recommend his nomination to Dáil Éireann.

**Deputy John McGuinness:** I join with the Minister in supporting this motion and the appointment of Mr. Seamus McCarthy as the new Comptroller and Auditor General. The Minister has outlined the various qualifications which Mr. McCarthy holds, with whom since the retirement of Mr. John Buckley I have, as Chairman of the Committee of Public Accounts, worked and found to be professional, diligent and effective. I wish him well in terms of his work as Comptroller and Auditor General and look forward to working with him and members of the committee in the course of this term.

I take this opportunity to pay tribute to former Comptrollers and Auditors General, Mr. John Purcell, whom I worked with as a member of the Committee of Public Accounts in 2007, at which time the Minister was Chairman of that committee and Mr. John Buckley, both of

whom did their job in an exceptional manner without fear or favour. They did the State a great deal of service in terms of ensuring value for money, which we need to ensure now more than ever in terms of the smooth running of this country, greater efficiencies and savings to the taxpayer. Being a watchdog on behalf of the taxpayer is a central role for Committee of Public Accounts members.

In the course of his speech, the Minister referred to 1993 and the value for money addition made to the work of the Comptroller and Auditor General. The Comptroller and Auditor General (Amendment) Bill 2012 which I recently introduced in this House was defeated. I believe that Bill contained some very good suggestions in terms of how we might improve the power and resources of the Comptroller and Auditor General and Committee of Public Accounts. In light of the review now being undertaken, which I understand will be completed by end June, I ask that the Minister consider incorporating into that review some consideration of the views and opinions set out in that Bill, which I believe would enhance the work of the Comptroller and Auditor General and Committee of Public Accounts.

It is in my opinion shocking and worrying that €5 billion of taxpayers' money, which goes through the local government spend throughout this country, is not audited by the Comptroller and Auditor General. The recent discovery in respect of payments at Tallaght Hospital is also shocking. Some €2.6 billion of taxpayers' money goes to the voluntary sector. While we can inspect and audit the books of St. James's Hospital and bring the relevant people in this regard before the Committee of Public Accounts, we cannot do so in regard to Tallaght Hospital. In my opinion, the reforms that are necessary in this area are achievable. Were the Minister and Government to put their minds to it, I have no doubt the Local Government Audit Service and Office of the Comptroller and Auditor General could be amalgamated, resulting in our having one body responsible for the complete audit of every cent of taxpayers' money spent in this country.

As regards the review, which is due to be completed by 30 June, I am disappointed that the Committee of Public Accounts has not been consulted or engaged with in terms of the reform which it sees as necessary. We see at first-hand where the spend is taking place, where the anomalies arise and where the taxpayer is simply not getting value for money. I believe that any country interested in reform will start with the Committee of Public Accounts and the Office of the Comptroller and Auditor General, which has been since the 1800s responsible for scrutiny of Government spending. We need the review brought to a conclusion and to bring into sharp focus the need for reform of the Office of the Comptroller and Auditor General and Committee of Public Accounts. I have one last point, which I have raised with the Minister for Public Expenditure and Reform, Deputy Howlin, and anybody possible, in regard to Government and its attitude towards the Committee of Public Accounts. It has to do with resources. I know this is a tight time and will be so for some while.

**An Ceann Comhairle:** It is time, Deputy.

**Deputy John McGuinness:** I shared my time with the Minister, Deputy Noonan, so the Ceann Comhairle might allow me some latitude.

**An Ceann Comhairle:** I gave you full time.

**Deputy John McGuinness:** I will finish now. We should ensure that whatever resources are needed by the Comptroller and Auditor General and the Committee of Public Accounts should be agreed to, within reason, because we are under a lot of pressure to get out reports, deal with Accounting Officers, and so on. Resources are needed. There is also a need to ensure that Accounting Officers, right across the board, reply in a timely fashion to the Committee of

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Public Accounts in terms of the information required of them. These are all steps that can be achieved and are simple reforms that would make an enormous difference to our work.

**Deputy Mary Lou McDonald:** I support this motion. First, I pay tribute to the outgoing Comptroller and Auditor General, Mr. John Buckley. Working on the Committee of Public Accounts, I saw at first hand Mr. Buckley's hard work and professional courtesy in dealing with all of us parliamentarians so I wish to acknowledge that and pay tribute to him. I look forward to working with his successor, Mr. Seamus McCarthy, whose nomination is before the House. Like his predecessor, he will have his work cut out for him.

The Minister has set out the central constitutional role of the Comptroller and Auditor General and the intense and, I imagine, growing public scrutiny there will be of the work of that office and of the Committee of Public Accounts, in turn. Never before have concepts such as value for money, accountability and traceability of public moneys been more sharply in focus in the political and the public mind.

I fully endorse the comments made by Deputy McGuinness in respect of an extension of the powers of the Office of the Comptroller and Auditor General and, indeed, of the Committee of Public Accounts. It is almost inexplicable that such large volumes of public moneys are not audited and overseen, in turn, by the committee of the Oireachtas. It would be incredibly disappointing, if the review envisaged did not address that net point and remedy it; I very much hope it will.

The Committee of Public Accounts, working with the Comptroller and Auditor General's office, considers, scrutinises and makes findings in respect of public moneys spent. In welcoming Mr. McCarthy to his new position, I wish to put on the record that those findings must be taken seriously by the system and be acted upon and where flaws, failures or failings have been discovered they must be remedied. It is not sufficient for us to have an exercise in accountability that does not have any follow-up nor, most crucially, any delivery. The only way to get to a full system of value for money is not merely by tracing the moneys and finding where things went wrong, but, very emphatically, by putting things to rights. There is, therefore, an obvious responsibility, for the Accounting Officers in particular, but also for the entire civil and public service to step up to the plate and respond to that challenge.

I have absolutely no doubt that Mr. McCarthy is the best man for the job. On this, the Minister and I are *ad idem*; we agree; "yes, yes, yes".

I wish to raise a matter and ask the Ceann Comhairle to indulge me although it is more for future reference than for today. I would like to know how many women applied for the job, or if any did. I notice that just over 25% of the senior staff in the Comptroller and Auditor General's Office are women, which is slightly out of kilter when one looks at women's participation rates in the work force. I raise the issue of women in senior positions in the civil and public sector. It is a cause for concern and I hope it is something on which the Government has an eye. I would also be curious to know, in respect of the shortlist for this position, whether there were any applications or applicants from outside the fold of the civil and public service. I raise these points, not in any way to take away from the appointment proposed today. I very much welcome Mr. McCarthy into his role and look forward to working with him as effectively as was the case with Mr. Buckley. They are important considerations, however, in respect of gender on the one hand and, on the other, to Government commitment to diversity and to opening up the senior ranks of the civil and public service to people from the outside. I wish Mr. McCarthy well and I support the motion.

**Deputy Shane Ross:** Like every other speaker, I have absolutely no reason to question the competence of the selected candidate, partly because I do not know enough about what happened, or about the other candidates, and because I was not involved in the competition. I wish Mr. McCarthy well in the position he is about to take up.

I have serious reservations, however, about the procedure adopted to appoint top public servants. I cannot understand why, in this particular case, the Government did not decide to hold interviews that would have included Members of the Oireachtas. Why, for instance, were Deputies not included on this particular panel? Why were members of the Committee of Public Accounts not asked to sit on this panel to interview the candidates in question or, at least, the chosen candidate? Why was this not taken as the great opportunity, about which we heard so much last year, to ask those who are put into these top positions to answer questions in public about their plans and their competencies, before Oireachtas committees? This was an ideal opportunity to do that but it was not taken up. The problem is it is all done completely and utterly behind closed doors.

I am told — correctly, I believe, because I was told by the Department which has been very helpful about it — there were 15 applications for this particular job. Six were asked to come for preliminary interviews and three people came to the last interview, all three of whom were public or civil servants. They were insiders. The last Comptroller and Auditor General was an insider, as was his immediate predecessor. A pattern is developing here whereby insiders are always appointed in a behind closed doors situation with the nomination being brought to the Dáil for rubber-stamping by all the parties. This is a flawed procedure and one which I believe should be broken and departed from in all areas of the public service in order to give the public confidence that those who are being selected are being selected in a way in which they can have confidence. The interview boards are also stuffed with insiders. That is a dangerous situation in which the Department finds itself.

According to a letter written to Deputy McGuinness on 26 March 2012, the interview board consisted of a former Secretary General, of the Department of Transport, Tourism and Sport I believe, although it is not stated; the Governor of the Central Bank, the former Comptroller and Auditor General, Mr. John Buckley, the Comptroller and Auditor General of Northern Ireland, two Top Level Appointments Committee, TLAC, nominees, one private sector representative and one from the public sector. My reading of that is that there is only one person there with any private sector experience or knowledge, which seems to me to indicate that the result of this particular interview was almost preordained. It was going to be someone from inside the Comptroller and Auditor General's Office, if such a person applied. What I cannot understand is why the interview board is full of insiders. It has a majority of career public servants. I think there is one person from the private sector on it. Why do we not have public hearings that would give an opportunity to the candidates in question, or the candidate who is selected, to come before Members of the Dáil and the Seanad to answer questions? That would allow the public to have confidence in appointments of this nature. That would be a great innovation. It would have been a great departure on this occasion. I have no reason to believe there would have been a different result. It would have enabled us to see how the procedure worked. We might even have seen someone from the private sector making an application. I regret that did not happen. I ask the Minister to consider the possibility of making sure it happens in future.

I am a little alarmed about the apparent lack of a scoring procedure when the interviews happened. The usual pretty meaningless criteria for evaluating someone's ability — their CVs and management expertise etc. — were used. At the end of the day, we got the situation we were likely to get in the first place, in light of the fact that the process took place in such secrecy and with so little openness. Given that insiders were interviewing insiders, it is not

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surprising that an insider was chosen. That is what happened on the last three occasions. I do not know if it happened prior to that because I am not familiar with the history of the appointments to the Office of the Comptroller and Auditor General.

Before I conclude, I would like to mention one further thing about which I am worried. I do not know whether the Minister will reply at the end of this debate.

**An Ceann Comhairle:** Yes, he will.

**Deputy Shane Ross:** He might say whether there is a complaints procedure. What happens if a Comptroller and Auditor General does something about which members of the public, Deputies or Senators are dissatisfied? I am aware that a Comptroller and Auditor General cannot be removed other than by means of a motion that is passed with a majority in the Dáil and the Seanad. That seems pretty inadequate, particularly in the absence of a complaints procedure. The Minister will recall the difficulties regarding a judge that arose not so long ago. The matter never came to the Dáil or the Seanad because it was so difficult to make progress with it. There is a problem about remedying false or wrong actions or mistakes that are made by a Comptroller and Auditor General. There does not appear to be a complaints procedure or a realistic way of removing such a person.

Debate adjourned.

### **Visit of Chinese Delegation**

**An Ceann Comhairle:** Before proceeding with business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer céad míle fáilte, a most sincere welcome, to a delegation from the People's Republic of China led by His Excellency Mr. Wang Gang, who is a Vice Chairman of the National Committee of the Chinese People's Political Consultative Conference and a Member of the Political Bureau of the Central Committee of the Communist Party of China. I express the hope that the members of the delegation will find their visit enjoyable, successful and to our mutual benefit. They are very welcome.

### **Nomination of Comptroller and Auditor General: Motion (Resumed)**

Thairg an tAire Airgeadais an tairiscint seo a leanas inniu, 24 Bealtaine 2012:

Go n-ainmníonn Dáil Éireann Séamus Mac Cárthaigh lena cheapadh ag an Uachtarán mar Ard-Reachtaire Cuntas agus Ciste.

The following motion was moved by the Minister for Finance today, 24 May 2012:

That Dáil Éireann nominates Séamus McCarthy for appointment by the President to be the Comptroller and Auditor General.

**Minister for Finance (Deputy Michael Noonan):** I thank all the Members who contributed to the debate. Each of them paid tribute to the outgoing Comptroller and Auditor General and spoke highly of him. I would like to associate myself with them by paying tribute to Mr. John Buckley. The Office of the Comptroller and Auditor General has an outstanding reputation for the quality and rigour of its work. As Deputies are aware, the effective and efficient management of resources by Government Departments and agencies is a priority for the Government, as is the question of greater accountability to the Oireachtas and to the people regarding what is being achieved with public money. I thank Deputy McGuinness, who served

as Vice Chairman of the Committee of Public Accounts when I was the Chairman of that committee. The Deputy paid tribute to Mr. John Purcell, who was an outstanding Comptroller and Auditor General in previous years.

Many of the ideas set out by Deputy McGuinness in the legislation he proposed recently are quite interesting and worthy of further consideration. The review to which a number of Deputies referred will be published before too long. Perhaps it could be discussed by the Committee of Public Accounts in the first instance. When that committee has made its input, we will see how we proceed from there. Although the Office of the Comptroller and Auditor General is working very well, it is worth looking at the foundation legislation to see if we can make it work even more efficiently.

I thank Deputy McDonald for her support. I can inform her that I do not have data on how many women applied for this position. I do not think it is the practice to distinguish between applicants on the basis of gender. It is not in my brief. There were a number of women on the selection board. The chairperson of the board was Ms Margaret Hayes, who is a barrister and a director of Irish Life and Permanent. Dr. Dorothy Scally, who is a human resources consultant, was one of the four people who ultimately selected the proposed new office holder. Women were certainly involved in the process.

Deputy Ross spoke about a different approach to appointments. He suggested that Members of the House should have a role at the interview stage. He mentioned the possibility of holding public hearings. We have been over this ground before. I am not averse to what the Deputy has suggested. However, some consideration is needed before elected Members of this House are given a role in selecting part of the permanent administration. The role of the Comptroller and Auditor General is enshrined in law. The independence of that office from the Government is one of the key factors in its strength. Equally, it is a matter of law that the Chairman of the Committee of Public Accounts has to come from the Opposition. Such measures are necessary to keep a distance between the audit and the administration. There must be a wide gap between the Government and the audit functions. Although the Deputy's suggestion is worth thinking about, I am not convinced there is anything untoward about the way things are done at present.

The selection process was quite good. I do not doubt that the best candidate was recommended for the job. The shortlisting board that was put in place in the first instance consisted of Ms Margaret Hayes, who is a barrister and a director of Irish Life and Permanent; Mr. Kieran Donnelly, who is the Comptroller and Auditor General for Northern Ireland; Professor Patrick Honohan, who is the Governor of the Central Bank; Mr. David Doyle, who is a former Secretary General of the Department of Finance; Mr. Clive Brownlee, who is a partner in Praesta Ireland; and Mr. John Buckley, who is a former Comptroller and Auditor General. When the shortlisting was complete, the process moved onto preliminary interviews. They were conducted by Ms Margaret Hayes; Mr. Kieran Donnelly; Professor Patrick Honohan; Mr. David Doyle; Dr. Dorothy Scally, who is a human resources consultant; and Mr. John Buckley.

The final interview was conducted by four people — Ms Margaret Hayes, who was the chairperson, Mr. Kieran Donnelly, Mr. Edward Fennessy and Dr. Dorothy Scally. Mr. Fennessy, who was not involved in the preliminary rounds, is a director of the European Court of Auditors. As I mentioned, Ms Hayes is a barrister and a director of Irish Life and Permanent and Mr. Donnelly is the Comptroller and Auditor General for Northern Ireland. Dr. Scally, who was the outside Top Level Appointments Committee nominee in this case, is a human resources consultant. The recommendation was made by the eminent independent people involved in this process, who have experience at home and abroad. I have no doubt that we got the best available person from those who applied for the job. I congratulate Mr. Séamus McCarthy and wish him very well in the serious office he is now undertaking. I ask Dáil

[Deputy Michael Noonan.]

Éireann to consent to his nomination for this position to the President, who is constitutionally responsible for this appointment.

**An Ceann Comhairle:** Is the motion agreed?

**Deputy Shane Ross:** Níl.

Question put and declared carried.

#### **Passenger Name Records: Motion**

**Minister for Justice and Equality (Deputy Alan Shatter):** I move:

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

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

a copy of which was laid before Dáil Éireann on 6th December, 2011.

This motion is to enable Ireland to participate in the agreement between the EU and the United States on the use and transfer of passenger name records, PNR, to the US Department of Homeland Security, which has been adopted by the Council of Ministers. I propose that Ireland should exercise the option provided by Article 4 of Protocol No. 21 to the Treaty on the Functioning of the European Union to accept a measure after it has been adopted by the Council. The prior approval of both Houses of the Oireachtas is required to enable Ireland to exercise that option.

This agreement replaces the current EU-US PNR agreement which has been in operation since 2007. That agreement has been renegotiated in order to address concerns that had been raised about proportionality, data protection and data security aspects. A new agreement was signed in December 2011 to cover the ongoing use and transfer of PNR data to the US authorities. The European Parliament considered the agreement in detail and approved its terms on 19 April 2012. The agreement was then concluded by the Council of Justice and Home Affairs Ministers at its meeting on 26 April 2012.

PNR data is information about passengers' travel plans that is collected and held by air carriers as part of their reservations systems. The agreement will require the airlines to provide a portion of the information they already collect to the US authorities for the purposes of combating terrorism and serious, transnational crime. PNR data is a tool of proven value to law enforcement services in counter-terrorism and serious crime investigations, particularly in cases of trafficking in drugs and persons, and a number of countries, including the UK, Canada, Sweden, Spain, the US and Australia, have been using PNR data for these purposes for some years now.

PNR data has been of benefit in investigations into a number of significant transnational, organised crime cases involving the trafficking of human beings and drug smuggling. It can be an essential support to investigating and prosecuting those who would prey on and profit from the misery of others. The use of PNR data was instrumental in the prosecution and conviction

of David Headley for his involvement in facilitating the atrocious terrorist attacks in Mumbai, India in November 2008, in which 164 innocent people lost their lives. By entering details of his first name, a partial travel itinerary and a possible travel window into the PNR database, David Headley's full name, address and passport number were obtained. He was subsequently arrested and pleaded guilty to terrorism-related charges.

While this measure is an important support to the fight against terrorism and serious crime, I am very conscious of the need to ensure that the rights of citizens are not subjected to unnecessary or disproportionate intrusion. It is important to strike an appropriate balance, especially with regard to the protection of personal data, and I believe this agreement does just that.

Time does not allow for a full description of all the provisions in the agreement. However, we had a very full and detailed debate on this proposal at the justice committee last week. The agreement contains a number of specific safeguards in regard to the use of the PNR data. In particular, the processing of the data is strictly limited to the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious, transnational crime.

With regard to the retention of the data, it will be retained by the US authorities for up to five years in an active database, with restrictions on access to it. After the first six months, the PNR data will be depersonalised, that is to say, fields that would identify an individual will be masked out. After the initial five-year period, the depersonalised data will be transferred to an inactive database, with additional access restrictions. In the case of terrorist offences and related crimes, the data may then be retained for up to a further ten years, that is to say, for a total of 15 years overall. In the case of serious, transnational crimes, the data can then be retained for up to a further five years, that is to say, for a total of ten years overall. The agreement contains specific, tailored safeguards in regard to privacy and data protection, data security, oversight, accountability, transparency and rights of access to information, the correction of errors and redress.

Members should note that, under the terms of the agreement, an individual will have the right to access his or her own data, to have incorrect data corrected and the right to redress for a violation of his or her rights under the agreement. The agreement provides that the administrative and legal safeguards which are in place in the US for privacy and data protection are available to all individuals, regardless of nationality, country of origin or place of residence. The agreement also provides for regular, joint review of its operation by the EU and US authorities, and for a joint evaluation of the agreement four years after its entry into force. The agreement will remain in force for a period of seven years.

This proposal is one of a number of measures being taken at EU level in the justice and home affairs field which arise from commitments set out in the 2009 Stockholm programme. The Government is determined that Ireland will have a full, active and constructive engagement in bringing forward the European justice agenda. Given the potential value of PNR data in investigations into drug smuggling, human trafficking or international terrorism, and the importance of giving a clear demonstration of our continued support for and solidarity with the international community in the fight against these activities, I recommend Ireland's participation in this measure to the House.

**Deputy Dara Calleary:** As I indicated at committee, we will be supporting the motion. The relations between Europe and the US are at their strongest and relations between Ireland and the US have also never been as strong. That relationship brings certain privileges to us, such as pre-access and pre-clearance at Dublin Airport, but with privileges come responsibilities. The

[Deputy Dara Calleary.]

responsibilities we are being asked to take on here are not in any way onerous. I agree with the Minister's assertion that a balance is struck between those responsibilities and between people's rights. There are enough provisions in the agreement in terms of access to information and the capacity to correct incorrect information to satisfy that.

The fact this agreement is a result of a review of the 2007 agreement shows this arrangement is constantly being monitored, evaluated and reviewed to ensure the privileges and rights of citizens are being monitored at all stages. When we reflect it is only three weeks since there was another credible attempt to blow up an aeroplane, while people think it is not going to happen to them, it may. We must ensure we have the proper provisions in place to prevent any such catastrophe happening. That is why we are supporting the motion.

**Deputy Sandra McLellan:** I know from speaking with my colleague, Deputy Jonathan O'Brien, that this motion is similar to others that have come before the House on similar issues. Last July we dealt with two similar motions: the first was an agreement between this State and the EU and the second was an agreement between this State and Australia. During the debate on these motions, Deputy O'Brien outlined the reasons Sinn Féin has opposed the implementation of passenger name record agreements. There is no doubt this proposal, like those before it, has far-reaching consequences for Irish citizens, particularly in the area of data protection.

From previous debates, the Minister will be very familiar with the concerns and the reasons Sinn Féin opposed PNR agreements and, therefore, I do not wish to waste time repeating the same arguments. However, I want to put the following on the record. This motion will see the transfer of data between Ireland and the US. Under the agreement, it is proposed that the Department of Homeland Security will be acting as the agency in the US which will be responsible for the retention and destruction of the personal data of Irish citizens which will be transferred. Many questions remain unanswered with regard to some of the accusations which have been levelled at the Department of Homeland Security. Let us be honest, it is not exactly the leading organisation in the area of human rights. We will not be supporting the motion.

**Deputy Mick Wallace:** I find it a bit mad we are so keen to share information with the US when it is not half as keen to share it with us. I agree with the previous speaker that we are talking about giving a lot of information about our citizens to a country that has an appalling human rights record. Apart from the madness of Iraq, Afghanistan and the atrocities taking place in Pakistan of late, what of the notion that Guantanamo Bay detention centre could still be open? To take the statistics on Guantanamo, of 779 detainees imprisoned there in the past decade, only six have been convicted. That is incredible, and that figure is one less than the number of military prosecutors who have resigned over the system's unfairness.

I spoke to Amnesty International this morning and know it too has concerns. It is still not getting much comfort on questions to the Government on rendition flights passing through Shannon Airport. First, the Government refuses to search the aeroplanes, as was the position of the previous Government, and it is prepared to take the word of the US. Given how the US has behaved on the world stage, I find it incredible the Government would take its word on anything. There is this notion that if there was no prisoner on the aeroplane, that means it was not a rendition flight. Amnesty is at pains to point out that Shannon has been used as a staging post on the way to or from rendition activities. We are facilitating that. We complain about terrible things that happen in the world and we like to think of ourselves as a neutral country. I do not want to take sides with anyone on the planet, powerful or otherwise. I believe it is important we maintain a neutral position and that we have 100% respect for human rights. I

do not see it as right to share so much information with a country with such a poor human rights record. That is not a good idea. Therefore, I oppose the motion.

**Acting Chairman (Deputy Peter Mathews):** As contributions are now concluded, I must put the question.

Question put:

The Dáil divided: Tá, 97; Níl, 16.

Tá

Bannon, James.	Kyne, Seán.
Barry, Tom.	Lawlor, Anthony.
Breen, Pat.	Lynch, Ciarán.
Butler, Ray.	Lynch, Kathleen.
Buttmer, Jerry.	Lyons, John.
Byrne, Catherine.	McConalogue, Charlie.
Byrne, Eric.	McGinley, Dinny.
Calleary, Dara.	McGrath, Michael.
Carey, Joe.	McGuinness, John.
Coffey, Paudie.	McHugh, Joe.
Collins, Niall.	McNamara, Michael.
Conaghan, Michael.	Maloney, Eamonn.
Conlan, Seán.	Mathews, Peter.
Connaughton, Paul J.	Mitchell O'Connor, Mary.
Conway, Ciara.	Mulherin, Michelle.
Corcoran Kennedy, Marcella.	Murphy, Dara.
Costello, Joe.	Murphy, Eoghan.
Coveney, Simon.	Nash, Gerald.
Cowen, Barry.	Naughten, Denis.
Creed, Michael.	Neville, Dan.
Deasy, John.	Nolan, Derek.
Doherty, Regina.	Nulty, Patrick.
Donohoe, Paschal.	Ó Cuív, Éamon.
Dooley, Timmy.	Ó Fearghaíl, Seán.
Dowds, Robert.	Ó Ríordáin, Aodhán.
Doyle, Andrew.	O'Donnell, Kieran.
Durkan, Bernard J.	O'Donovan, Patrick.
English, Damien.	O'Dowd, Fergus.
Farrell, Alan.	O'Mahony, John.
Feighan, Frank.	O'Reilly, Joe.
Fitzpatrick, Peter.	O'Sullivan, Jan.
Flanagan, Charles.	Penrose, Willie.
Flanagan, Terence.	Quinn, Ruairí.
Fleming, Sean.	Rabbitte, Pat.
Gilmore, Eamon.	Reilly, James.
Griffin, Brendan.	Ryan, Brendan.
Hannigan, Dominic.	Shatter, Alan.
Harris, Simon.	Sherlock, Sean.
Hayes, Brian.	Shortall, Róisín.
Heydon, Martin.	Smith, Brendan.
Howlin, Brendan.	Spring, Arthur.
Humphreys, Heather.	Stagg, Emmet.
Humphreys, Kevin.	Stanton, David.
Keating, Derek.	Troy, Robert.
Keaveney, Colm.	Tuffy, Joanna.
Kehoe, Paul.	Twomey, Liam.
Kelly, Alan.	Walsh, Brian.
Kenny, Seán.	White, Alex.
Kirk, Seamus.	

Níl

Colreavy, Michael.	Ferris, Martin.
Daly, Clare.	Flanagan, Luke 'Ming'.
Ellis, Dessie.	Healy, Seamus.

Níl—*continued*

Higgins, Joe.	Ó Caoláin, Caoimhghín.
Mac Lochlainn, Pádraig.	O'Brien, Jonathan.
McGrath, Finian.	Ross, Shane.
McLellan, Sandra.	Stanley, Brian.
Murphy, Catherine.	Wallace, Mick.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Catherine Murphy and Jonathan O'Brien.

Question declared carried.

## **Local Government (Miscellaneous Provisions) Bill 2012: Committee and Remaining Stages**

### **SECTION 1**

**Acting Chairman (Deputy Peter Mathews):** Amendments Nos. 1, 3 and 19 are consequential to amendment No. 15. Amendments Nos. 16 and 17 are related to amendment No. 15. Therefore, amendments Nos. 1, 3, 15, 16, 17 and 19 will be discussed together by agreement.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** I move amendment No. 1:

In page 3, between lines 23 and 24, to insert the following subsection:

“(3) The Local Government Acts 1925 to 2007 and Part 4 may be cited together as the Local Government Acts 1925 to 2012.”.

As Deputies will be aware, the Government approved proposals to establish single local authorities in Limerick and Tipperary on 28 June and 26 July 2011. In both cases the establishment of interim management arrangements, whereby a single person would oversee both authorities in advance of their full merger, was also approved. The intention is to ensure clear and cohesive leadership of the reorganisation process in both areas in advance of the establishment of unitary authorities by mid-2014.

The existing law on the position of managers is set out in Chapter 2 of Part 14 of the Local Government Act 2001. Section 144(1) of the 2001 Act provides that each county and city shall have a manager who shall be employed by the city or county council in question. The Department's advice is that the provision precludes the same person from being manager of more than one county or city and that amending legislation is required.

As I explained on Second Stage, the principal objective of the change is to enable the same person to be manager of more than one authority. For example, if a person is appointed as dual manager for Limerick county and city councils, he or she would act as manager of and perform functions for the county and the city. The two authorities would remain in existence as separate corporate entities pending their merger in 2014 under separate legislation but the manager would exercise his or her functions in tandem on the two councils.

The amendments provide for a number of changes to the 2001 Act. Amendment No. 15 inserts a new section to amend section 144 of the 2001 Act. The substantive change is contained in new section 13(b), which provides for the grouping of Limerick county and city councils and north and south Tipperary county councils, and for the appointment of one person as manager of those grouped authorities. This section also provides for the insertion of a new subsection (1B) in section 144 of the 2001 Act. In accordance with the new subsection (1B) the manager

for a county or city in a group of authorities shall be an employee of whatever authority the Minister shall specify by order.

Section 145(3) of the 2001 Act provides that where a manager has not been appointed by resolution of a council on foot of a recommendation from the Public Appointment Service in the normal way, he or she is automatically appointed after a specified period. Amendment No. 16 amends subsection 3 of the 2001 Act to provide that the subsection applies to a county or city council in a group of authorities, as in the case of Limerick and Tipperary, in addition to individual authorities. A new subsection 3(a) is also inserted at subsection (b), which allows the Minister to appoint by order a person who already holds the office of manager in a city or county that is part of the group of authorities to the office of manager of a group of authorities. Amendment No. 17 inserts a new section 15 in the Bill, which makes a number of amendments in order to integrate the interim dual manager arrangements with the provisions dealing with the appointment of a deputy manager contained in section 148 of the Local Government Act 2001. Section 15(a) substitutes a new paragraph for paragraph 148(1)(a), to provide that in the case of a group of authorities, the manager must consult with the cathaoirleach of each authorities before he or she appoints an employee to be deputy manager.

The amendment to section 15(b) seeks to cover the situation where the manager has become unable to act and no deputy manager has been appointed or if the deputy manager is unable to act. Given the possibility for delay and disagreement in respect of an appointment in such circumstances, it is proposed to give the Minister the power to direct which one of the two cathaoirligh will make the appointment. The amendment at 15(c) inserts a new subsection 3(a) which makes clear that, in respect of a group of authorities, the deputy manager appointed shall be one and the same person.

In addition to the substantive amendments, there are a number of technical amendments. Amendment No. 1 updates the citation for the local government Acts to take account of the changes. Amendment No. 3 makes clear that the provisions to be inserted in section 144 of the Local Government Act 2001 can be commenced as required in accordance with section 1(3) of the Bill. Amendment No. 19 provides for an amendment to the Long Title to the Bill to include a reference to the position of manager, the subject of this group of amendment. These provisions provide the necessary statutory backing for interim dual management arrangements for ongoing implementation work leading to amalgamation of local authorities in Limerick and Tipperary. They form an important early element of an evolving programme of local government reform and development and I commend them to the House.

**Deputy Niall Collins:** We have no issue with the appointment of interim managers. Will the persons appointed to the interim function in Limerick and Tipperary automatically become designated to lead the new unitary authorities after the 2014 local elections? I did not pick up that point in the contribution of the Minister of State. Are they jobs for life or are these important leadership roles in local government to be appointed on the basis of a three-year, five-year or seven-year term?

**Deputy Brian Stanley:** I have submitted eight amendments and they are mainly aimed at having the consent of the Oireachtas and the relevant local authorities. Having spoken to members of local authorities pencilled in for amalgamation, there is a major information gap. No information is drifting down to the members elected by the citizenry of the local authority areas. The amendments also include the word “localisation”. While there is talk about centralisation in the Bill and the amendments, there is no talk about localisation and the need for devolution of power to local level.

[Deputy Brian Stanley.]

Sinn Féin supports the abolition of most of the bodies in section 8, except the two regeneration bodies. Bodies were set up over the years and some have become obsolete. What they are doing is questionable. Some of them are doing good work but can be amalgamated. We think that putting the two regeneration projects together and having them under a single unitary local authority structure of Limerick city and county will create difficulties. Councillors from rural areas, such as Abbeyfeale, will have to preside over the regeneration of Limerick city. There will be a disconnect between them.

Regarding amendment No. 15, concerning deputy county managers, one of the points Sinn Féin has been trying to make about local government is that it is top-heavy. Small local authorities have directors of services, some of whom have now taken early retirement, but there is provision for these positions. The Minister of State is proposing to appoint deputy county managers. Will the county manager manage two counties? It seems as if the proposal is to include a deputy county manager, meaning there will be the same number of managers and directors of services. This will increase the top-heavy nature of local authorities. A senior executive officer is sufficient for running each section of local authorities. There are as many layers in local authorities as there are skins on an onion. It is also very regimental, from grade 2 to grade 8. That needs to be simplified, with greater responsibility placed on senior executive officers who are well capable of running sections, whether the housing section or the roads section. Sharing services and resources makes sense in many cases and Sinn Féin supports it. The problem is when the structure is abolished, such as the merging of Waterford City Council and Waterford County Council. Sharing services and resources is a good idea.

I refer to the amalgamation proposals of the local government review group, which is not directly related to this Bill. It arose in discussion on Second Stage. A number of counties will be merged and while this Bill does not directly deal with it, Sinn Féin opposes the merger of a local authority in Laois Offaly. The county should be the primary unit of local government and should be strengthened. Amalgamating local authorities in Laois and Offaly means Graiguecullen and Shannon Harbour being in the same local authority area. They are 90 miles apart and, as I hold clinics in both, I know there is a long distance between them. It is a long way from the River Barrow in County Carlow to Shannon Harbour. It will not lead to efficient local government. The county structure needs to be improved upon. We want more functions devolved. Doing so would mean that local authorities will be busier and more efficient, which they should be. We must have efficient units but we should not tamper with the county structure.

Yesterday, I referred to the costs of amalgamation. In the North, local authorities are being reduced from 26 to 11 under the reform of public administration. No cost estimate has been carried out on such a project here. I met with councillors in the North recently and the cost will be massive. Amalgamation does not come cheap and one of the possible negative effects is where the Government seeks to dispose of assets or property. Everyone knows it is hard enough to give away property at the moment. That will not compensate or fill the gap in the costs. There will be a significant cost to amalgamation. Amalgamating Laois and Offaly county councils will cost a huge amount of money and lead to a spreading and scattering of resources and expertise. We need to keep the county structure in place.

**Deputy Catherine Murphy:** I regret there is so little time available for this Stage and for Second Stage. It is very difficult to debate the detail of the Bill when we have not been given a clear and coherent view of the how local government will be reformed and this includes institutional reform. I refer to the amalgamation plans which are proposed. Is it intended that these amalgamations are a pilot project?

I take a different view to Deputy Stanley on the county structure of local government. Our counties were formed between the 12th and 17th centuries and were devised by the crown administration. It is interesting to note that local government in Northern Ireland does not function on a county basis. It is possible to administer local government without using the county as the administrative unit. I suggest that the parish and community is the natural unit in Ireland because that is how people relate to each other and it is the real strength of local life. I would have preferred to see this unit used in the reform of local government structures. The notion of the parish pump is an excellent idea because this is how people came together to help each other out if there was a fire, for example. However, the trend in Irish politics is to look up the ladder rather than down the ladder.

Planning expertise is better located in one central location rather than spread over two counties, for example. Cities are a unique case and in Europe, the city tends to be a driver of a surrounding region which can be quite extensive. In my view the amalgamation of Limerick city and county is perhaps too small a unit as we need to have big regions with small district councils within them. We should consider what system works in this country and the reason we have been so disappointed by politics is that our institutional arrangements do not reflect the strong and successful part of the Irish society which is the level below the county level. Are these amalgamation provisions to be a blueprint? Is it a money-saving device to save on procurement costs? What is the rationale for choosing these two counties? What is the long-term policy for local government reform?

**Deputy Seamus Healy:** I wish to ask that same question. What is the Minister's position as regards the various authorities recommended for grouping in the report? I refer to Carlow-Kilkenny which has been ear-marked in that group. I ask if it is proposed to amalgamate Carlow and Kilkenny and if so, how far advanced are these proposals? Is it a fact that the Minister is protecting his own constituency, just as Ministers have done in the past? I happen to believe this may well be the case. Has the Minister accepted this report and its recommendations? Is there a timescale for their implementation?

The Minister of State refers to clear and cohesive leadership. However, the fact of the matter is that we are way ahead of ourselves as regards north and south Tipperary county councils. It is hardly a good idea to amalgamate north and south Tipperary county councils when the two areas are divided on a number of important issues. They are two different economic development areas with north Tipperary in the Shannon area and south Tipperary in the south east. They are divided as regards tourism regions with north Tipperary in one tourism region and south Tipperary in another. They are also divided between two different HSE regions, south Tipperary in the south east region and north Tipperary in the western region. No action has been taken with regard to any of these three divisions. If an amalgamation of north and south Tipperary county councils were to be considered, one would assume these matters would be dealt with prior to any such amalgamation. This is my view and it is a widespread view in both north and south Tipperary. It is far from clear as to the potential for cost savings. It is clear there will be no savings as a result of the amalgamation of north and south Tipperary county councils, indeed costs will be incurred by the public and the commercial sector by way of increased commercial rates.

I ask the Minister of State to address some of those issues in her reply. In my view, north and south Tipperary have been picked out from these recommendations. There is no information on when other amalgamations will happen, if ever.

**Deputy Jan O'Sullivan:** In reply to Deputy Niall Collins's specific questions, the designate interim manager will become the manager in 2014 and the period of that person's appointment

[Deputy Jan O'Sullivan.]

is seven years with an option to extend to ten years. These are the normal provisions for such a post.

In reply to Deputy Stanley's questions about the extension of the time period for Limerick Regeneration, this is proposed to be a relatively short extension in order to tidy up matters that need to be addressed. However, I do not agree, and I believe many locals would also not agree to a further extension of time. I will not go into detail because it has been well aired but one of the problems with Limerick Regeneration was the fact that it was under different headings. It will now be centred in one office and this is considered to be a welcome development. It is not proposed to extend the time period any further.

On the question of the deputy manager, this is normal procedure whereby a person may deputise for the manager if necessary and it is the procedure in all local authorities. The Bill is not changing this procedure.

All the Deputies who contributed asked whether this reform of local government would be applied beyond Limerick and Tipperary. They asked about the timescale and whether there would be cost savings and whether services could be shared. I confirm that services can be shared in the meantime and this is part of the recommendations of the 2010 report of the local government efficiency review group to which Deputy Healy referred. That report made a number of recommendations, 106 in total and one of those recommendations is the possibility of amalgamating a number of counties. Views differ on this recommendation and this is the case even in the Chamber today, with Deputy Stanley not happy with the idea that the two counties in his area would be amalgamated. Deputy Healy advocates an amalgamation of Carlow and Kilkenny—

(*Interruptions*).

**Deputy Jan O'Sullivan:** The Deputy cannot be on both sides of that fence.

**Deputy Seamus Healy:** It is the Minister's constituency and he must have a view on it.

**Deputy Jan O'Sullivan:** Deputy Catherine Murphy expressed a very interesting view on the notion of the municipality concept with the city and the surrounding hinterland. This is a very lively discussion and there are strong views on all sides. This is limited legislation in so far as it is providing for interim arrangements. It provides for other matters also, including the bodies to which we referred yesterday. As regards local authorities specifically, however, it is merely to provide interim arrangements for both authorities in Limerick and Tipperary.

The local government efficiency review implementation group will be publishing its first report, which will go to the Minister, Deputy Hogan. That will concern much broader recommendations on local government reform.

I am concerned that it is costing so much to amalgamate local authorities in Northern Ireland and I would be interested to know why. The intention, certainly in Limerick, is that it will save money. I hope it will save money in Tipperary as well. I do not know whether it is because of the unique political arrangements in Northern Ireland that it should cost money to amalgamate local authorities there. If there is a lesson to be learned from that, however, we should learn it.

Deputy Catherine Murphy asked if they were pilots but they are not as such. They are specific actions in specific areas and there will be further recommendations in regard to other areas, but they are not in this Bill. Legislation will be required if there are to be further amalgamations. In the context of the forthcoming report and any future legislation, there will

be plenty of opportunity to debate all these issues. There will also be extensive consultation if there are further proposals.

Amendment agreed to.

**Acting Chairman (Deputy Peter Mathews):** Amendments Nos. 2 and 18 are consequential on amendments Nos. 9 and 10. Amendments Nos. 2, 9, 10 and 18 may be discussed together.

**Deputy Jan O'Sullivan:** I move amendment No. 2:

In page 3, subsection (3), line 24, after “Act” to insert “, other than *sections 8 and 9*,”.

As mentioned earlier, the Limerick Regeneration agencies will be dissolved. A new Limerick regeneration office has initially been set up with administrative support from Limerick City Council, but will report directly to the manager-designate of the new unitary authority in Limerick, once appointed. The establishment orders for the Limerick Regeneration agencies contained so-called sunset clauses. The agencies will cease to exist in June 2012. Amendments Nos. 9 and 10 are required to give a brief extension to July to allow all the necessary arrangements to be put in place for the dissolution of the bodies, and the transfer of assets, liabilities, etc. The amendments will not delay the wind-up of the agencies, which is already under way.

Amendments Nos. 2 and 18 are technical amendments required as a consequence of amendments Nos. 9 and 10.

**Deputy Niall Collins:** I think it is right to amalgamate the two regeneration agencies into the new unitary authority. I would disagree with my learned colleague, Deputy Stanley’s view on the input of members of the new unitary authority from rural parts of County Limerick. They should have an oversight role in the regeneration projects which are ongoing in four areas of Limerick city. The work of the city’s regeneration projects has had far-reaching consequences for many rural parts of county Limerick. It is right that public representatives from rural areas of the county, who will be members of the new unitary authority, should and will have a say in the project’s future direction.

I look forward to having somebody from as far away as Abbeyfeale or Mountcollins being mayor of Limerick city and county through the new unitary authority. It will be unique to see someone from a rural part of Limerick being the mayor of the city and county, as part of a unitary authority.

**Deputy Brian Stanley:** As regards rolling up the regeneration programmes, our argument is not to retain both of them. Our point concerns the plan for a single local authority structure covering such a vast area with different interests and regeneration issues, because it is very much a city project. If those driving the project do not have a singular focus, it will not work very well; that is the problem. It is a question of getting the best from the resources going into the project and having a complete focus. That is why we think it should be under a single city authority.

**Deputy Jan O'Sullivan:** I do not need to reiterate the point. It is correct that the whole regeneration project should be under one body. The fact that the director of regeneration services will now report to the new manager is a positive thing, and is seen as such.

Amendment agreed to.

**Acting Chairman (Deputy Peter Mathews):** Amendment No. 3 has already been discussed with amendment No. 1.

**Deputy Jan O'Sullivan:** I move amendment No. 3:

In page 3, subsection (3), line 27, after “provisions” to insert the following:

“, and for the insertion of different provisions in section 144 of the Act of 2001 effected by *section 13*”.

Amendment agreed to.

Section 1, as amended, agreed to.

Section 2 agreed to.

### SECTION 3

**Acting Chairman (Deputy Peter Mathews):** Is section 3 agreed to?

**Deputy Brian Stanley:** I am opposing this section but will not put it to a vote.

Question, “That section 3 stand part of the Bill”, put and declared carried.

Section 4 agreed to.

### SECTION 5

**Acting Chairman (Deputy Peter Mathews):** Amendments Nos. 4, 5 and 8 are related and may be discussed together.

**Deputy Brian Stanley:** I move amendment No. 4:

In page 4, line 16, after “Reform,” to insert the following:

“the Houses of the Oireachtas, relevant agencies and local authorities.”.

These amendments propose that the Oireachtas and relevant local authorities would be consulted. If we are merging or abolishing something, particularly democratic structures, the democratically elected members should be involved in that process.

The same issue of following good practice also applies to amendments Nos. 5 and 8. I was surprised that members of relevant bodies — at the least the ones to whom I spoke — were not even aware that this was happening, or that the Oireachtas was discussing this Bill and matters were at such an advanced stage.

**Deputy Jan O'Sullivan:** These amendments seek to introduce a requirement for the consent of the Oireachtas and/or consultation with the Oireachtas, agencies and local authorities in the administrative process of establishing new bodies, and in the preparation of transfer orders in the context of bodies that are being dissolved. The principle of a Minister in a sector such as local government having the power to establish bodies to provide shared services for local authorities is long established and is recognised by the courts.

The Bill has strengthened the link between the principles and policies in primary legislation and the bodies to be established. The consent of the Minister for Public Expenditure and Reform is required before any body can be established and before any transfer order is made.

Therefore, not only is the issue of efficiency and effectiveness within the sector considered, but the wider public service efficiency and reform agenda will also be fully considered.

The rationalisation programme has already been delayed due to the necessity to dissolve bodies through primary legislation, and it would not be in the interests of efficiency to accept these amendments. Therefore, I do not propose to accept them.

Amendment put and declared lost.

**Acting Chairman (Deputy Peter Mathews):** Amendment No. 5 has already been discussed with amendment No. 4.

**Deputy Brian Stanley:** I move amendment No. 5:

In page 4, line 27, after “Minister,” to insert the following:

“in consultation with the Houses of the Oireachtas, relevant agencies and local authorities.”.

Amendment put and declared lost.

**Deputy Brian Stanley:** I move amendment No. 6:

In page 4, lines 39 and 40, to delete “or centralisation” and substitute “, centralisation or localisation”.

This amendment proposes to insert the word “localisation”. The focus here is on centralisation and regionalisation. If services are being decentralised from central government to regional level, that is fine. In this case there would seem to be one way traffic in that the services are being transferred from local level to central level. That is the reason I propose the insertion of the word “localisation” where it makes sense in the section.

**Deputy Jan O’Sullivan:** This amendment seeks to require the Minister to have regard to the desirability for localisation as well as centralisation of services in making decisions in regard to the establishment of a State body. Localisation of service delivery is the existing default position, that is, a local authority provides the service. In order to maintain services with diminishing resources, it is necessary that staff and management in local authorities work together to find efficiencies of operation and share service delivery where possible. I am basically saying that it is the default position already. Therefore, I do not propose to accept the amendment.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

**Deputy Brian Stanley:** I move amendment No. 7:

In page 5, line 5, to delete “ ‘services’ includes—” and substitute the following:

“ ‘services’ not already being provided by boards may include—”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Section 5 agreed to.

Section 6 agreed to.

## SECTION 7

**Deputy Brian Stanley:** I move amendment No. 8:

In page 6, line 11, after “Reform” to insert “and the Houses of the Oireachtas”.

Amendment put and declared lost.

Section 7 agreed to.

## NEW SECTIONS

**Deputy Jan O’Sullivan:** I move amendment No. 9:

In page 7, before section 8, to insert the following new section:

8.—The Limerick Northside Regeneration Agency (Establishment) Order 2007 (S.I. No. 275 of 2007) is amended—

- (a) in Article 2, by substituting “1 August 2012” for “the 15th day of June 2012”,
- (b) in Article 4, by substituting “31 July 2012” for “14th June, 2012”, and
- (c) in sub-article (2) of Article 6, by substituting “31 July 2012” for “the 14th June, 2012.”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 10:

In page 7, before section 8, to insert the following new section:

9.—The Limerick Southside Regeneration Agency (Establishment) Order 2007 (S.I. No. 276 of 2007) is amended—

- (a) in Article 2, by substituting “1 August 2012” for “the 15th day of June 2012”,
- (b) in Article 4, by substituting “31 July 2012” for “14th June, 2012”, and
- (c) in sub-article (2) of Article 6, by substituting “31 July 2012” for “the 14th June, 2012.”.

Amendment agreed to.

## SECTION 8

**Acting Chairman (Deputy Peter Mathews):** Amendments Nos. 11 and 12 are related and may be discussed together.

**Deputy Brian Stanley:** I move amendment No. 11:

In page 7, line 22, to delete paragraph (f).

I have already made points in regard to Limerick that relate to the Limerick regeneration project.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

**Deputy Brian Stanley:** I move amendment No. 12:

In page 7, line 23, to delete paragraph (g).

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Section 8 agreed to.

#### NEW SECTION

**Deputy Niall Collins:** I move amendment No. 13:

In page 7, before section 9, to insert the following new section:

“9.—The administrative area of the new Limerick Local Government Authority shall be extended to include the residential areas of Shannon Banks, Westbury, Carrig Meade and Athlundard in Co. Clare and shall also include that part of the campus of the University of Limerick also in Co. Clare.”.

I referred to this issue yesterday evening as part of my Second Stage contribution to the debate. As a representative of Limerick city, the Minister of State will be well aware of the issue that is the subject of this amendment. Over the years Limerick city has spilled over into parts of County Clare. There are a number of the extensions of the urban parts of County Limerick which have been built in County Clare which, effectively, are an integral part of Limerick city. Second, the development of a large portion of the campus of the University of Limerick has also occurred in part of County Clare. That is served by a number of infrastructures, including at least three bridge crossings of the River Shannon as part of the University of Limerick campus.

From speaking to people who are involved at a senior level in local government in Limerick County Council, Limerick City Council and people who are very much at the centre of the Denis Brosnan project, which is driving this merger, the view is very much that in order for the job to be complete and to have Limerick city recognised in its totality, that these parts, which I have detailed, which are urban centres should form part of the greater Limerick city area, as part of an administrative area of the new single unitary authority. For those intents and purposes, it is right thing to do. I understand and recognise that there will be an argument about breaching of county boundaries but we have to rise above that if we are to do the right thing. In looking to the future and developing the spatial strategies throughout the country, we have to rise above small squabbles over parts of county boundaries. As local representatives, we also have to identify that.

I do not have to teach the Minister of State, as a representative of the Limerick city, how to suck eggs. She knows the issues as well as I do, if not better. It is my view and the position of our party that these areas should form part of the administrative area of the new Limerick unitary authority.

**Deputy Michael McNamara:** I wish to express my opposition to the proposal from the Fianna Fáil spokesperson on local government, namely, that “The administrative area of the new Limerick Local Government Authority shall be extended to include the residential areas of

[Deputy Michael McNamara.]

Shannon Banks, Westbury, Carrig Meade and Athlundai ... and shall also include that part of the campus of the University of Limerick also in Co. Clare". That proposal was floating around for the lifetime of the previous Government and some Fianna Fáil representatives feigned opposition to it. It was one of the proposals which was defeated very early on in the lifetime of this Government and I am thankful for that. Not content with having proposed it and having seen it defeated, Fianna Fáil now proposes to reintroduce this proposal. I received a call this morning from Councillor Pascal Fitzgerald who represents that area and I can tell Deputy that there is very little support from any of the residents of that area for his proposal. The Deputy spoke about recognising the totality of Limerick city but I call for the totality of County Clare to be recognised for once and for all. This proposal was effectively put to bed only six months ago and now it has been raised again on the floor of this Chamber by the back door.

Deputy Collins will know from a predecessor of his — Gerard Collins, who was a TD for County Limerick — who is on the board of Dublin Airport Authority, which controls Shannon, the damage that has been done to County Clare by previous Fianna Fáil Governments. Not alone was Aer Lingus privatised by Fianna Fáil in order that it can now leave County Clare on a whim and not alone was Aer Rianta International——

**Deputy Niall Collins:** On a point of order, what the Deputy is saying is incorrect.

**Deputy Michael McNamara:** Not alone was Aer Rianta International transferred——

**Acting Chairman (Deputy Peter Mathews):** I ask Deputy McNamara to moderate his contribution.

**Deputy Michael McNamara:** Yes. Not alone was Aer Rianta International transferred to Dublin Airport Authority but now Deputy Collins proposes that part of Limerick be transferred to Clare. This would have repercussions for rates and for the university, which is not a university for Limerick only but for the entire mid-west. If Deputy Collins cares to read the submission made by the University of Limerick to the Brosnan report he would find it made no proposal to have any part of its campus transferred from where it is now in County Clare——

**Deputy Niall Collins:** I did read it.

**Deputy Michael McNamara:** —and expressed satisfaction with the existing arrangement and the local authorities which deal with it. I oppose the amendment in the strongest terms possible and I call upon my colleagues to defeat this proposal for once and for all.

**Deputy Paudie Coffey:** I have been listening to the debate and following it closely. Coming from Waterford I understand Deputy Collins's point from an administrative point of view. Cities need the potential to expand. Waterford city finds itself in a very similar position whereby a large part of the city is in the jurisdiction of Kilkenny County Council. I do not want to enter into the Limerick and Clare argument, because we have enough of it between Waterford and Kilkenny in the area I represent, but we need to look beyond the parochial view and this is no criticism of Deputy McNamara because I am as passionate about my constituency as he is about his. He is perfectly within his rights to espouse the comments he made.

The Minister of State and the departmental officials need to examine formulating a mechanism or system whereby county and city managers responsible for administrative areas next to each other are required to co-ordinate their administration and policies in the best interests of the citizens on both sides of the administrative boundary. When people pull in different

directions it does not work in the best interests of the particular city or region. We are also getting a sense of this during this debate and I have seen this in Waterford, which is a bit disjointed. Whether we introduce new mechanisms or systems in the existing local authority structure or enhance the role of regional authorities in this respect we must do something about it. I do not think we will get the agreement sought by Deputy Collins for the various reasons which were well debated and documented prior to the discussion on this amendment.

Where cities are divided or where the boundary splits a city there is a feeling it is to the detriment of exploiting the full potential development of the city. We need to look beyond this and ensure the local authorities working in the city do so in the best interests of the overall development of the local authority area and region and in the best interests of the citizens.

**Deputy Jan O'Sullivan:** These issues always give rise to very strong feelings. The amendment refers to the report of the Limerick local government committee which recommended the incorporation of a small area north of the River Shannon in County Clare. There is logic to the committee's proposal in terms of the overall shape of the city and with regard to the points made by Deputy Coffey. However, the recommendation does not enjoy the same degree of support as and is not essential to the core Limerick element of the Brosnan report. Therefore it will not be implemented.

In the case of the area being developed by the University of Limerick, it is understood, and Deputy McNamara just referred to this, the university did not request this be transferred. I live very close to the boundary and I am very familiar with the people in the area, the issues and the strong feelings to which this gives rise. Deputy Coffey made a fair point. There is certainly room for more co-ordination and co-operation between neighbouring local authorities, particularly where cities are growing and expanding. I strongly advocate this. In response to specific amendment tabled by Deputy Collins, we do not propose to accept it.

Amendment put and declared lost.

Section 9 agreed to.

#### NEW SECTION

**Deputy Jan O'Sullivan:** I move amendment No. 14:

In page 8, before section 10, but in Part 2, to insert the following new section:

10.—(1) Section 10 (amended by section 19(1)(k) of the Local Government (Household Charge) Act 2011) of the Local Government (Charges) Act 2009 is amended by substituting the following subsection for subsection (8):

“(8) In this section ‘relevant board’ means—

(a) the Local Government Computer Services Board established by the Local Government Computer Services Board (Establishment) Order 1975 (S.I. No. 212 of 1975), or a body to whom the functions of that Board have been transferred by order under section 5A (inserted by section 7 of the Local Government (Miscellaneous Provisions) Act 2012) of the Local Government (Corporate Bodies) Act 1971, and

(b) the Local Government Management Services Board established by the Local Government Management Services Board (Establishment) Order 1996 (S.I. No. 410 of 1996), or a body to whom the functions of that Board have been transferred by order under section 5A (inserted by section 7 of the Local Government (Miscellaneous

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Provisions) Act 2012) of the Local Government (Corporate Bodies) Act 1971, or either of them.”.

(2) Section 13 of the Local Government (Household Charge) Act 2011 is amended by substituting the following subsection for subsection (8):

“(8) In this section ‘relevant board’ means—

(a) the Local Government Computer Services Board established by the Local Government Computer Services Board (Establishment) Order 1975 (S.I. No. 212 of 1975), or a body to whom the functions of that Board have been transferred by order under section 5A (inserted by section 7 of the Local Government (Miscellaneous Provisions) Act 2012) of the Local Government (Corporate Bodies) Act 1971, and

(b) the Local Government Management Services Board established by the Local Government Management Services Board (Establishment) Order 1996 (S.I. No. 410 of 1996), or a body to whom the functions of that Board have been transferred by order under section 5A (inserted by section 7 of the Local Government (Miscellaneous Provisions) Act 2012) of the Local Government (Corporate Bodies) Act 1971,

or either of them.”.”.

The household charge legislation will be amended to reflect the amalgamation of the Local Government Computer Services Board and the Local Government Management Services Board into the Local Government Management Agency. It is a technical amendment.

Amendment agreed to.

Sections 10 to 12, inclusive, agreed to.

#### NEW SECTIONS

**Deputy Jan O'Sullivan:** I move amendment No. 15:

In page 9, after line 35, to insert the following new section:

#### AMENDMENTS TO CHAPTER 2 OF PART 14 OF THE LOCAL GOVERNMENT ACT 2001

13.—Section 144 of the Act of 2001 is amended by—

(a) substituting the following subsection for subsection (1):

“(1) For every county and city there shall be a manager to be known as ‘the ..... County Manager’ or ‘the ..... City Manager’, as appropriate (with the name of the county or city prefixed), who shall, subject to subsections (1A) and (1B), hold employment under that county council or city council, as the case may be.”,

and

(b) inserting the following subsections after subsection (1):

“(1A) (a) In the case of Limerick County and Limerick City, in this Chapter referred to as a ‘group of authorities’, the same person shall be manager for the county and city concerned.

(b) In the case of North Tipperary County and South Tipperary County, in this Chapter referred to as a ‘group of authorities’, the same person shall be manager for each of the counties concerned.

(1B) The manager for a county or city in a group of authorities shall hold employment under the council of whichever county or city in that group the Minister shall, by order, specify.”.”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 16:

In page 9, after line 35, to insert the following new section:

14.—Section 145 of the Act of 2001 is amended—

(a) in subsection (3), by substituting “Where, as respects a county council or city council, including a county council or city council in a group of authorities—” for “Where, as respects a county council or city council —”, and

(b) by inserting the following subsection after subsection (3):

“(3A) In relation to the first appointment, after the commencement of Part 4 of the Local Government (Miscellaneous Provisions) Act 2012, of a manager for a county or city in each group of authorities, the Minister may, by order, appoint to that position a person who, at such commencement, is the manager for a county or city included in the group of authorities concerned, other than a person appointed under subsection (4), and in such case subsections (1)(a), (2) and (3) shall not apply.”.”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 17:

In page 9, after line 35, to insert the following new section:

15.—Section 148 of the Act of 2001 is amended—

(a) in subsection (1) by substituting the following paragraph for paragraph (a)—

“(a) A manager, following consultation with the Cathaoirleach of the county or city council concerned, or, subject to subsection (3A), in the case of a manager for a county or city in a group of authorities, following consultation with the Cathaoirleach of each of the authorities in the group of authorities concerned, may by order appoint an employee of the authority or authorities concerned to be a deputy manager for the purposes of subsection (2) and may at any time terminate such appointment.”,

(b) in paragraph (a) of subsection (3) by substituting “the Cathaoirleach of the county or city council concerned, or in the case of a group of authorities, the Cathaoirleach of such county or city council as the Minister shall direct, may appoint an employee of the local authority or local authorities concerned” for “the relevant Cathaoirleach may appoint an employee of the local authority”, and

(c) by inserting the following subsection after subsection (3)—

“(3A) Where a deputy manager is appointed for a county or city in a group of authorities, the same person shall be appointed to be the deputy manager for each of the counties or the county and city in the group of authorities concerned.”.”.

Amendment agreed to.

TITLE

**Deputy Jan O'Sullivan:** I move amendment No. 18:

In page 3, line 10, to delete “TO REVOKE” and substitute “TO AMEND AND REVOKE”.

Amendment agreed to.

**Deputy Jan O'Sullivan:** I move amendment No. 19:

In page 3, line 12, after “LEABHARLANNA;” to insert the following:

“TO AMEND THE LOCAL GOVERNMENT ACT 2001 IN RELATION TO THE POSITION OF MANAGER;”.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported with amendments and received for final consideration.

Question proposed: “That the Bill do now pass.”

**Deputy Paudie Coffey:** Is it possible to speak on the Bill?

**Acting Chairman (Deputy Peter Mathews):** Yes, we can debate what is actually in the Bill.

**Deputy Paudie Coffey:** Many Deputies, who were local authority members, as I was for a number of years, will remember that at one stage the county manager, the county engineer and the county secretary were the senior management and the same applied in the cities. They basically ran the local authority area. We then had “Better Local Government — A Programme for Change” which introduced a whole new tier of directors of services. The Minister has a report on the possible amalgamation of Waterford County Council and Waterford City Council. I have an open mind on this given that in the current economic climate we need to deliver services with the best possible value for taxpayers’ money. That reform agenda must protect the services and give the public and their representatives in the area every opportunity to give their views as they always have done. The administration of these systems should be reformed and become more efficient in delivering the services.

I understand that more comprehensive legislation on local government reform is to be introduced. There will also be reform of boundaries of Dáil constituencies. Deputy Healy will agree with me on this matter. Many areas in north County Waterford for which Waterford County Council is responsible are in the Dáil constituency of Tipperary South. It causes confusion and people feel they are not being looked after properly. We need better administration of our local government structures in such cases. I welcome the Bill in general. We need to reform and become more efficient for the betterment of our citizens and country.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** I thank all contributors to this constructive debate. We managed to get through all the Committee Stage amendments in the time allocated, which is a tribute to all who participated. Obviously there are wider issues of reform of the local government system that people will discuss in the future, but this is a step along that way. A number of Members present in the Chamber live in the areas concerned in Limerick and Tipperary. As always in

any debate on local government issues in this House there is a wide range of expertise, experience and knowledge, which was evident in the debate.

I also thank the officials for their assistance.

**Acting Chairman (Deputy Peter Mathews):** I wish to be associated with the kind remarks of the Minister of State and Deputy Coffey.

Question put:

The Dáil divided: Tá, 91; Níl, 18.

Tá

Bannon, James.	Kenny, Seán.
Barry, Tom.	Kirk, Seamus.
Breen, Pat.	Kyne, Seán.
Bruton, Richard.	Lawlor, Anthony.
Butler, Ray.	Lynch, Ciarán.
Buttmer, Jerry.	Lynch, Kathleen.
Byrne, Eric.	Lyons, John.
Carey, Joe.	McConalogue, Charlie.
Coffey, Paudie.	McGinley, Dinny.
Collins, Niall.	McGrath, Michael.
Conaghan, Michael.	McGuinness, John.
Conlan, Seán.	McHugh, Joe.
Connaughton, Paul J.	McNamara, Michael.
Conway, Ciara.	Maloney, Eamonn.
Corcoran Kennedy, Marcella.	Mathews, Peter.
Costello, Joe.	Mitchell O'Connor, Mary.
Cowen, Barry.	Mulherin, Michelle.
Creed, Michael.	Murphy, Dara.
Creighton, Lucinda.	Murphy, Eoghan.
Deenihan, Jimmy.	Nash, Gerald.
Doherty, Regina.	Naughten, Denis.
Donohoe, Paschal.	Neville, Dan.
Dooley, Timmy.	Nolan, Derek.
Dowds, Robert.	Nulty, Patrick.
Doyle, Andrew.	Ó Cuív, Éamon.
Durkan, Bernard J.	Ó Ríordáin, Aodhán.
English, Damien.	O'Donnell, Kieran.
Farrell, Alan.	O'Donovan, Patrick.
Feighan, Frank.	O'Mahony, John.
Fitzgerald, Frances.	O'Reilly, Joe.
Fitzpatrick, Peter.	O'Sullivan, Jan.
Flanagan, Charles.	Penrose, Willie.
Flanagan, Terence.	Quinn, Ruairí.
Fleming, Sean.	Rabbitte, Pat.
Gilmore, Eamon.	Ryan, Brendan.
Griffin, Brendan.	Shatter, Alan.
Harris, Simon.	Sherlock, Sean.
Hayes, Brian.	Shortall, Róisín.
Heydon, Martin.	Smith, Brendan.
Howlin, Brendan.	Spring, Arthur.
Humphreys, Heather.	Stagg, Emmet.
Humphreys, Kevin.	Stanton, David.
Keating, Derek.	Troy, Robert.
Keaveney, Colm.	Walsh, Brian.
Kehoe, Paul.	White, Alex.
Kelly, Alan.	

Níl

Boyd Barrett, Richard.	Ferris, Martin.
Collins, Joan.	Flanagan, Luke 'Ming'.
Colreavy, Michael.	Healy, Seamus.
Daly, Clare.	Mac Lochlainn, Pádraig.
Donnelly, Stephen S.	McDonald, Mary Lou.

Níl—*continued*

McGrath, Finian.	Pringle, Thomas.
McLellan, Sandra.	Ross, Shane.
Ó Caoláin, Caoimhghín.	Stanley, Brian.
O'Brien, Jonathan.	Wallace, Mick.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Catherine Murphy and Jonathan O'Brien.

Question declared carried.

### **Electricity Regulation (Carbon Revenue Levy) (Amendment) Bill 2012: Order for Second Stage**

Bill entitled an Act to amend the Electricity Regulation Act 1999 to provide for the final levy period in respect of which the carbon revenue levy is payable and to provide for related matters.

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I move: “That Second Stage be taken now.”

Question put and agreed to.

### **Electricity Regulation (Carbon Revenue Levy) (Amendment) Bill 2012: Second and Subsequent Stages**

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I move: “That the Bill be now read a Second Time.”

I am pleased to have this opportunity to present the Electricity Regulation (Carbon Revenue Levy) (Amendment) Bill 2012 for consideration by the House, and I thank the Whips and Deputies for facilitating the Bill being taken today. The legislation seeks to cease the inclusion of the carbon revenue levy in wholesale electricity prices bid into the Single Electricity Market. On its enactment it will end the charging of the levy so that it can no longer be included in prices bid into this market. This in turn will end the associated wholesale electricity price increase thereafter.

The inclusion of the carbon levy in wholesale electricity prices is a result of the Supreme Court decision in the case of Viridian Power Limited and Huntstown Power Company Limited v Commission for Energy Regulation, CER. The decision issued on 23 February quashed the prohibition of the carbon levy being included in wholesale electricity price bids in the Single Electricity Market. The consequence of the Supreme Court decision to quash the prohibition means that the levy is now mandatorily included in all generators' price bids. As it stands, after the judgement and without any action being taken, electricity generators are not only allowed to include the opportunity cost of the free carbon allowances they have received in their price bids but also the cost of the levy they pay to the regulator, thus increasing the wholesale price of electricity by the amount of the levy. The expected impact of the decision is to increase wholesale electricity prices by a figure estimated at between 3% and 6%. This potentially could increase electricity prices to end consumers. Certain large businesses have already seen increases in their prices because of the inclusion of the levy in the wholesale bids. As time goes on, again assuming no action is taken, increases would also be expected to take effect in due course in the prices paid by medium and small business and those paid by domestic consumers.

As Members are aware, prices in the retail electricity market for all business and domestic customers have been deregulated. There is no ministerial or regulatory role in setting retail

electricity prices. It is therefore an entirely commercial matter for electricity suppliers to decide whether, when and by how much to increase or decrease prices depending, for example, on market circumstances, contract terms and hedging practices. I note some electricity generators are also suppliers in the retail market, whether domestic or business or both. The Government is also concerned about the potential impact on Northern Irish electricity consumers and this reinforces the need for urgent resolution of the issue. The levy's inclusion in wholesale prices, again assuming no further action, would also have the effect of increasing wholesale prices in Northern Ireland, as well as in the Republic, because of the existence of the all-island wholesale market for electricity.

The Government recognises that the cost of energy in Ireland is a serious competitiveness issue facing energy consumers during this difficult period for the economy. As I have noted, prices in the retail electricity market for both domestic and business customers are now fully deregulated. Prices charged to electricity customers are wholly a commercial and operational matter for the suppliers. Ireland's electricity markets, both wholesale and retail, are characterised by vigorous competition regulated by the regulator. Ireland's concerns about high oil and gas prices are shared at EU level and fellow member countries of the International Energy Agency, IEA. The EU and IEA agree that high fossil fuel prices underline the need to reduce dependence on fossil fuels by radically enhanced energy efficiency measures and the development of renewable energy. At a national level, competitive markets in electricity help put downward pressure on prices. I am committed to working with enterprise and with the energy sector to ensure the costs of energy are as competitive as possible, including sustained focus on energy efficiency measures.

In view of the importance the Government attaches to electricity costs, for business competitiveness and because of their role in domestic bills, it therefore has agreed to end the charging of the carbon revenue levy. This is to mitigate the increase in wholesale electricity prices resulting from its inclusion in generators' price bids into the single electricity market, SEM. The purpose of the Bill is to end the charging of the levy on enactment, thereby ceasing its inclusion in these bids and thus ending the associated wholesale electricity price increase thereafter. Amending the Act in order to cease the imposition of the levy from the earliest possible date will ensure the wholesale electricity price increase has effect for the shortest period possible. In this way, the inclusion of the levy in wholesale prices will have the least possible impact on retail prices. This is vital for business competitiveness and for domestic consumers' electricity bills. Members accordingly will appreciate, from what I have just said, the protection of the electricity cost competitiveness of Irish enterprise, as well as the impact on domestic consumers' electricity bills, are the key motivators for this legislation. The impact on Northern Irish electricity prices is also a significant concern. I am confident the Deputies opposite will agree, for the reasons I have just outlined, as to the urgency of taking action to ensure such price rises do not happen and to minimise their duration if they do happen. The collective concern of Members is reflected in the urgent priority the Oireachtas is affording to this Bill.

As I have previously outlined, the need for this legislation is to end the inclusion of the levy in price bids into the single electricity market and the associated wholesale price increase. In turn, the levy's inclusion in these price bids is because of the Supreme Court decision quashing the prohibition on the inclusion of the levy. Given this context of the levy and the judgement, as well as the undoubted complexity of these matters, I believe a setting of the wider background would therefore be useful for all concerned. To be helpful, I will now explain how the levy itself came about. This requires me to briefly explain carbon allowances under the emissions trading scheme. I will also briefly describe the wholesale single electricity market. The manner in which carbon was allowed to be bid into electricity prices in this market is also relevant and I will then turn to the nature of the legal challenge itself.

[Deputy Pat Rabbitte.]

Free carbon allowances originate from the EU emissions trading scheme, ETS, under which electricity generators have received these allowances. The EU emissions trading directive, Directive 2003/87/EC, was implemented to assist member states in achieving reductions in emissions of greenhouse gases by establishing a carbon trading regime whereby large emitters of greenhouse gases were required to possess allowances for their emissions. These measures were implemented following signature of the Kyoto Protocol. The directive was transposed into Irish law by the European Communities (Greenhouse Gas Emissions Trading) Regulations 2004, SI 437 of 2004. These regulations led to the creation of national allocation plans, which determined how the allowances were to be allocated sector by sector. Under the Irish national allocation plan covering phase 2 of the emissions trading scheme, which runs from 2008 to 2012, electricity generators receive the vast bulk of their required carbon allowances for free, with only a small amount of the allowances auctioned.

The single electricity market created a single market for electricity on the island of Ireland. On 1 November 2007, the market went live, commencing the trading of wholesale electricity in Ireland and Northern Ireland on an all-island basis. In its review of Irish energy policy last year, the ESRI stated that one of the key successes of Irish energy policy in recent years was the implementation of the single electricity market on the island of Ireland. It concluded that the SEM had ensured a secure supply of electricity at a competitive price since 2007. The single electricity market committee, comprising the energy regulators North and South and two independent members, is statutorily responsible for the regulation and oversight of the single electricity market. This committee governs the operation of the all-island wholesale electricity market. Although generators receive the majority of their allowances for free under the ETS, they are able to receive revenue for them from the SEM through a decision taken by the SEM committee. In March 2008, the SEM committee decided that regardless of how they receive the carbon allowances, all electricity generators must include the full opportunity cost of carbon allowances in the bids they submit to the single electricity market. Therefore, generators participating in the SEM were allowed to bid in the opportunity cost of the free carbon allowances to the price they charge for electricity generation by this decision. As a result of this decision, electricity generators receive additional revenues from the market due to the inclusion of the opportunity cost of carbon allowances in their allowable costs for the purposes of price determination in the SEM. This is despite the fact that all or some of the allowances have been granted for free. The Electricity Regulation (Carbon Revenue Levy) (Amendment) Act 2010 enacted on 30 June 2010 amended the Electricity Regulation Act 1999. Its provisions allowed for the charging and collection by the Commission for Energy Regulation of a levy from the electricity generators. This ensures that a portion of these additional revenues, namely, the "opportunity cost" of the free carbon allowances, are recovered for the use by the Exchequer. The legislation provided that the carbon revenue levy would end on 31 December 2012 in line with the ending of free allowances and the requirement to purchase them after 1 January 2013.

The Electricity Regulation (Carbon Revenue Levy) (Amendment) Act 2010 provided for the introduction of a carbon revenue levy payable by fossil fuel generators of electricity. It provided that proceeds from the levy be disbursed into or for the benefit of the Exchequer and that the Minister for Communications, Energy and Natural Resources, with the consent of the Minister for Finance, would direct the regulator as to how the levy proceeds should be disbursed in line with Government policy. The proceeds of the levy have in this manner been utilised for rebates to large energy users, LEUs, to mitigate the effect their electricity costs in accordance with the provisions of the Act. The LEU's who have benefited are significant employers with an indigenous and multinational base. This rebate scheme is temporary and

there are funds in place for payment of it in accordance with the existing annual direction to the regulator. There are no implications for the Exchequer.

After charging and collection of the levy had commenced, two companies subsequently sought to bid-in the carbon revenue levy as an allowable cost for price purposes in the single electricity market, SEM. The single electricity market committee in response issued a determination effectively confirming that the levy could not be included in electricity generators' costs in determining the wholesale price of electricity. Two private electricity generators, Viridian and Endesa brought a High Court case against the regulator on the decision that prohibited the inclusion of the levy in price bids. This was decided in the regulator's favour in late 2010. Viridian then brought an appeal to the Supreme Court stating that the High Court judge erred in his judgment. The Supreme Court issued its judgment in February 2012, stating that the prohibition on the inclusion of the levy in electricity generators' price bids was incorrect. The legislation was not challenged in the case and the Supreme Court judgment was not directed at it. This judgment had the result that the levy then had to be included in wholesale electricity price bids in the single electricity market, with the knock-on impacts on the wholesale price which I referred to earlier. This required action to be taken to minimise the duration of this price increase.

I now propose to outline the main provisions of this short Bill. For the convenience of the House an explanatory memorandum has been published and this provides a synopsis of the provisions of the Bill. Part 1 is the substance of the Bill. The single substantive provision of the Bill is to bring forward the end date of the final carbon revenue levy period as provided for in the original provisions of the 2010 legislation. I highlighted earlier that the end date was 31 December 2012, in line with carbon allowances having to be purchased after that point. The legislation being discussed here today advances the end date from 31 December 2012 to the date of enactment of the Electricity Regulation (Carbon Revenue Levy)(Amendment) Act 2012.

Part 2 is a standard provision providing for the Short Title of the Bill.

I commend the Electricity Regulation (Carbon Revenue Levy) (Amendment) Bill 2012 to the House.

**Deputy Niall Collins:** Fianna Fáil will be supporting the Bill. This is a technical Bill which brings forward the end date of the carbon revenue levy period from 31 December 2012 to the date of enactment of this Bill. As the Minister stated, the need for this legislation arose out of a recent Supreme Court judgment which found against the regulator's prohibition in respect of the bidding in by generators of the carbon revenue levy to the wholesale price of electricity in the single electricity market. As a consequence of that judgment, generators will henceforth bid-in the cost of the levy, with potential impact on prices for the duration of the levy, which, under the 2010 Act, was due to cease at the end of 2012 but which the Minister is proposing in this legislation to bring forward.

I agree with the Minister's statement that we must take every measure possible to address our competitiveness. We know only too well to our detriment that we have suffered a severe loss in our competitiveness over a number of years, culminating in a large number of company withdrawals and resultant job losses in our economy. Much of this was driven by the increases which we have experienced in energy costs. Unfortunately, many of the companies that withdrew provided manufacturing-type jobs. For example, the withdrawal of Dell from Limerick, which cited as its reason for withdrawing that the region had become uncompetitive for its business model. There are signs that we are regaining our competitiveness. However, we must do all we can to ensure a return to competitiveness at a quicker pace.

[Deputy Niall Collins.]

On energy prices in general, the Government has failed to deal with rising energy prices. The provision of secure, sustainable and competitive energy supplies is critical for the economy, business and families. While the Government will point to global gas and oil prices rising sharply since the start of 2011 driven by events in North Africa and Japan and high demand from China, India and other emerging economies, its inaction on rising energy prices has been disappointing. The Government should sit down with energy companies to explore every possible alternative method of managing costs to hitting customers with substantial price hikes. Increases in energy prices will be a cause of great concern to the tens of thousands of families who are already in arrears and who simply cannot afford them. As public representatives, we are all aware that rising energy costs, in particular in respect of family homes, is a cause of serious concern. A recent survey by the Irish League of Credit Unions indicates that one in four people cannot cope with rising energy costs, 15% of people have had to dip into their savings to deal with them and 8% are unable to cover household bills. These figures show just how hard the ordinary people of Ireland are being hit by increasing household expenses. Impending increases to energy bills will hit families hard, with households concerned they will not be able to adequately heat their homes over the winter.

Despite the Government's rhetoric about energy efficiency and renewables to reduce our dependence and vulnerability to global price increases in such fuels, energy price hikes are hitting the most vulnerable the hardest.

From November 2010 to November 2011, the following price increases were noted by the SEAI: natural gas was up in the order of 12% to 20%; gas oil was up 21%; bulk propane was up 16%; kerosene, up by 28%; coal down by 3%; and briquettes up by 1%.

Returning to the subject of the Bill, I refer to carbon and the climate change crisis. The world's soaring carbon dioxide emissions remain the elephant in the atmosphere. They are the single biggest contributor to rising temperatures, will remain in the atmosphere for 100 years and, unless drastic action is taken to mitigate them, costly and dangerous climate change will not be averted. I am, and always have been, an avid believer in the need for radical action to address the climate change crisis. We need to be more broad-based in our approach to the problem. In this regard, it is disappointing that the Government has abandoned the Climate Change Bill. More specifically, I was disappointed that the Government reversed a policy which promoted cleaner cars. The decision to increase certain motor taxation rates was an act of regression which flies in the face of measures being taken globally to tackle fuel emissions.

To reduce carbon emissions, enhance the environment, help produce a cleaner environment, tackle climate change and promote energy efficiency, the previous Government introduced various incentives. This policy worked. Those who bought fuel-efficient cars did so on the basis that there would be certainty and consistency in the motor taxation regime. We have now seen this policy reversed, which is disappointing. The correct pricing of carbon is important as part of tackling the climate change crisis.

I urge the Minister and his colleagues in Government to take every measure available to them, in particular sitting down as often as they can with the energy providers, to try to effect a real knock-on in savings to the end user, especially hard-pressed families and households.

**Deputy Martin Ferris:** Sinn Féin will not oppose the Bill nor will it table any amendments to it. We welcome the opportunity to have it passed speedily, in the interests of everybody concerned. Given that the purpose of the Bill is to forestall a situation in which electricity suppliers can include the "opportunity" cost of the carbon allowances and the CER levy in the prices they charge to customers, there is no reason to oppose it. Electricity consumers, both domestic and commercial, are often already under considerable pressure to meet energy bills and such

an increase would constitute an intolerable extra burden for some. It is vital that struggling households and businesses are not landed with such an extra cost at this juncture.

I recall that in 2010, when the original Bill to impose the levy was debated in this House, some of the subsequent difficulties were anticipated. The then Minister for Communications, Energy and Natural Resources, Eamon Ryan, referred to the difficulties of determining the extent of the windfall profits that were the target of the levy. Other speakers referred to the possibility of legal action and named the two companies, Viridian and Endesa, which actually took successful cases. Mr. Ryan also estimated that the levy would bring in €75 million in its first 12 months of operation. I am not certain what the exact figure has been; perhaps the Minister, Deputy Rabbitte, might enlighten us. There was also some discussion as to how the moneys taken in from the levy would be distributed. If the Minister has time today or at some later date it would be interesting if he were to provide us with information on that, too.

It was generally suggested and understood at the time that the levy would be used to offset the costs of large-scale users of the network in order to increase competitiveness in industry. Has that been the case and, if so, has it been successful? At the time, it was the Minister, Deputy Coveney, then the Fine Gael Party spokesperson on this area, who presciently raised the prospect of legal action being taken by the two main private operators in the sector. He referred at the time to the considerable investment which Endesa had made in acquiring two power stations and carbon allowances up to the end of this year from the ESB.

My party's view on the ownership and distribution of the energy network is, of course, radically different from that of Fine Gael but Deputy Coveney, now Minister for Agriculture, Food and the Marine, raised the issue at the time and the court agreed with the case brought by the company. One wonders, therefore, how tight the initial legislation was and whether all of these issues were fully explored prior to the bringing forward of the 2010 Bill. Perhaps the Endesa case might have been addressed as a separate issue. It could also be argued, of course, that all these problems arise from the short-sighted and ultimately negative policy of selling off the public interest in energy and other utilities. Perhaps that is another lesson that ought to be borne in mind as the current Government applies its mind to a large-scale selling off of State assets, in both energy and other sectors.

I will comment on part of Deputy Collins's contribution, on higher energy costs and the effect they are having on ordinary citizens, particularly low income families, and on industry and in consequent job losses. Every time one goes to a filling station, one sees the price of diesel and petrol rising on a regular basis even though world markets might indicate a reduction in the price of a barrel of oil. It does not transfer to the customers. The cost of transport also has another effect in that it leads to higher costs for foodstuffs, and so forth, because most such transportation is done now by motor transport. We have been lucky this year in that fuel costs for energy and for heating homes were reduced because of the mildness of the winter but it must be borne in mind that people are suffering. Elderly people who depend on oil heating are suffering greatly as a consequence of rising prices.

I raise a final issue, that of LNG in Tarbert, County Kerry, a project that has been limping along for some considerable time. I respect that the Minister has given us several briefings on the matter in both the Topical Issues debate and on Priority Questions when I raised it in the recent past. The Minister attended the House and gave a very detailed answer. If possible, will he give us an update as to where the situation now stands Is it the case, as we have been led to believe in recent months, that we are coming to decision time at the end of this month or the beginning of June? Perhaps the Minister might refer to this in his replies.

**Acting Chairman (Deputy Peter Mathews):** I understand Deputy Murphy wishes to share time with Deputy Boyd Barrett. Is that agreed? Agreed.

**Deputy Catherine Murphy:** I support this Bill because it is my view we have been boxed into a corner and I suspect we all believe the same. I am really disappointed by the decision of the Supreme Court. It was a good levy, designed in the public interest. The money was not specifically ring-fenced but was to form part of a wider State package on retrofit. If anybody believes the Supreme Court was acting in the public good on this issue, even a superficial look at the case will highlight that it was not doing so. I am incredibly disappointed. One must ask in whose interest it acted because it certainly was not in the public interest. Perhaps I am wrong but I would have expected the Supreme Court to have come down on that side.

The more complex the issue is the more difficult it is for the public to understand it. It took me some digging to understand exactly what was happening. It would be useful for the background document the Minister used in his contribution. I suspect the average person on the street will not get their head around the exact dynamics of this easily. I want to make the point that this is a reasonable use of the guillotine. It is clear that something has to be done quickly. I regret it is not the case that the guillotine is used in this kind of case only. This Bill has been introduced on foot of a legal challenge that was brought against the Government by two energy suppliers. Under the EU emissions trading scheme, electricity companies receive free carbon allowances. If their emissions in a given year are above the limit, they must purchase additional allowances. In most cases, they do not need to do so. If their emissions are below the cap, they can sell their spare allowances on the market to other companies. The companies in this sector were dealt with fairly. Most Irish electricity companies form part of the all-Ireland single electricity market. The companies in the Republic are regulated by the Commission for Energy Regulation, which sets the prices.

The 2010 windfall legislation was introduced by the former Minister, Eamon Ryan, to make sure that the State could recover profits that were generated unfairly and that the market was not distorted by an unfair advantage. The levy was based on a formula whereby the rate was set at a figure which was 65% of E multiplied by P, with E representing total emissions in a given year and P representing the average daily price over that period. The levy, which was expected to raise €75 million, was due to expire at the end of this year but this Bill will change that. All electricity generators in Ireland that receive carbon allowances and participate in the single energy market were taxed in this way, whereas electricity generators that are subject to the public service obligation levy were excluded. The ESB is in the latter category. That is my understanding. The court action was taken by Viridian, which is based in Northern Ireland, and Endesa, which is owned by interests in Spain and Italy. The Minister has explained the outline of the case they took.

I have many questions I would like to ask. I am not sure whether the previous *status quo*, whereby companies could generate profits unfairly, will be allowed to resume. What decision-making power does the Minister have in the context of the all-Ireland regulator, as distinct from the Commission for Energy Regulation? I do not understand the dynamics between those involved. It would be helpful if they could be explained, particularly in the context of the Minister's own role. I will not ask about the aspects of this matter that were addressed by the Minister in his contribution. It was expected that the revenue from the levy would be €75 million in 2010. How much was actually raised in that year and since then? Is that figure known? Does that figure represent the amount the consumer can reasonably be expected to pay? I am trying to find out what dynamic this measure will have in terms of energy prices.

I have told the Minister previously that I am concerned about the fact that the carbon levy is not a ring-fenced levy. I do not think this can be seen solely as a form of excise as we change from non-renewables to renewables. The Minister has said previously that it is not possible to ring-fence the levy and that there is no experience of that being done. I remind him that some years ago, the motor tax fund was ring-fenced for the purpose of funding local government. If

my memory serves me right, that happened under the rainbow government. I think it might have been the Minister, Deputy Howlin, who was responsible for the matter at the time.

I do not believe we can separate the issue of energy security from the issue of climate change. If the economic crash had not happened, the price of energy would probably be the dominant issue to be debated. It is a strong focal point for people at the moment. The cost of heating one's home and travelling to work is an issue of key concern to people at the moment. In the last week, I published a Bill on this matter because I am disappointed that this issue is constantly being deferred into the future. We urgently need to deal with the issues of energy security and climate change. I hope we will see some movement in that respect sooner rather than later. I am disappointed we are dealing with this Bill today. We have been let down by the Supreme Court decision on this matter, which was not in the public interest.

**Deputy Richard Boyd Barrett:** We find ourselves in a very difficult position here. I am not happy with the circumstances which led to the need for this Bill to be introduced. We probably have no choice other than to support this legislation. This debate gives us an opportunity to highlight some serious issues. I would like to make a few points and ask a few questions to help me to understand fully what is going on. It seems that this Bill will have to be passed to avoid increases in the electricity prices paid by industry and, possibly, consumers. The legislation stems from the Supreme Court judgment in a case taken by certain private companies that want to include the carbon levy in their costs and pass it on to industry and, possibly, consumers. As a result of the judgment, the Minister has felt obliged to introduce legislation to remove the levy from them. While he is right to do that in the interests of protecting consumers and industry in this country from further electricity price rises, the private electricity companies who will no longer have the levy imposed on them will be the real winners.

I have serious questions about the Minister's statement that this measure will not really affect the Exchequer. He has told us that the moneys which came in from the carbon revenue levy were dispersed to multinational companies, presumably to subsidise their electricity prices. I would like to hear a little more about that. Can the Minister name the companies whose electricity costs we were subsidising? How were they chosen? Do the companies in question make very big profits? Are we essentially boosting those profits? Are particularly favoured companies getting windfall profits as a result of the disbursement of the revenues from this levy? Those questions need to be answered. The Minister referred in general terms to "significant employers" with a "multinational base". Could he be more specific? Who was benefitting from the carbon revenue levy and by how much? What moneys are we talking about here? How much was the carbon revenue levy generating? How much will be lost between now — we will drop this levy as soon as this Bill goes through — and the end of the year? The Minister suggested that the moneys in question will not be lost to the Exchequer. The beneficiaries will be these companies.

In that regard, the Supreme Court decision is extremely disappointing. The Supreme Court clearly has not acted in the public interest and I would like to hear a little more about the arguments that were used by the Supreme Court to justify its decision and to what extent this was contested by those representing the State interest and the public interest.

It seems bizarre that private electricity companies were essentially getting free windfall profits as a result of their allocation of carbon credits and that this can somehow be construed as a cost for them. It is just free profits. Serious questions need to be asked about how much windfall profit was being made. Did the carbon revenue levy take all the windfall profits back when it was in operation? Can this be clarified? If that is not the case, to what extent were these companies actually getting a significant free boost in profits because of the carbon credit allocation scheme? These are serious questions which I would like answered.

[Deputy Richard Boyd Barrett.]

Whatever the answer is to those questions, it highlights a number of issues which the public need to consider and the Government should consider. First, it shows what a disaster the privatisation of power or electricity generation and supply is. The whole logic we got from Europe about deregulation and privatisation of electricity markets was that it would benefit the consumer and prices would go down. However, what we discover is the opposite, namely, private companies go to court and go to extreme lengths to ensure their profits are maintained and they make it clear that if they cannot do that, they will pass on the cost to the consumer — greed, in other words.

This crowd, whatever they are called — Viridian — are just a crowd of—— well, I cannot use the language in the Dáil. In any case, it is pure greed that motivated the legal case it took. The approach was: “We are not going to take a hit here. We are getting free profits. We like getting free profits and we are going to go court to make sure we can keep our free profits. If we do not get to keep them, we will unload the price on the consumer or industry.” That is outrageous and it is the result of the privatisation of the electricity market, which flies completely in the face of the so-called of competition in the market, which is supposed to benefit the consumer. It means we will get more of this.

It also raises very serious questions about the carbon emissions and carbon trading scheme itself. I do not know all the answers so perhaps the Minister can enlighten me. In the context of the Irish Cement industrial dispute, it was brought to my attention by the Irish Cement workers that the cement industry in this country had made €226 million in windfall profits over recent years because of the allocation of carbon credits to those companies, mostly to big companies like CRH. Will the Minister tell us whether there is a carbon levy on those profits? He might just nod to tell if there is or is not. Are they getting windfall profits as well? Will they continue to get free allocations, as it appears they have, in coming years or will the free allocations end for that sector? Is it only electricity we are talking about or does it apply to other sectors as well? Are they getting these free windfall profits and will these continue at the end of this year? If I understand what the Minister is saying, in the electricity sector they will at least have to purchase the credits from the end of this year. Is this also true for companies like CRH or will they continue to get free windfall profits? If they do, it is a scandal.

I read an article by Ms Kathleen Barrington which stated that those who are concerned about these issues estimate that the free carbon credits allocation will continue to the cement industry, which will make €625 million in further profits in future years on top of the €226 million. Surely, a levy should be put on that money so it comes back to the Exchequer. It should come back to the Exchequer. Why is it being disbursed to multinationals? Should it not come back into the revenues of the State?

What all of this indicates is the absolute urgency of us developing our own energy resources. We are very well placed to do that. While we have a very good balance of trade, the one area where we must import and where we are very susceptible to the ups and downs of the markets is that of fossil fuels. I do not understand why the hell we do not develop our wind, wave and current resources in a way that could reduce that dependency. It seems we cannot because we are tied into a troika austerity programme that essentially prohibits the public investment that would be necessary to develop those resources.

**Deputy Finian McGrath:** I thank the Chair for the opportunity to speak on the Bill. Its purpose is to end the charging of the carbon revenue levy on enactment to cease the inclusion of the carbon revenue levy in wholesale electricity prices bid into the single electricity market, thus ending the associated wholesale electricity price increase thereafter. I welcome the Bill and I commend the Whips of the different parties who moved on this issue.

It is an important Bill. Every day of delay in enacting the legislation increases the electricity cost burden on large industries which sought price increases shortly after the March implementation of the judgment. Delay increases the possibility that the electricity prices faced by small and medium-sized businesses and domestic consumers may also rise. This is at the core of the legislation. It is up to all Members of the Oireachtas to support small businesses, particularly at their time of need in the current economic climate. This Bill deals with this aspect and I will develop my points later in this regard.

This is why the Minister wants to give this area urgent priority. If we are serious about supporting these matters, we need to put all parts of the jigsaw in place in order to retain and develop jobs and economic growth. Electricity charges are an issue which can help in this debate if we want to fill that part of the jigsaw and deal with the reality of the situation on the ground.

We need to be creative, radical and progressive. We need strong elements to deal with energy costs in this country. This is why I support the Bill, which is linked to all the talk we have heard in recent weeks about growth and jobs. We need strategies that exist to bring our people back to work or keep them working, which is a major concern of mine at present. Almost every other EU state has different protection schemes in place and unemployment is already beginning to fall in some countries because such schemes are in place and they have dealt with energy costs as part of that strategy.

When we consider the banking situation, the bill for Anglo Irish Bank alone could rise to €35 billion or more. Even conservative forces such as the *Financial Times* or Barclays Bank are suggesting our banking plan is lunacy because it places the entire burden on the taxpayer. This is also linked to the debate on the Bill because we must deal with the two issues of the energy costs but also the burden that is around the country's neck. Therefore, in addition to discussing the energy costs issue, we must also link that to constructive proposals to try to solve the problem.

As I said, we need to prioritise jobs and growth. We cannot cut our way out of crisis. That is not working and has not been working for the past 12 months. We also need to end the uncertainty which currently exists in this country. Many of us have come up with different policies in our own constituencies. For several years, I have proposed the idea of a jobs strategy to assist the unemployed in my own constituency of Dublin North-Central. I proposed a plan, supported by all the local small businesses, that all those who are working and those over the age of 50 who have a few extra bob to spend would spend €20 extra per week in local businesses. We have targeted this campaign at people who have savings, such as the over-50s who have a few extra bob. There is approximately €75 billion in savings currently sitting in our banks. If people spend an extra €20 a week in local shops and small businesses in their own communities, I believe we can create an extra 20,000 jobs.

That is one thing we can do. What the Minister is doing in this Bill is trying to assist those small businesses with regard to energy costs. When I talk about businesses, I mean stores, printing companies, small shops, pubs, restaurants and all similar small projects that make a huge contribution and need a lift. We should not forget that many of these small businesses that employ five, ten or 15 people are significant employers.

To return to the Bill, we must deal with the issue of energy costs and this detailed legislation is part of the solution. However, there are other issues, such as rates and rent. There are thousands of people employed in these small businesses and the Government needs to move swiftly on these matters as well as on the issue of energy costs. I was talking to a small businessman last night who told me he got a reduction of only €29 on his rates in the Dublin City

[Deputy Finian McGrath.]

Council area. We need to assist these business people so that they can employ more people and use their resources.

The substantive provision of this Bill is to bring forward the end date of the final carbon revenue levy period in the Electricity Regulation Act 1999 from 31 December 2012 to the date of the enactment of this Bill. Section 1 provides for the amendment of section 40D, the carbon revenue levy, of the Electricity Regulation (Amendment) (Carbon Revenue Levy) Act 2010 in subsection (4) by substituting the date of the passing of the Electricity Regulation (Carbon Revenue Levy) (Amendment) Bill for 31 December 2012.

I agree with my colleague, Deputy Boyd Barrett, on the issue of privatisation with regard to energy. This is a dangerous road to take. We need to retain energy companies in public ownership because that will assist us not alone in the area of energy, but in the area of job creation. The energy sector has been a huge employer in this country since the foundation of the State. There is currently approximately 14% unemployment here, but approximately 30% of our young people are unemployed. We will not hear this story told in the debate on the treaty and jobs and growth. Despite emigration, we still have this high unemployment rate among our young people. We must be conscious that we are losing this generation. Many young people have new ideas, particularly in the context of energy issues. Many young people have ideas for creating small businesses and they should be encouraged to help develop these. These young people are aware that energy has a significant role in that regard.

The Minister mentioned earlier that he was concerned about the high prices connected with oil and gas. I agree. However, he must open his eyes on the international stage and use Ireland's clout as an independent foreign nation to work closely with the oil producing countries. He must build relationships, not close them down. I was very disappointed when we closed down our embassy in Iran. I am also very disappointed with the shenanigans going on between the European Union, the US and Iran and the row about nuclear weapons. I met the Iranian ambassador a number of weeks ago and he told me straight that there are absolutely no nuclear weapons in Iran. He said that not only does he know that, but the US knows it also. What is going on and why is there a scrap going on about this? Iran has massive energy resources but this scrap could put energy prices through the roof over the next couple of months. I urge the Minister to go back and tell his Cabinet colleagues to wise up and look at the situation. He should tell them that we must deal with these international issues also because they all relate to energy costs.

The issue of renewable energy must be put at the top of the political and energy agenda. Not only is there huge potential to deal with energy costs and future potential crises, but this issue is also linked to job creation and support for the 30% of our young people who are unemployed. This agenda should be developed further in this debate. This legislation gives us the opportunity to tackle that head on. This Bill, with its single provision to amend the date of the ending of the levy, will have the effect of terminating the charging of the carbon revenue levy from the date of enactment. Once levy charging is terminated, the electricity generators will not have this charge as an allowable cost in the price of electricity, thus ending the associated wholesale electricity price increases.

I welcome this debate and encourage the Minister to take on board some of the views of the Technical Group, which has lots of ideas on energy costs. I will support the legislation.

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I thank Deputies who have contributed to this debate and express my appreciation to them for facilitating the quick passage of the legislation. Even Deputies who have searingly forensic questions

to which they want answers do not oppose the legislation *per se* and acknowledge that we do not have much choice but to enact this legislation in the public interest.

Deputy Catherine Murphy pointed out that she is very disappointed with the decision of the Supreme Court and Deputy Boyd Barrett reiterated that. It is not customary for somebody in my position to offer an opinion on that. Once the Supreme Court hands down a judgment, it is my job to respond. However, I will say I was surprised by the judgment. It is worth remarking that the issues here in respect of the regulator were tested in the High Court. That said, we have the decision of the Supreme Court and in the public interest it is important that it is responded to. The response is in this legislation.

Deputies raised a number of issues, some of which were pertinent to the Bill and others which are outside its remit. That is reasonable on Second Stage. In response to Deputy Collins in respect of the matters he raised with regard to fuel prices, we are effectively price takers. Fuel prices are essentially due to the rising price of gas. He set out the figures and he knows that we are significant importers of gas and that it is the rise in the gas price which is pushing up prices across Europe that is the cause of the rising prices. We seek to address this through the affordable energy strategy I published some months ago and through trying to encourage the public and everyone concerned to reduce consumption of energy and ensure better energy efficiency throughout the economy and social life. We waste an inordinate amount of energy in this country and it would contribute if we could reduce this waste. I accept the point Deputy Collins raised on fuel prices and competitiveness but we are not an oasis on our own with an indigenous supply of oil and gas. We still have to import fossil fuels and that is the reason prices have risen in recent times.

A number of Deputies, including Deputies Ferris, Boyd Barrett and McGrath raised the issue of fuel poverty. There is no doubt there is a problem of fuel poverty here. We are very fortunate to have had an exceptionally mild winter. The affordable energy strategy, which I recommend again to my colleagues, is a cross-departmental attempt by the Government to address the issue of fuel poverty.

According to EUROSTAT data, after a period of three years in which prices decreased and converged on the EU average, the figures are now going in the opposite direction across the European Union. It is not something that is under my control but it adds a premium to efficiency improvements and renewable energy.

Deputy Boyd Barrett raised a number of important questions. Whatever austerity is responsible for, it cannot be blamed for dampening down the Government's approach to the development of renewables. I do not know how he drew that conclusion.

**Deputy Richard Boyd Barrett:** We need investment funds.

**Deputy Pat Rabbitte:** The Deputy may not be up to speed on the progress that has been made on renewables. We approach the issue in the context of our European targets for 2020. In a small market there is a limit to the extent to which we can switch to renewable energy. What happens on a day like today when the wind is not blowing?

**Deputy Richard Boyd Barrett:** The current.

**Deputy Pat Rabbitte:** The 2020 target for electricity, at 40%, sets a high threshold but we believe we will meet it. I will send the Deputy a copy of a paper on renewables which I will publish next Monday. I do not know if it will give him a stick with which to beat me.

**Deputy Finian McGrath:** I will send a Jedward CD.

**Deputy Pat Rabbitte:** I will be interested in hearing the Deputy's opinions. He is correct that it is an important area and that we have uniquely propitious wind resources. We intend to utilise that indigenous resource to the best of our abilities, consistent with the constraints imposed by the transmission system. We have engaged in discussions with the Government on the neighbouring island regarding our capacity to develop an export sector in this area. It is not an area in which we are especially hampered by the austere climate in which we must operate.

Deputy Catherine Murphy asked how the operation of the single electricity market committee governs the all-island wholesale market in accordance with the legislation introduced in 2007. This is a complex and difficult area and I would be happy to arrange a briefing for any Deputy who is interested in learning more about it. A Ladybird guide is certainly not sufficient. The challenge has been raised against the bidding rules into the market not the legislation itself and, therefore, it is not the case that the carbon levy has been wiped out.

In regard to Deputy Boyd Barrett's questions, the operation of the rebate for this purpose and from this fund only started in mid-2010. The accounts are being audited and will be published and made available to every Member of the House. I do not know the figure but I can explain the background to Deputy Boyd Barrett's question on the rebate to what he described as multinationals. The serious competitiveness issues that had arisen for the economy were particularly affecting large energy users, whether indigenous or multinational, and the Government of the day decided to provide for a temporary rebate. The regulator decided on a definition of "large energy user" based on the amount of energy used by an enterprise. The question of whether it was a transnational or indigenous company did not arise. The definition was provided by the regulator rather than through political intervention or arbitrary decision. The rebate will continue to apply until the end of September 2012. I must bear in mind that litigation is still in train in respect of the issue and the case is to be argued before the High Court. I do not think it is necessary for me to spell out why I must bear this in mind.

Deputy Ferris asked me to reply on the record to his question about LNG facilities in north County Kerry, a project which he and other Kerry Deputies have been pursuing for some time. This issue has taken up a great deal of my time. I have been immensely supportive of the project for a variety of reasons, not least to do with energy security. The Government as a whole has been supportive but it is not within the purview of any Minister to make a decision on the operation of such a facility. That decision falls to the regulator, as has been discussed in detail in meetings with stakeholders in north County Kerry and elsewhere. Unfortunately, I do not have the pleasure of listening to Radio Kerry except during a short period in August but I understand that a local councillor who has been very voluble on this issue, Mr. Finucane, was interviewed at some length yesterday on Kerry Radio and blamed me as Minister for the delay in the decision. I was surprised by his argument, which he embellished with considerable rhetoric.

Councillor Finucane was a member of a delegation that met me, the Taoiseach, and the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan a few weeks ago. Over the course of a two hour meeting, Councillor Finucane heard why the regulator has this power by statute, why I do not have the power by statute and why I may not intervene to hinder or assist a particular project. Councillor Finucane accepted this at the meeting so I have no idea what happened to him when he got back to the kingdom, forgot everything he had learned and said the exact opposite on Radio Kerry. If it was my decision, I would have made a decision many months ago. I cannot encroach upon the responsibility of the regulator. Councillor Finucane knows this well, accepted it in the Taoiseach's office and has clearly suffered forgetfulness since then.

In answer to Deputy Martin Ferris, unfortunately the promoters of the project have lodged complaints in Brussels. The Directorate General for Competition, in particular, has sought information from the regulator. That will take time and, unfortunately, the only effect is to delay a decision by the regulator. I hope it will not delay for long because it is important we get a decision on this. It is immensely important for the region in terms of unemployment and in terms of the national interest and security of supply. I hope the regulator will not be unduly impeded by the additional imposition arising from the company's referral of this issue to Europe. I hope we can make progress.

As soon as Deputy Boyd Barrett got into his stride and got off the runway, he tore into privatisation. I am not exactly sure what that has to do with the issue that confronts us today. A number of energy companies operate in today's market and that is how the system works. After the regulator was vindicated in the High Court, one company exercised its right to appeal to the Supreme Court. As a result of the decision, this Bill is necessary.

**Deputy Richard Boyd Barrett:** A State enterprise would not have done that.

**Deputy Pat Rabbitte:** It is a fact that State enterprises did not do that. I have noted that.

Deputy Catherine Murphy raised the issue of a ring-fenced levy. The original statue provided that the proceeds of the levy were for the benefit of the Exchequer. Therefore, it is not possible to earmark the proceeds in the fashion that Deputy Catherine Murphy would like.

**Deputy Catherine Murphy:** In that case, it is just excise duty and not a carbon levy.

**Deputy Pat Rabbitte:** Deputy Catherine Murphy made a point about motor taxation but I suspect that was specified at the time. I had this experience when I established the national drugs strategy and task forces. At the time, Members pressed that the moneys retrieved by the Criminal Assets Bureau from drug crime should be earmarked for beneficial purposes in the communities worst ravaged by the drug situation. The advice from the Attorney General was that we could not have earmarked taxes because taxes go to the Exchequer and the Government decides how they are disbursed. I imagine that is also the issue here, that it is not possible to ring-fence the tax. I note the Deputy's point about climate change and I will be happy to examine it again. I see a certain logic behind it.

**Deputy Richard Boyd Barrett:** What about the free carbon credit allowance ending at the end of the year? Does that end only for the electricity sector and will other sectors receive free credit?

**Deputy Pat Rabbitte:** I understand it is ending.

**Deputy Richard Boyd Barrett:** I refer to free carbon allowances, not the refund.

**Deputy Pat Rabbitte:** I cannot answer for areas outside of my Department. I do not know what the Minister for the Environment, Community and Local Government would say if he was here. It is ending for electricity and I will communicate with the Deputy privately when I am clear on the answer to the wider question.

Question put and agreed to.

Bill reported without amendment, received for final consideration and passed.

*Sitting suspended at 3 p.m. and resumed at 3.42 p.m.*

## Topical Issue Debate

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### Closed Circuit Television Systems

**Deputy Charles Flanagan:** I thank the Ceann Comhairle's office for allowing me to raise this issue which, unlike many of the issues that are raised in this House, creates no resource implications nor is there any seeking of grant aid or State money. I merely ask that the Department of Justice and Equality and the Garda Síochána would facilitate the system of cameras in rural areas predominantly, but also in urban areas, due to the increase in burglaries and the fear of credit crunch crime that is particularly evident in rural areas. There was a 32% increase in recorded break-ins in my constituency of Laois-Offaly in 2011. This statistic is the second highest in the country. I am sure I speak for every Member when I express concern at the increase in crime and crime against property in particular.

The issue I raise is compounded by a reduction in resources available. We all accept these are challenging times and that budgetary reductions impinge upon the Department of Justice and Equality and the Garda Síochána as much as any other sector. There are fewer gardaí, an older Garda transport fleet with clapped out cars in some cases and fewer Garda patrols, whether on foot, bike or car. The total number of gardaí is reduced and there is a continuing threat to rural Garda stations. The Minister recently announced his intention to close some more stations. Even accepting the difficult financial situation, we must acknowledge the very important role of communities and what they can contribute towards the coming together of groups and the prevention of crime. I contend one such way would be the pooling of financial resources to install CCTV cameras in their areas. I am most cognisant of the privacy and data protection and data collection issues and Garda issues.

I refer to section 38 of the Garda Síochána Act 2005 which allows the Garda Commissioner to apply such consent. The local authorities should employ a local authority liaison officer to liaise with the Garda liaison officer and the local communities.

I compliment the community alert organisations and neighbourhood watch committees for their endeavours up and down the country. I ask that the Department of Justice and Equality and the Garda Síochána co-ordinate with regard to the letter and spirit of section 38 of the Garda Síochána Act 2005, to facilitate the installation, in a very careful manner, of cameras in local communities. Local authorities must interact with the Garda Síochána and also with community groups. The law facilitates a designated local authority official to act as the data controller to ensure proper and responsible operation of the camera system. A code of practice has been published by the Department of Justice and Equality and this will ensure that public confidence in the operation of community-based CCTV systems is maintained.

What I am asking for does not involve the expenditure of any money on the part of the State and neither does it involve the changing of any law nor the introduction of any new regulations. Instead, it involves the will and commitment on the part of the Department and the Garda Síochána at senior level and the local authorities, to ensure that we can bring this to bear. Communities wish to protect their own people and their own property and I encourage them to do so and the State should assist them in so doing.

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** I am responding to this matter on behalf of the Minister for Justice and Equality, Deputy Mr. Alan Shatter, who thanks the Deputy for raising this matter.

The community-based CCTV scheme was first launched in 2005 to provide financial assistance towards the capital costs of establishing community CCTV systems. To date, two major

rounds of the scheme have been advertised in 2005-06 and in 2007, under which 45 substantive schemes were approved for funding of which 43 are now fully operational. In total, some €7.27 million in grant awards has been announced under the scheme, comprising funding from the Department of Justice and Equality and the Department formerly responsible for community and the Gaeltacht.

The current position is that while the funding provided under the previous two rounds has been fully allocated, the installation of a number of the grant-aided projects is ongoing. No decision has been made as to the possible further extension of the community-based CCTV scheme. However, any future plans for such an extension will depend on a number of factors, including the progression of projects already grant aided and the availability of funding.

The Deputy will be aware that in addition to the community CCTV scheme, there are a substantial number of Garda CCTV systems operating in many parts of the country.

It should be noted that the value of CCTV systems is principally as an aid to support policing and to provide a deterrent to crime and public disorder. These schemes are not and were never intended to be a replacement for more traditional policing methods and Garda engagement with local communities.

In that context, under the national model of community policing, which was launched in 2009, each Garda district and divisional officer develops appropriate operational strategies to meet the policing needs of the local community. This includes the establishment of clear policing objectives such as high visibility in the community, ease of contact by members of the public and enhanced support for crime prevention strategies such as community alert, neighbourhood watch and crimestoppers. The Deputy will also be familiar with the Garda initiative, Operation Fiacla, which is particularly focused on identifying and targeting mobile gangs involved in burglaries around the country with the aim of disrupting their activities and bringing them before the courts. Operation Fiacla is intelligence-driven and specific burglary initiatives have been implemented in each Garda region to target suspect offenders.

The focus of An Garda Síochána is to ensure the safety of communities, both rural and urban, through maximising the efficient use of available resources and enhancing engagement to ensure the best possible policing service is provided. This will continue to be the case.

**Deputy Charles Flanagan:** I wish briefly to reiterate my point. I am not talking about money, grant aid or an extension of schemes that would involve further public expenditure. The Minister of State's own constituency in Donegal is no different from mine. Garda patrols are less frequent and some Garda stations are being closed, while opening hours in others are restricted. The Minister of State referred to the national model of community policing. Will he recommend that where local communities have already got funds in place, a Garda liaison officer will assist them? If we were in times of plenty this would not be an issue. We would have gardaí on foot patrol, in fast patrol cars and on motorbikes, but we do not have such services in rural Ireland.

For years, in the Laois-Offaly Garda division, in my constituency, we had five superintendents and one chief superintendent. We now have no chief superintendent and only one superintendent. I am asking the Minister of State to explain to the Minister for Justice and Equality that we are not seeking funding or grant aid, but are looking for the current laws to be facilitated. The current regulations should encourage local gardaí to work in partnership with the community when they obviously cannot police areas in the same way as they have since the foundation of the State.

**Deputy Dinny McGinley:** I thank the Deputy for the information he has brought forward and the proposals he has made. I can assure him that they will be brought to the Minister's attention as soon as possible.

**Deputy Charles Flanagan:** I thank the Minister of State.

### **Future of National Library**

**Deputy Alex White:** I am glad of this opportunity to raise this matter with the Minister of State. It arises on foot of the resignation from the board of the National Library of Professor Diarmaid Ferriter, as reported in this morning's newspapers. It is a matter of regret that somebody as genuinely publicly engaged as Professor Ferriter should choose this course of action. As a historian and member of the library's board, he has been involved in the important work on the centenary commemorations. The Minister of State is fully aware of its importance as well as being engaged in it. Amongst others, Professor Ferriter has been prominent in that area and will continue to be active. This may not be directly related to the issue I wish to raise, but it has some connection with it.

Professor Ferriter's resignation is regrettable and he has indicated that it is partly as a result of the funding issue, which is obviously frustrating. It has at least as much to do with what he described as the manner in which these issues appear to have been dealt with. I presume he has been quoted accurately in the newspapers. Professor Ferriter has referred to "offensive and disingenuous double-speak" as being a cause of concern to him. I do not know whether the Minister of State wishes to respond to that or if he has any knowledge about what Professor Ferriter is referring to.

Even allowing for some measure of hyperbole in that reference, however, it is of concern that Professor Ferriter felt it necessary to resign from the board of the National Library. There has been very little debate about the proposed merger of the National Library and the National Archives. It is worthy of debate, including in these Houses. Will the Minister indicate to the House what is the current state of play with regard to the proposed merger? We also need to debate the rationale for this merger because they are two separate and distinct institutions. That alone is not a reason for keeping them separate and it may be that there is a rationale for the merger. If one looks at the history of the National Library and the National Archives, however, it is clear that they have come from two distinct traditions and disciplines, and were established for different reasons.

Although I was very young in the mid-1980s — like the Acting Chairman, Deputy Durkan — I well remember the then Taoiseach, Dr. Garret Fitzgerald, introducing the Bill to establish the National Archives. It was profoundly progressive legislation that was introduced by that Government, which has transformed the whole archival project in this country. The preservation of State records and other papers, as well as making them available periodically subject to different rules, was an immensely important achievement for this State going back 30 years. That work has been extremely important for us.

On the other hand, the National Library is an immensely important institution next door to us here in Kildare Street. It is held in worldwide respect and admiration for its connection to the works of many writers and scholars. It is a premier national cultural institution whose recent achievements include the Yeats exhibition and the National Photographic Archive.

However, the National Library and the National Archives are separate institutions, so I would like to know the rationale for merging them. We should debate that matter in this House. I note the Minister for Education and Skills has arrived in the Chamber. We had a debate yesterday on the amalgamation of particular agencies under his Department, and the rationale for those mergers was not simply based on cost. Everybody understands the necessity to make savings. It may not be the view of the Minister or his departmental officials, but simply because the National Archives and the National Library deal with documents is not, of itself, a reason to bang them together and produce a new institution.

There are different disciplines and requirements for holding archives than those the National Library must observe. The disciplines, requirements and parameters for making documents accessible are all different. We should debate precisely what is going on in this regard, including what the proposal is, where it currently stands and what the cost saving will actually be. Will there indeed be a saving in this proposed merger? The National Archives is under severe pressure of space to accommodate State records it is required to preserve. The National Library has its own pressures also, so will we end up saving anything?

We have two distinct cultural institutions, the identities of which should be maintained and promoted. If synergies can be achieved through storage or otherwise, let us do that. I remain to be convinced, however, as to the rationale or desirability of merging these two institutions.

**Deputy Dinny McGinley:** I thank Deputy White for raising this matter. As he will be aware, in November 2011, the Government announced a number of amalgamations and mergers of bodies that come within the ambit of the Department of Arts, Heritage and the Gaeltacht. Details of these can be accessed on the website of the Department of Public Expenditure and Reform at [www.per.gov.ie](http://www.per.gov.ie).

The amalgamation and merger of these bodies, including the possible consolidation of boards, raises complex issues which the Department is currently examining. In that context, the views of the various interested parties are being noted and considered.

My Department has established a high level reform committee and is liaising with relevant bodies, including the National Archives, the Irish Manuscripts Commission and the National Library, in order to implement the Government's decisions in these matters as effectively and efficiently as possible. The Minister expects to revert to Government on progress made concerning this process by end-June of this year.

Professor Diarmaid Ferriter notified my colleague the Minister for Arts, Heritage and the Gaeltacht, Deputy Jimmy Deenihan, by e-mail late last evening, of his intention to step down from the board of the National Library of Ireland.

I would like, first, to pay tribute to Professor Ferriter on my own behalf and on behalf of the Minister, Deputy Deenihan, for his public service not simply on the board of the National Library, but also his continuing service on the National Archives Advisory Council as well as

the Government's Advisory Group on Centenary Commemorations. Professor Ferriter's remarks may be partly born out of frustration at the necessary reductions in programme funding with which all public bodies, including the National Library and our other cultural institutions, have been challenged. Unfortunately, the Government has no option in this regard and the economic realities pertaining to the public funding available simply have to be faced and overcome while exhorting our national cultural institutions to maintain the best level of public service possible. It is worth recalling, lest we lose sight of recent history, that the Government inherited an economy in serious trouble and an unsustainable Exchequer deficit. I, like other Ministers, had no alternative to the redistribution of reduced allocations to all State and cultural institutions. Day to day funding for the National Library was cut by 5.4% to €6.62 million in 2012. That is almost on a par with its 2004 allocation at the height of the economic good times. In contrast, the previous Government cut the day to day allocation to the National Library by 28% in the three years to 2011. It, too, planned to amalgamate the National Library and the National Archives.

The funding reductions in the cultural institutions are just one aspect of change that must be tackled. The Government announced its public service reform plan last November, some aspects of which relate to the National Library. Engagement and examination has been ongoing in regard to proposed reforms. The Minister met the board of the National Library earlier this

[Deputy Dinny McGinley.]

year and officials of the Department are meeting jointly with the directors of the National Library and the National Archives next week to follow up on their previous bilateral consultations with each of the institutions affected. It is regrettable that Professor Ferriter was unable to attend the meeting between the Minister, Deputy Deenihan, and the National Library board or any of many official engagements by the Minister at the National Library since his appointment. The Minister was, and is always, prepared to discuss the concerns of board members in regard to any national cultural institutions, including in particular the National Library.

The engagement on the reform agenda in the Department is continuing. Last week, the Minister, Deputy Deenihan, met the chairs of the national cultural institutions collectively, including the chair of the National Library, and there was an extensive discussion on all aspects of the public service reform plan. At that meeting, the Minister, Deputy Deenihan, confirmed that he would revert to the Government on options for the reform proposals for the National Library, the National Archives and the National Museum, *inter alia*. It is at that juncture that final decisions will be made in regard to rationalisations, restructuring and shared services. The chairs proposed a joint paper on reform and the Minister is currently awaiting that. In the meantime, the Minister has exhorted the institutions to continue to deliver the quality public and cultural service for which they are widely recognised.

We live in times unprecedented in decades in this country. Change is unavoidable. The Minister's objective in addressing change in the sectoral areas, for which he has responsibility, is to effect it in a manner which strengthens the continuation of public service delivery by national cultural institutions, through shared back office services and necessary structural reform. In an era of diminished Exchequer capacity, that is a very serious challenge. It is a matter of regret to all of us that Professor Ferriter cannot join in addressing that challenge.

**Deputy Alex White:** I thank the Minister of State for his response. I am sure both institutions will respond well to the exhortation that they would continue to deliver the quality public service that they always have delivered. One need only go into the National Library, which is next door to the Houses, and see the amazing and valuable work that is done there for the State and the people of Ireland in terms of facilitating scholars and members of the public. It is an immensely important public institution. Equally, great work is done in the National Archives. One need only look at the digitisation of the census of 1901 and 1911 and the production of the really high quality material that has been produced for and made available to the public. The people who work in those institutions will not be found wanting in their efforts. Equally, we, as politicians and legislators, and the Government must play our part and we owe it not only to the institutions and the people who work there, but to the people of Ireland to do that. We often say what is at issue is about the people of Ireland when we make points in the Dáil. This is crucially about our history, heritage and future access by scholars and citizens to vital assets and resources. It is important that the discussions in which the Minister is engaging will be shared with the public — I am sure he will do that — and that we will have a public discussion on these issues. That is vitally important. The rationale for decisions, a cost-benefit analysis, ascertaining if there is a saving in this respect, and a regulatory impact assessment must be addressed. I have doubts about whether there will be a cost saving here give the pressures for space and everything else these institutions have.

I very much doubt that Professor Ferriter would make this decision lightly, that he would lightly say that he was exposed to what he called “offensive and disingenuous double-speak”. I do not know the source of what caused him to say that but that is a statement he made and I do not believe he would have made it lightly. Nor do I believe that similar remarks, which I do not have to hand, were made lightly by the recently retired director of the National Museum,

Pat Wallace, when he retired and spoke of his frustration not so much about decisions that were being made, but about other matters. People understand and are working with the necessity to make cuts in terms of funding but the issue is how we deal with people who have an expertise. They should not be placed on a pedestal and treated like gods but they should be involved in this assessment, work and in this debate. If anything has happened in terms of how this particular person was treated which has caused him to pull himself out of the picture in regard to this, that is extremely regrettable and an effort should be made to repair that rupture, if it is possible, because this is an extremely important area for all of us.

**Deputy Dinny McGinley:** I acknowledge the points raised by the Deputy and they will be brought to the attention of the Minister as soon as possible. On a personal note, I have a positive experience of having been in the National Library. The Deputy mentioned that scholars go there. Poor scholars and students used to go there and there was many a night I spent in the reading room there studying whatever I was doing at the time.

An ongoing process involving wide consultation is taking place. Papers are being prepared. I have no doubt that any dealings I or any other Minister will have with individuals will be dealt in a very sensitive manner. Many of these people have given their services and expertise, often freely, to the State, which is appreciated, and sensitivity will be employed in this regard.

### **Human Rights Issues**

**Deputy Mick Wallace:** I thank the Ceann Comhairle for providing me with the opportunity to raise this issue. The campaign in Libya was originally driven by the former French President, Mr. Sarkozy, to boost his prospects of getting re-elected more than anything else. A great deal of attention was given to the whole episode but as soon as Gadaffi was killed, the media seemed to lose interest and it has obviously moved on to another issue since then.

What has become obvious since then is that the conflict in Libya was a civil war and NATO took one particular side. I have no intention of trying to defend what Gadaffi was up to but I do not agree with military intervention in this manner. It has caused at least as many problems as it has solved.

It was difficult to get accurate coverage of what was going on at the time given that the media was very much looking for Gaddafi's head. However, some seven months later, we have had reports from Human Rights Watch and Amnesty International and a commission of inquiry has been appointed by the UN. Not only have they found that 8,000 prisoners have been held without trial, but there have been rampant torture and routine deaths in detention. There has been ethnic cleansing in Tawergha, a town of 30,000 mainly black Libyans, which is already in the frame as a crime against humanity, and there has been continual violent persecution of sub-Saharan Africans across the country. The country has broken down into a lawless land and some of the measures introduced by the interim government, the National Transitional Council, have left much to be desired, including clamping freedom of speech and the disqualification of some election candidates. Whether we like it or not, the political forces of NATO have played a decisive role in bringing these people to power. Human Rights Watch and the UN report have found NATO has been guilty of numerous civilian deaths. They have sought a response from NATO and its co-operation with an inquiry but NATO has refused, stating it does not have a mandate to do so. If an international force such as NATO can go to a place such as this, one would like to think it would be accountable for what it does but unfortunately it does not seem so.

Given that we were keen to support it at the time there is an onus on the Government not to ignore the human rights abuses taking place. I do not expect us to go out there and act on

[Deputy Mick Wallace.]

a military basis but the least we can do is raise our voice and show our discomfort at what is happening.

**Minister for Education and Skills (Deputy Ruairí Quinn):** Approximately 15 months after the Libyan uprising began it is clear the Libyan people, supported by the international community, are making progress towards establishing a democratic and functioning state. However, as the Deputy indicated, major challenges remain.

Ireland has engaged actively on this issue in the UN and EU frameworks, lending support to international efforts to promote reconciliation in the country and to help transform Libya into a properly functioning democracy in which the rule of law is fully respected and basic human rights are guaranteed for all. In this context, we wholeheartedly welcomed the establishment of the United Nations support mission for Libya, UNSMIL. We strongly support the work of the mission in leading the international community's practical assistance during the transition period. This assistance is being provided in support of Libya's own efforts in a range of areas, including the restoration of public security and order, the promotion of the rule of law, the restoration of public services and support for human rights.

Respect for and the promotion of human rights remains a cornerstone of Ireland's foreign policy, as is evidenced by our candidacy for the UN Human Rights Council. We pay unfaltering attention, across the globe and more particularly in countries such as Libya which are emerging from authoritarian and repressive rule, to the development of a genuine democratic and human rights culture, supported by effective institutions that promote and defend basic rights and freedoms.

In this regard, in March Ireland co-sponsored a resolution in the UN Human Rights Council which welcomed the establishment by the interim government of the Council of Human Rights and Fundamental Freedoms in Libya and which, in addition, commended the preparations being made for the elections of the Libyan National Congress which are scheduled to take place next month. These are critical elections in terms of determining Libya's future course as a democratic nation and it is very important they should proceed on schedule.

The issue of accountability for the many serious human rights violations which occurred during last year's conflict is crucial. The International Criminal Court has issued warrants for the arrests of two of the principal figures in the Gadaffi regime, namely Gadaffi's son, Saif Al-Islam, and his intelligence chief, Abdullah Al-Senussi. Libya is seeking to try Saif Al-Islam in Libya and the Pre-Trial Chamber of the ICC will now have to issue a ruling on this. The important issue is that all countries, including Mauritania which has detained Abdullah Al-Senussi in custody, co-operate fully with the efforts of the ICC to achieve justice for Gadaffi's many victims in Libya.

The need to improve security and to establish the rule of law in Libya is also urgent. I am seriously concerned at recent reports to the effect that some of the armed militias in Libya are, as the Deputy alleged, committing human rights abuses on a very large scale and with impunity, as documented in Amnesty International's report of 16 February. In particular, the treatment of the estimated 4,000 detainees remaining in facilities under the control of armed brigades is an issue of grave concern. I urge the interim government, in close collaboration with UNSMIL, to accelerate the transfer of detainees to facilities under the authority of the Ministry of the Interior and to ensure they are treated in strict accordance with international standards.

We also fully support the call by UN Special Representative Martin for all incidents of torture or ill-treatment in any detention centre in Libya, no matter under whose control, to be fully investigated and for such practices to be ended instantly.

Along with our EU and international partners, Ireland will continue to work to ensure that the need for respect for human rights is given prominent recognition in the process of reform and reconstruction which must now get under way in Libya. We remain fully committed to assisting the Libyan people to re-build their country peacefully and on the basis of democratic values centred around human rights and fundamental freedoms.

**Deputy Mick Wallace:** The Minister mentioned that Amnesty International quoted a figure of 4,000 in February but the UN report issued in May cited a figure of 9,000. When NATO began bombing the estimated death toll of militias and civilians was estimated at 2,000. Several months ago the National Transitional Council came up with a figure of 30,000. It goes to show how the situation has deteriorated rapidly.

What I find so disillusioning is when NATO begins a bombing campaign there is great interest but then NATO abandons the place and what occurs is not policed in the same way. NATO did what it was going to do and there was nothing more in it for Sarkozy and those who supported him and we have seen too much of this over the years. Recently, President Obama told us he would continue to protect the people of Afghanistan after ten years. A recent survey in Afghanistan showed more than 80% of the people agreed the war had been very bad for them. I do not think they really need the protection of the United States given the carnage they caused there.

NATO is now beyond reproach and this underlines the fact that international law does not apply to the big powers which can do what they like. Since it was established, the International Criminal Court has indicted 28 people from seven countries for war crimes and crimes against humanity and every one of them is African. It is a bit on the biased side. Military intervention is not the shortcut to freedom we often pretend, and far from saving lives it escalates the slaughter. I wish the Government was more vocal on the matter.

**Deputy Ruairí Quinn:** I thank the Deputy for raising this important issue. No one underestimates the challenges facing Libya today. It has suffered four decades of misrule by one man and the country must be rebuilt virtually from scratch. This is a very difficult task in this modern time. It is vital that respect for and promotion of human rights remain central to the mission of the current interim government and the administration which will be elected next month to oversee the drawing up of a new constitution. The Libyan people who so bravely defied Gadaffi and brought his dictatorship to an end expect no less.

The Government is committed to strengthening the already good relations which exist between Ireland and Libya. We are fortunate that a number of members of the interim government are dual citizens who came to Ireland to escape Gadaffi's repression in the first instance. I assure the Deputy the Government is working hard to strengthen our ties in all areas and to offer whatever practical assistance we can. While there are self-evidently limits to what we can do, I assure the Deputy that anything that can be done is being contemplated and will be implemented if that is the request of the Libyan people.

### Schools Building Projects

**Deputy Sean Fleming:** I thank the Minister for being present to deal with this important issue of the school building project for Scoil Bhríde in Portlaoise. As the Minister will be aware, Portlaoise is the fastest growing town in Ireland and Laois is the fastest growing county with a 20% increase based on the recent census figures. Portlaoise also has the highest proportion of pre-school age children for any region in the country. While there has been a big increase in population in recent years, it is clear that is continuing and will require additional educational facilities in coming years.

[Deputy Sean Fleming.]

The Minister will be aware that Scoil Bhríde, Knockmay, is the largest primary school in County Laois, with 744 pupils being educated in inadequate accommodation. The school is at stage 2(b) of the Department's process. The parish donated a site free of charge and planning permission has been granted, putting the school in a very strong position. It is seeking to move on to the pre-qualification process as part of the tendering process. It is at that stage and ready to move. The new school site is fully available. The school is paying €200,000 per annum on rent for prefabs. It is also a DEIS school with only eight permanent classrooms as it was built a number of years ago. Some of its prefabs are up to 25 years old.

My request is modest but important for the school. Given that planning permission has been granted and that the school is at stage 2(b) of the Department's process, I am asking that it be allowed enter the pre-qualification tendering process, which will take a number of months — the tendering will also take a few months — with a view to construction commencing in 2013. The Department's latest schedule issued earlier this year indicated that the school would move to construction in 2014 or 2015. A delay to 2015 would be of great concern to the parents concerned.

In that context the four Oireachtas Members from County Laois met the board of management, the teachers and the parents separately. I met them along with the Minister's party colleague recently. I wrote to the Minister on 9 May requesting a meeting with the four Oireachtas Members on the matter. We were very disappointed to receive a letter from the Minister on 14 May stating he was not in a position to meet us. I have never encountered a Minister refusing to meet four Oireachtas colleagues. We did not ask him to visit the school or to meet a delegation from the school for an hour. We understand the time pressure he is under and suggested having a short meeting to put the case. In view of that refusal I have had to deal with the matter by way of Topical Issue.

The children deserve better facilities and there have been considerable second level developments in Portlaoise in recent years. There is a plan for new complexes for five new primary schools in the eastern end of Portlaoise. Portlaoise should have six primary schools fully completed within five or six years but Scoil Bhríde will be the only one on the western half of the town. While that might not mean anything to Members of this House, it is significant in terms of the geography and demographics. While all the others are moving apace — they could move faster, but we accept resources are limited — this is the only school that in this year's announcement was moved into a slow lane.

It had planning approval and was ready to move on to the pre-tender stage. I still believe the Minister could grant agreement to allow it move on to that stage. It will take several months and the Department will not incur capital costs in this calendar year. If that process was allowed to commence and given that preparing the final tendering documents would not involve on-site work, the school should be allowed to commence construction in 2013 rather than a year or two later. It has created great anxiety for those involved in the school. They have taken a long time to get to this stage and now see the process slowed down. We welcome the other development in the town, to which I will refer in my supplementary contribution. It will not cost a considerable amount in the overall scheme of things — it is just moving it forward somewhat faster than the Department had planned.

**Deputy Ruairí Quinn:** I thank the Deputy for raising the issue of Scoil Bhríde primary school in Portlaoise. I welcome the opportunity it affords me to outline the Government's strategy for capital investment in school building projects over the next five years. It also allows me to outline the new school accommodation to be delivered in Portlaoise under the five-year con-

struction programme and to update the Dáil on the status of the new school building project for Scoil Bhríde primary school.

In order to meet the needs of our growing population of school-going children, the Department must establish new schools as well as extend or replace a number of 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. Scoil Bhríde is one of 275 schools for which projects which have been scheduled to commence construction over the five years of the programme. In scheduling when each project can proceed to construction, the Department must take into account the funding available annually and the requirement to provide additional school places to meet the increasing demographic needs which I outlined when launching the programme.

There are three major building projects in Portlaoise which have been included in the five-year programme. A single-campus project to provide three new schools on one site for Portlaoise Educate Together, Gaelscoil Phortlaoise and Maryborough national school is scheduled to commence construction in 2013. This project, when complete, will provide 21 additional mainstream classrooms which will accommodate approximately 588 pupils. The additional accommodation being provided in these schools also substantially increases the diversity of provision available in the area. A second project, to deliver two new schools to cater for the amalgamation of St Paul's, the Sacred Heart and Scoil Mhuire national schools is also scheduled to commence construction in 2013. The third project which will see the construction of a new 32-classroom school building with special needs unit for Scoil Bhríde, Knockmay, is scheduled to commence construction in 2014 or 2015.

The design team for Scoil Bhríde is currently working on the stage 2(b) submission, including the preparation of tender documents, which, on completion, will be forwarded to my Department for review. Planning permission, disability access and fire safety certificates have all been secured. In February, the school was requested to contact the Department with regard to pre-qualification of contractors, five weeks prior to its expected date for the submission of the stage 2(b) report. I understand that the school has not yet contacted the Department in this regard. If the Deputy has information to the contrary, perhaps he might let us know. Pre-qualification of contractors is an integral part of the tender process and cannot be conducted too far in advance of the main tender for appointment of the contractor.

Following submission of the stage 2(b) report and assuming no issues arise, my Department will be in further contact with the board of management regarding pre-qualification of contractors at a suitable date to allow the tender and construction of the project to proceed as scheduled on the five-year construction programme.

**Deputy Sean Fleming:** I appreciate the time the Minister has given today. The Minister is not saying "No" to commencing construction in 2013——

**Deputy Ruairí Quinn:** I am not.

**Deputy Sean Fleming:** —although I know he said 2015. That in itself provides some glimmer of hope. I will contact the school and relay the request to contact the Department with regard to the pre-qualification of contractors, five weeks prior to the expected date for the submission of the stage 2(b) report. As the Minister is an architect, he might explain that in simpler English so that we all fully understand what is meant.

Scoil Bhríde had been at the planning permission stage. Owing to the town's population increase in recent years, two major secondary schools — a new CBS and convent, and Port-

[Deputy Sean Fleming.]

laoise College run by the VEC — have been completed in Portlaoise,. We have the best suite of modern secondary schools of any town in the country completed in recent years.

**Deputy Ruairí Quinn:** Portlaoise deserves them.

**Deputy Sean Fleming:** We acknowledge that. As the Minister said, at the Summerhill campus, three primary schools are amalgamating into two and a new site has been acquired for Educate Together the gaelscoil and Maryborough Church of Ireland national school. The Gaelscoil, Educate Together and Maryborough national school are located in the town, so the town already has diversity of provision, albeit not in the best accommodation. Some of them are located in old VEC offices or in quite old buildings. The Gaelscoil has a temporary arrangement, so we look forward to those projects proceeding. However, Scoil Bhríde, Knockmay, was further advanced in the process, given that planning permission has not been obtained for any of the other school projects, yet it is not being allowed to proceed to the pre-tendering and construction stage as soon as some of the other schools.

Will the Minister allow the Scoil Bhríde project to proceed at least at the same pace as the other projects? I urge him not to disadvantage the largest and only major DEIS school in the county by putting it a year or two behind the others. If there are spanking new schools at one end of the town, pupils will drift to those schools and that is understandable. I am sure the Minister has some flexibility in the plan so I ask him to ensure this project does not lag behind the others but moves at the same pace. I conclude with that but perhaps the Minister will confirm precisely what he meant by his earlier reference.

**Deputy Ruairí Quinn:** We fully recognise that Portlaoise is quite extraordinary and unique in the scale and rapidity with which the population has increased. There are procedures in place and we have brought forward our procedures six weeks ahead of the projected time. There are difficulties with the management and the Department, and the Deputy is better placed to find out about those on the ground. Certainly, pre-contract and tendering procedures are required before one can sign off on the contractor. I am speaking in general terms because I do not have the full details on this. A contractor who has been identified as a prospective contractor for the project will have to deliver documentation to confirm that he or the company — it is usually a he but not always — is in a position to proceed and would have the necessary bond information and documentation. That is difficult at present, given the financial situation. I have encountered a number of cases where bonds have been procured and offered but they have not been satisfactory. That might be one of the issues.

However, if the Deputy can contact the school and find out what the difficulty is, he should make direct contact with my office and find out if we can accelerate it. This school is necessary and the construction industry and unemployed construction workers need more work. There is no benefit, interest or political motive on our part in this not proceeding. The provision is in place. I welcome the Deputy raising the matter and if he can come back to me with the information, we will accelerate it.

## Ceisteanna — Questions

### Priority Questions

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### Higher Education Grants

1. **Deputy Brendan Smith** asked the Minister for Education and Skills when he expects to

receive proposals from the Capital Asset Test implementation group regarding higher education grants; and if he will make a statement on the matter. [26033/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, as part of the overall budget measures announced last December, it was signalled that it is proposed to amend the means test for student grants to take account of the value of certain capital assets as well as income for new applicants from the 2013-14 academic year. A capital asset test implementation group has been convened to develop and bring forward detailed proposals on new means testing arrangements to include the value of assets. This group has met on three occasions and its deliberations are ongoing. I anticipate that the group will report to me by the summer and will make recommendations on the inclusion or exclusion of certain classes of assets. Any proposals arising from these recommendations will require, in the first instance, Government agreement and subsequently will necessitate legislative amendment.

**Deputy Brendan Smith:** The announcement in budget 2012 that the value of certain capital assets would be taken into account in the assessment of means for student grants has caused concern to many self employed people, particularly land owners and farmers. It would be absolutely wrong to include productive assets in the means assessment. Such a system would discriminate against self employed people, including farmers. Does the Minister agree that those productive assets are required by the self employed to generate an income and that the inclusion of such assets would be discriminatory and would deny access to higher education for many students from low income families who are self employed, including the farming community?

**Deputy Ruairí Quinn:** This has been an issue for a long time, dating back to the Dónal de Buitléir report in the mid-1990s. It was a time when the tax records of the self employed, be they farmers or people with small businesses, were far less accurate and up to date and, I dare say, probably capable of a manipulation then that is not the case now. I accept that the regulatory framework and the taxation and scrutiny of self employed people, along with the advent of modern technology, have made the situation far different. Nevertheless, to have a level playing pitch, it is reasonable to include a means testing mechanism which takes into account assets in addition to the family home, which a PAYE worker would have in most instances and which never formed part of the means testing assessment basis, to see if there is room for some degree of evaluation above and beyond the nominal household income for the purposes of determining ability to pay in respect of an application for a grant.

As I said earlier, work is still ongoing. I will publish the report when it becomes available and we will have a discussion on it. Depending on the outcome of that discussion and whatever recommendations emerge from it, we will take it to the Government in the first instance and legislative changes would then be necessary. Any change that will emerge from this process will not take effect until the 2013-14 academic year, so there is plenty of time for me to respond to the Deputy and to the House.

**Deputy Brendan Smith:** Could the Minister ensure that the group looks at the social welfare assessment system? In the Department of Social Protection's means assessment farm land is categorised as property personally used and enjoyed. The assessment is based on the annual income derived from that asset and, quite correctly, there can be no additional calculation of notional means for the value of the asset. That is a fair method of assessment of farm land *vis-à-vis* income. Similarly, the same position should obtain for shop owners, pub owners or people who run their enterprise from a building adjacent to their house or elsewhere.

[Deputy Brendan Smith.]

Can the Minister give an assurance that the productive assets will be excluded from the means test? That would be a statement that the system will be fair and not discriminatory. We have moved a long way from the time when there were abuses in regard to income returns.

**Deputy Ruairí Quinn:** I accept that.

**Deputy Brendan Smith:** Quite correctly, we have moved a long way from that. Consider the situation in farming. Unfortunately, farm income can be very cyclical. One can have one or two good years but, unfortunately, that can be affected by weather, even weather in another continent. The dairy farmer, for example, can have a good year but if there are favourable climate conditions in Australia, New Zealand or America which results in a small increase in their overall production, it can skew the worldwide market. Income drops considerably because of the extra product available. By definition, there will be less demand for our products and we depend on trade. The Minister must give a clear message that productive assets will not be included in the means assessment for student grants.

**Deputy Ruairí Quinn:** I welcome the Deputy's comments and his acceptance that in the past things were done differently and in a way that none of us would agree with today. However, we are dealing with the present. I have no wish to introduce a new system of means assessment that is unfair. That is not my intention. It will therefore receive rigorous analysis and scrutiny before we proceed. I recognise the Deputy's agricultural expertise and accept the global impact weather conditions can have, as well as the fact we are dealing with a worldwide commodity market, even for something as fragile as milk in respect of time and distance travelled.

I do not know what will be the outcome of this report. It is my inclination and intention to publish it as soon as possible after I receive it and then to have a debate on it and listen to people's opinions. However, in the general areas in which means testing is being undertaken, such as for social welfare purposes and probably for Department of Health purposes with regard to nursing home care and so on, it would be commonsensical and preferable to have a single means testing system. This is my personal view but it is shared informally by colleagues in the Cabinet. It would be preferable to have in place a single system in respect of student grants, social welfare for the unemployed who previously were self-employed, sectors of health and so on. Consequently, we should get this right and should consider and then discuss whatever recommendations are made.

**Acting Chairman (Deputy Peter Mathews):** Before moving on to the next question, I ask the Minister to pause for a moment. Unfortunately, as no application was received by the Ceann Comhairle's office, I am unable to permit the substitution of Deputy Colreavy for Deputy Crowe and we must move on to question No. 3.

**Deputy Ruairí Quinn:** Would it be in order for me to propose that the House accepts Deputy Colreavy?

**Deputy Brendan Smith:** Agreed.

**Acting Chairman (Deputy Peter Mathews):** No, in the first instance it is a matter for the Ceann Comhairle. Perhaps the House can agree to it.

**Deputy Ruairí Quinn:** Members can set a precedent.

**Deputy Brendan Smith:** That facility has been extended in the past.

**Deputy Mick Wallace:** It is time Members made new rules anyway.

**Deputy Brendan Smith:** It has been extended in the past.

**Acting Chairman (Deputy Peter Mathews):** I ask Deputies not to be worried or concerned. I will take a decision to allow the question.

**Deputy Michael Colreavy:** I thank the Acting Chairman, Deputies and the Minister.

### School Uniforms

2. **Deputy Séan Crowe** asked the Minister for Education and Skills if he will provide an update on the introduction of measures to reduce the financial burden on parents when paying for school uniforms at primary and post primary level. [26073/12]

**Deputy Ruairí Quinn:** The back to school clothing and footwear allowance scheme, operated by the Department of Social Protection, provides support for eligible families to assist with the extra costs when their children start school each autumn. As the Deputy is aware, eligibility for the back to school allowance is determined and administered by the Department of Social Protection and is, therefore, primarily a matter for my colleague, the Minister for Social Protection.

Decisions regarding each school's policy with regard to school uniforms are dealt with at local school level. My Department recommends that the formulation of such a school policy should allow for prior consultation with teachers, parents and pupils where appropriate and enable any concerns about the issue of cost to be raised and considered. I encourage schools to consider, where possible, the use of generic uniforms or any other measures that can reduce the cost for parents of school uniforms.

**Deputy Michael Colreavy:** I thank the Acting Chairman, the Minister and Deputies for allowing my continued presence in the Chamber. I am surprised the Ceann Comhairle was not notified because as early as last week, Deputy Crowe had asked me to tender his apologies for being unable to be present today. He had planned to be absent this week before the rota was agreed to.

**Acting Chairman (Deputy Peter Mathews):** For the information of the Deputy, I am advised there must be an application to the Ceann Comhairle's office and that seemingly did not happen.

**Deputy Michael Colreavy:** I understand.

**Acting Chairman (Deputy Peter Mathews):** As we have made our decision, the Deputy should proceed.

**Deputy Michael Colreavy:** I thank the Acting Chairman. Before turning to this question, I commend Deputy Smith on his question. I ask the Minister to consider another perspective on it because people in rural areas who consider fees, transport charges, changes in maintenance grants and to the guidelines concerning the distance from education centres, may conclude that education and third level education in particular will be the preserve only of the sons and daughters of the very wealthy. This wider perspective must be taken into account.

**Deputy Ruairí Quinn:** I thank the Deputy.

**Deputy Michael Colreavy:** As for this question, my party colleague, Deputy Crowe, raised this issue with the Minister more than a year ago. The Minister made a commitment to consider implementing measures that would help to alleviate the burden on hard-pressed parents who are obliged to pay for school uniforms. While this may be stating the obvious, a growing number of families are struggling to pay for even the most essential items and the start of a new school term can be a very difficult time. A survey carried out last year by the Irish League of Credit Unions found that on average, €400 will be spent annually on each individual child attending school. It is a serious amount of money that increases further when combined with additional expenses, such as paying for books and being obliged to make the so-called voluntary contributions to school funds. Many parents are finding it increasingly difficult to meet the rising costs of sending a child to school.

I understand that when this issue was raised at a meeting of the Joint Committee on Jobs, Social Protection and Education, the Minister agreed to consider introducing a number of initiatives, including standardising the design and colours of uniforms and providing an option for parents to sew on the school crests. These are relatively simple but highly practical measures that would allow families the opportunity to shop around for better deals and not to be forced to rely on a select number of retail outlets, which often charge outrageous prices for uniforms. As the end of the current school term approaches, can the Minister provide an assurance that the Department will implement the type of cost saving measures that can ease some of the financial burdens faced by parents when sending their children to school? More must be done than has been the case heretofore. I acknowledge there are areas of overlap between the Departments of Social Protection and Education and Skills and traditionally, the approach has been to leave it up to each local school to do its own thing. However, leadership is required in this regard and the Minister is the person to provide it. An indication from the Minister that this would be welcomed by the Department of Education and Skills would make a big difference and perhaps would prompt schools to introduce this simple but highly cost-effective measure.

I also encourage the Department of Education and Skills to promote a policy that would encourage parents to pass on their school uniforms, which often must be replaced annually, as children quickly outgrow them. Such uniforms could be re-used by other children at a fraction of the cost of being discarded automatically. When one considers that on average, it costs €470 for a second level student and €320 for a child attending primary school, everything possible must be done to reduce the cost of clothing a child in a school uniform. Charities such as the Society of St. Vincent de Paul are doing their level best to meet these rocketing costs and the Government must do likewise. I urge the Minister to do all within his power to introduce these measures that can help alleviate the cost to parents.

**Deputy Ruairí Quinn:** The Deputy is asking me to do all I can within my power to alleviate the cost and I will do this. However, my power is somewhat limited. I have already had informal discussions with the National Parents Council at primary level in this regard and in the first instance, I recommend that it should mobilise the parents associations and parents' representatives on boards of management, at both primary and secondary level, to raise this issue with the school authorities. There is a very simple and practical formula that is available, that is, for the large suppliers to produce a generic range, which already happens. The Deputy is familiar with the school system and I note there are approximately five generic colours that are provided for school uniforms across the system. This could, in a highly competitive manner, provide those garments at a relatively cheap price, certainly much cheaper than what the bespoke school uniforms cost. All that would be required for the school to do would be to sell the emblem, badge or crest and for the parents to undertake that. However, I must stress such an arrangement must be made between the school authorities and the parents. I can encourage it

and in response to the Deputy's question, I now do so. Moreover, I will again raise it formally. However, while nothing will happen for the forthcoming academic year, it is something that should be seriously considered for the next academic year after that.

### Literacy Levels

**3. Deputy Stephen S. Donnelly** asked the Minister for Education and Skills the analysis he or his officials have done in response to the 2010 PISA results, which revealed a dramatic fall in educational standards here, and the steepest decline in literacy standards in the OECD; if so, what that analysis revealed regarding the cause of that decline in standards and the options for addressing same; the actions he is taking to address this decline; and the targets he has set against which his success in reversing the decline in standards can be measured. [25976/12]

**Deputy Ruairí Quinn:** There has been extensive analysis of the PISA 2009 results. This includes a recent Educational Research Centre, Drumcondra, report that summarises all of the research the Educational Research Centre, ERC, and experts from Statistics Canada have completed on the achievement of Irish students.

The report confirms the possible reasons that were given by the ERC to explain a portion of the decline in achievement recorded in 2009, particularly those related to changes in the student population. The additional data in this report, which suggest that student engagement with the test, as distinct from student ability, may have been an important factor in the decline, is a further piece of valuable information that helps one to understand the PISA 2009 outcomes. Nevertheless, a real decline appears to have occurred in reading standards among 15 year-olds in Ireland between 2000 and 2009. I also am glad to note the ERC report endorses many of the actions I included in the literacy and numeracy strategy I launched in July 2011. The strategy sets clear targets for improvement in literacy and numeracy and a range of actions to be undertaken.

**Deputy Stephen S. Donnelly:** I am slightly concerned by the Minister's answer in regard to the increase in student numbers. It smacks of another disgraceful reason which I heard proffered by some of the unions, namely, the increase in the number of foreign nationals coming here. What I am hearing is a reluctance on the part of some key players to accept responsibility for a system which is failing and failing badly. We have had the biggest decline in educational standards in the developed world in a decade at the same time as we doubled the *per capita* investment in education, which is a total failure of the system rather than of individual teachers. What concerns me — the situation is the same in respect of the universities — is that I am not hearing an acceptance of this failure. I believe that while the economic situation is obviously the short term threat for Ireland, if we do not only stop this decline but reverse it as quickly as it happened, we will be consigning ourselves to be a second world country for a long time.

Part of the problem is finance. In absolute terms, there will be a 6% cut in capitation grants for schools over the next few years. When one factors in 2% inflation per year, one gets an extra 8% cut in spending power. When one factors in an additional 40,000 or more new students one gets a per student reduction in funding per capitation of 20%. For the universities, this is 30%. Major changes in management practices are required. I am hearing the unions or the Government acknowledge that huge changes are needed. This is not marginal. I welcome the various initiatives being introduced. I am fully aware of the budgetary pressures we are under. However, I believe we need to increase funding in education, in tandem with major reforms to the sector.

In the 1990s when Finland broke its ties to the Soviet Union and its unemployment rate increased from 3% to 18%, it increased its funding in education. I am not seeing brave new

[Deputy Stephen S. Donnelly.]

ideas here. In 1989 New Zealand had a failing education system. It was in a similar situation to that which we are in now and it closed its Department of Education and set up a ministry of education. I am not suggesting we do that now. However, in terms of game changers, I am not hearing anything. I welcome what is being done but I am not hearing any game changers in respect of a system that is collapsing quite catastrophically, one which will provide 20% less money per student at secondary level and 30% less per student at third level. I am becoming increasingly concerned that our system, despite good efforts at the margin, will continue to decline in a manner that will cause this country harm for the next 30 or 40 years.

**Deputy Ruairí Quinn:** I share the Deputy's concern. I was in Opposition when the PISA results were first published. The heads of the results were communicated, as they are to all the national departments, in August of that year. Consequent to that information, research was commissioned by the Department. The ERC in Drumcondra also did some work on this. It was suggested that the increase in the number of immigrant pupils for whom English was not their first language was a contributing factor. Other suggestions included that the schools and pupils in which these examinations took place did not take the examination seriously and that through a combination of factors there was an over-shoot in the measurement. I think that over-shoot is very welcome. I believe it was wake-up call. One can dispute statistics — the Deputy is a professional in this area — but the net result was to shake us all out of our complacency in terms of our believing we had the best education system in the world. That is manure. We have an education system that badly needs to be reformed, which reform I have commenced.

Some €19 million was provided in last year's budget to change the way in which teachers are trained. The uniform testing measurement of the outcomes at different levels, primary and secondary, will now be standardised for the first time and there will be continuous professional development in this area. We will not know for at least another six years if this is working. Despite that extra resources have been put into the education system the outcomes have not improved, in particular in respect of young working class boys aged 15 years. Despite a huge increase in resources over a ten to 15 year period, only 20% of them came out the system functionally literate. Complacency has been struck. Stakeholders will be defensive but I am not. We will reform our education system.

### Departmental Agencies

4. **Deputy Brendan Smith** asked the Minister for Education and Skills the current status of FÁS; if he will provide a timeline for the establishment of SOLAS; the progress made to date in establishing SOLAS; and if he will make a statement on the matter. [26034/12]

**Deputy Ruairí Quinn:** I am responding to this question on behalf of my colleague, the Minister of State for Education and Skills, Deputy Ciarán Cannon. Following the Government decision to create SOLAS, an implementation Group was set up to establish it. My colleague, Minister of State, Deputy Ciarán Cannon chairs this group, the membership of which includes representatives from the Department of Education and Skills, FÁS, the Irish Vocational Education Association, the Department of Social Protection, the Department of the Taoiseach and a representative of the private training sector. This is part of a wider reform programme that also includes the rationalisation of 33 VECS into 16 Education and Training Boards.

The heads of a Bill for the establishment of SOLAS have been approved by Government and were recently referred to the Office of the Attorney General for drafting purposes. The Bill will, *inter alia*, provide for the establishment of SOLAS and for the dissolution of FÁS. I expect to publish this legislation in the autumn session of this year. Pending completion of the

legislative process, FÁS will continue to provide training programmes under the terms of its current mandate.

**Deputy Brendan Smith:** I thank the Minister for his reply on this matter which we have discussed in this House and in committee on numerous occasions. The Minister stated that it is hoped discussion on the legislation will be completed in the autumn session. Is he reasonably confident that the new structures will be in place by the end of this calendar year? There is confusion among members of the public, who did not have the same opportunity as Members of this House to engage on these issue, in regard to whether FÁS still exists, if it is providing courses and whether SOLAS has been established. There is concern around the provision of new courses by FÁS and the abandonment by it of courses which are no longer to current labour market needs. Perhaps the Minister will provide an assurance that he will try to allay the concerns about the creation of a lacuna in terms of the abolition of FÁS and the establishment of the new structure. We all dread uncertainty in regard to the delivery of a public service. This does nothing for the morale of the people working in the system, be it in FÁS or the VECs, which play an integral role in the area of further education and training.

Perhaps the Minister will also outline if the role of SOLAS will be around the development of courses rather than the provision of services to customers.

**Deputy Ruairí Quinn:** I will respond first to the Deputy's final question because it is the most pertinent. We have, and have had for years, an unstructured, informal and badly co-ordinated further education structure in this country, in respect of which no one in particular

is to blame. The system has gone topsy over decades. SOLAS will be to the  
5 o'clock further education sector what the HEA is the higher education sector. It will establish guidelines, determine policy and seek co-ordination but it will not be on the front line in terms of providing services. Services, such as training programmes which will be close to labour market demands and needs and to meeting the requirements of people who become unemployed and need to upskill and retrain will be provided by the local education and training boards who will take over responsibility for the existing FÁS training centres. I hope that system will be up and running by the end of this calendar year.

I am concerned about the timetable in regard to the establishment of SOLAS and the progress being made in this regard. The process is slower than I would like. I am trying to accelerate it and in that regard I am looking for support within the system in terms of drafting of the legislation. There will be no ambiguity or lacuna in relation to the delivery of services. The local education and training boards have been established. They are the amalgamation of existing VECs with which Deputies are familiar. The remit of SOLAS will be clearly identified during the remainder of this year. It is hoped the legislation will be enacted to allow SOLAS commence operation from 1 January 2013. That is the target, which is highly ambitious. I am told it is overly ambitious but if we set an ambitious target we can work hard to achieve it.

**Deputy Brendan Smith:** I thank the Minister and advise him to stick to the ambitious target. When targets are missed they will continue to be missed and the people who will suffer will be the potential customer or client of FÁS who needs that particular support. There is a need for root and branch review of courses that have been provided and we cannot wait for months for that to happen. I do not know if FÁS is doing that necessary review at present. There are skills shortages in this country and there are so many highly qualified and talented people who have to leave our island to seek work elsewhere. There must be a marrying of the needs of the labour market and the talent and ability of our own people to ensure they are reskilled or upskilled to avail of those potential job opportunities.

[Deputy Brendan Smith.]

It is grand for the public service, in general. This is not a criticism of any Department but of the public service, no matter who is in power, which does not react rapidly enough. The people who will be suffering will be those who need the courses. I wonder if the new Solas body is to be similar to the HEA; we discussed one issue previously in this regard. There is unnecessary duplication of courses in our higher education sector and I hope that can be eliminated in future. Solas will need to ensure there is no such unnecessary duplication throughout our new education and training bodies throughout the country and that the needs of the customers and our people are met.

**Deputy Ruairí Quinn:** I share the concerns the Deputy expressed and agree with him. The kind of work FÁS did in the 1980s and 1990s is no longer appropriate to the needs of the labour market. The announcement I made on Monday of 6,000 new places for Springboard is much closer to what people actually want because the skills level of the labour market has been improved and the demand from industry for the jobs for which there currently are vacancies is in the high-tech space and in other areas. This was not really the traditional remit of FÁS, which was dominated by the construction sector. We will be changing the traditional pattern of delivery but there will be no gap or lacuna between moving from what FÁS is currently doing to what needs to be done by Solas and the 16 delivery agencies under the local education and training boards.

### Expenditure Reviews

5. **Deputy Séan Crowe** asked the Minister for Education and Skills his plans to implement an internal review of the State's education sector in an effort to improve efficiency and secure savings from a range of educational services; and if any savings will be redirected into frontline education services. [26074/12]

**Deputy Ruairí Quinn:** This Government on entering office ordered a comprehensive review of expenditure, whereby Departments reviewed their expenditure programmes in depth. This was done to realign spending with Government priorities, while also seeking expenditure savings, necessitated because of decisions of the past. My Department had to find savings of €76 million in 2012, rising to €379 million in 2014, required to remain within the expenditure ceilings set for the next three years. In doing so I sought to protect front-line education services as far as possible. I also needed to fund new initiatives, such as literacy and numeracy programmes, junior certificate reform and the roll-out of high speed broadband to all second level schools. The measures in budget 2012 drew on the results of this review. In addition to necessary adjustments in programme expenditure, the allocation for my Department takes account of efficiency measures across several areas. These include the rationalisation of the VEC structure, the creation of the new qualifications and quality assurance authority and of a single authority for the award of student grants.

**Deputy Michael Colreavy:** I thank the Minister. We raised this matter in the same week the Qualifications and Quality Assurance (Education and Training) Bill 2011 was debated on Second Stage in the House. That legislation is designed to bring together four existing bodies into a single entity, the Qualification and Assurance Authority of Ireland, in an effort to concentrate services and bring a range of benefits to qualifications and quality assurance processes in Ireland. At the same time, it is hoped it will save the Department €1 million annually. My party commends the Minister on introducing this Bill. It has some flaws but it attempts to streamline the delivery of important services and in these financially straitened times it is

important that any inefficiencies within any Department budget are addressed in order to prevent wastage and the duplication of services.

Last week my party colleague in the Assembly, the Minister for Education, John O'Dowd, MLA, announced a further funding allocation of £72 million that will be spent in the coming three years, following a review of the North's education budget. This additional funding is very good news for anybody interested in education on the island of Ireland. It will be spent on important school programmes such as early years, extended schools and the youth service as well as on the maintenance of the school estates. This money was secured after an internal review led to further reductions in bureaucracy and to savings from the educational services. That is the kind of process that is worth replicating in the Twenty-Six Counties.

In the face of tough financial challenges any wastage within the Department's budget must be identified and the money reinvested into the type of front-line education services that have been prioritised in the North. The difference is that here we are making savings to departmental budgets but those savings are not being reinvested into front-line services.

As a result of the review implemented by the Minister, John O'Dowd, thousands of families will now enjoy additional funding for free school meals, uniform grants. Some £27 million is to be ring-fenced in 2012-2013 to help address the maintenance backlog, a measure that is added good news for the beleaguered construction industry. Every effort must be made to ensure that funding opportunities can be identified through looking at departmental, interdepartmental and inter-agency working. Of those savings that are identified, at least some must be redirected to front line services. Otherwise the overall quality of education will not improve to the levels spoken about in the previous questions.

**Deputy Ruairí Quinn:** I welcome the Deputy's comments and am working co-operatively and constructively with my colleague and counterpart in Northern Ireland, who now has responsibility for the same set of responsibilities, including for higher education, as I have. However, Mr. O'Dowd is confronted with different problems. The schoolgoing population of Northern Ireland is declining. The Minister has stated that a sustainable schools policy for post-primary schools should involve a minimum school population of 500 pupils. The INTO forecasts that this would result in 70 schools closing in Northern Ireland and reckons that as many as 1,000 teachers will lose their jobs whereas in the South they would be redeployed. There are no redeployment panels in the North so if a teacher is no longer required in a school he or she loses that job and becomes redundant. In addition, according to the INTO, 3,000 classroom assistants will also lose their posts next year.

Mr. O'Dowd has also cancelled 52 new school building programmes and is, in effect, saving £500 million there. There will also be a reduction of some £100 in the capitation fund for every school child as and from 20 December 2012. As the Deputy knows, university fees in Northern Ireland are £3,375 as against €2,250 here. We are not necessarily comparing like with like. However, we are working together where we can do so. I was able to find savings, for example, within my Department to fund the national literacy and numeracy strategy as well as other projects we have done.

#### **Estimates for Public Services 2012: Message from Select Committee**

**Acting Chairman (Deputy Peter Mathews):** The Select Sub-committee on Transport, Tourism and Sport has completed its consideration of Vote 31 — Revised Estimate for public services for the year ending 31 December 2012.

**Ceisteanna — Questions (Resumed)****Other Questions****Third Level Courses**

6. **Deputy Billy Kelleher** asked the Minister for Education and Skills the steps being taken to ensure that there are sufficient numbers of graduates with the necessary skills to work in the financial services sector in view of the fact there will be 10,000 net new jobs in that sector over the next five years; and if he will make a statement on the matter. [25896/12]

**Deputy Ruairí Quinn:** In 2010 there were almost 3,000 graduates from courses in economics, finance, banking, accountancy, insurance and taxation. In addition to programmes in these core skills areas, graduates from many other disciplines also find employment in the sector. Specific funding is also provided by my Department to the Skillnets Finuas networks programme, to develop and deliver specialised training programmes for the financial services sector. Almost 500 places on the new Springboard programmes, which I announced this week, have also been provided to meet specific skills requirements identified by the expert group on future skills needs in international financial services. The future demand for ICT graduates in the financial services sector was also taken into account in the development of the targets and actions in the joint industry-Government action plan on ICT skills which I published in January.

**Deputy Brendan Smith:** I thank the Minister for his reply. Approximately 33,000 people are employed in more than 500 companies at the Irish Financial Services Centre. This huge sector has grown consistently and incrementally since the late 1980s. The Minister will be aware that according to the best projections, a further 10,000 jobs will be created in that sector in the coming years. We would like most of those jobs, many of which will be suitable for graduates and those with postgraduate qualifications, to be taken up by our young people. Last week, Fianna Fáil published a strategy document on tackling youth unemployment, in which we suggested that an internship programme with a particular focus on the IFSC be established. The programme could offer a range of opportunities to financial, business, legal and accounting graduates. I would like the Minister and the Department to consider a programme of that kind favourably. We have estimated that 1,000 internship places could be offered through the programme initially at relatively little cost.

**Deputy Ruairí Quinn:** I know the Deputy has been working on a plan in this regard. I have not yet seen a copy of the report he has compiled. I ask him to submit it to the Department, if possible, so I can study it.

**Deputy Brendan Smith:** Absolutely.

**Deputy Ruairí Quinn:** We should examine Skillnets and the Finuas financial services programme.

**Deputy Brendan Smith:** Yes.

**Deputy Ruairí Quinn:** There are vacancies in this sector that cannot be filled. Some of them are being filled by people who are coming from other jurisdictions. That does not make sense at a time when we have a good pool of talented and educated people in the labour market who

might not have the specific skills that are required in certain sectors. We should put transition programmes in place very close to the market to enable such people to get the jobs that are on offer.

**Deputy Brendan Smith:** The internship programme we have suggested could be similar to the important JobBridge programme that is under way. I understand that the Finuas programme is receiving approximately €1 million in Exchequer support each year. If another €1 million could be found somewhere, it would be put to very good use. The State-owned and State-supported banks, which have been given substantial support by the Irish taxpayer, should be reminded that they need to have a role in assisting graduate employment.

**Deputy Ruairí Quinn:** Yes.

**Deputy Brendan Smith:** They have an obligation to assist people who have relevant qualifications and need an opportunity to get experience in the financial services sector. If such people are given a chance to participate in the labour market, they will contribute handsomely to our economy in the future.

**Deputy Ruairí Quinn:** I will examine what the Deputy has suggested.

**Deputy Brendan Smith:** I thank the Minister.

### **Special Educational Needs**

7. **Deputy Martin Ferris** asked the Minister for Education and Skills if he will ensure that in the review of the school funding due to be carried out by the National Council for Special Education that no further cuts will be applied that will reduce the number of special needs assistants at schools (details supplied) in County Wexford. [25798/12]

22. **Deputy Mick Wallace** asked the Minister for Education and Skills the reasons for the delays in the planned review of the special needs assistant allocation at a school (details supplied) in County Wexford which was due to take place in April; if parents and students will be informed of any changes to the SNA allocation arising out of this review before the end of the school year; if parents and students will have the right to appeal the decision of the special education needs organiser; and if he will make a statement on the matter. [25926/12]

**Deputy Ruairí Quinn:** I propose to take Questions Nos. 7 and 22 together.

The National Council for Special Education is responsible for allocating special needs assistants to schools to support children with special educational needs. The council operates within my Department's established criteria for the allocation of such supports and within the staffing resources available to my Department. All schools, including the schools referred to in Questions Nos. 7 and 22, were advised to apply to the council for special needs support for the 2012-13 school year by 16 March 2012. In considering applications for special needs support for the new school year, the National Council for Special Education will take account of the individual care needs of all qualifying children, the supports freed up by school leavers, if any, and the identified care needs of newly enrolled children with special educational needs. A review of special needs support at the schools referred to by the Deputies will take place in the coming weeks. Schools will be advised by the council of their special needs assistant allocation for the 2012-13 school year by June of this year. The council is developing an appeals process which is intended to be in place for the 2012-13 school year allocations process.

**Deputy Michael Colreavy:** I have a particular interest in this issue, which affects many schools throughout the country, including the two schools referred to in the question tabled by my colleague, Deputy Martin Ferris. We are calling on the Minister to reverse the cuts in funding for the autistic spectrum disorder units at Scoil Mhuire and St. Senan's national school in Enniscorthy. We commend the teachers, parents and supporters of both schools on their determination in opposing the losses of special needs assistants and teaching staff that have been inflicted on them. The decision earlier in the year not to include rural DEIS schools in the review of the cuts in teaching posts that were announced in budget 2012 has had far-reaching consequences. The special needs assistant allocations of both of these schools in County Wexford had already been slashed. Any hope that Scoil Mhuire would retain its five teaching posts was quickly dashed.

Any further cuts at Scoil Mhuire or at St. Senan's national school arising from the National Council for Special Education review would make it extremely difficult for the teachers in either school to continue to deliver the current standard of education to the children under their tutelage. The cuts that have been directed at both of these schools are threatening the tremendous progress that has been made in addressing special needs, particularly autistic spectrum disorders, and in facilitating students to overcome the difficulties associated with coming from a disadvantaged socio-economic group. One staff member has said that reductions in staff and resources are making it difficult to sustain the calibre of education offered to the approximately 560 students at Scoil Mhuire. It is absolutely vital that no more cuts are imposed in either of these schools as a result of the funding review that is being carried out by the National Council for Special Education.

I wonder what we have against children who are classified as having autistic spectrum disorders. The policy of the Department of Social Protection seems to be that the parents of children with autism are no longer entitled to domiciliary care allowance. It seems that the assessment done to determine the level of special needs assistance required by a child is based more on the availability of funding than on the level of intervention required by the child. Children with autism in my local area used to receive very few supports. In many cases, the only option was to put them into special schools. I have observed improvement after improvement over the years. It is very wrong to see those improvements being reversed. If the parents of children with autism problems continue to be financially penalised, we will return to the era when such parents had no option other than to send their children to special schools. That would be a wrong and retrograde step.

**Deputy Ruairí Quinn:** I know of the Deputy's interest in this matter. I will confine my remarks to Scoil Mhuire. I can send information on the other school to the Deputy in written form if he wishes. I know we are facing time constraints. There are 45 teachers and 17.75 special assistants at Scoil Mhuire, which had an enrolment of 559 pupils on 30 September 2010. The school's three classes for children with autism have an enrolment of 17 children. The school's special needs assistant allocation of 17.75 posts for the 2011-12 school year includes 12 special needs assistants who support the autistic spectrum disorders unit and 5.75 special needs assistants who support nine pupils with special educational needs in mainstream classes. The school's special needs assistant allocation for 2010-11 was 25.5 posts, which means there was a reduction of 7.75 special needs assistant posts at the school in September 2011. That reduction resulted from changing enrolments, diminishing care needs and the need to readjust the allocation of special needs assistant support at the school's autistic spectrum disorders unit from the model of one-to-one special needs assistant support that had developed to a model closer

to the recommended ratio for the staffing of such units, which is that there should be one special needs assistant for every three pupils while taking the individual care needs of children into account. The unit currently has a ratio of more than four special needs assistants for every six pupils, which is significantly in excess of the recommended ratio, which would provide for two special needs assistants for every six pupils with an autistic spectrum disorder, as outlined in the Department's circular 0038/10. There are also three teachers at the unit, which gives a total of 15 staff to support 17 students in the autistic spectrum disorder unit. My heart goes out to any parent who is in a situation where their child is in need of special support. In a way, they cannot get enough support and one would not be human if one did not respond in that way. However, I am not an expert in this area. We have to be guided by specialists who are under the National Council for Special Educational Needs. We implement the recommendations that they advise and they make the decisions in regard to the allocation of support services for children with special educational needs and related requirements in this area.

This is complex, very emotional and very difficult. However, we cannot ring-fence it entirely in terms of resources. Even allowing for that, as the supplementary information in this reply will indicate to the Deputy, nothing is static. There is movement in the system that has nothing to do with resources *per se* because of changes in the involvement. If the Deputy wishes, I will get him full details in regard to this matter and in regard to St. Senan's school in Wexford also. I suspect Deputy Wallace would have a similar interest but I am constrained by time pressures.

**Deputy Mick Wallace:** I have been familiar with the two schools for a long time. I have been speaking to a number of the parents, some of whom made contact with the Minister.

**Deputy Ruairí Quinn:** Yes, they did.

**Deputy Mick Wallace:** They were hoping the Minister would find time, despite his busy life, to visit the school. I have heard the Minister outline the figures and I realise this whole area is a huge cost to the Department of Education and Skills. However, the situation of many of these parents and their children is difficult given the cuts they have already suffered. Their children were participating somewhat in mainstream education but that has had to stop because there has not been enough attention. While I know there is not an endless supply of money, these children are very vulnerable.

The Minister said that experts make the decisions. It would be great if the Minister could find the time to see the situation for himself to decide whether he is in agreement with the parents that they cannot suffer any more cuts. They find it hard not to cry when they are talking to me. It is very difficult, which I know the Minister understands. The parents are frustrated that they have found it very difficult to get responses from the Department. Their calls have not been returned for four months now and they feel they have been facing a wall of silence from the Department and the Government. It would be great if there were channels of communication. If the Minister could find the time to visit, it would be magnificent.

**Deputy Ruairí Quinn:** I have heard what the Deputy has suggested and I will take it into consideration.

### School Accommodation

8. **Deputy Brendan Smith** asked the Minister for Education and Skills the position regarding the proposal to provide additional permanent accommodation at a school (details supplied) in County Cavan; if this application will be reviewed in view of the urgent need to provide much

[Deputy Brendan Smith.]

needed accommodation and in view of the growth in the pupil enrolment of that school over recent years; and if he will make a statement on the matter. [25885/12]

**Deputy Ruairí Quinn:** There are five primary schools in the Virginia feeder area. While enrolments have increased over the past decade, my Department has projected that future enrolments will remain relatively stable up to 2018. The current enrolment at St. Mary's is 380 pupils, up from 350 in 2007, so, while enrolment levels have been growing at the school, they have increased by less than 10% over the last five years.

To ensure that every child has access to a school place, the delivery of projects to meet the increasing demographic demands will be the main focus for capital investment over the next five years, particularly in those areas where it has been identified that most future demographic growth will be concentrated. The project for St. Mary's will continue to progress within the context of available funding. However, due to competing demands on the capital budget, it is not possible at this time to progress the project to construction stage.

The Deputy may recall I met a delegation from this school when I was in Virginia. It is clearly a very successful and popular school and its numbers have increased. However, there are a total of five schools in the same catchment area. I suggest to the Deputy to explore the possibility of collaboration or co-operation between those five schools because it would appear to us, from where we are, that other schools are not getting the same kind of overall increase.

This school, which is accommodated in prefabs, clearly experiences major demand. I met the principal and a number of others at that time. While it may be difficult for the Deputy to contemplate, he should consider the total catchment area of Virginia to see whether there are other solutions that can overcome the constraints. At present, we have to stick to areas where there is overall demographic demand, which there is not in this catchment area.

**Deputy Brendan Smith:** I thank the Minister for his reply. The four other schools in that area, thankfully, have had new accommodation in recent years. The capacity of each of those schools is being maximised.

**Deputy Ruairí Quinn:** Okay.

**Deputy Brendan Smith:** I will outline some facts which are very relevant to this school. The population of Virginia increased by 31% between 2006 and 2011.

**Deputy Ruairí Quinn:** Yes.

**Deputy Brendan Smith:** From 2003 to 2012, the school enrolment has doubled, reaching 380. Since last September, 81 pupils have joined that school, the largest enrolment ever. There has been massive expenditure on temporary accommodation and it is now at the stage where some of the prefabs need to be replaced with additional accommodation. The project was included, as the Minister knows, in the 2011 school building programme and was at early architectural planning stage. What I and the local community want is that this project would proceed through the next stage.

The Minister was with us in Virginia. Additional permanent accommodation has been provided at all local second level schools and I was very active in support of those projects. As we all know, because of the growth of population, the pressure comes on the primary school sector in terms of accommodation earlier than on the second level sector. On a further point, 77% of the fifth and sixth class pupils in St. Mary's were born outside the parish.

**Deputy Ruairí Quinn:** I will be happy to meet the Deputy and others in that constituency. There has been a population explosion in the Virginia area because of the outer reach of the commuter belt of Dublin and all the rest. There are certain factors which are, shall we say, not normal and I would be happy to look at it in that broader sense. I recognise there is a problem which, if not necessarily unique, is quite acute in the area.

**Deputy Brendan Smith:** To give one other example, 52 new local authority houses have been built and are about to be allocated. I know from my constituency work that many young people will be moving into the area with families, which we welcome. In a county that was ravaged by emigration in the past, I am particularly proud of the fact there has been huge growth in population in recent years throughout County Cavan, particularly in that area of the county.

With regard to the systems for projections now used by the Department, the geographical information system, GIS, has its strengths but there is one issue which the Minister and his officials would want to bear in mind. The GIS figures fail to take into account when a family moves from one location to another. The child benefit payment does not require a change of address so the GIS capacity and facility is only relevant if the bank details change. When I was a student in Dublin, I opened a bank account and I have not changed from that bank since. Most people do not change their banks because we never stand in a bank today——

**Deputy Denis Naughten:** For a Cavan man, it would be a very valuable bank account.

**Deputy Brendan Smith:** We come from a poor area, not from Deputy Naughten's rich pasturelands of south Roscommon. The issue of the GIS is one on which we need to be careful, as I know from speaking to many of the local people in Virginia. The Minister met Fr. Dermot Prior, the chairperson of the board of management, and the principal, Mr. Peadar Quealy. The board of management, the parents association and the principal are all very committed to St. Mary's national school and are anxious that it would get the new permanent accommodation it needs. It was built for six teachers whereas there are now a total of 20 teachers plus nine support staff. The situation is practically intolerable for the school community, both pupils and staff. The concerns of the parents are——

**Deputy Ruairí Quinn:** I invite the Deputy to try to address those, shall we say, statistical deficits because there are anomalies, as I heard at the time. If that information can be improved or clarified in terms of its accuracy, we will see what that produces. I am sympathetic to the Deputy's point because I have seen this at first hand.

**Deputy Brendan Smith:** We would be very glad of that. Hopefully, the application can be reviewed with a view to making progress to construction stage as soon as possible.

### Schools Building Projects

9. **Deputy Peadar Tóibín** asked the Minister for Education and Skills his views on whether his Department's five year building plan is discriminatory against second level Gaelscoileanna. [25775/12]

38. **Deputy Peadar Tóibín** asked the Minister for Education and Skills if his Department has attempted to assess the demographic need for second level Gaelscoileanna in the various areas of the country; and if this has been included in his Department's five year education building programme. [25774/12]

**Deputy Ruairí Quinn:** I propose to take Questions Nos. 9 and 38 together.

The five-year plan is not discriminatory against second level gaelcholáistí. I advise the Deputy that there are ten major building projects included in the five-year plan for post-primary schools delivering tuition through the medium of Irish. In June last year I announced a new process and criteria for the establishment of new second level schools. As part of this, an initial decision was to be made on whether the new schools would operate through the medium of Irish or English, having regard to existing and planned all-Irish provision at primary and second level in the areas concerned. Three of the 17 new post-primary schools to be established by 2014 will be gaelcholáistí. In addition, the five-year plan contains a further seven major projects for schools that provide for tuition through the medium of Irish. These projects will provide additional places to meet future demand for tuition through the medium of Irish as part of the overall five-year plan priority to meet demographic need.

**Deputy Michael Colreavy:** Some 27% of primary and 38% of secondary Irish-medium schools are on the waiting list for the refurbishment of buildings, yet they have not been included in the five-year plan. Without inclusion in the programme, many of these schools face an uncertain future. It is unacceptable that 60% of Irish-medium schools established in the past 25 years are in temporary accommodation. These are in addition to those schools that have secured permanent buildings but have since outgrown them.

I understand that inclusion in the building plan is based primarily on attendance numbers and populations. It seems to me that particular consideration should apply to the Irish medium sector, otherwise the system is inherently and systematically flawed and discriminatory against second level gaelscoileanna. The same argument could be made with regard to minority faith schools. This failure to include an adjusted criteria for Irish-medium sector education goes against the ethos of the 20-year strategy for the Irish language, which sets to defend the Irish-medium schools. The unsuitability of many gaelscoil buildings is a significant barrier which greatly restricts the growth of the schools and subsequently the expansion of the wider Irish language community.

We could give a number of examples, including Gaelscoil Mhic Amhlaigh in Cnoc na Cathrach in Galway. It serves an expanding population and already accommodates 450 students and with improved facilities it could significantly increase its pupil intake. However, it is not included in the capital building programme. When the Minister of State, Deputy Cannon, was questioned on the matter, he stated there would need to be a new primary school east and west of Galway City, but he refused to clarify whether those new schools would cater for children wishing to be taught as Gaeilge. We need to take another look at the role of the gaelscoileanna in terms of the 20-year plan for the promotion of the Irish language. These schools are not the same as other schools. Their catchment areas are different and they do not have a 100% catchment population on which to draw. We need an adjustment of the criteria.

**Deputy Ruairí Quinn:** I recognise what the Deputy is saying and refer to my earlier response. There is more in the pipeline now in terms of gaelcholáistí at second level than was previously the case. The future for the provision of Irish-medium teaching in both the primary and secondary sector is quite healthy. The difficulty, as the Deputy rightly pointed out, is that the catchment area, by definition, is different from that of people who wish to be taught through the medium of English.

### **Religious and Sexual Discrimination**

10. **Deputy Séan Crowe** asked the Minister for Education and Skills when amendments will

be made to Section 37 of the Employment Equality Act, in order to remove discrimination towards gay and lesbian teachers and teachers whose beliefs may differ from those of school trustees, in view of the fact that education institutions are exempted from the provisions of the Act on the grounds of protecting their religious ethos. [25772/12]

**Deputy Ruairí Quinn:** The programme for Government states that people of non-faith or minority religious backgrounds and publicly identified LGBT people should not be deterred from training or taking up employment as teachers in the State. Accordingly, when Senator Power introduced a Bill to the Seanad, I was happy to see if it could form the basis for an all-party approach. I raised the matter with my colleague the Minister for Justice and Equality who has responsibility for the equality legislation. From engagement with the Office of the Attorney General, it has emerged that there are complex legal issues. Our Departments will continue to engage with the Attorney General's office on this. The matter will also be referred to the new Irish Human Rights and Equality Commission which will come into existence later this year and it will engage on our proposals which were published early in the new year. I remain fully committed to reform in this area and when we return with legislative proposals, I hope we can make progress on a cross-party basis.

**Deputy Michael Colreavy:** Last Thursday was International Day against Homophobia and Transphobia and the theme of this year's event was combating homophobic and transphobic bullying in our schools. Rather fittingly, on the same day as that set aside to highlight awareness of this issue, the inaugural meeting of the anti-bullying forum also took place at the Department of Education and Skills headquarters in Marlborough Street.

While Irish society has generally become more accepting of homosexuality, many gay teachers in schools still risk falling victim to discrimination or to being put in the position where their job is at risk should their sexuality become known. It is unacceptable in this day and age that any teacher should risk facing dismissal on the grounds of sexual orientation. Regrettably, this is currently the case because of the existence of an archaic law that permits employers to penalise employees for actions that supposedly undermine their religious standards. The sexual preference of teachers should have no bearing on their ability to fulfil their role as educators while at the same time adhering to the religious ethos of the school where they teach. Despite this, Irish schools can often be hostile places for people who are gay. Many gay teachers risk discrimination, with some being passed over for promotion. Others have been verbally abused and have found themselves the victims of jokes and bullying. Where a school has an ethos that is hostile to gay and lesbian people, this can have implications for pupils, who risk being bullied should they disclose their sexuality. This can lead to depression, self-harm and suicide.

I welcome the Bill that recently came before the Seanad which makes amendments to the Employment Equality Act and will, hopefully, address homophobic discrimination. I also wish to acknowledge the Minister's commitment to tackling this issue. No-one employed in a school setting should be targeted or victimised because of his or her sexual orientation.

**Deputy Ruairí Quinn:** We are all *ad idem* on this and I commend the work Senator Averil Power did in the Seanad in this regard. There are complexities around this issue because the Bill it is proposed to amend was referred to the Supreme Court in the first instance and so has the stamp of constitutionality, which is unusual for legislation. Therefore, we are advised legally that we must be extremely careful in how we propose to amend that legislation. This issue is also of concern to the Irish Human Rights Commission, which is now being amalgamated with the Equality Authority. This will occur later this year. The Minister for Justice and Equality

[Deputy Ruairí Quinn.]

and I have decided, in consultation with the Attorney General, that we should refer this issue, on which there is cross-party commitment to getting a resolution, to the new commission and to ensure further legal consideration is given to it so as to maintain the balance of rights that are there in terms of schools and ethos.

It is more important that we get this legally right than that we get it done early. I am committed to getting it done by the end of this year and to bringing it forward then. I share the concerns expressed in the other parts of the Deputy's comments.

**Deputy Brendan Smith:** I attended a briefing in Leinster House when Senator Averil Power published the legislation and the representative groups there were very appreciative of the work that had been done. Also, the Minister announced at the teachers' conferences last Easter that he would bring forward the legislation on an all-party basis and this was warmly welcomed. I appeal to the Minister to ensure the legislation is finalised and brought to the Oireachtas as soon as possible.

**Deputy Ruairí Quinn:** I will be happy to try to do that.

### **Pupil-Teacher Ratios**

11. **Deputy Denis Naughten** asked the Minister for Education and Skills if he will review his policy on the staffing ratios of small rural schools; and if he will make a statement on the matter. [25722/12]

**Deputy Ruairí Quinn:** Some 73 small primary schools were originally due to lose classroom teachers in September 2012 as a result of the budget measure to increase the relevant pupil-teacher thresholds. The staffing appeals board considered appeals from all of the 73 schools that could demonstrate their projected enrolments for September 2012 were sufficient to allow them retain their classroom teachers over the longer term. A total of 35 small schools had their appeals provisionally upheld by the appeals board, subject to confirmation that their actual enrolments in September 2012 reach the required level. In these extremely challenging times, all public servants are being asked to deliver services on a reduced level of resources and teachers in small schools cannot be immune from this requirement.

**Deputy Denis Naughten:** We all recognise that nobody can be immune from the austerity required to balance our books. However, does the Minister accept that rural schools are a vital aspect of their communities and, as such, we need to approach this issue sensibly? Other options for improving efficiency could be investigated. For example, his Department spends €2 million on issuing paper pay slips to staff. This is well in excess of the savings projected this year in respect of the loss of teachers in rural schools. I ask him to review the matter and put it to the schools to come up with local solutions. Each of these schools is unique and local solutions may reduce costs while also benefitting the community.

**Deputy Ruairí Quinn:** I am sympathetic to the Deputy's argument. The phrase generally used is "small rural schools" but the official terminology refers to the two categories of "schools" and "small schools". There are small schools with as few as two teachers in Dublin and other urban areas, which is nonsense. The value for money report, which is assessing approximately 600 schools with 50 or fewer pupils, has been delayed in the Department due to volumes of work. It is due to be published shortly and we should have a comprehensive debate on it. The delay arose because of the need to assess comprehensive data on school provision. The pattern of

school provision reflected a different time and age, when rural population densities were much higher than they are at present and when students travelled to school by foot. Of necessity, the catchment area was much tighter.

I expect that we will have to continue to sustain isolated communities wherever in Ireland they may be. Parents are legally required to send their children to school for a specified period and there is a constitutional obligation to provide for primary education. The categories that I imagine will emerge at the end of this process will be “isolated schools” and “schools”. Some kind of support will have to be provided for isolated schools. In the meantime I encourage schools which have the option to amalgamate, co-operate or otherwise cluster to do so.

We are engaging with the Scottish authorities to find out how they are coping with similar problems, particularly in the highlands where the population density is much lower than in Ireland.

**Deputy Denis Naughten:** I welcome the discussions that are taking place with the Scottish authorities as a move in the right direction. It is difficult at present for small rural schools to make plans. They are haemorrhaging populations through emigration and will also have to deal with the impact of the changes to school transport policy which come into effect next September. It is difficult to plan when one is standing on shifting sand.

If a stay of execution was given to allow them to consider the potential for clustering and demographic changes in the short to medium term, particularly in the context of school transport changes, they would be in a better position to assess their viability. I fear that in some communities children as young as four will have to be bussed or driven long distances on bad roads during the winter. That should not be the objective of our education system.

**Deputy Ruairí Quinn:** One of the reasons we outlined how the process would unfold over three years was to enable rural schools in sparsely populated areas to realise that the policy is not a once off decision.

**Deputy Denis Naughten:** The retrospective aspect of it has hurt communities the most.

**Deputy Ruairí Quinn:** It probably has jump started it but the process will continue over the next two school years, including the one that is about to commence in September. School communities in these areas are on notice that they should start planning.

With regard to rationalisation of the transport system, I am more than happy to speak to the Minister of State at the Department of Education and Skills, Deputy Cannon. I was presented with contradictory information on the transport system in south County Donegal when I visited the Finn Valley last Friday. We are open to practical solutions where the same bus passes by different schools.

The small schools in urban and outer suburban areas are on clear notice that there is no going back from the current position because they have options. The options are less evident in the communities to which Deputy Naughten refers. This is why we will have to consider a definition for isolated schools — I am speaking aloud rather than setting out a formal policy — as distinct from small schools and other schools. This country eliminated more than 2,000 schools in the 1960s and 1970s for all sorts of reasons and nobody wants to go back there. Whatever we do in the future, it has to work for families, pupils and educational outcomes.

**Deputy Denis Naughten:** If communities can come up with solutions that bring about savings can they be constructively examined by the Department so that we do not have one size fits all approach?

**Deputy Ruairí Quinn:** Yes, they can.

*Written Answers follow Adjournment.*

The Dáil adjourned at 5.45 p.m. until Wednesday, 6 June at 10.30 a.m.

## **Written Answers.**

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

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*Questions Nos. 1 to 11, inclusive, answered orally.*

### **Schools Building Projects**

**12. Deputy Dessie Ellis** asked the Minister for Education and Skills the project timetable for the construction of the new school build project in respect of a school (details supplied); if he will provide a current progress report on this project; and if he will confirm the expected completion date of the build. [25781/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, I recently announced a programme for the delivery of school buildings over the next five years as part of a major investment programme. A project for a new building for the school to which the Deputy refers was included in that announcement. My Department has reached agreement with Dublin City Council to acquire a site for the new school building and it is my Department's intention for the project to go to construction during the period 2014/15. Officials from my Department recently attended a public information meeting to appraise the local community of the proposed school design. I expect that a planning permission application for the development will be submitted to the local authority in the coming weeks.

### **Languages Programme**

**13. Deputy Éamon Ó Cuív** asked the Minister for Education and Skills his views on a new commissioned research paper for the NCCA on the need for a new common integrated language curriculum for primary schools; and if he will make a statement on the matter. [25909/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The NCCA has commissioned three "language" reports in order to inform their work in implementing some of the commitments, contained in the National Literacy and Numeracy Strategy, that relate to the language curriculum in primary schools. The review of research, to which the Deputy refers, is one of three papers commissioned by NCCA to support the development of a new language curriculum for primary schools, beginning with infant classes. The other research reports focus on oral language in early childhood and primary education, and literacy in early childhood and primary education. The research paper on the common integrated language curriculum was written by

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Dr. Pádraig Ó Duibhir (St. Patrick's College, Drumcondra) and Professor Jim Cummins (Ontario Institute for Studies in Education, University of Toronto). It aims to gather research evidence on the feasibility and the advisability of a fully-integrated language curriculum for primary schools. The three reports are scheduled to be launched on 29th May.

### Public Service Allowances

**14. Deputy Robert Troy** asked the Minister for Education and Skills if he will provide an update of the review of public service allowances; and if he will make a statement on the matter. [25913/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, the review of allowances in the public service which is ongoing at the moment is being conducted by the Department of Public Expenditure and Reform. It would not be appropriate for me at this stage to comment on the detail of this review or to speculate on its possible outcome pending the completion of the review and its consideration by Government.

### Schools Building Projects

**15. Deputy Richard Boyd Barrett** asked the Minister for Education and Skills the reason for postponing the new build at a school (details supplied) in County Dublin in view of the poor condition of the school buildings since the 1970's; and if he will make a statement on the matter. [25920/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Newpark Comprehensive is one of five post primary schools in the Dun Laoghaire Post Primary Feeder Area. Overall enrolments in Newpark have increased by 4% in the last 4 years.

The building project for Newpark Comprehensive has been included in the 5 year construction programme and is scheduled to commence construction in 2015/16. A stage 2(b) submission was received last week and is currently under review. This submission includes tender documents and is the precursor to tender and construction stage.

Due to annual financial constraints and the need to prioritise the funding available each year for the provision of new school accommodation to meet the increasing demographic requirements it is not possible to advance all projects to construction in the early years of the programme.

### School Staffing

**16. Deputy Seamus Kirk** asked the Minister for Education and Skills if he will outline the number of retired teachers who were recently rehired in his Department; the details of their contracts in terms of length and pay; and if he will make a statement on the matter. [25899/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A circular governing recruitment of teachers was issued last May. This circular sets out to ensure, as far as possible, that people appointed to teach are registered teachers with qualifications appropriate to the sector and suitable to the post for which they are employed and that unemployed teachers are offered employment in preference to those who have retired. I also indicated last November that second level schools would be allowed to re-hire certain teachers to minimise any negative impact on Leaving and Junior Certificate students.

The data in my Department in respect of secondary and community/comprehensive schools indicate that two hundred and fifty four teachers who retired in February have been re-

employed since the 1st March. The data also indicates that sixty seven primary teachers who retired in that period have been re-employed. The data in relation to teachers employed by VECs is not readily available.

The precise details of the duration of the contracts are not available in my Department. However the data available suggests that the terms of the circular are being complied with.

### **Schools Building Projects**

**17. Deputy Catherine Murphy** asked the Minister for Education and Skills if he will indicate definitively the date on which the new school building for a school (details supplied) in County Kildare will be opened for its purpose; and if he will make a statement on the matter. [25916/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The project to which the Deputy refers commenced construction in December 2010. The brief is for a new 16 classroom generic repeat design school. The project had a construction period of twelve months and was anticipated to be completed in January 2012. During construction a number of technical and legal issues arose which have delayed the completion of the project. These issues need to be resolved before the building project can be deemed to be substantially complete. The Design Team for the project are currently liaising with the Contractor with a view to having the remaining issues resolved as soon as possible. However it is not possible at this juncture to give a definitive date as to when the building will be opened. My officials have been in contact with the school authorities to inform them of the situation.

### **Departmental Funding**

**18. Deputy Martin Ferris** asked the Minister for Education and Skills if he will commit to ring-fencing the moneys allocated by FÁS for the refurbishment of Lourdes Youth and Community Services until such time as the ownership of the property has been resolved. [25799/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The issue of allocating moneys for the refurbishment of Lourdes Youth and Community Services is a day-to-day administrative matter for FÁS. However I understand that the following is the position.

Last year the FÁS Board approved a grant for Lourdes Youth and Community Services and the North City Centre Community Action Project to undertake the refurbishment of Rutland Street School. The prime purpose was to enable them to relocate to this building to run their FÁS-funded Community Training Centre.

The building is in the ownership of the Dublin Diocesan Trust which is in negotiations with Dublin City Council to transfer ownership to the Council. The process is taking longer than anticipated. The Council has agreed that the community groups can refurbish the former school once negotiations are completed. Until then the Council can not offer a lease to the groups. In the absence of the legal certainty afforded by such a lease, FÁS can not, at this stage, commit funding for the refurbishment.

### **Adult Education**

**19. Deputy Barry Cowen** asked the Minister for Education and Skills the kind of engagement SOLAS will have with industry in relation to the types of courses that are needed once it is set-up; and if he will make a statement on the matter. [25891/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Following the Government Decision to create SOLAS, an Implementation Group was set up to establish SOLAS. My Colleague, Minister of State, Ciaran Cannon is chairing this Group and its membership includes representatives from the Department of Education and Skills, FÁS, the Irish Vocational Education Association, the Department of Social Protection, the Department of the Taoiseach, and a representative of the private training sector. This is part of a wider reform programme that also includes the rationalisation of 33 VECS into 16 Education and Training Boards.

As part of its work, the Group already organised a public consultation process in which industry participated. Once SOLAS is established it will have strategic responsibility for training and further education. SOLAS will ensure that further education and training programmes are more flexible and responsive to meet the needs of jobseekers and industry. Accordingly, courses and their curricula will be constantly reviewed to ensure that they are aligned to the skills needs identified by SOLAS, the National Employment and Entitlements Service, the Expert Group on Future Skills Needs, and through direct contact with employers.

### Schools Building Projects

**20. Deputy Sandra McLellan** asked the Minister for Education and Skills if he will review the decision to exclude a school (details supplied) in County Galway from the capital building programme, while at the same time looking for expressions of interests for a new Gaelscoil school in the same area, in which there is still capacity in adjacent schools to take up any envisaged increase in pupil numbers in the foreseeable future. [25782/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The decision to open a new school in Knocknacarra was made following a detailed study of the available demographic data for the area. My officials had a meeting with a deputation of principals from the area in late March to discuss the local principals' concerns regarding the need for a new school in the area. The issues raised by the principals at that meeting are being considered further.

For the five year construction programme, new school building projects as well as major extensions have been prioritised to meet projected increases in demographic needs in areas where such needs have been identified as being most acute.

School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced within the context of the funding available. However, in light of current competing demands on my Department's capital budget, it is not possible to progress this project to construction at this time.

**21. Deputy Brendan Griffin** asked the Minister for Education and Skills if he will prioritise the immediate construction of a school (details supplied) in County Kerry; and if he will make a statement on the matter. [25720/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The major building project for the school referred to by the Deputy has been included in the 5 year construction programme announced in March. The project is at the very early stage of architectural planning and has been scheduled to commence construction in 2015/16.

The Design Team has, earlier this month, started work on Stage 1 of architectural planning and has been invited to set a date for a meeting with the Department when they are ready to present their initial design strategy.

Once that strategy has been agreed, the design team will then progress the project through the remaining stages of architectural planning, completing the detailed design of the new

school, securing planning permission and preparing the tender documents. The project will then progress to tender and construction in line with the schedule outlined above.

*Question No. 22 answered with Question No. 7.*

### **Institutes of Technology**

**23. Deputy Micheál Martin** asked the Minister for Education and Skills if he will provide an update on funding for the DIT campus at Grangegorman, Dublin, following the recent approval by An Bord Pleanála; and if he will make a statement on the matter. [25901/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** On 14th May 2012 An Bord Pleanála decided to approve the proposed Strategic Development Zone planning scheme for Grangegorman thereby allowing the development of the site to proceed.

Under the Infrastructure and Capital Investment Programme 2012-2016 announced last November, only projects in the higher education sector with existing contractual commitments will be completed during the period of that programme.

Notwithstanding this, the Government reaffirmed its support for the DIT campus development at Grangegorman with the proviso that works would not commence until after 2016.

In light of this, the Grangegorman Development Authority and the Dublin Institute of Technology have been exploring alternative strategies to allow a scaled back interim development to commence on the site. A proposal in this context is currently under development and discussion.

### **School Transport**

**24. Deputy Denis Naughten** asked the Minister for Education and Skills if he will outline the conclusions of his review of forthcoming school transport changes; the impact that this will have on the viability of small schools; if consideration was given to these factors prior to the review of the staffing allocations for rural schools; and if he will make a statement on the matter. [25721/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I take it the Deputy is referring to the primary school transport changes. You will be aware that from September 2012, primary school transport eligibility for those pupils entering in September 2012, will be restricted to pupils who meet the distance eligibility criterion and are travelling to their nearest school.

Sample surveys undertaken by Bus Éireann show that the majority of children are in fact attending their nearest school, so this budgetary measure will not have any practical impact on the majority of children.

The criteria used for the allocation of teachers to schools is published annually on my Department's website.

The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing arrangements in schools for the 2012/2013 school year can also be affected by changes in their enrolment, the impact of budget measures and the reforms to the teacher allocation process.

### **Schools Building Projects**

**25. Deputy John Halligan** asked the Minister for Education and Skills the reason for postpon-

[Deputy John Halligan.]

ing the new build at a school (details supplied) in County Dublin in view of the poor condition of the school buildings since the 1970's; and if he will make a statement on the matter. [25917/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Newpark Comprehensive is one of five post primary schools in the Dun Laoghaire Post Primary Feeder Area. Overall enrolments in Newpark have increased by 4% in the last 4 years.

The building project for Newpark Comprehensive has been included in the 5 year construction programme and is scheduled to commence construction in 2015/16.

A stage 2(b) submission was received last week and is currently under review. This submission includes tender documents and is the precursor to tender and construction stage.

Due to annual financial constraints and the need to prioritise the funding available each year for the provision of new school accommodation to meet the increasing demographic requirements it is not possible to advance all projects to construction in the early years of the programme.

### **Skills Development**

**26. Deputy Dara Calleary** asked the Minister for Education and Skills if he is satisfied that targets set in the action plan for addressing high level skills shortages in the ICT sector go far enough and quick enough in view of the fact that there were 1,800 job vacancies in the ICT sector as of December 2011; and if he will make a statement on the matter. [25886/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The ICT Action Plan, developed in close collaboration with the ICT sector and the enterprise agencies, establishes a target of doubling the annual output of ICT graduates to 2,000 by 2018. In recognition of the fact that it will take time for recent increases in demand for STEM programmes to convert into increased graduate it also provides for a number of measures to increase the supply of domestic skills in the short term. 750 places have already been made available this year on intensive graduate skills conversions programmes with industry placements. Graduates will be available in early 2013. In addition, 530 people with a qualification at level 8 or Master's level in ICT are graduating this month from the first phase of Springboard 2011. A further 2,200 places on ICT programmes from certificate to masters degree level are also opening for application this week as part of the second phase of Springboard.

### **FÁS Training Programmes**

**27. Deputy Timmy Dooley** asked the Minister for Education and Skills if there will be a root and branch review of all course provision under the new SOLAS once it is established; and if he will make a statement on the matter. [25892/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Once established, SOLAS will have strategic responsibility for the training currently delivered by FÁS and the further education currently delivered by VECs. The programmes will be integrated, flexible, value-for-money and responsive to the needs of learners and the requirements of a changed and changing economy. SOLAS will also ensure that further education and training programmes are more flexible and responsive to meet the particular needs of jobseekers and enterprise. As part of this process, courses and their curricula will be constantly reviewed in consultation with the VECs, which are being rationalised into 16 Education and Training Boards to ensure that they are fully aligned to the skills needs identified by the Expert Group on Future Skills Needs (EGFSN). These reviews will be facilitated by the FÁS National Skills

Database, regular contact with the Department of Social Protection, together with information from a range of sources, including direct contact with employers, independent surveys on course outcomes, and national and international research on skills needs.

28. **Deputy Niall Collins** asked the Minister for Education and Skills the number of places available on FÁS IT courses in each year between 2008 and 2012; the number of persons that completed FÁS IT courses in each year between 2008 and 2011; the number expected to complete such courses this year [25889/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** This is a day to day operational matter for FÁS. The information sought by the Deputy is set out in a document:

[Deputy Ciarán Cannon.]

	2008			2009			2010			2011			2012
Course Category — Information Technology:	Course Calender			Course Calender									
	Capacity	Throughput	In Training	Capacity									
Computer Applications	6,987	4,899	2,835	10,361	9,213	3,494	7,929	10,610	2,872	5,604	5,407	2,077	6,847
Computer Hardware/ Networks/ Programming	1,433	378	244	2,711	450	536	4,520	2,077	475	2,650	853	768	4,048
Total:	8,420	5,277	3,079	13,072	9,663	4,030	12,449	12,687	3,347	8,254	6,260	2,845	10,895

Note:

In the years 2009-2011 inclusive more places were allocated to I.T. training than per the original course calendar due to course demand.

Throughput — number of learners that completed the course in the year.

In Training — number of learners that were still participating on the course at year-end.

### Schools Building Projects

29. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills if he will provide an update on his plans for an extension to a school (details supplied) in County Cavan; the status of the school's future development plans; and the action he will take in the coming period in relation to the school. [25788/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** To ensure that every child has access to a school place, the delivery of projects to meet the increasing demographic demands will be the main focus for capital investment over the next 5 years, particularly in those areas where it has been identified that most future demographic growth will be concentrated. The project for the school referred to by the Deputy, will continue to progress through the design stages of architectural planning within the context of available funding. However, due to competing demands on my Department's capital budget, it is not possible at this time to progress the project to tender and construction stage.

### EU Funding

30. **Deputy Pearse Doherty** asked the Minister for Education and Skills the total number of persons who have accessed interventions from the European globalisation fund for redundant construction workers; the types of interventions that these persons have accessed and the total spend to date on these interventions; and if he will make a statement on the matter. [25790/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The three programmes in support of eligible redundant workers in the construction subsectors coded NACE 41, NACE 43 and NACE 71 which are being co-financed under the European Globalisation Adjustment Fund (EGF) are all ongoing until 9 June 2012. The Department is required under the EGF Regulations to submit a final report and accompanying statement of expenditure to the European Commission in relation to each programme by 9 December 2012. As such, final data on activity levels and related expenditure remain to be collated and certified within this period. In this context a number of claims will be made in due course to the Department for reimbursement on behalf of service providers.

However, in overview terms the Department currently estimates that since 1 July 2009 over 8,000 interventions have been commenced to date in support of the eligible redundant workers in question. These interventions include guidance, training, further education, higher education and enterprise supports.

Letter of notification of relevant EGF services issued to eligible redundant workers on 19 December 2011 including a number of additional interventions such as the provision of EGF Training Grants and tailored career planning courses run by Vocational Education Committees.

A number of reports compiled by WRC Social and Economic Consultants for the Department which detail the take up of EGF interventions since 19 December 2011 are available on the Department's dedicated website [www.egf.ie](http://www.egf.ie). The latest report setting out the position to 27 April 2012 will be available shortly. This report indicates some 451 persons at various stages of engagement in accessing relevant interventions and another 152 persons being actively case managed in this regard; a further 205 persons have either indicated that they are not interested in taking up EGF interventions, or have not to date sought or engaged in a specific EGF intervention.

### State Examinations

31. **Deputy Gerry Adams** asked the Minister for Education and Skills the number of junior certificate students who will sit the 2012 junior certificate Irish exam. [25779/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The number of students who took the optional Junior Certificate Irish oral test in 2012 is 7,355 in 142 schools. These figures are indicative. As schools hold these tests themselves our experience has been that the final picture will only become known when the resulting process is complete which will be later in the summer.

The total number of students entered for Junior Certificate Irish this year is 51,385. The written examinations are on 7th June.

### Special Educational Needs

**32. Deputy Michael Colreavy** asked the Minister for Education and Skills the provisions he has put in place for schools in which their July Programme overseer has been withdrawn. [25796/12]

**56. Deputy Michael Colreavy** asked the Minister for Education and Skills if he will provide a list of all schools on a county basis that have had their funding withdrawn for their 2012 July Programme overseer. [25797/12]

**58. Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will reinstate the overseer position in a school (details supplied) in Dublin 5 for the 2012 July Programme. [25794/12]

**65. Deputy Mary Lou McDonald** asked the Minister for Education and Skills the number of schools that have had their July Programme overseer funding withdrawn for 2012. [25795/12]

**77. Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding cuts in respect of a school (details supplied) in County Offaly. [25960/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 32, 56, 58, 65 and 77 together.

The July Education Programme (July provision) allows schools to open for the month of July, to accommodate pupils with severe and profound educational needs, and children with autism. In order to facilitate the July Education Programme, four payments are payable to school staff:

1. A Preparation allowance (generally paid to Principals);
2. An Overseer allowance (generally paid to Principals);
3. An allowance payment to Special Needs Assistants for work on delivery of the programme;
4. A payment to teachers for delivering the programme.

While the payment to teachers is being fully maintained, the Preparation and Overseer allowances and the allowance payment to SNAs, fall within the terms of the public service wide review of allowances currently being undertaken by the Department of Public Expenditure and Reform. Given the exceptional circumstances of these allowances, and the potential disruption to planning and delivery of services in the near future, I can advise that the Department of Public Expenditure and Reform has provided sanction for these allowances to be paid to principals and SNAs for this year. A revised letter will issue from my Department in the coming days to this effect.

If schools decide not to offer July provision, my Department will make home tuition allowances available to the parents of children who would qualify to participate in July provision.

I am committed to continuing to support the educational needs of all children, and sincerely hope that most schools who have evidence of local demand will continue to offer July provision as a way of supporting those children and their parents.

### School Staffing

33. **Deputy Pearse Doherty** asked the Minister for Education and Skills in view of the numbers of teachers on the panel in the Diocese of Raphoe and the lack of permanent positions within County Donegal; his views that this panel will empty prior to the new school year in September; and his further views on whether teachers will be asked to return to their schools carrying out administrative duties. [25791/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The redeployment of all surplus permanent teachers is key to the ability of the Department to manage within its payroll budget and ceiling on teacher numbers. Schools with vacancies are required to fill their vacancies from the list of surplus permanent teachers on the redeployment panels. Surplus permanent teachers are redeployed within each panel area to permanent posts and then as necessary to temporary posts. The redeployment process also include contingency arrangements to facilitate the redeployment of any residual surplus permanent teachers to other panels.

The main redeployment panels issued on 30 April, 2012 and my Department provides regular updates on the website in relation to the operation of the panels including the panel for the Diocese of Raphoe.

### Departmental Staff

34. **Deputy Dessie Ellis** asked the Minister for Education and Skills if he will provide details of the retired teachers who are employed by the Teacher Education Section in providing continuing professional development and the details of payments or expenses paid to each in the past three years. [25780/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Since September 2010, Blackrock Education Centre has been responsible for a central database of part time personnel available for work with the professional development support services and for the management of payments and engagement of such personnel within approved limits. The arrangements in place provide for education centres to directly engage personnel, which may include retired personnel, to work on behalf of the professional development support services. The professional development support services for teachers funded by my Department currently have 1,251 teachers registered for part time employment to supplement the provision of full time personnel, and to provide support in specialist areas where there is no capacity within the full-time teams. Of this amount just over 8% (104) are retired personnel. In the school year 2010-2011 retired personnel worked for an average of just over 4 days, and in the school year 2011-2012 retired personnel worked for an average of just over 5 days. The amounts paid by Blackrock EC in the period 2010-2012 are as follows:

2010 — €104,509 of which €53,233 relates to travel and subsistence expenses.

2011 — €247,380 of which €135,444 relates to travel and subsistence expenses.

2012 — €39,787 of which €21,916 relates to travel and subsistence expenses.

### School Evaluations

**35. Deputy Robert Troy** asked the Minister for Education and Skills the reason for the delay in publishing the value for money review of small schools; and if he will make a statement on the matter. [25912/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Work is under way to finalise the report of the value for money review of small primary schools which I expect to receive shortly. After I have received and considered the report, I will arrange publication. I am committed to publication of the review and I look forward to hearing views and contributions from the House to further debate on this issue.

### Technological University

**36. Deputy Michael Moynihan** asked the Minister for Education and Skills the progress made to date in relation to the establishment of technological universities; and if he will make a statement on the matter. [25907/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A clear four stage process and criteria for designation as Technological University was published in February of this year. Institutions proposing to merge and apply for designation as technological universities, including those in the South-East will need to submit a formal expression of interest within a six month period and will be advised within a further six months whether they can proceed to the second stage for designation. The drafting of legislative proposals to provide for the amalgamation of Institutes of Technology and the establishment of Technological universities will be advanced in tandem with the designation process as part of the work which is underway on implementing the higher education strategy.

### State Agencies

**37. Deputy John Browne** asked the Minister for Education and Skills if he will provide a timeline for the establishment of SOLAS and the progress to date in establishing SOLAS; and if he will make a statement on the matter. [25915/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Following the Government Decision to create SOLAS, an Implementation Group was set up to establish SOLAS. I am chairing this Group and its membership includes representatives from the Department of Education and Skills, FÁS, the Irish Vocational Education Association, the Department of Social Protection, the Department of the Taoiseach, and a representative of the private training sector. This is part of a wider reform programme that also includes the rationalisation of 33 VECS into 16 Education and Training Boards. The Group has been meeting regularly to drive the process forward. The Heads of a Bill for the establishment of SOLAS have been approved by Government and have recently been referred to the Office of the Attorney General for drafting purposes. The Bill will, *inter alia*, provide for the establishment of SOLAS and for the dissolution of FÁS. I expect to publish this legislation in the autumn session.

*Question No. 38 answered with Question No. 9.*

### State Examinations

**39. Deputy Clare Daly** asked the Minister for Education and Skills the number of school leavers who completed leaving certificate during each of the past five years; the social back-

grounds according to the Central Statistics Office classification; the average leaving certificate points secured by the students in each social class; his views on whether significant extra resources need to be allocated to post leaving certificates and Ireland's Institution of Technology to enable the children of workers defined by the CSO as from the lower socio-economic categories, to continue to access third level education and training (details supplied). [25724/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations. Statistics in relation to the Junior Certificate and Leaving Certificate examinations (2000-2011) including the number of school leavers who completed the Leaving Certificate and Junior Certificate for the last 12 years can be downloaded from State Examinations Commission website:- [www.examinations.ie/statistics](http://www.examinations.ie/statistics). The State Examinations Commission does not have direct details on the socio-economic background of students. However, candidates whose parents or guardians hold a current medical card are exempt from paying examination entry fees. Approximately 30% of all candidates benefit under this scheme and the number of such candidates has increased in recent times. The fee alleviation scheme does not apply to appeal fees or to statement fees.

I wish to inform the Deputy that the HEA published, in January 2010, its report "Hidden Disadvantage? A study on the Low Participation in Higher Education by the Non-Manual Group". It provides a wealth of data on Leaving Certificate achievement and participation in higher education by social class. The research was conducted by the ESRI. The report highlights that participation in higher education has risen steadily in Ireland since 1960s. However, it also found that the only exception to this trend was those participants from the non-manual socio economic group — which in fact showed a decline in their estimated participation rate — from 29% in 1998 to between 25 and 27% in 2004.

The Post Leaving Certificate (PLC) programme is available to young people who have completed their Leaving Certificate and adults returning to education. Its purpose is to enhance their prospects of gaining employment or progressing to further or higher education. 65% of PLC participants were exempt from payment of the PLC participant contribution introduced this year. Full medical card holders (in their own right and their dependent children), those eligible under the student grant scheme and /or those in receipt of the Back to Education Allowance (BTEA) or Vocational Training Opportunities Scheme (VTOS) allowances are exempt from paying the contribution, which should ensure that those who are less well off will continue to have access to PLC courses.

In 2009, 1,500 additional PLC places were allocated to VECs and in May 2011 due to prioritisation and, as part of the Jobs Initiative, a further 1,000 PLC places were allocated, bringing the total number of approved PLC places nationwide to 32,688, which enabled some 36,600 people to participate in PLC courses in the current academic year. My Department is not in a position at this point to increase that number further, or to approve all the places sought. There is a continuing requirement to plan and control numbers, to manage expenditure and provide for future investment and growth, within the context of overall educational policy and provision.

The Department of Education and Skills allocates funding to third level institutions, including Institutes of Technology, to support the implementation of equality of access and lifelong learning policies, through the Recurrent Grant Allocation Model (RGAM). In 2012, a total of €20.2m in core access funding has been allocated to the thirteen Institutes of Technology to cater for students in each of the institutions who enter as mature students or who are from target socio-economic groups or have a disability. Each Institute of Technology also receives

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an annual allocation from the Student Assistance Fund. Full-time students registered in Institutes of Technology on courses of not less than one-year duration leading to an undergraduate or postgraduate qualification are eligible to apply for the Fund. Assistance is commonly provided to help students with the costs of rent, childcare, and books/materials. Students can make an application for support to their Access Officer.

A total of €9m was allocated for the Fund in 2011-12. Of this, €4.1m was allocated to the Institutes of Technology. A total of 3,454 students in the institutes of technology were supported by the Fund in 2010-11.

### **Special Educational Needs**

40. **Deputy Mick Wallace** asked the Minister for Education and Skills further to the Dáil discussion relating to special educational needs on 19 April 2012, if he will confirm whether the right of parents to appeal the decision of a special education needs organiser in relation to special needs assistants allocation for their child has been removed; and if he will make a statement on the matter. [25925/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teaching support 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 the number of posts available.

The NCSE has advised my Department that it is in the process of reviewing and developing an appeals process for schools, which will be in place for the 2012/13 school year allocations process. In the interim, for the current school year, the NCSE has retained a number of SNA posts in order to allocate them over the remainder of the school year in respect of emergency cases or new diagnosis. Where schools seek to have their SNA provision reviewed or make a new application, they should contact the NCSE in this regard. It is expected that schools, before requesting any review of their SNA provision, will be in a position to demonstrate that they have made every effort to manage their allocation of SNA posts to best effect.

### **Educational Projects**

41. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he and/or his Department continues to examine and identify the quality, scale and skills requirement at all levels in the educational sector in the future; if discussions have taken place with industry and academia with a view to identifying how best to meet any such requirements emerging; his plans to meet such requirements in the short, medium to long term with particular reference to the recognition of the major role to be played by education towards economic recovery and future development; and if he will make a statement on the matter. [25922/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The education and training system has a central role to play in the development of workforce and entrepreneurship skills and supporting economic recovery. The enterprise sector is represented on the statutory agencies responsible for curriculum reform and assessment, quality assurance and policy advice across the education system and on the boards of further and higher education institutions and FÁS. Input from industry also informs the development of education policy, such as curriculum reform on an ongoing basis. An enterprise engagement forum also provides for regular interac-

tion on between enterprise interests and the Secretary General and senior management team in my Department.

My Department and all of the education and training providers are also represented on the Expert Group on Future Skills Needs and reports from the EGFSN research and analysis from the Strategic Labour Market Research Unit of FÁS also inform programme development by education and training providers. There is also close interaction with the enterprise sector in the development of targeted skilling initiatives such as the ICT Skills Action Plan and Springboard.

### **FÁS Training Programmes**

**42. Deputy Sean Fleming** asked the Minister for Education and Skills the steps being taken to ensure that the 2,183 redundant apprentices who have yet to complete their on the job training are enabled to do so by FÁS; and if he will make a statement on the matter. [25894/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** This is a day to day operational matter for FÁS. I understand that FÁS, with the support of the social partners, are providing a temporary Redundant Apprentice Placement Scheme whereby FÁS approved employers in the public and private sectors will provide redundant apprentices with training and assessment on-the-job at Phase 3, Phase 5 and Phase 7 of their apprenticeships. FÁS will provide eligible redundant apprentices with an opportunity to complete their on-the-job training and assessments. As of 11th May 2012, 672 apprentices are currently on the scheme and 127 have completed their on-the-job training phase.

### **Schools Building Projects**

**43. Deputy Richard Boyd Barrett** asked the Minister for Education and Skills if he will reverse his decision to put off the new build at a school (details supplied) in County Dublin until 2015/2016; and if he will make a statement on the matter. [25919/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Newpark Comprehensive is one of five post primary schools in the Dun Laoghaire Post Primary Feeder Area. Overall enrolments in Newpark have increased by 4% in the last 4 years. Enrolments at post primary level for the area have increased only slightly since 2001. Based on the current intake pattern, it is projected that enrolments will remain stable to 2023. The building project for Newpark Comprehensive has been included in the 5 year construction programme and is scheduled to commence construction in 2015/16. A stage 2(b) submission was received last week and is currently under review. This submission includes tender documents and is the precursor to tender and construction stage. Due to annual financial constraints and the need to prioritise the funding available each year for the provision of new school accommodation to meet the increasing demographic requirements it is not possible to advance all projects to construction in the early years of the programme.

### **European Globalisation Fund**

**44. Deputy Pádraig Mac Lochlainn** asked the Minister for Education and Skills the total amounts of money returned to the European Commission or expected to be returned to the European Commission from the European globalisation fund programmes for Dell, Waterford Crystal and SR Technics; his views on whether any of the EGF funding allocated for the redundant construction workers programme will also be returned to the European Commission; and if he will make a statement on the matter. [25792/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** No monies made available to the Irish authorities by the EU budgetary authority to co-finance measures under the European Globalisation Adjustment Fund (EGF) in support of workers made redundant at Dell, Waterford Crystal, SR Technics and ancillary enterprises have to date been returned to the EU. These programmes have not yet been closed by the European Commission. However, on foot of the submission by the Department of final reports and accompanying statements of expenditure for these programmes, the Commission has informed the Department of its initial calculations for reimbursements of funding as follows:

	€
Dell EGF programme	5,978,311.30
Waterford Crystal EGF programme	562,591.50
SR Technics EGF programme	4,518,314.04

These figures all remain to be confirmed by way of debit notes from the European Commission which are still awaited. The debit notes will inform the Department when and how and within what deadlines to reimburse the sums due. In relation to any potential reimbursement of EGF co-financing received in respect of the three approved construction sub-sector programmes (NACE 41, NACE 43 and NACE 71), these programmes are ongoing until 9 June 2012. The Department does not yet have total expenditures for these programmes, which data require to be submitted together with final reports to the European Commission by 9 December 2012. However, it is anticipated that total expenditure will be significantly lower than the total funding available.

### Special Educational Needs

**45. Deputy Jonathan O'Brien** asked the Minister for Education and Skills if he will reverse the decision to cut two special needs assistants posts from a school (details supplied) in County Tipperary which, if implemented, will result in the loss of four of the school's six SNAs from 2010 leaving two remaining SNA posts to meet the needs of 240 pupils; and if he will make a statement on the matter. [25777/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the National Council for Special Education (NCSE) is responsible for allocating Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's established criteria for the allocation of Special Education supports and the staffing resources available to my Department. All schools, including the school referred to by the Deputy were advised to apply to the NCSE for resource teaching and SNA support for the 2012/13 school year by 16th March, 2012. In considering applications for SNA support for the new school year, the NCSE will take into account the individual care needs of all qualifying children, supports freed up due to any school leavers, and the identified care needs of newly enrolled children with special educational needs. The number of SNAs allocated to a school is based on the care needs of individual pupils with special educational needs, not the overall pupil enrolment of a school. Schools will be advised by the NCSE of their SNA allocation for the 2012/13 school year by June of this year.

### School Staffing

**46. Deputy Aengus Ó Snodaigh** asked the Minister for Education and Skills if he will provide an update on when he intends to examine the operation of the panel system for part-time and temporary teachers seeking permanent positions. [25785/12]

**47. Deputy John McGuinness** asked the Minister for Education and Skills his plans to introduce a panel system for part-time and temporary second level teachers; and if he will make a statement on the matter. [25904/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take questions 46 and 47 together. Matters in relation to the Redeployment of Teachers are discussed under the auspices of the Teachers Conciliation Council, which is the agreed forum for dealing with the pay and conditions of service of Teachers. The Parties to the forum include representatives of the managerial authorities of schools, the teacher unions, the Department of Education and Skills and the Department of Public Expenditure and Reform. As the proceedings of the Conciliation Council are confidential it would not be appropriate for me to make any further comment at this time.

### **Schools Building Projects**

**48. Deputy John Halligan** asked the Minister for Education and Skills if he will reverse his decision to postpone the new build at a school (details supplied) in County Dublin until 2015/2016; and if he will make a statement on the matter. [25918/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Newpark Comprehensive is one of five post primary schools in the Dun Laoghaire Post Primary Feeder Area. Overall enrolments in Newpark have increased by 4% in the last 4 years.

Enrolments at post primary level for the area have increased only slightly since 2001. Based on the current intake pattern, it is projected that enrolments will remain stable to 2023. The building project for Newpark Comprehensive has been included in the 5 year construction programme and is scheduled to commence construction in 2015/16. A stage 2(b) submission was received last week and is currently under review. This submission includes tender documents and is the precursor to tender and construction stage.

Due to annual financial constraints and the need to prioritise the funding available each year for the provision of new school accommodation to meet the increasing demographic requirements it is not possible to advance all projects to construction in the early years of the programme.

### **Special Educational Needs**

**49. Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the total number of special needs assistants that will be employed for the 2012/2013 school year; and if he will make a statement on the matter. [25908/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the National Council for Special Education (NCSE) is responsible for allocating Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's established criteria for the allocation of Special Education supports and the staffing resources available to my Department. 10,575 whole time equivalent SNA posts are available to the NCSE for allocation to schools for the 2012/13 school year. There has been no reduction in the number of SNA posts available for allocation over last years figure. All schools were advised to apply to the NCSE for resource teaching and SNA support for the 2012/13 school year by 16th March, 2012.

In considering applications for SNA support for the new school year, the NCSE will take into account the individual care needs of all qualifying children, supports freed up due to any school leavers, and the identified care needs of newly enrolled children with special educational

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needs. The total SNA allocations for the coming school year will be dependent on the number of valid applications for SNA support received by the NCSE. Schools will be advised by the NCSE of their SNA allocation for the 2012/13 school year by June of this year.

### **Departmental Reviews**

**50. Deputy Michael Moynihan** asked the Minister for Education and Skills his views on the recent organisational review programme of his Department; the steps he will be take to address the weaknesses identified by the ORP; and if he will make a statement on the matter. [25906/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, the Organisational Review Programme (ORP) process was set up in 2007 to review the capacity of Government organisations in three key areas, strategy, managing delivery and evaluation. Its aim is to ensure that Government Departments and major Offices are fit for purpose in terms of the challenges they face. The ORP review of my Department highlights strengths in some areas, most notably the calibre of management and staff, their strong values and commitment to education, dedication, accessibility and their ability to develop policy and strategy. Naturally, however, the focus of the report is on areas where improvements are needed.

The Third Report of the ORP process was published in January last and includes my Department's Action Plan in response to the ORP review. The full report, which includes reviews of three other Departments, is available to download from [www.orp.ie](http://www.orp.ie). The Department of Education and Skills has developed a comprehensive Action Plan which includes 38 actions to address a range of issues raised in the ORP review. The plan is a composite of new actions and existing actions that have commenced since the ORP review was written, e.g. development of a new website for the Department and work on establishing SOLAS and the Education and Training Boards. An official at Assistant Secretary or Principal level has been assigned responsibility to deliver and report on individual actions in the plan. I am satisfied that my Department's Action Plan will address many of the issues raised in the ORP Review. In particular, the plan focuses on improving strategic direction, governance of our agencies and education bodies, internal and external communications, evaluation of policy and programmes, HR practices and internal business processes including the use of ICT.

### **In-service Training**

**51. Deputy Gerry Adams** asked the Minister for Education and Skills one year into the literacy and numeracy strategy the number of primary and post primary principals that have attended seminars conducted by the Professional Development Services for Teachers on the strategy; and if he will make a statement on the matter. [25778/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Since continuing professional development (CPD) commenced for the Literacy and Numeracy strategy, school leaders have had access to two separate strands of professional development support within the Professional Development Service for Teachers (PDST). The Leadership and Planning Strand of the PDST continues with its remit, and its normal programme of training including Forbairt, Misneach, Spreatagadh and Tánaiste has continued. These programmes have been adjusted, as appropriate, in the context of the literacy and numeracy strategy. A total of 1,135 principals are engaged on these programmes, 787 at primary level and 348 at post primary level. In addition, as part of a comprehensive plan for CPD in response to the Literacy and Numeracy strategy, full day seminars have taken place with a view to outlining the background and key messages of the

National Strategy, exploring the role of the Principal in leading change, exploring the potential of school self-evaluation in improving literacy and numeracy and identifying starting points for setting targets and actions. These seminars were offered to all school principals as well as a second teacher in the case of larger schools. Other shorter workshops, for example in relation to school self-evaluation, have taken place at regional level. To date attendance at these events has been 3,146 from primary level and 1,728 from post primary level. Further supports will be available from the PDST over time.

### School Accommodation

**52. Deputy Brendan Smith** asked the Minister for Education and Skills the position regarding the proposal to provide additional permanent accommodation at a school (details supplied) in County Cavan; if this application will be reviewed in view of the significant increase in pupil numbers at the school in recent years; and if he will make a statement on the matter. [25882/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There are five primary schools in the Virginia feeder area. While enrolments have increased over the past decade, my Department has projected that future enrolments will remain relatively stable up to 2018. The current enrolment at St Mary's is 380 pupils — up from 350 in 2007. So while enrolment levels have been growing at the school they have increased by less than 10% over the last five years.

To ensure that every child has access to a school place, the delivery of projects to meet the increasing demographic demands will be the main focus for capital investment over the next 5 years, particularly in those areas where it has been identified that most future demographic growth will be concentrated.

The project for the school referred to by the Deputy, will continue to progress through the design stages of architectural planning within the context of available funding. However, due to competing demands on my Department's capital budget, it is not possible at this time to progress the project to construction stage.

### Special Educational Needs

**53. Deputy Bernard J. Durkan** asked the Minister for Education and Skills the degree to which he expects to continue to be in a position to meet the requirements of children with special needs in mainstream education over the next four years with particular reference to the provision of adequate provision of special needs assistants; and if he will make a statement on the matter. [25921/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that in relation to special needs education it should be noted that there has been no reduction in the number of Special Needs Assistants (SNAs) which will be available for schools next year, with 10,575 posts remaining available for allocation. There has also been no reduction in the overall number of resource teaching posts which will be available for allocation to mainstream schools next year, either through the General Allocation Model or which are available for individual allocation by the National Council for Special Education. The fact that the number of special needs assistant and resource teaching posts are being maintained at current levels is a reflection of this Government's commitment to prioritising supports for children with special educational needs, at a time when there is a requirement to make expenditure savings across a range of areas.

While it is not possible at this point to pre-empt future budgetary considerations, the commitment of this Government to protecting front line services for children with special educational

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needs will ensure that the requirements of special needs pupils in mainstream education can continue to be provided for on an ongoing basis, despite overall budgetary pressures.

### School Enrolments

**54. Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills if he has met with the Department of Children and Youth Affairs to discuss the matter of teenage parents being discriminated against in education services; and if he will make a statement on the matter. [23974/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, last June, I launched a discussion paper on school enrolment. The document, “Discussion Paper on a Regulatory Framework for School Enrolment” contains suggestions on how to make the process of enrolling in schools more open, equitable and consistent.

Education partners and interested parties were invited to submit their views and the Department is currently co-ordinating their submissions. The feedback from this consultation will help inform the nature and scope of a new regulatory framework for school enrolment. I intend to bring legislative proposals to Government this year, the primary aim of which will be to ensure that every child is treated fairly and that every child has a place at school. My Department will liaise, as required, with other government Departments, including the Department of Children and Youth Affairs, in relation to progressing these proposals.

### Higher Education Scholarships

**55. Deputy John McGuinness** asked the Minister for Education and Skills if he remains committed to keeping the 1916 commemoration scholarships and the Gaeltacht scholarships in place; and if he will make a statement on the matter. [25905/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As announced in the 2012 Budget, five scholarship schemes for higher education, including the Easter Week 1916 and Irish scholarships, will be replaced with a new single scheme of bursaries.

The awards under the new scheme will be fixed at €2,000 per student. The bursary will be an extra support and incentive to recognise high achievement for students who are from disadvantaged families and attending DEIS schools. Those students to whom bursaries are awarded will also be entitled to apply for student grants towards the cost of maintenance and the student contribution or fees.

This change has been made in order to make the best use of scarce resources so as to focus on the best performing students in the cohort of those who are most in need of financial help. Awards will be made on a regional basis and students from all DEIS schools will be considered. These changes will not impact on those who already hold scholarships under the existing schemes.

*Question No. 56 answered with Question No. 32.*

### Vocational Education Committees

**57. Deputy Willie O’Dea** asked the Minister for Education and Skills the position regarding the merger of vocational education committees; and if he will make a statement on the matter. [25910/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In October 2011, following Government approval, 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 discussion with my Department and relevant stakeholders, the committee prepared a report which I responded on 25 January 2012. The General Scheme was referred to the Office of the Parliamentary Counsel to the Government for formal drafting.

Also in October 2011, my Department concluded an agreement with SIPTU, the trade union representing the Chief Executive Officers (CEOs) of VECs, on a redeployment scheme for CEOs in the context of the Croke Park agreement. This scheme will be used, in the first instance, for determining the appointment of CEOs to the new Education and Training Boards, following the enactment of the relevant legislation.

*Question No. 58 answered with Question No. 32.*

### School Accommodation

59. **Deputy Jonathan O'Brien** asked the Minister for Education and Skills his views on whether the demographic need for a modern building for a school (details supplied) in County Wicklow, has been clearly demonstrated and that failure to deliver such a building discriminates against parents who have opted to have their children educated through Irish; his further views on whether in attempting to establish a pluralist system of education at second level the inclusion of Gaelscoileanna must be a core element of his strategy. [25776/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department is examining the long-term projected pupil levels for this school in the context of the correspondence on this matter provided by the VEC and the school. As the Deputy will be aware, in June 2011 I announced that 20 new post-primary schools are to be established up to 2017 across a number of locations to cater for increasing enrolments. Of the 17 new schools to be established by 2014, three will be gaelcholáistí, to these will be located in the Dundrum and Balbriggan areas of Dublin and in the Carrigaline area of the south side of Cork city. As part of the new criteria, I announced that in cases where there is insufficient demand to warrant the establishment of a new gaelcholáiste, it will be an option for the new English-medium second level schools to operate an all-Irish aonad within the school if there is sufficient parental demand for such an aonad.

### School Staffing

60. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will provide an update on plans to implement a pilot voluntary redeployment scheme, agreed under the Croke Park Agreement, that will allow teachers to transfer on a voluntary basis to another school or geographical area. [25773/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Circular 25 of 2011, which included a Redeployment Scheme for teachers who are surplus to requirements in situations other than school closures, also provided that discussions would be held with a view to developing a voluntary scheme for the redeployment of teachers. Discussions in relation to a voluntary scheme are continuing under the auspices of the Teachers Conciliation Council, which is the agreed forum for dealing with the pay and conditions of service of teachers. The parties to the forum include representatives of the managerial authorities of schools, the teacher unions, the Department of Education and Skills and the Department of Public Expenditure and Reform.

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As the proceedings of the Conciliation Council are confidential, it would not be appropriate for me to make any further comment at this time.

### School Patronage

**61. Deputy Clare Daly** asked the Minister for Education and Skills if, in view of the fact that the forthcoming periodic review of Ireland's record under the UN International Covenant on Civil and Political Rights will likely maintain its previous position that Ireland is in breach of Article 18, Freedom of Thought, Conscience and Religion, he will precisely timetable its delivery of the commitments contained in its recently published White Paper on the Divestment of Patronage in the Primary Sector. [25723/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that I recently published the Report of the Advisory Group to the Forum on Patronage and Pluralism in the Primary Sector. The overarching aim of the forum's work was to ensure schools cater for diversity and provide an inclusive and respectful environment for all their pupils. The Advisory Group has presented a comprehensive report. I am aware that some of the issues dealt with in the report are sensitive and need to be carefully examined. I have asked the education partners and interested parties to examine the report and take time to reflect on and digest the recommendations. I am considering the report's findings and recommendations and intend to outline my official response in the coming weeks. As per the commitment in the Programme for Government, a White Paper on Pluralism and Patronage in the primary sector will follow.

### Teachers' Remuneration

**62. Deputy Brian Stanley** asked the Minister for Education and Skills the position regarding teachers' allowances; his views on whether allowances are part of teachers' pay and to cut them would mean a breach of the Croke Park Agreement. [25787/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, the review of allowances in the public service which is ongoing at the moment is being conducted by the Department of Public Expenditure and Reform.

The Government has reaffirmed the key commitments under the Public Service Agreement, including that there will be no further reductions in pay rates for serving public servants. These commitments are contingent on delivery of the required flexibilities and reforms to public service delivery.

Allowances paid to teachers form only a part of the overall remit of the review. It would not be appropriate for me at this stage to comment on the detail of this review or to speculate on its possible outcome pending the completion of the review and its consideration by Government.

### School Staffing

**63. Deputy Pádraig Mac Lochlainn** asked the Minister for Education and Skills if he will uphold the appeal of a person (details supplied) in County Donegal and reinstate the 10 hours teaching time that is to be cut from the school from September, 2012, onwards. [25793/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The criteria used for the allocation of teachers to schools is published annually on my Department's website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The

staffing arrangements in schools for the 2012/2013 school year can also be affected by changes in their enrolment, the impact of budget measures and the reforms to the teacher allocation process. A key part of the reforms of the allocation process was to facilitate a long overdue updating of the GAM (learning support) allocation for all schools. The criteria for the allocation of GAM hours by school type including DEIS schools are outlined in circular 007/2012. The reform inevitably involves changes to existing clustering arrangements whereby a teacher is shared between schools. A further change is that schools in any locality are being empowered to cluster and arrange their GAM resources in a manner that best suits their local needs.

The staffing arrangements include provision for an appeals mechanism for schools to submit an appeal under certain criteria to an independent Appeals Board. The school referred to by the Deputy submitted an appeal and the Board upheld this appeal at its meeting on the 18th and 19th April 2012. The school has been notified accordingly.

**64. Deputy Brian Stanley** asked the Minister for Education and Skills his views on statistics which show newly qualified teachers have to wait, on average, eight to nine years to acquire a full-time, permanent position and that 93% of teachers are still on fixed-term contracts after two years of teaching, a figure that is more than double the OCED average. [25786/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I assume the Deputy is referring to post-primary level. I acknowledge that the various budget measures that have taken place in recent years can limit the employment opportunities for newly qualified teachers. However, there are limits to the number of teaching posts that we can afford to fund as a country.

The redeployment of surplus permanent teachers is the first mechanism to fill teaching posts in schools. This is key to the ability of my Department to manage within its payroll budget and ceiling on teacher numbers.

Thereafter, teaching posts are filled in the normal manner through the recruitment process at individual school level. This gives employment opportunities for teachers on fixed-term or part-time contracts and also newly qualified teachers.

Teaching resources are allocated to schools on a school year basis. The bulk of teaching posts in schools are allocated on a permanent basis. Unlike most other areas of the public service teaching vacancies continue to be filled in accordance with published Department criteria. The Government has prioritised, as best as possible, the filling of front-line posts in the Education sector within the constraints of the Employment Control Framework. This is all the more challenging to achieve at a time of rapidly increasing enrolments in our schools.

*Question No. 65 answered with Question No. 32.*

**66. Deputy Sandra McLellan** asked the Minister for Education and Skills if he will reverse his decision to cut a teacher from a school (details supplied) i gContae na Gaillimhe in view of the fact that they have now confirmed to his Department that they have the 85 students necessary to retain four teachers as per his Department's guidelines. [25783/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy is a small school in the Gaeltacht. As part of the new staffing arrangements my Department has expanded the existing appeals process so that it is accessible to the small primary schools that are losing a classroom post as a result of the budget measure. Such schools will not lose their classroom post if they are projecting increased enrolments in September 2012 that would be sufficient to allow them to retain their existing classroom posts over the longer term. The school submitted an appeal to the Staffing Appeals Board. All appeals submitted to the Primary Staffing Appeal Board were considered in accordance with the published appeals

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criteria that is set out in my Department's Staffing Circular 0007/2012. This was done at its meeting on 18th and 19th April. The appeal by the school was unsuccessful on the basis that the school did not meet the published appeal criteria. The Board operates independently of the Department and its decision is final. However, the Appeal Board will review this decision in September if the school's actual enrolment in September 2012 increases to the required level.

A total of 367 schools submitted appeals to the April meeting of the Appeals Board. 205 schools had their appeals upheld by the Staffing Appeals Board. A summary outcome of the appeals is now published on my Department's website. Individual schools have been notified of the outcome of their appeals.

The next meeting of Staffing Appeals Board is due to be held on 14 June 2012. The latest date for other schools to submit appeals is 1 June 2012.

The final staffing position for all schools will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and all appeals to the Staffing Appeals Board will have been considered.

### Bullying in Schools

**67. Deputy Willie O'Dea** asked the Minister for Education and Skills the steps he believes that need to be taken to prevent homophobic bullying of teachers and students; and if he will make a statement on the matter. [25911/12]

**92. Deputy Bernard J. Durkan** asked the Minister for Education and Skills the degree to which the number of reports of school bullying at primary and second level continue to be monitored; the extent to which follow up or positive intervention continues to be made; the success or otherwise of such acts of intervention; and if he will make a statement on the matter. [26121/12]

**95. Deputy Bernard J. Durkan** asked the Minister for Education and Skills the steps that are being taken to address the issue of cyber bullying in schools at primary or second level; and if he will make a statement on the matter. [26124/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 67, 92 and 95 together.

Tackling the issue of bullying in schools is a key objective of this Government.

It was for this reason that, on 9 April last, I announced details of an Anti-bullying Forum to explore ways to tackle the serious problem of bullying in schools. As the Deputy is aware, this Anti-Bullying Forum bringing together a range of experts, support groups and representatives of the schools sector including parents and students was held on last Thursday 17th May.

I was very pleased to open this important Forum and to provide an opportunity 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 range of speakers on the day of the Forum included contributions from my Department, Professor Mona O'Moore of the Anti-Bullying Centre, Trinity College, representatives of the National Anti-Bullying Coalition (NABC), and contributors from the school sector from the various perspectives of school principal, parent and pupil. The Forum also gave other stakeholders an opportunity to give their views.

The proceedings of the Forum were broadcast live over the internet and recordings of the day's events can be now viewed by accessing the Anti-Bullying Forum webpage of my Department's website [www.education.ie](http://www.education.ie). The presentations of the various speakers can also be viewed and downloaded from this page.

In addition to holding the Forum itself, I have invited the stakeholders and any other interested parties to submit their views on this important topic to my Department by 29th June 2012. Full details of how this can be done are available on the Anti-Bullying Forum webpage on my Department's website [www.education.ie](http://www.education.ie).

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 now 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.

### **Human Rights Issues**

**68. Deputy Joanna Tuffy** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update in respect of the case of Mrs. Asia Bibi who has been sentenced to death for blasphemy and is in prison awaiting appeal of her case to a superior court in Pakistan; if there has been any follow up by his Department in respect of conveying through diplomatic channels the sentiments expressed on behalf of the Tánaiste and by the Deputies during the debate in Dáil Éireann of 7 March 2012; and if he will make a statement on the matter. [26024/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As stated in my reply on 3 May, the government remains concerned about the case of Mrs Asia Bibi. Since Mrs Bibi was found guilty of blasphemy and sentenced to death in November 2010, a number of representations have been made to the Pakistan government on this issue, both bilaterally and within the respective frameworks of the European Union and the United Nations. Officials from the Department of Foreign Affairs and Trade have been in direct contact with the Pakistan Embassy in Dublin and have requested an update on developments in Mrs Bibi's case. We will continue to raise the case of Asia Bibi with the Pakistan government as and when opportunities arise.

### **Disabled Drivers**

**69. Deputy Bernard J. Durkan** asked the Minister for Finance if he will review the decision to refuse a primary medical certificate in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [25966/12]

**Minister for Finance (Deputy Michael Noonan):** The initial application for a Primary Medical Certificate under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994, is made to the Senior Medical Officer of the relevant local Health Service Executive administrative area. If the Primary Medical Certificate is refused, the person may appeal the refusal to the Disabled Drivers Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin.

I understand the person appealed the decision of the Senior Medical Officer not to grant a Primary Medical Certificate and the appeal was subsequently refused by the Medical Board of Appeal. If the person wishes to apply again for a Primary Medical Certificate, the application to the Senior Medical Officer must be accompanied by a medical certificate from a registered

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medical practitioner indicating that the practitioner has formed the opinion that the medical condition of the person concerned has materially disimproved since the previous application.

I would point out that the Medical Board of Appeal is independent in the exercise of its functions.

### Tax Yield

70. **Deputy Kevin Humphreys** asked the Minister for Finance the yield from the carbon tax in 2011; the expected yield in 2012; the exemptions, reliefs or credits associated with this tax; the proportion of the revenue that is earmarked for specific schemes; if he will list those schemes and the amount apportioned; the amount of revenue raised that is earmarked for energy efficiency schemes; if the amount earmarked increased or decreased in Budget 2012; if he has any plans to increase or decrease the amount that goes towards these schemes; and if he will make a statement on the matter. [26003/12]

**Minister for Finance (Deputy Michael Noonan):** The yield from carbon tax for 2011 was €329.2 million (VAT inclusive). The estimated yield for 2012 is €410 million (VAT inclusive). The VAT figures are estimates based on the expected carbon tax receipts in each category. The VAT receipts are estimated as VAT returns do not require the yield from a particular sector or sub-sector of trade to be identified and the actual VAT yield for each category cannot therefore be determined. The uses of mineral oil that are entitled to a full or a partial relief from Mineral Oil Tax (MOT) are specified in the Finance Act 1999, as amended.

Full relief from MOT, including its carbon charge component, is granted for a range of uses including electricity production and use in chemical reduction or in electrolytic or metallurgical processes. It applies also to oil used for sea navigation and to heavy oil used for air navigation, but does not extend to oil used for private pleasure navigation or private pleasure flying.

A relief from the carbon charge component of MOT applies to biofuel, including biofuel which forms part of a mix or blend with other oil. Carbon charge relief applies also in the case of mineral oil used in an installation covered by a greenhouse gas emissions permit, or for environmentally friendly heat and power cogeneration (other than micro-cogeneration) that meets the requirements for high-efficiency cogeneration set down in Directive 2004/8/EC.

Partial relief from MOT applies to aviation gasoline used for air navigation, other than private pleasure flying, and to heavy fuel oil and gas oil used in the production of horticultural products and mushrooms.

In addition, section 20 of the Finance Act 2012 has made provision for a deduction in respect of the carbon charge component of the MOT on marked diesel used by farmers in the course of their farming trade. Under this measure, farmers are allowed a deduction in computing their farming profits or losses for the amount of additional carbon charge that they incur on purchases of marked diesel, following the increase in the rate of tax on certain fuels from 1 May 2012. This new deduction is in addition to the existing deduction for MOT included in the cost of marked diesel used in the course of the farming trade.

Chapter 2 of Part 3 of the Finance Act 2010, which introduced Natural Gas Carbon Tax, provides for a number of reliefs from that tax. A full relief from the tax applies to gas supplied for use in the generation of electricity, or in chemical reduction or in electrolytic or metallurgical processes. Partial relief applies in the cases of gas supplied for use in installations covered by greenhouse gas emissions permits, or for environmentally friendly heat and power cogeneration.

On the question of earmarking revenue for specific schemes, as a matter of principle the Department of Finance is opposed to the hypothecation of revenue and sees no merit in having revenues predestined for specific areas. It is therefore the general practice not to ring-fence revenues for specific purposes but rather take an overall view on priorities in the context of expenditure decisions which, of course, are dependent on Exchequer revenues.

### Sale of State Assets

**71. Deputy Sean Fleming** asked the Minister for Finance the criteria that was applied for selection of a company (details supplied) as advisers on the sale of Coillte assets; if an interview of the prospective advisory candidates took place prior to their appointment; the remit of the advisers in relation to the sale; the timescale in which they have been asked to report; and if he will make a statement on the matter. [26068/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the NewERA Unit in the National Treasury Management Agency (NTMA), which advises the Government on the programme of State asset disposals, that no advisor has been appointed to advise on a potential sale of Coillte assets. As announced by the Minister for Public Expenditure and Reform on 22 February 2012, the Government has decided to pursue the sale of a number of State assets and to consider the possible sale of other State assets, including certain assets of Coillte. A separate sale process and timeline will apply to each individual transaction, which will, where appropriate, include the appointment of advisors. None of these processes is at a stage where procurement for the appointment of advisors has commenced.

Earlier this year, the NTMA, acting through its NewERA Unit, submitted an indicative valuation in respect of Coillte to the Government Steering Committee that is overseeing the potential disposal of State Assets. The NTMA engaged an adviser in relation to that valuation exercise following a competitive tender process. The scope of the services provided by that advisor to the NTMA was very limited, and did not extend to advising on a sale of Coillte's assets.

### Redundancy Provisions

**72. Deputy Michael McGrath** asked the Minister for Finance the discussions he has had with financial institutions currently considering finalising redundancy schemes as to how best employees availing of such schemes can be supported in finding alternative employment; and if he will make a statement on the matter. [26081/12]

**Minister for Finance (Deputy Michael Noonan):** It is deeply regrettable, for all concerned, that the proposed action of shedding of jobs, even on a voluntary basis in these challenging economic times, at Allied Irish Banks and Bank of Ireland as announced, has had to be taken. This is an inevitable consequence of the necessary restructuring of the banking system to render it fit to better serve personal and business customers throughout the economy. The respective employers will be making available as part of the voluntary redundancy package to individual applicants supports such as the provision of outplacement services and vouched training grants.

In addition, as for any group of workers whose positions are being made redundant, the services of the State — through employment supports, sourcing job opportunities (for example the promotion of jobs at the IFSC), education and training interventions, social welfare services (for example income maintenance and money advice), etc — will be made available to complement any assistance being provided by the employer. The exact nature of that support will be dictated by the particular circumstances of the departures, geographic considerations and timing.

### Tax Code

**73. Deputy Jack Wall** asked the Minister for Finance the reason a person (details supplied) in county Kildare has not been issued with their P45 in view of the fact that it is a year since the person left the employment; the mechanism available to them to obtain such a certificate; if the person is entitled to any tax rebate regarding their period of employment; and if he will make a statement on the matter. [26085/12]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners that the issue of a P45 is primarily a matter between the employer and the employee. However the Revenue Commissioners have written to the employer concerned and await a reply. In the interim the District Manager will write shortly to the person concerned seeking the information necessary to determine if any tax refund is due for the year 2011.

### FÁS Training Programmes

**74. Deputy Ciarán Lynch** asked the Minister for Education and Skills if he will confirm that funding in support of the FÁS construction skills certification scheme has been withdrawn; if any alternative scheme is planned; the number of persons who have availed of this scheme in 2010 and 2011 and the cost of providing this training; and if he will make a statement on the matter. [25970/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** This is a day to day operational matter for FÁS who have responsibility for the delivery of the Construction Skills Certification Scheme.

While the future management, delivery and development of the SafePass/CSCS and QSCS schemes are currently the subject of a FÁS strategic review, I can confirm that funding for this scheme has not been withdrawn and funding and service provision will continue as they are currently arranged, pending completion of this review. The information the Deputy sought in respect of the numbers availing of the scheme and the cost for providing this training is not readily available. I have asked FÁS to collate this data as soon as possible. When received I will forward directly to the Deputy.

### Disadvantaged Status

**75. Deputy Stephen S. Donnelly** asked the Minister for Education and Skills with regard to the rural DEIS schools in County Wicklow, his policy in relation to staffing and support services for rural DEIS schools; if he will clarify the position regarding rural DEIS schools in County Wicklow, amongst which there is concern about staff being lost due to cuts; when there are discrepancies between cuts and staff to pupil ratios between schools; if he will further explain the rationale for such discrepancies between cuts and staff to pupil ratios between schools, if he will explain the rationale for such discrepancies; and if he will provide the specified data in tabular form. [25977/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** DEIS (Delivering Equality of Opportunity in Schools) the Action Plan for Educational Inclusion remains my Department's policy instrument to address educational disadvantage. DEIS focuses on addressing and prioritising the educational needs of children and young people from disadvantaged communities, from pre-school through second-level education (3 to 18 years).

A total of 864 schools providing education for 164,000 children are included in DEIS, of which 327 are categorised as DEIS Rural schools with access to the following supports:

additional non-pay/capitation allocation based on level of disadvantage; additional funding under School Books Grant Scheme; access to Schools Meals Programme; access to transfer programmes/Homework support/after school activities; access to planning supports; access to a range of professional development supports.

The staffing arrangements for the 2012/13 school year are set out in Primary Circular 0007/2012 which is available on my Department's website. A range of factors contribute to determining the staffing requirement for individual schools including changes to enrolment and the reforms to the teacher allocation process for 2012/13. As the teaching allocation to schools is enrolment based, this determines whether schools gain or lose teaching posts from year to year.

DEIS Rural Primary schools have not been considered for preferential pupil teacher ratios under DEIS, although a number of these schools retained concessionary posts under previous disadvantage schemes prior to DEIS. As a result of Budget 2012, three of the four schools to which the Deputy refers are among 16 out of the total of 327 Rural DEIS schools who will lose 1 teaching post each.

These posts were retained in these schools in addition to classroom teacher posts and other supports that are allocated to all DEIS schools. The retention of these posts in some DEIS schools created a degree of inequity in the system and that is one of the reasons they were considered for withdrawal. DEIS Rural Primary schools, including those in the area referred to by the Deputy, were not within the scope of the Report on the net impact of Budget 2012 on DEIS urban schools. Accordingly, the decision I have made in relation to these schools is final and will not be revisited. The allocation process also includes an appeals mechanism under which schools can appeal against the allocation due to them under the staffing schedules. The appeal procedures are set out in the circular referred to above.

I can confirm that two of the four schools to which the Deputy refers submitted an appeal but their appeals were not successful. Schools were notified directly by the Staffing Appeals Board. The decision of the Appeals Board which operates independently of my Department is final. The information sought in tabular form will be sent directly to the Deputy.

### School Staffing

**76. Deputy Brendan Smith** asked the Minister for Education and Skills if he will outline the effect of changes to the staffing schedule in one, two, three and four teacher schools on minority faith schools; and if he will make a statement on the matter. [26035/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** On the original list of 73 small schools that were facing the loss of a classroom teacher as a result of the budget measure 8 were Church of Ireland schools. The Staffing Appeals Board considered appeals from any of the 73 schools that could show that their projected enrolments for September 2012 were sufficient to allow them retain their classroom teacher over the longer term.

A total of 35 small schools had their appeals provisionally upheld by the Appeals Board subject to confirmation of their actual enrolments in September 2012. 4 of these are Church of Ireland schools. In these extremely challenging times, all public servants are being asked to deliver our public services on a reduced level of resources and teachers in small schools cannot be immune from this requirement.

*Question No. 77 answered with Question No. 32.*

### Vocational Educational Committees

**78. Deputy Noel Harrington** asked the Minister for Education and Skills further to

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Parliamentary Question Nos. 112 of 14 December 2011 and 115 of 15 February 2012, if he is now in a position to state the total amount of legal costs spent by Cork County Vocational Education Committee in each year since 2000; and if he will state the years or which he now has figures; and if he will make a statement on the matter. [26000/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I would like to apologise to the Deputy for the delay in issuing a final reply to him in relation to the parliamentary question he asked on 15th February 2012.

I am now able to provide the relevant information for the years 2000-2010 inclusive, which is outlined in the table. The information has been obtained from the accounts of County Cork VEC for each year. The Deputy should note that the accounts for 2011 are not yet available.

Legal Costs incurred by Co Cork VEC from 2000 to 2010 (Ref: PQ 26000 24-5-12)

Year	Legal Costs (€)
2000	3,639
2001	11,633
2002	2,350
2003	27,204
2004	15,656
2005	3,050
2006	5,795
2007	55,113
2008	17,538
2009	34,699
2010	178,333
Total	355,010

### Schools Refurbishment

79. **Deputy Derek Nolan** asked the Minister for Education and Skills the amount of his Department's 2012 capital budget for school buildings and extensions that has been spent to date; the amount the allocation is worth in its entirety; his views on whether all the projects for which the budget has been earmarked in 2012 will proceed on schedule; and if he will make a statement on the matter. [26017/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The allocation available in 2012 for the capital programme in the school sector amounts to €357m of which just over €120m has been expended to date. In excess of €300m will be spent in 2012 on the acquisition of sites, building new schools and large scale extensions, providing additional accommodation and on the replacement of rented prefabs. The balance of the allocation will be expended on emergency works, the provision of furniture and equipment, remediation programmes, and commitments arising from the 2011 Summer Works Scheme and the 2011 Jobs Initiative and other miscellaneous items.

In December 2011, I published a list of projects which were under construction at that time and projects which were to proceed to construction in 2012. The status of these projects is listed on my Department's website and is updated on a regular basis. Furthermore, eight school

projects are anticipated to proceed to construction in 2012 under a Public Private Partnership but have no implication for the 2012 capital allocation of €357m.

### Departmental Expenditure

80. **Deputy Denis Naughten** asked the Minister for Education and Skills in view of the My World Survey carried out by Headstrong in conjunction with the Psychology Department at UCD, if he will review his decision on the reduction of guidance resources from schools; and if he will make a statement on the matter. [26026/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** This Government has protected education as much as it can. Far greater reductions in expenditure and in the number of public servants are being made in other sectors relative to those in schools. But there are limits to the level of expenditure on education and the number of teaching posts we can afford. The Budget 2012 measures in relation to the post-primary sector are set out in the documentation that was published by my Department last December. This envisages a net overall reduction of about 450 posts at post-primary level between the current school year and the 2012/13 school year. This net reduction in posts takes account of the impact of the budget measures, demographics and the budget decision to shelter all the DEIS post-primary schools through a reduced staffing schedule of 18.25:1.

My Department has published Circular 0009/2012 to inform all post primary school management and staff of the staffing arrangements for post-primary schools for the 2012/13 school year, including in particular, the requirements to manage guidance from within the standard allocation. The circular is available on the Department website. I want to re-assure the Deputy that all schools must continue to provide guidance to their pupils. However, from September 2012 guidance provision must be managed by schools from within their standard staffing allocation. Schools will have autonomy on how best to prioritise its available resources to meet its requirements in relation to guidance and the provision of an appropriate range of subjects to its students. Decisions on how this is done will be taken at school level and I am confident that schools will act in the best interest of students when determining precisely how to use the teaching resources available to them.

### School Staffing

81. **Deputy Joe McHugh** asked the Minister for Education and Skills if he will provide an update on the implementation to date of his Department circular 0031/2011. [26036/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Circular 31/2011 details a cascade of measures for recruitment of teachers, prioritising unemployed registered teachers over retired registered teachers and registered teachers over unregistered persons.

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. The Department has recently carried out a review of compliance with the procedures outlined in Circular 31/2011. 103 schools were randomly selected for review. In these 103 schools a total of 781 appointments were made in 2011/12. In the case of 707 appointments, the teachers were appropriately qualified and registered. This represents 91% of these appointments. 24 appointments, or 3%, related to unregistered and unqualified people. 14 retired teachers were

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appointed to cover short-term appointments which equates to 1.79% of the appointments made.

A further 6 appointments of retired teachers were made in accordance with the Department's measure to permit the re-employment of teachers who retired between 1 December 2011 and 29 February 2012 and who, immediately before their retirement, had been teaching students preparing to sit the Junior or Leaving Certificate in 2012. This once-off alleviation measure was permitted in recognition of the additional pressure of students facing State examinations, and the concerns of teachers who wished to ensure continuity of support for these children.

### Schools Building Projects

**82. Deputy Brendan Smith** asked the Minister for Education and Skills if he will ensure that the proposal to provide additional permanent accommodation at a school (details supplied) in County Cavan will be progressed without further delay in view of the growth in enrolment in that school and the over reliance on temporary accommodation; and if he will make a statement on the matter. [26039/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Design Team are currently working on the Stage 2(a) Submission (Developed Sketch Design).

To ensure that every child has access to a school place, the delivery of projects to meet the increasing demographic demands will be the main focus for capital investment over the next 5 years, particularly in those areas where it has been identified that most future demographic growth will be concentrated.

The project referred to will continue to progress through the design stages of architectural planning within the context of available funding. However, due to competing demands on my Department's capital budget, it is not possible at this time to progress the project to tender and construction stage.

**83. Deputy Brendan Smith** asked the Minister for Education and Skills the position regarding a capital works application submitted by a school (details supplied) in County Limerick in 2007. [26061/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school, referred to by the Deputy, applied to my Department for funding towards classroom accommodation and refurbishment works.

My Department approved funding for classroom accommodation to meet the school's immediate demands. However further correspondence in the matter has been received from the school earlier this week. My Department will be in direct contact with the school when this correspondence has been assessed.

### School Patronage

**84. Deputy Dominic Hannigan** asked the Minister for Education and Skills if his attention has been drawn to the number of parents in an area (detail supplied) in County Meath who regard the lack of provision on Catholic national school places in the town as an infringement of their constitutional right under Article 42.4; if his Department has an outline of a plan to vindicate these rights; and if he will make a statement on the matter. [26065/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Prior to September 2011 there were three primary schools in the area referred to by the Deputy, 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 area 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 area, 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 the area there will be capacity for at least seven junior infant classes across the five schools in the area 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 multidenominational 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 area based on the analysis of child benefit data for the area.

My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

### School Staffing

85. **Deputy Pat Deering** asked the Minister for Education and Skills when a decision will be made regarding an application for inclusion on special national panel in respect of a person (details supplied). [26097/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Department issued Circular 0012/2012 in March, 2012 which is available on the website, setting out the arrangements for access to the redeployment panels for the 2012/13 school year for eligible registered primary teachers in fixed term, substitute and part-time positions. The closing date for receipt of applications for access to the redeployment panels was 20 April, 2012. The applications are currently being processed in my Department and applicants will be notified of the outcome when this process is completed.

### Special Educational Needs

86. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which special needs requirements continue to be met throughout mainstream education; the degree to which this meets with requirements; and if he will make a statement on the matter. [26115/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that in relation to special needs education it should be noted that there has been no reduction to the number of Special Needs Assistants (SNAs) available for schools this year, with 10,575 posts available for allocation. There has also been no reduction in the overall number of resource teaching posts available for allocation to mainstream schools, either through the General Allocation Model or which are available for individual allocation by the National Council for Special Education.

The fact that the number of special needs assistant and resource teaching posts are being maintained at current levels is a reflection of this Government's commitment to prioritising supports for children with special educational needs, at a time when there is a requirement to make expenditure savings across a range of areas. This commitment to protecting front-line

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services for children with special educational needs has ensured that the requirements of special needs pupils in mainstream education can continue to be provided for on an ongoing basis, despite overall budgetary pressures.

### School Staffing

**87. Deputy Bernard J. Durkan** asked the Minister for Education and Skills the total number of schools throughout the country likely to experience a reduction in teacher numbers from or at September next; the number of teachers likely to be negatively affected; and if he will make a statement on the matter. [26116/12]

**88. Deputy Bernard J. Durkan** asked the Minister for Education and Skills the number and location of schools in County Kildare likely to be affected by a reduction in teacher numbers from or at September next; the number of teachers likely to be affected arising therefrom; and if he will make a statement on the matter. [26117/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 87 and 88 together.

The Government has prioritised, as best as possible, the filling of front-line posts in the Education sector within the constraints of the Employment Control Framework. This is all the more challenging to achieve at a time of rapidly increasing enrolments in our schools.

Teacher allocations are approved annually in accordance with established rules based on recognised pupil enrolment. My Department has published the staffing arrangements at primary and post primary level for the coming school year, 2012/13. The relevant circulars, Primary 0007/2012 and Post Primary 0009/2012 are available on my Department's website.

At post primary level and in accordance with existing arrangements, where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department considers applications for additional short term support i.e., curricular concessions.

The allocation processes at both primary and post primary level also include an appeals mechanism under which schools can appeal against the allocation due to them under the staffing schedules. The appeal procedures are set out in the circulars referred to above. For the coming school year the existing staffing appeals criteria have been extended to enable some limited phasing arrangements for schools where the combination of budget and reform measures impact on a particularly adverse manner on a school's overall allocation. The Appeal Boards operate independently of the Department and their decisions are final.

The final staffing position for all schools at primary and post primary level will ultimately not be known until the autumn. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Boards will have been considered.

### Schools Building Projects

**89. Deputy Bernard J. Durkan** asked the Minister for Education and Skills the total number of schools in all regions throughout the country currently deemed in need of extension upgrading or replacement by new schools; the number of such school likely to benefit from the school building capital works programme in the current year; the way this is likely to affect the totality of the problem in view of the increased demands arising from demographic trends; and if he will make a statement on the matter. [26118/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Information in respect of the current status of all assessed applications for major capital works including projects in architec-

tural planning is available on my Department's website at [www.education.ie](http://www.education.ie) which is updated regularly throughout the year. On 19th December 2011, I announced details of 56 major school building projects as part of €430m education infrastructure plan for 2012. The Five Year Plan that I announced on the 12th March 2012 contains details of a further 219 new major school building projects which will begin construction over the next five years as part of a €2 billion capital investment programme. Details of these projects are also contained on the website.

The Deputy will be aware of the demographic challenges that we are facing. Total enrolment in both primary and post-primary schools is expected to grow by almost 70,000 between now and 2018 and will continue to grow up to at least 2024 at post-primary level. The primary aim at the core of the Five Year Plan, that I announced on 12 March last, is focussed on meeting those demands and to ensure that every child will have access to a physical school place and that our school system is in a position to cope with increasing pupil numbers. 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. School building projects currently in architectural planning, including those projects not included in the five year programme, will continue to be advanced incrementally over time within the context of the funding available. Projects that are at application stage can only be considered for advancement in the context of the challenges set out above.

### **Psychological Services in Schools**

**90. Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent if any to which psychological assessment and or support is available for children at primary and post primary level; if any weaknesses in the system have been identified; and if he will make a statement on the matter. [26119/12]

**91. Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which psychological problems have been identified in school children at primary or second level; the extent of support service, if any, put in place arising therefrom; and if he will make a statement on the matter. [26120/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 90 and 91 together.

As the Deputy will be aware all primary and post-primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA). Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved and paid for by NEPS.

Additionally NEPS provides recommendations to the State Examinations Commission on applications from Leaving Certificate students under the Reasonable Accommodation for Certificate Examinations (RACE) scheme. NEPS psychologists, upon request from school authorities, also directly assist school communities who have the subject of a critical incident, a traumatic event such as the death of a pupil or teacher. In common with many other psychological services and best international practice, NEPS has adopted a consultative model of service. The focus is on empowering teachers to intervene effectively with pupils whose needs range from mild to severe and transient to enduring. Psychologists use a problem solving and solution focused consultative approach to maximize positive outcomes for these pupils. NEPS encourages schools to use a continuum based assessment and intervention process whereby each

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school takes responsibility for initial assessment, educational planning and remedial intervention for pupils with learning, emotional or behavioural difficulties. Teachers may consult their NEPS psychologist should they need to at this stage in the process. Only in the event of a failure to make reasonable progress, in spite of the school's best efforts in consultation with NEPS, will the psychologist become involved with an individual child for intensive intervention (referrals). This system allows psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually. It also ensures that children are not referred unnecessarily for psychological intervention.

For the Deputy's information in 2010/11 NEPS psychologists were involved with referrals (casework) in relation to individual named students in respect of some 7,880 pupils. The nature or primary reason for these referrals broke down as follows: Learning Difficulties: 63%, Emotional/Behavioural Difficulties: 15%, Review: 12% Irish Exemption/Poor Attendance/Other: 8%, Placement Advice: 3%. Such referrals will normally involve the application of psychometric test and the production of a report setting out findings on and remedial recommendations to the educational need identified. In addition NEPS psychologists made recommendations to the State Examinations Commission in relation to over 4,500 applicants for RACE allowance. Under the SCPA process private psychologists provided assessment to schools not assigned a NEPS psychologists for 2,389 pupils in 2010/11.

During this period therefore the NEPS service catered for some 14,769 named pupils. As described within the Model of Service above, in addition to assessment and interventions with individual named pupils NEPS psychologists also offer general advice and guidance on unnamed pupils which are not recorded on the Casetrack System. It is estimated (extrapolated on survey data) that NEPS psychologists had input into in excess of an additional 10,000 pupils per annum. During the period NEPS psychologists also attended and assisted in some 98 Critical Incidents. At the end of 2011 NEPS assigned its 173 psychologists nationwide to some 86% of primary schools (representing some 91% of pupils) and 94% of Post-Primary schools (representing 95% of pupils).

*Question No. 92 answered with question No. 67.*

### School Accommodation

**93. Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he can engage with the authorities at a school (details supplied) in County Kildare with a view to upgrading of accommodation and facilities in line with services generally available in mainstream education having particular regard to the broad scale of requirements at the school arising from the children's needs; if he will meet the school authorities to work out a strategy in this regard; and if he will make a statement on the matter. [26122/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As outlined in the Five Year Plan, the delivery of major school projects required to meet demographic demand will be the main focus for capital investment in the coming years. Due to the financial constraints imposed by the need to prioritise available funding to meet future demographic demands, it has not been possible to advance all applications for capital funding concurrently. The Deputy will appreciate that the primary aim at the core of the Five Year Plan, is to ensure that every child will have access to a physical school place.

School building projects currently in architectural planning, including those projects not included in the five year programme, will continue to be advanced incrementally over time within the context of the funding available. These projects will, in general, complete the design

stages of architectural planning and secure planning permission and other necessary statutory approvals. However, in light of current competing demands on the Department's capital budget, it is not possible at this time to indicate when those projects, including a project for the school in question will be progressed.

### Health Services in Schools

**94. Deputy Bernard J. Durkan** asked the Minister for Education and Skills if he is satisfied regarding the frequency of school medical examinations and any follow up action required thereafter; and if he will make a statement on the matter. [26123/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department does not operate the schools medical examinations service and I am not therefore in a position to comment on the matters raised by the Deputy. These matters are more appropriate to my colleague, the Minister for Health.

*Question No. 95 answered with question No. 67.*

### Sale of State Assets

**96. Deputy Maureen O'Sullivan** asked the Minister for Public Expenditure and Reform in view of a comment he made in a recent interview regarding State assets and stated we are assured by people who know — and we have sent them out to check, if he will identify these persons and the actions they took in their investigations. [25963/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The particular comments of mine to which the Deputy's question refers dealt with the potential market appetite for the assets that the Government proposes to sell under the State asset disposal programme, which I announced in February. The NewERA unit of the National Treasury Management Agency is acting as the Government's financial advisor in respect of this disposal programme and has, since it was established last summer, met with a wide variety of market participants in order, *inter alia*, to gauge the potential market appetite for the State assets. NewERA has already prepared comprehensive financial reports on Bord Gáis Energy and Coillte, including detailed analysis of the market appetite for the companies or their assets, which have been submitted and considered by the relevant inter-departmental Steering Groups overseeing preparation of the assets for sale. I should add that the relevant Government departments, including my own, have also met with interested parties to discuss the issues. As possible transactions come closer and in the interests of transparency, I have put these contacts on a more structured footing with a formal protocol governing departments' engagement with market participants/advisors in the context of the disposal programme. All such contacts are now being coordinated by NewERA.

### Reform of Public Sector

**97. Deputy Eoghan Murphy** asked the Minister for Public Expenditure and Reform when the Implementation Body for the Croke Park Agreement is due to publish its next review; if the body has already reported to him on its main findings. [26056/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Implementation Body for the *Public Service Agreement 2010-2014* is currently carrying out its second annual review of the Agreement in accordance with Paragraph 1.16 of the Agreement. I expect to receive the final report of the Implementation Body next month. It will be laid before the Houses of the Oireachtas and published shortly thereafter.

### Sale of State Assets

98. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the selection criteria he is applying for the selection of advisers in relation to the sale of State assets; if a list has been drawn up from which advisers will be selected; and if he will make a statement on the matter. [26067/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The House will be aware from my announcement of 22 February that the Government has decided to pursue the sale of a number of State assets and to consider the possible sale of certain other State assets.

Under this programme, separate sale processes and timelines will apply to each individual transaction, which shall, where appropriate, include the appointment of advisers. None of these processes is currently at a stage where procurement for the appointment of advisers has commenced. It is envisaged that any such procurement process, including definition of scope of work and evaluation/selection criteria, will be managed by the NewERA unit of the NTMA with input from my Department and the other relevant Government Departments. The procurement of advisers will be conducted in accordance with relevant national and EU procurement guidelines and disposals of State assets will be transacted via an open, transparent, and competitive process in order to ensure that the State achieves value for any assets being sold.

99. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if the proceeds from the sale of the National Lottery licence is included in the €3bn target that has been set for the amount to be raised from the sale of State assets; and if he will make a statement on the matter. [26069/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The €3bn target for the amount to be raised through the State Asset Disposal Programme does not include any amount in relation to the award of the next licence to operate the National Lottery.

### State Bodies

100. **Deputy Marcella Corcoran Kennedy** asked the Minister for Jobs, Enterprise and Innovation the reason the Industrial Development Agency has not responded to correspondence from a community group (details supplied) in County Offaly. [26064/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The management of IDA Ireland's industrial property portfolio is a day-to-day operational matter for the Agency, as part of the statutory responsibility assigned to it by the Oireachtas, this is not a matter for which I have direct responsibility.

I have made enquiries to IDA and I have been informed that the Agency sold lands to North West Kildare/North Offaly Partnership Company Limited in 2007. The lease contained an obligation on the part of Oak Partnership, the local development company for the North West Kidare / North Offaly to develop the site. Substantial commencement was to have occurred by 14th November 2008 and substantial completion was to have occurred by 14th November 2009.

In 2010, pursuant to the Government Cohesion Process, a process which sought to amalgamate certain entities i.e. Leader Companies and Partnership Companies, Oak Partnership was to be wound up and a new entity called Edenderry Community Enterprise Centre Limited was to be established.

I understand that IDA agreed to the assignment of the lease to the new entity and also granted a time extension to 31 August 2012 for the completion of building works.

In March 2012, Oak Partnership approached IDA Ireland again and confirmed that it had not completed the transfer of the asset to Edenderry Community Enterprise Centre Limited. Oak Partnership was still to be wound up and the solution proposed by them was for the land to be transferred back to IDA Ireland.

IDA Ireland maintains that it is not obliged to reacquire the lands but merely has a right to reacquire the lands at the original sale price. I am informed by IDA that the Agency has no intention of exercising this right.

I have, however, asked IDA Property Division to contact the Edenderry Community Enterprise Centre Ltd once again, with a view to clarifying the situation to the satisfaction of both parties.

### **Employment Rights**

101. **Deputy Jack Wall** asked the Minister for Jobs, Enterprise and Innovation the position regarding an award in respect of a person (details supplied) in County Kildare; if he is responsible for the stated payment; if not, the mechanism available to the person to obtain their rights as determined in regard to this matter; and if he will make a statement on the matter. [26084/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Where a Rights Commissioner has made a decision under the Organisation of Working Time Act and this decision has not been complied with, an employee may seek enforcement through the Labour Court by submitting a complaint in relation to the employers non-compliance to the Labour Court. The general time limit for compliance by an employer is six weeks.

Where a Rights Commissioner has made a decision under the Unfair Dismissals Acts and the decision has not been complied with, an employee may seek enforcement by presenting a claim for implementation of a Rights Commissioners Decision to the Employment Appeals Tribunal. The general time limit for compliance by an employer is six weeks.

Where an award or a determination is made or affirmed in favour of an employee by the Labour Court or the Employment Appeals Tribunal and the employer fails to comply, an employee or his/her trade union may then make an application to the Courts Service for an Order directing the employer to carry out the determination.

Where an employee is not in a position to do so, the Minister for Jobs, Enterprise and Innovation may, in certain circumstances, make an application to the Circuit Court for an Order on the employee's behalf. Such applications can be directed to the Enforcement Services Unit of the National Employment Rights Authority, O'Brien Road, Carlow for consideration.

### **Job Creation**

102. **Deputy Michael Healy-Rae** asked the Minister for Jobs, Enterprise and Innovation the pro-active steps he will take to ensure that jobs will come to County Kerry in view of the fact that we have premises available by our State agencies and a ready work force which are educated, skilled and desperately seeking employment; and if he will make a statement on the matter. [26092/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** IDA Ireland is an autonomous agency whose statutory obligation is the attraction of foreign direct investment (FDI) to Ireland and its regions. Through its network of overseas offices IDA Ireland markets the linked hub locations of Killarney in South Kerry and Tralee in North Kerry for new FDI. Based on the strengths of the region, IDA Ireland is particularly targeting the ICT, Inter-

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national Financial Services and Globally Traded Business sectors. In addition, IDA Ireland is working closely with educational institutions and FÁS to develop the skill sets necessary to attract high value added employment to the county.

At the end of 2011 there were 12 IDA Ireland supported companies in Kerry employing 1,294 permanent staff. One of the targets outlined in IDA's Strategy document "Horizon 2020" is that 50% of investments will be located outside of Dublin and Cork. It is acknowledged, however, that there is intense and continual international competition to win this FDI, which is mainly dominated by Metro City Regions with populations in excess of 1 million. Ireland has one Metro Region, the Greater Dublin area, so in order to achieve balanced regional development IDA Ireland focuses on promoting Gateway locations within each Region as the areas of critical mass and highlights the opportunities provided by Hub locations which are within commuting distances of these Gateways.

The Government's Action Plan for Jobs has set a target of supporting the creation of 100,000 net new jobs over the period 2012 to 2016, with the longer term objective of having 2 million people at work by 2020. I recently announced the progress which has been made in this regard so far this year. Meanwhile, I am already getting suggestions and proposals in relation to preparing the Action Plan for 2013, which I am examining and will bring to Government later this year. As the Deputy is no doubt aware, the "Succeed in Ireland" initiative, which aims to create 5,000 jobs within five years was launched on 8th March 2012. The launch represents the delivery of a key Q1 commitment in the Action Plan for Jobs 2012, and also represents a concrete example of the Government's commitment to make Ireland the best small country in the world in which to do business.

The aim of the Succeed in Ireland initiative is to incentivise people around the world, including our diaspora, to be our eyes and ears on the global stage and help deliver new jobs and investment. This is an innovative scheme that offers a new channel to reach thousands of small to medium enterprises around the world and spread the word about Ireland's strong reputation as a location for business.'

The initiative will complement IDA's existing work in securing FDI from large multinationals, companies at second tier and emerging business companies and will form a key part of the Government's strategy to deliver investment to regional areas.

Meanwhile, IDA Ireland continues to market all available land and buildings in the County including its 12 acre Business and Technology Park at Tiernaboul, Killarney, Co. Kerry. In Tralee, IDA is also marketing the Kerry Technology Park which is owned and managed by Shannon Development in partnership with the Institute of Technology Tralee. IDA also markets available private property solutions. However, in all cases the final decisions on where to locate are taken by the investor.

### **Work Permits**

103. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation when he expects to review the application for a work permit in the case of a person (details supplied) in County Kildare whose position has been advertised unsuccessfully on a number of occasions; if in such circumstances he will now approve the relevant work permit; and if he will make a statement on the matter. [26111/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I wish to advise the Deputy that this Work Permit application was refused on the 15th December 2011 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 elsewhere.

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.

It appeared that insufficient efforts were made to recruit/train an Irish or EEA National for this position. New work permit applications can only be considered where it is established that the position has been advertised with FÁS/EURES for a period of 8 weeks and that this advertisement has been flagged as a work permit vacancy and advertised for at least six days in both local and national newspapers.

Finally, it also appeared from the information provided that the applicant was already working for the company without having a valid employment permit and that the company had no other employees.

The applicant was notified of this decision in writing and of their right to appeal this decision within 21 days. No such appeal was received in the Employment Permits Section.

### **Social Welfare Benefits**

**104. Deputy Aodhán Ó Ríordáin** asked the Minister for Social Protection her views on an issue regarding dental and orthodontic treatment (details supplied); and if she will make a statement on the matter. [26057/12]

**Minister for Social Protection (Deputy Joan Burton):** Orthodontic treatment has never been covered under the Department's dental benefit scheme.

Changes introduced in Budget 2010 restricted the treatments available under the dental benefit scheme to an annual free examination. Currently, over 2 million PRSI contributors and their dependant spouses remain eligible for the free dental examination. In 2011, over 272,000 customers claimed a free dental examination at a cost of over €9 million.

While all social welfare expenditure is kept under review, there are no immediate plans to reverse the changes introduced in 2010.

**105. Deputy Noel Harrington** asked the Minister for Social Protection the number of teachers who made claims for jobseeker's benefit or allowance or other assistance during the Easter holidays of 2011 and Christmas holidays of 2011/12; and if she will make a statement on the matter. [25979/12]

**106. Deputy Noel Harrington** asked the Minister for Social Protection the number of teachers who made claims for jobseeker's benefit or allowance or other assistance and who presented Form UP2 on signing on with the Department, indicating that they had been paid a percentage in their pay in lieu of statutory holiday pay, during the Easter holidays 2011, summer holidays 2011 and Christmas holidays 2011/12; and if she will make a statement on the matter. [25980/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 105 and 106 together.

The Department of Social Protection records occupation details of people signing on the Live Register under various headings. Teachers are included in the category of “teaching professionals”. However, as the occupational category of ‘teaching professionals’ includes occupations such as Special Needs Assistants and others, as well as teachers, the information requested by the Deputy is not available.

The table details the number of claims registered for Jobseeker’s Allowance, Jobseeker’s Benefit and Jobseeker’s Benefit Credits by teaching professionals during the holiday periods specified:

Teaching Professionals — Registered Claims

	17/04/2011-01/05/2011	31/05/2011-31/08/2011	18/12/2012-08/01/2012
Jobseeker’s Allowance	338	3,067	314
Jobseeker’s Benefit	1,061	5,575	945
Jobseeker’s Benefits Credits	71	483	81
Sum	1,470	9,125	1,340

### Social Welfare Appeals

107. **Deputy Pat Breen** asked the Minister for Social Protection when a decision on an illness benefit appeal will issue in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [25981/12]

**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 27th July 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. In that regard a further medical examination was carried out as well as review of the most recent further medical evidence submitted by the person. The papers have now 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.

### Social Welfare Benefits

108. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [25986/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned made an application for rent supplement on the 1st of May 2012 and has been requested to provide further information in order to process his claim. A decision will be made on his application when the information has been provided.

*Question No. 109 withdrawn.*

### **Departmental Staff**

110. **Deputy Joan Collins** asked the Minister for Social Protection her plans for the community welfare officers presently based in a health centre (details supplied); will they be moved and to which location. [26018/12]

**Minister for Social Protection (Deputy Joan Burton):** There are two Department of Social Protection staff based in Cashel Road Health Centre, providing services previously provided by Community Welfare Officers. The Health Centre is part of the Health Service Executive's network of offices and the HSE has indicated that it intends to vacate those premises. A time scale for this process has not been agreed with the Department. Alternative accommodation for the Department's staff will be identified as part of the process. In the meantime, the Department's staff will continue to provide service from that location, as heretofore.

### **Social Welfare Appeals**

111. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the reason a person (details supplied) in Dublin 8 was refused disability allowance, being told that they could not receive it as they were not on jobseeker's allowance, and when they applied for jobseeker's allowance were told they were too ill and therefore not available for work; if the disability allowance file will be reviewed to ensure they will receive some sort of payment. [26032/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned in relation to his disability allowance case was registered in that office on 24th January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers have now 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.

### **Social Welfare Benefits**

112. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection if tenants in receipt of rent allowance cannot get their landlords to reduce their rent in line with the new guidelines issued by the Department will they have to move to other properties at lower rent; and if she will make a statement on the matter. [26079/12]

**Minister for Social Protection (Deputy Joan Burton):** Rent supplement provides short-term support to eligible people living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The overall aim is to provide short term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer. There are currently approximately 95,000 persons in receipt of rent supplement, with €436m provided in 2012. The new maximum rent limits were set after an analysis of the most up to date market data available. The emphasis of the rent limit review was to ensure that maximum value for money for tenants and the taxpayer was achieved whilst at the same time ensuring that people on rent supplement are not priced out of the market for private rented accommodation.

As existing claims come up for review they will be assessed using the new limits. In all cases under review where the rent is above the new maximum limit the individual concerned is being

[Deputy Joan Burton.]

asked to contact the landlord to renegotiate the rent. Where a landlord does not agree to reduce the rent to the new rates, Departmental officials will discuss the options open to the tenant up to and including seeking alternative accommodation having due regard to any existing lease arrangements. It should be stressed that there will be no case of homelessness from this measure and Department officials are dealing with each case based on the individual circumstances of the rent supplement tenancy.

### Social Welfare Appeals

113. **Deputy Bernard J. Durkan** asked the Minister for Social Protection further to Parliamentary Question No. 87 of 17 May 2012, the reason the basic information sought was not provided in the question, in view of the fact that the request was to indicate when it is intended to offer rent support either as a single person or in conjunction with their child given that they had repeatedly made applications and supplied the relevant information under both categories, that her Department does not seem to be aware of this, that reference to the effect that rent supplement can only exist when the rent sought has been reduced to the limit for a single person in self-contained accommodation, is irrelevant in the current situation in view of the fact that all possible requirements have been met in full and failure by her Department to address these matters have resulted in the most serious hardship been caused to the applicant with particular reference to their psychological well-being; if she will therefore as a matter of urgency have the case re-examined with a view to early payment; and if she will make a statement on the matter. [26103/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been refused by the Department as the rent was in excess of the applicable limits. This decision has been upheld by the Appeals Office. The person concerned can only have an entitlement to rent supplement when the rent sought has been reduced to the appropriate amount for a single person in self-contained accommodation. The Department has yet to receive verification from the landlord in question that the rent has been reduced accordingly. When the person concerned has obtained this reduction, the Department will ensure to immediately expedite the rent supplement claim. The person concerned has been provided with the forms to facilitate this reduction.

114. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position in the matter of determination of entitlement to disability allowance or invalidity pension in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26108/12]

**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 allowed the appeal of the person concerned by way of summary decision. 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.

### Social Welfare Benefits

115. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when it is likely that carer's allowance will be made available in the case of a person (details supplied) in County Kildare [26109/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

116. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when carer's allowance will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26110/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused carer's allowance on the grounds that, based upon the medical evidence provided in support of the application, the care recipient is not so disabled as to require full time care and attention as prescribed in regulations. On 22 December 2011, she was notified of this decision and the reason for it. Additional medical evidence was received and forwarded to the medical assessor for further consideration. The person in question will be notified directly of the outcome of the review in due course.

### **Social Welfare Appeals**

117. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when an oral hearing requested in the case of a person (details supplied) in County Kildare in respect of mortgage interest relief will be granted; and if she will make a statement on the matter. [26113/12]

**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 14th January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

118. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if she will review the decision to refuse jobseeker's allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26114/12]

**Minister for Social Protection (Deputy Joan Burton):** A deciding officer has reviewed the decision to disallow an application for jobseeker's allowance from the person concerned in light of the information supplied in his appeal. Following the review the decision was unchanged and his appeal has now been forwarded to the Social Welfare Appeals Office.

### **Turbary Rights**

119. **Deputy Brendan Smith** asked the Minister for Arts, Heritage and the Gaeltacht if his attention has been drawn to the serious concerns of turf cutters in counties Cavan, Longford and Westmeath who have turbary rights in the general Lough Sheelin area; the efforts being made to address adequately such concerns; and if he will make a statement on the matter. [26038/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I am fully aware of the concerns of turf cutters on Moneybeg / Clare Island raised bog Special Area of Conservation (SAC). Direct discussions were held between officials from my Department and turf-

[Deputy Jimmy Deenihan.]

cutters from this SAC in February of this year at the Peatlands Forum in Athlone and a further meeting took place on 6 May which they again outlined their concerns. My officials are available for further discussions and to assist the group in terms of meeting the requirements of turf-cutters. Over fifty applications have been received from turf-cutters on this SAC seeking compensation or relocation and these applications are being processed in my Department.

### **Departmental Agencies**

120. **Deputy Michelle Mulherin** asked the Minister for Communications, Energy and Natural Resources the reason Bord na Móna sold lands at a location (details supplied) by private treaty in 1997 without notice to the local landowners from whom it had compulsorily acquired the said lands; the reason the local landowners were not offered back the lands; and if he will make a statement on the matter. [26015/12]

121. **Deputy Michelle Mulherin** asked the Minister for Communications, Energy and Natural Resources the reason Bord na Móna exercised its statutory power to compulsorily acquire lands at a location (details supplied) in County Mayo from local landowners and then never cut turf on that land and instead subsequently found the lands not suitable for that purpose; and if he will make a statement on the matter. [26022/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 120 and 121 together.

The acquisition, development and disposal of lands by Bord na Móna are operational matters for the company, acting under the Turf Development Acts 1946 to 1998, and I have no function in this matter. I am advised by Bord na Móna that the company acquired over 5,000 hectares of land in North Mayo mainly in the early 1950's as part of a development programme to enable peat to be produced to supply Bellacorick Power Station. The particular lands in question were part of this overall acquisition programme. Bord na Móna acquired the full freehold title to the property and the owners were compensated accordingly.

Bord na Móna advises that some years after the original acquisition, the particular lands in question were identified as unsuitable to support efficient peat harvesting operations. The lands remained in the Company's possession. During the late 1980s and early 1990s, Bord na Móna's financial position deteriorated, necessitating rationalisation across the company. As part of the rationalisation an agreement was reached to sell 190 hectares at Corvoderry, County Mayo. The Turf Development Act 1946 statutorily empowers Bord na Móna to sell lands that are no longer required for its functions. Bord na Móna advises that in the circumstances at the time of the sale of the lands in question, there was no requirement for it to go to tender to advertise this land. The land was purchased subject to the purchaser obtaining approval for grant aid for forestry.

Development of the land for forestry was in line with Government policy to support afforestation and grant aid was available from the then Department of Energy. The applicant was approved for grant aid and the contracts for sale were completed in 1992. Forestry was subsequently planted on the site.

### **Inland Fisheries**

122. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources his views on a matter relating to salmon conservation (details supplied) in County Kerry; and if he will make a statement on the matter. [26062/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I am advised by Inland Fisheries Ireland (IFI) that the lock in question is on a gate on an individual's private property and does not cause IFI officers any undue inconvenience. I am also advised that vehicular access is not required at this location as this area is patrolled on foot.

### Natural Gas Grid

123. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if he will direct the energy regulator to publish the final decision in relation to the gas interconnector as a matter of urgency. [26066/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The decision on the regulatory treatment of the gas interconnectors is statutorily a matter for the Commission for Energy Regulation (CER) under the Gas (Interim) (Regulation) Act 2002. I have no function in the matter. The CER, as the independent energy regulator has a remit to protect energy consumers, ensure security of supply and support competitiveness. It also has a duty to ensure that future new sources of gas for the Irish market do not result in unwarranted increases in the price of gas to business and domestic consumers.

On the 17th February the CER published a Proposed Decision Paper on the issue of the regulatory treatment of the gas interconnectors. Together with all players and potential players in Ireland's gas market, Shannon LNG has a key commercial interest in the outcome of the CER's ultimate decision on this very complex regulatory question and given the complexities there are many different perspectives on this issue. On the 1st March the CER held a further Public Forum for stakeholders. The objective of the Forum was to give stakeholders the opportunity to discuss with the CER any issues relating to the contents of the proposed Decision Paper in order to help inform the CER's final decision. Stakeholders had a further opportunity to respond to the CER by the 16th March on the matters raised in the Proposed Decision Paper. The consultation period closed on 16 March. The CER has been examining all submissions received in response to the consultation with a view to finalising its decision and publishing it as soon as possible.

However it is the case that subsequent to the CER publishing its proposed decision, Shannon LNG has made a submission to DG Competition of the European Communities outlining the company's concerns about the CER's proposed decision in terms of whether it would comply with State aid rules. This submission follows on an earlier submission to DG Competition lodged by the company last year. On foot of the most recent submission, DG Competition has requested the Irish authorities to provide detailed responses in relation to the issues raised about State aid compliance. The process now underway regrettably has the potential to further delay CER's decision. CER has assured my Department that it remains committed to publishing a final decision at the soonest practicable date. The CER's decision will bring the regulatory certainty needed for the future by all stakeholders in the gas market including those with investment decisions to make.

### Local Authority Services

124. **Deputy Colm Keaveney** asked the Minister for the Environment, Community and Local Government if talks are or were underway with a company (details supplied) for the proposed provision of a private litter warden service for the functional areas of Galway County Council, Limerick County Council, Mayo County Council and Roscommon County Council; if the relevant trade unions were informed and invited to these talks; the stage of the privatisation process talks; if the above local authorities are in any other talks with other companies with regard to the privatisation of other services without the knowledge of the relevant trade unions

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contrary to the Croke Park Agreement; and if he will make a statement on the matter.  
[26005/12]

125. **Deputy Colm Keaveney** asked the Minister for the Environment, Community and Local Government if he will forward all details in relation to the numbers of third parties, contractors and sub-contractors employed and hired by Roscommon County Council; the number of jobs started by same persons for the years 2009, 2010 and 2011; if he will provide all details for the above years, for the number of times that the relevant trade unions were informed of these contractors and works being started; if Roscommon County Council will confirm that all of the above persons employed by Roscommon County Council during that time and up to the present are fully compliant in relation to tax, health and safety and all other relevant legislation; and if he will make a statement on the matter. [26006/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 124 and 125 together.

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 questions are not available in my Department.

### **Building Regulations**

126. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government if he will ensure that the Building Control (Amendment) Regulations 2012 does not place architects or lead designers liable for the quality of the builders work; and if he will make a statement on the matter. [25995/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 174 of 23 May 2012 which sets out the position in relation to the draft Building Control (Amendment) Regulations 2012.

### **Unfinished Housing Developments**

127. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government if local authorities are allowed to carry out works in estates not yet taken in charge and when the bond has been drawn down; if he will clarify who is responsible for any problems that may arise from works carried out in such circumstances. [25996/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** My Department has consistently advised planning authorities that it is essential that planning permissions for residential developments are subject to conditions under which an acceptable security is provided by way of bond, cash deposit or otherwise so as to carry out necessary work to a satisfactory standard in those developments. Planning conditions must require the giving of sufficient security prior to commencement of development and planning authorities should ensure that they are in a position to draw down the security in cases where a developer fails satisfactorily to complete a residential development, or phase of a development, within the specified period. It is a matter for the planning authority to determine both the level of the security, the duration and the type of security but it should be of an appropriate level to enable the planning authority, without cost to itself, to carry out the necessary works (including roads, footpaths, water mains, sewers, lighting and open space) to a satisfactory standard in the event of default by the developer. The enforcement of planning

conditions, including conditions in relation to bonds, is a matter for the relevant planning authority.

**128. Deputy Colm Keaveney** asked the Minister for the Environment, Community and Local Government when Galway County Council intends to take over an estate (details supplied) in County Galway; if Galway County Council will confirm that a bond was paid by the developer for this site and also confirm that said authority also priced the completion of this site yet failed to complete same. [26004/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** In such cases it is a matter for the planning authority to determine both the level of the security, the duration and the type of security but it should be of an appropriate level to enable the planning authority, without cost to itself, to carry out the necessary works (including roads, footpaths, water mains, sewers, lighting and open space) to a satisfactory standard in the event of default by the developer.

The decision on whether or not to take in charge a particular development is a matter for the relevant local authority, in this case Galway County Council, and my Department has no function in the matter.

### **Local Authority Staff**

**129. Deputy Colm Keaveney** asked the Minister for the Environment, Community and Local Government if he will forward all details in relation to the following, as of 1 May 2012 the number of persons employed by Roscommon County Council that earn up to €25k gross, €30k gross, €40k gross, €50k gross, €60k gross and in excess of €75k gross; if any increments or bonuses are expected to be paid out to employees earning between €60k and €100k this year; if so, what will be the approximate individual payment; if any increments or bonuses are expected to be paid out to staff earning between €25k and €40k and if so, the approximate individual payment; the number of senior engineers and engineers employed by Roscommon County Council; the number of technical staff, that is planners and so on; the number of senior clerical and administrative staff; the number of clerical officers and the number of general operatives, road crews, outdoor workers and water-works or sewerage staff; if any member of staff that had previously retired has been rehired by Roscommon County Council in any capacity; and if he will make a statement on the matter. [26008/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The numbers of persons employed in Roscommon County Council (as at 30 June 2011) on a whole time equivalent basis (WTE) is set out in the table:

Local Authority	€0- €25,000	€25,001- €30,000	€30,001- €40,000	€40,001- €50,000	€50,001- €60,000	€60,001- €75,000	€75,001 +
Roscommon	19.43	109.81	166.28	74.06	50.8	27.83	28

The scheme for Performance Related Awards for the Local Government Sector was suspended in 2009. No performance awards have been made since 2007.

Information on increments is not available in my Department as day to day operational matters are a matter for each individual local authority.

My Department gathers information on the numbers employed in local authorities on a quarterly basis. The numbers of persons employed in Roscommon County Council (as at 31 March 2012) on a whole time equivalent basis (WTE) is set out in the table:

[Deputy Phil Hogan.]

Category	WTE
Managerial	5
Clerical / Admin	140.25
Professional / Technical	71.3
Outdoor	191.1
Contract posts	19.23
Other	16

I understand that Roscommon County Council has not rehired any former employees who had retired.

### **Local Authority Grants**

130. **Deputy Andrew Doyle** asked the Minister for the Environment, Community and Local Government if he will consider introducing grants for domestic rainwater harvesting as a measure to improve water conservation; and if he will make a statement on the matter. [26021/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

Harvested rainwater can potentially be used as an alternative source of water for various domestic purposes such as supplying toilet cisterns, car washing, etc.

Rainwater harvesting systems are increasingly being incorporated into new developments. Insofar as existing developments are concerned, the provision of a storage tank and the cost of its installation are important considerations. The cost of installing a rainwater harvesting system will be influenced by the existing roof drainage arrangements and the level of storage required. The cost of retrofitting an average sized suburban semi-detached household with a rainwater harvesting system is estimated at between €4,000 and €6,000 and would also require significant modifications to internal plumbing systems in order to avoid cross contamination with the public water supply.

There are no plans at this time for the introduction of a scheme of grant aid for the installation in existing houses of domestic rainwater harvesting equipment.

### **Unfinished Housing Developments**

131. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government the number and total value of cash bonds held by Meath and Louth county councils for unfinished developments in their areas. [26040/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** The specific information sought in relation to the number or values of bonds is not available in my Department.

### **Local Authority Submissions**

132. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government his plans to introduce online submissions towards Development and Local Area Plans, Regional and National Planning Policy Guidance in the interests of promoting

e-Government, achieving departmental efficiencies and encouraging citizen participation; and if he will make a statement on the matter. [26052/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** The making of an online submission through electronic mail is already a generally available option in these regards.

### **Planning Issues**

133. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government his plans to have an independent external planning inquiry into plan making in Dungarvan Town Council in view of the recent conviction of a person (details supplied) for planning corruption; and if he will make a statement on the matter. [26053/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** The specific issue in relation to one member has been dealt with by the courts there is no wider *prima facia* evidence that would merit the establishment of an independent inquiry.

### **Water and Sewerage Schemes**

134. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government when approval will be given to Galway County Council for the Oughterard sewerage scheme; and if he will make a statement on the matter. [26082/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Water Services Investment Programme 2010-2013 provides for the development of a comprehensive range of new water services infrastructure in County Galway. The Oughterard Sewerage Scheme is included in the Programme amongst the list of contracts in the county to start in the period 2010-2013. The inclusion of the scheme in the current Water Services Investment Programme reflects the importance attached to this scheme by my Department.

My Department is currently considering Galway County Council's revised Design Review Report for the Oughterard Sewerage Scheme and a reply will issue to the Council as soon as possible. Once approved by my Department, the Council can then proceed with the preparation of contract documents for the scheme.

### **Local Authority Housing**

135. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government in Killarney town there are more than 1,000 applicants on the housing list, with all the houses that are empty if he will be more proactive in acquiring houses that are empty through a rent to buy, RAS or other such schemes; his plans to deal with this problem; and if he will make a statement on the matter. [26091/12]

**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 identify properties suitable for social housing and to make any associated funding proposals to my Department.

In terms of the delivery of social housing generally, the Government's housing policy statement, published in June 2011, clearly identifies that the priority for Government will be to meet the most acute needs of households applying for social housing support. Delivery of social housing will be significantly facilitated through more flexible funding models such as the Rental

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Accommodation Scheme and leasing, but the Government is also committed to developing other funding mechanisms that will increase the supply of permanent new social housing. Such mechanisms will include options to purchase, build to lease and the sourcing of loan finance by approved housing bodies for construction and acquisition. There is also obvious potential, across a range of housing programmes, for the Government's objective of sourcing and providing suitable residential units for use as social housing to be aligned with the commercial objectives of the National Asset Management Agency (NAMA).

### **Local Authority Services**

136. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government in relation to private housing estates if category 1, 2, 3 and 4, the liabilities of local authorities in relation to inspection, maintenance or carrying out of works under category 4 funding or bond call. [26098/12]

**Minister of State at the Department of the Environment, Community and Local Government**

(**Deputy Jan O'Sullivan**): The sites in question constitute private sites under the control of private individuals or companies. The responsibility for the completion of the estates rests solely with these entities. Where the non-completion of the estates was causing significant health and safety issues for members of the public, local authorities, under the framework of the Public Safety Initiative, have entered onto sites in the public interest to make safe those elements causing a hazard. Insurance was in place under the local authorities own working policies and remained in place only for the duration of the remedial works.

### **Private Rented Accommodation**

137. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which he can examine the RAS scheme with a view to determination as to whether the scheme needs updating or review in view of experience and circumstances since its inception; and if he will make a statement on the matter. [26106/12]

**Minister of State at the Department of the Environment, Community and Local Government**

(**Deputy Jan O'Sullivan**): A Value for Money and Policy Review has been carried out on the RAS which analyses the scheme and provides general information on its operation. This study will be available shortly and will inform policy development in relation to the scheme.

### **Data Protection**

138. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if his attention has been drawn to the fact that Index on Censorship has highly criticised the 2005 Garda Síochána Act; and if he will make a statement on the matter. [26055/12]

**Minister for Justice and Equality (Deputy Alan Shatter)**: Criticisms of the Garda Síochána Act 2005 by the Index on Censorship organisation have been reported in the media recently. The purpose of Section 62 of the Garda Síochána Act 2005 is to prohibit a person who is or was a member of the Garda Síochána, or of its civilian staff, from making unauthorised disclosure of information obtained in the course of his or her duties. The section provides stiff penalties for persons who contravene its provisions, particularly where the person receives any gift, consideration or advantage as an inducement to disclose information. In such cases, fines up to €75,000 and/or up to 7 years imprisonment for conviction on indictment can be imposed.

As an organisation the Garda Síochána takes its responsibility for the control of the information it possesses about individuals very seriously. Unauthorised disclosure of information can impede the investigation of an offence and the apprehension or prosecution of suspected offenders and can seriously undermine public confidence in the ability of the Garda Síochána to carry out its functions. Where allegations of unauthorised disclosure arise they must be fully investigated and I support the Garda Commissioner in this.

I don't accept that this provision is unnecessarily restrictive. I am satisfied that it strikes the right balance and I know that the great majority of members of the force and the general public would instinctively support the underlying fundamental policy aspect of the legislation.

### **Visa Applications**

139. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality if an application for visas in respect of persons (details supplied) will be expedited; and if he will make a statement on the matter. [25969/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The visa applications referred to by the Deputy were received in the visa office, Dublin on the 22 February 2012. Following consideration it was the decision of the visa officer to refuse the granting of the visas sought.

The visas were refused for the following reasons:

IH: - Immigration history of applicants.

VR: - Previous visa refusal(s).

OB: - Obligations to return to home country have not been deemed sufficient.

OC: - Condition — The applicant may overstay following proposed visit.

ST: - Proposed visit is not short term in nature — exceeds 90 days.

The visa officer noted that the applicants had on two previous occasions, in 2009 and 2010, not observed the conditions of visas granted and had overstayed in the State in violation of those conditions. On both occasions the duration of overstay was for a considerable period of time.

It is open to the persons concerned to appeal the decision not to grant the visas, within two months of the date of refusal, in this instance before the 22 August 2012. Where doing so the persons concerned should be in a position to address the above referred to concerns of the Visa Office, Dublin. Guidelines as to the visa appeals procedure is available on the website of the Irish Naturalisation and Immigration Service ([www.inis.gov.ie](http://www.inis.gov.ie)).

Queries in relation to general immigration matters may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Children in Care**

140. **Deputy Sandra McLellan** asked the Minister for Justice and Equality if it is acceptable that a young girl from Nigeria who was placed in foster care eight years ago had all services withdrawn including payment to the foster family when she reached the age of 18 and has been

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living here under the radar for the last five years as if she doesn't exist; the options available to this person to become a citizen with rights in this State; and if he will make a statement on the matter. [25987/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** If the Deputy can provide me with the full details of the lady in question, I would be happy to investigate the matter further and let the Deputy know the position.

### **Garda Deployment**

141. **Deputy Peter Mathews** asked the Minister for Justice and Equality if he will intervene on a matter (details supplied) in Dublin 16 regarding allocation of Garda resources; and if he will make a statement on the matter. [25994/12]

**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 have no direct function in these matters.

On the 30 April, 2012, a new national roster system was introduced on a pilot basis in An Garda Síochána. One of the main aims of the new roster system is to provide a better match between the availability of resources and policing demands thus ensuring the best possible service to all communities. The introduction of this new roster system resulted in the redeployment of certain Garda resources, including resources attached to the Community Policing Unit in the area referred to by the Deputy. While these resources have been redeployed to other working units, they continue to retain responsibility for liaising with Neighbourhood Watch and other Community Groups in the sub-district concerned as part of their normal duties and subject to operational demands.

The importance of the partnership between An Garda Síochána and the community in preventing and detecting crime and maintaining a safe environment for everyone can never be over-emphasised and the pledge of An Garda Síochána is to continue to invest time and energy in those partnerships and relationships to the benefit of all.

### **Probate Applications**

142. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality the reason for the delay in the granting of probates in County Galway; the steps he is taking to ensure that persons will receive a timely service on probate applications; and if he will make a statement on the matter. [26001/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Probate Office is an office of the High Court and management of the courts is the responsibility of the Courts Service which, as the Deputy will be aware, is independent in exercising its functions under the Courts Service Act 1998.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that District Probate Registries located outside Dublin are

located within Circuit Court Offices. Staff in these offices are not exclusively assigned to probate work and also have responsibility for other aspects of circuit court work. I am informed that a number of staff have retired from Galway Circuit Court Office which operates the District Probate Registry for Co Galway and Co Roscommon. I am informed that assistance is being provided by the local Courts Service Regional Office and from neighbouring offices which have experience of probate work to immediately address this issue. In addition, the Courts Service has indicated to applicants that they may lodge probate applications with the Probate Registry in Dublin, if they wish to do so.

I am sure that the Deputy will appreciate that the Courts Service, in common with all other public sector organisations, is obliged to ensure that resources are deployed to best effect to ensure continuity of service with reduced budgets and resources. Greater flexibility in the deployment of available resources will be critical in maintaining the delivery of front line court services.

The Courts Service has informed me that they have put in place contingency plans which are being customised to meet the needs of individual offices, including the Galway Circuit Court Office. These plans include technical skills training to address the skills and knowledge deficit resulting from retirements. The Service has put in place a series of work force planning measures over the last three years to ensure that available resources are deployed to best effect including the centralising of processes, creation of multi jurisdictional combined court offices, rationalisation of court venues and offices, rationalisation and standardisation of processes and an ongoing review of resource allocation including redeployment to front line services.

### **Garda Equipment**

143. **Deputy Colm Keaveney** asked the Minister for Justice and Equality if he will provide all details in relation to the number of marked and unmarked Garda cars in east Galway; the number of cars due to be replaced in 2012; the mileage on the Garda car stationed at Glenam-addy, County Galway; if that car is due for replacement; and if he will make a statement on the matter. [26007/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested the information sought by the Deputy from the Garda authorities. I will be in contact with the Deputy when this information is to hand.

### **Garda Operations**

144. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality the number of outstanding warrants on PULSE as of this date nationwide; if he will provide a breakdown of the outstanding warrants by Garda Districts from the PULSE system; and if he will make a statement on the matter. [26011/12]

145. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality the average time it takes to serve a warrant; if there is an upper time limit on serving a warrant; and if he will make a statement on the matter. [26012/12]

147. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality the number of warrants currently outstanding for more than six months on the PULSE system; and if he will make a statement on the matter. [26014/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 144, 145 and 147 together.

I expect to receive a detailed report shortly from the Garda authorities which I have sought in relation to outstanding warrants. I will contact the Deputy again when the report is to hand.

146. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality his views on whether An Garda Síochána has sufficient resources to ensure warrants are served without significant delays; and if he will make a statement on the matter. [26013/12]

**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 (including the serving of warrants) 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.

*Question No. 147 answered with Question No. 145.*

### **Garda Stations**

148. **Deputy Brian Stanley** asked the Minister for Justice and Equality if he will guarantee that Sundrive Road Garda Station, Dublin 12 will remain open permanently and that his Department has no plans to close same. [26016/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy is aware, in the Policing Plan for 2012, it was proposed to reduce the public opening hours of the Sundrive Garda station in the Dublin Metropolitan Region (D.M.R.) South Division. This change was introduced on 30 April 2012. The station was open to the public on a 24-hour basis and is now closed to the public between 9 p.m. and 7 a.m. It is important to remember that while the Garda station in question will have reduced opening hours to the public, it will remain as a functioning Garda station on a 24-hour basis.

Under the Garda Síochána Acts 2005-2007, the Commissioner is required to submit, before November of each year, a policing plan for the forthcoming year. The Policing Plan for 2013 has not yet been prepared and therefore it is not possible to say at this stage what it may contain although I expect that it will contain measures to address the ongoing issue of rationalisation of the Garda station network.

### **Criminal Prosecutions**

149. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the circumstances under which a motorist who is involved in a fatal collision is prosecuted for dangerous driving causing both death and serious injuries to passengers in the other vehicle; and if he will make a statement on the matter. [26028/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have no role in the investigation or prosecution of alleged offences. The question of whether or not a particular person should be prosecuted and for what criminal offence is the responsibility of the Director of Public Prosecutions (DPP), who is independent in the performance of her functions.

### Road Traffic Offences

150. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of drivers that have been charged with dangerous driving causing both death and grievous bodily harm in a fatal road collision each year since 2009; and if he will make a statement on the matter. [26029/12]

**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 (CSO), 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.

151. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will request that the Courts Service urgently collate and publish the data on the number of unaccompanied learner drivers that have been convicted after being involved in a fatal or serious collision each year since 2009; if they will monitor this issue on an ongoing basis; and if he will make a statement on the matter. [26031/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** My reply to Questions No. 388 and 389 of 15 May 2012 refers. I am informed that courts records are maintained having regard to the offence with which a person is charged. The Courts Service has no means of collating data relating to the number of unaccompanied learner drivers convicted after being involved in a collision. As the Deputy will appreciate, being involved in a collision is not itself an offence.

I have asked the Garda authorities for a report on any information available to them which could be of assistance to the Deputy.

### Residency Permits

152. **Deputy Brendan Griffin** asked the Minister for Justice and Equality the reason an application for permission to remain in the State in respect of persons (details supplied) in County Kerry was refused; if the decision will be reviewed in view of the applicant's professional expertise, means and financial well being; if permission to remain will be granted; and if he will make a statement on the matter. [26050/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) that they have received further information in respect of the circumstances of the person mentioned by the Deputy. The INIS are considering this information and have arranged to meet with the person concerned to discuss his case further as part of that consideration.

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.

### Road Traffic Offences

153. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he has

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reviewed the figures for the number of unaccompanied learner drivers that have been involved in fatal and serious collisions each year since 2009; if he is going to propose any new measures in liaison with the Department of Transport, Tourism and Sport and An Garda Síochána to address this issue; and if he will make a statement on the matter. [26054/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that 45 unaccompanied learner drivers were involved in a fatal collision and that 74 were involved in a serious injury collision between 1 January 2009 and 14 May, 2012. I am, of course, concerned at these fatalities and serious injury collisions as I am for all such incidents on our roads.

Road traffic legislation, which is the responsibility of my colleague the Minister for Transport, Tourism and Sport, provides that a learner driver must be accompanied at all times and that it is an offence for a learner driver to drive a vehicle while unaccompanied by a holder of a full license.

Enforcement in the area of road safety by An Garda Síochána continues to focus on high risk behaviour such as speeding, drink or drug driving, non-use of seat belts, reckless driving and use of mobile phones, with a view to reducing the number of collisions and fatalities. I am further informed by the Garda authorities that a particular focus will also be on the learner driver.

In that regard, the Deputy will be aware that An Garda Síochána recently conducted two specific enforcement operations under Operation Learner Driver in conjunction with the Road Safety Authority and other relevant stakeholders. These operations targeted learner drivers and took place in March and April of this year and a substantial number of cautions and proceedings arose as a result. An Garda Síochána will continue to prioritise the enforcement of road traffic legislation to ensure greater compliance by learner drivers.

### **Ministerial Appointments**

154. **Deputy Catherine Murphy** asked the Minister for Justice and Equality the current number of active Peace Commissioners here; the distribution of same by county; the total number of new Peace Commissioners created in 2010, 2011 and to date in 2012; the process by which one may apply to become a Peace Commissioner; the regulatory function his Department has in respect of Peace Commissioners; and if he will make a statement on the matter. [26058/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Peace Commissioners are appointed by the Minister for Justice and Equality under Section 88 of the Courts of Justice Act, 1924.

There are 5,733 appointed Peace Commissioners in this State. The Roll of Peace Commissioners is appointment based and my Department is reliant upon the Peace Commissioners themselves and other interested parties to advise of changes which occur subsequent to appointment. For that reason, the Roll is not automatically updated to take account of changes of address, availability or status as they occur. As such, the figure of 5,733 must be considered within these parameters.

There were 102 Peace Commissioners appointed in 2010, 118 appointed in 2011, and 52 appointed to date in 2012.

An application for appointment may be submitted by a person who is interested in obtaining an appointment or a third party may submit a nomination in respect of a person considered suitable for appointment. Nominations are generally received from public representatives. A local Garda Superintendent can also request an appointment in a particular area in the public interest.

Persons who are members of professions or employed in occupations which engage in legal work or related activities and members of the clergy are, as a matter of practice, not appointed because of their occupation. Civil Servants are usually only appointed where the performance of their official duties requires an appointment (i.e. ex-officio). Persons convicted of serious offences are considered unsuitable for appointment.

The distribution of Peace Commissioner by county is as follows:

County	No. of Peace Commissioners
Carlow	58
Cavan	150
Clare	169
Cork	875
Donegal	270
Dublin	875
Galway	310
Kerry	270
Kildare	138
Kilkenny	146
Laois	115
Leitrim	60
Limerick	381
Longford	71
Louth	106
Mayo	313
Meath	136
Monaghan	81
Offaly	89
Roscommon	134
Sligo	97
Tipperary	271
Waterford	148
Westmeath	102
Wexford	258
Wicklow	110

### Prisoner Releases

155. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality if he will provide an update on schemes for early release for prisoners and the criteria for qualifying for early release; his plans to extend the schemes in particular in relation to those not considered a threat to society that could instead do community service in lieu of time in prison; and if he will make a statement on the matter. [26059/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The legislative basis for making decisions on temporary release are fully set out in the Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003.

Candidates for temporary release are identified by a number of different means but primarily on the recommendation of the Prison Governor or the therapeutic services in the prisons. The prisoner, their family or their legal representative can also apply for consideration of such a concession. Recommendations are also made to me in relation to long term sentence prisoners by the Parole Board. It is very important to note that it does not necessarily follow that a prisoner will receive temporary release even if the recommendation is to that effect. Each application is considered on its individual merits and evaluated using the following criteria as outlined in the Criminal Justice (Temporary Release of Prisoners) Act 2003:

- the nature and gravity of the offence to which the sentence being served by the person relates;
- the sentence concerned and any recommendation made by the Court in relation to the sentence imposed;
- the period of the sentence served by the person;
- the potential threat to the safety and security of the public should the person be released;
- the person's previous criminal record;
- the risk of the person failing to return to prison at the expiration of the period of temporary release;
- the conduct of the person while in custody or while previously on temporary release;
- any report or recommendation made by the Governor, the Garda Síochána, a Probation Officer, or any other person whom the Minister considers may be of assistance in coming to a decision as to whether to grant temporary release;
- the risk that the person might commit an offence during any period of temporary release;
- the risk of the person failing to comply with any of the conditions of temporary release;
- the likelihood that a period of temporary release might accelerate the person's reintegration into society or improve his prospects of obtaining employment.

Decisions are made at a senior level within the Irish Prison Service and by myself in respect of cases referred directly to me. The Community Return Programme is an incentivised scheme introduced in line with the recommendations of the Thornton Hall Project Review Group which provides for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. The scheme, which was introduced on a pilot basis last October, is applicable to suitably assessed prisoners who are serving sentences of more than one and less than eight years. Those participating are granted reviewable temporary release having served at, or after, the 50% stage of their sentence with a condition of their release to undertake supervised community service.

As announced with the launch of its new three year strategic plan, the Prison Service, in conjunction with the Probation Service, intends to increase the number of prisoners benefitting from this structured form of release over the course of the next three years. The Prison Service will work towards the placement of 400 prisoners per annum serving sentences of 1 to 8 years. It is envisaged that there would be no more than 150 prisoners participating in this scheme at any one time and all prisoners will be carefully assessed before being approved for the scheme.

I can assure the Deputy that public safety is paramount when considering any application for temporary release. Given the factors that will be taken into account as outlined, prisoners who have been convicted of serious offences involving violence or those convicted of serious sexual offences would not meet the criteria to be granted early release under the terms of the scheme.

Between 3 October 2011 and 31 March 2012, there were 137 participants in the pilot scheme. On 22 May 2012 there were 88 offenders taking part in the Community Return Programme. A total of 174 offenders have participated in the scheme and 63 offenders have completed the programme successfully.

The Community Return Programme is but one element of the recently published Prison Service strategy which provides for a structured form of release leading to improved resettlement and reintegration opportunities for prisoners along with providing for work to the benefit of communities.

### **Mediation Services**

**156. Deputy Michael Healy-Rae** asked the Minister for Justice and Equality the number of persons that have sought mediation services for family matters from April 2011 to April 2012; and if he will make a statement on the matter. [26093/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Family mediation services fall under the auspices of the Legal Aid Board which is a statutory, independent body in accordance with the Civil Legal Aid Act, 1995. The issue raised by the Deputy is entirely a matter for the Board and I have no responsibility for the matter. However, in order to be helpful to the Deputy I have had enquiries made with the Board. The information I received is set out below.

I can inform the Deputy that a total of 4010 persons have sought mediation services for family matters from April 2011 to April 2012 through the State-funded Family Mediation Services' 16 offices countrywide. 12 of these offices offer a part-time service and 4 offer a full-time service. A breakdown of these figures is contained in the table below.

In addition to the above figures, 2,024 persons availed of services from the Family Mediation Service based in Dolphin House District Court in Dublin. The Dolphin House Project commenced on 20 March 2011 and is a unique tripartite initiative involving the Courts Service, the Legal Aid Board and the Family Mediation Service. The objective of the project is to offer an alternative to a courts' determined outcome to people lodging an application in the District Court for custody, access and maintenance. An information session on mediation is available immediately within Dolphin House and the full mediation process is also offered to parties willing to engage in it.

The Deputy should note that the Family Mediation Service does not have figures for the number of persons that sought mediation services for family matters through private mediators.

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	Total
<i>2011</i>	
April	299
May	326
June	292
July	249
August	301
September	291
October	307
November	259
December	165
<i>2012</i>	
January	404
February	406
March	377
April	334
Total	4,010
Dolphin House from 20/3/11-April 2012	2024
Overall Total	6,034

### **Residency Permits**

157. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will set out the procedure to be followed to obtain Stamp 4 status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26100/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) that an application was received from the person mentioned by the Deputy on 10 May 2012. The matter is currently receiving attention and officials from the General Immigration Division in INIS will be in touch with the applicant shortly.

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**

158. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will set out the procedure to be followed in order to upgrade residency status from Stamp 3 to Stamp 4 in the case of a person (details supplied) in County Kildare. [26101/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) that the person mentioned by the Deputy should be advised to make an application to the General Immigration Division of INIS. Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### Asylum Applications

159. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current position and progress made to date in the determination of residency or naturalisation entitlement in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [26102/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned applied for asylum in the State on 5 March 2004. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 30 November 2005, that the then Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations have been submitted on behalf of the person concerned.

The person concerned was notified, by letter dated 19 February 2008, of her entitlement to make an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). She was also invited to update her earlier representations to the Minister. Updated representations have been received on behalf of the person concerned. An application for Subsidiary Protection in the State has also been submitted on behalf of the person concerned and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted, including those relating to the possible relevance of the Zambrano judgment to the case, will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may

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consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### **Citizenship Applications**

160. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if and when an application for naturalisation might be considered eligible in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [26104/12]

**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 July, 2009.

Section 15 of the Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant a certificate of naturalisation provided certain statutory conditions are fulfilled. One such condition is that the applicant intends in good faith to continue to reside in the State after naturalisation. As the person referred to by the Deputy did not confirm on her application form that she intended to reside in the State after naturalisation, one of the Statutory conditions for naturalisation, her application was deemed ineligible. The person concerned was informed of this in a letter dated 27 July 2009.

It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the prescribed statutory requirements.

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.

161. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current progress and position regarding determination of eligibility for naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26105/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Officials in the Citizenship Division of the Irish Naturalisation and Immigration Services (INIS) inform me that there is no record of an application for a certificate of naturalisation from the second and third named persons referred to in the Deputy's question. It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956 as amended.

I refer the Deputy to my reply to Parliamentary Question No. 1013 of Wednesday, 18 April 2012. The position remains as stated in respect of the first named person.

#### *Reply to Parliamentary Question 1013 of 18 April 2012*

*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.*

162. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of entitlement to naturalisation and update on Stamp 4 in the interim in the case of a person (details supplied) in Dublin 18; and if he will make a statement on the matter. [26107/12]

**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 April, 2011.

The application is at an advanced stage of processing and will be submitted to me for decision as expeditiously as possible.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State 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.

The person concerned arrived in the State accompanied by her father in March 2000. The father was granted permission to remain in the State in 2002 under the arrangements then in place for the non-EEA parents of Irish born children. Minor children under the age of sixteen, who are resident in the State and are in the care of non-EEA parents who have been granted permission to remain, avail of the same permission to remain as their parents. The person concerned was granted permission to remain in the State on 17 May, 2002 initially on Stamp 2 conditions and subsequently on Stamp 4 conditions. I am informed that this permission is currently valid until 17 January, 2013.

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

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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.

### **Deportation Orders**

163. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will set aside the decision to deport in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26112/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned entered the State on a Student Visa in 2006 and applied to have his status upgraded to a Stamp 1 permission in February 2011. The person concerned was informed by letter dated 26 May 2011 that he was being afforded the opportunity to regularise his status in the State. In this letter he was granted permission to remain in the State for a period of four months to enable an employer to apply for a Work Permit on his behalf. The person concerned submitted a further application to have his permission to remain in the State extended for a further period as he had not obtained a work permit within the four months. In a letter dated 14 November 2011 the person concerned was granted a further four months permission to remain. He was also informed in this letter that in the event that a work permit was not issued no further permission would be granted in his case. The application for the employment permit has been refused and the person concerned has no permission to be in the State.

In accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 16 May 2012, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### **Animal Breeding Regulations**

164. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine the process for a person wishing to import a breeding dog from the US; the time restrictions and other regulations that apply; and if he will make a statement on the matter. [26060/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The importation of dogs into the EU from the USA is governed by a common set of rules laid down in EU Regulation 998/2003 and transposed by S.I. No. 7 of 2012.

All dogs brought into Ireland from the USA must be:

- Identified by either micro-chip or a clearly readable tattoo (tattoo applied prior to July 2011),

- Subsequently vaccinated against rabies, with the first vaccination following identification having been administered at least 21 days before arrival in Ireland,
- Treated for echinococcus (tapeworm) between 120 hours and 24 hours prior to scheduled arrival time in Ireland, and,
- If commercial (i.e. ownership is being transferred), clinically examined by an authorised veterinarian within 24 hours of dispatch to establish fitness to travel.

Compliance with these conditions must be certified by an authorised veterinarian on a ‘Veterinary Certificate to the EU’.

Dogs must be carried by an approved transporter or have prior authorisation from my Department to enter Ireland. Full details and downloadable certificates are available on my Department’s web-site at [www.agriculture.gov.ie/pets](http://www.agriculture.gov.ie/pets). Any queries can be addressed to [pets@agriculture.gov.ie](mailto:pets@agriculture.gov.ie) or 01 607 2827.

### Milk Quota

165. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the reason that milk quota purchased privately does not get considered for accumulating points when being considered for dairy equipment scheme grants as the quota purchased from the Quota Trading Scheme [25982/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Dairy Equipment Scheme sets out a number of criteria for the ranking of applications which are received under the Scheme during the course of a particular tranche. Priority is given in the ranking process to successful applicants for milk quota under the New Entrants Scheme and the Milk Quota Trading Scheme, with new entrants being awarded the highest points. This is in accordance with the Rural Development Programme, 2007-2013, as approved by the Commission.

However, private purchasers of milk quota can receive points under several of the other ranking criteria, including participation in the Dairy Efficiency Programme and the proposed cost of the project.

### Tree Felling

166. **Deputy Simon Harris** asked the Minister for Agriculture, Food and the Marine the remedies available to householders whose properties are infringed upon by overhanging trees; if the provisions of the 1946 Forestry Act which address this situation are still in force; and if he will make a statement on the matter. [25998/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** While the owner of the land on which a tree stands may apply for a felling licence under the Forestry Act 1946, no provision exists to allow persons to fell trees on another person’s land without the permission of the landowner and without a felling licence, as required under the Act. Section 51 of the Forestry Act 1946 states that a person may “..remove or cause or permit to be removed timber from any tree ...for the purpose of preventing grave damage to crops” subject to such removal not being in contravention of the Act. Independent legal advice should be sought as to the options and/or remedies relevant to the specific circumstances.

### **Wildlife Protection**

167. **Deputy Finian McGrath** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the increase in foxes living in Dublin north central; and if he has concerns regarding same. [26009/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The legislative responsibility of my Department covers farmed animals only. However, while foxes do not come under the remit of my Department, I am nevertheless aware of the increased number of foxes living in urban areas in recent times. As the mating season takes place in January/February, foxes are particularly noticeable at this time of year as the young foxes begin to emerge from the den. This would account for increased sightings at this time of year.

### **Grant Payments**

168. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding farm payments in respect of a person (details supplied) in County Kerry; when same will issue; and if he will make a statement on the matter. [26090/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named joined REPS 4 in June 2008 and received payments for the first three years of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and accordingly is subject to EU regulation which require detailed administrative checks on all applications to be completed before any payments can issue. These checks have now been completed and the 75% REPS 4 payment for 2011 issued on 21 February 2012 for the amount of €6,536.91 and the remaining 25% REPS 4 balancing payment for 2011 issued on 28 February 2012 for the amount of €2,178.96.

### **Departmental Agencies**

169. **Deputy Martin Heydon** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the status of discussions between Coillte and a group (details supplied) in County Kildare for the purchase of land; if he will provide an update on same; and if he will make a statement on the matter. [26099/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Coillte Teoranta was established as a private commercial company under the Forestry Act, 1988 and day-to-day operational matters, such as mentioned by the Deputy, are the responsibility of the company.

170. **Deputy Jerry Buttiner** asked the Minister for Children and Youth Affairs the progress on the transfer of the Family Support Agency to the Department of Children and Youth Affairs; the amount of funding provided to the Family Support Agency in each of the past three years; the numbers of staff and their roles within the Family Support Agency; and if she will make a statement on the matter. [25971/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Family Support Agency (FSA) was established by way of primary legislation in 2001. The FSA became an agency of my Department in 2011. In the last three years, the approved level of funding for the FSA was as follows:

2011 — €28.455m

2010 — €30.949m

2009 — €35.981m

At present, the Agency consists of a total of 13 staff. This includes 1 Acting CEO, 2 Assistant Principals, 3 Higher Executive Officers, 4 Executive Officers and 3 Clerical Officers. The Family Support Agency operates the Scheme of Grants to voluntary organisations providing marriage and relationship, child and bereavement counselling services and the Family Resource Centre Programme. The functions of the FSA will form part of the new Child and Family Support Agency to which the Government is committed.

### **Medical Aids and Appliances**

**171. Deputy Martin Ferris** asked the Minister for Health when orthopaedic shoes will be available in respect of a person (details supplied) in County Kerry [25962/12]

**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.

### **Medicinal Products**

**172. Deputy Billy Timmins** asked the Minister for Health the position regarding the severe shortage of essential medicines to pharmacies (details supplied); and if he will make a statement on the matter. [25968/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Shortages of essential medicines are currently a cause of concern not just in Ireland but throughout Europe and the rest of the world. It is a global problem affecting health systems in all countries and impacting on patients world-wide. Medicines shortages can be the result of one, several or any combination of factors throughout the pharmaceutical supply chain such as manufacturing difficulties, industry consolidation, and commercial decisions by manufacturers to withdraw unprofitable lines. In some cases pharmaceutical manufacturing is concentrated to such an extent that a production problem in one pharmaceutical plant can have wide-ranging and international impact on health systems throughout the world.

Irish Medicines Regulations place an obligation on both manufacturers and pharmaceutical wholesalers within the limits of their respective responsibilities, to ensure the adequate availability and supply of medicines on the Irish market in order to meet patient needs.

My Department has been engaging with the Irish Medicines Board (IMB), the Health Service Executive (HSE) and the Pharmaceutical Society of Ireland (PSI) to identify ways in which the Irish system can manage medicines shortages as effectively as possible in order to minimise the impact on patients. International efforts to effectively manage medicines shortages are also being considered.

Pharmaceutical production is carried out by private enterprises, and the State or my Department can only intervene to a limited extent to prevent medicines shortages occurring.

The HSE negotiates with drug companies seeking to have their products placed on the list of reimbursable products under the General Medical Services (GMS) Scheme and the community drugs schemes. The current supply agreements require manufacturers and importers to notify the HSE as soon as they are aware of foreseeable or prolonged stock shortages.

[Deputy Róisín Shortall.]

However the IMB and HSE continue to work closely to operationally manage medicines shortages when they arise. In addition, the PSI has recently published guidance to registered pharmacists on managing medicines shortages. Manufacturers, wholesalers and pharmacies all have responsibility to work together to identify shortages quickly and implement alternative arrangements to meet the needs of patients.

### **Health Services**

**173. Deputy Timmy Dooley** asked the Minister for Health the position regarding a home care package in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [25988/12]

**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.

### **Mental Health Services**

**174. Deputy Jim Daly** asked the Minister for Health if his attention has been drawn to the implementation plan, which will identify specific recommendations of *A Vision for Change* that can be progressed over the next three years, with timelines, detailed costs, structures and identifiable person(s) responsible for driving the change including delivery on the commitments in the Programme for Government; and if he will make a statement on the matter. [25999/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Since taking office, this Government has prioritised the reform of our mental health services in line with *A Vision for Change* and is committed in particular to the delivery of more and better quality care in the community.

A special allocation of €35m for mental health was announced in Budget 2012 in line with the Programme for Government commitments. Funding from this special allocation will be used primarily to further strengthen Community Mental Health Teams in both Adult and Children's mental health services which will ensure, at a minimum, that at least one of each mental health professional discipline is represented on every team. It is intended that the additional resources will be rolled out in conjunction with a scheme of appropriate clinical care programmes. Some of the funding will also be used to advance activities in the area of suicide prevention and to initiate the provision of psychological and counselling services in primary care, specifically for people with mental health problems. The HSE's National Service Plan for 2012 sets out the actions to be taken in 2012 to progress the implementation of *A Vision for Change*. The Service Plan commits to the recruitment of over 400 additional staff to implement the €35m package of measures. It also includes a commitment to reduce acute in-patient capacity by a minimum of 153 beds nationally in 2012 in the context of the reconfiguration of services and the redeployment of existing staff resources away from over-provision of acute in-patient beds towards community based services.

To implement the National Service Plan the HSE has published detailed Regional Plans which take account of the additional funding being invested this year in mental health. The National and Regional Service Plans will be the subject of continuous review.

### **Health Service Staff**

**175. Deputy Brendan Griffin** asked the Minister for Health if the Health Service Executive

is rehiring nurses on a temporary basis that took early retirement; and if he will make a statement on the matter. [26002/12]

**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.

176. **Deputy Joan Collins** asked the Minister for Health his plans for the health officers at a location (details supplied; when they will be moved and the location to which they will be moved. [26019/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### **Health Services**

177. **Deputy Bernard J. Durkan** asked the Minister for Health if extra provision will be given within the context of the home care package in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26025/12]

**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.

### **Hospitals Building Programme**

178. **Deputy Billy Kelleher** asked the Minister for Health the discussions or contacts he or any member of his staff have had in relation to locating the new National Paediatric Hospital at lands at Belcamp, County Dublin; and if he will make a statement on the matter. [26048/12]

**Minister for Health (Deputy James Reilly):** As you will be aware, I have established an independent Review Group to consider the implications of the decision of An Bórd Pleanála, received on 23 February 2012, to reject the planning application for the proposed construction of a national paediatric hospital on the site of the Mater Misericordiae Hospital. The aim of the Review is to consider all the possible options for the earliest possible delivery of a new children's hospital and the Group will present its findings on each of the possible options for my consideration. I will await the completion of the Group's work before making any further comment on the matter.

### **National Treatment Purchase Fund**

179. **Deputy Tom Fleming** asked the Minister for Health if he will request the National Treatment Purchase Fund to urgently undertake the forensic financial review of the cost of care for the section 39 funded residential units at Valentia Hospital, County Kerry, to enable him to put funding arrangements in place for this hospital; and if he will make a statement on the matter. [26049/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The National Treatment Purchase Fund (NTPF) has recently tendered for a forensic accounting service. This service is being commissioned to support the NTPF in its role of negotiating prices with private and voluntary nursing homes under Section 40 of the Nursing Homes Support Scheme Act 2009.

[Deputy Kathleen Lynch.]

The tender competition is still underway. The deadline for submission of tenders was the 18th May. Tenders are currently being assessed. Once the tender is completed, tasks will be assigned to the successful supplier(s). These assignments will include an assignment to provide factual input to an NTPF review of nursing homes like Valentia Hospital which, prior to the commencement of the Nursing Homes Support Scheme, were funded entirely or substantially by the HSE. The NTPF anticipates, at this stage, to have substantive information for initial review by end August.

The Nursing Homes Support Scheme is designed to ensure that money follows the patients, regardless of whether they choose public, private or voluntary nursing homes, and to ensure nursing homes are not being funded for empty beds.

### **Ambulance Service**

180. **Deputy Jack Wall** asked the Minister for Health his views on correspondence (details supplied) regarding the ambulance service; the action that will be taken regarding same; the position of equipment testing on such vehicles; when the equipment was last tested; and if he will make a statement on the matter. [26063/12]

**Minister for Health (Deputy James Reilly):** I am aware of this issue, and it has been raised separately with my Department. However, as this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Services for People with Disabilities**

181. **Deputy Jack Wall** asked the Minister for Health the position regarding an application for a motorised wheelchair in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26070/12]

**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.

### **Food Safety**

182. **Deputy Kevin Humphreys** asked the Minister for Health the position regarding the introduction of a ban on the sale of raw milk; and if he will make a statement on the matter. [26072/12]

**Minister for Health (Deputy James Reilly):** The proposed renewal of the ban on the sale of raw milk for direct human consumption has been the subject of detailed consideration in both my Department and the Department of Agriculture, Food and the Marine, including contacts at Ministerial and official level. Careful consideration has to be given to the legal options available to move the issue forward and the deliberative process in that regard is ongoing.

### **General Medical Services Scheme**

183. **Deputy Sandra McLellan** asked the Minister for Health the reason ketamine is not available to medical card patients in Cobh, County Cork, when it is available to persons in other areas of the country; and if he will make a statement on the matter. [26076/12]

**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 attention and direct reply to the Deputy. [26078/12]

### **Hospital Waiting Lists**

184. **Deputy Michael Healy-Rae** asked the Minister for Health the reason for the delay in a cataract operation in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [26078/12]

**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 improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. 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 daycare 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 hospital involved.

### **General Medical Services Scheme**

185. **Deputy Sandra McLellan** asked the Minister for Health if he will expedite and approve a hardship scheme claim in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [26080/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter, it has been referred to the Health Service Executive for direct reply to the Deputy as a matter of urgency.

### **Hospitals Building Programme**

186. **Deputy Robert Troy** asked the Minister for Health if he has approved funding as requested by the hospital management to open a 12 bed in-patient acute admission unit and discharge lounge at a hospital (details supplied) in County Westmeath [26083/12]

**Minister for Health (Deputy James Reilly):** The nominated SDU liaison officer is currently working with the hospital concerned, in relation to formulating a proposal for submission. On receipt of the proposal, it will be given due consideration.

### **Departmental Staff**

187. **Deputy Michael Healy-Rae** asked the Minister for Health his plans to appoint a chief dental officer in the near future; and if he will make a statement on the matter. [26087/12]

**Minister for Health (Deputy James Reilly):** The current moratorium on the filling of posts has meant that my Department has not been in a position to fill the post of Chief Dental

[Deputy James Reilly.]

Officer. Future decisions on this post will be taken against the backdrop of my Department's need to balance the delivery of business priorities with falling levels of overall resources.

### **Health Services**

188. **Deputy Michael Healy-Rae** asked the Minister for Health the number of dental clinics that have closed over the past three years, from April 2009 to April 2012; and if he will make a statement on the matter. [26088/12]

189. **Deputy Michael Healy-Rae** asked the Minister for Health his views on the fact that the closure of rural dental clinics is going to leave young school going children in a situation in which their dental health will be neglected to such an extent that by their late 20s or early 30s they will be suffering from many teeth and gum problems which would be totally preventable with early intervention and care at a young age; and if he will make a statement on the matter. [26089/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 188 and 189 together.

The public health system currently provides a dental service to schoolchildren aged up to 16 years. The service is targeted at children in key classes at key stages in their development. Children are given dental examinations and any follow up treatment required at these stages. When required, emergency dental treatment is available to all children up to 16 years. In delivering the school dental programme it may be necessary to consolidate the services in locations where the highest standards may best be maintained. This allows the HSE Public Dental Service to target and treat the maximum number of children and to maintain essential services to patients with special needs.

Information regarding the closure of dental clinics is being collated by the HSE and will be forwarded to the Deputy as soon as it is available.