



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Dé Máirt, 10 Iúil 2012.

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TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.00 p.m.

Paidir.

Prayer.

Ceisteanna — Questions

Priority Questions

Children in Care

18. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the number and proportion of children in the care of the State without an assigned social worker in February 2011; the same figures in respect of today; her plans to improve these figures; and if she will make a statement on the matter. [33529/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): At present over 92% of children in care have an allocated social worker. In May 2012 there were 6,282 children in care compared to 6,015 children in care in February 2011. The figures reflect an increase over the period of 267 in the number of children in care, adding to the challenge for the HSE in ensuring that all children in care have an assigned social worker.

The allocation of a social worker is prioritised by the HSE to ensure children entering or about to leave the care system, those in a residential care placement or those experiencing a change of placement always have a social worker assigned to them. A principal social worker

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may decide to prioritise such cases over long term stable foster care placement where there is a temporary gap due, for example, to a social worker being unavailable because of extended leave or while a new appointment is awaited. In such situations there may already be a HSE link worker, who is also a professional social worker, supervising and supporting the foster carers and visiting the placement and the foster carers and the child should have information on who to contact should an urgent need arise.

Differences between care settings are evident from our data, with much higher proportions of children in residential care, including special care and high support, having assigned social workers. Over 97% of those in residential care have social workers assigned. In general, those children in residential care tend to have higher levels of need compared to others such as those in long term foster care. Addressing this issue is a priority for the HSE and progress has been made in recent months. Since the end of March 2012, the number of children in care without an assigned social worker has reduced from 507 to 476. This was over a period when the overall number of children in care increased by 46.

In May 2012, 476 children or 7.6% did not have an allocated social worker. In February 2011, 326 children or 5% did not have an allocated social worker.

Additional information not given on the floor of the House.

In both January 2011 and March 2011 the percentage of children in care without a social worker was 6.3%, while previously significantly higher numbers of children in care did not have social workers assigned. As recently as 2009, for example, some 17% of children in care did not have a social worker. Of the 476 children without assigned social workers in May, 458 were in foster care or foster care with relatives.

Notwithstanding the recent improvement and the more positive position in relation to residential care, efforts are required to bring about further improvements in this area. The HSE's 2012 national service plan identifies this as a priority deliverable. In this context the Government has made additional budgeting provision of €19m for child welfare and protection services compared to the funding made available last year. The funding will assist in addressing expenditure pressures from budgetary reductions made in previous years and growth and demand for services due to demographic and other factors. In overall terms, the 2012 provision is designed to support the HSE in meeting its obligations with regard to the welfare and protection of children under the Child Care Act 1991, together with a range of priorities set out in the HSE national service plan for 2012. As mentioned, these priorities include improvement in relation to a reduction in the numbers of children in care without an assigned social worker.

My Department will continue to work closely with the HSE to ensure that further progress is made over the remainder of the year in the key priorities set out in the national service plan.

Deputy Charlie McConalogue: I thank the Minister for her reply. I think she will agree that in light of the publication of the report of the child death review group in the past couple of weeks, the job of ensuring we provide the best possible protection to children who come into the care of the State is essential for the Government and one it must not shy away from. It must take the hard actions to achieve that. The report of the child death review group showed that many children were failed by the State and that, in many cases, the reason for that failure was the lack of resources and the pressure on our social workers to achieve goals and provide the care children required of them.

When the Minister came into office in February 2011, some 94.6% of children in State care had an assigned social worker. Having an assigned social worker is essential to ensure the child has a point of contact and someone from the State to look after him or her and to ensure he

or she gets the service he or she requires. A year and a half later, the percentage has dropped to 92%. The Minister said the increase in the number of children in care has added to that. What has also added to that is the fact the Minister did not achieve her target of hiring an additional 60 social workers in 2011. In fact, the number hired was 14.

The exemption from the recruitment embargo, which existed when the Minister came into office, is no longer in place. Will she put that exemption from the embargo back in place and outline her plan of action to ensure each child in the care of the State has an assigned social worker?

Deputy Frances Fitzgerald: Since March of this year, I am very pleased to say we have seen an increase in the number of children who have a social worker. The number is steadily going in the right direction. One can take any period of time and parse and analyse it but what we need to do is look at the overall situation. It is true that 2011 was a very difficult year for the HSE child and family services. It was faced with a €14 million cut in the Estimates for 2011 as a result of the last set of budgetary decisions taken by the Deputy's party when in office. As he will know, I got an increase of €21 million and one is beginning to see that come through in the increased allocation.

This is an important issue and it is extraordinary to think that as recently as 2009, some 17% of children in care did not have social worker. However, the number is going in the right direction with the vast majority — more than 90% — having a social worker. There is a legal obligation for children in care to have a social worker. We must ensure that figure increases as part of the overall reforms we need to implement, despite the pressures that exist. With the increased budgetary allocation and the recruitment of approximately 262 social workers that is under way, we are seeing more social workers in place. This is despite the recent changes and the numbers who retired in February last. That will all help.

There is a historic problem of the services not allocating a social worker. I agree with Deputy McConalogue with regard to the priority this area should be given and that we need to put child protection at the centre. All the reforms I am working on have as their goal the provision of a child protection service that delivers and truly protects children.

Children's Rights Referendum

19. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the date on which she plans to publish legislation to facilitate the holding of a referendum on children's rights; when she will advise opposition spokespeople of the wording of her amendment; the date on which the referendum will be held; and if she will make a statement on the matter. [33710/12]

Deputy Frances Fitzgerald: The Programme for Government 2011 — 2016 states that the referendum on children's rights is a priority and that the wording of the proposed referendum will be along the lines of that proposed by the all-party Joint Committee on the Constitutional Amendment on Children, JCCAC. From the outset of deliberations on the constitutional amendment on children's rights, the need for all-party consensus on this topic was highlighted. Having been a member of the JCCAC alongside Deputy Ó Caoláin, I can attest to the level of all-party co-operation afforded the then Government in the work of the committee. I pay tribute to the work of the Chairman of that committee, former Deputy Mary O'Rourke.

Both myself and officials of my Department have engaged extensively with the Attorney General and her officials to formulate a draft wording for the proposed constitutional amendment. Contact in that regard is ongoing and, as part of normal process, will involve consultations across the relevant Departments in advance of presentation of a proposed wording to

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Government for consideration. Integral to the passing of the proposed amendment will be a change as regards adoption law in the position of children of marriage and married parents. To ensure that the public are fully informed of the nature of the proposal and the consequences of approving it, the proposed amending legislation in the area of adoption will be published along with the wording of the amendment.

Publication of the referendum Bill will have regard to the need to allow an appropriate period for the proposal to be fully debated and considered by the public and by the Oireachtas.

I have already undertaken informal consultations with the political parties and others and I intend to continue to consult with Opposition spokespersons as the preparations which are currently under way progress. I also envisage that the issue will be dealt with in the Joint Committee on Health and Children.

The Government has yet to consider the matter of the precise referendum date but it has already decided that it will take place later this year and will be held on a stand-alone basis. The significant and complex work currently being done is geared towards this timeline and objective.

Deputy Caoimhghín Ó Caoláin: The Minister will understand the frustration felt in some non-Government parties at the absence of information regarding the ongoing engagement with the Attorney General and the consideration by the various Departments which the Minister indicated previously. There is concern that slippage may occur. We are a little over a week away from the summer recess and the House will not resume until September. The referendum is to be held in the autumn but much can happen in the intervening period of weeks. I am sure other Opposition Deputies are of the same view as myself and are anxious to have a direct engagement with the Minister. I would be available throughout August and early September if an opportunity presented.

We are all, understandably, anxious that an all-party supported proposal be put to the people. I note the Minister said the wording of the proposed referendum will be along the lines of that proposed by the joint committee. Nevertheless, the absence of hard information gives rise to justifiable concern that what we agreed during the course of that long engagement in committee may be emaciated by a variety of departmental considerations and the Attorney General's fears. If the Minister is not in a position to provide certainty regarding the date of publication of the facilitating legislation for the referendum and the changes to the Adoption Acts to be presented in tandem, will she indicate her willingness to meet spokespeople on children's issues in this House either over the course of the recess or early in September? I hope she will understand fully the anxiousness I am describing.

Deputy Frances Fitzgerald: As the Deputy will be aware, this was a priority for the Government and we have not put off a decision on holding the referendum. We have made it clear that it will be held this year and, given its importance and the range of issues to be addressed, that it will be a stand alone referendum. That is an indication of our commitment and such a timely response has not been seen from a Government previously.

I assure the Deputy that I will liaise directly with him and with Deputy McConalogue on an ongoing basis between now and September. I am also happy to brief them fully on the adoption legislation. These are complex issues. There is all-party agreement on them and I want to continue that agreement. I will certainly facilitate ongoing consultation and discussion on the referendum and the accompanying adoption legislation.

Deputy Caoimhghín Ó Caoláin: I welcome the Minister's indication that she will meet Members of other parties. I acknowledge that we have spoken previously on the matter but it is important that our engagement is ongoing. She will understand that in the absence of detail from not only our own parts, but also a range of external interests in this area, the clamour of concern is growing. We must have faith in what she and her Department are proposing. I have had faith heretofore and I want to be able to respond to concerns with the certainty I had when we concluded our deliberations and report in committee more than two years ago. It must be acknowledged that the delay is inordinate and this gives rise to understandable concern. The Minister would go some way towards addressing this concern by keeping others in the House informed as best she can. I hope we will be consulted prior to the Cabinet agreeing to the wording. Surely that would best inform the final proposition to be put before the people.

Deputy Frances Fitzgerald: I understand the point the Deputy is making. I do not accept that the delay has been inordinate. On the contrary, this is a priority issue for the Government and our actions reflect that. My Department and the Office of the Attorney General is doing detailed and committed work on the issue and it is subject to considerable interaction and discussion between the Attorney General's office and me. Considerable progress has been made but the Deputy will appreciate that further work is required in terms of painstakingly examining the wording that was considered by the committee to see how it can be translated into a constitutional referendum. I will continue to brief Members because I agree with Deputy Ó Caoláin on the importance of co-operation in this area.

Child Care Services

20. **Deputy Seamus Healy** asked the Minister for Children and Youth Affairs the current arrangements for the 24/7 availability of social workers; the extent of the current arrangements; the areas covered; the timescale for the roll out of this cover throughout the country; and if she will make a statement on the matter. [33635/12]

Deputy Frances Fitzgerald: In response to the publication of the report of the independent child death review group, I reaffirmed my view on the importance of children in crisis, no matter where they are, having access to 24-hour social work assistance. I recently discussed this issue with Mr. Gordon Jeyes, national director for children and family services in the HSE. I expect the HSE to bring forward an implementation plan for the roll-out of a national service model later this year for implementation by the new child and family support agency.

The Health Service Executive already provides out-of-hours emergency services for children at risk in the greater Dublin area through the crisis intervention service — which I recently visited in Dublin — and outside the greater Dublin area through the emergency place of safety service. The crisis intervention service provides out-of-hours emergency social work assistance to young people aged under 18 years who are in crisis. That service operates across the greater Dublin area, including counties Dublin, Kildare and Wicklow. Referrals are made by service providers outside of normal working hours — that is, gardaí, hospital and ambulance service personnel.

Outside the greater Dublin area in 2009, the HSE established the emergency place of safety service whereby gardaí can access an emergency placement for children found to be at risk out of hours. This is a great improvement compared to the previous service. The current service involves the placement of a child in a family setting until the next working day, when the local social work service assumes responsibility for the case. As part of this service, gardaí have access to advice and information from a non-HSE social work off-site resource which is provided on a contract basis.

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I pay tribute to the work of the Garda Síochána over the years in this area. Now is the time to support that work in having new procedures in place. In 2011, the HSE commenced two out-of-hours pilot projects, one in Donegal and the other in Cork. Both projects were evaluated by the HSE, which then commissioned an independent external assessment, undertaken by Trinity College, Dublin. On the last occasion, I was asked about this by Deputy McConalogue and said that the report was being undertaken. It has now been completed and presented to Mr. Gordon Jeyes. My Department has recently received a copy of the report whose findings will inform further decisions in the coming months on progression to a national out-of-hours service model.

Deputy Seamus Healy: I thank the Minister for her reply. As she knows, this is an area that has given rise to considerable concern and continues to do so despite the various emergency proposals that have been put in place. While they are an improvement, they are neither adequate nor appropriate. Over the years, numerous serious incidents have occurred out of hours but had these services been available, things might well have been different.

Is the Minister satisfied with the proposal, and the commitment given by Mr. Jeyes and the HSE, concerning the roll-out of the service she has outlined? Is she satisfied that the roll-out will take place prior to the end of this year? There have been promises in the past about this matter, but they have not come to fruition. In view of the various reports that have been prepared, including the most recent report on child deaths, it is vitally important that this service should be put in place immediately.

Deputy Frances Fitzgerald: I want to inform the House that the existing pilot projects that were running in Cork and Donegal will continue in 2012. Clearly, whatever model emerges will need to address the challenges of the varying demographic demands in rural and urban settings. For example, the number of referrals to the Cork pilot project was 29, while the Donegal pilot only received eight referrals.

Building on the Cork and Donegal projects, and the lessons which we must learn from them, the HSE will be designing comprehensive national arrangements which can be implemented by the new child and family support agency. I would expect that around September or October we will have that national plan for the model that needs to be used. I do not believe it will be the same model in all parts of the country as needs vary. We must ensure we put in place a model which ensures access to social work intervention. The format within which that will be provided may and should vary depending on the demands of different areas.

Deputy Seamus Healy: I assure the Minister that we will be monitoring the situation closely. It is hoped that, as stated by the Minister, a national plan will be ready for implementation in September-October.

My understanding is that non-replacement of social workers on maternity, sick and annual leave is giving rise to serious concern not alone in this area but in a range of other areas. I would welcome the Minister's view on this.

Deputy Frances Fitzgerald: Given the current financial situation resources is a key issue. Replacement of social workers is outside of the embargo. The director of child and family services has the authority to replace social workers within the resources available to him. These are greater than previously. There is a great deal of demand in this area although not so much in terms of out-of-hours services but in general. There are many pressures on the services given the financial situation. The Deputy will be aware that we have recruited an additional 262 social workers.

Retention of workers in the health service and in particular in the area of front line social work, which has been the subject of many studies nationally and internationally, is an ongoing challenge. However, issues can be acted upon to address this, including, for example, the provision of more support to front line social workers and more supervision. The new plan, which has been put in place by Mr. Gordon Jeyes, in regard to the amalgamation of child protection and family support services and ensuring families are referred to the appropriate services will, along with the new agency, help in the provision of better and more effective services.

Children in Care

21. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs when an implementation plan will be published on the recommendations of the Report of the Independent Child Death Review Group; if she will confirm that all recommendations will be implemented; and if she will make a statement on the matter. [33530/12]

Deputy Frances Fitzgerald: I indicated when I published the report of the Independent Child Death Review Group that I welcomed its findings and recommendations and that I fully accept the need for action in the areas identified.

As advised at a recent meeting of the Oireachtas Joint Committee on Health and Children, following consultations with the Taoiseach, I am putting in place an implementation process for the Gibbons-Shannon recommendations. Many of the recommendations of the review group's report echo recommendations made in previous reports and actions are already under way to implement these as part of the reform programme under way in children and family services. Where recommendations give rise to a need for new actions my Department will incorporate these within the implementation process.

My Department is currently preparing a detailed project implementation plan for the reform of children's services. Linked to this, it is preparing a single database of various report recommendations over recent years to streamline reporting to me on these matters. Reporting on the Gibbons-Shannon recommendations will form part of this streamlined reporting mechanism. It is my intention to bring regular progress reports on my Department's reform programme to Government, the relevant Cabinet sub-committee, this House and relevant committees.

On the content of the recommendations, as stated, many of the actions and reforms identified by the review group are already under way as part of the Government's reform programme, the most radical reform of child welfare and protection services ever undertaken in the State. I believe the review group report will add further impetus and support to this comprehensive change programme.

As I have often stated, it is my contention that child and family services have for too long competed with other priorities within the health services. This was a critical factor in the decision by the Government to establish a dedicated child and family support agency. The agency, which will report to me as Minister for Children and Youth Affairs will on its establishment in early 2013 carry forward key elements of the change programme.

Deputy Charlie McConalogue: I thank the Minister for her reply. This is the first occasion since publication of the report of the Independent Child Death Review Group that I have had an opportunity to discuss it with the Minister on the floor of the House. I commend the authors of the report, Dr. Geoffrey Shannon and Ms Norah Gibbons, on their dedication over the past 18 months in teasing through the detail of each child's case with a fine-tooth comb and highlighting what went wrong with the State services. Tragically in the cases of the 196 children who died in the care of the State, including 112 who died of unnatural causes, much went wrong. That makes it all the more important that each of the recommendations in the report

[Deputy Charlie McConalogue.]

is implemented with no dilution. I specifically refer to the recommendations to change the *in camera* rule, having mandatory after-care for children leaving the care of the State at the age of 18 and the establishment of a death review panel entirely independent of the HSE. When can we expect to see that implementation plan? Will the Minister state that she will accept nothing less than the full implementation of all the recommendations in the report?

Deputy Frances Fitzgerald: I join the Deputy in thanking the authors of the report for their work. It is pretty devastating to read a report on the deaths of children. In this House just two years ago there was a lack of clarity even on the figures. With this report we now clearly have increased transparency. Clearly the kinds of reforms needed in this area will not take place overnight and a great deal of work remains to be done. There are significant legacy issues in putting the child and family protection services on the kind of basis we would want to see and that is very clearly illustrated in the report. The question of interagency work needs to be taken very seriously not just by my Department but by a number of other Departments and by a range of agencies as well as statutory agencies. That is a very big challenge.

I have already started discussions on implementing the recommendations and I intend to continue discussions over the summer on the development of the child death independent review mechanism. Yesterday I met representatives of HIQA and began discussions on roles it might play. I will also meet representatives of other relevant bodies. I want to develop a mechanism. In many ways very good work is already being done by Dr. Helen Buckley and her team. The HSE and Government had obviously established a service. The implementation group suggested a new way to develop that independent child death review mechanism and I intend to examine that and see how its recommendations can be implemented. I have already outlined that the child and family support agency legislation will deal with the after-care issues that arise from the report. I have already started work on a number of the areas. We need the database I outlined to the Deputy in order to streamline the various recommendations. We have the implementation of the recommendations from the Ryan report, which is progressing. I am confident that each of the recommendations will be progressed in the coming months.

Deputy Charlie McConalogue: Will the Minister give a commitment that the recommendation for mandatory after-care will be implemented in full? Unfortunately the report showed that children in after care were failed to an even greater extent than any other children in the care of the State. Nothing less than mandatory after-care is required and I ask the Minister for an assurance on that. As the Minister rightly points out the challenges still remain. Since the period covered by the Shannon-Gibbons report published last week, 40 children in the care of the State died up to May of last year. It is an area that requires much attention by the State and is very difficult. We must ensure that our services are as safe as possible. On the issue of a mandatory after-care policy, I ask the Minister to give a commitment today that she will introduce mandatory after-care provision and not something short of that.

Deputy Frances Fitzgerald: In regard to any deaths in the recent period, the Deputy will be aware that reports have been published and information is in the public arena on how many of those deaths were natural deaths. It is important to remind ourselves that non-natural and natural deaths of children under the age of 18 occur. They are reported on now immediately by the review mechanism and panel that is in place in the HSE, and that is only right. We are talking about further developing that mechanism.

In regard to after-care, it is important to acknowledge that the numbers receiving after-care have increased hugely from 847 in 2009 to 1,340 as of March 2012. Far more young people are receiving after-care and, clearly, more budgetary resources are being given to young people

leaving care. After-care was an issue that was identified in the report. I intend to bring legislation forward, with advice from the Attorney General. As I said, I will bring it forward in the Bill to establish the Child and Family Support Agency to ensure that all children in care have an assessment of needs carried out before they are 18 years of age and that all children in care should be entitled to the supports they need. I have legal advice on this, as the Deputy will be aware, and I have discussed this matter with the Deputy and with Deputy Ó Caoláin on a number of occasions here and the position is that at present that obligation is on the HSE. Not every young person leaving care after the age of 18 will need after-care. The question is one of assessing those who do and ensuring that they get the service. I will seek to further clarify the obligations of the HSE in regard to after-care in further legislation later this year.

Court Proceedings

22. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the date on which she will introduce regulations to amend the *in camera* rule in courts. [33318/12]

Deputy Frances Fitzgerald: I thank the Deputy for his question on the *in camera* rule in the courts. This was clearly identified in the child death report as an issue and it was felt that there was a need for more transparency. I believe that there is scope for more transparency in regard to the private nature of court proceedings relating to child welfare and protection cases. We certainly need to put in place a mechanism to ensure that the learning from such cases is shared across the system while continuing to protect minors' interests and maintain anonymity. I have had discussions with the Minister, Deputy Shatter, on this and he will be bringing forward legislation in regard to the *in camera* rule.

There is a provision in the Child Care Act which permits me also to specify a class of persons to publish reports of proceedings under Part III, IV or VI of the Act, once I am satisfied that the publication of reports prepared in accordance with subsection (5)(a) by such persons is likely to provide information which will assist in the better operation of the Act, in particular in relation to the care and protection of children. There is a useful parallel under the Civil Liability and Courts Act 2004 which allows, subject to direction of the court, bona fide researchers and lawyers to attend hearings for the purpose of preparing anonymised reports on the proceedings and court decisions. That was the basis, as the Deputy will probably be aware, of the work that Dr. Carol Coulter did in this regard under the auspices of the Courts Service.

With this in mind it is my intention to bring forward regulations to allow for the reporting on child welfare and protection proceedings. The exact nature of those regulations will be informed by consultations with my Department, the other relevant Ministers, the Minister for Justice and Equality and the Courts Service. The date for introduction of any regulations will obviously be contingent on the outcome of those consultations. I am keen to progress this matter as quickly as possible.

Additional information not given on the floor of the House.

The Child Death Review Group maintains that keeping a shroud of secrecy around child care cases does not necessarily mean that the interests of minors are always protected as well as they can be, as practices which may need overhauling are shielded from scrutiny. If we are to truly commit ourselves to reform of child welfare and protection services, then this matter must be adequately addressed and it is my intention to do so, in consultation with the Minister for Justice and Equality.

Deputy Caoimhghín Ó Caoláin: In the aftermath of the report of the Independent Child Death Review Group, the Minister indicated that she was of a mind to have this changed. I

[Deputy Caoimhghín Ó Caoláin.]

welcome her indication that the Minister for Justice and Equality, Deputy Shatter, is to facilitate bringing forward a change in this regard. Is the Minister in any position to advise us when that might come about? Are we likely to see that proposed change any time soon? Will it be in the autumn schedule of legislative change? Is the Minister able to elaborate in any way as to what change will be proposed? She is aware that the Ombudsman for Children, Emily Logan, has highlighted the difficulties in accessing information. She was significantly curtailed in an investigation into one of those cases highlighted in the said report of September 2008 to which we both referred. The *in camera* rule is being used continuously as a means, a barrier, to full exposure of the details in any particular case. She indicated that the excuse proffered by the HSE at the time was the restrictions on the *in camera* rule. This excuse has been and is being used. At least up to last month, she was facing four legal challenges to investigations, not all before the courts but all challenges relating to specific investigations which the Office of the Ombudsman for Children, was undertaking.

We must recognise that the operation of the *in camera* rule is very problematic and we must ensure that the whole area of child care and provision is not invisible to us because of other elements of the Statute Book. I would welcome any elaboration the Minister can offer about the Minister, Deputy Shatter's proposal. I emphasise that in line with her own commentary earlier this year that this should be done as quickly as possible.

Deputy Frances Fitzgerald: I spoke to the Minister, Deputy Shatter, about this issue today. I cannot give the Deputy an indication of precisely when this legislation will come forward but the Minister is actively considering it. That is progress because this issue has been around for many years and has never been dealt with. The Minister, Deputy Shatter will bring forward legislation to deal with it. I am in a position to inform the Deputy that I will introduce regulations so that child care cases can be reported. The shroud of secrecy has not been in the interests of children. It is important to protect the identities of children and the identifying details of cases but there is a way to do so, as Dr. Carol Coulter showed in her research. The Deputy rightly states it is important to make children visible in the courts in the same way as the constitutional referendum should make children visible in the Constitution. Likewise, this issue is relevant with regard to a discussion of court hearings involving children.

Deputy Caoimhghín Ó Caoláin: I welcome the second point because this was the thrust of my question in which I referred to regulations rather than legislative change. I thank the Minister for indicating that she intends to address this matter within her own portfolio, the means of which allows her to progress it. Let us hope that between both we will see a situation where the practice heretofore of some hiding from proper and full scrutiny will be at an end.

Other Questions

Child Care Services

23. **Deputy Dara Calleary** asked the Minister for Children and Youth Affairs her implementation plan for the introduction of 24 hour social work service; and if she will make a statement on the matter. [33373/12]

Deputy Frances Fitzgerald: As I indicated to Deputy Healy in my earlier response, the current arrangements for out-of-hours services are that the Health Service Executive provides out-of-hours emergency services for children at risk in the greater Dublin area through the crisis intervention service and outside the greater Dublin area through the emergency place of safety

service. I have had discussions with Gordon Jeyes, national director for children and family services in the HSE, on the roll-out of the national service model. It was clear in the recently published report on child death that young people who leave care are vulnerable. I expect the HSE will bring forward an outline model for this service later this year.

It is important and critical that children in crisis, no matter where they are, have access to 24-hour social work assistance and supports. I am in agreement with the director on this point and we are working towards its implementation. I am committed to a service that the new child and family support agency can implement. The current arrangements for out-of-hours services are those in Dublin and the crisis intervention service outside Dublin. The nationwide model will be informed by the ongoing work on the pilot projects, which will continue this year. We have the reports and the evaluation is also completed. Mr. Gordon Jeyes will examine the pilot projects, the evaluation of them carried out by the HSE and also the outside evaluation which is now available.

In the Donegal area there were only eight referrals, nevertheless important referrals, and in Cork there were 29. Clearly, there is a demand for the service. Equally, the foster care arrangement now in place throughout the country is a huge improvement on the way these issues were dealt with previously, where gardaí were left to deal with very difficult crisis situations involving children. Unfortunately, these situations arise and they also arise out of hours.

Deputy Charlie McConalogue: The report of the independent child death review panel highlighted the inadequacy of our social worker service and the fact that in many parts of the country there is no service outside the hours of 9 a.m. to 5 p.m. should it be required. There is no control over the timing of when such a service is required so there is an urgent need for the Minister to direct the HSE to take every step required to ensure that a 24 hour social worker service is established as a matter of absolute priority. The Minister indicated that the numbers are small in some cases, but it is crucial that in cases dealing with vulnerable children a social worker is available out of hours when required. There must not be any delays relating to evaluations. We know this is required and it is crucial that the Minister prioritises it. I realise this is difficult in a situation where there is pressure on social worker services, but could the Minister give a timeline for when we can expect to have a 24 hour service across the country?

Deputy Frances Fitzgerald: As the Deputy said, access to a service is important. The form in which that will be provided can vary, but it is access to the service and to the right type of assessment that is critical, so that somebody can assess the crisis and ensure the right action is taken. The evaluation has shown that there is clear potential for such a service nationally. I am told it can be relatively inexpensive. It is important to note that usage is and has been low in the pilot schemes. I agree with the Deputy it is an important addition to the range of child welfare and protection services in Ireland. The director is committed to developing an appropriate service in urban and rural areas. The service in place at present is much improved on the previous situation but there is a need to have a national plan.

As I have repeatedly said with regard to child and family support services, the area has been bedevilled by a lack of national planning, and this is another example. There has been no national planning for out-of-hours services. The Deputy is correct that we must move towards a national plan. A national protocol will have to be established with regard to how this service will operate to ensure there are more standardised procedures and supports around the country for people who need services. That work will have to be done. It will be greatly aided by the two pilot projects and the evaluation Trinity College conducted of those projects. That material must be brought together and we must do it quickly and ensure the plan is in place in September or October clearly outlining what a national service would look like and how it can be moved forward in the best possible way given the restraints that exist, as we must be realistic

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about the resource issue in the context of current resources, to ensure a service is available for those in crisis.

Deputy Caoimhghín Ó Caoláin: With regard to the two pilot projects, has there been an assessment, with the exception of the Trinity College report, of the extent of public knowledge in the two pilot areas of the out of hours or 24-7 service? While the Minister cited the number who have taken up the opportunity, it is important to assess awareness. Having accessibility without awareness does not address the issue.

It ought to be a no-brainer that accessibility for 24 hours per day is extremely important. It is of little doubt to any of us here that the times of greatest risk are during the evening, at night and at weekends. Social worker support is not just a matter of provision from 9 a.m. to 5 p.m. from Monday to Friday. This does not address the real need. We need to assess the real need and ask whether the pilot projects have identified it. Has the Minister further information on awareness? Does she accept that everybody wishes to see the service rolled out as early as possible?

Deputy Frances Fitzgerald: The Deputy's point on people's knowledge of the service is very reasonable. I understand it is addressed somewhat. An issue arises as to members of the Garda and relevant personnel knowing the service is available. This clearly needs to be addressed, and it should be addressed in the national protocol that will be rolled out.

The review recommends a joint protocol for the HSE, An Garda Síochána and the placement providers. That would need to be developed. It would include the private, voluntary and statutory providers such that there would be a broad range of common practices around the country. There is clearly work to be done but it has started. We can benefit from the pilot projects and the evaluation. We need to learn the lessons to be learned and develop the road map for the development of the service.

24. **Deputy Martin Ferris** asked the Minister for Children and Youth Affairs the number of social workers employed in the State in child services on 2 July 2012; the number of social workers in child services on long term sick leave, sabbatical and secondment to another Department; and if she will make a statement on the matter. [33333/12]

Deputy Frances Fitzgerald: The HSE compiles a monthly census of employment in the public health and social care sector. The latest data available, which are in respect of April 2012, indicate there were 1,190 whole-time equivalent, WTE, child and family social workers employed in the HSE and in directly funded agencies.

The latest HSE records indicate there are 32 social workers on career break, with a WTE value of 26.54. The numbers of social workers in child services on long-term sick leave or secondment for three HSE regions are six in HSE Dublin mid-Leinster, one in HSE Dublin north east and eight in HSE west. I do not have information from HSE south but I have asked the HSE to furnish it. On receiving it, I will forward it to the Deputy.

The national director of children and family services, Mr. Gordon Jeyes, will continue to apply discretion to the filling of social work vacancies, taking account of recent early retirements and identified need, subject to services being delivered within available resources.

Deputy Caoimhghín Ó Caoláin: I would have liked to have had the relevant detail before me. Sometimes it can be difficult to absorb the information, particularly when it is in statistical format such as that presented.

Much has been made of the employment of new social workers. This is always very welcome but there is continuing confusion as to the number of social workers actually working in the system. I was trying to establish the real picture on sick leave, sabbaticals and secondment to other Departments. Has the Minister a breakdown for these three elements alone or has she just a single figure applying to three of the four HSE areas?

When one considers the report of the child death review group, one notes there is a case to be made for further social worker posts, despite the economic difficulties we all face today. Has the Minister any projection for the number of social workers that will be needed once the Children First guidelines are placed on a statutory footing and once the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Bill is passed? Will we have difficulty coping with all the additional needs I and others believe will arise on the basis of current numbers? The current position is not sustainable. Can the Minister give us further news on the creation of new social worker posts? This was a key requirement according to the recommendations of the Ryan report.

I have listened very carefully to the exchanges between the Minister and my colleague spokesman on children, Deputy Charlie McConalogue, and have noted there are two very different views on the number recruited over the past 12 months. This does not help us to understand the full facts. We need a full complement based on established need. I want assurances on projected need.

Deputy Frances Fitzgerald: The position is very clear; the current number of social workers employed in child and family services is 1,190. This figure includes 258 of the 263 posts recruited to date in line with the recommendations in the Ryan report. The report analysed this matter and its authors suggested the recruitment of an extra 270 social workers in total. In recent months, a significant number of vacancies has arisen, primarily as a result of retirements but also due to career breaks and extended leave.

As I stated, the HSE's national director has been given the authority to fill key vacancies. The HSE is recruiting 57 social workers to fill recent vacancies that have arisen across all care groups. The posts are at various stages of recruitment. In effect, we have the number of social workers that were in place previously. Additional social workers are being recruited and this process is ongoing. There was some movement in and out of the service, as will be the case given the kinds of numbers that obtain in a national service.

There is a point I need to make that was made by Mr. Gordon Jeyes in response to questions asked of him at a committee meeting on resources. He stated in response to questions from Deputies Ó Caoláin and McConalogue that he remained unconvinced that we are making the most effective use of resources. He told the Deputies that while he was deeply conscious that the system was under pressure, he was not prompted to say more resources comprise the only solution. He told the Deputies the current financial circumstances should lead to a debate on prioritisation and that work should be prioritised within the resources available. That is not to say that if there were more resources available, all else being equal, they would not be used effectively in this area. I have no doubt that they would be.

When there were many resources available to the State, it was quite clear that with regard to the kinds of changes needed to have the kind of national service we have been discussing, be it in respect of after-hours service or national high support and special care services, key policy decisions were not taken. Some of them have considerable implications for finance. Therefore, it is not just a question of increasing the number of social workers but of determining what they are doing, how other agencies are interacting with them, how the work is referred among the many services we are supporting financially, including voluntary services, and how

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the work is being organised among the voluntary and the statutory services. There are many issues that enter this discussion.

Deputy Caoimhghín Ó Caoláin: While Mr. Gordon Jeyes did give the reply indicated by the Minister — I was the questioner in that instance — he did not say additional social workers were not required. That was very clear. As with Mr. Jeyes, I accept it is not just a question of the further recruitment of social workers.

We are all supportive of greater efficiencies within the cohort currently engaged and within the systems in place. That is important. However, the Minister is not the person tasked with the recruitment of the additional number of social workers. How efficient is it that, in July 2012, she still refers to ongoing recruitment in respect of the 57 posts? It has been ongoing for how long and for how long into the future? It reaches a point at which it can no longer be an ongoing process. It needs to come to an end. The cohort of people identified and required should be in place and giving of their professional services.

An Leas-Cheann Comhairle: I call Deputy McConalogue briefly.

Deputy Charlie McConalogue: I thank the Leas-Cheann Comhairle for this opportunity to follow up on a previous answer given to me by the Minister. Numerous times last year, the Minister assured the House that she was working towards recruiting 60 additional social workers in 2011. At the start of this year, she needed to admit to us that she had
3 o'clock only recruited 14. These are the Minister's figures. We may argue the case, but the proof lies in one of the Minister's previous replies. She indicated that, as of February 2011, 94.5% of children in the State's care had assigned social workers but that the figure has since dropped to 92%. This is a reflection on the pressure in the system and on the fact that the State has failed in its commitment to follow the implementation plan of the Ryan report.

At the beginning of last year, there was an exemption to the recruitment embargo and each position that had become vacant was back-filled. The Minister should reinstate that exemption. Otherwise, the decline in the number of children in State care who have assigned social workers will continue.

An Leas-Cheann Comhairle: I thank Deputy McConalogue but I must call the Minister for a final reply. We have gone over time.

Deputy Charlie McConalogue: Mr. Jeyes indicated that it was not just a question of resources but neither did he indicate that he did not need more resources, as Deputy Ó Caoláin highlighted. The least that we can do is put in place the lessons learned from the report of the child death review group.

An Leas-Cheann Comhairle: This is Question Time.

Deputy Charlie McConalogue: That we are going backwards when we should be making progress is scandalous.

Deputy Frances Fitzgerald: As I told the Deputy the last time we discussed this matter, his figures are incorrect. Of the 263 additional posts recommended by the Ryan report, 258 have been recruited. As I mentioned to Deputy Ó Caoláin, a significant number of vacancies have arisen due to retirements, career breaks, extended leave, etc. The national director has the authority to fill those positions, as they lie outside the embargo——

Deputy Charlie McConalogue: The Minister should give him a direction.

Deputy Frances Fitzgerald: —and he is recruiting for them. The 57 recruitments will take the normal course. Some have already been offered and some staff are already in place. The recruitment is going ahead. There is no embargo.

However, I take the Deputy's point. This is an area in which there is high demand, the work is challenging and social workers require support. I pay tribute to the front line work being done, but difficult issues have emerged over many years, as the Deputy knows.

Deputy Charlie McConalogue: Fewer children have been assigned social workers.

An Leas-Cheann Comhairle: Deputy, please.

Deputy Frances Fitzgerald: For example, inexperienced social workers on the front line are often asked to undertake complex work without the kinds of supervision and support that are required. This situation cannot be turned around overnight. I am impressed by the new management system that the new director has put in place. The number of managers has been reduced, a more national approach is being taken to the collection of data and clearer risk assessments. This last was called for by the child death report. Other agencies, in particular child, family and mental health services, need to be involved in supporting the efforts of social workers.

One can parse and analyse any period of two or three months, but the overall trend in the recruitment of social workers is upward. That demands are also increasing is without question. Mr. Jeyes will continue to analyse the precise number of social workers that he wishes to see in place to deal effectively and diligently with these complex cases.

Child and Family Support

25. **Deputy Seán Crowe** asked the Minister for Children and Youth Affairs if she has received the final report from the Task Force established to look at setting up the new Child and Family Support Agency; if it will be laid before the Houses of the Oireachtas; and if she will make a statement on the matter. [33337/12]

Deputy Frances Fitzgerald: The task force that I established to advise on the necessary transition programme to set up a child and family support agency has undertaken a considerable body of work. I met the task force at its 18th meeting last month for an update on this work and I anticipate that the final report will be submitted in July. The report will be brought to the Government, laid before the Oireachtas and published. It will contain advice on a number of key issues that will inform the preparation of the necessary legislation to establish the new agency. In particular, this will include a vision for the agency, proposed governance arrangements and advice on the services that the task force considered appropriate for inclusion in the agency's remit.

The commitment to establish a new child and family support agency is at the heart of the Government's reform of child and family services. The establishment of a single agency, underpinned by legislation and incorporating key children and family services, will provide a focus for the major reforms that are under way. This reform programme contains a number of critical elements, those being, the need for a comprehensive change programme to improve the quality and consistency of child welfare and protection services; the introduction of legislation to place Children First on a statutory basis; and the establishment for the first time of a dedicated budget for children and family services, providing transparency and accountability for the use of resources to meet national priorities. Previously, the budget formed part of a larger budget and underwent a great deal of movement, particularly at the end of each year when demands

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were made by hospital budgets, for example. The reform programme will also involve the transition of existing HSE child protection and welfare and services into the new agency; the merger of the existing Family Support Agency, which has a budget of more than €26 million, into the new agency; and consideration of the potential for further rationalisation of services for children under the new agency.

Additional information not given on the floor of the House.

A comprehensive change programme is being implemented under the leadership of Mr. Gordon Jeyes, national director of child and family services. The change programme is designed to enhance the level and consistency of child welfare and protection services significantly. This change process will continue into the new agency, of which Mr. Jeyes will be the first chief executive.

Extensive work is under way in my Department, the HSE and through the task force that I set up last September to prepare for the agency's establishment. I am satisfied that we are making excellent progress in terms of the preparatory work required to meet the Government's ambitious timetable, which will see the agency assuming full statutory responsibility for services for children and families early in 2013.

Deputy Caoimhghín Ó Caoláin: The Minister has referred to 18 meetings, that she met the task force recently and that, this month, she expects to receive the final report, which she has confirmed will be placed before the Houses.

Deputy Frances Fitzgerald: Yes.

Deputy Caoimhghín Ó Caoláin: The final report is critical in respect of the establishment of the child and family support agency in the new year. Will we have an opportunity to peruse it? Will the Minister circulate it upon receipt to Opposition voices so that we can have time to inform ourselves? Will she indicate a facilitation to address the report's content on the resumption of the new Dáil session? The child and family support agency will be a major step in the new year. It should be a given that we would all have an opportunity to engage properly with the report of the task force at the first opportunity. Clearly, that opportunity will not present before the end of next week, but perhaps soon after. Will the Minister indicate that we will have that opportunity and will she let us know that we will not need to wait until the resumption of the Dáil to have sight of the content of the report?

Deputy Frances Fitzgerald: I can confirm that I will publish it on receipt and will circulate it to all Members in the House. It will also be available for people to read and respond to. I welcome a debate both within and outside the Houses on the work. Great care has been taken and much hard work has been put in by the members of the task force since last September, when I appointed them. It has taken submissions from a very wide range of statutory and non-statutory bodies, seeking their views on how best to deliver services to children and families. It also considered how best to organise services in order to meet the needs of children and families; it is about meeting their needs rather than the needs of the services or the professionals.

It will address those key issues and I look forward to hearing the views of the Deputy and Deputy McConalogue on the task force. It has given us its best thinking on how to progress the development of the agency.

Deputy Charlie McConalogue: I welcome the Minister's commitment to lay the report of the task force before the Oireachtas. As the Minister knows, this is not just about setting up a new

agency but how the agency operates and what exactly it does. We went from a position in the past where social work and child protection was the responsibility of health boards to where it came within the HSE's ambit. There were many problems with that agency so setting up a new body will not necessarily mean the problems will not happen again. It is absolutely critical that this is done correctly. I welcome the Minister's commitment to lay the report before the Oireachtas.

This is the last Question Time for this Minister before the recess. She received the fifth report to the Oireachtas of the special rapporteur on child protection in April and as yet, we have not had it laid before the House. That is not acceptable as it is a report to the House. I ask that at the very least, the Minister would ensure it is laid before the Houses go into recess.

Deputy Frances Fitzgerald: I take the points made by the Deputies on the importance of this report and that we have a comprehensive discussion on its recommendations. It suggests the potential blueprint for the establishment of the new agency and, as such, it is critical to have a good discussion on its recommendations and the implementation of same. With regard to the report of the special rapporteur, the procedure is that when the report is received, it is sent to other Departments for comment. That is the normal procedure as it would refer to work done by other Departments.

Deputy Charlie McConalogue: It is a report to the Oireachtas.

Deputy Frances Fitzgerald: Yes, but the normal process is to ask other Departments to respond to it. Those responses have been received and I hope to be in a position to place the report before the Houses before the Dáil concludes this term.

Child Care Services

26. **Deputy Billy Kelleher** asked the Minister for Children and Youth Affairs when she expects to finalise a plan to update screening and monitoring of childcare facilities; the number of inspections of childcare facilities carried out in 2011; and if she will make a statement on the matter. [33387/12]

Deputy Frances Fitzgerald: Preschool services, including child minding services, are currently regulated under the Child Care (Pre-School Services) (No. 2) Regulations 2006, as provided for under Part VII of the Child Care Act 1991.

Operational responsibility for the management and delivery of health and personal social services, including the inspection of child care facilities, was assigned to the Health Service Executive under the Health Act 2004. The notification and inspection service is managed by the preschool inspection teams of the HSE appointed by the executive as authorised persons for this purpose. These teams also provide an advisory service to the services which are statutorily required to notify in order to assist them in achieving and maintaining the appropriate standard. They also provide information to interested persons, including parents, on preschool services in the area.

Following inspection of a service the inspectors provide the service provider with a report on the outcome of the inspection. I understand the HSE is committed to working towards the on-line publication of the standard inspection reports of preschool facilities and I welcome that. In the meantime the HSE is encouraging child care providers to share the information in the reports with parents when requested, and that should happen.

I understand from information supplied by the HSE that 2,789 inspections were undertaken, 704 review and follow-up inspections and 755 advisory visits were made to child care facilities in 2011. By international standards, that is a high proportion of visitation, at 61%, to child care

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facilities in any one year. Some other countries have a procedure with a roll-over of inspections so that one facility might be inspected every two or three years.

The early years sector has grown significantly over the last decade and in parallel with this new quality and curriculum frameworks have been introduced. In light of all of these developments, the regulation of the sector will be reviewed as part of the early years strategy. For the first time we will have a national strategy and I recently appointed the group to work and develop the policy. It is being developed to cover a range of issues affecting children in their first years of life such as health, family support, learning and development and care and education. It will identify the structures and policies needed to improve early years experience in Ireland and examine child care issues.

Deputy Charlie McConalogue: Reports in the past couple of weeks illustrated some of the issues with some child care and crèche facilities. That emphasises the importance of ensuring there is a good inspection regime and every effort is made to ensure there is quality in the provision of child care facilities. One of the issues highlighted related to one person looking after 22 children in one crèche. The vast majority of crèches run very well but we must ensure there is a robust inspection regime and every service receives a visit in a year to reassure parents that children are being cared for appropriately in a safe environment.

Deputy Frances Fitzgerald: I agree that we must have a very clear focus on quality and standards in early years. Significant improvements have been made but there must be ongoing work to ensure there is a robust system of regulation and inspection. That is one of the reasons I have included in the terms of reference of the new early years group to review the inspection regime and make recommendations on how it can be strengthened and how the standards which should be met can best be achieved. We also need more consistency in the inspections currently being done.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Arthur Spring — the report issued by the Commission of Energy Regulation regarding the imposition of tariffs; (2) Deputy Éamon Ó Cuív — to ensure the future of the stomach and oesophageal cancer services in Galway University Hospital; (3) Deputy Michael Healy-Rae — to discuss the proposal for compulsory accounting of calories in food; (4) Deputy Colm Keaveney — to discuss the proposed legislation before the Ukrainian Parliament to ban homosexual promotion; (5) Deputy Patrick O'Donovan — the need for a school leavers plan for persons with intellectual disabilities or autism; (6) Deputy Regina Doherty — to address the issue of large retailers selling alcohol in large volumes below cost price; (7) Deputy Paul J. Connaughton — the need for a new school at Holy Rosary College, Mountbellew, County Galway; (8) Deputies Pádraig Mac Lochlainn and Charlie McConalogue — the future of Ireland's three coast guard stations on foot of the Fisher Associates recent report; (9) Deputies Derek Keating and Aodhán Ó Ríordáin — to discuss the issue of flood insurance cover on houses and properties; (10) Deputy Brendan Ryan — the need to provide training and supports for unemployed people that are refused supports due to spousal means; (11) Deputy Jonathan O'Brien — to discuss the post-primary school transport scheme for Watergrasshill national school; (12) Deputy John Lyons — to discuss the incidents at a concert in the Phoenix Park; (13) Deputy Eamonn Maloney — the need for a Garda inquiry into the deaths at a concert in the Phoenix Park on 7 July 2012; (14) Deputy Joan Collins — a separate cystic fibrosis hospital building on the grounds of St. Vincent's Hospital, Dublin; (15) Deputy Joe

McHugh — the urgent need for a Dáil Éireann debate this week on the predicament of 80 Irish student pilots stranded in Florida as a result of the suspension of training programmes at Florida Institute of Technology; (16) Deputy Brian Stanley — the need for a full debate on the recent Rio +20 summit; (17) Deputy Billy Kelleher — the need to provide staff and all other facilities at St. Francis hospice, Blanchardstown; (18) Deputy Timmy Dooley — to ask the Minister for Transport if he is willing to intervene to prevent Dún Laoghaire Rathdown Council from setting excessive parking violation quotas for parking wardens, if he agrees this could lead to over zealous parking wardens, and if he agrees this could discourage shoppers and damage business; (19) Deputy Dessie Ellis — to discuss the violence in the Phoenix Park over the week and the need to better avoid such incidents; (20) Deputy Aengus Ó Snodaigh — the need to address the issues, including multiple stabbings, drug deaths, violent attacks and the traffic and access problems for local residents arising from the MCD concerts in the Phoenix Park at the weekend; (21) Deputy Michael McGrath — to ask the Minister for Finance to make a statement on the Central Bank investigation into possible misselling of payment protection insurance by regulated entities in Ireland; (22) Deputy Niall Collins — to ask the Minister for the Environment, Community and Local Government to clarify the circumstances surrounding the personal interest-free loan he received from Irish Nationwide; (23) Deputy Micheál Martin — the Government's position on the Boston College Belfast Project papers in light of a recent judgment in the USA; (24) Deputy Robert Troy — to ask the Minister for Justice and Equality to provide an update on reports from both MCD and the Garda on security arrangements at the Phoenix Park at the weekend; (25) Deputy John Deasy — the role of the Committee of Public Accounts or finance committee in conducting a banking inquiry; (26) Deputy Mick Wallace — to ask the Minister for Health the reasons the expert group on abortion will now not finalise its report until late August or even September, and if he will make a statement on the matter; (27) Deputy Patrick Nulty — incidents at and related to the concert which took place last Saturday evening in the Phoenix Park, Dublin; (28) Deputy Mattie McGrath — the decision to de-list show jumper Denis Lynch from selection for the London 2012 Olympics; and (29) Deputy Caoimhghín Ó Caoláin — the need for the Government to fulfil its commitment to those affected by Thalidomide.

The matters raised by Deputies Micheál Martin; Derek Keating and Aodhán Ó Ríordáin; Paul J. Connaughton; and Pádraig Mac Lochlainn and Charlie McConalogue have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: Today the Dáil is launching, via resolution, the constitutional convention. Before the election, both of the Government parties promised very radical political and constitutional reform within 12 months. We know the timeframe has slipped but, more seriously, the ambition has shrunk very significantly. What we are being presented with today in reality represents a sham compared to what was promised.

The issues of the voting age being reduced from 18 to 17 or the presidential term of office are not earth-shattering and do not need referral to a convention of this kind. What is perhaps more surprising is the referral of marriage equality to the convention, particularly given that the Tánaiste has described it as the civil rights issue of this generation. Some would suggest the issue was referred to the convention to buy time and perhaps to avoid having to make a decision on the issue. In referring it to the convention, the Taoiseach raised the prospect of there never being a referendum on marriage equality during the life of this Government and Dáil.

[Deputy Micheál Martin.]

I believe in marriage equality and it is important that a referendum would take place. Last week, journalists attempted to ask a question of the Taoiseach on that basic issue. A melee developed afterwards——

Deputy Michael Healy-Rae: Flowerpotgate.

Deputy Micheál Martin: ——and the only thing that emerged subsequently was a letter from the press secretary to the management of TV3 and the political correspondent stating the collective behaviour of journalists in attendance was disgraceful. The Taoiseach can clarify in his own time who authorised what and what his attitude was to the response. If a simple answer had been given there would not have been any melee. Will the Taoiseach clarify his position for once and for all on marriage equality? Is he in favour of same-sex marriage? Will he confirm for the House that a referendum will be held on the issue during the lifetime of the Dáil?

The Taoiseach: Deputy Martin did not attend any of the briefings I gave to all of the parties in respect of the constitutional convention, although his party was represented and I grant that.

Deputy Finian McGrath: He was too busy.

The Taoiseach: It may well be that he was otherwise busy. The Government was elected with a particular mandate and, comprising two parties, set out its programme for Government very clearly. The programme for Government includes the establishment of a constitutional convention to review named aspects of the Constitution and aspects relevant to it. When it is functioning the convention will have an opportunity to make a case for other issues that it considers important or of sufficient priority to be given consideration with a view to action by the Government or not as the case may be.

What is important is that the constitutional convention, on which I expect to move the resolution after these questions, will consider a named list of issues and will reflect on them on behalf of the Government. It is important to note the Government, unlike its predecessors, has committed to giving an answer on each of the convention's recommendations within a four-month period. If the Government's answer is that a referendum will not be held on a particular issue then so be it. If the Government's answer is that a referendum will be held, the Government will set out a timeline for when it might be appropriate to hold such a referendum.

Deputy Martin is well aware by now that in respect of the convention we decided to examine two issues in the first instance, which are very clearly not earth shattering but are important in their own way. It will also be pretty easy to determine a "Yes" or "No" answer in respect of these issues, which are the reduction of the service period for the Presidency and the possibility of reducing the voting age. The reason for choosing these two issues is to see whether the convention works efficiently, whether it would need enhanced powers and whether its structure is appropriate as it will be comprised of politicians and citizens determined by law and selected by an appropriate polling company.

One of the other issues for the convention mentioned in the programme for Government is equality of marriage or same-sex marriage. The process set out by the Government for which I speak is that the convention will reflect on the question of same-sex marriage, give its recommendation to the Government and the Government will respond on whether a referendum will be held within a four-month period. If a referendum is to be held the Government will set out the timescale on when it would intend to hold that referendum. Deputy Martin is aware that within the past 15 months we have held four referenda, three of which were carried and one of which was not.

Deputy Micheál Martin: The Taoiseach studiously avoided answering the question I asked.

Deputy Bernard J. Durkan: Attend the briefings.

Deputy Micheál Martin: Is he in favour of marriage equality? Does he favour the rights of same-sex couples to marry? I simply asked this question.

Deputy Finian McGrath: Not like flowergate.

Deputy Michael Healy-Rae: Who kicked the flowerpot?

Deputy Mattie McGrath: Was it a tulip or a primrose?

Deputy Micheál Martin: The reason I asked the question is very straightforward.

Deputy Mary Mitchell O'Connor: What do you think?

Deputy Micheál Martin: I do not need a random selection of citizens to tell me whether I favour marriage equality and neither does the Tánaiste. It is a matter on which the Oireachtas could decide tomorrow morning. I can understand if the Taoiseach wants to go through different electoral systems, and people have different perspectives. This is something on which every citizen has the right to decide. They will not be told or given recommendations on this issue by a random selection of citizens. This is not the type of issue that lends itself to this determination. Governments must lead on these fundamental issues. This should never have been referred to the referendum commission.

Deputy Paul Kehoe: Is that why Deputy Martin did not go to the briefings?

Deputy Micheál Martin: Timelines are very important. If this is the civil rights issue of a generation then referring it to the convention opens up the very real possibility, or dare I say probability, that there will never be a referendum on this issue during the lifetime of the Government because the first two issues will take the guts of the year. The issue of Seanad Éireann is not being referred, which one could argue is a complex issue——

An Ceann Comhairle: We are way over time.

Deputy Micheál Martin: ——and the Taoiseach has made up his mind on this. I ask him to answer the question on whether he is in favour of same-sex marriage and if there will be a referendum on it during the lifetime of the Government.

The Taoiseach: Do I recall properly that Deputy Martin was in government for 14 years and showed scant leadership on any of these issues?

Deputy Charlie McConologue: Yes or no?

Deputy Timmy Dooley: And now you will do the same.

Deputy Micheál Martin: The Civil Partnership Act was passed.

The Taoiseach: The party I have the honour of leading was the first party to introduce a real issue about civil partnership which we are very happy to support and we will follow through in terms of taxation issues, property rights and now civil union.

Deputy Micheál Martin: What is the Taoiseach talking about?

The Taoiseach: Deputy Martin stated the citizens have a right to decide for themselves and this is exactly what is involved here. Deputy Martin will not pressurise me as a citizen or as Leader of the Government into a box ticking exercise——

Deputy Micheál Martin: No, it was the Tánaiste who raised the bar last week. I want to get a sense of where the Government is on this.

The Taoiseach: I speak from this seat on behalf of the Government.

Deputy Finian McGrath: Another flowergate.

The Taoiseach: With respect to Deputy Martin and everybody else there is only one Taoiseach at any time and I happen to speak for the Government.

Deputy Micheál Martin: There is only one Tánaiste also.

An Ceann Comhairle: Please Deputy Martin.

The Taoiseach: The Government's view and decision is to establish a constitutional convention and for this process to be followed through in respect of the issues named in the programme for Government. When the constitutional convention is up and running and decides to reflect on the issue of same-sex marriage and the other issues named in the programme for Government, it will respond to the Government with its view and the Government is committed to making a decision on each of these issues within a four-month period.

If Deputy Martin thinks he can stand up and ask my view on this, we are speaking about the Constitution and it is a matter for each individual citizen.

Deputy Micheál Martin: The people would like to know where the leader of the country stands on issues.

The Taoiseach: The process we have set in train for this Government is to take a number of these important issues, which were never dealt with by Deputy Martin's crowd, and state the constitutional convention will reflect on each of these issues, will give its view to the Government and the Government will respond.

Deputy Micheál Martin: The Minister for Justice and Equality and the Tánaiste are very clear on it.

Deputy Billy Kelleher: The Taoiseach had no difficulty abolishing the Seanad at a branch meeting in Mayo.

The Taoiseach: As the head of Government and Taoiseach, it is the Government's responsibility to establish the structure by which this will happen and the Government is committed to responding to the constitutional convention when it considers this and all of the other matters.

Deputy Micheál Martin: The Taoiseach is blustering. The Taoiseach is going to wait for the convention to tell him where he stands on it.

The Taoiseach: As I stated we have held four referenda in 15 months and we will have more. Deputy Martin should not come here and say scant leadership is being shown on the issues which were left behind by Deputy Martin's Government. These are named in the programme for Government and they will be followed through in the structure we have set out, and the Government is committed to responding to each and every one of them in respect of holding a referendum or not.

Deputy Micheál Martin: I would like to know what the Labour Party thinks of all of this. Is it the civil rights issue of a generation? It does not seem so from the Taoiseach's response.

An Ceann Comhairle: I ask Deputy Martin to allow Deputy Adams to ask a question.

Deputy Alan Shatter: Deputy Martin was in government for 14 years.

Deputy Mattie McGrath: Do you have a wedding ring?

Deputy Timmy Dooley: It will be the "Swedish House Mafia" for the Minister.

An Ceann Comhairle: Please allow Deputy Adams to ask a question uninterrupted, thank you.

Deputy Gerry Adams: This week, the Minister for Health was officially named on the debt defaulters list in *Stubbs Gazette* for failing to pay debts resulting from a business deal involving a private nursing home in Tipperary. Will the Taoiseach confirm the Minister for Health will come to the Dáil tomorrow to make a statement on this matter? Is fíric í go bhfuil an tAire Sláinte ag glacadh le cinneadh chun tairbhe do sheirbhísí cúraim sláinte príobháideacha. Tá a fhios ag an Taoiseach sin, agus is fíric í go bhfuil an tAire Sláinte ag druidim leabaidh san earnáil phoiblí.

The Minister, who has taken decisions to close 296 public nursing home beds from January until May, has a commercial interest in a private nursing home. In my constituency, Drogheda Cottage Hospital and St. Joseph's Hospital in Ardee are under threat. One of the critical issues for the HSE is the shortage of public nursing home beds to allow for the discharge of 600 elderly patients from public hospitals. Does the Taoiseach agree there could be a conflict of interest here and does he agree that the Minister needs to clarify his relationship with Greenhill Nursing Home? Does the Taoiseach acknowledge that the Government's policy and that of the previous Government was to encourage privatisation in the health service, provide tax breaks for private nursing homes and provide for the closure of public nursing homes? The Minister has a personal investment in private health care. Will the Taoiseach ensure he comes into the Dáil and clarifies these matters?

The Taoiseach: Deputy Adams and his party could, I am sure, speak very well on issues of debt and debt recovery and repayment. Business in this country is perfectly legitimate. This judgment has been properly registered, but that does not mean that the moneys involved are not to be paid by both recourse and non-recourse investors. The Minister for Health has assured me that his affairs, in so far as his business interests are concerned, are entirely in order and in compliance with the code of conduct for officeholders.

Deputy Robert Troy: He must not have read *Stubbs Gazette*.

Deputy Mattie McGrath: It is all hunky dory.

An Ceann Comhairle: Please allow the Taoiseach continue.

The Taoiseach: It may interest the Deputy to know that there have been some difficulties within the groups involved in respect of this matter. The Minister has already given power of attorney, in proper circumstances, to have his interest in this matter handled in an unfettered way and at arm's length. I spoke to the Minister this morning and he has no difficulty at all with regard to making a statement to the House. This matter has been in the media previously. While a person cannot be a director while a Minister, there is nothing to stop the person resuming a practice when no longer a Minister.

[The Taoiseach.]

In so far as the Minister is concerned, this is a registered judgment, but that does not mean the amount will not be paid. The Minister has assured me it will be paid. He is a minority investor in this matter and has no control or direction over the process. Power of attorney has been given to legal personnel to deal with his interest in an unfettered, arm's length fashion. The Minister has no difficulty with regard to responding to the House. However, he will not be back until tomorrow evening to respond to the Private Members' motion.

Deputy Timmy Dooley: Seánie FitzPatrick could not have put it any better.

The Taoiseach: It is not because of the request of Deputy Adams he will attend. He is willing at any time to clear up any such matters for the House.

Deputy Gerry Adams: I am not making a judgment on the Minister. I am simply asking that he come in and make a public statement to the Dáil. I thank the Taoiseach for the commitment for him to do that.

I understand that the Minister and the others owe €1.9 million as part of this deal. Furthermore, I understand this money was borrowed from the Bank of Ireland, which as we know was bailed out by——

An Ceann Comhairle: I must interrupt the Deputy. It is not a practice or custom to deal with private matters relating to individual Members of the House. We can deal with issues where the suitability of a person for office can be dealt with by way of a motion, but it has not been a practice allowed by my predecessors to permit the questioning of legitimate transactions by individual Members, unless there are serious grounds for doing so. The Deputy has asked for a statement and it would be wise to keep to the tradition of allowing the Minister to come in and make a statement to clarify any outstanding issues. I ask the Deputy to co-operate in that regard.

Deputy Gerry Adams: I will co-operate, although I do not quite understand the Chair's ruling.

An Ceann Comhairle: It is a long-standing precedent.

Deputy Gerry Adams: I want to make a political comment and to ask the Taoiseach a question. The Minister for Health has closed down 296 public nursing home beds and he has an investment in a private nursing home. This raises a legitimate question and the Minister can come in and explain that, if he can, tomorrow.

Another issue which should concern the Taoiseach is that one of the Minister's business partners is a former Fine Gael councillor, Anne Devitt, who was found by the Mahon tribunal to have behaved inappropriately in respect of planning matters.

An Ceann Comhairle: The Deputy is going way beyond what is normal practice in this House.

Deputy Gerry Adams: This Government said it would be transparent.

An Ceann Comhairle: It would be wise if the facts be put on the record by the person in question. It is not fair to ask the Taoiseach to discuss private matters as a matter for Leaders' Questions.

Deputy Gerry Adams: Let me try again. I will abide by the Chair's ruling, but I think it is entirely appropriate for me to stand up here and ask the Taoiseach whether it is appropriate

for a Minister who is closing down public nursing home beds to have an investment in a private nursing home.

The Taoiseach: The Minister for Health has taken on what is probably the most unenviable task in Irish politics, to sort out the jungle that has existed for so many years in a health system that has been dysfunctional in many areas. All of the Minister's work and commitment is focused on that so that patients get the best level of care and attention possible. This is not easy as structures have had to be changed and the Government is focused on introducing a single insurance system, with strong primary care systems backed by community care. He must also deal with the spectrum of strong vested interests that have been around for some time. The Minister is making substantial headway in a difficult situation. Meeting the challenges in the health area requires enormous commitment from everybody, as evidenced at the end of February when so many people exited the health sector, yet the hospital plans signed off by each hospital manager involved changes of rosters, people travelling long distances and showing exceptional commitment as part of clinical and medical teams. The code of conduct set out for every Minister means Ministers do not conduct a business while serving in a ministerial capacity and the Minister has assured me that all of his affairs, in so far as his many business interests are concerned, are entirely in order in respect of the code of conduct of officeholders.

I suppose Deputy Adams could tell me about the Northern Bank or something else. I do not know what he knows about those things, but I am not in a position to answer questions about individuals.

Deputy Gerry Adams: The Taoiseach should answer the question without mentioning rubbish.

The Taoiseach: We will have a public debate on a health issue this evening and tomorrow and the Minister will deal with the Deputy and his claims in so far as nursing home beds being closed are concerned. I noticed the Deputy got a little tetchy at the mention of bank credit and status, so I would be very careful of going down that road.

Deputy Michael Healy-Rae: What about the €900,000?

The Taoiseach: I assure the Deputy that the Minister has assured me — I spoke to him this morning — that in so far as his business interests are concerned he is a minority investor in a particular nursing home in County Tipperary. There are 13 investors in all. He has complied with the requirements and has given power of attorney to legal representatives in an unfettered and arm's length way. I assure Deputy Adams that Deputy Reilly has stated that when the judgment has been registered, the amount involved will be paid by the investors, although they may have internal matters to decide themselves before that happens.

Deputy Richard Boyd Barrett: Before and after the general election, the Taoiseach and the Government parties made strong commitments to cystic fibrosis sufferers and their families that they would deliver the new 100-bed special unit at St. Vincent's Hospital, which would include 34 beds for cystic fibrosis sufferers. On 8 April of last year, the Taoiseach made a speech at the AGM of the Cystic Fibrosis Association of Ireland at which he said: "But I can tell to you that the new Unit in St. Vincent's Hospital is on track, on time, on budget and it is my intention to make sure it remains that way." He also said: "You and your families have waited far too long for this project to open. It can never be forgotten that cystic fibrosis patients are fighting for their lives ... you don't have time for broken promises."

In February of this year, the Minister for Health, Deputy Reilly, said the unit would not open until June and in April, he said he could not commit to the 34 beds and that he was

[Deputy Richard Boyd Barrett.]

reducing it to a 20-bed minimum and a 34-bed maximum. A protocol was agreed between the HSE, consultants and the Cystic Fibrosis Association of Ireland on how to do this but, since then, the manager of St. Vincent's hospital has refused to sign off on it. Obviously, the unit remains unopened.

As someone who has been strongly associated with the issue, will the Taoiseach intervene directly in this matter to ensure the cystic fibrosis patients and their families are given a clear commitment as to when the new unit will open and that St. Vincent's hospital management signs off on the protocol so that people have access to the 34 beds? Will he also assure me that, given the reports in today's *The Irish Times* about the HSE being written to by the Department of Health, telling it to make savings in the face of the current budget crisis in the HSE through delaying projects or taking any opportunity to reallocate resources, the delay being faced by the cystic fibrosis unit is not as a result of budget cuts or pressure on the health service to make cutbacks or defer projects?

The Taoiseach: I thank Deputy Boyd Barrett for raising a matter of serious import, which is very sensitive to people who have to deal with it. I was proud to wear the T-shirt for cystic fibrosis in Kerry last weekend. Sometimes when the political process makes decisions that things should happen, political personnel expect to see them happen. I do not know what the problem in St. Vincent's hospital is that the protocol will not be signed off on, but I will find out for the Deputy and for everybody else. Through the political process, one expects that when money is voted for particular projects or strategies, it is followed through, timelined and delivered on time. As Deputy Boyd Barrett is aware, in a range of areas around the country, that has actually happened to great effect, in particular, in road development. I assure the Deputy that, similar to the issue to which I referred in response to Deputy Adams, the nature and scale of the change that has to be made in the health area to bring about an effective health system for every patient irrespective of his or her need must be delivered with the greatest efficiency and competency and that people get the treatment they expect.

The question of accountability through the HSE is one that concerns me greatly because for years massive budgets of taxpayers' money have been allocated by this House and where evidence of full accountability has never been evident at political level. I am not suggesting anyone ran away with it in fraudulent fashion but the diversion of money from where it was intended to go in the first instance has happened on so many occasions that it is no longer a joke. That has to, and will, change because there has to be serious accountability as to how money is spent right down through the system as distinct from what we have had in the past. I do not know the detail of why this cystic fibrosis unit at St. Vincent's hospital has been delayed but I will find out and will inform the Deputy and the House. I thank the Deputy for raising the matter.

The letter from the Secretary General, which I saw referred to in the media, speaks of a HSE response to dealing with the situation we have now that is not acceptable to the Department of Health and, in the vast majority of respects, is not acceptable to me either.

Deputy Richard Boyd Barrett: I thank the Taoiseach for his response. I appreciate his commitment to look into this matter. The cystic fibrosis sufferers, families and the association want to hear as soon as possible that there is a date for the opening of that unit and that the protocol will signed be off on. Will the Taoiseach also look into why the Minister, Deputy Reilly, has not really been engaging with the Cystic Fibrosis Association of Ireland on this issue? It has contacted his office to try to get a response from him but it is getting nothing. Similarly, it is getting no engagement whatsoever from the management of St. Vincent's hospital. It will be greatly assured if the Taoiseach can come back as soon as possible so there can be a clear announcement as to when the unit will be opened and the 34-bed maximum allocation for

cystic fibrosis suffers will be available. Will he assure us that these delays are not resulting from what the media reported today as pressure from the Minister's Department on hospitals and on the HSE to make savings through schemes that are in development and are not yet in place, which can be delayed or deferred, or any opportunity to reallocate resources? That is what the Department is saying to the HSE. Is this delay in the cystic fibrosis unit possibly as a result of that pressure coming from the Minister's Department? Will the Taoiseach assure us that is not the case and that the unit will open as soon as possible?

The Taoiseach: Long before this current situation arose, the decision was made to have a cystic fibrosis unit in St. Vincent's hospital. It is very badly needed and whether it is a minimum or a maximum is an issue for medical people to make a judgment on. I spoke at the AGM of the Cystic Fibrosis Association of Ireland in Westport and said the unit was on time, on track and on budget. When moneys are voted through for these kinds of projects, one expects them to be delivered on time. I do not know the reason that has not happened to date but it is appropriate that the Minister for Health has the opportunity to respond in the Private Members' motion on health and I will see that he refers specifically to the question of the cystic fibrosis unit in St. Vincent's hospital.

Ceisteanna — Questions (Resumed)

Office of the Attorney General

1. **Deputy Gerry Adams** asked the Taoiseach the number of staff currently employed in the Office of the Attorney General. [23755/12]

2. **Deputy Gerry Adams** asked the Taoiseach if any assessments regarding staff numbers and efficiency has been held in relation to the Office of the Attorney General since he took office. [23756/12]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

I have been advised by the Office of the Attorney General that, as of 30 June 2012, the number of staff serving in the office was 122.2. Two competitions are under way to fill essential legal positions, so it is expected that the staffing level will increase to 129 in the coming months. The number of staff serving is regularly reviewed with a view to ensuring that there are sufficient resources available to carry out the necessary functions of the office. The current competitions arose from such a review. Further, in the context of the public service agreement review mechanisms, the office regularly updates its targets and objectives and part of this process is to address efficiency.

Deputy Gerry Adams: I have two specific reasons for asking this question about staffing. The Taoiseach may recall that last November, he agreed to meet Opposition leaders to discuss demands for an independent inquiry into sexual abuse allegations in Our Lady of Lourdes Hospital in Drogheda. At that time, the Taoiseach said he was taking advice from the Attorney General but that he would meet Opposition leaders. Dúirt an Taoiseach go mbeadh an cruinniu sin againn roimh Nollaig. That did not happen. I asked for a meeting in January but it did not happen. I again raised the issue in March. On each occasion the Taoiseach said he would meet Opposition leaders on the matter. I also asked the Minister for Health a series of written questions and to each he replied that he was consulting with the Office of the Attorney General. The last time I raised this issue was in May. The Taoiseach has given me and other Opposition leaders four or five commitments to meet us, but we have not met.

[Deputy Gerry Adams.]

I ask the question because I am concerned there may be a capacity issue in the Office of the Attorney General. It is 17 years since complaints of sexual abuse in Our Lady of Lourdes Hospital in Drogheda were first made. The longer the matter remains unresolved the more the victims are traumatised.

Can that meeting be held? What has the Attorney General been saying about these matters and what has delayed the process?

The Taoiseach: The point the Deputy makes is not directly relevant to the question he asked about the number of staff currently employed in the Office of the Attorney General and whether or not assessments of staff numbers and efficiencies have been carried out. I have answered both those questions.

There are matters relating to the issue raised by the Deputy that I do not wish to discuss in public. I will give the Deputy a private briefing on the difficulties that arise in this case.

Deputy Gerry Adams: The point is fully relevant. I was told at the different times I raised these issues that the Government was waiting for advice from the Attorney General. Not having been advised otherwise, I was concerned that there may be pressures on that office. The Taoiseach also noted on a number of occasions that there are pressures on the Attorney General's office due to the demands of the EU-IMF programme. At one point, he noted that this meant that vitally important legislation, such as comprehensive legislation on domestic violence or to recognise the collective bargaining rights of workers which was promised in the programme for Government, was delayed. These are issues that have no sensitivities attached to them. They are commitments made by the Government. What steps are being taken to deal with these outstanding matters?

I thank the Taoiseach for his answer that there is no problem of pressure in the Attorney General's office.

The Taoiseach: As Deputy Adams is aware, the Government publishes a list of proposed legislation to be drafted, adopted, published and dealt with in the House. The vast majority of that legislation comes through the Department of Justice and Equality.

The staff of the Attorney General's office is in two sections, the Office of the Parliamentary Counsel and the legal advisory section, serviced by a common administrative secretariat. The same personnel vet and prepare legislation. They have been working continuously for the past number of months dealing with a range of legislation that has been published. Some of that legislation is required by the troika and therefore time-pressured but some is to comply with the requirements of Ministers wishing to push through priority legislation that is part of the programme the Government. We try to achieve the best result from that list but it is not always possible to do so. Some of these things, when one delves into them, are discovered to be more complex than was previously envisaged.

The staff of the Attorney General's office does extraordinary work. There are two vacancies to be filled in accordance with a normal competition. The Office of the Parliamentary Counsel has 29 sanctioned positions and arrangements are being made to recruit two assistant parliamentary counsel, grade 2, and one legislative editor, which will bring staff levels in that office up to its full complement. The office has met the challenges presented in recent years to produce significant amounts of legislation. Last year, for example, the office drafted 55 separate pieces of legislation. It produced 52 Bills in 2009 and 39 Bills in 2010. This year it has, so far, produced 24 Bills. The complexity and extent of the Bills varies. That takes up a deal of time.

It is proposed to comply with the Government's published list of proposed legislation. Both sections of the Attorney General's office are working exceptionally hard, often at weekends, to meet the requirements here.

A review is carried out on a regular basis to see that staff numbers are at maximum level and that staff give of their best, which they do.

Employment Rights

3. **Deputy Gerry Adams** asked the Taoiseach the contact he has had with the social partners since the Easter recess. [23766/12]

4. **Deputy Joe Higgins** asked the Taoiseach the contact he has had with the social partners since Easter. [25366/12]

The Taoiseach: I propose to take Questions Nos. 3 and 4 together.

As I have stated on many occasions, while this Government does not support a return to the social partnership model, we recognise the value of constructive dialogue with representatives of all sectors of society as we continue to work through the many difficulties facing the country.

Since the Easter recess, I have met with representatives of the IFA on 25 April and 4 May. I spoke at the IMPACT annual conference on 18 May in Killarney. I addressed the IBEC business breakfast on two occasions, and met with representatives of IBEC on 21 June. I also intend to meet with the Croke Park agreement implementation body, which includes representatives of the public service trade unions, later this week. In line with the Government's approach to social dialogue, relevant Ministers continue to have bilateral contact with social partners on issues of concern to them.

In addition, the National Economic and Social Council, NESC, which comes within the remit of my Department, continues to provide a forum for multilateral dialogue on the economic, social and environmental challenges facing the country. The council continues to meet on a regular basis.

Deputy Gerry Adams: Some employers do not want to waste a good recession and many workers have been denied rights. The Taoiseach spoke eloquently about the Vita Cortex employees in Cork and said that what they wanted was respect. We saw similar situations in La Senza, Lagan Brick, Game, Vodafone, Irish Cement and Diageo. I understand that 25 workers currently occupy a call centre company, Éist agus Cuidiú Teo., in Gaoth Dobhair, County Donegal, which has received substantial State funding. Has the Taoiseach raised any of these issues with the social partners or discussed steps that could be taken to avoid issues such as these?

Last week, a large delegation of workers from Lagan Brick was brought to Leinster House by Deputy Caoimhghín Ó Caoláin. The workers had been on strike for 206 days and they received unequivocal support from Deputies and Senators in all parties. A big company, Lagan Brick, refuses to give workers the dignity and respect they deserve. They are not asking for anything extraordinary. They are asking for their entitlements. The company needs to engage with the workers' union representatives and to agree to pay them their redundancy entitlements.

Has the Government discussed these issues with the social partners? People are being denied redundancy payments to which they are entitled and deserve. Has the Taoiseach discussed these matters with the social partners?

The Taoiseach: No one likes to see people out on strike. The machinery of the State has been well tried over many years in difficult circumstances, not least of which was the Vita Cortex incident to which Deputy Adams referred.

When a dispute arises the facilities of the Department of Jobs, Enterprise and Innovation are available to assist in the resolution of the dispute.

Deputy Adams will be aware that last July the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, announced his intention to reform the State's industrial relations machinery and to replace the five existing employment rights bodies with two bodies. One body will be responsible for dealing with first instance complaints and the other will deal with appeals. He has undertaken two public consultation processes on the matter and this month he intends to seek Government approval on drafting the workplace relations Bill. It is the intention to have the Bill enacted in the autumn and the new system up and running by the beginning of next year.

It is most unfortunate to hear about the case which the Deputy mentioned and the period of time that the workers have been on strike. I do not know the details of the case but the machinery of industrial relations and the co-operation of the Department in so far as the Minister is concerned are available at all times for attempting to resolve these difficulties, whatever the nature of the actual problem.

I will meet the Minister for Public Expenditure and Reform and the public service unions tomorrow regarding the report on the Croke Park agreement. This issue will obviously be referred to in the context of those discussions.

Deputy Gerry Adams: My question was about the social partners and the Taoiseach's engagement with them. Have the Government's plans to amalgamate the five employment rights bodies been discussed with the social partners? Will the change improve the entitlements of workers? I think we will see more of this. I sat with Members of the Taoiseach's party as we heard from the Lagan Brick folks, who have been on strike for 208 or 209 days. A spouse of one of the workers described the difficulties she faces in making ends meet. This is a very profitable company which has public contracts with local government and, for all I know, with Departments.

The processes favour the employers and especially the big employers. A fine of €1,000 is a pittance for an employer but it is a huge amount to take from the pocket of a worker and his or her partner. It is no accident that workers are taking over their workplaces. In my opinion they are doing so because they have nothing else to lose. The Taoiseach acknowledged that the workers in Vita Cortex wanted respect. They should not be required to endure strikes for almost six months to get that respect. They are not asking for anything extravagant, like big bonuses or breaking the ceiling on pay. They are asking for appropriate redundancy payments. Where should they go given that the State's mechanisms are not functioning in support of them or their rights?

The Taoiseach: Deputy Adams will be aware that, in the case of reform of the joint labour committees, JLCs, and registered employment agreements, REAs, the process of making employment regulation orders, EROs, was found by the High Court to be unconstitutional, together with an identified lack of adequate Oireachtas scrutiny of the process. That supports the case for the main features of the recommendations for reform put forward in the Duffy Walsh report. Following the High Court ruling of July 2011, the Government's priority has been to prepare and deliver a comprehensive reform package because the implications of the judgment are not confined to the joint labour committee system. A programme of reform of the JLC and REA systems is required to address all the recommendations for reform put

forward in the report, as well as the broad implications of the High Court ruling in the John Grace Fried Chicken case.

There was a constructive Second Stage debate in this House and following further consultations with the social partners and other interests a number of amendments were introduced on Committee Stage to strengthen or clarify certain provisions of the Bill. These include provisions dealing with the principles and policies applying to the framing of REAs and EROs, the timeframe for those provisions and the granting of temporary exemptions from the obligation to pay the terms prescribed under EROs and REAs.

I would like to think that the work the Minister, Deputy Bruton, is doing on structural reform will be in the interest of everybody because it will provide a resolution process where a complaint is lodged. To a great extent the Croke Park agreement has delivered industrial peace. A number of cases have been ongoing for some time but the agreement has to be implemented in full and expedited to meet our own targets. We want a process that is clear, straightforward and works so that where legitimate complaints arise they can be resolved satisfactorily and people and businesses are allowed to conduct their affairs in the interest of the economy, the country and both workers and management. That is why the machinery of the State has been tried and tested in severe circumstances over the years and it is always available to deal with concerns or disputes such as those mentioned by Deputy Adams.

Deputy Micheál Martin: The existing resolution mechanisms are not working in the current climate and they did not work for the Vita Cortex or Lagan Brick workers. These disputes require a strongly proactive approach on the part of the Government of the day. There was no need for the Vita Cortex dispute to persist as long as it did. It could have been resolved much earlier if a more proactive approach had been taken. The existing mechanisms simply do not work in situations like that. We need a process that cuts to the chase.

Engaging with the social partners on these issues can lead to new mechanisms, which are needed because in the current economic collapse these situations are arising with greater frequency and workers are being left behind. In many instances they are the last to be considered in such circumstances.

In the context of social partnership talks, has the Taoiseach discussed with farming organisations the need for immediate support in the context of the appallingly wet weather and the damaging impact it is having on agricultural incomes and farming and harvesting generally? Across all sectors of farming it has become a serious issue. This is a vital industry and I ask whether the consultations entered into by the Taoiseach have focused on the need to help the farming community in its hour of need.

The Taoiseach: When I meet the social partners and the public service unions I intend to ask their views on where the machinery of the State falls down. It works in the vast majority of cases and, as Deputy Martin will be aware, at the end of the day in disputes like the one in Cork it is a case of the resolution of the people and an understanding on the other side that the matter has to be ended. State machinery or no State machinery, there will be resolution of these disputes if there is a willingness to engage and deal with the problems that arise.

The Deputy mentioned the difficulties that the atrocious weather has caused for the farming community. The losses have already been substantial. I have seen tractors bogged down in fields after they attempted to cut silage. The fact that more rain fell in June than during the preceding six months speaks for itself. It has been an extraordinary year for bad weather and rainfall. I have discussed the issue with the Minister for Agriculture, Food and the Marine, who is in constant contact with the farming organisations and is investigating how he might be

[The Taoiseach.]

able to help. The farming organisations have requested early payment of part of the single farm payment.

For now, however, there is an immediate crisis where fodder is required and substantial losses are being incurred by farmers.

In respect of the flooding that occurred in Deputy Martin's county, including Douglas, Glanmire and Clonakilty, the Minister for the Environment, Community and Local Government hopes to receive a report on it this week. He will examine that report to see if he can assist in any possible way those whose businesses or houses have been flooded. It is a terrible thing to happen. I note from media reports of the topography that even early warnings were inadequate, given the extent of rain that fell in a short time. There is evidence of this happening also in Britain and to an even more serious extent in Russia.

The Minister for Agriculture, Food and the Marine, Deputy Coveney, is well aware of the losses to the farming industry because of the disastrous weather. His colleague, the Minister, Deputy Hogan, is expecting a report on the flooding issue in Cork and will try to respond in the best way possible arising from that.

Departmental Staff

5. **Deputy Gerry Adams** asked the Taoiseach the number of civil servants employed in his office for the purposes of constituency work; and the total cost to the State of this on an annual basis. [23770/12]

The Taoiseach: There are five staff working in my constituency office. Three are based in Government Buildings while two are based in Castlebar. The staff comprise three personal assistants, one personal secretary and one executive officer. They are responsible for dealing with my constituency matters and correspondence. The total of their annual salaries is €289,151.

Deputy Gerry Adams: I did not hear the figure.

The Taoiseach: It is €289,151 and that is for five of them.

Deputy Gerry Adams: Is that to do constituency work on the Taoiseach's behalf?

The Taoiseach: Yes. Three are based in Government Buildings and two are based in my own county.

Deputy Gerry Adams: Let me give the Taoiseach some figures, if I may, for him to cogitate on — these are from the Irish League of Credit Unions. Some 1.8 million citizens have less than €100 per month to live on, after bills are paid. Some 50% have had to borrow to pay household bills in the past, with 10% of them using moneylenders in the past 12 months. Some 17%, or over 600,000 citizens, have nothing left each month when the bills are paid.

We sometimes wonder why people become disenchanted with and alienated from electoral politics and parliamentary systems. This is all as a result of austerity and if we were all in it together——

An Ceann Comhairle: I am sorry, Deputy, but this is a straightforward question about the number of civil servants employed in the Taoiseach's office and the cost. We cannot get into other matters.

Deputy Gerry Adams: Can I just finish my point, a Cheann Comhairle?

An Ceann Comhairle: Yes, but please stick to the question.

Deputy Gerry Adams: We also have a situation in the Department of the Taoiseach where a ceiling for special advisers is set at €92,000, yet some of the Taoiseach's special advisers, including one who was in the news recently, earn almost twice that.

An Ceann Comhairle: I am sorry but that is an entirely separate matter.

Deputy Gerry Adams: I consciously did not name the persons involved, a Cheann Comhairle.

If there are to be cuts — we are approaching a winter of cuts — they should start at the top. They should start in the Taoiseach's office with the man who is in charge of the Government and the staff he employs there. That is how we will get an end to the inequality that austerity is reinforcing, as well as a narrowing of the social gap which is being widened daily by austerity policies.

I ask the Taoiseach to show leadership on this issue by implementing the pay cap that his own Government introduced. Are any of those five staff, who the Taoiseach says are working on constituency matters, being paid above the Government's cap?

The Taoiseach: The Deputy seems to suggest that these people are all on excessive salaries. The total of their annual salaries is €289,151. That is a gross figure, which is about €450 net on average per week.

I note the Deputy's comment about the report by the Irish League of Credit Unions, which is by no means to be discounted. We all know many families who are seriously challenged in these times. We are not the only ones in Europe who are now so affected. The Government is well aware of this, however, which is why we reversed the minimum wage in the memorandum of understanding. That is why we brought thousands of families out of the universal social charge requirement. We did not increase income tax or taxes on employment in order to give the best opportunity to business and employment creation. We downsized the scale of the banks and required the two pillar banks to lend €3.5 billion of new loans this year so that these opportunities can be implemented.

The Deputy asked me the number of civil servants employed in my office and I have answered him. I note that some people seem to think that one should not have a constituency office for the benefit of constituents at all. Whether one makes no representations or many, these matters become the focus of public attention. If somebody stops Deputy Adams on the street and says, "I live here in Dundalk, I've applied for the disability benefit and I'm on appeal for the last three months", is he supposed to say, "Sorry, I can't deal with your query here. That's a constituency matter"? My constituency office, which I rarely attend due to the business of Government, constantly deals with queries from people all over Ireland but mostly from the western region. They are normal constituency queries that come in about everything one could think of. These staff work exceptionally hard and give an enormous commitment to dealing with people's problems. As I said, their average net income is €450 per week.

I am not discounting in any way the impact or relevance of the report conducted by the Irish League of Credit Unions. The Government is well aware of that. The budget for 2013, which will obviously be challenging, will be framed in a way that is seen to be fair, equitable and affordable. The drive has to be not to penalise employment and work, but to provide opportunities whereby businesses can flourish and jobs are created.

Abolition of Seanad Éireann

6. **Deputy Micheal Martin** asked the Taoiseach the role his Department will be taking in

[Deputy Micheal Martin.]

relation to the abolition of Seanad Éireann as outlined in his own Department's statement of strategy 2011-2014; and if he will make a statement on the matter. [23885/12]

The Taoiseach: My Department's role in relation to the referendum on the abolition of the Seanad will be the usual one of a sponsoring Department, including preparing proposals for legislation for the referendum, liaising with the Attorney General's office in the preparation of the legislation and support for Government when the legislation is being debated in the Oireachtas.

The proposal to abolish Seanad Éireann was signalled by the Government parties prior to the general election. The Dáil and Seanad will have an opportunity to fully debate the necessary legislation when it is published.

Deputy Micheál Martin: Is that it?

The Taoiseach: That is it. We will wait and see.

Deputy Micheál Martin: It is 15 months into the Government's term of office and this is a promise the Taoiseach made with great solemnity well before the last general election.

Deputy Phil Hogan: The Deputy made a fair few of them himself.

Deputy Micheál Martin: We did not. Actually, we made none. We deliberately made no promise before the election.

Deputy Paul Kehoe: You knew you were going to be wiped out.

Deputy Micheál Martin: I said at the time that this was no time to make promises that one could not fulfil.

An Ceann Comhairle: Deputies should address their comments through the Chair, please.

Deputy Micheál Martin: Unfortunately, the Taoiseach made too many of them and the people now know that he could never fulfil them. He has lost a lot of trust and credibility as a result. Coming into government, there was no document, preparatory work or research.

Over the past 15 months, we have had various announcements about this matter and now the constitutional convention is being established. I asked earlier about marriage equality but the Taoiseach refused to answer any question on that. He has decided to refer that issue to the convention but, in his own wisdom, not the Seanad question. The Taoiseach has given the distinct impression that a great deal of work has been done but that proposals are far down the road. Perhaps he will outline for the House how much work has been done on the proposal to abolish the Seanad, how many Articles of the Constitution will require amendment-change in this regard, who is overseeing that work and the timeline in respect of the holding of a referendum on abolition of the Seanad.

The referendum on children's rights is promised for the autumn, which we are all agreed should be held on its own. The constitutional conventional agenda will also be dealt with this year. As such, we are looking at 2013 at the earliest in terms of a referendum on abolition of the Seanad, or are we? It is time the Taoiseach produced some evidence of work on this issue. Is it his intention to publish a position paper on the abolition of the Seanad and has a great deal of technical work been done that could, for example, facilitate debate on this issue by the Oireachtas? I would have thought the convention a good forum for discussion of this issue given people have differing views on whether there should be one or two Chambers in our

Parliament. The original intent of the convention was to bring about radical reform in terms of how we govern ourselves. However, it will not now do this. It will not deal with this Parliament or with the relationship between it and the Executive or with whether we have a bicameral or unicameral system. It appears that all concerned could have done with that type of reflection. Nonetheless, the Taoiseach is ploughing ahead.

Perhaps the Taoiseach would respond to my questions on how much work has been done, how many Articles of the Constitution will require amendment, who is overseeing this work and when he expects the referendum on the abolition of the Seanad to be held.

The Taoiseach: Unfortunately for Deputy Martin the Government intends to fulfil its programme for Government, which commits to two issues, which will be outside of the constitutional convention, being decided by referenda. The two issues concerned are children's rights and abolition of the Seanad. The question in regard to the holding of the referendum on the fiscal stability treaty was not envisaged at that time.

Deputy Micheál Martin: I am asking about the Seanad.

The Taoiseach: I am coming to that matter. The presidential election and two referenda were held last year. We need now to reflect on whether it is good to hold more than one referendum on the same day, taking into account the simplicity or complexity of the issues involved.

I can assure Deputy Martin that a great deal of work has been done on the proposal in regard to the abolition of the Seanad. This will require the deletion of all references to the Seanad in the Constitution. In addition to deleting all Articles which establish the Seanad it will also be necessary to amend Articles which primarily deal with other matters but which vest specific constitutional functions in the Seanad or in its members. The types of functions which will have to be considered in this context include, for example, the Seanad's role in triggering the process for determining whether a Bill constitutes a money Bill, motions for early signature of Bills by the President and membership of the Cathaoirleach of the Presidential Commission. This work is being overseen by the Department of the Taoiseach. A great deal of that work has been done.

Deputy Martin asked when the referendum will be held. Perhaps he might offer a suggestion. The children's rights referendum will be held in the autumn. It is hoped that ongoing work in the Department of Children and Youth Affairs will enable publication of the relevant legislation following the Dáil recess, at which time a date for the holding of that referendum will be fixed. It is a complex issue and should be dealt with by way of stand-alone referendum. Ireland holds the Presidency of the European Union from 1 January to end June 2013, during which time the Government and Ministers will be required to focused on dealing with issues affecting this country and on issues relating to the responsibilities of our Presidency. Deputy Martin will be aware that in terms of Presidency of the European Union Ireland follows Cyprus and precedes Lithuania and Greece.

Deputy Micheál Martin: The Taoiseach is filibustering. We know all this.

The Taoiseach: No, I am not filibustering. Does Deputy Martin suggest the referendum on the abolition of the Seanad should be held in February, March, April, May or June, during which time we may well have to deal with the conclusion of the Multiannual Financial Framework 2014-2020, namely, the budget for the European Union? Were I to agree to such proposition from Deputy Martin he would be the first to say we cannot do it then because we will be tied up with the Presidency of the European Union and all that involves and means for

[The Taoiseach.]

the Irish economy in terms of dealing with the range of issues that have been around for a long time.

I assure the Deputy that a great deal of work has been done on the question of the abolition of the Seanad. As I stated, this will require the deletion of reference to the Seanad from every relevant Article, with no loss on the corresponding side in respect of the rights of citizens in so far as the Dáil is concerned. I will not make a pronouncement as to when that referendum will be held. However, I can assure the Deputy that it will be held. The people will be asked the question of whether they want the Seanad to be abolished. I believe it should be abolished. I understood from Deputy Martin's comments prior to the election that Fianna Fáil was of the same mind. However, the Deputy appears to be rowing back on this now. This is not the first time someone in his party has done so. However, that is a matter for his party.

I again assure Deputy Martin that the programme for Government is clear on this issue and that the commitment therein on this issue will be carried through. It is only a matter of deciding the appropriate time to do so.

Deputy Micheál Martin: The Taoiseach is assuring me of nothing. The setting of a date for this referendum is continually being pushed out. I recall the Taoiseach being equally as adamant a year ago that it would be held this year. The Taoiseach definitively said then that it would be held in 2012. He now says it will not happen during Ireland's Presidency of the European Union because he does not want anything to spoil that party and has suggested that it will be held in the latter half of 2013.

The Taoiseach: I asked the Deputy to make a suggestion but he did not answer me.

Deputy Micheál Martin: I will deal with that now. Unlike the Taoiseach, I have no need to filibuster.

The Taoiseach: The Deputy should answer my question.

Deputy Micheál Martin: The Taoiseach said a great deal of work has been done.

The Taoiseach: Yes.

Deputy Micheál Martin: Will he share that work with the Oireachtas?

The Taoiseach: The Deputy did not attend any of the briefings on the constitutional convention.

Deputy Micheál Martin: Never mind that nonsense. I am asking the Taoiseach to share the work which he says has been done. With the greatest of respect, the Taoiseach gives a great deal of silly responses.

An Ceann Comhairle: If the Deputy puts his questions I will seek the answers for him.

Deputy Micheál Martin: The Taoiseach should treat this House with a little more respect.

The Taoiseach: Deputy Martin did not turn up for the briefings on constitutional matters.

Deputy Micheál Martin: Fianna Fáil's spokesperson and Chief Whip, Deputy Ó Fearghail, attended the briefing which was just a role-out of the convention.

The Taoiseach: The Deputy is decrying that.

Deputy Micheál Martin: It was a sham and everybody knows that.

The Taoiseach: Deputy Ó Fearghail spoke well. He did a good job.

Deputy Micheál Martin: I am asking the Taoiseach if he will share the work that has been done on the abolition of the Seanad with the Oireachtas. Why will the Taoiseach not do so? Will it publish that work so that the Oireachtas can discuss it?

The Taoiseach: Yes, I will share it but at the appropriate time.

Deputy Micheál Martin: What I said during the election — I made this very clear — is that we believe in real reform of politics in this country——

Deputy John Perry: The Deputy had 14 years in Government to do it.

Deputy Micheál Martin: ——and of the relationship between the Executive and the Parliament. We did not favour abolition of the Seanad on its own.

Deputy John Perry: Fianna Fáil did nothing when in Government for 14 years.

Deputy Micheál Martin: We favour abolition of the Seanad as part of a broader reform of our political system.

The Taoiseach: Right.

Deputy Micheál Martin: We made that very clear at the time. Reducing the number of Dáil Members by eight and abolishing the Seanad while doing absolutely nothing to change how we behave is not radical reform. It is optic politics and playing to the gallery.

Deputy John Perry: Deputy Martin is well used to that.

Deputy Micheál Martin: That is all the Taoiseach is doing. As far as I can see what the Taoiseach is doing in terms of abolition of the Seanad is playing this out until such time as he considers it most politically opportune to throw it into the frame, from an electoral point of view.

Deputy John Perry: Fianna Fáil is well used to doing that.

Deputy Micheál Martin: I ask that the Taoiseach share that work with both Houses of the Oireachtas and with his parliamentary party, some of whom are concerned about this issue.

The Taoiseach: I will share the information but at the appropriate time.

Deputy Micheál Martin: Why will the Taoiseach not share it now?

The Taoiseach: One of the other issues——

Deputy Micheál Martin: What is the big deal?

The Taoiseach: This will interest the Deputy.

Deputy Micheál Martin: We are having a convention on the Constitution.

The Taoiseach: The Deputy said that he supports the abolition of the Seanad as part of a broader political reform agenda.

Deputy Micheál Martin: That was our view during the election.

The Taoiseach: That is what the Deputy said. One of the issues already provided for in the programme for Government and to be considered by the constitutional convention is the electoral system.

Deputy Micheál Martin: Yes.

The Taoiseach: Fianna Fáil has views on that issue and on how Ministers——

Deputy Micheál Martin: We made a submission on it.

The Taoiseach: ——should not have anything to do with constituents. I accept that the Deputy has his own point of view as do I. The assessment by the constitutional convention——

Deputy Micheál Martin: The Taoiseach tends not to have a point of view on these issues.

The Taoiseach: I do have a point of view. I believe the Seanad should be abolished. The intention of Government is to put that to the people and let them decide on it.

Deputy Micheál Martin: Will the Taoiseach share the papers?

The Taoiseach: Yes, I will share them.

Deputy Micheál Martin: Now.

The Taoiseach: Not now, but at the appropriate time.

Deputy Micheál Martin: Why?

The Taoiseach: The other fact is that, as the Deputy knows, a reduction of the Dáil numbers by eight is the limit without holding another referendum. The constitutional convention is to look at the electoral system — whether we have multi-seat constituencies——

Deputy Micheál Martin: But I am asking——

The Taoiseach: ——single-seat constituencies, the French system or whatever. It will be very interesting to see what the constitutional convention will come up with in that regard. That will be part of a broader electoral reform package, which I know the Deputy wants. What he wants to do is to try to restructure this in such a way that his party might have some fleeting chance of getting back into office again. That is also a matter for the people.

Deputy Micheál Martin: We have been led to believe that an incredible amount of work is going on behind the scenes. Could the Taoiseach share that with us?

An Ceann Comhairle: The Deputy asks a question to get an answer.

Deputy Micheál Martin: We cannot get an answer. That is the point.

The Taoiseach: The reduction by eight seats and — if the people decide to approve it — the abolition of the Seanad will reduce the overall Oireachtas size by 33%.

Deputy Micheál Martin: The Taoiseach is on the way to abolishing democracy.

The Taoiseach: All this information will be out there at the appropriate time — we have a lot of stuff to do now. In respect of the question of the Seanad being abolished, I will give all

the information to everybody when it is appropriate on the lead-in to the question being asked of the people.

Deputy Micheál Martin: We are being asked to discuss seven items in the constitutional convention, including gay marriage, equality, electoral systems——

The Taoiseach: And others.

An Ceann Comhairle: We will not go through that now.

Deputy Micheál Martin: I am not going to go through that.

An Ceann Comhairle: We are talking about the abolition of the Seanad.

Deputy Micheál Martin: The point about the Seanad is as follows. What is the objection to sharing all the background work on what it takes to abolish the Seanad with everybody in the Oireachtas? Why not do that now?

The Taoiseach: I do not want to confuse the Deputy with an overload of information. He can believe me that there is a great deal of——

Deputy Micheál Martin: The Taoiseach might confuse himself.

The Taoiseach: ——interesting material there.

Deputy Micheál Martin: Is there?

The Taoiseach: There is, actually.

Deputy Micheál Martin: Could he share it with me?

The Taoiseach: Yes, I will share it with him at the appropriate time — of course I will. That, together with the constitutional convention review of the electoral system, will, I think, provide great fodder for those who are in politics and those who aspire to be in politics. All in its good time. The Deputy can take it that the programme for Government in this matter——

Deputy Micheál Martin: The Government Senators are on the run, I think.

The Taoiseach: ——will be implemented in full. It is just a question of timing.

Deputy Michelle Mulherin: If Deputy Martin is looking for reform, he should stop the posturing.

The Taoiseach: As Shakespeare said at one time, all is in the timing.

Deputy Micheál Martin: The Government is eight Senators down — eight Deputies down.

The Taoiseach: Readiness is very important.

Deputy Gerry Adams: Shakespeare also said: “There is a tide in the affairs of men.” One thing I have learned from being here is that when the Taoiseach decides not to answer a question, he does not answer it. I was going to ask him when we could expect legislation on the future of the Seanad and when a referendum would be likely to be held. There is a seanfhocal in the North that states “Whatever you say, say nothing.” It must have come from Mayo because the Taoiseach is right on the button.

The Taoiseach: What is the seanfhocal?

Deputy Gerry Adams: Let me try another couple of questions. Sinn Féin's view is that the issue of the future of the Seanad should be part of the constitutional convention. If we are carrying out a thorough review of the Constitution, covering the electoral system, the political system, presidential terms and so on, it seems appropriate to put the Seanad into that also. Some of these other issues are also matters for the programme for Government but he has no problem putting those into the constitutional convention.

An Ceann Comhairle: Perhaps the Deputy might ask his supplementary question, as I want to move on.

Deputy Gerry Adams: A reformed Seanad could find space for people such as the Traveller community, for people who are disenfranchised, for people from the diaspora and citizens living in the North. Will the electorate be presented with options on the future of the Seanad or will it simply be a choice between the *status quo* and abolition?

The Taoiseach: The answer to that question is “No”. The legislation and all the information surrounding it will be debated in full by everybody and the question on the ballot paper will require a “Yes” or “No”.

Deputy Gerry Adams: “Yes” or “No” to what?

The Taoiseach: To the abolition of the Seanad. The question will be: “Do you wish to abolish Seanad Éireann?”, requiring a “Yes” or “No” answer. It will be very straightforward and the people will give their answer. On the run-in to that legislation being published, all the information Deputy Martin and others require will be made available to the fullest extent possible and that debate will take place. This is part of the programme for Government and both parties agreed it. That is outside the convention as is the child protection referendum — those two are very clear. We will hold those when it is appropriate to do so. In respect of electoral reform, the constitutional convention will reflect on that. If we did not have an agreement beforehand—

Deputy Gerry Adams: Or a Labour Deputy.

The Taoiseach: —clearly the Seanad option could be one for the convention to consider. However, we have already put it into the programme for Government that if the constitutional convention and the persons who serve on it decide that there is another issue or other issues that are of such importance that they should also be considered by the constitutional convention, as I told the Deputy at the briefings he attended, it will be possible for the constitutional convention to do that. The Seanad and the child protection referendum are outside the convention and are part of the programme for Government. The question will be put to the people in due course.

Deputy Gerry Adams: I have a very short question.

An Ceann Comhairle: No.

Deputy Gerry Adams: I will be very brief.

An Ceann Comhairle: We have had a good deal of time on this.

Deputy Gerry Adams: The Taoiseach made a very pertinent point. He said that if the constitutional convention wishes to raise other issues, it could do so. What would happen if the constitutional convention wishes to raise the future of the Seanad?

The Taoiseach: It may certainly reflect on it, but the Government has already decided that the question of the abolition of the Seanad will be put to the people. In the ordinary course of events when the constitutional convention makes a finding to the Government, for instance, in respect of the reduction of the voting age to 17 or the reduction of the presidential term of office from seven years to five years, it will outline its reflection, finding and recommendation. In each of those cases the Government has committed to responding “Yes” or “No” within four months. For instance, if the constitutional convention recommends that the voting age should be reduced, the Government will respond positively within four months to them all. However, in the case of the Seanad and child protection, the Government has already decided that we will have a referendum on each of these two things. They are both complex — it is just a question of timing. If we had not had the fiscal stability referendum, we might have had one before summer and one after summer. It was most important that it stand on its own and that the child protection one would stand on its own. I am hopeful that the Minister for Children and Youth Affairs will be able to bring a consensus wording to Government shortly and we will be able to publish the legislation for that very early in the new session.

Deputy Gerry Adams: One referendum does not make a summer.

The Taoiseach: Nor one swallow, in which there is some providence in respect of his fall.

Proposed Legislation

7. **Deputy Micheál Martin** asked the Taoiseach the progress made in his Department on legislating on the issue of Cabinet confidentiality; and if he will make a statement on the matter. [24829/12]

8. **Deputy Gerry Adams** asked the Taoiseach the steps he has taken to bring forward legislation on Cabinet confidentiality. [30541/12]

The Taoiseach: I propose to take Questions Nos. 7 and 8 together.

As I have previously said in the House, Cabinet confidentiality is provided for in the Constitution and any consideration of legislation would have to take this into account.

Deputy Micheál Martin: The Taoiseach can correct me if I am wrong, but I believe this is in the programme for Government.

Deputy Gerry Adams: Yes, it is.

Deputy Micheál Martin: It states that there will be new legislation on Cabinet confidentiality. That is why I was surprised by the brevity of the response. My supplementary questions were to ask about the current proposals for proposed legislation on Cabinet confidentiality. I was going to ask him to outline what the Government intended to do in line with its programme for Government commitment and whether it wished, for example, to facilitate pre-budget discussions between Ministers and the Oireachtas in a much more open format than happened in the past. That might deal with some of the difficulties we have experienced in recent times and Ministers could feel free to come out and argue their positions regarding their Departments' Estimates, for example. How does the Taoiseach believe the programme for Government commitment will be met? What will the content of the new Bill or any legislation be and when is it expected?

The Taoiseach: As the Deputy is aware, Article 28.4.3° of the Constitution contains a specific reference to Cabinet confidentiality and I do not propose to have a referendum to change that.

Deputy Micheál Martin: What does the reference to Cabinet confidentiality in the programme for Government mean?

The Taoiseach: The reference is not specific, but it is a requirement of all Ministers that Cabinet confidentiality be maintained obviously in the interests of the work of Government and the national interest.

Deputy Micheál Martin: The programme for Government proposes legislation on Cabinet confidentiality — that is the point. Obviously Sir Humphrey does not want it.

The Taoiseach: The Deputy should not mind Sir Humphrey.

Deputy Micheál Martin: Where has the political commitment gone?

The Taoiseach: Sir Humphrey has not visited the Department of the Taoiseach in a very long time.

Deputy Micheál Martin: I just want to find out about the proposal.

The Taoiseach: Were his ghost to appear, he would be reminded that Article 28.4.3° of the Constitution deals with Cabinet confidentiality and that the Taoiseach has no intention of holding a referendum on that.

Deputy Micheál Martin: The Taoiseach proposed it. Can he clarify what the programme for Government means in regard to legislation on Cabinet confidentiality?

The Taoiseach: What it means here is that the Constitution refers specifically to Cabinet confidentiality and I am not proposing to change the legislation by having a referendum on that.

Deputy Micheál Martin: The Taoiseach proposed he was going to change it.

An Ceann Comhairle: He has obviously changed his mind.

Deputy Micheál Martin: What does the programme for Government mean?

An Ceann Comhairle: I call Deputy Adams.

Deputy Willie O’Dea: Please explain, Taoiseach.

Deputy Micheál Martin: Does he know what is in his own programme for Government?

An Ceann Comhairle: I call Deputy Adams and I ask that Members address their questions through the Chair.

The Taoiseach: Any legislation that is proposed has to take Article 28.4.3°——

Deputy Gerry Adams: The programme for Government is very clear and the Taoiseach cited it all this session and the Government’s will on these issues. It contains a commitment to bring forward legislation on the issue of Cabinet confidentiality. It also says that the Government has become too centralised and unaccountable. There is lots of evidence of that, particularly around the Economic Management Council when we cannot even ask questions of the doings of that council even though it is dealing with the troika, the economy, banks and issues that are having a vital impact, particularly on citizens who are suffering under austerity policy. As I understand it, has the Taoiseach just torn up another programme for Government commitment by saying he has no intention of bringing forward legislation? This issue also affects the

issue of health where members of the Cabinet sub-committee on health cannot ask questions about what is going on there either. How does this fit into the commitment to more transparent, open reform? The Taoiseach hailed the last election as the people's revolution or some such term. I am citing to the Taoiseach his programme for Government which has a commitment to bring forward legislation on the issue of Cabinet confidentiality and he also cited that the Government is too centralised and unaccountable. Has he just told us that he is not bringing forward such legislation?

Deputy Micheál Martin: He has.

The Taoiseach: The relevant Article 28.4.3° states:

The confidentiality of discussions at meetings of the Government shall be respected in all circumstances save only where the High Court determines that disclosure should be made in respect of a particular matter—

(i) in the interests of the administration of justice by a Court, or

(ii) by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Houses of the Oireachtas to inquire into a matter stated by them to be of public importance.

The concern here might have arisen in that the provision that was being inserted into the Constitution covered very narrow circumstances in which Cabinet confidentiality discussions might not be respected. This has been enshrined in our Constitution for the past 14 years and that provision cannot be changed without a referendum. I do not have any intention of seeking a referendum to change it.

Deputy Micheál Martin: May I ask a brief supplementary?

An Ceann Comhairle: Yes, if it is very brief.

Deputy Micheál Martin: I understand the Taoiseach has perhaps forgotten why the commitment was made 15 months ago in the programme for Government but may I enlighten him? His partners in government and his own members criticised continuously Cabinet confidentiality for many years; they felt it was too restrictive, it did not allow enough information out, etc. I suspect that is the reason that commitment was put into the programme for Government.

An Ceann Comhairle: What is the Deputy's question?

Deputy Micheál Martin: The Taoiseach was the author of the programme for Government. It is incredible that he would come into this House—

An Ceann Comhairle: What is the Deputy's question?

Deputy Micheál Martin: —and either feign ignorance of what is in the programme for Government or not have a clue as to why something as fundamental as Cabinet confidentiality was put into it. The Taoiseach does not have a notion as to why it was put in there—

An Ceann Comhairle: Thank you, Deputy.

Deputy Micheál Martin: —or what is intended by it.

An Ceann Comhairle: What is the Deputy's question?

Deputy Micheál Martin: It is incredible that the Taoiseach would come forward in that manner.

The Taoiseach: That is a very sweeping statement.

Deputy Micheál Martin: I ask the Taoiseach to consult the Tánaiste and find out why this is in the programme for Government and perhaps he might enlighten the Members of the House on that because he clearly does not know that now——

An Ceann Comhairle: This is Question Time, not a time for statements.

Deputy Micheál Martin: ——but he might find that out and tell us what is intended by the provision in the programme for Government which commits to legislation on Cabinet confidentiality. We know all about articles in the Constitution. This is a commitment to introduce legislation on the subject of Cabinet confidentiality. The Taoiseach does not seem to have a notion why that commitment is in it.

An Ceann Comhairle: This is Question Time.

Deputy Micheál Martin: Could the Taoiseach provide me with an answer?

The Taoiseach: The Deputy has made very sweeping statements——

An Ceann Comhairle: What is the Deputy's supplementary question?

The Taoiseach: ——about other people and whether they know or do not know things. He has suddenly become a know-all in every sphere.

Deputy Micheál Martin: I am not. I cannot claim to be a know-all on this.

The Taoiseach: He knew nothing when he was on this side of the House and he would not accept any responsibility for it.

Deputy Micheál Martin: I just do not know what you are up to.

Deputy Bernard J. Durkan: The Deputy used to be in the Cabinet.

The Taoiseach: I note that the Committee of Public Accounts in its report on the crisis in the domestic banking sector said that a preliminary analysis and a framework for a banking inquiry published on 5 July recommended a review of the Cabinet confidentiality provisions of the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997 so as to give the committee the broadest possible access to papers and records relating to the bank guarantee. Obviously the Government will reflect on the issue in so far as knowing the truth about the bank guarantee——

(Interruptions).

Deputy Micheál Martin: Come off the stage, Taoiseach.

The Taoiseach: ——and perhaps in respect of Cabinet confidentiality, Deputy Martin might like to stand up here and tell us what he knew himself——

Deputy Micheál Martin: Answer the question.

Deputy John Perry: What he knew himself.

The Taoiseach: —and what he actually said when he were called on—

Deputy John Perry: We would love to know.

Deputy Micheál Martin: The Taoiseach does not know what is in his own programme for Government.

The Taoiseach: —at 3 o'clock in the morning, or whatever time it was, and asked: "Do you, Deputy Martin, agree that we should give this bank guarantee?"

Deputy Micheál Martin: The Taoiseach is blustering.

The Taoiseach: Why is there no information over there on the rationale that you applied to the information given by the banks—

Deputy Micheál Martin: It is a case of when in doubt, lash out.

The Taoiseach: —which screwed the Irish taxpayer for years? Instead of making sweeping allegations about everybody else, the Deputy might tell us what he knows—

Deputy John Perry: He should tell us what he knew.

The Taoiseach: —and not have a need for any inquiry at all.

Deputy Micheál Martin: The Taoiseach is blustering.

The Taoiseach: The Deputy should stand up and be a man and tell the people what he knew when he was called or when he attended at the meetings where the information was given by the banks about what should happen in respect of the bank guarantee. He should give us some of the rationale which is not available in the Department of the Taoiseach.

Deputy John Perry: Hear, hear.

Deputy Timmy Dooley: Was that the one that was shredded?

Deputy Micheál Martin: The Taoiseach is filibustering.

An Ceann Comhairle: What is Deputy Adams's supplementary question?

Deputy Gerry Adams: I cannot hear the Chair.

An Ceann Comhairle: Can I have the Deputy's supplementary question?

(Interruptions).

An Ceann Comhairle: Will you please stop?

Deputy Bernard J. Durkan: I am sorry.

An Ceann Comhairle: Thank you. We have a shouting match every blooming day. Has Deputy Adams a supplementary question and not a statement as we are getting statements here?

Deputy Gerry Adams: I do not represent Fianna Fáil.

An Ceann Comhairle: I know.

Deputy Gerry Adams: I am speaking here for Sinn Féin. Let me put my question again. It is very straightforward. We looked at the programme for Government. The Taoiseach has a commitment to legislate on the issue of Cabinet confidentiality. I asked him a very straight question about what steps has he taken to bring forward legislation on Cabinet confidentiality and if he just tore up that commitment.

An Ceann Comhairle: Yes. That is it. That is the reply.

Deputy Gerry Adams: Fair enough. The fact is that we hear more about the budgetary committee——

An Ceann Comhairle: That is a separate issue. The Deputy should put down a separate question.

Deputy Gerry Adams: ——of the German Parliament than we do from the economic committee of the Taoiseach's Cabinet.

An Ceann Comhairle: We are not going into the German Parliament at this stage.

Deputy Gerry Adams: The PAC that the Taoiseach cited was assisting the Taoiseach to fulfil his programme for Government commitment.

The Taoiseach: In case the Deputy did not hear that properly——

Deputy Gerry Adams: I did hear it properly. The Taoiseach does not need to repeat himself.

The Taoiseach: ——the point is that the European Commission——

Deputy Gerry Adams: I heard it properly.

The Taoiseach: ——had to apologise for information that was leaked when it was sent to the budgetary committee of the German Parliament because it is a requirement that all countries that are in a programme send their information to the paying countries.

Deputy Gerry Adams: Will the Taoiseach apologise for tearing up a commitment?

The Taoiseach: We changed that here so that information that is being sent to those countries that contribute to Ireland is lodged in the Houses of the Oireachtas simultaneously. That does not arise anymore and I hope the Deputy understands that very clearly. Yes, it was wrong that this information was leaked in the beginning and it should not have leaked from the European Commission through the budgetary committee of the Bundestag. That matter has been changed because when that information is now presented to those countries which contribute to Ireland, which the Deputy wanted to get out of here and for them to take their money with them, it is lodged simultaneously in the Oireachtas Library for all Members and all of the public to have access to it.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 8, motion re leave to introduce Supplementary Estimate [Vote 32]; No. 9 — motion re referral of Supplementary Estimate [Vote 32] to select committee; No. 10, motion re constitutional convention; and No. 17, Microenterprise Loan Fund Bill 2012 — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn not later than 10 p.m.; No. 8 and, subject to the agreement of No. 8, No. 9 — referral to select committee — shall be decided without debate and any divisions demanded thereon shall be taken forthwith; the proceedings in relation to No. 10 shall, if not previously concluded, be brought to a conclusion after two hours and the following arrangements shall apply: the speech of the Taoiseach 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, the speech of each other Member called upon shall not exceed ten minutes and such Members may share time, and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed 15 minutes; Private Members' business shall be No. 60, motion re the health budget, and shall take place on the conclusion of No. 10, or at 7.30 p.m. whichever is the later and adjourn after 90 minutes; and Report and Final Stages of No. 17 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 10 p.m. tonight 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 Jobs, Enterprise and Innovation.

An Ceann Comhairle: There are five proposals to be put to the House. Is the proposal that the Dáil shall sit later than 9 p.m. agreed to? Agreed. Is the proposal for dealing with Nos. 8 and 9, motions re leave to introduce and referral of Supplementary Estimate to select committee without debate, agreed to? Agreed. Is the proposal for dealing with No. 10, motion re constitutional convention, agreed to? Agreed. Is the proposal for dealing with Private Members' business agreed to? Agreed. Is the proposal for dealing with No. 17, Microenterprise Loan Fund Bill 2012 — Report and Final Stages, agreed to? Agreed.

Deputy Micheál Martin: Every Member will agree that what occurred in the Phoenix Park on Saturday night, the deaths of three young people, nine stabbings and many more assaults, was appalling. The Minister for Justice and Equality, Deputy Shatter is awaiting a report from the Garda Commissioner——

An Ceann Comhairle: This is the Order of Business.

Deputy Micheál Martin: ——and we need assurances that the requisite legislation to deal with such situations will be accelerated, that an in-depth inquiry will be held and which will involve the security provider to report on——

An Ceann Comhairle: Where is this leading, Deputy?

Deputy Micheál Martin: ——the Garda presence and resources. I refer to the access to alcohol and drugs. When is it proposed to introduce the sale of alcohol Bill and the criminal justice Bill?

On a point of clarification, did the Taoiseach indicate during Leaders' Questions that tomorrow's Order Paper would facilitate the Minister, Deputy James Reilly, to make a statement to the House? I ask for confirmation for the Whips.

The Taoiseach: Everyone is appalled at what happened in the Phoenix Park. The video of what happened is disgraceful and it is scandalous that three young people died. I made the point that 800,000 people were in Galway for the Volvo ocean race finale and there were no incidents. This particular concert in the Phoenix Park was one of a series of three concerts and there were no incidents at the other two concerts. It may be something to do with the type of music but it is a tragic happening for the families. The Minister, Deputy Shatter, will be happy to report to the House when he has been briefed by the Garda Commissioner. I heard the

[The Taoiseach.]

chairperson of the joint policing committee speaking about it this morning. There needs to be an in-depth analysis of what happened and there will be such an analysis.

The Minister of State, Deputy Shortall, has done a great deal of work on the sale of alcohol, as has the Minister for Justice and Equality, Deputy Shatter. I expect the sale of alcohol Bill will come before the House in the next session. I cannot be more accurate at this stage but it will certainly be introduced before the end of the year.

In response to an earlier question, the Minister for Health, Deputy Reilly, will be very happy to make a statement to the House when he returns from Cyprus where he is attending an informal health meeting arranged by the Cypriot Presidency.

An Ceann Comhairle: A number of Deputies sought to raise the issue of the events at Phoenix Park as Topical Issue matters. Rightly or wrongly I decided not to grant those requests today until the Minister has had an opportunity to be informed of the details. I hope to be able to facilitate Deputies during the week when there may be more information.

Deputy Gerry Adams: I agree entirely with the Taoiseach. I do not agree it is down to the music but it is a terrible tragedy for the families involved. My question is about promised legislation. When will the HSE governance Bill be brought before the House?

The Taoiseach: I am hopeful this Bill can be published before the end of this session. As I informed the Deputy last week, a great deal of work is ongoing in respect of this Bill and it is a Government priority now that the Personal Insolvency Bill has been published.

Deputy Gerry Adams: Will it be published before the summer recess?

The Taoiseach: Yes.

Deputy Timmy Dooley: The Taoiseach will be aware of the plight of a number of Irish students in Florida and the financial and emotional strain which they and their families are experiencing. An issue such as this requires swift Government action and we have seen anything but.

An Ceann Comhairle: What is the promised legislation?

Deputy Timmy Dooley: The Irish Aviation Authority (amendment) Bill which is on the C list of proposed legislation. Is it intended to introduce any additional measures to put in place the necessary bonding or insurance facility so that in a future event such young people's investment would be protected? Has the Government given consideration to providing financial assistance to ease the plight—

An Ceann Comhairle: That is a separate issue, Deputy.

Deputy Timmy Dooley: —of the current crop of students who are in Florida?

The Taoiseach: The Bill is not due until next year. I note the Irish Aviation Authority proposes to fly some of the students home. We are concerned about this matter. The Minister for Transport, Tourism and Sport has been speaking about it.

Deputy Mattie McGrath: I refer to the strategic infrastructure Bill. The Taoiseach informed the House last week that the national co-ordinating committee was meeting as a result of the flooding in Cork and elsewhere. I wish to speak on the plight of farmers and the tourism industry as result of the inclement weather. What action will be taken to compensate or to do

something to help alleviate the desperate situation for agricultural contractors? As the Taoiseach said earlier, it has been the wettest June since records began and this weather is continuing into July. The implications are serious for the forthcoming harvest.

The Taoiseach: This matter was raised by Deputy Martin on Leaders' Questions. The weather has been atrocious and there have been significant losses for the farming community. I have seen attempts to cut silage in fields all over the country but the heavy equipment has become bogged down. The Minister for Agriculture, Food and the Marine, Deputy Coveney, is concerned about the situation and he is reflecting on how best to assist the farming community in this crisis.

Deputy Mattie McGrath: He needs to act soon.

Deputy Brian Stanley: I refer to the visit of the Minister for the Environment, Community and Local Government to the Rio Summit on the environment.

An Ceann Comhairle: Just a moment, Deputy, this is not Question Time.

Deputy Brian Stanley: We need to tackle the negative effects of climate change not just in the developing world, but also here in Ireland. What is the stage of preparation of the heads of the climate change Bill? When will it come before the House?

The Taoiseach: The heads of the Bill have not been approved. I expect it will be 2013 before it is published.

Deputy Robert Dowds: On promised legislation, when will the taxi regulation Bill come before the House? I refer to the current very difficult situation of many taxi drivers.

The Taoiseach: This Bill would probably have been introduced before now but for the requirements of troika legislation. It will be later in the year. The Minister of State, Deputy Alan Kelly, is doing a great deal of work on that Bill.

Deputy Aengus Ó Snodaigh: The gender recognition Bill is due to be published this year. When will the heads of the Bill be published? The Minister for Social Protection has threatened to publish a pensions Bill which would make changes to contributory pensions.

It is not listed in the programme but can the Taoiseach give an indication whether it will be introduced in this session or before Christmas or will the changes be included in a Bill after the budget?

The Taoiseach: The gender recognition Bill is due to be published this year but the heads of the Bill have not come before the Government yet.

Deputy Aengus Ó Snodaigh: What about the second Bill, the pensions Bill dealing with contributory pensions, which the Minister, Deputy Burton, suggested would be produced this year? It is not in the legislative programme.

The Taoiseach: This is difficult legislation. The Minister, Deputy Burton, has commenced work on it but I will have to come back to the Deputy with a more accurate time for when it might be brought before the Government for approval.

Deputy Michael Healy-Rae: I am seeking information on the criminal justice Bill and the judicial reform Bill. What progress is being made with regard to the licensing of the event

[Deputy Michael Healy-Rae.]

security sector? This is obviously a great necessity following the debacle discussed earlier in respect of the concert in the Phoenix Park last weekend.

The Taoiseach: To which criminal justice Bill is the Deputy referring?

Deputy Michael Healy-Rae: I am referring to the need to licence the event security sector. Is that in the programme for Government under the criminal justice Bill or the judicial reform Bill?

The Taoiseach: There is a judicial council Bill, but the Deputy is taking some Healy-Rae licence to fit this under the heading of a criminal justice Bill.

Deputy Timmy Dooley: After breathing the Kerry air all weekend, the Taoiseach will be well able to respond.

The Taoiseach: This will be part of the report by the Minister for Justice and Equality in respect of what happened recently and the tragic consequences. I will give Deputy Healy-Rae an indication of when the specific issue he mentions might be raised as part of that.

Deputy Bernard J. Durkan: Given the fact that lack of adequate regulation is deemed to have been responsible for many of the ills this country is facing at present, when is it intended to bring the friendly societies regulatory Bill before the House? Can that Bill be extended to the regulation of charities given the concern expressed by a number of registered established charities about regulation in that area?

An Ceann Comhairle: The Deputy cannot deal with the content of the Bill.

Deputy Bernard J. Durkan: If it does not come within the ambit of that Bill, would it be possible for relevant legislation to be put on the legislative programme and brought to the House in the next session? Finally, what is the position with the housing regulatory framework Bill, which is also promised and is seriously required in the housing sector, particularly with regard to voluntary housing associations?

The Taoiseach: The friendly society Bill is due later this year and the housing regulatory Bill will be published next year.

Deputy Bernard J. Durkan: What about charities regulation?

The Taoiseach: I will have to come back to the Deputy on that.

An Ceann Comhairle: I call Deputy Ray Butler.

Deputy Ray Butler: When is the consumer and competition Bill expected to be published in light of consumers being misled by food packaging? Food products should have the country of origin printed on the packaging.

An Ceann Comhairle: That is enough, Deputy.

Deputy Ray Butler: It is a huge issue, a Cheann Comhairle. Many products are misleading consumers by the packaging stating that the product is Ireland's favourite or that it is a product of Ireland.

An Ceann Comhairle: The Deputy can speak on it on Second Stage.

Deputy Ray Butler: However, many of these products are not produced in Ireland.

An Ceann Comhairle: Let us find out when the Bill is coming to the House.

Deputy Ray Butler: It is a serious issue because it is also a jobs issue.

An Ceann Comhairle: I appreciate that.

Deputy Ray Butler: It is misleading the consumer. If we are serious about jobs, this should be dealt with in the Bill.

An Ceann Comhairle: We will find out when the Bill will be brought before the House.

The Taoiseach: The consumer and competition Bill will be published later this year.

Deputy Willie O'Dea: When is it proposed to publish the legislation to establish SOLAS? Second, there is a Bill to be published by the Taoiseach's Department entitled "Amendment of the Constitution (Abolition of the Seanad) Bill". Has the Government signed off on that Bill yet? Third, when is it proposed to introduce the legislation on Cabinet confidentiality which is promised in the programme for Government?

The Taoiseach: The Deputy was listening to the debate earlier.

Deputy Willie O'Dea: I did not receive any answers.

The Taoiseach: The legislation to establish SOLAS will be published later this year. The Government has not signed off on the abolition of the Seanad Bill, and the question of legislation on Cabinet confidentiality has not yet come before the Government.

Deputy Gerry Adams: It is confidential.

Deputy Brendan Ryan: People in north Dublin who are currently living in homes that are falling down around them due to pyrite heave are awaiting a promised report from the pyrite panel. I understand that report is now with the Minister. Can the Taoiseach expedite the publication of that report? People are anxious to see what is in it and to assess if it gives them any hope for dealing with what they see as an absolutely hopeless situation.

The Taoiseach: This issue has had serious consequences. House pride is very important and people who have paid good, hard earned money for houses have seen their houses effectively destroyed in some cases. The report is before the Minister. He will bring it to the Government in the next two weeks. It will then be published.

Deputy Barry Cowen: Last week, we placed a motion on the Order Paper to annul the legislation enacted two weeks ago which barred applicants from obtaining mortgage interest supplement. The Chief Whip has said we must discuss the motion in Private Members' time.

5 o'clock
However, we can only annul the legislation within the first 21 days, so are we to stand idly by while this is taken away from the applicants who need it most? I do not believe it should be Private Members' business. It is something we put before the Government and we have asked it to respond. Can the Government not respond positively and allow us to debate this issue? It means that those who cannot acquire it now must wait 12 months to do a deal with a bank in order to apply for it. It is writing away the rights and assistance that were available to people for the past number of years and the tough times we are living through. It is also cheaper than the rent supplement, which the Government states is available.

An Ceann Comhairle: Is Government time being given to this?

The Taoiseach: It is for Private Members' time.

Supplementary Estimates 2012: Motion

Minister for Education and Skills (Deputy Ruairí Quinn): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimate for the service of the year ending on the 31st day of December, 2012:

Vote 32 — Jobs, Enterprise and Innovation (*Supplementary Estimate*).

Question put and agreed to.

Supplementary Estimates 2012: Referral to Select Committee

Minister for Education and Skills (Deputy Ruairí Quinn): I move:

That, subject to leave being given to introduce the following Supplementary Estimate for the service of the year ending on 31st December 2012, the Supplementary Estimate be referred to the Select Committee on Jobs, Enterprise and Innovation, pursuant to Standing Orders 82A(3)(c) and 159(3), which shall report back to the Dáil by no later than 19 July:—

Vote 32 — Jobs, Enterprise and Innovation (*Supplementary Estimate*).

Question put and agreed to.

Topical Issue Debate

Boston College Belfast Project Papers

Deputy Micheál Martin: On 6 July, the Federal Court of Appeal for the First Circuit in the US upheld the subpoena issued by the British Government relating to the Northern Ireland oral history project held in Boston College. As a result, Boston College must give police the recordings by its researchers of oral history project discussions and talks with Dolours Price by next month, after an appeals court in the US rejected an effort to stop the release. Boston College in Massachusetts is still trying to quash a broader order for other materials from its projects. I understand that lawyers representing the journalists behind the Boston College interviews with former paramilitaries have requested an urgent and immediate hearing in Belfast in a bid to block testimony being handed over to the Police Service of Northern Ireland, PSNI, and a hearing is expected this week in Belfast.

Subpoenas were issued to Boston College at the request of the British Government under the Mutual Legal Assistance Treaty, MLAT, between the US and the UK. The subpoenas are part of an investigation by the UK authorities into the 1972 abduction and death of Jean McConville, who disappeared and was murdered in the most appalling circumstances.

A number of issues arise. First, one could argue there has been a refusal to face up to the issues surrounding the conflict in Northern Ireland and a failure to be more honest with the families, particularly the families of those who disappeared, such as the family of Mrs. Jean McConville. The issue that has arisen in this context concerns the oral history project and the clear decision of the courts in the United States that academic confidentiality does not trump criminal investigations. This is an important decision and I can understand it.

Bearing in mind the history of Northern Ireland, one must acknowledge that while there are those who, last week, welcomed the decision to have a criminal investigation into activities of soldiers regarding the murders that took place on Bloody Sunday in Derry many years ago, there are also those who will want to see every effort made to investigate fully the abduction and murder of Mrs. Jean McConville. That said, the authors of the history project now feel their lives are at risk because of the court's decision, which comprises a serious issue in its own right. It is felt bringing closure and arriving at the truth will be jeopardised by the decision.

The balance must come down on the side of pursuing the issue on behalf of the McConville family. Various parties in the North have said we need a forum of reconciliation or a truth commission. They have put forward various ideas, knowing in all honesty that they will never come to fruition. We need an admission that, since 1974, nearly 1,700 people were killed or murdered by the Provisional IRA. People should acknowledge that there was no need for any of this and that, within the Sunningdale Agreement, there was the genesis of a solution. Twenty years later came the Downing Street Declaration and then the Good Friday Agreement. Thousands of people lost their lives unnecessarily as a result of the delay. It was a complete abomination for the people of this island. This needs to be faced up to.

This issue relates to evidence or material Ms Dolours Price gave and which the PSNI believes will be of assistance to it in pursuing the case. I do not know whether this is the case as I do not have access to the material. I have read *Voices from the Grave* containing the testimony of Mr. Brendan Hughes. It was riveting and revealing in respect of what occurred in the early 1970s in Northern Ireland. It referred to the various divisions within the Provisional movement. If there had been more up-front honesty from the Provisionals-Sinn Féin movement and the truth had been told much earlier in regard to the disappeared, in particular, we might not now be at this juncture. I am anxious to ascertain the Government's position on this. I ask the Sinn Féin leaders or those whom they may know within the defunct Provisional IRA movement to co-operate with the PSNI in the investigation in order to enable closure for the families concerned.

Will the Minister of State outline what he believes to be the implications of the judgment for the papers handed over to Boston College in regard to the decommissioning body of Mr. John de Chastelain? Has the Government any cause to review the decision to send the papers of the body to the US State Department and Boston College?

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): I have been asked by the Tánaiste to deal with the issue of the Boston College archive, as raised by Deputy Martin.

Let me set out the background to the case. In March 2011, the British Government, acting on behalf of the Police Service of Northern Ireland, PSNI, initiated proceedings with the US Department of Justice under the Mutual Legal Assistance Treaty between the two countries. These legal proceedings led to a subpoenaing of a collection of archived interviews being held in Boston College. The archives are part of the Belfast Project, involving an oral history of republican and loyalist paramilitaries deposited in the Burns Library at the college.

The initial subpoena related to the interviews of Ms Dolours Price and Mr. Brendan Hughes, two former members of the Provisional IRA. A second subpoena was issued seeking "any and all interviews containing information about the abduction and death of Ms Jean McConville", one of the disappeared victims of the Provisional IRA.

Two legal challenges were launched by Boston College and separately by Mr. McIntyre and Mr. Moloney to quash the subpoenas. Mr. McIntyre and Mr. Moloney argued that the British Government had made a "solemn promise" that it would not "reopen issues addressed in the

[Deputy Joe Costello.]

Belfast Agreement, or impede any further efforts to resolve the conflict in Northern Ireland”. In December 2011, these challenges were dismissed by US District Court judge William Young. Following this review, the judge’s order that all relevant materials be handed over to the British Government was delayed following further legal efforts by Mr. McIntyre and Mr. Moloney. Last Friday, 6 July, the US Federal Court of Appeals for the First Circuit turned down their appeal. As matters stand, this means the archived material must be handed over by Boston College to the US authorities for onward transmission to their British counterparts. However, Mr. Moloney and Mr. McIntyre are considering a motion for a re-hearing of the case. They also continue to keep their legal options open in the Belfast courts.

Last February, the Tánaiste told the House in reply to a parliamentary question that as the issue of the archive was currently the subject of ongoing legal proceedings before the courts in the United States, it would be inappropriate for the Government to comment on the matter at that time.

On 23 January 2012, Senator John Kerry, chairman of the US Senate Committee on Foreign Relations wrote to Secretary of State Clinton to warn of the danger that the subpoena might “upset the delicate balance that has kept the peace” in Northern Ireland and asked that she “work with the British authorities to reconsider the path they have chosen and revoke their request”. Other prominent Irish Americans have agreed with Senator Kerry’s assessment.

The Deputy will appreciate that a number of factors inform the Government’s views on this matter. The issue is subject to a mutual legal assistance treaty between the US and British Governments. As Senator Kerry and others have said, the issue undoubtedly has the potential to make an impact on the peace process. However, in the Government’s view, the peace process is sufficiently firmly bedded down to enable it to withstand whatever pressures may emerge from time to time. The issue also has a bearing on how we deal with the past generally. We know the pain and hurt of victims, including that of the McConville family, never cease. We need to find sensitive ways of dealing with the past that meet the needs of victims and the bereaved.

Clearly, the case is a matter that the courts in the United States have spoken on and may do so again, as may the courts in Northern Ireland. Officials of the Department of Foreign Affairs and Trade, in addition to those of the Department of Justice and Equality, will continue to monitor closely any further developments.

Deputy Micheál Martin: I accept the Minister of State’s statement that the Government’s view is that the peace process is sufficiently firmly bedded down to enable it to withstand whatever pressures are brought to bear upon it. Increasingly, however, the needs of victims and the bereaved are surfacing, on all sides. Issues are surfacing through the historical inquiries team, with some very limited success in some cases and with some degree of closure in others. Up-front honesty has been singularly lacking from all concerned regarding the disappeared of the McConville family. There is a very clear case for this issue to be addressed.

Will the Minister of State indicate whether he or the Minister for Justice and Equality intends to meet Mr. McIntyre and Mr. Moloney to discuss their circumstances, bearing in mind the fears they have expressed? To be fair to them, they embarked on the project in a genuine way. One might say they believed, perhaps naïvely, in the legal guarantees they received. I accept, on balance, the need to have this issue pursued to secure justice for the McConville family. Perhaps it might be short-circuited if people could indicate what occurred and how it happened so that the McConville family could be given closure. It was a disgraceful and unacceptable action that bore no relation to any degree of civility by any definition or yardstick. It is a stain on the country and the provisional movement in particular.

The Minister of State mentioned that the Government knew that victims' pain and hurt never ceased and that sensitive ways of dealing with the issue needed to be found. Those ways have eluded us because all parties to the situation, some more than others, proposed solutions that they knew would not travel on the other side, allowing them the facade of being interested in an international oversight body when they knew full well that it would never come about.

Despite the best efforts of the Eames-Bradley process, people could not be pulled together in this regard. As part of the agenda, there is a desire to bring closure to the many families who suffered unspeakable losses as a result of the murder and mayhem of the years in question.

Deputy Joe Costello: The needs of the victims, including in the tragic Jean McConville case, are the Government's priority consideration. The Government has been seeking all mechanisms to provide reconciliation and effect closure. The Minister for Justice and Equality and the Tánaiste will continue to monitor the proceedings in question. There may be a rehearing of the case, which is the option being retained by Mr. Moloney and Mr. McIntyre. They also retain the option of going to the courts in Belfast.

I did not answer the Deputy's question on decommissioning. This matter has been addressed under the Vienna convention. None of the material that is also deposited in the Boston College can be accessed until 2041. It is out of the hands of the British Government and the Irish authorities. The material can only be accessed on the request of either of those authorities.

Insurance Industry

Deputy Derek Keating: Late on the night of Sunday, 5 November 2000 and early the next morning is a time that I will not forget for the rest of my life. I was with residents in estates in Lucan in my constituency and I remember the looks of horror on their faces as they tried to save their homes, many of which were flooded by several feet of water. Twelve years have passed, €5 million has been invested and no further floodings have affected the area despite similar devastation in other cities, towns and homes throughout the country. Despite this, many insurance companies still deny insurance cover to the residents of the estates in question. This is wrong, given the investment and everything that has occurred since 2000. Will the Minister of State ask the Irish Insurance Federation, IIF, to tell its members not to discriminate against these residents? They should not be denied flood cover in 2012.

Deputy Aodhán Ó Ríordáin: I have raised this matter with the Minister of State, Deputy Brian Hayes, previously and he has engaged with the IIF, but not enough is being done. Last night, I met residents in the Artane area who were still suffering the consequences of floods in 2008 and 2009 and on 24 October 2011. If one cannot get house insurance, one's home is effectively worthless, as no incoming buyer can get a mortgage without house insurance.

This situation is out of the control of residents. Many of the areas were not affected in the 2002 Dublin floods and whatever has since occurred is probably a question for the local authority, but the residents are unable to get flood insurance for their homes. Will the Minister of State ask the IIF to engage more readily with local authorities in finding solutions to the flooding problems that clearly still exist? This is not just a local constituency issue, given the fact that the situation in Cork is on many people's minds as well. The problem affects other constituencies. The city council does not seem to be undertaking a process to reach a solution in respect of the River Naniken in Artane. Will the Minister of State update us on the councils' negotiations with the IIF? Residents need house insurance if their homes are not to be made worthless by a situation that is beyond their control.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I thank the Deputies for raising an important issue. I apologise on behalf of the Minister for

[Deputy John Perry.]

Finance, Deputy Noonan, who is unable to attend. At the outset, I express my sympathy to anybody whose home or business was flooded in recent weeks. It is a difficult time for such people and the House will be aware that the Department of Social Protection is providing individuals with emergency payments to offset immediate needs, for example, assistance with the purchase of food, clothing, fuel and household goods. A number of community welfare service clinics operating in the Cork area have extended their opening hours, providing an additional emergency service. This has been supplemented by facilitating clients by appointments and making house calls to those in affected areas.

Regarding the substantive issue of the provision of new flood cover or the renewal of existing flood cover, it should be noted that this is a commercial matter for insurance companies and must be based on a proper assessment of the risks that they are accepting. These are often considered on a case-by-case basis and it is important to be clear that neither the Government nor the Central Bank has any influence in this regard. The Central Bank's consumer protection code contains no provisions that compel an insurance company to accept a particular insurance risk.

The IIF has advised me that flood insurance cover is available to approximately 98% of householders. The IIF has indicated that, when making an underwriting decision, an insurer reviews a property's claims history and any flood protection measure implemented by the Office of Public Works or local authority. As a result, some people will pay a higher premium because the flood risk is higher or will have a higher flood excess on their policies. According to the IIF, insurers try to provide flood cover wherever possible. However, it makes the point that flood insurance is sometimes not economically viable and, in the interests of keeping premiums affordable for policyholders in general, insurers decline flood cover for new business for some risks or in certain cases need to withdraw flood cover at renewal.

Due to the difficulties currently being experienced by householders in certain areas in accessing flood insurance, the Minister of State, Deputy Brian Hayes, and his officials in the OPW have had a number of meetings with the IIF. These discussions have allowed a sharing of information and better understanding about the scope and scale of the work undertaken by the OPW on its flood risk management programme and, in particular, on the mapping of areas subject to flood risk nationally, which will emerge from the OPW's catchment flood risk assessment and management, CFRAM, programme. This work is being undertaken on the OPW's behalf by specialist consultants and is organised into six regional or catchment areas. These comprehensive studies will recommend an integrated management plan and prioritised measures to address flood problems in areas where there is significant risk. As the Deputies will be aware, a programme of flood relief work is also ongoing around the country.

Part of the discussions have focused on how the insurance industry could best address the issue of the provision of flood insurance where incidences of difficulties in obtaining flood insurance are being raised. The industry maintains that the incidence rate represents a small element of its business and that, where difficulties arise, the causes are complex, with each case being assessed in light of the particular circumstances applying. The OPW and the IIF are keen to establish an ongoing means of sharing information on areas vulnerable to flooding, on identifying flood defence works carried out or funded by the OPW and on the impact of those works in reducing the risk of flooding in areas where flooding previously occurred.

Work is continuing on this matter and a number of issues remain to be clarified with a view to agreeing with the Irish Insurance Federation a viable basis on which information can be provided. There are complex technical issues involved concerning the design standards and risk levels of defence works and maintenance arrangements.

Deputy Derek Keating: I thank the Minister of State for the quite comprehensive reply, although he will not be too surprised to hear that I am not happy with the Irish Insurance Federation's indication that when making underwriting decisions, it considers the claims history of property and flood protection measures implemented by the Office of Public Works and the local authorities. In my own constituency, approximately €5 million was invested and the success of those works has been shown over the past 12 years when many other cities, towns, villages and homes throughout the country have been devastated. Nevertheless, there are people in estates whose homes were flooded once 12 years ago — the homes were built on flood plains — but investment was made and the works have been successful, and these people are still being denied flood cover.

Will the Minister of State relay my concerns to the Minister of State at the Department of Finance, Deputy Brian Hayes? Will he pay me the courtesy of a visit so I can show him the works that have been done? I still need to revert to the IIF and demonstrate my unhappiness with that element of the reply.

Deputy Aodhán Ó Ríordáin: The indication is that the IIF, while making underwriting decisions on insurance, considers the claims history of the property and any flood protection measures implemented by the Office of Public Works, OPW, and local authorities. Clanmoyle Road in Donnycarney is an example in my constituency and I am quite sure it is replicated nationwide. Extensive works have been done by the city council but the position has not changed for those householders. The council has indicated to me that a hydraulic analysis of the River Naniken is required but there is no funding to do it. What happens then? Works are required but there are no funds, although applications have been made to the OPW with little success. What is the householder to do when there is a need identified by the city council but works have not been carried out and people are left with no home insurance?

I ask the Minister of State to engage again with the insurance federation, the local authorities and the Office of Public Works to ensure that any identified needs necessary to expedite this problem can be carried out. When a process is place, the works can be presented to the Irish Insurance Federation. This cannot carry on and residents in my constituency and throughout the country should not be looking at dark clouds and wondering if the problem will happen again. That is the exactly what is happening in my constituency and I am sure it is the same in other Deputies' areas.

Deputy John Perry: The OPW has informed me that the flood alleviation works on the River Griffeen in Lucan were carried out by South Dublin County Council and completed in 2006. The initial phase of the works was funded by the council and the final phase was funded by the Department of the Environment, Community and Local Government. The council has indicated that the works were completed satisfactorily and it is unaware of any continuing flooding issue in Lucan since the works were completed. I am happy to relay the Deputy's request to meet the Minister of State at the Department of Finance, Deputy Brian Hayes, and I am certain he will visit the site and speak directly to Deputy Keating. I have asked the OPW to follow up with South Dublin County Council and the insurance industry as part of ongoing discussions. A meeting with representatives of the IIF involving everybody might be a good way to follow up.

The previous Administration examined the introduction of a scheme to protect householders who cannot obtain household insurance from regular insurance bodies due to flooding risk. This approach was not considered financially viable as it was believed that over time it would incentivise the industry to discontinue the provision of cover in medium and high risk areas, thus making the cost of such a scheme prohibitive. In the current economic circumstances there are no proposals for a State indemnification scheme.

[Deputy John Perry.]

The OPW allocation for flood risk management for 2012 is €45 million, with a further €17 million provided for maintenance of completed arterial drainage schemes. The EU floods directive requires that the catchment flood risk assessment and management study, CFRAMS, be completed by the end of December 2015. I will bring the concerns of both Deputies to the attention of the Minister of State, Deputy Hayes, and I ask them to sit down with representatives of the OPW and arrange for the Minister of State to visit the affected sites.

Schools Building Projects

Deputy Paul J. Connaughton: I thank the Ceann Comhairle and his staff for the opportunity to raise this very important issue. Last week, it was announced that the European Investment Bank, EIB, is to provide a €100 million loan to support the Department of Education and Skills capital investment programme. This programme, worth €1.5 billion, will see a number of major school building projects commence between now and 2016. It is anticipated that the €100 million loan being provided by the EIB will be used in the construction and upgrading of 35 primary and 12 second level schools around the country.

I will address the issue of the Holy Rosary College in Mountbellew, County Galway, and restate the need for this grossly overcrowded secondary school to be given the go-ahead for a new school building. It is 12 years since the project got under way and staff, students and parents connected to the school have been understandably frustrated by the significant delay in bringing this project to fruition. News that the school is not on the five-year programme has frustrated school authorities even further, given the current state of the school in terms of student numbers.

Holy Rosary College in Mountbellew was established almost half a century ago and the current school building is designed to cater for 350 students; the school currently caters for 550 students, leading to significant logistical problems for staff. Recent school building programmes were decided on the basis of projected population growth but this growth has already happened in Mountbellew and a new school building programme is urgently required. The Department has previously recognised this population growth in the local area, with the local national school — St. Mary's national school — recently extended and expected to cater for increased pupil numbers in the coming years. Crèche and Montessori facilities within the town now have waiting lists, proving that the number of young people using schools in Mountbellew is increasing, and hence the need for a new school building.

The significant overcrowding in Holy Rosary College in Mountbellew has had significant repercussions for the students attending the school. It currently has no proper gym, which is completely unacceptable for any secondary school, and especially at a time when young people are being encouraged to increase activity levels and the Government is introducing a variety of programmes aimed at tackling childhood obesity. Boosting the capacity of Irish students in the sciences is another goal of the Government and students at Holy Rosary College in Mountbellew do not have the science labs required for studying science in the 21st century. That also must be addressed as a priority.

I accept there are major budgetary concerns across all Departments but the students and staff at Holy Rosary College deserve a new school building. With that in mind, I ask the Minister that in the event of any delay being experienced with other projects in the five-year programme, Holy Rosary College would be considered the first substitute on the list. I also ask that if additional funding comes to the Department, it should be used for school building in the coming years.

Minister for Education and Skills (Deputy Ruairí Quinn): I thank the Deputy for raising this matter as it allows me to clarify the current position of the proposed building project for Holy Rosary College, Mountbellew, County Galway, in the context of the Government's strategy for capital investment in school building projects over the next five years. To ensure every child has access to a school place, the delivery of projects to meet future demographic demands nationally will be the main focus for capital investment in schools over the coming years. The five-year construction programme outlines when 275 selected major projects will progress to construction over the next five years as part of a €2 billion capital investment programme. Those projects will account for most of the capital funding available from now until 2016.

Total enrolment is expected to grow by around 70,000 students between now and 2018, which is just six years away. This will involve an increase of over 45,000 pupils at primary level and 25,000 students at post-primary level. Holy Rosary College Mountbellew is in the Castleblakeney and Mountbellew post-primary feeder area. There are also two other post-primary schools in the feeder area, namely St. Cuan's College, Castleblakeney, and Coláiste an Chreagáin, Mountbellew.

At post-primary level, the total enrolments for the area have been relatively stable over the past decade. The enrolments for 2011 and 2012 stood at 834 pupils across the three schools. Based on the current intake pattern for the schools, the Department has projected that enrolments will remain stable with a predicted total enrolment figure of 816 by 2023.

The proposed building project at Holy Rosary College is to provide accommodation for a long-term projected enrolment of 550 pupils. Enrolment in the school in September 2011 was at 547 pupils. The brief includes the provision of a PE hall, a language lab, a computer room, a music and drama area, a religion room and other ancillary accommodation. Some refurbishment of the existing school building also forms part of the brief. The building project has completed the design stages of architectural planning and remains available to be considered for progression to tender and construction should additional funding become available to the Department in future years.

The stage 2(b) submission, which includes full detailed design and tender documents, was approved by my Department on 30 November 2011. However, due to the competing demands on the Department's capital budget imposed by the need to prioritise the limited funding available for the provision of additional school accommodation to meet increasing demographic requirements, it was not possible to include the project for Holy Rosary College in the five year construction programme announced in March.

All school building projects which have not been included in the five year construction programme, but which were previously announced for inclusion in the building programme, will continue to be progressed to final planning stages in anticipation of the possibility of further funds being available to the Department in future years. The project for Holy Rosary College remains available to be considered for progression in this context. However, it is not possible at this time to progress the project to tender and construction stage. I thank the Deputy for raising the matter with me.

Deputy Paul J. Connaughton: I thank the Minister for his reply and I understand everything he has gone through and the restrictions on the Department. However, I reiterate that the school is built to cater for only 350 students and now caters for 550 students. It is the school I and all my family attended and I am very grateful for the education I received there. Since then the numbers have increased. When the project initially began 12 years ago I was completing my leaving certificate; this is how long ago it began. At that stage the Department told the school it should seek a new school building due to the increase in numbers then. I recognise the fact

[Deputy Paul J. Connaughton.]

that the numbers are stable at present. However, the growth has already occurred in Mountbellew and this needs to be recognised.

If another school is unable to fulfil its promise to build a school in the next five years would Holy Rosary College be considered at the top of the list? If any funding becomes available to the Department in the coming years, the parents, students and people of Mountbellew and surrounding areas would like to ensure it would mean Holy Rosary College would be at the top of the list. I extended an invitation to the Minister at any opportunity he has to visit the school to see the cramped conditions. I would be very grateful for any support the Department can give the school in the coming years.

Deputy Ruairí Quinn: Recent birth rate data published by the CSO shows almost 20,000 births were registered in the first quarter of 2011. This is the highest number of births registered in a quarter since the series began in 1960. It is vital the schooling system is prepared to cope with these increasing numbers. Therefore, the Government's priority over the next five years will have to be focused on major school projects to meet these increasing demographic demands. As such enrolment increases are not uniformly distributed nationally, the Department has carried out a study of the country using data from the Central Statistics Office, the General Registry Office and the Department of Social Protection in addition to recent schools enrolment data to identify areas in which there will be sufficient future enrolment increases. The information used is the most accurate and up-to-date available.

The five year programme is primarily focused on meeting increasing demographic needs. In this context it has not been possible to advance all applications for capital funding concurrently. However, it is my intention that all school building projects, including in particular the project for Holy Rosary College, will continue to be advanced incrementally over time in the context of the funding available. However, in light of current competing demands on the Department's capital budget it is not possible at this time. If additional funds become available, and the increase in demand to which Deputy Connaughton referred in his comments can be sustained and demonstrated, I will certainly examine ensuring that Holy Rosary College moves into a space that would be created if another school project does not go ahead.

Coast Guard Stations

Deputy Pádraig Mac Lochlainn: Very serious concerns exist in the north west at the suggestion the Malin Head Coast Guard station and marine rescue sub-centre could be closed. As the Minister of State may know, a very serious campaign was run a number of years ago when there was a threat to the stations at Malin Head and Valentia. The community across the north west including the fishing community and all of the public representatives in the region on a cross-Border basis argued the case for Malin Head and its 100 year history of service to be sustained.

Yet another report has been published, this one from Fisher Associates, recommending the closure of Malin Head. The public representatives in Donegal and the north west will ask for this recommendation to be rejected immediately. There is no logic to it in terms of savings. At present a major investment is under way at Malin Head which will be completed and open soon. Malin Head, Valentia and Dublin have the capacity to deliver all that is required. In real terms, the recommendations of the report would probably mean saving one job or two at most. A statement needs to be made urgently reassuring people in the north west our long campaign to save Malin Head does not need to be reopened. The Minister of State should be very clear that the people of the north west will fight like tigers to defend Malin Head. The fishing community and all of the representatives in the region will not accept any suggestion that the

centre be closed. We have been neglected enough and there is no way we will accept any such suggestion without one hell of a fight.

Deputy Charlie McConalogue: There is much concern in Donegal, particularly in the Malin area, since the publication of the Fisher report last Friday. A battle was fought in recent years in which it was made clear to the Government that Malin Head Coast Guard station, with a reputation of saving lives and making safe the waters around the country, is crucial infrastructure and a crucial service. In 2008, when the campaign concluded it was made clear the three stations, namely, Malin Head, Valentia and Dublin, would continue. Unfortunately, the Fisher report published last Friday indicates we should move to a two centre model and preferred Valentia. If it is the intention of the Government to safeguard the future of Malin Head Coast Guard station, it is important that it builds on the investment being made in the station at present and gives strong assurance today that will bring certainty to the future of the station and allay the concerns people have following the publication of the report.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): I thank both Deputies for their question. I will take this matter on behalf of the Minister, Deputy Varadkar.

As part of the Croke Park agreement, the Department of Transport, Tourism and Sport engaged a specialist international maritime transport management consultancy, Fisher Associates, to undertake value for money reviews of services provided by the Irish Coast Guard and the Marine Survey Office. These reports were published by the Department on Thursday last, 5 July 2012.

The Irish Coast Guard and the Marine Survey Office are internal divisions of the Department of Transport, Tourism and Sport and are not separate statutory agencies. Taken together the reports call for a comprehensive integrated programme of work to enhance maritime safety and emergency response services. Among the issues identified by Fisher Associates that need to be addressed on a priority basis is the need for Ireland's capacity to prepare for and respond to major oil pollution incidents to be enhanced.

More support is needed for the volunteers in our coastal rescue units, particularly in the areas of improved training courses, oversight and supervision, day-to-day management, and risk and quality control. Significant backlogs in transposing legislative provisions into Irish law need to be addressed and additional inspection obligations also need to be addressed. Improved administrative and IT systems are needed to support delivery of services and the development of management and accountability systems across the maritime safety services. The report by Fisher Associates also concluded that such systems would contribute to alleviating staff shortages and recommended that realistic fees should be charged for the services provided by the MSO. There is a need for improved risk management and for periodic reviews and auditing of operational arrangements. The reports also call for improved communications both internally and with stakeholders and other partners for enhanced service delivery.

The Minister has informed the Government that the issues raised in the reports will be examined by the Department and that he proposes to present an action plan to Government in October, addressing the deficiencies identified. The issues that have been identified in the reports for action are serious and must be addressed, particularly those relating to oil pollution response capacity and volunteer training and management. However, the Minister has made it clear that he does not propose to accept or reject any of the recommendations proposed by the Fisher reports at this stage. Furthermore, no decisions have been taken at this time on these matters.

[Deputy Alan Kelly.]

In preparing the action plan, the Department will assess each recommendation and will prioritise actions to address the deficiencies. That process will call for tough decisions to be made. However, it is important to recognise that resources available to the maritime services are very limited and must be deployed on a prioritised basis and as effectively and efficiently as possible to address the most urgent needs. Having robust and efficient maritime safety regulatory arrangements and emergency response services in place will be crucial also for the development of shipping, trade and employment, which have a key role to play in Ireland's economic recovery.

I want to take this opportunity to inform the House that new communications systems are currently being installed in the Malin Head centre, which has been closed since May, as part of a general upgrading of communications systems infrastructure nationally and in the three coast guard centres. It is expected that the upgrade work will be completed next month and the Malin centre will reopen at that time.

Deputy Pádraig Mac Lochlainn: I thank the Minister of State for his response. In 2003 another serious consultancy, Deloitte and Touche, published a report which recommended that Malin Head and Valentia remain open and Dublin be closed. However, what has happened is that the Dublin centre has been sustained and upgraded, while we had to fight like tigers for Malin Head and Valentia. We will do the same again.

I welcome the recent substantial investment in Malin Head and welcome the fact the centre will reopen soon. However, I want an assurance from the Government today, or as soon as possible, that Malin Head will not be closed, as recommended here. That recommendation is causing great alarm across the north west. It is not just about having the telecommunications infrastructure, but about having local knowledge and an understanding of the culture, geography, locations and names that occur. Operators in Malin Head would understand these. The station in Malin Head is of huge importance for our region. We fought for it before and thought the issue had been put to bed forever.

We thought the investment in Malin Head was a clear signal that everything there would remain, but now we have this report. We need an assurance, as soon as possible, that the Government will not accept the recommendation to close Malin Head and will not deal another blow to the north west. We have never needed this station more and need a vote of confidence from the Government. We have had setbacks in the north west. For example, the Derry to Dublin air link was not supported by the Government and it has pulled back from the A5 project. Thankfully, however, the Northern Executive has honoured the A5 project and it will go ahead. We need no further setbacks from the Government. It has the opportunity now to do the right thing and to make it clear that Malin Head coast guard station will remain.

Deputy Charlie McConalogue: I welcome the fact that investment is ongoing in new communications equipment at Malin Head Coast Guard station. This is important to ensure the future of the station and was taken as a strong indication the station's future was secure. It is important this investment is happening because we can build on that and ensure the station is up to speed and is developed with modern technology that will ensure it can continue to carry out the job it has done so well over the years.

A part of the Minister of State's response will cause great concern for people in the north Donegal area and those involved in maritime issues across the north west. That concern relates to the statement that the process currently being considered "will call for tough decisions to be made". That indicates there may be a question over the continuation of Malin Head Coast guard station. Currently, the station works very well and performs an important function. We

had a strong fight for its continuance four years ago and we believed then it was safe. A strong fight will take place again if necessary. I will work with all my colleagues and with Deputy Mac Lochlainn on this, as will other politicians in the area, to ensure the importance of this station is emphasised to the Minister of State.

I see no rationale in the report for anything other than continuing the operation of the Malin Head station. I ask the Minister of State again to give an assurance that there is no question mark over it and that the performance and job carried out by the station is valued and will continue to be valued and to provide the service it has provided so well for many years from Malin Head.

Deputy Alan Kelly: I thank the Deputies for their comments. Although they did not mention them, I take it that they accept the many other recommendations made in the report with regard to training and upgrading of volunteers, which are necessary. I take it they also accept the recommendations regarding risk reviews and the need for a programme of work in the area of pollution control and measures to be taken where there is potential for serious incidents.

Significant investment has been made in the Malin Head station and the OPW has signed contractual commitments to the value of €63,000 for renovation of the building. This will see the centre rewired, new flooring installed and a general clean-up. The Department has also spent €40,000 on communications architecture and associated works in recent times. All of this work will be completed in August.

I wish to make it clear that none of the recommendations, in particular the one raised by the Deputies, has been either accepted or rejected by the Department. Sometimes people think decisions are already made, but there is no predefined decision in this regard. Decisions will be made on the recommendations over the next number of months, with a view to completion by October.

Constitutional Convention: Motion

The Taoiseach: I move:

That Dáil Éireann:

approves the calling of a Convention on the Constitution to consider the following matters and to make such recommendations as it sees fit and report to the Houses of the Oireachtas:

(i) reducing the Presidential term of office to five years and aligning it with the local and European elections;

(ii) reducing the voting age to 17;

(iii) review of the Dáil electoral system;

(iv) giving citizens resident outside the State the right to vote in Presidential elections at Irish embassies, or otherwise;

(v) provision for same-sex marriage;

(vi) amending the clause on the role of women in the home and encouraging greater participation of women in public life;

(vii) increasing the participation of women in politics;

(viii) removal of the offence of blasphemy from the Constitution; and

[The Taoiseach.]

(ix) following completion of the above reports, such other relevant constitutional amendments that may be recommended by it; and

notes that:

- membership of the Convention will consist of 100 persons as follows:
- a Chairperson to be appointed by the Government;
- 66 citizens entitled to vote at a referendum, randomly selected so as to be broadly representative of Irish society;
- a member of the Northern Ireland Assembly from each of the political parties in the Assembly which accepts an invitation from the Government; and
- members of the Houses of the Oireachtas, so as to be impartially representative of the Houses;
- substitutes may be appointed subject to the selection criteria above, who will be entitled to contribute to the proceedings and vote in their own name;
- the Convention will agree its own rules of procedure for the effective conduct of its business in as economical manner as possible;
- the Convention will have appropriate regard to the Good Friday Agreement and the St. Andrews Agreement;
- not later than two months from the date of the first public hearing held by the Convention, the Convention will make a report and recommendation to the Houses of the Oireachtas on each of the matters set out at (i) and (ii) above;
- the Convention will report and make recommendations to the Houses of the Oireachtas on each remaining matter as soon as it has completed its deliberations, but in any event not later than one year from the date of the first public hearing;
- the Convention may invite and accept submissions from interested bodies and will seek such expert advice as it considers desirable;
- all matters before the Convention will be determined by a majority of the votes of members present and voting, other than the Chairperson who will have a casting vote in the case of an equality of votes; and
- the Government will provide in the Oireachtas a response to each recommendation of the Convention within four months and, if accepting the recommendation, will indicate the timeframe it envisages for the holding of any related referendum.

The motion before the House in my name and that of the Tánaiste fulfils the promise in the programme for Government to establish a constitutional convention. The setting up of the convention is an important and exciting step in a process to better equip our Constitution to meet the challenges of the 21st century.

From the outset, it has been the Government's intention that the convention should be founded on a number of principles. It should be innovative, independent, and influential. The establishment of the convention represents an innovative approach to examining constitutional

reform, one that has never been tried before in this country. It is true that there have previously been committees to examine constitutional reform, both generally and on specific matters, but this convention will be radically different. In addition to elected representatives, the constitutional convention will comprise ordinary citizens, who will be considerably in the majority. This important innovation will ensure that, for the first time in this State, both the legislators who bring forward proposals for constitutional reform and the citizens who decide on the merits or otherwise of those proposals will jointly and publicly consider whether constitutional reform is necessary or desirable.

The second principle underpinning the setting up of the convention is that it should be independent of Government. Resolutions of both Houses of the Oireachtas will approve its establishment and it will report back directly to the Houses.

The independence of the convention will be further demonstrated by the manner in which the citizen members will be selected. They will be randomly selected, using the electoral register, to be representative of society generally. A polling company will be engaged to select 66 people on the electoral register to be members of the convention on the basis that the persons selected are representative of the population generally in terms of gender, age, social class and region. I strongly urge anyone who is contacted to take the opportunity to participate in this exciting and historic initiative. As Deputies will be aware, legislation will be required to use the electoral register for this purpose and that legislation is being brought before the House by my colleague, the Minister for the Environment, Community and Local Government. The selection of the public members will be overseen by the chairperson of the convention.

In the spirit of inclusiveness, the 33 elected representatives to the convention will include a parliamentarian from each of the parties represented in the Northern Ireland Assembly which accept an invitation from the Government to participate in the convention's work. The invitations will issue once the Dáil and Seanad have passed the convention resolutions.

The chairperson will also be independent and will be pivotal to the success of the convention. In view of this crucial role, an exceptional person will be needed, combining very high levels of public acceptability, known fair-mindedness, effective chairmanship skills and knowledge of the Constitution and law. The ability to arrive at workable solutions, while ensuring as far as possible that all participants get a fair hearing, will also be crucial. In view of the importance of this position, I invited representatives of the Opposition parties to put forward possible names when I consulted them on the arrangements for the convention. The Tánaiste and I expect to announce the chairperson shortly.

The third principle underpinning the setting up of the constitutional convention is that it must be influential. This can only be achieved if its recommendations are responded to in an appropriate and timely manner. One of the main criticisms of previous attempts to initiate constitutional reform was that after much excellent work by, for example, various Oireachtas committees and the constitutional review group, their reports were not acted upon and, to use the well-worn phrase, they were left to gather dust on the shelf. The Government recognises that unless the reports the convention produces are responded to quickly, the convention and, indeed, the very process on which we have embarked will be called into question.

I wish to give a formal commitment to the House that the Government will give a public response, through the Oireachtas, to each recommendation from the convention within four months. We will arrange for a debate in the Oireachtas on that response in each case and, in the event that the Government accepts a recommendation that the Constitution be amended, the Government's public response will include a timeframe for the holding of the referendum. This goes considerably further than any previous Government has gone and, I think, fully

[The Taoiseach.]

demonstrates the extent of our commitment to this new and innovative approach to constitutional reform. Before making its response, the Government will, of course, fulfil the obligation that every Government has in considering proposals for constitutional reform — first, to consider the proposal itself carefully and, second, to ensure as far as possible that the aim of the proposal is achieved without this leading to unintended consequences.

The topics which the convention will consider are set out in the resolution. They include institutional matters, such as the review of the Dáil electoral system, as well as important social issues, such as the greater participation of women in public life, and same-sex marriage. There has been some criticism that the work programme for the convention does not go far enough and that it should encompass even more comprehensive reform. The Government remains of the view that the work programme outlined in the resolution is appropriate. The issues that will be before the convention are not light matters. In this context, it should also be borne in mind that the establishment of the convention will complement the Government's overall programme of constitutional reform, some of which has already been put to the people in referendums. As Deputies will be aware, proposals for further referendums are being prepared on an important social issue, children's rights, and on a key political and institutional change, the abolition of the Seanad.

I have no doubt that the full programme of constitutional reform which will be put to the people over the lifetime of this Government will be the most comprehensive in many years. However, to show that the Government is prepared to consider calls for an even more comprehensive work programme for the convention, we are prepared to consider whether other topics could be considered at a later date. We will review this in the light of experience and the Tánaiste and I will consult with Opposition representatives and the chairperson of the convention at the appropriate time.

The inclusion of additional topics could, of course, have implications for the timeframe within which the convention must complete its work. Indeed, concerns have already been expressed that the convention will have insufficient time to complete the work programme outlined in the resolution before the House. The Government is of the view that the timeframe proposed in the resolution is appropriate for the convention's proposed work programme. However, we are prepared to review the timeframe in the light of experience and, indeed, any future changes to the convention's work programme and we will undertake this review in consultation with representatives of the Opposition parties.

The Good Friday Agreement and the St. Andrews Agreement are fundamental to the changed relationships on the island of Ireland and between Ireland and Britain. It is wholly appropriate, therefore, that elected representatives of the different traditions in Northern Ireland should be enabled to participate in the work of the convention which will, as the resolution states, have appropriate regard to the principles enshrined in the Good Friday and St. Andrews Agreements.

The Government is conscious of the views expressed that interest groups or specific sections of society should be represented at the convention. Vulnerable, disadvantaged or marginalised groups, children, people from Northern Ireland, especially Northern Unionists, the diaspora and Ireland's newest citizens are some of the groups mentioned. The Government is firmly of the view that the convention should be composed of ordinary citizens and elected representatives. It is simply not practical to accommodate in a fair and representative manner all of the groups or sections of society that have been proposed. However, it is anticipated that interest groups and non-governmental organisations will be able to interact with the convention, including by making submissions. Indeed, we would expect that the chairperson and other members of the convention will be anxious to hear from a representative spectrum of opinion in carrying

out their work. The Government also hopes that there will be active engagement with the diaspora. The constitutional convention will be a transparent and an interactive forum. It is important that ordinary citizens can not only contribute to the work of the convention but can also see how their contribution fits into its overall deliberations.

The success of the convention will depend to a large extent on the level of engagement with the general public and I would like to take this opportunity to encourage citizens to contribute to the debate. I have no doubt the convention itself will be anxious to hear from all strands of opinion at home and abroad. To facilitate as wide an engagement as possible, it is expected that much of the convention's work will be done via a new website which I understand will be launched shortly. It is also planned to put the convention's working papers and various submissions on this website and it is intended that plenary meetings of the convention will be webcast live.

It will be important that the convention has an appropriate range of supports to assist it in its work. The Government has put arrangements in train to provide a secretariat from within existing resources. While the secretariat will be relatively small, the issue of whether young unemployed people could be given an opportunity to work on the convention, for example, through the JobBridge programme, will be considered.

The wide-ranging nature of the topics to be considered by the convention is likely to require a significant amount of work for the members. An expert advisory group will assist the convention in its endeavours and will provide specialist guidance on the variety of issues to be examined. This support from leading academics, political scientists and constitutional lawyers will be an important factor in the success of the convention and I very much look forward to their contribution.

The changes experienced and challenges encountered by Irish society over recent years require an appropriate response. The putting in place of this innovative and exciting process for considering constitutional reform, one which directly involves our citizens, is a key part of the Government's response. On my behalf and that of the Tánaiste, I commend this resolution to the House.

Deputy Micheál Martin: One of the central messages conveyed by the people to every Member of this House last year was that they want a change in the way that politics is done in this country. They want us to focus on getting Ireland through to recovery, but they also demand that we implement wide-ranging and credible reform. This is a very clear challenge to us all and, in particular, to a Government which has an unprecedented majority. Success is easily defined, to identify and implement reforms which directly address the failings in our parliamentary, governmental and legal systems. The public were not asking for an abstract discussion, but a hard focus on measures to radically improve how public life works in Ireland.

Both Government parties were elected on clear platforms promising radical reform. They published extensive promises for specific reforms and a process of wider reform. They gave themselves no more than 12 months to refer the bulk of reforms to the public by means of referendums. Since then, the ambition has shrunk and the timetable has been formally abandoned.

The constitutional convention which will be adopted today is, in nearly all respects, the forum that emerged during negotiations between Fine Gael and the Labour Party to form the Government. It carries the title from the Labour Party manifesto, the membership from Fine Gael's and a narrower agenda than either promised. Discussions were held with the Opposition but only very minor changes have been made to the proposal.

[Deputy Micheál Martin.]

This motion was first promised as being imminent last March by the Taoiseach. He assured us of the urgency with which it was being considered. There has been no attempt whatsoever to start the process with a serious discussion of what the reform agenda should be focused on.

At this moment of continued economic crisis and with lost public faith in the role of politics, proposing to give priority to discussing the President's term of office and the voting age is worse than ridiculous. If the convention sticks to the core agenda insisted on by Government, it will not be able to deliver on the promise of real political reform.

The Government is proposing to try to avoid any serious discussion of its role and powers. What it appears to want from the convention is to be able to claim to be considering fundamental reform rather than actually doing anything about it.

It is now the well defined character of the Government that it hypes everything and makes claims about reform which do not stand up to even basic scrutiny. In the last year and a half Ministers have delivered hours of speeches about how they have reformed the Dáil, praising their own dedication and commitment in the process. In reality, the Dáil has gone backwards, with committees directly overseeing Departments more in the control of Government than ever, the Taoiseach undermining Question Time and the Government less likely than ever to engage with Opposition amendments. There has been no real reform, and if the Government's approach to this convention is continued there will be no reform.

Fianna Fáil supports the formation of a body such as this to discuss reform. We also proposed a citizens' assembly in our manifesto. However, we also endorsed giving it the ability to set its own priorities and directly take up the functioning of both the Oireachtas and the Government. The citizens' assembly is a good but not yet fully proven idea, so we also gave a clear commitment that the Oireachtas would be actively engaged in the discussion of reform on a cross-party basis. We support the establishment of the convention not because we agree with the Government's priorities, but because, once established, we will seek to get the support of its members to radically broaden the agenda. We will push for real reform to be considered.

The fact that the Government has no intention of letting the convention set a new pace for reform is shown clearly in the proposal that the Oireachtas will only get the opportunity to vote on its recommendations if the Government agrees. As proposed today by the Taoiseach and Tánaiste, there will be a radical new form of consultation with Irish society and then they will personally decide if the people will be allowed to vote on the proposals. How is this the way to show commitment to reform? The Government is, in effect, saying that it will be radical so long as it retains all of the powers and control it currently has.

The first thing we should do when establishing a body to review aspects of the Constitution is to acknowledge the strengths of Bunreacht na hÉireann, something that was absent from the Taoiseach's address. It is profoundly wrong to attack it in terms of its failure to reflect today's morality while ignoring when it was adopted. De Valera's Constitution is a profoundly democratic and republican document. At a time when much of the world was falling to extreme ideologies, it strengthened democracy and human rights here. For example, no other nation in the world in the 1930s adopted by referendum explicit constitutional protections for the Jewish community. It gave us a strengthened Judiciary which has used its independence to be a check on the power of the Executive far beyond the situation in other common law countries. It has also been an evolving document in many areas, successfully being used as the basis for asserting many rights not considered in 1937. Many of its biggest failings are not the failings of its drafters, but of the generations who have come since and have failed to update it.

The proposal before the House today sets out a series of areas to be prioritised by the convention. Given the tight timeframe, the appointment of the chairperson by Government

and the reliance of the convention on Government resources, it is clearly not the Government's intention that its work will go far beyond these measures.

The proposals relating to the electoral system and the participation of women in public life are the only ones that address any broad scale issues of political reform. However, in both cases they address how the Oireachtas is formed, not what it actually does. This again emerges from the Government parties' firm convictions that structural reforms are not required beyond the cosmetic.

At the convention and subsequently, we will be supporting a reform of the electoral system to one which allows for a mixture of local and national concerns to predominate. We will also be supporting changes in the Constitution which fully reflect the views of today rather than the 1930s on gender and public life.

The Presidency is the one institution of our State that has retained and even grown in its public standing. Each of our Heads of State has fulfilled the role of being a force for asserting shared values and rising above daily quarrels to understand what unites us. The Presidency is in no way broken so why we should prioritise a change to the term of office or aligning it with unrelated elections is not clear.

The extension of the franchise is a welcome idea which we also proposed last year. On reducing the voting age, this appears to be another example of taking up an idea while ignoring more important and urgent concerns. Surely the priority should be how we can get the third of people who have the franchise to use it before looking for ways to extend it? Eighteen is by far the dominant voting age in democracies. Austria recently reduced it. Does this issue need to be discussed at a convention? If the Oireachtas agreed on changing the age, it could be then put to the people. The voting age for local elections could, in fact, be changed by legislation. This matter does not need to be debated by the convention. I would have no objection to reducing the voting age to 17. Why not go ahead and put the issue to the people?

The constitutional provision relating to blasphemy is not something that would be on anyone's list of the most urgent reform issues. Fianna Fáil has held three regional meetings on the constitutional convention. All party members were nonplussed by the proposal to remove the reference to blasphemy from the Constitution. They wondered why the Government does not just go ahead and hold a referendum on the issue. Other more weighty structural issues of political reform need to be dealt with. The current blasphemy provision has not had the effect of inhibiting freedom of speech. This is an area where the convention should not allow itself to be rushed by the Government's deadline. Any change should be one which emerges from trying to build a consensus across our multi-denominational society.

The issue of same-sex marriage has been referred to the convention for the sole reason that Fine Gael and Labour were unable to agree a position. It is a disgraceful kick-to-touch, hoping to delay by years the moment when a decision should be taken. I have said many times that I support marriage equality. As a republican and as a believer in equality, I firmly believe that same-sex couples should be able to marry. Many people sincerely disagree with this. I respect that. They are entitled to their view and should be allowed to be heard. Whatever one's personal position on this issue, one thing is clear: the people have a right to decide this issue and to do so sooner rather than later. Referring this issue to the convention implies that there is a possibility that there will be no referendum on same-sex marriage during the lifetime of the Government.

The Government has a long list of referendums, such as abolishing the Seanad, which it says must happen no matter what. Today, the Taoiseach told the House that we are now looking at the latter half of 2013 for the abolition of the Seanad. Refusing to give the same commitment on the issue of same-sex marriage is completely unacceptable.

[Deputy Micheál Martin.]

Over the last year and a half the Taoiseach has repeatedly praised himself for being a tough man and a man of principle. The sad reality is that he would rather scramble over flower pots and hide from journalists than answer a simple question on where he stands on what is a basic social question, what the Tánaiste described as the civil rights issue of a generation. The idea that one cannot have an opinion if a matter is being discussed by the constitutional convention is nonsense. As things are, there is a growing belief that the Taoiseach will wait until a moment when the Government is embroiled in a crisis and will then try to distract everybody by finally agreeing to hold a referendum on marriage equality. I suggest that he cut out the delay, remove the issue from the convention and agree now to have the referendum on marriage equality which the people want.

If the convention sticks to Government's agenda it will consider how people get elected but not what they should do afterwards and it will consider a series of social issues but will not touch on the Government's powers. We will be seeking a more fundamental review which focuses in particular on how governments are formed and the relationship between Government and Oireachtas. If we are to build a system which can be strategic rather than short-termist, the Government will have to give up its complete dominance of the parliamentary agenda and government has to be opened up beyond a narrow range of people.

The Government will decide whether the Oireachtas gets to vote on what emerges from the convention. It is clearly the Government's intention to treat the recommendations as little more than an advisory report. If the convention is to offer any hope of working appropriately, its members must operate in the knowledge that their recommendations will be voted on. It would be unacceptable for the Government to choose what is to be voted on and the form in which the vote will be taken. If this is to be more than window dressing on a fast fading commitment to radical reform and consultation, then give us a commitment that the wider agenda will be supported rather than merely tolerated and that every recommendation will be voted on in exactly the form that the convention proposes.

Deputy Gerry Adams: I move amendment No. 1:

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

"approves the calling of a Convention on the Constitution that should determine matters and recommendations regarding constitutional change as it sees fit and to report to the Houses of Oireachtas;

proposes that matters for consideration by the Convention should include:

(i) reducing the Presidential term of office to five years and aligning it with the local and European elections;

(ii) reduction of the voting age;

(iii) review of the Dáil electoral system;

(iv) giving citizens resident outside the State the right to vote in Presidential elections and constitutional referenda;

(v) provision for same-sex marriage;

(vi) amending the clause on the role of women in the home and encouraging greater participation of women in public life;

- (vii) increasing the participation of women in politics;
- (viii) removal of the offence of blasphemy from the Constitution;
- (ix) the fundamental reform of Seanad Éireann; and
- (x) other relevant constitutional amendments that may be recommended by it;

recognises:

- that this Constitutional Convention must be fully inclusive in composition and use a participatory process, actively involving in particular:
 - the economically disadvantaged;
 - the socially marginalised;
 - Irish citizens from all provinces;
 - Unionists and their official representatives;
 - citizens in the diaspora; and
 - our newest citizens;
- that the Convention's process must be fully public, transparent and accountable, from discussion of its terms of reference to its appointments, and from the debates to the conclusion of its recommendations;
- that the Convention must have the mandate to consider the broadest possible scope of matters, including, in particular, the need for express guarantees of economic and social rights, the extension of voting rights for northern citizens and citizens in the diaspora, and the architecture necessary to establish a more robustly inclusive, fully representative and accountable democracy with mechanisms for direct participation;
- that the new Constitution arising from this process must include maximum human rights guarantees; and
- the new Constitution arising from this process should not only be exemplary but also durable, justifying the investment of resources, time and effort, as particularly in a time of austerity, this project must be cost-effective, representing value for money for the public; and

notes that:

- membership of the Convention will consist of 100 persons as follows:
 - a Chairperson to be appointed by the Government;
 - 66 citizens selected so as to be broadly representative of Irish society;
 - a member of the Northern Ireland Assembly from each of the political parties in the Assembly which accepts an invitation from the Government; and
 - members of the Houses of the Oireachtas, so as to be impartially representative of the Houses;

[Deputy Gerry Adams.]

- substitutes may be appointed subject to the selection criteria above, who will be entitled to contribute to the proceedings and vote in their own name;
- the Convention will agree its own rules of procedure for the effective conduct of its business in as economical and timely a manner as possible;
- the Convention will have appropriate regard to the Good Friday Agreement, the St. Andrews Agreement and all the modern equality and human rights protections that reflect the full spectrum of our international obligations and any others that are necessary to establish a rights-based society;
- the Convention will report and make recommendations to the Houses of the Oireachtas on matters when it has completed its deliberations to allow for a comprehensive referendum to take place in 2016;
- the Convention may invite and accept submissions from interested bodies and will seek such expert advice as it considers desirable;
- all matters before the Convention will be determined by a majority of the votes of members present and voting, other than the Chairperson who will have a casting vote in the case of an equality of votes; and
- the Government will provide in the Oireachtas a response to the recommendations of the Convention within four months and, if accepting the recommendations, will legislate for any related referendum by 2016.”

Sinn Féin agrees with the section of Fine Gael’s election manifesto which declares:

In any Republic the people are supposed to be supreme. Judged by that standard Ireland today is a Republic in name only. The expressions “Golden Circle”, “Crony Government” and “Crony Capitalism” all describe the same thing: The abduction of our Republic by both public and private sector vested interests, aided and abetted by Fianna Fail ... We want to build a new Republic in which the interest of the people and not those of the insiders are placed at the centre of politics in Ireland ... Modern Ireland cannot be governed by a system of government originally designed for 19th Century Britain. Ireland needs more than piecemeal reform. It needs radical root and branch change.

The Labour Party made similar promises. That was the basis on which people voted for this Government. They wanted fundamental change from the corrupt practices of the past. Tá athraithe substaintiúla de dhíth ón phobal, athraithe atá ar mhaithe an phobail agus ní ar mhaithe an chiorcail órdha, athraithe a chuireann cearta na ndaoine chun cinn agus a bhféadfaí a gcur chun cinn i bpoblacht nua amach anseo san tír seo. Citizens were angry and resentful of a democratic process that had been subverted by the golden circles and a political class that promoted its narrow interests and those of the bankers, speculators and developers.

Fine Gael and the Labour Party promised a constitutional convention to safeguard rights and return the democratic process to the people. The Taoiseach undertook to consult with Opposition parties and agreed to include the extension of the franchise in Presidential elections for citizens in the North as part of the convention’s agenda. A year and a half after the election we now have the Government’s resolution on establishing the convention. Sinn Féin believes it falls far short of the commitments made by the two parties in the general election campaign and that without significant amendment the convention will be a lost opportunity. We hoped

that the constitutional convention would see the emergence of a new constitutional arrangement to meet the needs of 21st century Ireland. The economic crisis in this State, the revelations of corruption in certain political parties and the tribunal findings against leaders of Fianna Fáil, alongside the success of the peace process in the North, means that Ireland is in transition. Citizens want change and this constitutional convention is an opportunity for the Government to build a truly national consensus for fundamental change and to transform the existing constitutional architecture to take account of the peace process and the Good Friday Agreement.

A new constitutional design could reimagine Ireland for this new century and put in place a constitution which puts all the citizens of this nation and this island at its heart. The new constitution should deliver on the promise of the 1916 Proclamation, which declares: “the right of the people of Ireland to the ownership of Ireland, and to the unfettered control of Irish destinies, to be sovereign and indefeasible” and that the Republic, as a sovereign independent State, guarantees “religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally”. That was the change for which people voted. They wanted new politics, genuine reform and, in the republican language of the Fine Gael manifesto, core republican values.

Instead, however, we have a proposal which limits the remit of the constitutional convention. It fails to deliver a comprehensive transparent process and unless its remit is changed it will deliver minimal change. Ba mhaith le Sinn Féin coinbhinsiún bunreachtúil atá i bhfad níos leithne, le próiseas atá oscailte agus trédhearcadh agus le cumhacht ag an phobal a chuid moltaí a gcur faoi bhráid an choinbhinsiúin. Sinn Féin proposes a convention which we believe would be closer to the concerns of the people and would reflect a process that is genuinely open and transparent. Our amendment proposes a convention that is fully inclusive in composition and uses a participatory process. It would actively involve the economically disadvantaged and socially marginalised; citizens from all provinces including the Northern province of Ulster; Unionists and their official representatives; citizens in the diaspora; ethnic minorities such as the Traveller community and our newest citizens; political parties; civil society representatives, including the voluntary and community sector; and individuals with academic and legal expertise. We would ensure that women are represented equally on the convention.

Sinn Féin believes that the convention’s process must be fully public, transparent and accountable, from the discussion of its terms of reference to appointments, and from the debates to the conclusion of its recommendations. The convention must also have a mandate to consider the broadest possible scope of matters, including in particular the need for express guarantees of economic and social rights, the extension of voting rights for Northern citizens and citizens in the diaspora and the architecture required to establish a more robustly inclusive, fully representative and accountable democracy with mechanisms for direct participation.

The Government has proposed that the convention must address a specified list of issues before moving on to other matters. It is silent on what happens to the convention at the end of its lifetime if it has not addressed all the issues assigned to it. The amendment of the Constitution on this issue-by-issue basis has the potential to make the process of making amendments and the work of the convention enormously difficult and confusing. It is possible that a series of separate referendums and even amendments to amendments will be required depending on the timing of recommendations and the Government’s considerations. Sinn Féin believes that the convention should have the freedom and time to produce a comprehensive proposal. It took the architects of Bunreacht na hÉireann two years to complete their work. It should not be beyond our ability to produce a comprehensive set of proposals that would be completed and passed by 2016. We could build a truly new constitution that is fit for purpose for the new Ireland of tomorrow. Such a constitution would embrace our Unionist neighbours, guarantee

[Deputy Gerry Adams.]

economic and social rights for all citizens and maximise human rights guarantees, including all of the modern equality and human rights protections that reflect the full spectrum of our international obligations and any others that are necessary to establish a rights based society.

The approach set out by the Government is minimalist, disjointed and piecemeal. It fails the mandate given to the Government, fails the process of constitutional change and fails the people. Tá seans anseo ag an Rialtas treo nua a ghlacadh, treo stairiúil a dhíríonn ar shaoránaigh an Stáit agus an oileáin seo. This is an opportunity to be bold, progressive and imaginative on behalf of all our citizens. If approached in the right way, the constitutional convention and its conclusions can inspire the people of this island, unite us in common purpose, build the nation, revive our hopes in the future and create greater national unity based on common interest, a common vision and common purpose.

The Government can either tinker around the edges of constitutional change or chart a new course for the citizens of this island. The omens are not good. The Taoiseach should pick up his manifesto and read it again. I read it this afternoon.

The Taoiseach: It is the programme for Government.

Deputy Gerry Adams: No. I am talking about the manifesto as well as the programme for Government.

The Taoiseach: The programme for Government is based on the two parties' manifestos.

Deputy Gerry Adams: Yes, but the Taoiseach should read his manifesto.

The last year has seen a continuation of what I used to hear the Taoiseach railing against when he was in opposition — the same old politics and old economic approach, austerity, lack of equality and the waste of much valuable time. In the good times maybe that could have been afforded, but not in these dire economic times. However, there is still an opportunity for fundamental change. It will be a challenge and I think the Taoiseach recognises this. I hope he meets that challenge and I urge him to adopt Sinn Féin's proposals. Iarraim ar an dTaoiseach glacadh le moltaí atá a chur ag Sinn Féin anseo inniu.

An Ceann Comhairle: I now call on Deputy Stephen Donnelly who is sharing time with Deputies Catherine Murphy and Maureen O'Sullivan. They have five minutes each.

Deputy Stephen S. Donnelly: I welcome this process, which is refreshing. The topics selected are important, including getting the horrific gender bias out of our Constitution. I look forward to being able to debate it and vote on it in the Chamber. I particularly welcome the Taoiseach's openness to this potentially being a first step. He is also open to some of the issues that have been raised by Deputy Adams, Deputy Martin and others, including those within his own party, concerning radical reform. There are things we could do to shake the system up to serve the people better.

I have heard three things about the process that I like. The inclusion of Northern Ireland delegates is important. Deputy Adams has made some good points about making it even more inclusive, but it is good that there is at least some recognition there. I also like the statistical process being used to ensure that different communities and different parts of the country are represented. I also like the openness and transparency in matters such as the proposed live webcast. The Taoiseach's call to have more people involved will be important.

In the few minutes available I wish to address some issues with the process which I would like to see tackled and improved if not for this one, then certainly for the others. These are

the make-up or membership of the convention, its funding and its powerlessness in real terms. The Taoiseach mentioned the principles of independence, innovation and influence. I appreciate that this is a genuine effort to do that but we could go further towards achieving those principles.

As regards the make-up of the convention, a mistake has been made in including politicians, although it might seem odd for a politician to say that. I appreciate that politicians are able to bring a view as to how the system works today that nobody else can bring, which is valuable. However, best international practice does not include elected representatives in constitutional conventions. Two of the best recognised speakers in the world on this matter are Archon Fung from the Harvard Kennedy School, under whom I had the privilege to study, and Ken Carty from the University of British Columbia in Canada. In their work in this field, they acknowledge that the presence of partisan influence can lead to distorted deliberations and outcomes. Professor Fung says that in deliberative democracy “powerful participants may seek to improperly and unreasonably exclude issues that threaten their interests from the scope of deliberation”. In other words, one could have a bunch of politicians there who see suggested change as threatening their incumbency, funding and jobs. They may move — the academics have seen this happen in other places — to have those topics sidelined.

As regards funding the convention, I appreciate as well as anyone in this House that we are in an extremely cash-poor environment. However, when the Netherlands did this it spent €6 million on it, while British Columbia spent \$6 million. We are putting in €300,000 which is one twentieth of the Dutch figure. My concern is that there will not be sufficient funding or time for people within the convention to absorb the kind of expert knowledge they will need to tackle the constitutional issues.

The third issue is the powerlessness of the convention. I am concerned that the Government will only take these things as recommendations. If one compares the Dutch and Canadian experiences, in British Columbia the people got to vote and the convention decided what there was going to be a referendum on. The Netherlands, however, used a process quite similar to the one proposed here. In the Netherlands most of the issues raised and agreed by the convention never made it through the government or parliament. It was seen as a failure largely for this reason.

Many issues need to be addressed, including single-seat constituencies and moving from 166 to 100 Deputies. This is substantial stuff to radically change a system that the people of Ireland do not feel is working for them. I welcome this as a first step. There are major opportunities to make the convention more effective and better meet the principles which the Taoiseach has set out for it.

Deputy Catherine Murphy: I have submitted an amendment but I understand that Standing Orders only permit one. I wonder if there is any scope under Standing Orders to accept a second amendment, or is it yet another flaw in the Standing Orders of the Dáil that requires to be addressed?

An Ceann Comhairle: A second amendment cannot be moved until amendment No. 1 has been decided upon.

Deputy Catherine Murphy: I can revisit that at some point. I have been on the group that has been briefed.

An Ceann Comhairle: The Deputy can discuss the amendment, by the way.

Deputy Catherine Murphy: Thank you, a Cheann Comhairle. I have been briefed on the process to date and the Technical Group made a submission in response to what we were presented with. One of my concerns is the limited nature of what is being proposed. It is a pity because there is an element of box-ticking about this. We will get one really good opportunity to do this so we must get both the process and content right.

I wish to touch on the point made by the previous speaker about the make-up of the convention, which is a point that I have made myself at the briefings. In a body that is not a self-selecting group of citizens, the number of politicians may well have an undue bearing on the deliberations. If it is not removed, it should be rowed back on. I have made that proposal in my amendment. The remit needs to be wider. If the group itself is to be genuine it needs to have some level of control over how it does its work. The balance should therefore be weighed much more in favour of citizens.

There should also be a dedicated avenue for civil society organisations and particularly those in the human rights area, which needs to be part of the considerations. We seem to be taking a silo approach to this — it is very compartmentalised — without looking at the totality of the Constitution. One piece interacts with the other and it is supposed to be seen as one document. It should have a broad vision. I am concerned that, for example, rights to housing and income are not included. These are some of the fundamental issues that should be examined, at least in the early deliberations.

I attended an event last week at which quotations from the 1940s were read, one of which was that revolutionary times require revolutionary changes or responses. From an economic point of view, we are in revolutionary times. This presents us with opportunities to think big, which is not evident in terms of this convention. What is provided for in terms of human rights is insufficient and political reform is only being addressed in a piecemeal way. There is an appetite and desire for radical reform and for giving power back to the people, which will not happen unless we change the institutions and how we do things. We have many strengths in this country. These are most evident at community level. Our political system from local government upwards is not being examined, which is a real missed opportunity. Most citizens in this country would welcome real, serious and radical reform which gives power back to the people, because they do feel disenfranchised. I would have liked to see this included.

Deputy Maureen O’Sullivan: I am glad that I live in a democracy. I am always conscious when I go to vote of the many countries in the world wherein citizens do not have the right to vote or where voting is meaningless because of corruption of political institutions. Having a constitutional convention is part of the democratic process. Every citizen and civil society organisation will welcome it. It is a positive step forward.

Citizenship assemblies are seen in some countries as a pure form of democracy. There is no doubt but that voter turn-out in this country is low. This is particularly evident in certain constituencies. This low voter turn-out indicates a deficit in the democratic process. Conventions and citizens assemblies are a way forward in that they can provide the space, other than e-mail or phone call to a political representative, for voices to be heard. It is important to progress the public interest as opposed to the party or political institution interest and to give people space to voice their opinions rather than assume that the political representative or political institution has all the opinions or answers. We must do something about the disaffection with and disinterest in the political system and to address the lack of trust in public representation. Anything that addresses this is welcome.

I note that some political scientists believe these assemblies are not practical. However, I believe if set up properly and given specific guidelines they can work well. One of the statements in the programme for Government is that by the end of this Government’s term in office

Ireland will be recognised as a modern, fair, socially inclusive and equal society. I do not think anybody would disagree with that as an objective to be realised.

I would like to raise two particular issues, the first of which is composition of the convention and the second being the issues it will discuss. As regards the chairman of the convention, it was originally proposed that such a person would be of exceptional ability and have a high degree of public acceptability, which was in my view vague and included anybody in the sporting, entertainment or cultural world. However, I note that the Taoiseach in his speech today broadened this out a little. It is important the chairman has a proven track record in chairing such an assembly. However, that decision will ultimately, I presume, rest with the Taoiseach and the Cabinet.

The convention is to comprise 66 members, which I believe is too narrow. I welcome that members will be randomly selected, which is fair. However, I presume efforts will be made to ensure a gender, age, socio-economic background, employed-unemployed, urban-rural balance and that cognisance will be taken of the Gaeltacht, island and new communities. Also, no space is provided for those under 18 years of age. As a former teacher and voluntary youth worker, I believe we are missing out on a body of people who are extremely articulate and principled and have a lot to contribute. It is hoped that space can be made for them. It is positive that the Irish abroad and in Northern Ireland are included.

While that the convention will comprise 66 members might be acceptable in itself, the fact that 33 members will be members of the Oireachtas means parliamentarians will have an inordinate influence on the convention. The convention is, therefore, disproportionately weighted in favour of parliamentarians. I agree with the civil society groups who are critical of this. One comment in this regard is that the politician in the convention should not be allowed to exert a greater influence over the process than does an ordinary citizen. We the Citizens and Second Republic hold a similar view.

The Taoiseach: By way of information, young people at home and abroad will be able to participate and give their views by way of the Internet.

Deputy Maureen O'Sullivan: I am speaking about giving them space in the convention where they would feel totally engaged and empowered by the process.

The Taoiseach: As noted by Deputy Donnelly, the convention's proceedings will be web-cast live.

Deputy Maureen O'Sullivan: Thank you. Obviously, there are issues around financial and resource commitments. I heard today that all eight meetings of the convention will be held in Dublin, which will not help in terms of encouraging people to attend the process. This issue will also need to be addressed.

On the rights issue, I share the concerns of Amnesty and the Irish Council for Civil Liberties that issues such as economic, social and cultural rights are not being directly addressed. We are a leading voice on human rights issues in the developing world. We are a supporter of the millennium development goals and a voice for rights in developing countries in respect of women, land, property, education and culture. We need to address that here. The Good Friday Agreement and so on are included for consideration. I presume the Weston Park Accord will also be included. However, prisoners with particular human rights issues in Northern Ireland are being ignored, which, too, must be addressed.

The review of the White Paper on Irish Aid was a prototype for the way forward in terms of its providing space for written submissions and the holding of open forum throughout the country, chaired by former Deputy Nora Owens, which allowed people to give their opinions

[Deputy Maureen O’Sullivan.]

and have their voices heard. It was a progressive process which could have been used in respect of the constitutional convention. The bottom line is to empower people. While I hope it does this, it is open to criticism.

An Ceann Comhairle: The next speaker is Deputy Patrick O’Donovan whom I understand is sharing time with Deputies Brendan Griffin and Jerry Buttimer. Deputies O’Donovan and Griffin have three minutes and Deputy Buttimer has four minutes.

Deputy Patrick O’Donovan: I welcome the opportunity to speak on this matter. What is being proposed by Government is only an initial step. It should not be forgotten that Members of the Oireachtas are also citizens. I remind those Members who have bemoaned the fact that Members of the Dáil or Seanad are to be members of the constitutional convention that Members, too, are citizens and voters who have opinions which they would like to articulate. That those opinions are to be articulated in the constitutional convention by members of all parties is to be welcomed.

There is a temptation to microanalyse what is being proposed by Government in regard to the terms of reference of the constitutional convention. I believe we should start from the premise that this is a good thing, something which has not been tried before. It is important that the terms of reference are limited from the outset. There will inevitably be teething problems in terms of the mechanics and manageability of this process. I welcome that the Government has identified a number of issues on which it wants the convention to focus from the outset. This will provide the convention with an opportunity to bed in.

While comparing a possible Irish constitutional convention to other countries around the world is good for academic purposes, it serves no real purpose. We have a unique Constitution and a unique method of amending that Constitution, which is by way of referendum of the people following address of the issue by way of statute in the Dáil and Seanad. What we are doing here is commencing a process which will engage people and stimulate debate. I am not concerned about what issues are included at the outset. I welcome that we have started this process. The people have not been engaged in this type of forum before.

If there are teething problems as some Deputies have mentioned, let them be worked out now in advance of broadening the parameters of the constitutional convention. There is a temptation on the part of some people to suggest that no Deputy or other politician should be involved in this and that it should be handed over to a particular group of civic society, which I would totally oppose. Under the Constitution as set out at the moment, it is ultimately the Dáil and Seanad that will propose an amendment to the Constitution or substantial changes to it. Representatives of all political groupings in this Dáil must be involved from the outset to ensure that the views of all 166 of us are articulated.

I appreciate the opportunity to speak and I wish whoever is selected on the constitutional convention the best of luck.

Deputy Jerry Buttimer: The Deputy is canvassing well.

Deputy Brendan Griffin: I very much welcome the efforts made to bring this important matter before the House this evening. Last year’s general election result was as much a call for reform as it was a change of political administration and personnel. I believe the constitutional convention will open the door to such reform. The constitutional convention will focus on many areas, including gay marriage, reducing the voting age to 17, reducing the presidential term and extending voting rights to citizens abroad. While I agree with all, I wish to state specifically that I fully support gay marriage and I find it strange that in a Republic that cherishes all of

our children equally, this is still a topic for discussion. Having spoken to Deputies Paul Connaughton and Eoghan Murphy, I know they are two other Fine Gael Deputies who feel the same way in the matter.

Unfortunately, I have only three minutes to speak this evening, but I want to use that short time to speak on our electoral system and resultant political system. I hope that reform in this area will be prioritised by the convention. These systems are inefficient and do not serve the best interests of the State and its people. Our national Parliament could very effectively operate with as few as 101 elected Members, including the President. Such a huge decrease in parliamentary representation could only work if it takes place hand-in-hand with meaningful reform of local government. In essence a smaller Dáil would need to be met along the way with leaner but more empowered local authorities with fully salaried councillors, greater local revenue-raising capability and many of the facilities that currently exist for Deputies, such as dedicated social welfare and medical card inquiry lines. These functions could then be removed from the legislators in the new Dáil allowing them and their staff to spend more time on national issues.

In electing our Deputies, I propose keeping the PR-STV system but abolishing the multi-seat constituencies, replacing them with 100 single-seat constituencies of approximately 45,000 people each. Single-seat constituencies would reduce the time spent by Deputies on issues more appropriate for councillors or State agencies by eliminating clientele competition. They would reduce duplication on parliamentary questions, written correspondence, inquiry-line calls and meeting requests. They would also put an end to counterproductive internal party competition and allow the Deputy to spend more time on parliamentary business. Deputies who feel so passionately about the abolition of the Seanad must also be prepared to step back and take an objective look at our own House. Of course such a move would save a fortune financially, but should the real benefit not be that it would lead to a better political system? A smaller Dáil would also give the elected representatives a greater chance to have their voices heard. At present it can take weeks to get selected to speak on topical issues. Similarly oral questions to Ministers are answered on a lottery basis, meaning that it is pot luck to get a chance to question a Minister on the floor of the House.

These are just some of my observations following 16 months in this House. I do not profess to have all the answers to the questions to be asked at the conventional convention, but I certainly feel that our current system is failing and that we need action to remedy it.

Deputy Jerry Buttimer: I welcome the Government's decision to bring a resolution before the House to establish the conventional convention. It is a convention of the people to decide nine items — it could be more. I wish to address the fifth item, which is the provision for same-sex marriage. Like Deputy Griffin, I support this important issue and believe it should be prioritised by the convention. This day next week we will have celebrated two years since the introduction of the civil partnership legislation. Some 738 couples have, in effect, committed in a union of same-sex couples. It is to be acknowledged and celebrated that the world has not ended and Irish society is the better for civil partnership. It is but a stepping-stone and through the medium of this convention and with the support of the membership — whether elected or non-elected — we should provide for same sex-marriage for all citizens who wish it. As one of five Oireachtas Members, I cannot celebrate the union of my relationship. Is it right that two men or two women cannot when a man and a woman can commit in the same loving union? That is what is before us as parliamentarians and citizens to treat all of our citizens equally under Bunreacht na hÉireann.

As we head towards 2016 we strive to see an Ireland of progression and we have made significant progress. The Taoiseach was correct last week in not succumbing to the pressure

[Deputy Jerry Buttimer.]

and tactics of some to say “Yea” or “Nay”. This is not a political football, but is about the lives of citizens who have made progress and have striven manfully and womanfully to make their lives better — to be treated fairly and equally by the State. The convention is important because it is about the lives of all our people. That is why I am proud of the Taoiseach and Tánaiste who in the programme for Government enshrined in this constitutional convention that we will have in the lifetime of this Government a plebiscite of the people which is as it should be.

It is incumbent on all of us as leaders in our society to change the mindsets and attitudes not just to marriage, but to all the LGBT inequality issues. Not long ago many people were afraid to go into gay pubs and celebrate their relationships. Thankfully last week in our capital city all our political parties had the courage and pride to walk in Dublin Pride. That is the Ireland for which we strive. We have seen the great progress we have made in the peace process and by this Government in the economy and the way we are seen across Europe. Together, without turning it into a political football, we must take the issue of same-sex marriage and normalise it. It is not a political football, but is about the union of two people. It is about the love we can celebrate and the tapestry of relationships — that is what Irish society is about today. That is why the conventional convention is a significant step forward. It is about a commitment to go to the people. It is about saying that the 1916 Rising was worthwhile and that the Stonewall riots were worthwhile. Is about saying that civil partnership is a progression to where we all want to be.

I support the conventional convention and commend the Taoiseach on the resolution.

Deputy Seán Ó Feargháil: The Fianna Fáil Party will support the resolution before the House, notwithstanding the reservations my leader has expressed and those I might also express in the next few minutes. Along with Senator Power, I attended the briefings the Taoiseach gave on a number of occasions. I acknowledge that he was generous in the time he gave us and that he took on board some, although not very many, of the recommendations that came from the Opposition side of the House.

The constitutional convention was promised in different formats by Labour and Fine Gael before last year’s general election. It was portrayed as being consultative, inclusive and was going to introduce great change to enable the Constitution to be fit for purpose for the 21st century. At the briefings with the Taoiseach I told him that I felt what was proposed was somewhat lacking in ambition. Those who might be more critical might describe it, and have, as something of a damp squib. It reminded me of a statement by Machiavelli when he wrote “It should be borne in mind that there is nothing more difficult to arrange, more doubtful of success and more dangerous to carry through than initiating changes in a state’s constitution”.

There were proclamations by both Government parties before the general election that Seanad Éireann would be abolished, yet ironically this issue is not being discussed at all by the convention. The Fianna Fáil Party believes that the Upper House should be reformed, maintained and strengthened. Abolishing the Seanad without substantial reform to the Dáil would be a major mistake. Not including discussion on the Seanad in the remit of the convention represents a missed opportunity. This convention is a missed opportunity — even reviewing how Oireachtas committees can inquire into matters is not being discussed despite the recent referendum result.

Given the strong commitment the Government demonstrated to that referendum and to the need for committees to be given powers of inquiry, it is peculiar the convention is not being progressed in this manner.

We consider the convention to be narrow in its scope and issues that are to be discussed do not necessarily need as much debate as is proposed. It must not, however, become a deeply

cynical exercise in fooling people into believing that they will dramatically change Ireland's Constitution. People are already becoming too detached from politics and if this convention does not work, it will make the gap even wider.

The challenges facing the State are far too profound to be debating whether the voting age should be reduced to 17 years of age and whether the presidential term of office should be reduced to five years from seven years. Why not leave the term at seven years but disallow a second term?

Deputy Alex White: We can discuss that.

Deputy Seán Ó Feargháil: Citizens want real political reform and want the Dáil and Seanad to deal with issues that will change society for the better. They are fed up with all this naval gazing.

When Bunreacht na hÉireann was written in 1937, it was ahead of its time as few things have shaped and controlled Irish political and legal culture since then as decisively as it has. Critical and essential features of the State are mandated by the Constitution, including our systems of election, Presidency, judicial reviews of legislation and, most importantly of all, the fundamental rights provision. When we debated the Lisbon treaty a few years back there was a good deal of debate about the Charter of Fundamental Rights for all European citizens, yet in Ireland these are laid down since 1937. A legal expert, Colm O Cinneide, when comparing the Constitution with the European Convention of Human Rights, wrote:

There is no doubt the ECHR is a more limited system of rights protection than that provided for in the Bunreacht. The rights protected in Irish law are more extensive and further reaching than those embedded in the ECHR text.

It is most important that this House acknowledges the progressiveness and foresight that was shown in 1937 when de Valera was Taoiseach. It has become too easy and very popular to criticise the Constitution as having been allegedly over influenced by the Catholic Church. Anyone who is familiar with the history of how the Constitution was written would know this is far from the truth. Article 44o outlines: "Every religious denomination shall have the right to manage its own affairs, own, acquire and administer property... and maintain institutions for religious or charitable purposes." It was so ahead of its time that when I read through it again recently, I was interested to note the foresight of it having an article that states "Legislation providing State aid for schools shall not discriminate between schools under the management of different religious dominations", yet if one was to examine the Government's policy on education funding in recent times, it seems to be determined to do the exact opposite. This was highlighted last week in the Seanad by the leader of the Orange Order, Mr. Drew Nelson, when he called on the Oireachtas to continue to support Protestant schools in Ireland, as communities in Border counties live in fear for their continued survival, in the face of cuts to the Church of Ireland and other Protestant schools.

This convention will not address any of these fears or policy decisions in education. Unfortunately, we seem only to debate issues from the Constitution at times of contentious debates such as those around Articles 2o and 3o as well as divorce and the abortion issue. We rarely debate Article 42o which outlines that "The State shall provide free primary education ". The most urgent issue in our country is the challenge of returning to growth and job creation. With the Government increasingly showing that it has little energy or initiative in this area, a credible Opposition is badly needed and that is what Fianna Fáil is providing. However, the proposed reforms in the convention do not go far enough. Real reform is essential in the process of building a lasting recovery — it is an essential part of the agenda, not an optional extra.

[Deputy Seán Ó Fearghaíl.]

There is no doubt that the political system failed in recent years. No part of the system predicted what happened to our economy and most parts of the system actively pushed policies which caused the crisis. Government was not subject to enough scrutiny and did not draw on a diverse enough range of expertise. As for the Oireachtas, in the decade before the crisis it showed no interest in economic fundamentals and did not debate the financial system until it was close to collapse. There were no calls, for example, to increase financial regulation in this House.

The Government, when elected, despite promises of massive reform, made matters worse in terms of the reform of the committee system. A second set of proposals had to be brought forward to undo the wieldy system of committees that was initially set up and one has to wait to see whether the reformed committee system will be any more effective. The Taoiseach has halved the number of times he attends the Dáil for questions. In fairness, we have had for the first time Friday sittings, but we can only discuss Private Members' Bills and broad-based debates do not take place.

It is mind-boggling that the Government is refusing to let a convention on the constitutional future of the country even discuss whether we should have a second Chamber in Parliament. What this reflects is that the Government wants to have a convention which cannot touch the fundamental issues of how the Oireachtas and the Government work. Of the issues being discussed, only one represents an area where radical political reform could be possible — the nature of our voting system. Our current system has one great strength, namely, it ensures that all Deputies remain in close contact with the people who elected them. However, the level of constituency work required makes a huge impact on the ability of some Deputies to carry out all their work as legislators. At the time of the last election Fianna Fáil proposed a mixed system of constituencies and a national or regional list system. This operates in many European countries and appears to have worked. I suggest that it at least deserves to be addressed in the convention.

The constitutional article against blasphemy is to be discussed. Ireland has a long-earned reputation as a country which respects the freedom of expression. However, this has and should have limits. The question is where to draw the line.

It is also proposed to discuss the relevant article concerning women in the home. This was originally proposed as a progressive measure setting out an objective of not forcing women out to work. It now reads as a very outdated provision which has not had any real legal impact. Many constitutions around the world retain anachronistic language without anybody being too bothered about it, but if we are to discuss the Constitution and this particular issue, we should examine the spirit in which it was drafted to see if there is some way to retain it. Article 41o states: "The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home." One would obviously like to see that particular article broadened and changed. De Valera, when discussing this article, referred to it as protecting women and said that women should not be obliged or prevented from working outside the home. He wanted to mention this so that women's role would be recognised and that our social system would value the role of women whether in the home or elsewhere.

Deputy Paschal Donohoe: I want to make four points regarding the conduct of the new assembly. I wish it the best of luck and hope it has a successful first meeting and first term. My first point relates to the participation of elected politicians in the assembly. I take a different view from that of some colleagues who said that they believed it is important that elected Members participate in this assembly. I would like to see the number of elected politicians in

the assembly decline over time. Our role and the work that we do is amply protected by our place in the Constitution and by the public's understanding of our work. A mechanism such as this one that is set up to allow deliberation based on the participation of people who do not form part of the political system should be allowed to do that and over time I would like to see the number of elected politicians participating in it decline to zero. I hope we will see that happen as the body gets up and running and begins to conduct its work.

My second point relates to how it will conduct its work and organise itself. One of my concerns about the initial expectations of this new body is that it might be asked to do too much. I refer to the number of topics it must consider. It will need to allow for different views on those themes to be debated and it will also be required to produce agreed proposals which will have broad support. It is quite a significant piece of work. I would not like this new body to fail in what it needs to do as a result of looking to embrace too many big themes early in its lifetime as opposed to a focused and in-depth approach on a number of particular themes.

Members of the assembly will need support. Members of the Oireachtas have a support system and a similar model must be in place for members of the new body in order for them to ground their opinions and contributions within a broader expertise so that the themes may be considered properly. One of the big tests to be faced by this body will be what will happen to the agreements it will produce and this will involve the Oireachtas.

Deputy Colm Keaveney: The constitutional convention was one of the key pledges in the Labour Party manifesto prior to the general election. It is somewhat satisfying to see it being progressed. Many of the items for consideration by the convention are to be welcomed and, in particular, the call by our party leader, the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Eamon Gilmore, for the inclusion of equal marriage rights for same-sex couples was most welcome. However, it must be recognised that the proposed agenda for the convention is just a starting point. It is hoped that in the future we can be more ambitious with the kind of constitutional reform that could be considered by the State.

Last week, along with several other Deputies, I met representatives of the Lagan Brick workers who are caught up in Ireland's longest-running industrial dispute. They are struggling to find an industrial resolution to their dispute partially because our current laws do not compel employers to engage directly in talks. It is my understanding that there are constitutional difficulties about forcing employers to engage directly with employees. The Constitution prevents the Labour Court making determinations that are binding on employers. These difficulties and others largely relate to overly strong protection given to property rights in the Constitution. I am not calling for the abolition of private property but the convention could provide the opportunity to explore property rights for many social and economic goods. We should regard this as an opportunity to rebalance property rights in line with the needs of the economy and, in particular, with regard to social and economic justice. The above issues do not appear to be on the agenda for the constitutional convention. Other issues such as the equal marriage rights for same-sex couples will encounter a certain amount of opposition, some of which will be strong and perhaps even unpleasant. However, if one wants to see the powerful opposition which is driven by vested interests, then one need only look at the issue of property rights and how their rebalancing would be addressed.

I call on the Government and the House to more ambitious in setting the agenda for the constitutional convention. I suggest an open and transparent debate and certain issues should not be smothered by silence.

Deputy Alex White: I welcome this motion tabled by the Taoiseach and the Tánaiste. The Taoiseach said in his contribution that the convention would be innovative, independent and

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influential. On the basis of what has been set out and on what he has said, it will be each of those things. Certainly, the proposed composition for the convention is innovative. It involves for the first time, uniquely, a direct citizen involvement in a democratic deliberative process on the Constitution, the most important foundation document of our country and our system. This process will be visible to the public and this is innovative.

The agenda for the convention is not as broad as some would have hoped for or advocated. However, the Taoiseach stated there is an openness on his part, and there should be on all our parts, to extending the list of topics to be considered by the convention. The Taoiseach made this very clear and he was also prepared to say that if this meant an extension of the timeframe, this would be considered and this is to be welcomed.

It would be a mistake to make little — as I thought some of the earlier speakers did to some extent, including Deputy Martin — of the topics that have been set down for discussion by this convention. These topics are not at all without importance or significance. I refer to the first two topics which some people have been dismissive of. The length of the term of office of President is an important issue. I heard many people for months on end at the time of the election and the previous election for the Presidency saying that the term of office was too long so I ask why should it not be considered and deliberated upon. The French changed the term of office of the French President from seven years to five years.

The lowering of the voting age to 17 years is the second topic. I suggest this should be considered and debated. It would provide the opportunity to include young people in the debate, people who would benefit from such a change. To suggest that a change in the Dáil electoral system is not of absolutely fundamental importance in our system is bizarre. I cannot think of anything more important. I believe in radical reform of the Dáil electoral system but to be dismissive of it and to say it is not at the heart of the kind of change needed is strange. Equally, I refer to the proposal to allow citizens living outside the State to vote in presidential elections. The most controversial clauses in the Constitution over the past 30 years, in my memory, have been the clauses dealing with women and women in the home and this is also on the list for consideration. The question of same-sex marriage is also on the list as is the question of blasphemy. Deputy Martin stated that he has attended Fianna Fáil meetings around the country and the issue of blasphemy does not float any boats. I remind Deputy Martin that his former colleague, Dermot Ahern, only two years ago, was prepared to introduce an absurd piece of legislation rather than address this issue which is a constitutional question. All of these issues are important and I welcome the motion.

Deputy Anne Ferris: I welcome the opportunity to speak on this motion. The constitutional convention represents an important opportunity to discuss changes to a fundamental document. The Constitution guarantees various freedoms, including our freedom of expression, subject to certain restraints. However, it is not without its flaws and these have been highlighted by lawyers who are expert in constitutional law and by those directly affected by them, such as, for instance, same-sex couples.

I was heartened when the Labour Party mooted the idea of a constitutional convention to examine this 1937 construct. I am glad this idea has been realised today. I know that a series of issues are to be discussed, including the provision of same-sex marriage, the amendment of the clause relating to women in the home and the increasing of the participation of women in politics. However, the scope of the convention should be extended to incorporate broader issues of significance. I note the provision in this motion to allow for such extension and I will work to ensure that this happens. A further concern of mine is that the convention may become a talking shop and that action on the recommendations may be delayed.

Leadership will be required. The Tánaiste was proactive in his statement on the issue of same-sex marriage. He said that he did not believe it should ever be the role of the State to pass judgment on whom a person falls in love with or with whom he or she wants to spend their life. I agree with the Tánaiste and I agree with those other Ministers who made supportive statements. This kind of leadership will be needed if any of the recommendations are to be implemented; otherwise, the fear is that like the multitude of reports on Seanad reform, the recommendations will sit like an empty flowerpot on a shelf gathering dust.

Deputy Mary Lou McDonald: When the Labour Party first mooted this notion of a constitutional convention, what was envisaged was more expansive than the proposal before the House tonight. Sinn Féin has constructively engaged in the convention process over the past number of months. We have met with the Taoiseach and we submitted detailed proposals of our own. It might interest Deputy Keaveney to know that collective bargaining rights were one of the proposals we put forward as an issue for discussion by the convention.

The remit of the convention as set out in the motion is too narrow. For it to be genuinely a reforming or even a transformative tool, it should have the broadest possible scope. Sinn Féin welcomes the inclusion of political representation from the Six Counties but we are disappointed that the Government has decided against ensuring a full representation of Irish society within the citizen block. Those under 18 years of age will be excluded, despite the fact that we will debate the possible lowering of the voting age, as will the diaspora and citizens from the Six Counties. Indeed, there is no guarantee that Ireland's newest citizens or citizens with disabilities will be represented. We may well have a bizarre situation where same-sex marriage or marriage equality will be debated by a convention potentially made up entirely of heterosexuals. That is a design flaw in the proposed approach.

Deputy Ciara Conway: Why is that an issue?

Deputy Mary Lou McDonald: When one proposes reforms and specifies those reforms, one should include those who have the highest stake and are most affected by the proposed change. That appears to be reasonable.

Deputy Alex White: There will be 66 people in it. They will be included.

Deputy Mary Lou McDonald: We have said to the Government that the methodology employed for identifying the citizen block certainly deals with geography, age and gender, but we proposed a much more sophisticated tool that could capture a much broader range of people. We went through that in some detail with the Government.

It is worth noting that the programme for Government sets a specific context for reform. The Fine Gael Party and the Labour Party promised to establish a process to ensure that our Constitution meets the challenges of the 21st century. Instead of rising to that challenge, they have half-heartedly engaged in their own process for constitutional reform. The proposal before us lacks ambition and, sadly, like so many of the Government's promises of reform, the Labour and Fine Gael parties have chosen instead to tinker around the edges. This has not gone unnoticed by citizens and feeds into a narrative that not only are all politicians the same, but also all governments are the same. I am disappointed that there is so little ambition or heart in the Government's proposals.

This convention could and should be a significant platform for constitutional reform. There should be a myriad of issues to be debated, including long awaited and fundamental political reform. Instead the convention is in real danger of becoming, as one commentator put it over the weekend, "a purgatory into which a selection of constitutional issues will be parked before

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being further delayed or diverted when they return to the parliamentary process". Bizarrely, Seanad reform has been excluded from the convention. This is astonishing. We are told the Government intends to hold a referendum on the abolition of the Seanad, yet it is now refusing a full, open and public debate through the vehicle of the convention. It appears to have rushed to judgment on the issue and is making a unilateral decision that the people are either offered abolition or the *status quo*, when neither of those options is what is needed.

The convention should be tasked with considering whether a one-chamber or two-chamber parliament would best serve the country. Such a debate would enable convention delegates to debate the Seanad's potential, if any, if it were to be fundamentally reformed. Instead of facilitating this debate, the Government has rushed to what it sees as a populist position, instead of addressing a real reform agenda. We all know the Seanad is not working; it is an open secret. It has not worked for some time. Sinn Féin has advocated root and branch reform of the Seanad for over a decade. The Seanad in its current form is undemocratic. Its members are elected by an elite group with little or no regard to real representation of wider societal interests. That is a problem. A reformed Seanad could serve our democracy well and act as an important counter-balance to the political party-dominated Dáil. Ultimately, not only is this a matter for the people to decide, but the people should have an appropriate forum to debate that matter. The constitutional convention should be tasked with instigating and leading this debate.

There is a place for a democratic second chamber in Irish politics but only if its representatives are elected by all citizens, including those in the Six Counties and in the Irish diaspora. It is astonishing for a Government that so regularly looks to the Irish diaspora to assist it in energising and rebuilding the domestic economy to deny that diaspora even the most basic input into the political and democratic life of the State. Progress has been made on enhanced co-operation between the political institutions on the island, but people north of the Border feel there is still no real method by which they can play their part in national politics and democracy.

Senators should represent a wide range of diverse views and the role of community consultation should be increased as legislation is developed. These would be ambitious reforms but they are also achievable. Our democratic structures would be fundamentally enhanced by such ambition. The Seanad should be an elected forum for civic society, particularly for those sectors not adequately represented in the Dáil and, critically, for the more marginalised. The community and voluntary sector should have a direct input into the development of legislation not on the sufferance of Members elected to this Chamber, but as a matter of democratic process. One of the primary functions of a reformed Seanad should be scrutiny. It should scrutinise draft domestic legislation and furnish reports to the Dáil, including specific recommendations for amendment, withdrawal, further consultation, impact assessment and fast-track progress.

We have proposed significant changes to the current legislative process. Prior to consideration by the Dáil, all proposed legislation would first pass scrutiny by the Seanad. This would be known as the Seanad stage and this new stage would include a community consultation process. This is the type of real reform the convention could and should be debating. It is bizarre that the matter of the Seanad's existence or its reform is excluded from the convention. A commitment has been given by the Taoiseach in respect of civic society's engagement with the proposed convention. The Government must be sure to get that right. While citizens who will be drawn to participate and those who are elected to the Dáil and the Seanad will have views and expertise, there is a wealth of experience that must be tapped into to enrich the debate. Civic society could have been given a more pivotal role in this process, and it is a great pity that this is not the case.

As Deputy White mentioned, the Taoiseach has promised that this forum will be innovative, independent and influential. Certainly, under the motion that has been presented I do not

believe it is automatic that any of that will be true. It will be a challenge for the Government to ensure, during the process and in dealing with the outcomes from the convention, that such innovation, independence and influence are writ large.

Deputy Joanna Tuffy: Deputy McDonald was referring to the campaign of the Irish Council for Civil Liberties and other groups to participate in the convention. I agree with some of the points made by the groups, which call themselves Hear Our Voices, but I do not agree that they should be members of the convention. To include civic society groups in the membership would distort the convention in terms of it being representative. Civic society groups are not necessarily representative. They do not have a democratic mandate and there is also the issue of what groups one should and should not include. I agree that their input and expertise should be used by the convention. I agree with the points they have made, particularly with the point that the time for debating before setting up this convention is too short, especially in the Dáil.

There is much in our Constitution that we should protect and preserve. It is not necessarily a regressive thing to be a conservative when it comes to conserving progressive things that have been achieved in the past. There is much that is good in our Constitution. People fought for the rights enshrined therein and we should not mess with them. We should be very careful about what rights we would take away in the name of so-called political reform.

I do not have a problem with the convention examining our electoral system but it should be noted that our system is the most democratic. I will fight until my dying day to protect PR-STV, which I hope will not be changed by the convention.

I fully agree that it is very wrong that the convention's agenda does not include the issue of the Seanad. Our Constitution is based on a bicameral system involving the Dáil and Seanad, and also the President and Legislature. It is similar to the American constitution. At least a couple of constitutions are modelled on the Irish one, including the Indian one. One cannot consider the Dáil in isolation from the Seanad, nor can one consider the presidency in isolation from the Seanad. The problem is that this Government will never consider Seanad reform, only the all-or-nothing question of whether to abolish it. That is a mistake.

Deputy Ciara Conway: Mr. Éamon de Valera, the author of *Bunreacht na hÉireann*, famously said he had only to look into his heart to know what he was doing was right for the country. I, for one, am glad to be part of a Government that will look beyond this Chamber to the community and have confidence in citizens' ability to make the right decisions on the issues put before them.

There are two warmly welcome criticisms in regard to the constitutional convention. These concern both the process and content. With regard to the process, if people are worried that 33 Members of the Oireachtas will be involved in the convention and that they will be somehow restricted as a result, they should listen to what is being said tonight. Politicians, by their nature, tend not to agree on very much. The Tánaiste will know this more than most because this trend is evident even within his party. To believe there will be groupthink because 33 Members of the Oireachtas will be involved is a fallacy. Politicians, as with others, are citizens of this great country, and we should remember that. I will be very confident that the 66 members of the convention, irrespective of where they come from, will be able to make the correct decisions. We will respect the decisions they make on the questions put to them.

I have heard many state the approach is not radical. What could be more radical than amending the clause that somehow restricts women to life at home? What could be more radical than addressing the circumstances of a young woman who fears an interview board will not give her a job because it suspects she will go on maternity leave? If we could introduce paternity leave and give back to the couple the choice as to who will look after the child, what could be more

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radical? What could be more radical than allowing 17 year olds to make decisions and have an influence? We would have a very different Chamber if more 17 year olds were allowed to vote. I have every confidence that they, too, would be sitting alongside us at the age of 20 or 21. These are radical steps that could change society for the better. I commend the motion to the House.

Deputy Luke ‘Ming’ Flanagan: We could definitely do things better in this country. While we can criticise what the Government is trying to do in this area, we should realise nobody has ever tried to do anything before. I congratulate the Government on its efforts. I hope something emerges from the convention. I will die of scepticism if nothing does. It is very rare that anything emerges from a report in Ireland other than a bigger carbon footprint and many frustrated people.

Despite Ireland’s geographic size, population, weather conditions and plentiful supply of water, it has great potential. Over the past century, we have been generally well-educated, but somehow it all seems to get messed up. This may not be as attributable to the people we elect as much as I once believed; perhaps it is attributable to how we go about our business. I am not a politician hater and believe there are too many such people — they are dangerous. It is great that politicians will be involved in the convention if only because they, for their sins, have great insight into how sick the system is. That is not to say the people in the system are sick. The system is like a bad car which, despite one’s putting in good petrol and oil, will not move. This is a major problem. I said on my first day here that 19 out of 20 in my family and that of my wife had to leave this fertile country. It always has potential but it never fulfils it. If the convention can go some way towards fulfilling this potential, I will cheer for it.

In fewer than three minutes, Deputy Brendan Griffin got to the nub of the problem. For this, I give him credit. There would probably be too many Members if we were to do only the job we were meant to be doing, which is crossing the t’s and dotting the i’s of legislation. Deputy Griffin referred to freeing up Members to legislate and having a better system at county council level. In my county, there are too many county councillors. We could get rid of some of them where there are smaller populations but set in train a system in which those who want to make change and care about doing so will not get sick of the system owing to their not being able to make the changes they desire. One needs a system that listens to the elected people. Those who are elected comprise the boss because they have been elected by the people. I hope that, in the convention process, somebody will speak so strongly about the way local government works that there will actually be change. When I became a county councillor I was full of energy, but I am no longer full of energy having gone through the system. The system took no account of who was elected but took account of an unelected county manager. That system ought to be changed.

Consider the talk about getting rid of town councils. If it is a matter of cost, one should realise people are willing to do the job for nothing. There should be a local town council system instead of the current system in which locals who set up a committee to apply for a few quid from one of the agencies, which are soaking it up through handing out funding, get sick of doing so after nine or ten years. Instead of operating under the current system, such people could be running for election to local town councils and making real decisions about how money is spent locally. They would never make stupid decisions such as pulling up a footpath that was built the preceding year. The money would be spent properly. This philosophy needs to filter up from town council level to county council level, or even regional level. There is an argument for governance at regional level. The current system is a complete disaster. The people who are now in government tried for so long to get there — I probably cheered them

when they started many years ago — that they will not listen to anyone else because getting in was so difficult and no one listened to them when they were in opposition. That they might believe this is scary. A Fine Gael Deputy expressed the opinion to me that, although reform of local government was all very well, it would not leave Deputies with much power. It is not about Deputies — it is about running the country the right way.

If people who have become sick and tired of a system in which they telephone local councils, there is no accountability and nothing that is necessary gets done because it is all a mess found their way onto the convention, it would be one hell of an achievement. However, the process will not work if people do not listen to its members simply because, having waited so long for their own say, they are afraid they will lose it again. I can understand the temptation. I might be the same. Who knows? I will probably never get to find out. We need to change how we run this country. We have great potential.

Regarding women's rights, I grew up in a house in which letters to my mother were addressed "Mrs. Luke Flanagan", although not by my father's choice. I am delighted that those days are gone. The further away they go, the better. One of the best suggestions for solving the problem of not enough female participation came from the Opposition and will also make men more equal, that is, paternity leave. I want to participate in my children's lives as much as my wife does. Under the law, however, I am not treated equally. Saying this is not fashionable or popular, as it suggests that one wants to remove some rights from women. Everyone's rights are diminished when one removes men's or women's rights. If the constitutional convention can equalise the situation, wonderful. I do not know whether 60 people will be enough, but perhaps it will. What is representative and what number does one pick?

I could pick many holes in this motion, but it is the best attempt that I have seen yet.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): It is a privilege for every Deputy elected to this Dáil Éireann to represent our fellow Irishmen and women. We do so knowing we are entrusted with getting our country through a difficult economic time and bringing about recovery. We are also entrusted with laying the foundations for the country's future and forging a modern, fair, compassionate and democratic society, a country that reflects the best of ourselves and a legacy of which we can be proud.

Those of us who have been elected to the Thirty-first Dáil find ourselves seeing out the closing years of Ireland's first century of independence. They have been difficult years of late, but this is also a moment in our history for renewal. It is an opportunity to ask ourselves not just what went wrong, but what we can do better, what we want our next century of independence to look like and what values will underpin our laws and the institutions that will shape our politics. When my party first proposed the holding of a constitutional convention in April 2010, it was in this spirit of renewal.

There is much in the 1937 Constitution that has served us well, but we must also acknowledge that there are many whom it has served less well, particularly the nation's children. Our Constitution is a document of the 1930s for the 1930s. It was a time when one church was considered to hold a special position and women were considered to be second class citizens. In many ways, Irish society today would be unrecognisable to the original drafters of the 1937 Constitution. Ireland has been transformed by the liberalisation of our laws, almost universal acknowledgement of a person's right to a private life, equal rights for women, the fact that 17% of our population was born outside the State and the more personal role of religion in people's lives. The pace of change in social attitudes has consistently outpaced the laws governing them.

The constitutional convention is an opportunity to examine how we as a people want to respond to these societal changes in a measured, fair and compassionate way. It is also an

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historic opportunity to take an independent look at our electoral system and to ask how well it serves our democracy. These are no small tasks, but it is right that the Constitution, which belongs to the people, should be open to deliberative and thoughtful consideration by the people.

The process that we are proposing is radical. This mechanism for the consideration of the Constitution has never been done before. It invites that two thirds of the membership of the constitutional convention will be drawn at random from our citizens, people who are on the electoral register. It has never been the case before that our Parliament exercised such a vote of confidence and trust in citizens that we invited them to take part in a constitutional convention to consider the Constitution's future form. We need to reflect on this fact. When we engage in oppositional politics in the House, Members are sometimes blinded to radical change, such as the change we are effecting this evening. We are establishing a constitutional convention in which individual citizens will form the majority.

Members have suggested that we should be more ambitious in terms of what the convention will consider. People who have been Deputies for a long time have had experience of the various all-party committees on the Constitution, the reports of which line bookshelves. They are worthy considerations of constitutional issues. We have decided to give the convention a mandate to examine specific issues in the Constitution and report on them within 12 months. The Government is required to respond to that report within four months. The convention is not confined to the issues listed in this motion. Rather, it will be enabled to recommend additional matters for consideration.

As Deputy White stated, these are no small matters. For example, reducing the voting age from 18 years to 17 years is a radical measure. I remember campaigning for the right to vote at 18 years and being denied that right when the then Government chose to hold the election before those who were entitled to vote as a result of a constitutional change were included on the electoral register. Same-sex marriage, which has been discussed repeatedly, is no small issue. The position of women in our society has long been debated and is no small matter. Many Deputies have been preoccupied with the question of how to increase women's participation in politics constitutionally and how to make the Parliament genuinely representative of the population in gender terms. The participation in presidential elections of citizens who are resident outside the State is no small issue. All of these are very substantial issues. Deputy Alex White mentioned the removal of blasphemy from our Constitution. When such issues are addressed by the constitutional convention and if and when they are addressed by way of a referendum, we will all discover that in the minds of the people who will vote on these matters they are not small or minor issues.

The process of change must be done step-by-step. Sometimes when an issue like our Constitution is raised, we may look to consider it in its entirety, and sometimes, when we attempt to change everything, we change nothing. This is a proposal where the Government committed to having a constitutional convention and it is to be established as we indicated it would, with the two thirds participation of individual citizens. It is being given a mandate to go through these issues, examine them and make recommendations.

Civil society, interest groups and representative bodies will be included in the process. It is clear from the terms of the motion and the way the constitutional convention is being set up that civil society will have a role in this process. It will involve dialogue and discussion. The Constitution belongs to the citizens and the people and that is why the membership of the constitutional convention is composed of individual citizens and those who are elected by citizens. The convention will take submissions and hear ideas, and I have no doubt there will be very active engagement between the representative bodies in civil society and the convention.

We have committed in the terms for the constitutional convention to a timeframe in which it will do its work. With the issues set down for consideration by the convention, there should be a report within 12 months, and that is challenging when dealing with complex issues. It is also important that we set down a timeframe within which the Government will respond to the recommendations of the constitutional convention, with the period in question set at four months.

It has been suggested that this is less than radical but we are seeing a process of change being progressed on a scale that we have not seen before. There are issues on which we have decided to have separate constitutional referenda, including children's rights. A referendum will be held on that in the autumn so that there is an opportunity to put into the Constitution particular rights for children. The Seanad issue must also be decided by the people. First, it must be decided by the people whether our country of approximately 4.5 million people should have one or two parliamentary Chambers. That is why there will be a separate referendum on the issue.

The constitutional convention is an opportunity for a wide and inclusive mode of addressing our democracy. It is a way not just of engaging the citizens who will participate but of having a wider national conversation about the kind of country we want to live in and the principles by which we want to live. It is an exciting innovation in Irish public life. I have no doubt it will challenge each of us individually as citizens and collectively as part of the political system. Ultimately, our democracy will always depend on the willingness of individuals to perform the duties of citizenship, and the Constitution will once more call on us to play our part. I commend the motion to the House.

Deputies: Hear, hear.

Question put: "That the words proposed to be deleted stand."

The Dáil divided: Tá, 93; Níl, 22.

Tá

Barry, Tom.
Breen, Pat.
Broughan, Thomas P.
Browne, John.
Bruton, Richard.
Burton, Joan.
Butler, Ray.
Buttimer, Jerry.
Byrne, Catherine.
Byrne, Eric.
Cannon, Ciarán.
Carey, Joe.
Coffey, Paudie.
Collins, Niall.
Conaghan, Michael.
Conlan, Seán.
Connaughton, Paul J.
Conway, Ciara.
Coonan, Noel.
Coveney, Simon.
Cowen, Barry.
Deenihan, Jimmy.
Deering, Pat.
Doherty, Regina.
Donnelly, Stephen S.
Donohoe, Paschal.
Dooley, Timmy.
Doyle, Andrew.

Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Gilmore, Eamon.
Griffin, Brendan.
Harris, Simon.
Hayes, Brian.
Hayes, Tom.
Heydon, Martin.
Howlin, Brendan.
Humphreys, Heather.
Humphreys, Kevin.
Keating, Derek.
Keaveney, Colm.
Kehoe, Paul.
Kelleher, Billy.
Kelly, Alan.
Kenny, Enda.
Kenny, Seán.
Kyne, Seán.
Lawlor, Anthony.
Lynch, Ciarán.
Lynch, Kathleen.
Lyons, John.
Maloney, Eamonn.
Mathews, Peter.

Tá—*continued*

McConalogue, Charlie.
 McGinley, Dinny.
 McGrath, Michael.
 McGuinness, John.
 McHugh, Joe.
 McLoughlin, Tony.
 McNamara, Michael.
 Mitchell, Olivia.
 Mitchell O'Connor, Mary.
 Moynihan, Michael.
 Murphy, Eoghan.
 Nash, Gerald.
 Neville, Dan.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 Ó Ríordáin, Aodhán.
 O'Dea, Willie.
 O'Donnell, Kieran.
 O'Donovan, Patrick.

O'Dowd, Fergus.
 O'Mahony, John.
 O'Sullivan, Jan.
 O'Sullivan, Maureen.
 Phelan, Ann.
 Ring, Michael.
 Ryan, Brendan.
 Shatter, Alan.
 Shortall, Róisín.
 Smith, Brendan.
 Spring, Arthur.
 Stagg, Emmet.
 Stanton, David.
 Troy, Robert.
 Tuffy, Joanna.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Collins, Joan.
 Colreavy, Michael.
 Crowe, Seán.
 Doherty, Pearse.
 Ferris, Martin.
 Flanagan, Luke 'Ming'.
 Halligan, John.
 Healy, Seamus.
 Healy-Rae, Michael.

Mac Lochlainn, Pádraig.
 McDonald, Mary Lou.
 McGrath, Mattie.
 McLellan, Sandra.
 Murphy, Catherine.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 Pringle, Thomas.
 Stanley, Brian.
 Tóibín, Peadar.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Jonathan O'Brien.

Question declared carried.

Amendment declared lost.

Motion agreed to.

Health Service Budget: Motion [Private Members]

Deputy Billy Kelleher: I move:

That Dáil Éireann:

- noting that the Health Estimate in Budget 2012 was misleading given the fact that it was based on assumptions and targets that were not deliverable by the Minister for Health;
- highlighting that enabling legislation for measures announced in the 2012 Health Estimate have not been published 7 months after being announced and therefore will impact greatly on the sector's ability to meet its budget targets;
- agreeing that, 14 months after abolishing the Health Service Executive (HSE) board, the Minister has failed to take any legislative or other action in relation to governance in the HSE and that this has exacerbated the deficit;

— acknowledging that the income streams or expected savings from:

- the cost of public beds being charged to insurance companies;
- drug pricing; and
- reducing agency costs;

will not now be achieved;

resolves that the resulting €500 million overspend in the health budget will not have an impact on front line services and patient care; and

rejects any moves to close wards, theatres or hospitals as a result of the failure to properly plan the health budget.

The purpose of this motion is to ascertain the purpose of the budgetary Estimate last year and to consider how it has been implemented. If we consider the statements of the Minister for Health and other Ministers last year in the context of the formulation of the budget, they accepted there were challenging and difficult times ahead. At the time, we highlighted that we were very concerned about the budgetary process, the number of leaks and the intimidatory statements made by Ministers to their colleagues that Armageddon would arrive if they did not get their way at Cabinet.

It is clear now, seven months on from that budget, that much of what was said in terms of the health Estimate was a tissue of lies. It has transpired the health budget was based on false premises. For example, the programme for Government stated the restructuring of the HSE was a priority. This was to be one of the first acts of the Minister for Health. He was like Wyatt Earp going down to the OK corral, looking for a fight. He found the board of the HSE and summarily dismissed it and replaced it with an interim board. We asked at the time what was the purpose of dismissing the board and the Minister replied that he wanted to be a hands-on Minister, one who would roll up his sleeves and take charge of everything. Unfortunately, we are still waiting to see that legislation on governance of the HSE come to the Dáil.

This lack has created huge difficulties and there is now paralysis in the HSE and the Department of Health. Nobody is quite sure who is in charge. The Minister says he is in charge and is responsible, but he has abdicated his responsibilities. The CEO, Cathal Magee, was before an Oireachtas committee recently and he outlined clearly that there is no way the HSE will achieve the savings outlined in the budget last year. Therefore, the savings outlined last year were just figments of imagination. This has transpired to be the case and the service is already running at a budget deficit of over €280 million. Huge changes will be required and catastrophic damage will be done to services if the Department is to come in on target. We have highlighted this every month since February and have pointed out that the budgetary figures provided last year were not achievable. Later this year, we will see huge damage to services. We will see the closure of operating theatres and the downgrading of wards. The CEO, Cathal Magee, said at the Oireachtas committee that the HSE could envision the potential closure of hospitals to bring the HSE in on budget. This motion notes that the health Estimate in budget 2012 was misleading, given that it was based on assumptions and targets that were not deliverable by the Minister for Health.

Another key area in which there was a promise of huge savings was in reference pricing and generic drug substitution and figures were provided for these savings. However, nothing has happened and no effort has been made to bring forward legislation to enable generic drug pricing and reference pricing. This again was a stated priority in the budget, in order to bring

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about the savings required to bring the HSE in on target. Clearly, this is another priority on which the Government has failed. It has failed to ensure it had a budget over which it can stand. The Government also proposed to make significant savings in the area of private health insurance and planned to charge people the full cost of public beds. However, there has been no enabling legislation and no change. By failing in these two areas the health budget will be down €200 million. The Government committed in the House last year to ensuring the HSE would have an adequate budget to deliver services, but what will happen now is that we will have fire brigade action from September onwards. It will be a slash and burn policy, all because the Government was incapable of delivering on the priorities and policies outlined by the Ministers for Health and Finance in the budget last December.

It is now July and the HSE remains in a state of flux. The CEO is the Accounting Officer, the Minister claims he is in charge and the board is made up primarily of people appointed from the Department of Health. The Department says the HSE is responsible, but the CEO is the Accounting Officer, with the board. This state of affairs has caused damage and dislocation, particularly with regard to bringing forward policy, enacting it and ensuring services are provided.

With regard to the HSE service plans, last January we had more smoke and mirrors from the Minister when he sent back the service plan because he was not happy with it. Surely, he should have been involved in drafting the service plan as he has claimed that he is the one ultimately responsible. The HSE and the board signed off on a plan, but the Minister took a look at it and sent it back to the board saying he wanted substantial changes. What substantial changes did he want? As far as I am aware, no changes were made. That was just another spin by the Minister to show he was flexing his muscle in terms of being in charge. Unfortunately, he has not stood up to the responsibility of ensuring the HSE brings in its budget on time and within limit.

The fundamental issue is the delivery of services to the people. We have already begun to see hospital managers under huge stress and pressure. We have heard claims that trolleys are being moved to wards in order to reduce the trolley count. We have eminent consultants saying that lives are now being put at risk. Front line health service providers and nurses are stating that they are working in areas that are not fit for purpose in terms of delivery of emergency care. These issues are being raised continually, but that is nothing new. They were raised last December also. We have highlighted these issues regularly, but the Minister seems to be incapable of understanding or acting on these warnings. It is time for him to act because the CEO of the HSE has said that it cannot come in on budget unless there is massive dislocation to health services throughout the country. This is just the seventh month of 2012, but huge adjustments are required if the HSE is to come in on target.

The adjustments required will, unfortunately, affect vulnerable people most. We had a situation not long ago when incontinence pads being provided for patients in a nursing home in Kilkenny were being counted out to them. At the same time as this is happening, the Minister has failed to make the savings in the areas he proposed, agency staff, generic substitution and price referencing. He identified massive savings in these areas, but the CEO has stated that these savings have not been realised at all. I understand the challenges are difficult and we are all aware of the reality of the situation we face. However, the least the Minister should do is to try to bring forward the legislation that will allow him to make savings, that will allow him to substitute brand drugs with generic drugs and allow him to price reference and address the agency issue. More importantly, he must bring about proper corporate governance and ensure accountability at the highest levels to ensure Government policy is enacted. That is not happening now.

On the issue of community nursing homes, the Minister has stated that the most important issue with regard to acute hospital services is to ensure a throughput of patients and to ensure that people do not remain in intensive care or high maintenance units in hospitals when they could be in community nursing homes. At the same time, the service plan he rejected initially and then sought to implement has proposed closures of over 800 community nursing home beds in one year. Without any stretch of the imagination, that is contradictory to what the Minister is trying to achieve, namely, to move people who should not be in hospitals into the community setting. I never come into this House and question anybody's integrity but other Deputies have raised the issue of conflicts of interest in terms of private nursing homes and support for them and a slash and burn of our community nursing homes without any logical explanation as to why they should be closed. The Health Information and Quality Authority was used as a reason for closing them in some cases while in others, other reasons were used. However, there is a fundamental question we must all ask. What is the logical reason for closing community nursing homes which we all accept provide the highest standard of care to our elderly people in the community setting and which benefit, in every way, the transfer of people from the hospital setting to the community one which, as the Minister says, is stated policy and yet he reverts to type and closes them without any consideration for the residents or the community?

I refer to other areas causing huge dislocation. The Minister placed great store on his special delivery unit. This was the answer to all his difficulties and would resolve all the problems he faced. The special delivery unit is spending an awful lot of time dealing with people who are waiting more than one year for procedures. However, it is benefiting from the fact that people cannot get to see a consultant to be assessed and to find out whether they need to become inpatients. Hundreds of thousands of people are waiting to see consultants to be assessed but they are not being allowed into the system. I know of a woman in her 90s who is waiting more than four years for an audiology assessment. People are waiting ages for orthodontic services. What is happening to orthodontic services is shameful, in particular in regard to our young people who simply cannot get to see an orthodontist.

We must be honest with ourselves. The Government has failed to bring forward the legislation which would allow it to deliver the services our people need. I do not know the reason but the Minister promised three pieces of legislation. He also promised with great fanfare some time ago that he would renegotiate consultants' contracts but he has just thrown that aside. He said he might get more productivity out of them. At the same time, some consultants are continually in breach of their 80:20 public-private mix. There are contracts with a 70:30 mix but some consultants are even in breach of that. Nobody is taking them on. When he was on this side of the House, the Minister promised he would do the devil and all when he moved to the other side. He has moved to that side of the House but everything has almost stopped.

The Minister of State, Deputy Shortall, is as accountable as the Minister because she is representing the Government in this Chamber and in this debate on the budgetary process. The Government has quite clearly failed. When it is closing hospital wards, hospital theatres and nursing homes in the future, it might reflect on the fact that if it had been active in the legislative area to bring about the savings identified in the budget, we would not have to take the drastic action we may yet have to take. What exactly will the Government do at this late stage with one week remaining in this session to bring forward legislation to allow it to at least effect some savings between now and the end of December so that we will not have the dislocation of services which will inevitably happen if we continue on this path?

I refer to the issue of accountability and the HSE. We must find out once and for all to whom we speak. Is it the Minister, the Secretary General of the Department or the CEO or all three — the three wise men? At committees, I see the Secretary General of the Department,

[Deputy Billy Kelleher.]

the Minister and the CEO of the HSE all defer to each other. The Minister must take a hands on approach at some stage.

I refer to the other commitments in the programme for Government. I only have 20 minutes to speak so it would be wrong of me to take up more time than that but we will have to revisit the issue of primary care. The Minister promised at the Irish Medical Organisation conference that he would transfer money from the hospital budget to the primary care setting. Has that happened? This is a key question to which we must know the answer. The Government cannot continue to spin its way out of this. The fact is that services are continually being downgraded by stealth and people will be waiting for longer periods, not necessarily on hospital trolleys, to see a consultant. People cannot get to see consultants for assessment.

This motion is an opportunity for us to highlight the Government's abject failure to address the budgetary problems which have been evident since early January. This was highlighted in the context of private health insurance and the fact that charges for public beds has not happened. The CEO of the HSE said last week that this did not transpire. In one fell swoop, the Government has lost millions of euro through inactivity on the legislative front and, as I said, people will suffer because of that.

I refer to the issue of agency staff. We highlighted the fact the Government did not have a plan for retirements on 29 February. The more I look at this the more I see that it is by pure accident rather than design that we have not had worse dislocation of health services. We have an issue in regard to agency staff and the Temporary Agency Workers Directive. A key component of the budget was to address the reliance on agency staff which would save more than 50%. The Government has made no effort to do that. The recent figures from the HSE, the Minister or the Department — I am not quite sure from where they came, although I presume they are accurate — state that the agency bill has increased. We are becoming more reliant on agency staff even though it is the Department of Health's stated policy, and it was stated in last year's budget, that this issue would be tackled and that the Government would address the issue of agency staff once and for all.

I hate to say it but after a short period time, the Government has driven the health services to the brink because of inactivity. It is not always about a lack of funding but rather inactivity and a deficit of ideas and action. That is the situation we face. When people must wait long periods of time to be assessed, to get medical cards and to get orthodontic treatment and when someone of 90 years of age must wait four years for audiology services, the Government can consider its abject failure to bring forward the legislation it promised the people and the Dáil when it passed the budget last year. I am convinced — it was said at the time — that it was aspirational at best or dishonest at worst. The jury is still out that particular issue. It gives me no joy to say — let it be conveyed to the Minister — that it is a very serious breach of trust when a Government passes a budget and fails abjectly to bring forward the legislative measures which would bring about savings so that people who require services will not have to carry the burden due to inactivity and its failure on the legislative front.

Deputy Barry Cowen: The health service has been used to taking a battering in this House over the years. Some of it has been justified but some of it has not been. Before the HSE was set up, not a day went by without an issue in one of the 11 health boards being raised or debated. The whole aim of setting up the HSE was that patients wherever they lived had access to the same type of service and that health outcomes would be the same whether one lived in Carndonagh or Cahirciveen. When the previous Government set up the HSE, it was actually welcomed by the Labour Party and Fine Gael. Obviously, since going into government both parties, as is the norm, found themselves to have short memories.

I am not saying the HSE did not have a very difficult start. I admit it took a while to bed all of the changes down but it must be acknowledged that the health service is one of the biggest employers in the State, has thousands of sites and numerous grades and different professions, so it was bound to take time to settle. Any expert in change management would tell one that. Let us take primary care, for instance. The Minister and Minister of State, Deputies Reilly and O'Sullivan never miss an opportunity to say nothing was done in this area before they came into office, even though on their own Department's website an update on progress on primary care teams that was posted in March 2011 tells a very different story. It outlines how there were 348 teams at an advanced functioning stage, that is, holding meetings on patients. A further 171 teams were in development. There were at that stage over 2,500 health care professionals on primary care teams. This illustrates that an enormous amount of work was done by the previous Government. Any objective commentator would confirm that. I wonder do the Minister and Minister of State agree.

What baffles me most is the audacity of the present Government. When elected, members of the Government made a conscious decision to rubbish all previous health policy as it was seen to be tarnished in some way. The mantra of universal health insurance was the answer to all our woes, nothing would be right until it was introduced. However, the Dutch model is no longer mentioned as it was found to increase the number of administrative staff and to cost the Dutch taxpayer more. It is now 16 months since the election and a White Paper on universal health insurance has not even been introduced. The Minister has said it is unlikely that it will be introduced in the lifetime of the Government, however long that will be.

In the meantime, insurance costs for families who can afford it have gone through the roof and an increasingly rapid number of people are leaving insurance schemes as they simply cannot afford them. Waiting times for processing medical cards are at a historic high, and not just for first time applicants. We all remember the story of Regina Kennedy who last December, at 29 years of age and battling chronic renal failure, said she could not afford life-saving medication while her medical card re-application was being considered. Even though she had a chronic illness and the date on her original medical card had expired she would have to wait months and pay for medication in the meantime. This is far from the Utopia of universal health insurance. The Minister is not in charge of his Department or the HSE. He is too busy pontificating and relabelling policies so that he can call them his own. This is not fooling anyone working in the health service and it is certainly not fooling the public.

The National Treatment Purchase Fund, which had treated more than 200,000 patients over the previous ten years was a real success story and, when surveyed, patients who had used it gave it a more than 95% satisfaction rate. Waiting times were considerably down, with the vast majority of procedures being done within a three month waiting period. Within a few months of taking office, the Minister, Deputy Reilly, dismissed the NTPF and set up the special delivery units, SDUs. The SDUs are now busy relabelling trolleys and waiting rooms in the country's hospitals so numbers in accident and emergency departments look better on paper.

As we speak tonight, there are 2,451 beds closed in our public hospital system and 277 patients on trolleys. While the Minister is taking praise for treating the longest waiters on the waiting list, very few people have copped that these are the least number of patients being treated compared to when the NTPF was in charge. Obviously, the spin of treating those waiting longest was the priority rather than the substance of comparing the total numbers being treated. The Minister is not being open and honest about the SDUs. I was surprised to see reports that two of his advisers on the SDU are paid through the UK and do not appear to pay tax in Ireland. If these reports are inaccurate they should be corrected immediately.

[Deputy Barry Cowen.]

The Minister is also facing major challenges to ensure that his health Estimates are correct and in order. Indications so far do not lend any confidence. It is hard to ascertain the exact budget correction the health service is facing. It seems to be in a shambles.

The Minister got rid of the board of the HSE, an exercise in optics, and shamelessly has yet to bring forward legislation to replace it. This cynical exercise has led to this mess and brings with it a total lack of accountability. The Minister put Department of Health officials on the interim board of the HSE but when they met last week with the CEO of the HSE to discuss exact budget deficit figures they could not agree on them. This is farcical. It is like a pantomime. The deficit could be anything from €250 million to €300 million but as there is no functioning governing board the Minister will have to become directly involved himself to sort out this mess.

The Minister for Public Expenditure and Reform, Deputy Howlin, has recognised this. Ten days ago, he asked the Minister for Health to get personally involved, but there are no signs of this happening yet. Deputy Howlin even wrote to Deputy Reilly and outlined his concerns over the budget over-runs in a four page letter and added that he was concerned about the lack of governance structures. This is like a bad episode of “Killinaskully”.

While the Minister pontificates about his universal health insurance plan, without producing any real plan, the health service as we knew it is falling apart, bit by bit. Morale is extremely low amongst staff, the service is facing massive cutbacks but the Minister is not even being honest about that. The CEO of the HSE is calling for direction. The Minister’s own Department is saying the HSE is to blame. It is like a vicious circle of financial madness.

The Minister has only three Bills on the legislative list, not one of which has been published in this session. The first is on generic drugs where there were to be substantial savings, but to no avail. The second is to amend the Health and Social Health Care Professionals Act 2005, hardly a complex piece of legislation, but nothing has been done. The last is the HSE governance Bill. Despite repeated requests from Deputy Kelleher and many others on this side of the House, nothing has been produced. The Minister needs to take charge and to act now to prevent further damage being done to front line services. He is in danger of becoming the emperor with no clothes.

Time, patience and excuses are not enough. The Minister for Health, Deputy Reilly, and the Ministers of State are no longer acceptable. Labour and Fine Gael have been in office for 16 months. It is time for them to walk the walk. We have spent too long listening to them talking the talk, but there seems to be no cohesion, direction or control. The situation is spiralling out of control while the prospect of a €500 million over-run can only spell disaster for front line services.

Deputy John Browne: I am pleased to have an opportunity to speak on the motion tabled by the Fianna Fáil spokesperson on health, Deputy Billy Kelleher, and to express my concern about the health services.

Before the last general election, Deputy Reilly had all the answers. He travelled the country, visited every county and constituency and made every possible promise that could be made. In my own county of Wexford, he promised many changes to the health services, improvements to Wexford hospital and better mental health services. He undertook to deal with just about every issue on the cards at the time. He was the expert in the health service area and had all the answers and solutions.

The Minister’s promises have not been fulfilled. The health service is on course to run a deficit of €500 million this year. This is due to the Minister’s failure to prepare a proper budget.

He presented a false Estimate last December, failed to implement necessary legislation on drug pricing and bed designation and his other targets were never achievable. He got rid of the HSE board, to great fanfare, and we now do not know who is running the health service. When he got rid of the HSE board I understood the Minister would take over complete control of the HSE. That is why I was amazed when, last week, he made an attack on the HSE and told it to get its house in order, even though a significant number of directors of the HSE are officials of his own Department and the Department of Children and Youth Affairs. Do these officials not follow the same philosophy and ideals as their Ministers? That cannot be the case, as the Minister is criticising them and asking them to get their house in order.

Savings of €124 million in drug payments were envisaged through a new pricing agreement with the industry but pharmacists, doctors and consultants did not think the target was achievable. The Minister spoke about replacing expensive drugs with generic medicine but I recently read that generic drugs are almost the same price as their branded equivalents. Perhaps he will clarify how he plans to save €124 million with cheaper drugs because it does not seem to be happening. He also proposed to increase private income by €144 million, of which €75 million would come from private patients in public beds. As Deputy Kelleher has pointed out, however, the CEO of the HSE, Mr. Cathal Magee, has indicated that it will not be possible to deliver on this target. Clearly the Minister was pulling figures out of the sky. Agency costs were to be reduced by 50% but, again, Mr. Magee has stated that the target is completely unrealistic. When the Minister and his departmental officials presented their budget last December they put forward figures that nobody in the health service believed could be achieved.

People are waiting as long as five years to see a consultant in Waterford and Wexford general hospitals. The orthodontic service is a shambles and people are waiting years just to be assessed for hip operations, let alone be admitted to Ardkeen or Kilcreene. There are also significant waiting lists for eye operations.

The medical card system is a disaster and Deputies spend a large proportion of their time trying to secure people's rights to cards. People who are below the income threshold or who previously held cards are now finding it impossible to get medical cards. In fairness to the staff in the medical cards unit, they are very helpful and respond promptly to our inquiries. Whether because of a lack of staff or delaying tactics on the part of the Minister, however, medical cards are taking too long to process. I suspect the delaying tactics come from a desire to save money.

I recognise that mental health services are dear to the heart the Minister of State at the Department of Health, Deputy Kathleen Lynch, and she has been helpful to my own county in providing funding for services. I ask her whether the €35 million budgeted for mental health services continues to be ring-fenced for this area. I have been informed by sources within the HSE that it has been suggested in recent days that part of the €35 million investment in mental health services should be diverted to offset overruns in other areas. I ask her to confirm that the 414 staff promised for mental health services will be recruited at the earliest opportunity. From what I have been hearing about mental health services in my region, I am concerned that money may be siphoned off for other parts of the health service. That would be disastrous because, as the Minister of State will be aware, the service has changed significantly in recent years and people have moved with the reforms recommended at national level. It is important that the process of change is maintained. The closure of St. Senan's hospital in Enniscorthy became an emotive issue but the ancillary services that have since been put in place are excellent. We need additional services for the south-east region and, I am sure, the rest of the country. Mental health services in Waterford need to be upgraded because they are now serving the entire south-east region. I am sure the Minister of State will fight to ensure the money is ring-fenced.

[Deputy John Browne.]

The Minister has spoken about the importance of the fair deal scheme for the elderly in our communities. I recently received a letter from a nursing home in Wexford which has not admitted a single patient through the fair deal scheme. It now has seven empty beds but it has been informed by hospital management in Wexford that the funds required to release patients to nursing home care are not available, even though a considerable number have been approved for funding. This is another broken promise from the Minister. The fair deal scheme is not working in the south east because the funds have not been made available for it. The old subvention system worked reasonably well but the fair deal scheme was to be the answer to all the problems in terms of caring for the elderly. We must continue to fight for the rights of elderly people because the lack of funding has been a bone of contention in the south east for the past two years. Between eight and ten patients in Wexford hospital could be transferred to nursing homes with vacant beds rather than holding up beds through no fault of their own. Gorey hospital had eight long stay beds for older people but they are now being transferred to St. John's hospital in Enniscorthy. St. John's is a new hospital with excellent facilities but it is already overcrowded and the transfer of patients from Gorey means there will be no room for fair deal patients.

There are many difficulties in the health service at present and it is important that the Minister comes clean on the issues that have arisen. The estimates he gave in the budget are clearly incorrect and will never meet the needs of the health service. He needs to fully explain the reason his budget was underfunded and what he is going to do to provide additional funding. The Minister for Public Expenditure and Reform is calling for cuts in the running costs of the health service but this can only mean the closure of wards and reductions of services. In this day and age, that is not good enough. I ask the Minister to come clean and deal with the issues as quickly as possible.

Minister of State at the Department of Health (Róisín Shortall): I move amendment No. 1:

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

- “ — noting that the Health Service Executive (HSE) is facing a significant challenge in 2012 given the need to set expenditure levels within the parameters of the National Recovery Plan;
- acknowledging the significant reductions which the health sector has experienced over the last three years, both budgetary and staffing;
- further noting that the HSE has operated the Croke Park Agreement very effectively, with over 3,500 staff redeployed, and a reduction in overall numbers of over 6,000;
- further acknowledging that a range of measures are being actively progressed during 2012 to enhance income collection;
- commends the Minister for Health for managing within this difficult environment, and at the same time achieving;
- a 7% increase in in-patient discharges and a 6% increase in emergency department admissions;
- in relation to a basket of 24 procedures, the national target of 75% of cases treated as day cases;

- significant improvements in hospital waiting times, with 9,100 fewer patients waiting on trolleys when compared to the same period in 2011, which equates to a 19% year-on-year improvement;
- implementation of clinical programmes which saved 70,000 bed days last year, thereby allowing for more patients to be treated more efficiently;
- cost reductions within the health sector which are impressive by international standards, particularly within the hospital sector;
- 1.8 million people now with medical cards, and 130,000 with GP visit cards;
- the passing of legislation to abolish restrictions on GPs wishing to become contractors under the General Medical Services scheme which is now in place;
- progress on the preparation of legislation to allow for the extension of free GP care to persons with long term illnesses;
- progress in building primary care capacity and in chronic disease management, particularly for the management of diabetes;
- significant advances in mental health services in the implementation of A Vision for Change, in particular improved child and adolescent mental health services;
- advances in the care of older people, with almost 23,000 clients now supported under the Fair Deal scheme; and
- accelerating the type of service delivery reforms that will move to models of care across all service or care groups which treat patients at the lowest level of complexity and provide services at the best possible unit cost; and
- welcomes the determination of the Minister and Government to move towards a health system that provides access based on need rather than income, underpinned by a strengthened primary care sector, a restructured hospital sector and a more transparent ‘money follows the patient’ system of funding that will be supported ultimately by Universal Health Insurance.”

I welcome the opportunity to speak on this motion. As the Minister for Public Expenditure and Reform indicated on the publication of the Estimates, the Government has a significant fiscal deficit which needs to be closed. Our country has suffered the greatest economic crisis in living memory leading to a large fall in Exchequer revenues. I am sure I do not have to remind the Fianna Fáil Members opposite of the reason that is the case.

It is in this challenging context that expenditure plans for 2012 were set and the health sector, as with other sectors, incurred a reduction in the resources allocated to it. The health service budget has been reduced by €2.5 billion over the last three years. The number of health service staff has fallen from a peak of 111,000 in 2007 to less than 103,000 now.

As we are all too well aware, the country still faces serious challenges in respect of the public finances. In order to meet the targets agreed with the troika, there will be further reductions in the level of resources allocated to the health sector.

The Government faced difficult choices in setting the health Estimate and set, as its priority, the aim to maintain services to the greatest extent possible within the reduced resources available. The HSE’s national service plan was prepared in the context of the challenges faced by

[Róisín Shortall.]

the health services this year in terms of reduced staffing levels and a reduced budget, combined with increasing demand for services.

It also took account of additional funding being invested this year to critically change the models of care we are providing in areas such as mental health services, primary care, the national clinical care programmes and children's services. It is not enough to reduce services in order to meet budgets; we must also commit to the radical programme of reform that is set out in the programme for Government. We can no longer continue with business as usual. That is simply not a sustainable position.

It is clear that the savings targets set for the health service are ambitious, particularly in light of the fact that significant numbers of staff retired under the grace period. Budget reductions pose a major challenge to the system's ability to maintain services at an acceptable level. In the six months to the end of February this year, almost 5,000 staff members retired from the health service. All key services, including maternity, critical care, neonatal and essential social services were maintained without interruption. That is a significant achievement on behalf of the HSE. This was facilitated to a large degree by the flexibility provisions in the public service agreement. In some respects, the response and co-operation of staff went far beyond the terms of the agreement. I commend and welcome the flexibility and adaptability staff showed during this difficult period.

This agreement is a key tool in enabling the health service to respond to these staffing reductions. Since its inception in 2010, the agreement has helped the health sector to manage the reduction of staff numbers by over 6,000.

Another significant success of the Croke Park agreement in the health sector has been the redeployment, to date, of some 3,500 staff within the services. This number is exclusive of 1,000 staff who transferred to the Department of Social Protection. Other achievements include an extended working day in hospital laboratory and radiography services, the ongoing revision of rosters at local level and co-operation with clinical care changes in hospitals.

It is also clear, however, that further change is required, and at a faster pace, if we are to be able to reduce the impact on front line services. Therefore the 2012 health sector action plan contains a demanding and relevant set of measures. These include a comprehensive review of rosters, changes in skill-mix, productivity improvements and a focused approach to reducing sick leave levels.

The motion specifically addresses the issue of the drugs bill. Drugs spending represents 17% of total health expenditure and, clearly, this is not sustainable. The comparable figure in the UK is 9%. I would like to set out some of the work that has been under way in this regard. Significant savings on the drugs budget have already been made in recent years. Changes in wholesale mark-up paid on medicines, and the introduction of a common sliding dispensing fee across all schemes, along with the reduction of the retail mark-up paid on a number of schemes, resulted in on-going annual savings of approximately €120 million.

The Health Professionals (Reduction of Payments to Community Pharmacy Contractors) Regulations 2011 reduced certain payments made by the HSE to community pharmacy contractors with effect from 20 June 2011, with a further saving of over €34 million. This included a reduction in wholesale mark-up on drug items from 10% to 8%. These reforms have contributed to savings in the drugs budget this year along with changes to the threshold of the drugs payment scheme.

An interim agreement with the Irish Pharmaceutical Healthcare Association, IPHA, provides €10 million in savings in 2012 through reductions in the price of off-patent medicines. This

agreement is in advance of more substantive discussions to deliver a new agreement and significant price reductions. It is intended to bring these discussions to a conclusion shortly.

I am glad to report to the House that further savings will be achieved later this year through the introduction of the health (pricing and supply of medical goods) Bill 2012, to which Deputy Kelleher and others have referred. This Bill was approved by the Cabinet this morning and will be published in the coming days. The Bill was promised a number of years ago, during the term of the last Government, by the then Minister, Mary Harney, but unfortunately little or no progress was made in this regard.

The Bill will provide for the introduction of a system of reference pricing and generic substitution for prescribed drugs and medicines, which will lead to savings for taxpayers and patients. This is a significant development and in the coming years we look forward to making savings in the overall medicines bill and also for individual patients.

In addition, a national task force is being established to deal with the prescribing and dispensing of existing medicines. It will address this from the perspective of quality and patient safety primarily, but it can be anticipated that significant cost savings will result. By addressing the issue from the perspective of quality and safety, and by working with the leadership of the medical, pharmaceutical and other professions, we have the best means of securing a sustainable means of improving value for money from the State's significant expenditure on prescribed medicines.

The task force will be made up of a number of key leaders from the healthcare system and will be chaired by the chief medical officer of the Department of Health. Its terms of reference will require it to oversee and direct analysis of the extensive information that is held on prescribing patterns through the HSE's primary care reimbursement service. It will use this information to establish priorities to be addressed concerning quality and patient safety prescribing and to allow that to inform decisions on the nature and scale of interventions that should be undertaken. These can range from providing advice, guidance and support to prescribers and dispensers to help them to improve prescribing practice, to assessing the suitability of maintaining a supply of certain items with limited efficacy where more appropriate items are available. The work of this task force will be based primarily on evidence. The criteria that underpin these decisions will be clear and explicit to everybody working in this area.

I understand a preliminary meeting of the group will take place next week and that it is anticipated an executive office to support the very important work of this group will be established as a priority in the HSE so that the committee can be fully functioning before the end of September.

I anticipate that the Minister, Deputy Reilly, will in his closing statement to the House tomorrow evening speak about developments in hospital waiting times, the work of the special delivery unit and other issues. My colleague, the Minister of State, Deputy Lynch, will speak about the ongoing development of specialised care services and the work under way to improve client experiences in mental health and disability services and care of older people.

For my part, I want to report on progress in primary care. If we are to achieve savings in health spending while also reforming and improving the health services we provide, we must develop new models of care. As I stated earlier, business as usual is not acceptable. It is particularly not acceptable in the current climate when there is such pressure on budgets. We want to ensure that primary care can meet 90-95% of people's health needs and so we must move away from the old hospital-centric model where health care was episodic, reactive, fragmented and expensive. Through modern and strengthened primary care, we can achieve much better health outcomes and much better value for money.

[Róisín Shortall.]

I can assure the House that front line services in the primary care area will not be cut. I hope Deputy Kelleher heard that. Primary care services will be significantly strengthened in the coming months. We recognise the importance of primary care and of switching the focus and orientation away from hospitals to the primary care setting. An allocation of €20 million set aside in the budget will enable us to recruit some 300 people in the primary care area, including public health nurses, RGNs, occupational, physio and speech and language therapists. These posts will be allocated to the areas of greatest need, using an objective resource allocation model. Full details of this allocation will be announced next week.

In January, I established the Universal Primary Care Project team to drive implementation of primary care reform. The projects overseen by the UPC team include policy, planning, costing and legislative preparation for the extension of free GP care, preparation of legislation in respect of which is at an advanced stage; development of implementation plans for chronic disease management in primary care — last week I approved the recruitment of 17 diabetic nurse specialists to commence the roll-out of the diabetes programme; development of a detailed programme of capital investment in primary care centres; preparation for a new GP contract to reflect the programme for Government commitment to universal free GP care and intensive chronic disease management; and preparation of new governance and funding arrangements for primary care, which is well under way. I assure Members opposite that a great deal of work has been done on preparation for the development of the new directorate within the HSE. Work on identification of the cohort of staff who will be working under the new directorate and, crucially, on separating out those budgets is ongoing. For the first time ever, there is a commitment to the establishment of a primary care fund which will enable us to meet the commitment to strengthen primary care.

Our health services are essential to the functioning of our society. Our citizens expect and demand a modern, high quality, safe single-tier health service which guarantees access to care based on need not on ability to pay. They expect a health service that is continually evolving and improving and delivering services more efficiently, effectively and with fewer staff. The programme for Government sets out a clear pathway for the future development and strengthening of our services, notwithstanding the enormous financial challenges that this Government inherited. Despite the challenges posed by reducing resources, this Government has already made significant advances in improving services and delivering on the commitments made in the programme for Government.

I urge the House to reject the Opposition's motion and to support the Government as it deals with the challenges it faces by supporting its amendment.

Deputy Patrick O'Donovan: I welcome the opportunity to speak on this motion. I also welcome the contribution made by the Minister of State, Deputy Shortall and welcome her colleague, the Minister of State, Deputy Lynch, to the House. The Department of Health is not the prettiest to be assigned to. I wish to put on the record my admiration for those people who serve in the health services, HSE or Department of health, be that in a political, administrative, departmental, front line, nursing, domestic or other capacity. It is probably the most stressful place to work from a political or service delivery point of view.

There is no doubt but that Deputy John Browne is correct. There is a lot wrong with our health service. However, I take issue with him and with Deputies Cowen and Kelleher on one issue. The problems in the health services in Ireland did not commence last February 12 months. They have been around for a long time. Despite 40 minutes of uninterrupted contributions from the Opposition benches they did not offer a single solution, which says a great deal about where Fianna Fáil as a political party is placing itself on its road to redemption. All

they did was crib and moan. I know that Fianna Fáil is in a race to the bottom with the political party sitting to its right. However, as a party trying to restructure itself on the political landscape in Ireland it should, rather than continually whinging from the sideline take some responsibility for what it did to the health services, admit it was wrong and be supportive of Government which is trying to fix the problem.

I wish to raise two issues with the Minister of State. I am glad both Ministers of State are in the House because this issue is relevant to both. The first issue relates to young adults with an intellectual disability who have been receiving letters during the past couple of days in regard to whether they have school places going forward. I am sure every Member of this House has received representations on this issue in the recent past. I was visited at my clinic last Saturday by parents of a child with an intellectual disability who are concerned about who will care for her when they are gone. I urge and implore the Ministers of State and Minister to engage with the voluntary bodies charged with providing services for young intellectually challenged adults to ensure there are places for them when the school year recommences next September.

I have previously stated in this House when speaking on education issues that I believe now is the time for this country to engage in a new model of social partnership. By this I mean not the model of social partnership that involves calling people in late at night to Government Buildings and asking them how much of the cake they want but the model of calling in all of the stakeholders, be they nurses, domestic staff, parents, service providers in the voluntary sector, HSE or Department of Health officials, and informing them of the amount which has been voted through by the Oireachtas for the next year for, say, education, health, defence or justice and asking them how they propose to spend it, what they see as the priorities in their area and, more important, the areas where potential savings could be made. I agree with the Minister of State that we cannot continue with business as usual. We have a depleting budget going forward. I implore officials in the Department of Health, together with their colleagues in the Department of Education and Skills and the voluntary service providers, to sit down together over the next six weeks to ensure young intellectually challenged adults of 18 years are not discharged from school, leaving their parents, many of whom are elderly, wondering who will look after them when they are gone. I compliment all of the work already done in this area. The brother of one Deputy once referred to the Department of Health as “Angola”, on which I would probably agree with him. I applaud anybody who is trying to deliver real change in the health services, including the nurses at the side of the bed or the Ministers of State present this evening. Their hearts are in the right place and I compliment them on the work they have done. However, I urge them to engage, for God’s sake, with the service providers and stakeholders at all levels of the health service in order to achieve better value.

Deputy Olivia Mitchell: I appreciate the opportunity to speak on this issue, which is of intense interest and importance to every citizen. An overrun in the HSE budget is nothing new, but this one is disturbing for us all. While I welcome the opportunity to debate the issue, I am disappointed in the wording of the motion which raises a very legitimate issue but offers no solution. It takes the easy option of demanding that services be maintained regardless of the overrun. All of us wish that services could be maintained but the issue is achieving it. The clear absence of any management structure when setting up the HSE was disastrous and it has dogged it ever since. It merely introduced a layer of management on top of the layer of management that existed for the health boards. It has struggled ever since as a result of that fateful decision. To this day governance in the HSE is problematic as is administration. Legislative change in the past few months, as mentioned in the motion, was not going to prevent a deficit emerging right now. Despite putting enormous amounts of taxpayers’ money into the health system there is widespread dissatisfaction with delivery and regardless of what is often said about it outcomes are not up to international norms except in very limited areas.

[Deputy Olivia Mitchell.]

A lack of money is not the problem nor is it the quality of personnel in the system. However, the management is a major problem. Management of something as vast, pervasive and complex as a health service is highly problematic and requires a management system with a clear line of command and responsibility that is second to none and we just do not have that. Most of the money goes into the hospital and that is where the problem is particularly obvious. I recently had occasion to visit a patient in what is regarded as one of our top hospitals. My observation of procedures and practices — medical and otherwise — were more than disturbing. In one example I observed a patient in a bed being moved to a different ward so the area had to be cleaned. On a Saturday afternoon I sat there and watched as three different cleaners came to clean the area — they all did exactly the same work and left again. While it is a very small thing it reflects the absence of anybody in charge and taking responsibility for management at ward level. Nobody is responsible for cost containment. As that was a Saturday afternoon, I presume the cleaners were not on normal rates of pay but on a higher rate. I do not blame the cleaners but management. How could that happen in a hospital where budgets were stretched?

I will not go into the other inappropriate and wasteful use of devices and the ordering policy. The point is that hospitals absorb a huge amount of budgets and without really strong management in hospitals we will continue to have these problems. I will not go into the issue of consultants and the management of patient care, which is also of concern.

Another area of concern is the area of medicines. Approximately €2 billion is spent annually on medicines and this is rising at an alarming 9%. While some reduction has been achieved the pharmaceutical industry must do better and come to the table in order to provide savings to the State, just as the State has responded to its concerns that we would support innovation and purchase of new and expensive drugs. The reduced prescription charges introduced by the two pharmacy groups is very welcome and I hope the competitive pressure will see this trend continuing and secure further savings for the State and private citizens.

I raised the issue of disabled school-leavers some months ago and I realised that it would only become obvious at this time of year. As able-bodied school-leavers are moving on and looking forward to new educational opportunities, holidays and trips abroad, disabled school-leavers are being sent letters to be informed that there is probably no service for many of them. I understand there is less money for everything but it cannot be that there is no money for some of these children. Every one of these children is entitled to some kind of service plan. Their parents who have done everything for them up to the age of 18 are getting old themselves and are beginning to worry about the future. They see other children having every opportunity while they have none. We cannot throw these children on the scrapheap of life now. I will not stand by silently if every one of these children leaving school at 18 is not provided with a day-care plan.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I support the sentiments of the Minister of State, Deputy Shortall, that it would be wonderful to be in this Department at a time of full and plenty with the country awash with money. God knows, there were times when the Government was hard-pressed to know what to do with it. We are in an entirely different space now and we are trying to ensure the front-line health services both within the acute hospitals and in the community are delivered in a more efficient and effective manner. That the country is virtually bankrupt is not and never was as a result of people needing a health service but of gross mismanagement by the previous Government, and Opposition Deputies should keep that in mind.

The Health Service Executive's national service plan for 2012 acknowledges that there will be an inevitable and unavoidable reduction in services this year because of the scale of the financial and staffing challenges facing the health service. However, it also outlines the various actions that will be taken to mitigate as far as possible the impact the budget and staff cuts would otherwise have on services. In framing the plan, the HSE was asked to avoid across-the-board cuts in budgets and to ensure that reductions in budgets should not lead to a corresponding reduction in services. This is in line with the objectives of the Government's health reform programme to prioritise our services in a way that supports those in greatest need.

I wish to address the areas of the health sector for which I have responsibility, namely disability, mental health and older people services. In excess of €1.4 billion will be spent on specialist disability services in 2012. The national service plan provides for a 3.7% reduction in budgets, but makes it clear that there is scope for achieving efficiencies of 2% or more through measures such as consolidation and rationalisation of back-office costs. That is not as easy as it sounds. Some organisations have already introduced all those efficiencies, as we are well aware. It is not something that can be said in a glib or off-hand manner. Organisations delivering disability services have done an exceptional job this year.

I wish to answer some of the points about school-leavers made by many contributors, including the last contributor. We started off with a figure of approximately 700 school-leavers — young men and women who happen to have a disability.

The number in this respect has not settled but we estimate that 180 people will be in need of a day place. I congratulate the disability services in the HSE and the organisations which have made room and managed to find space to provide for people who needed a service without it costing the Government any additional money. There will be no additional money in terms of provision having regard to demographics but we must ensure, and I am not certain that it can be done by way of threat, that people who are most vulnerable and in greatest need will have a service and we will continue to work on that on a daily basis.

Deputy Browne asked me the other day if I still had the €35 million allocation for mental health services. I would love to think that I had it personally but we have that funding. The posts which will be necessary to bring mental health services into the community and to strengthen the community mental health teams will be put in place this September. I congratulate the people in the Deputy's constituency of Wexford and the people of Waterford on the tremendous job they have done in driving that service forward and being courageous in doing that under some pressure. We have had the assistance of the Minister, Deputy Brendan Howlin, who insisted on the retention of the €35 million allocation, and there is also the promise in the programme for the Government's in regard to mental health.

We will publish a carer's strategy next week to provide not only for older people because carers comes in all shapes and sizes; sometimes they are very young and sometimes they are elderly. We will publish a dementia strategy in 2013. The review group and public consultation on that is being put together as we speak.

The allocation of €1.4 billion for the fair deal scheme is ring-fenced. I was amazed to hear there are difficulties in some areas because I inquired about the scheme only this morning and was told there was no waiting list. How we treat our elderly people cannot be only about nursing home or long-stay provision; it must be about far more than that. It must be about ensuring that we all live and die where we wish to be, namely, in our own communities.

An Leas-Cheann Comhairle: The next speaker is Deputy Ó Caoláin and I note he is sharing his time with Deputy Colreavy.

Deputy Caoimhghín Ó Caoláin: Yes. Go raibh maith agat.

I hope the Minister for Health, Deputy James Reilly, takes the opportunity tomorrow or on Thursday to come into the Dáil to address the very serious questions that have been raised concerning his involvement in the private nursing home sector. That involvement raises issues of conflict of interest and his suitability to take decisions regarding public and private nursing home care. This is directly relevant to the motion before us and the issue of health care funding and health care services.

Between January and May this year, 296 public residential care beds were shut by the Government and the Department of Health does not have a way of identifying the number of beds opened or closed in the private sector in the same period. There are more than 600 public hospital beds occupied by people whose treatment is complete but whose discharge is delayed, mainly because they are older people and there are no care home places or step-down facilities for them. With care home beds being closed and acute hospital beds also closed — more than 2,400 at present — the system is being contracted at both ends. Clearly, the Minister, Deputy Reilly, and his colleagues are continuing the failure of their predecessors and are driving the health service into deeper crisis.

It would be laughable if it were not so tragic that at this mid-point of 2012 we have a renewed panic within Government about the so-called spending over-run in the health budget. This was utterly predictable because the amount of money cut from the health budget for 2012 was totally unsustainable. We are told that the over-run for the year to the end of May 2012 was €280 million. It is no surprise that the HSE has exceeded its 2012 budget to this extent because, as we and many others have warned, the cuts imposed on health spending in budget 2012 simply cannot be sustained without the virtual collapse of services.

Some €750 million was taken out of health in the Fine Gael-Labour Party coalition Government's budget 2012. Now the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, is predicting that the over-run for 2012 will be €500 million. A total of €1 billion was taken out of health spending in 2011 and the Department of Health is talking about an overall reduction of €2 billion up to 2014. This is totally unsustainable without devastating already struggling front line services.

Last month we had the leaked correspondence from the Minister, Deputy Howlin, to the Minister, Deputy Reilly, on the over-run in health spending, apparently a public airing of the usual pre-budget manoeuvring within Government. We also had attempts to link the health funding crisis with the Croke Park agreement. The funding crisis in the public health services has its source in fundamentally flawed Government policy and not in the Croke Park agreement. We are seeing an effort to target the pay of people working in the health services as part of the austerity drive. If implemented, such pay cuts would be imposed alongside cuts in services for patients, not instead of them as the Minister, Deputy Reilly, has pretended.

The continuing recruitment embargo is a false economy as it has led to increased use of expensive agency staff and to more overtime working by existing staff. The Croke Park agreement provides for flexible working and this should be used to the maximum. Due to the continuing cuts and the recruitment embargo, staff are under severe pressure but have shown flexibility. One of the main drivers of costs in the health services is not the Croke Park agreement but the consultants' contracts, which keep pay for top earners in the health service at excessive levels and perpetuates the two-tier system with many consultants continuing to benefit from both the public and private sectors.

Alongside the reports of the €280 million over-run last weekend, we had speculation that the €35 million allocation for mental health services this year would be targeted to fill gaps elsewhere. Any such move would be scandalous and should be strongly resisted, and I depend

on the Minister of State, Deputy Lynch, to do that. Only last week, on 4 July in this Chamber, she told us: “I listened to Deputy asking where was the €35 million and metaphorically, it is in my back pocket. [The Minister of State will remember saying that and I remember her saying that very well.] I still have the money, it still exists and it remains within the Department.” I would ask her to give it a tap to make sure it is still there. I hope the Minister of State and her Cabinet colleagues ensure that funding remains in place and that it is allocated as agreed and as promised for mental health services in this State where it is so badly needed.

As we address this latest funding crisis in health, we are still in the dark about the Government’s plans for major health care reform. The Minister, Deputy Reilly, and his colleagues have repeatedly told us that they are moving towards universal health insurance and a “money follows the patient” model of funding, but beyond these endlessly repeated headlines we have been given little detail of how these far-reaching changes are going to be achieved and how exactly they will work. One thing is certain, this system will not be based on the public service model of health care delivery. The emphasis will be on the purchase of services in both the private and the public health sector by health insurance companies. There is nothing to indicate that the two-tier public-private system will be dismantled.

The Minister has spoken of a single waiting list but, again, we have no detail about how this will work. For example, will hospital consultants still be able to work in and profit handsomely from both the public and the private systems? If not, then new consultants’ contracts will be required. If there is to be a new and better way of working for consultants, and there certainly should be, then work on the new contracts would need to begin now to prepare for the throughput of new consultants coming into the system in the years ahead. We have also been told that hospitals will be grouped and that hospital trusts will be formed. Again, we have been given no detail. What guarantee do we have that this will not be yet more bureaucratic change?

At last month’s quarterly meeting of the Joint Committee on Health and Children with the Minister and the CEO of the HSE, both of them painted a bleak picture of a health service in the midst of a deep economic recession. Billions of euros are being taken out of the health service budget. I have described this as austerity in action. One cannot take €2.5 billion out of the health service budget in the last three years and not seriously affect front line care of patients. This is admitted in the HSE 2012 service plan. This is the result of the fundamentally flawed economic strategy of this Government. At the Joint Committee on Health and Children I asked about the Minister’s intention to take more billions out of the health budget. The Department of Health statement of strategy 2011-2014 states:

...total current expenditure for the public health service is being reduced by nearly €1.1 billion in nominal terms over the period 2011-2014 under the National Recovery Plan. However, in order to meet unavoidable pressures and Government commitments, in excess of €2 billion will have to be taken out of the health budget over the same period.

As my questions were not answered at the committee, I ask the Minister again, or any Minister who cares to respond in the course of this debate tonight and tomorrow night, for clarity on these figures.

The Minister stated that €2.5 billion was taken out over the past three years. His Department’s strategy speaks of €1.1 billion in nominal terms, 2011 to 2014 and in excess of €2 billion over the same period. How does this translate in terms of 2013 and 2014? It is a very confusing picture. How many more billions of euro have to be taken out to meet what the strategy calls, “Government commitments”? I have to understand those Government commitments to mean bank bondholders’ losses and other debts not incurred by the people. The Minister has repeatedly spoken of maximising the use of resources, including the skills and the time of health

[Deputy Caoimhghín Ó Caoláin.]

professionals. How does he reconcile this with the type of so-called savings being made now? For example, in Cavan General Hospital in my constituency, it is proposed to run the operating theatre on a week-on, week-off basis. Staff believe this will not make the targeted savings because it will mean more work done out of hours during the theatre's working week and that it will increase waiting lists. Undoubtedly it will. A fully equipped operating theatre will only be used at 50% of capacity, apart from emergencies. How does that make sense? I call on the Minister again to intervene to put a stop to this regressive and counter-productive cut.

Savings can be made in our health services by charging the real cost for the use of private beds in public hospitals, by targeting the excessive salaries of the highest earners in the health sector and by reducing the cost of medicines, where little progress has been made. This is recognised in the motion and Sinn Féin will support the motion in the name of the Fianna Fáil Deputies. However, it has to be recognised that, overall, the crisis in health spending is a product of the failed austerity strategy of the Fine Gael-Labour coalition and it cannot and will not be fully and properly addressed until that futile strategy is changed. I am under no illusion that this futile strategy is fully supported by Fianna Fáil and so its promotion of this motion is an example of double-standards.

Deputy Michael Colreavy: I welcome the motion but I, too, took a double take when I saw who was proposing it, given it was Fianna Fáil and the Progressive Democrats which were first to take a very sharp scalpel to the health services. I have notes for my contribution but I will ignore them. I will start instead with some good news. The endoscopy unit at Sligo Regional Hospital has achieved level one accreditation from the Royal College of Physicians in London. This is an excellent achievement and I commend the staff and everyone involved with that achievement. It shows what can be done if a staff and a good hospital are given half a chance. Sligo Regional Hospital is only the second hospital in the country to receive this level of achievement. It demonstrates the standard of excellence for patients in the endoscopy department of the hospital.

I wish to contrast this achievement and the pride of the staff in that achievement with the situation of breast cancer services. Before the election, this Government promised the breast cancer services would be restored to Sligo. The service was taken away by the Fianna Fáil-PD Government and it has not been restored. Promises have not been kept. A bus to Galway was provided in place of the restoration of breast cancer services.

A specialist stroke unit is badly needed in Sligo Regional Hospital, including a catheterisation laboratory but there has been nothing yet. A previous speaker from this side of the House said there was no suggestion made as to how matters could be improved within the current straitened economic situation. The Government needs to look at how much potential productive time, particularly of surgeons who are well-paid consultants, is not being used in theatre because there are not sufficient theatre staff. Lists are growing longer and well-paid consultants are not working, I would argue, to anything near their full productive potential. This situation needs to be examined urgently.

It seems to me that in this House we are engaged in an unspoken process of slimming down health services to make them a more attractive proposition for some form of privatisation. I do not know what that form is but I am very suspicious of it.

A man came to me yesterday. He said he had an appointment in St. Vincent's hospital in Dublin for a post-operative check-up. He had previously travelled on a HSE bus from Sligo to the clinic in Dublin and back again to Sligo. He was told on Friday when he rang to inquire about the bus time that the bus had been withdrawn. He had no knowledge of the withdrawal prior to his call. He would have to make his own way to Dublin but this was a man who had

never set foot in Dublin apart from walking from the minibus to the hospital for his surgery. I rang St. Vincent's hospital and they were excellent. They arranged a later appointment for him. I took him to Dublin and brought him to St. Vincent's where he was treated in the outpatients' department. I took him to the station and ensured he got on the train for Sligo. This was his first time on a train. It is disgraceful that this man did not know until he made an inquiry last Friday that his mode of transport had been withdrawn.

Deputy Maureen O'Sullivan: I acknowledge the parts of the Government amendment to the motion which highlight the improvements that have been made in the health services and the challenges being faced in the health area. I will devote my short speaking time to one particular aspect which is also of importance to the Minister of State, the mental health sector. I refer to the startling statistics about the number of people with mental health issues and the very insignificant level of funding in this area. Last week, the cross-party group on mental health raised a Topical Issue Matter on mental health with the Minister of State. We raised three questions, on the status of the €35 million that had been committed for community mental health services; the date of the appointment of a director; and the commitment on the ring-fencing of staff numbers. It was a good debate and we had a good engagement with the Minister of State. She referred to the gap analysis which she had been seeking to indicate the posts needed such as social workers, psychologists, psychiatrists and the location of the nursing posts. She gave the impression there would be positive moves. We did not get an answer on the question about the director but the Minister of State provided information on the posts and the funding of €35 million. It was alarming to read in the newspapers that health spending is facing big cuts as the financial deficit hits €280 million, possibly €500 million and that there would be a review of expenditure across all headings. Most alarming is the suggestion that parts of the €35 million for mental health services would be used to offset the overruns. I ask the Minister of State to assure me on this point. There is a dire need to move on A Vision for Change so that it becomes a reality. I refer to my recent parliamentary question to the Minister of State on the matter of the parents of an 18 year-old son with intellectual disability who relies on services from the HSE through the Brothers of Charity and these have been affected by the cuts. There is a need for appropriate services for people with intellectual disabilities who leave school. The HSE has identified approximately 650 school-leavers who will require services in 2012.

The issue of drugs made the headlines at the weekend because of events in the Phoenix Park. We know the problems of polydrug use and alcohol and yet the funding is being cut to the drugs task force projects and they are left in dire straits when dealing with those issues.

Deputy Mattie McGrath: I am delighted to contribute to this debate. I welcome the Minister of State, Deputy Kathleen Lynch. I compliment Deputy Kelleher for tabling this motion. Some have regarded this motion as a bit of a cheek coming from Fianna Fáil. This Government is almost 18 months in office and we have nothing but broken promises. I do not blame the Minister of State, Deputy Kathleen Lynch, because she has made a decent effort to ring-fence the money in the mental health area and to do other things. However, there has been one broken promise after another. I did not even read the Government's proposed amendment to the motion because it is not worth the paper on which it is written. It is nothing but blunder and bluster from the Minister. He promised so much and made so many commitments, in writing and otherwise. He had experience. He negotiated the Irish Medical Organisation, IMO, contract with the former Minister, former Deputy Mary Harney. He is a medical doctor and as a medical professional is more qualified and eminent to speak on medical matters than me. Other than that, however, he is a cowboy acting as if the rest of us are Indians. I mean that

[Deputy Mattie McGrath.]

and I hope it is not offensive language. He is just a chancer as far as I am concerned with regard to what is happening in the health sector.

An Leas-Cheann Comhairle: The Deputy should use parliamentary language.

Deputy Mattie McGrath: The Leas-Cheann Comhairle can wince as much as he likes, but it is time to call a halt to this. We have been under siege. What Deputy Colreavy described is happening throughout the country. Unfortunate people from rural areas and elsewhere are being thrown to the wolves by a system that is out of control, that is not fit for purpose and which the Minister said he would dismantle. The former taoisigh, former Deputy Bertie Ahern and former Deputy Brian Cowen, and the former Minister, former Deputy Dermot Ahern, agreed, as I know from being involved with the party at the time, that the HSE should be disbanded because it was out of control. That was a few years ago.

The Minister took away duties from the board but the board is still there and still making demands. I and Deputy Seamus Healy had a Topical Issue debate recently in the House about the waiting list in Clonmel but the only response I received was jargon about bed managers, ward managers and other managers. When there were matrons in the hospitals there were none of these managers and we had clean healthy hospitals that were accessible. Now we have hoards of pen pushers and people with letters after their names. It is a system of self-serving people, rather than a system that serves the public. These people have big wages and big job titles but many of them are doing nothing aside from adding to the problems and creating more problems. Nobody can touch them or take them on. Somebody needs to call time on those people.

The front-line services are being attacked and are under siege. The self-serving people that are in charge are destroying the health service we had, such as the accountability the ordinary members had on the health boards. It is time we got back to serving and looking after people with dignity and respect, not leaving them on corridors, removing services from them and frightening them from making complaints. It is outrageous.

An Leas-Cheann Comhairle: I ask the Deputy to move the adjournment of the debate.

Deputy Mattie McGrath: We need something to move this mountain of bureaucracy. It must be undermined. The Minister would be better off being here in the House instead of in Cyprus and dealing with the problems rather than running away from them.

Debate adjourned.

Microenterprise Loan Fund Bill 2012: Order for Report Stage

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I move: "That Report Stage be taken now."

Question put and agreed to.

Microenterprise Loan Fund Bill 2012: Report Stage

An Leas-Cheann Comhairle: Amendments Nos. 1 and 2 are out of order as they give rise to a potential charge on the Exchequer.

Amendments Nos. 1 and 2 not moved.

Deputy Peadar Tóibín: I move amendment No. 3:

In page 8, to delete lines 33 to 37.

Ba mhaith liom labhairt ar an dá leasú eile. I understand why amendments are ruled out of order. Generally, it is to ensure there is no extra cost to the State. However, the reason we are here is to provide micro finance to small emerging businesses, who are desperately in need of this oxygen to survive and grow. Every Member of the House is convinced about this and that the amount of money necessary is much larger than €10 million. In amendment No. 1, I replaced the figure with the phrase “an amount to be determined by the Minister”. In amendment No. 2, I sought to delete the figure of €15 million and to substitute “an amount to be determined by the Minister”. Surely “an amount to be determined by the Minister” does not in itself incur an extra cost on the State. It is a great disappointment because we went as far as we could to ensure it would not put a cost on the State but would leave the door open to the Minister, in his judgment, to deal with increased demand in the future.

An Leas-Cheann Comhairle: I ask the Deputy to speak on amendment No. 3 because the debate must conclude at 10 p.m.

Deputy Peadar Tóibín: There is no need to worry, a Leas-Cheann Comhairle, as I will get through the amendments as quickly as possible. I will speak to all of the amendments if necessary because all the surviving amendments deal with the same issue, the governance of the micro finance fund.

Section 12 deals with the governance. During the debate with the Minister on Committee Stage I asked him what would be the cost benefit analysis of the Minister providing a vehicle, of which he would have direct control, for this micro finance fund. The worry we communicated very strongly on Committee Stage was that the governance of this vehicle was at arm’s length from the Minister and we asked for a cost benefit analysis of that. The Minister said he would deliver a cost benefit analysis, that is, a compare and contrast exercise for a different type of vehicle to be used from the one proposed in the Bill. Microfinance Ireland is accountable to Social Finance Foundation, SFF, including for the appointment of the board. While the Minister has some oversight, due to company law he will not have tight control over the organisation.

We also asked what would the difference be for SFF to move from a wholesaler within a sector to a retailer within a sector and how that would change the sector itself. I am not sure if the Leas-Cheann Comhairle would prefer me to speak to the amendments individually or to all of them together.

An Leas-Cheann Comhairle: The only grouping is to take amendments Nos. 5 and 6 together. All other amendments are discussed individually.

Deputy Peadar Tóibín: The significant point here is the issue of governance of Microfinance Ireland.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): We debated these issues on Committee Stage. Before discussing amendment No. 3, I wish to clarify a point. In case Deputy Tóibín believes there is just €10 million available for lending from this fund, the sum of €10 million is the equity going into the micro finance fund from the Department’s budget. That is the equity on which borrowings of up to €25 million can be leveraged. In addition, the capacity to provide an additional €15 million in equity is permitted under the legislation. As we discussed on Committee Stage, the capacity of this fund, which is €10 million in equity and a maximum of €25 million in lending, is to lend an estimated €40 million over the next few years. The additional equity would allow for leverage up to the €100 million target we have set overall.

[Deputy Richard Bruton.]

While I understand Deputy Tóibín's anxiety that micro finance play an important part, we have conducted much analysis of the level of demand for this type of lending vehicle and we are satisfied, on the basis of the assessment, that this will meet all the needs. However, considerable headroom has been built in so even if demand exceeds our expectation, there is plenty of headroom under the legislation. The advantage from the point of view of this House is that we will have to come to the House to secure its permission to increase the equity and Members of the House will have an opportunity to examine the success of the scheme. It is not bureaucracy but striking a balance between the two. While I understand what the Deputy is trying to do, I believe this is fair, reasonable and based on good practice in the House.

Amendment No. 3 is probably not adequate to achieve what the Deputy desires. The purpose of section 12 is to set out the name of the subsidiary and identify its share capital and ownership. Sections 3 and 4 list the share capital of the subsidiary as €1, which will be issued to Social Finance Foundation. It is indicated that the share capital cannot be revised without the consent of the Minister. The amendment seeks to remove the limitation on the share capital and the inalienability of the share. It offers no alternative structure for the subsidiary and the intent of the amendment is not clear.

As I understand it, the Deputy is concerned the Minister will not have sufficient belt-and-braces control over the operation of the fund. The Deputy proposes a fully fledged State-sponsored body. In the time available, the costs and benefits could not be detailed in a comprehensive paper. There are really no great benefits and only costs arise from the Deputy's proposal. What he proposes would require a full-time, permanent staff and executive. We would have to commit to pay and pensions in respect of the positions if they were created under a fully fledged statutory State body appointed by the Minister. It would be a much more inflexible tool and would be much more costly to put in place.

The Deputy asked whether the Minister would have sufficient controls to ensure the board will act in accordance with public policy and not go on a solo run. I can provide him with assurance. The board will be appointed by the board of Social Finance Foundation but following consultation with the Minister for Jobs, Enterprise and Innovation and the Minister for Public Expenditure and Reform. The board will consist of key stakeholders, including the Social Finance Foundation, the banks, the county enterprise boards or local enterprise offices, First Step Microfinance and other appropriate organisations. The board will have experience in micro-finance. It will meet quarterly and will provide regular updates on progress to the Minister. It will publish annual reports, which will be available to the Houses. Financial statements will be laid before the Oireachtas and there will be an audit and risk committee to oversee performance. There will be a credit committee.

The body's memorandum and articles of association will set out its remit and this will be a published document. The scheme I will be laying before the Houses will be the one in accordance with which the body will be delivering services. The body will be subject to audit by the Comptroller and Auditor General, as with every other State body. The due diligence of the European Investment Fund in respect of micro-finance agencies will apply. Deputy Tóibín is very keen that we draw on this. We have been drawing on it only to a limited extent to date under First Step Microfinance. There will be a due diligence procedure protecting the relevant moneys, including those of the State. We have committed ourselves to an internal review and to publishing a review after two years. The body will be subject to ethics in public office and freedom of information legislation.

All the reasonable controls that one could expect for a body are being put in place. The heavy commitment and governance involved with the setting up of a quango do not arise. What

I propose is a more flexible way of responding to the need. Given the list of controls, I believe the Deputy can be satisfied the new body will stick to its remit. Its representatives will be happy to appear before the committee, of which the Deputy is a member, to account for its stewardship. We are meeting the needs about which the Deputy has rightly raised concern.

Amendment, by leave, withdrawn.

Deputy Peadar Tóibín: I move amendment No. 4:

In page 9, between lines 8 and 9, to insert the following:

“(4) The chairperson and board of directors of the subsidiary will be appointed by the Minister.”

Roughly the same points apply in this regard. On Committee Stage, the point was made well that the regulatory impact analysis indicated the chairman of the Social Finance Foundation subsidiary would be appointed by the Minister; this will not be the case. There is no need for me to dwell on it any longer.

Deputy Richard Bruton: The vehicle we chose to establish is one that seeks to lean on the established experience of Social Finance Foundation. It was designed to be in operation in conjunction with the scheme as quickly as possible using the established experienced network. Social Finance Foundation has constituted an established network and had been channelling money to First Step Microfinance. It has experience in this space. The new body is being established as a subsidiary, which minimises costs and maximises the assembled experience.

The appointment is to be by Social Finance Foundation, which sets up the subsidiary. *De facto*, it is controlled by the Minister for Jobs, Enterprise and Innovation, subject to the agreement of the Minister for Public Expenditure and Reform. It is intended the members of the board will have relevant experience in micro-finance, thus making the facility a success. It would be fully accountable in the way I described. We cannot accept the amendment but, because of the way in which the facility is being established, we are meeting all the Deputy's concerns.

Amendment put and declared lost.

Amendments Nos. 5 to 8, inclusive, not moved.

Bill received for final consideration.

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

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I thank the Deputies, particularly Deputy Tóibín, who has been present for all Stages. I believe the initiative has cross-party support. It is filling a gap that other countries have filled long before us. The

10 o'clock Deputy, to be fair to him, has been advocating this measure for a considerable period. It was considered many times but we have succeeded in getting it across the line. I thank all my officials who have helped and I thank the other Departments who have co-operated in getting the legislation to this point. I certainly hope it will be a success. I assure Deputy Peadar Tóibín and Deputy O’Dea that we will make the body accountable to the committee so we can draw on the experience of Deputies at local level to ensure this will work as we hope.

Deputy Peadar Tóibín: We welcome the initiative and the work of the Government on this facility. We probably differ on two issues, the first of which is the ambition of the project, bearing in mind that we understand the Government is under financial pressure and that it seeks to protect the taxpayer, as we do, from exposure.

Given the 14.9% unemployment rate, the number of businesses that collapse everyday, the number of start-ups that cannot even get off the ground — the stillborn start-ups, as it were — the many entrepreneurs who must continue their activities outside of this jurisdiction and the nearly 200,000 people who are long-term unemployed, the Government needs to be more ambitious in its investments, in making credit and grant funding available to businesses and in the programmes and job activation processes that it offers to businesses.

We welcome this initiative. As the Minister stated several times, the efforts made to date have not been successful. In the round, this initiative is positive. The EU presents the State with many opportunities. We are a pro-European party and it is important that Ireland take full advantage of funds, for example, the European Globalisation Adjustment Fund, EGF, and the European progress microfinance facility.

Deputy Anthony Lawlor: I thank the Minister and welcome the Bill's passage. I also welcome the fact that the Minister has given additional weighting to young entrepreneurs who seek financing from the committee for their projects. I am delighted that he has taken this consideration on board.

Question put and agreed to.

The Dáil adjourned at 10 p.m. until 10.30 a.m. on Wednesday, 11 July 2012.

Written Answers

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

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

Questions Nos. 9 to 17, inclusive, resubmitted.

Questions Nos. 18 to 26, inclusive, answered orally.

Child Care Services

27. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs if, in view of publication of the report of the Independent Child Death Review Group, she will commit to the introduction of mandatory aftercare; and if she will make a statement on the matter. [33365/12]

35. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the date on which she will introduce legislation to provide a statutory right to aftercare for children leaving the care system; and if she will make a statement on the matter. [33319/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 27 and 35 together.

Section 45 of the Child Care Act 1991 places a statutory duty on the HSE to form a view in relation to each person leaving care as to whether there is a “need for assistance” and if it forms such a view, to provide services in accordance with the legislation and subject to resources.

All young people who have had a care history with the HSE, be it foster care, residential care or high support, are entitled to an aftercare service based on their assessed needs. The core eligible age range for aftercare is 18 years to 21 years. The HSE policy allows for this to be extended up to the age of 23 years of age on the basis of a need for assistance.

The basis of an aftercare service is an individual assessment of each young person’s need in the months before their 18th birthday. An individual holistic needs assessment identifies a young person’s need for accommodation, financial support, social network support and training and education. The level of support required will vary for each individual from advice to accommodation to further education, employment or training and social support.

The most important requirements for young people leaving care are for secure, suitable accommodation as well as further education, employment or training and social support. The

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most vulnerable group of young people leaving care are those that have dropped out of education and training and those that have left residential care. Some of these young people may have mental health problems or a disability. Aftercare provision incorporates advice, guidance and practical support. It is essential that all young people leaving care are provided with the type of transitional support that their individual situation requires. The provision of an appropriate aftercare service has been highlighted as a key element to achieving positive outcomes for young people leaving care.

Some 90% of children in care are in foster care and a large number of these remain living with their foster families, supported financially by the HSE, on reaching 18 years of age. These young people continue in education and training as planned. This remains a key component of aftercare for young people when they leave care.

The HSE National Aftercare Service is underpinned by a National Policy and Procedures Document which has been developed in cooperation with the key stakeholders, including the voluntary sector agencies involved in aftercare provision and my Department. The policy which was finalised in April 2011, commits to promoting and achieving the best outcomes for young people leaving care and in ensuring consistency of support to these young people. The HSE has established an intra-agency National Aftercare Implementation Group to monitor progress in implementing the national policy and their work is ongoing.

Clearly, there has been a lot of progress in the provision of aftercare services and more young people are receiving a service. The HSE has advised me that there were 1,310 young people in receipt of aftercare at the end of May 2012, compared to 847 young people in 2009. The implementation of the policy and the ongoing provision of aftercare services are being kept under review and I will continue to engage with the HSE on this matter over the course of the year. In addition, I recently had further discussions with the Attorney General regarding strengthening the legislative approach to aftercare and I believe that the law can be strengthened. It is my intention to seek to bring forward legislative proposals in this regard later this year.

Children's Rights Referendum

28. **Deputy John Browne** asked the Minister for Children and Youth Affairs if she will give a timeline for the publication of enacting legislation for the children's referendum; when the referendum will take place; and if she will make a statement on the matter. [33370/12]

44. **Deputy Dessie Ellis** asked the Minister for Children and Youth Affairs the date on which she will publish legislation to hold a referendum on children's rights; and if she will make a statement on the matter. [33325/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 28 and 44 together.

The Programme for Government 2011-2016 states that the Referendum on Children's Rights is a priority, and that the wording of the proposed referendum will be along the lines of that proposed by the All Party Joint Committee on the Constitutional Amendment on Children (JCCAC).

Both myself and officials of my Department have engaged extensively with the Attorney General and her officials to formulate a draft wording for the proposed constitutional amendment. Contact in that regard is ongoing and, as part of normal process, will involve consultations across the relevant departments in advance of presentation of a proposed wording to Government for consideration.

Integral to the passing of the proposed amendment will be a change as regards adoption law in the position of children of marriage and married parents. To ensure that the public are fully informed of the nature of the proposal, and the consequences of approving it, the proposed amending legislation in the area of adoption will be published along with the wording of the amendment. Publication of the Referendum Bill will have regard to the need to allow an appropriate period of time for the proposal to be fully debated and considered.

While the Government has yet to consider the matter of the precise referendum date, it has already decided that it will take place later this year and will be held on a standalone basis. The significant and complex work currently being done is geared towards this timeline and objective.

Departmental Functions

29. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs the position regarding the dialogue between her and the Department of Justice and Equality regarding the transfer of certain youth justice functions to her Department; and if she will make a statement on the matter. [33330/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I am pleased to inform the Deputy that towards the end of 2011, following discussions at Ministerial and Official level and in consultation with the Attorney General, it was agreed that certain youth justice functions would transfer from my colleague the Minister for Justice and Equality to myself as the Minister for Children and Youth Affairs. Advices were received from the Office of the Attorney General in relation to the legislative mechanism to be used to effect such a transfer. It was agreed that responsibility for the Children Act, 2001 would be shared between my Department and the Department of Justice and Equality. The position is that:—

- The Minister for Children and Youth Affairs is responsible for the Children Detention Schools at Oberstown, Lusk, Co. Dublin which provide detention places to the Courts for girls less than 18 years old and boys less than 17 years old ordered to be remanded or committed on criminal charges;
- The Minister for Justice and Equality retains responsibility for all aspects of the Children Act related to crime detection (including anti-social behaviour), diversion, prosecution, court proceedings, community sanctions, age of criminal responsibility. The Minister also retains responsibility for dealings with An Garda Síochána and the Probation Service.

The formal transfer of statutory responsibility came into effect on 1 January, 2012 on foot of an Order of the Taoiseach by Statutory Instrument (S.I. No. 668 of 2011).

The staff of the Irish Youth Justice Service (IYJS) moved to my Department in November 2011 in anticipation of the transfer of functions. With effect from 1st January, 2012, the IYJS is staffed by officials from both the Department of Justice and Equality and my Department. This is a practical example of this Government's commitment to explore new and more flexible ways of working effectively to achieve cross-departmental collaborations.

The IYJS will develop a National Youth Justice Action Plan later this year which will sit within the Children and Young People's Policy Framework currently being developed in my Department but will also form part of the National Anti-Crime Strategy being developed as part of the draft White Paper on Crime being finalised by Minister Shatter.

I am very pleased that the practice of sending 16 year olds to St. Patrick's Institution has been ended. I made an order by Statutory Instrument (S.I. No. 136 of 2012) that, with effect

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from 1st May 2012, all newly remanded or sentenced 16 year olds are being detained in the children's detention facilities at Oberstown. On 2nd April 2012, I also announced that capital funding of approximately €50 million over three years has been secured to develop new and expanded facilities at the children detention schools at Oberstown in Lusk, Co. Dublin so that, within two years, all those under 18 who need to be detained will be sent to dedicated child-specific facilities on the Oberstown campus.

I can also inform the Deputy that, in conjunction with my colleague Alan Shatter TD, Minister for Justice, Equality and Defence, I have made an Order by Statutory Instrument (S.I. No. 210 of 2012) which extends the remit of the Ombudsman for Children to consider complaints by and on behalf of children detained in St. Patrick's Institution.

Inter-Country Adoptions

30. **Deputy Niall Collins** asked the Minister for Children and Youth Affairs the number of countries with which Ireland has signed an administrative agreement for the purposes of facilitating inter-country adoptions; the number of children adopted using administrative arrangements since the establishment of the Adoption Authority of Ireland; and if she will make a statement on the matter. [33376/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Hague Convention on Inter-country Adoption entered into force in Ireland on 1 November 2010 with the enactment of the Adoption Act 2010 and the establishment of the Adoption Authority of Ireland (AAI). Therefore, since then, adoptions have been ongoing from Hague contracted countries and 35 such adoptions have taken place in the period 1 January 2011 to end June 2012.

Under section 72 of the Adoption Act 2010, the Adoption Authority may enter into administrative arrangements with another contracting State. An administrative arrangement is not mandatory for inter-country adoption between countries that are both signatories to Hague. However some contracting states, including Ireland, may determine that in some instances co-operation in the field of inter-country adoption between particular countries is best served by the development of an administrative agreement under Section 72 of the Act.

The Adoption Authority is working to establish administrative arrangements with a number of Hague countries in relation to inter-country adoptions, as provided for under section 72 of the Adoption Act 2010. The Authority has travelled to a number of jurisdictions in order to make contact with the Central Authorities, advise of our processes and procedures, assess the need for additional administrative arrangements or agreements; and to glean as much information as possible of relevance to prospective adopters from those countries. The visits also provide opportunities to streamline processes on both sides and obtain up-to-date information for prospective adopters on developments in these countries. The most recent engagements by the AAI with its counterpart Central Authorities include:

- positive discussions in that regard which recently took place between the Adoption Authority of Ireland and a visiting delegation of senior officials from the Socialist Republic of Vietnam, which is a Hague signatory. The discussions lead to finalisation on the contents of administrative arrangements for the resumption of adoptions between Ireland and Vietnam. I have invited the Vietnamese Minister for Justice, Mr. Ha Hung Cuong, to visit Ireland in September at which point I expect that the agreement setting out the administrative arrangements will be signed by the two Central Authorities.

- A delegation from the Adoption Authority travelled to New Delhi, India, on 18th June 2012 to discuss adoption arrangements between the Adoption Authority and CARA, the Indian Central Authority. I understand the Authority is considering the report from this visit.
- With the help of the Irish Embassy in Moscow, the AAI has had a response to its earlier communications from the adoption authorities in Kazakhstan on the issue of inter-country adoptions and is proposing to meet the authorities in Kazakhstan.

31. **Deputy Timmy Dooley** asked the Minister for Children and Youth Affairs the progress made on finalising an administrative or working agreement with Kazakhstan for the adoption of children; and if she will make a statement on the matter. [33381/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Adoption Authority of Ireland (AAI) seeks to proactively engage with its counterparts in countries identified for inter-country adoption purposes, including Kazakhstan. While direct contact and diplomatic channels are used to promote such contact, the success of these efforts is obviously contingent upon the preferences of such other countries regarding inter-country adoption relationships.

Over the past 18 months AAI has written to its counterpart Central Authority in Kazakhstan on three separate occasions to begin the process of developing an administrative agreement for inter-country adoption. To date there has been no reply from the Kazakhstani authorities to any of the contacts made by the AAI. The Authority has continued to indicate that it is open to discussing the issue of inter-country adoptions with its Kazakhstani counterparts at any time, and the most recent correspondence from the AAI was in March of this year.

An official of the Irish Embassy in Moscow presented the copy correspondence to, and raised the issue of inter-country adoption with, the Ministry of Foreign Affairs in Kazakhstan on Friday 11 May 2012. The Embassy officials in Moscow have also been asked to secure feedback from the meeting held in Kazakhstan on 11 May to assess its relevance for progress towards an administrative agreement on inter-country adoption between Ireland and Kazakhstan. AAI is doing a review of adoption laws in Kazakhstan.

An official at the Irish Embassy in Moscow confirmed to the AAI on 4 July 2012 that the National Central Authority had received the Adoption Authority of Ireland correspondence and a reply was in the course of preparation. They were not in a position to state the nature of the reply. This matter was also followed up on 3rd July directly with the Embassy by officials of the DCYA. A response is awaited.

Child Abuse

32. **Deputy Catherine Murphy** asked the Minister for Children and Youth Affairs if, in the preparation of policy concerning the mandatory reporting of the abuse of children and or vulnerable persons, she has taken into account the experience of New South Wales, Australia, which introduced similar legislation in 1999 that resulted in unintended adverse effects for the effective provision of child protection services in that State; if so, if she anticipates similar problems for child protection services here; the measures under investigation to ensure the avoidance of same; and if she will make a statement on the matter. [33286/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I can confirm that in preparing the policy position to underpin the introduction of legislation to place *Children First: National Guidance for the Protection and Welfare of Children* on a statutory footing due regard was paid to a range of international experience of relevant legislation, including that of New

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South Wales. I note that, while changes have been made to the reporting regime in New South Wales, the policy of mandatory reporting has been maintained.

As regards any potential adverse effects, the Deputy will be aware that *Children First* has operated on the basis of voluntary compliance since it was first published by the then Department of Health and Children in 1999. *Children First* is much wider than reporting and sets out a comprehensive range of practices which organisations and professionals are required to adhere to in order to safeguard children. Significant resources have been put in place to support the implementation of *Children First* and in the case of the HSE and An Garda Síochána, *Children First* has formed an integral part of their existing operations and practices. The HSE has provided training, information and advice on the implementation of *Children First* throughout the HSE, voluntary and community sector.

In the draft legislative proposals on *Children First* it is proposed that organisations working with children appoint a Designated Officer. It is proposed that the Designated Officer, along with certain named professionals, will have statutory responsibility to report information about abuse to the HSE. To assist Designated Officers and certain named professionals make a determination as to whether to report abuse, a ‘Guidance for Reporting of Abuse’ is to be developed by my Department. This Guidance will deal with issues such as definitions, thresholds and appropriate routes for the reporting of abuse. The Guidance will assist designated officers and professionals named in the legislation, in considering a number of factors to see if the concern reaches the threshold of a report under the legislation. This approach is intended to ensure that only those cases which require an assessment by the HSE are brought to its attention.

I received the Report of the Joint Committee on Health and Children on the draft Heads of the *Children First* Bill last week and my officials have commenced a review of the Report and an assessment of any changes that might be recommended to the Heads of Bill as currently drafted. I welcome the input of the Health and Children Committee and the experts consulted by the Committee during its deliberations and look forward to the further refinement of the legislative proposals as a result of this input.

Child Protection

33. **Deputy Jonathan O’Brien** asked the Minister for Children and Youth Affairs the number of children who have stayed overnight in Garda stations to date in 2012, broken down by division and month, due to a lack of an out-of-hours child protection unit. [29756/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Responsibility for matters relating to An Garda Síochána rests primarily with my colleague the Minister for Justice and Equality. Children, who are not being arrested or detained, may come into the care of An Garda Síochána for a number of reasons:

- lost children brought to a Garda station;
- child of an arrested person — where the child remains in the control of the An Garda Síochána for a period of time;
- section 12 of the Child Care Act 1999 is invoked and the child is removed from a dangerous situation for his / her protection and cared for by An Garda Síochána for a period of time,
- circumstances where a child seeks the services of the Health Service Executive (HSE), via a Garda station.

Current Garda policy caters for the provision of medical assistance as necessary; the removal of the child to hospital if required; the safe delivery of the child into the custody of the Health Service Executive (HSE) in accordance with section 12, Child Care Act, 1991; and any other assistance to ensure the health and well-being of the child while in Garda care.

At present the Health Service Executive provides out-of-hours emergency services for children at risk in the greater Dublin area through the Crisis Intervention Service, and outside the greater Dublin area through the Emergency Place of Safety Service. The Crisis Intervention Service provides out-of-hours emergency social work assistance to young people aged under 18 years. The CIS service has informed me that they successfully placed all children, with the exception of one child on one occasion, in either emergency foster care or in a hostel, who sought their assistance in 2011.

Outside the greater Dublin area, the HSE operates an Emergency Place of Safety Service whereby Gardai can access an emergency placement for children found to be in need of a placement out-of-hours. All Gardai Stations have a national contact phone number where a social worker is available for consultation, and where appropriate will arrange a placement with an emergency foster carers who provide a placement for one night, or over a weekend for a maximum of 3 nights. The Gardai will consult with the social worker as to the best course of action on occasions where a child may be intoxicated, in need of a health or psychiatric assessment or showing aggressive behaviour regarding the most appropriate course of action. Where a child's main issue is that of a placement, the social worker will make a suitable arrangement.

While I have been informed by the Department of Justice and Equality that statistics for the number of children who have remained in a Garda station overnight in the care of An Garda Síochána are not readily or centrally available, I understand that as a result of the current policy and services available, the reasons for children to stay overnight in a Gardai station due to a lack of suitable placements has been reduced to a minimum. However I have asked the HSE to look into any situation where a child is reported to have been kept overnight in a Gardai Station and to report to me on the reasons for this.

Furthermore, notwithstanding the current availability of service to Gardai, the HSE is currently engaged in work on the development of nationwide models for 24-hour social work assistance to be informed on the ongoing pilots projects in Cork and Donegal.

34. **Deputy Micheál Martin** asked the Minister for Children and Youth Affairs the actions she is taking to address the serious issues of alcohol misuse as identified in a child welfare case and highlighted in the report of the Independent Child Death Review Group as a factor in multiple cases; her liaisons with the Department of Health in this regard; and if she will make a statement on the matter. [33391/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Report of the Independent Child Death Review Group highlights in the most serious way our national problems with alcohol and drug abuse. The report highlights a significant number of individual cases where alcohol and drugs were prevalent in the home, and the devastating impact of drug and alcohol misuse on children and young adults, both through their own direct use and as a result of parental use. Some of those described in the report themselves sought release in alcohol and drugs.

I am committed to working with Minister Roisin Shortall and the HSE on progressing a fresh approach to identifying and addressing the hidden harm posed by substance misuse.

In February 2012 the Report of the National Substance Misuse Strategy Steering Group, was launched. The focus of the Steering Group was on alcohol and it was charged with identifying actions that could be used to deal with the harms caused by alcohol misuse. The Steering

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Group was drawn from relevant Departments and agencies, medical professional bodies, the community and voluntary sectors and the alcohol industry. Its report is a roadmap for the future direction of policy to deal with the use and misuse of alcohol. I continue to proactively support efforts to tackle alcohol misuse both directly with Minister Reilly, Minister of State Shorthall and their officials and through my participation in policy development and oversight in relation to this major public health issue at Government and in the Cabinet Committee on Social Policy.

Question No. 35 answered with Question No. 27.

Children in Care

36. **Deputy Patrick Nulty** asked the Minister for Children and Youth Affairs the position regarding Irish children who are detained abroad on high court orders; if she will take action to ensure that appropriate places are made available for these children within this jurisdiction; and if she will make a statement on the matter. [33225/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Under the Child Care Act, 1991, the Health Service Executive has a duty to promote the welfare of children who are not receiving adequate care or protection. The policy of the HSE is to place children in care settings, preferably in foster care, as close as possible to their home and community. There were 6,236 children in the care of the state in April 2012, the vast majority of whom were in foster care (5,601) and residential care (378).

A very small minority of young people under 18 years of age have highly specialised needs arising from severe behaviour difficulties, due to their childhood experiences or in some cases as a result of injury, accident or disability. The care needs of these young people are generally met by directly provided residential services or services commissioned by the HSE within Ireland.

For a small number of young people, the HSE is on occasion required to make arrangements for their placement in care and treatment facilities outside of the State, primarily in the UK, to allow for access to an individually tailored mix of care and therapeutic services and psychiatric treatment not currently available in this country. This is done on as infrequent a basis as possible and only where such placement is considered to be in the best interest of the child. These placements are made under the order and supervision of the High Court. The HSE has advised me that there were 8 young people detained abroad on high court orders on 6 July last.

The HSE ensure that these placements are suitable and the child's social worker visits regularly and makes arrangements for family or carers of the child to also visit.

The units in which the children are placed are inspected and regulated by their national authorities and the HSE is attentive to the standards of care delivered in these specialised units.

The level of requirement for these services is closely monitored by the HSE's National Director for Children and Family Services.

The general issue of referral of persons abroad for specialised therapeutic interventions is an established feature within our health and social care system as it is in many other jurisdictions of similar size and is not unique to childcare services. However, recourse to such arrangements for children is kept to a minimum and decisions in each case are made in the best interests of the child.

Child Care Services

37. **Deputy Pádraig Mac Lochlainn** asked the Minister for Children and Youth Affairs if any

action will be taken against those Health Service Executive employees who closed their files on children who subsequently died, whose cases were examined in the report of the Independent Child Death Review Group; and if she will make a statement on the matter. [33328/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): It is important to note that the Independent Child Death Review Group conducted what was in essence a desktop review of HSE files. This was in accordance with the terms of reference for the Group. The Group did not interview staff and did not make specific findings regarding individual staff members. Consequently right of reply or opportunity was not afforded to the HSE, or indeed any of the service providers engaged with the deceased, to respond to the report's findings in relation to matters reported on. The purpose of the review was to establish how these children and young adults died and to focus on the strengths and weaknesses of the State's involvement. Its purpose was to see how systems can be strengthened, rather than to establish culpability. The review related to deaths over a period of ten years and interventions in the lives of these children over preceding years.

The HSE has indicated that in some cases disciplinary actions were initiated against staff who were involved in cases subsequently examined by the Review Group. It also indicated that there may be further reviews and if cases of personal culpability are found these will be addressed. This would be done in accordance with the relevant employment legislation. The matter of action against employees of the Health Service Executive is one for the HSE to address as the relevant employer.

On a current basis the HSE now automatically has all deaths of children in its care or known to child protection services independently reviewed in order to identify learning and any actions that may be necessary.

Child Care Reports

38. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs when the audit produced on foot of the recommendations in the report on the Roscommon child care case will be published; the current PCCC areas in which this audit has been completed and those in which it is currently ongoing; and if she will make a statement on the matter. [33228/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I have been informed by the HSE that the audit referred to by the Deputy has now been completed in the former Roscommon, Waterford and Dublin South East Local Health Offices. The HSE intends to publish a composite report of the findings relating to this phase of the audits. This report is nearing completion and it is expected to be published in late summer/early autumn.

There are currently no audits ongoing in other areas pending the agreement on the methodology for the further rollout of the process.

Youth Services

39. **Deputy Michael Colreavy** asked the Minister for Children and Youth Affairs the number of times the International Expert Reference Group and the Task Group established under the auspices of the National Youth Work Advisory Committee have each met to date; and if she will make a statement on the matter. [33227/12]

57. **Deputy Michael Colreavy** asked the Minister for Children and Youth Affairs the reason that the timeframe for the National Youth Framework has slipped from 2012 to 2013 as stated

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in Parliamentary Question replies of 19 June 2012 and 13 March 2012; and if she will make a statement on the matter. [33226/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 39 and 57 together.

Work has commenced in my Department on an overarching Children's and Young People's Policy Framework. A public consultation on this Framework is underway at present. It is anticipated that the Children's and Young People's Policy Framework will be available in 2012. This will include a high level policy statement on youth.

It is my intention that the more detailed Youth Policy Framework will be completed in the light of the wider Children's and Young People's Policy Framework and in particular in the light of the public consultation underway at present as well as the expert and youth services providers' input. I am also keen to ensure that youth policy developments at European level during Ireland's Presidency of the EU Council of Youth Ministers in 2013 will inform Ireland's national policy for young people.

To further inform the process, my Department has commissioned a review of international best practice in the field of youth development and support and this will be available shortly. The findings from this review will be explored by practitioners and managers of young people's services, academics, researchers and others at a symposium on Youth Development Outcomes planned for later this month.

Two working groups — an International Expert Reference Group and a National Youth Work Advisory Committee Task Group — are assisting my Department in developing the Youth Policy Framework. The International Expert Reference Group has met on three occasions. The Task Group has met once and both groups have met together jointly on one occasion to coordinate expert and stakeholder input into the draft findings of the international review.

Child Protection

40. **Deputy Sean Fleming** asked the Minister for Children and Youth Affairs the date she received the most recent report of the Special Rapporteur on Child Protection; the reason that the report has not been published; when same will be laid before the Houses of the Oireachtas; and if she will make a statement on the matter. [33385/12]

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

Child Care Services

41. **Deputy Aengus Ó Snodaigh** asked the Minister for Children and Youth Affairs the number of children who received out of hours emergency care services through the Crisis Intervention Service each month since its establishment; the county in which they normally reside; the type and location of care placement that was found for them; and if she will make a statement on the matter. [33321/12]

53. **Deputy Brian Stanley** asked the Minister for Children and Youth Affairs the number of days each child who received out of hours emergency care services through the Crisis Intervention Service stayed in their crisis intervention placement; and if she will make a statement on the matter. [33322/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 41 and 53 together.

My Department has sought the information requested by the Deputy from the HSE. I will provide the information to the Deputy when it becomes available.

Foster Care

42. **Deputy Dessie Ellis** asked the Minister for Children and Youth Affairs the cost of private foster care services used by the Health Service Executive during each of the past five years; the number of children placed in each of these settings during the past five years and to date in 2012; and if she will make a statement on the matter. [33324/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The HSE has advised me that 249 children were placed in private foster care at a cost of €6,727,698 in 2009, 304 children were placed in private foster care at a cost of €9,581,360 in 2010 and 360 children were placed in private foster care at a cost of €12,893,243 in 2011. The information requested for 2007 and 2008 is not available at this time.

While the HSE was unable to provide details of precise costings to date in 2012, it has advised me that there are currently 251 children in private foster care at a weekly cost of €342,265.

The private foster care company costs include the recruitment, assessment and training of the foster carer. The private company also provides the link worker (professional social worker) to provide support and supervision to the carer, ongoing training, and depending on the circumstances of the placement, support may be available on a 24 hour basis. The HSE generally utilise private foster care companies where children have a higher level of need including stepping down from high support placements.

Private foster companies provide services to separated children seeking asylum and to the emergency out of hours placement service.

The HSE retain the approval authority of the foster carer in all cases.

National Children's Research Programme

43. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which her Department has evaluated or identified issues affecting the psychological development of children with particular reference to isolating and addressing the most commonly identified contributing factors, if social or economic deprivation, health or environmental issues leading to a creation of feelings of failure with, in some cases, tragic consequences; if any particular strategy is regarded as appropriate or applicable in such circumstances; and if she will make a statement on the matter. [33256/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The type of research initiated through my Department's National Children's Research Programme and, in particular through the National Longitudinal Study of Children — *Growing Up in Ireland* — is providing us with a wealth of valuable data on all aspects of children's development, including their psychological development.

Since 2006, *Growing Up in Ireland* has been following the development of almost 20,000 children in Ireland across two cohorts: an infant cohort recruited at nine-months; and a child

[Deputy Frances Fitzgerald.]

cohort recruited at nine years. The infant cohort children (with their families) have been interviewed at 9 months, 3 years of age and further interviews are planned in 2013 when these children make the critical transition to primary schooling (at 5 years of age). The child cohort children (also with their families) have been interviewed at 9 and 13 years of age.

It is generally accepted that many causes of poor psychological outcomes in both adolescence and adulthood can be traced back to early childhood. By capturing data on these children in early childhood and following their development over time, we will have a better understanding how, why and when these children experience and/or overcome psychological difficulties.

A series of *Growing Up in Ireland* reports have already been published, one of which focuses specifically on children's psychological development. This report shows that the majority of nine-year-olds in Ireland are developing well without any significant problems in this area of their lives. It also found that however, one in five nine-year-olds have been classified as showing significant levels of emotional or behavioural difficulties and that certain characteristics of the child (e.g. the presence of a chronic illness) and other factors (e.g. economic deprivation, maternal depression, neglectful parenting style and conflict in the home) make children more vulnerable than others. Clearly these data have the potential to inform policy and practice regarding children and their families thus ensuring that policies, services and interventions are targeted, practical and effective.

Question No. 44 answered with Question No. 28.

Children Detention Schools

45. **Deputy Mick Wallace** asked the Minister for Children and Youth Affairs the number of children currently detained at St. Patrick's Institution, Dublin; her views on the need to introduce interim steps to transfer these 16 and 17 year olds out of that institution; and if she will make a statement on the matter. [33340/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): On 2 April this year I announced a series of measures that set out a clear timetable to end the use of St. Patrick's Institution for the detention of under 18 year olds in the next 2 years and a number of intermediary steps that would support the commitment made in the Programme for Government in this regard. These included extending the children detention school model up to 16 year of age, an action made possible by reductions in recent demand for detention places and subsequent spare capacity within the existing children detention schools. I signed the necessary orders to bring this about and since 1 May 2012 any boy aged 16 years or less, newly remanded or committed, has been detained to a children detention school.

As the Deputy may be aware, my colleague the Minister for Justice and Equality, Mr. Alan Shatter TD, has the line responsibility for St. Patrick's Institution. In addition to the interim measures I have announced, I have been informed that the Irish Prison Service has instituted a programme of placing suitable under 18 year olds into the community under the supervision of the Probation Service, further reducing the demand for places in St. Patrick's Institution. I understand that it is intended to review the effectiveness of this programme towards the end of the year. As of 4 July 2012 I have been advised that there were 21 males aged 17 years and 1 male, who is completing a sentence, aged 16 years being detained in St. Patrick's Institution.

Also, it may interest the Deputy to know that I have, with the consent of my colleague Minister Shatter, signed the statutory instrument that has extended the remit of the Ombudsman for Children to include those children being detained in St. Patrick's Institution and that this has been in effect since 1 July 2012.

With these measures, I am satisfied that good progress is being made on Government policy on ending the use of St. Patrick's Institution.

Inter-Country Adoptions

46. **Deputy Michael Moynihan** asked the Minister for Children and Youth Affairs the number of adoptions registered with the Adoption Authority of Ireland since its establishment to adopters who were issued with their declarations of eligibility and suitability; and if she will make a statement on the matter. [33380/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): In 2011 a total of 188 adoptions were entered into in the Register of Inter-country Adoptions of which 21 were from countries who have ratified the Hague Convention on Protection of Children and Co-Operation in respect of Inter-country Adoption and 167 were from non-Hague countries. To date in the current year 69 adoptions were entered into the Register of Inter-country Adoptions of which 14 were from countries who have ratified Hague and 55 were from non-Hague countries.

The Adoption Authority of Ireland maintain statistics for the number of declarations of eligibility and suitability issued and for the number of adoptions entered in the Register of Inter-country Adoptions. These figures do not require correlation as the processes for completing adoptions can span several years due to various external factors such as considerable variation in the waiting times between the sending of an application pack and the actual completion of an adoption in sending countries, which can be as much as 3 years or more in some cases.

Accordingly, register entries can have been made by the AAI on foot of declarations of eligibility and suitability issued by its predecessor, The Adoption Board.

Court Proceedings

47. **Deputy Brendan Smith** asked the Minister for Children and Youth Affairs if she will bring forward legislation to change the in camera rule regarding the reporting of child protection and welfare cases; and if she will make a statement on the matter. [33366/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Independent Child Death Review Group highlighted in its report what it considers to be the restrictive nature of the in camera rule and the fact that court proceedings relating to child welfare and protection cases are held in private. The Review Group called for a review of the operation of the rule.

I believe there is scope for more transparency in this area. We need to put in place a mechanism which will ensure that the learning from such cases is shared across the system in order to improve services, while continuing to protect minor's interests and maintain anonymity. This would also allow the public to gain some insight into how the child protection system operates.

With this in mind it is my intention to bring forward regulations to allow access to child welfare and protection proceedings for the purpose of reporting on such proceedings. I believe this can be achieved as long as it is approached sensitively and with due regard to the interests of those who are the subject of proceedings. I do not propose a full range of access to the media, but something more along the lines of Section 40 of the Civil Liability and Courts Act 2004, which gives access to a limited range of parties such as *bona fide* researchers and persons appointed by the Courts Service. The persons allowed to access the family courts under this provision can publish reports on the proceeding so long as the anonymity of the parties is maintained. The pioneering work of Dr Carol Coulter in reporting on family law matters provides an excellent template as to how to balance the right to privacy with the right to a fair, transparent and accountable system of justice.

[Deputy Frances Fitzgerald.]

The exact nature of the regulations, however, will be informed by consultations with my colleague the Minister for Justice and Equality and the Courts Service.

Independent Child Death Review Group

48. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs her plans for the Independent Child Death Review Group; and if she will make a statement on the matter. [33335/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The work of the Independent Child Death Review Group was completed upon the production of its final draft report. I want to commend the authors for the professional and painstaking work they did to produce a report of such high quality. The Review Group was asked to present key details of each case where the individual died from unnatural causes, but to anonymise the report so that the identities of all those children and young adults who passed away were protected. Ms Gibbons and Dr. Shannon were more than equal to the challenge this presented.

It was my clear intention that the report would enter the public domain and inform debate and discussion about the level of State and other services being offered to children and young adults in need of intervention and/or assistance. The Review Group achieved this aim. By publishing the report the Government has demonstrated its commitment to transparency and honesty about the challenges in getting children's services right. Child protection remains a high priority on our agenda and changes at every level — policy, law, structures and individual practitioner — were happening during the period of the preparation of this report, and will continue to happen.

Many of the recommendations echo recommendations made in previous reports. My officials are preparing a single database of various report recommendations in order to streamline reporting to me on these matters. My officials are also preparing a detailed project plan for children's services reform. Actions not already part of change programme will be incorporated into that plan. It is my intention to bring regular progress reports on the reform programme to Government and the relevant Cabinet sub-committee.

Children and Family Services

49. **Deputy Seán Crowe** asked the Minister for Children and Youth Affairs the distinct budget that has been allocated to the management and reporting structure being put in place in Children and Family Services; and if she will make a statement on the matter. [33336/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): In preparation for the establishment of the new Child and Family Support Agency work is under way on disaggregating the Children and Families budget from within the overall HSE financial determination. This necessary work will be completed in the latter half of 2012 in preparation for the planned establishment of the new agency early in 2013. The 2012 budget provision for Children and Families in the HSE National Service Plan is €568 million across all services. A separate figure in respect of management and reporting is not described. The current reporting systems in the HSE are not designed in such a way as to readily facilitate the provision of national data relative to this area.

It is my intention and that of the National Director, Gordon Jeyes as the Chief Executive Officer designate for the new Agency, to ensure that there is full transparency with regard to the composition of the budget for the new Agency when established. I acknowledge the need for improvement and greater accountability in this area as part of our concerted efforts to

strengthen the governance and organisational arrangements in respect of children and family services generally.

Governance arrangements for the new Agency will be further addressed in the report of the Task Force of the New Agency.

Children in Care

50. **Deputy Pádraig Mac Lochlainn** asked the Minister for Children and Youth Affairs the number of children in care on 1 June 2012; the type of care setting they were in and the Health Service Executive area they were in; the number of children on that date who were known to the HSE child and family social workers but not in care; and if she will make a statement on the matter. [33329/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I have been advised by the HSE that at the end of May 2012, there were 6,282 children in care. The following is a breakdown by HSE Area and care settings

Residential and Foster Care	National	HSE DML	HSE DNE	HSE South	HSE West
No. of children in care by care type	6,282	1,567	1,483	1,884	1,348
Residential: Special Care	18	8	4	2	4
Residential: High Support	20	6	2	9	3
Residential: General Care	371	148	97	95	31
Foster Care	3,929	943	861	1,218	907
Foster Care with Relatives	1,795	427	478	515	375
Other Care placements	149	35	41	45	28

In relation to the number of children known to the HSE and social workers but not in care, I have been advised by the HSE that there were approximately 25,000 cases open to child welfare and protection services at the end of April 2011. All reports to child protection services are screened and an initial assessment is undertaken to determine whether a further more comprehensive assessment may be required and to enable a plan for continued intervention or support to be put in place. In 2010, there were 29,277 child protection reports received 16,452 of which related to welfare concerns. The remaining 12,825 related to neglect (4,755), sexual abuse (2,962) physical abuse (2,608), emotional abuse (2,500) and abuse was confirmed in 1,566 of these cases.

Child Protection

51. **Deputy Martin Ferris** asked the Minister for Children and Youth Affairs the average case-load for social workers working in child protective services; the number of those social workers employed in residential care settings; and if she will make a statement on the matter. [33332/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The HSE has advised that it does not apply a standardised number of cases per individual social worker. However, an indicative range would be in the region of 15-25 cases per social worker. Actual variations in caseloads are dependent on the complexities of the individual cases, and whether the cases are in relation to child protection or children in care. There is, in general, a higher intake of cases held by duty social workers.

[Deputy Frances Fitzgerald.]

The HSE through a document titled ‘The Induction of Social Workers: A Policy and Guidelines for Children and Families Social Services’ provided guidance on the management of caseloads by recommending limited caseloads and supervision and support for newly qualified social workers. This induction policy is the subject of a review and evaluation. Furthermore, as part of the ongoing reform process, a methodology for workload management for all social work staff is also being developed within the HSE.

As regards residential care, most residential units are operated by social care staff, rather than by social workers. All children in care, including those in residential care, should be allocated a social worker. The HSE reported in May 2012 that 97.3% of children in residential care have an allocated social worker.

52. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs if, arising from the number of reported incidents of child physical, sexual or other abuse, any particular lessons will be learned as to how best the relevant State institutions can become aware of the issues at a much earlier stage; if, arising from these experiences, she has in mind any particular structural changes in the area of child support services whereby it might be possible for the implementation of an early warning system thereby ensuring greater protection for children and young vulnerable adults in the future; and if she will make a statement on the matter. [33257/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The HSE’s 2010 Review of Adequacy provided information on reported incidents of physical abuse, sexual abuse and neglect. Such information has informed learning about the impact of neglect, the benefits of early intervention, the serious impact of adult addiction on children’s welfare and the issues that present for older teenagers with high risk behaviours, including suicide.

What is happening now in terms of the HSE’s engagement with children and families is as follows:

- there is a closer integration across family support, child protection, and child and adult mental health services;
- there is better integration of services and information;
- there is a model of managing referrals to ensure rapid response to welfare as well as child protection concerns, known as the differential response model;
- the Children First Guidance is being placed on a statutory footing;
- improved services within the HSE’s Children and Family Services are currently being implemented by the National Director, Mr. Gordon Jeyes, and his national team. This team includes new national posts for Quality Assurance (including implementing all recommendations from inspections and investigations) and national standardised operational systems.

A fundamental structural change is currently under way, which will see the establishment of a dedicated Child and Family Support Agency in 2013. This will radically change how services are delivered to children and families. I established the Task Force on the Child and Family Support Agency in September 2011 under the chairmanship of Ms Maureen Lynott. The Task Force has been examining the necessary transition programme to establish a Child and Family

Support Agency, and is basing its work on best practice in child welfare, family support and public administration; consistent with the Government's public sector reform agenda.

I am also committed to a Constitutional referendum to strengthen children's rights.

Question No. 53 answered with Question No. 41.

Health Service Executive Reports

54. **Deputy Brian Stanley** asked the Minister for Children and Youth Affairs the date on which she will receive a copy of the Health Service Executive's review of Adequacy of Services for Children and Families Report for 2011; the reason for the delay; if she has met with Health Service Executive management on this matter; and if any further action will be taken regarding this delay. [33323/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Review of Adequacy of Services Report for Children and Families for 2009 and 2010 were laid before both Houses of the Oireachtas and published on the HSE's website, in June 2012. I am advised by the HSE that it is expects to submit the report for 2011 to me by the fourth quarter of this year.

Child Care Services

55. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs the percentage of the 2,343 applications made to the Childcare Capital Programme 2012 that listed dampness problems or sewerage problems or sanitary and hygiene problems as reasons for the applications; and the number of these applications that were successful. [33327/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The maximum grant available was €50,000 (including VAT). The aim of the funding is to provide support to child care settings to address remedial, maintenance and renovation work, or to purchase equipment.

Following a robust appraisal, 290 applications were approved for funding. Unfortunately it is not possible to isolate the applications concerning the particular problems referred to in the Deputy's question without devoting a considerable amount of time and, in view of the significant amount of work involved in administering the programme, this would not be considered the best use of resources at this time. Pobal has, however, advised that funding for the issues referred to by the Deputy came under either the maintenance or renovation headings. The total figure approved was €6m and of this figure €3.8m was approved for applications that came under the heading of renovations which is 63.5% of total approvals and €0.7m was approved for applications that came under the heading of maintenance which is 11% of total approvals.

The successful applications were those that represented the most complete, coherent, precise and compelling cases for funding. The investment has been directed, to the greatest extent possible, to addressing the most urgent works, and supporting the quality of services making the greatest impact for disadvantaged children and communities.

56. **Deputy John Halligan** asked the Minister for Children and Youth Affairs the reason a person (details supplied) in County Dublin has been excluded from school, has no respite and their father has no care at home for them; and if she will make a statement on the matter. [33338/12]

58. **Deputy Richard Boyd Barrett** asked the Minister for Children and Youth Affairs the reason a person (details supplied) in County Dublin has been excluded from school, has no respite and their father has no care at home for them [33393/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 56 and 58 together.

I would like to advise the Deputy that the provision of education falls within the remit of the Minister for Education and Skills in accordance with the provisions of the Education Act, 1998.

With regard to the specific case raised by the Deputy, the Department of Education and Skills has advised that an appeal against a decision by the Board of Management of the school to exclude the young person in question was determined under Section 29 of the Education Act, 1998. It is understood that the appeal was not upheld and home tuition has been provided by the Department of Education and Skills pending the availability of a suitable educational placement.

I have been advised that the National Educational Welfare Board (NEWB), under the remit of my Department, has been working with the family over a period of time. The National Council for Special Education also has a role in this case. The NEWB has provided assistance to the family in the appeals process under the Education Act, 1998. An Education Welfare Officer of the Board continues to assist the family and efforts are continuing to access an appropriate educational placement at an early date as well as appropriate clinical services to support the young person in question.

Question No. 57 answered with Question No. 39.

Question No. 58 answered with Question No. 56.

59. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs the plans, if any, she has to expand either community child care subvention programme or other child care supports; and if she will make a statement on the matter. [33229/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department currently administers three support programmes — the Community Childcare Subvention (CCS) programme, the Childcare Education and Training Support (CETS) programme and the Early Childhood Care and Education (ECCE) programme.

The Community Childcare Subvention (CCS) programme provides funding to community child care not-for-profit services to enable them to charge reduced child care rates to low income and disadvantaged families. Community child care services qualify for grant aid on the basis of the level of service they provide and the profile of the parents benefiting from their service. Because of the current budgetary situation no new applications, for entry into the CCS programme, by service providers are being considered at this time.

The Childcare Education and Training Support (CETS) programme was introduced in September 2010. The CETS programme provides free child care places in both community and commercial services to qualifying FÁS and Vocational Educational Committees (VECs) trainees and students. Again, due to the budgetary situation, no approvals for new child care places are currently being considered under this programme. In the region of €63 million is being provided in 2012 to support the CCS and CETS programmes.

The Early Childhood Care and Education (ECCE) programme provides one free pre-school year to all eligible children in the year before commencing primary school. Both community and commercial child care services are eligible to apply to participate in this programme. Due to demographic pressures, which mean that the number of children eligible for the programme will increase by some 3,000, the cost of the programme is expected to rise to almost €176

million in 2012, an increase of almost €10 million and this funding has been provided for. The ECCE programme will continue to be evaluated and developed as resources permit.

Future developments relating to early years care and education will be considered during preparation of the new National Early Years Strategy 2012.

Children and Family Services

60 Deputy Peadar Tóibín asked the Minister for Children and Youth Affairs the details of evaluation that will take place of the two pilot projects providing out of hours social work assistance to children; and the timeframe during which this will take place. [33331/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Two out-of-hours pilot projects, one in Donegal and the other in Cork, were commenced by the HSE in 2011. The Donegal project started mid-year and the Cork project started in the third quarter. Both projects were internally evaluated by the HSE, which then commissioned an independent external assessment, undertaken by Trinity College Dublin. This external assessment has been completed and is now being examined by the HSE. The outcome of this assessment process will inform further decisions in the coming months on progression to a national out of hours service model. Clearly whatever model emerges will need to address the challenges of varying demographic demands in both rural and urban settings.

What is important is that children in crisis, no matter where they are, have access to 24 hour social work assistance, and this is what the HSE's National Director for Children and Family Services and I are working towards. It should be noted that at present the Health Service Executive provides out-of-hours emergency services for children at risk in the greater Dublin area through the Crisis Intervention Service, and outside the greater Dublin area through the Emergency Place of Safety Service.

The Crisis Intervention Service provides out-of-hours emergency social work assistance to young people aged under 18 years. The service operates across the greater Dublin area (Counties Dublin, Kildare and Wicklow). Referrals are made by service providers outside of normal working hours i.e. Gardai, hospital and ambulance service personnel. Outside the greater Dublin area, the HSE operates an Emergency Place of Safety Service whereby Gardai can access an emergency placement for children found to be at risk out-of-hours. This service involves the placement of a child in a family setting until the next working day, when the local social work service assumes responsibility for the case. As part of this service Gardai have access to advice and information from a non-HSE social work off-site resource which is provided on a contract basis.

Inter-Country Adoptions

61. Deputy Aengus Ó Snodaigh asked the Minister for Children and Youth Affairs the date in September 2012 on which she will sign a new inter-country adoption agreement with Vietnam; the position regarding any ongoing negotiations with other States regarding inter-country adoption agreements. [33320/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Positive discussions recently took place between a visiting delegation of senior officials from the Socialist Republic of Vietnam and the Adoption Authority of Ireland. The discussions lead to finalisation on the contents of administrative arrangements for the resumption of adoptions between Ireland and Vietnam. I have invited the Vietnamese Minister for Justice, Mr. Ha Hung Cuong, to visit Ireland in September at which point I expect that the agreement setting out the administrative arrangements will be signed by the two Central Authorities.

[Deputy Frances Fitzgerald.]

The Adoption Authority has accredited two bodies to facilitate adoptions from Vietnam, ARC and Helping Hands. During their visit, the Vietnamese delegation met with both agencies and I am hopeful that the discussions the delegation held with these accredited bodies will assist future interactions. Details in relation to time frames and processes for adoptions from Vietnam should become clearer following the finalisation of the administrative arrangements by the two Central Authorities. The relevant information will be posted on the Authority's website as soon as it is available.

The Adoption Authority is working to establish administrative arrangements with a number of other Hague countries in relation to inter-country adoptions, as provided for under section 72 of the Adoption Act 2010. The Authority has travelled to a number of jurisdictions in order to make contact with the Central Authorities; advise of our processes and procedures, assess the need for additional administrative arrangements or agreements; and to glean as much information as possible of relevance to prospective adopters from those countries. The visits also provide opportunities to streamline processes on both sides and obtain up-to-date information for prospective adopters on developments in these countries. The most recent engagements by the AAI with its counterpart Central Authorities include:

- A delegation from the Adoption Authority travelled to New Delhi, India, on 18th June 2012 to discuss adoption arrangements between the Adoption Authority and CARA, the Indian Central Authority. I understand the Authority is considering the report from this visit.
- With the help of the Irish Embassy in Moscow, the AAI is continuing its approaches to its Kazakh counterparts on the issue of inter-country adoptions.
- AAI delegations have made visits to the US to discuss issues in relation to inter-country adoptions. The Authority has advised that a Memo of Understanding relating to inter-country adoption between the US and Ireland has been drafted and transmitted to the US State Department in its role as the Central Authority.
- The Adoption Authority has accredited Helping Hands for the purposes of adoption mediation with the Philippines and the Socialist Republic of Vietnam.
- On the 12th of June the AAI announced the accreditation of ARC Adoption Ltd for the purposes of adoption mediation with the US.

Proposed Legislation

62. **Deputy Jonathan O'Brien** asked the Minister for Children and Youth Affairs if she has had any discussions with the Department of Justice and Equality regarding the necessity for progressing the Children First Bill at the same time as progressing the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill 2012; and if she will make a statement on the matter. [33326/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): In the first instance, I would like to make a clear distinction between the Criminal Justice (Withholding of Information) Bill and the draft Heads of the Children First Bill. These two Bills and the National Vetting Bureau Bill are part of a suite of complementary legislative proposals to strengthen child protection.

The focus of the Withholding Bill is on the responsibility of all citizens to provide information to the Gardaí where they have knowledge of a serious sexual crime against a child, in the investigation and prosecution of that crime. The proposed Children First legislation focusses on the protection of individual children about whom a report is made and other children who may be at risk from an alleged perpetrator of abuse. Its aim is to make organisations safe places, and to ensure that key people in authority in these organisations, and named professionals report to and co-operate with the HSE information about abuse and serious neglect.

Given the close link between the legislative programmes of my Department and the Department of Justice and Equality I have regular contact with my colleague Minister Shatter in this regard. In addition, officials from my Department have been meeting and working closely with colleagues in the Department of Justice and Equality to ensure both pieces of legislation are well aligned and complementary. Minister Shatter and I have also worked closely to ensure our communications regarding both pieces of legislation are clear. This process will continue.

Last week I received the Report of the Joint Committee on Health and Children on the draft Heads of Bill for Children First. My consideration of the Report and any changes to the Heads of Bill is ongoing. My officials will continue to liaise closely with counterparts in the Department of Justice and Equality as both pieces of legislation move through the legislative process.

Child Protection

63. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs the position regarding the establishment of the National Child Care Information System; and if she will make a statement on the matter. [33334/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Since taking office last year, it has been evident to me that there is a particular need to improve the quality and accuracy of information available from the HSE in relation to child protection services, together with a need to provide more timely and meaningful information. The introduction of the National Child Care Information System will help to greatly improve performance in this area. I am pleased to advise the Deputy that good progress is being made by the HSE with regard to the introduction of this system. An Invitation to Tender (ITT) was issued in January of this year and responses from potential suppliers were received in March. An NCCIS evaluation team in the HSE has had meetings with all of the suppliers who responded and attended at demonstrations of proposed child care ICT systems and or prototypes. The evaluation team is currently completing its assessment of the tenders and will, on completion, recommend a preferred supplier. This process is expected to be complete in the very near future.

The NCCIS will be the central system supporting Social Work services. As a social work case management system, it will be used to record and store the case history of every child and other clients of the service. Management information will be derived automatically from the case management system. The aim of the NCCIS project is to identify and procure an easy to use technology solution to support this type of case recording and to automatically provide management information. A first step was to develop agreed and consistent definitions and business processes across all social work offices. In this regard, a national standardised business process has been rolled out nationally. This will ensure that definitions used are consistent, for example to ensure the number of recorded referrals relates to individual children and not families. I am confident that the process being led by Gordon Jeyes, the HSE National Director of Children and Families Services will deliver the information needed.

[Deputy Frances Fitzgerald.]

The introduction of the NCCIS is a high priority and will help to significantly improve the level, quality and accessibility of information in respect of Children and Family Services.

Departmental Funding

64. **Deputy Paudie Coffey** asked the Taoiseach if he will provide a list in tabular form of every quango and non governmental organisation that received any moneys from his Department in the years 2009, 2010 and 2011; and if he will make a statement on the matter. [33049/12]

The Taoiseach: In response to the Deputy's question the following table lists bodies which received monies from my Department in the period in question.

List of bodies who received funding in period 2009 to 2011

Year	Quango or non governmental organisation in receipt of Funding from the Department of Finance
2009	International Association for Research in Income and Wealth (IARIW)* Irish Economic Association* Credit Union Advisory Committee
2010	International Association for Research in Income and Wealth (IARIW)* Irish Economic Association* Credit Union Advisory Committee
2011	International Association for Research in Income and Wealth (IARIW)* Irish Economic Association* Statistical and Social Inquiry Society of Ireland* Irish Fiscal Advisory Council Credit Union Advisory Committee Commission on Credit Unions

*The Department pays a subscription fee to each of these bodies which supports economic research in Ireland.

CSO Quarterly Accounts

65. **Deputy Pearse Doherty** asked the Taoiseach the reason the Central Statistics Office has not yet released the national accounts for the first quarter of 2012; and if he will confirm when this information will be released. [33150/12]

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): As indicated in the Weekly Release Calendar for 9th-13th July which was published on the CSO website on Thursday 5th July the Quarterly National Accounts Results for Q1 2012 will be published on Thursday 12th July.

On average the publication time lag for the quarterly national accounts is 82 days after the end of the relevant quarter. However, on this occasion the release will be delayed by a further 21 days because of the introduction of the Nace Rev. 2 classification of economic activity. The implementation of the new classification proved quite demanding as it is significantly different from its predecessor (Nace Rev. 1.1). The decision to reclassify the national accounts back to 1995 in both current and constant prices also added to the delay.

Departmental Staff

66. **Deputy Simon Harris** asked the Taoiseach the procedures in place to manage sick leave

in all agencies, offices or other bodies reporting to his Department, separate to individuals working directly for his Department; the combined number of sick days taken by staff in the agencies, offices or other bodies reporting to his Department in 2011 and to date in 2012; the financial cost of this sick leave; and if he will make a statement on the matter. [33028/12]

69. **Deputy Simon Harris** asked the Taoiseach the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33117/12]

The Taoiseach: I propose to take Questions Nos. 66 and 69 together.

The National Economic and Social Development Office (NESDO) is the only agency under the aegis of my Department. NESDO operates a comprehensive sick leave policy which is outlined in its Policy and Procedures Guidelines. These Guidelines were agreed by both staff and management and approved by the NESDO board, and are reviewed on an annual basis. NESDO's sick leave policy outlines the responsibilities of both staff and management in the management of sick leave. Among the requirements are review meetings (where individual staff member's pattern of sick leave is examined and discussed with the staff member concerned), return to work meetings (to facilitate a staff member's transition back to work after an instance of long-term certified sick leave), resumption of work forms, and disciplinary measures where sick leave abuse occurs. NESDO's Performance Management and Development System (PMDS) also offers an opportunity for the manager to discuss with a staff member instances where attendance patterns impact on the individual's performance.

NESDO fully complies with the requirements set out in Circular 9/2010.

The information sought by the Deputy in relation to the number of sick leave days in 2011 for NESDO is contained in the following tabular statement.

Number of Sick Leave Days in 2011	Number of Staff
More than 5	4
More than 10	1
More than 15	0
More than 20	0
More than 21	0

The length of the ten highest absences in 2011 was as follows: 12, 9, 7, 6, 5.5, 5, 4, 3, 2 and 1 days.

The combined number of sick leave days taken by staff in 2011 and to date in 2012 is 76.5 and 36 respectively. While no direct costs were incurred (by the employment of substitute staff or additional overtime), the salary cost of this sick leave in 2011 and to date in 2012 is approximately €15,200 and €7,200 respectively.

Prompt Payments

67. **Deputy Olivia Mitchell** asked the Taoiseach the average time lapse between receipt of invoices for goods and services and actual payment in his Department and in each agency and organisation within his remit; and if he will make a statement on the matter. [33029/12]

The Taoiseach: The average time for processing of invoices by my Department from January to June this year was 9.72 working days and 5 working days for the National Economic and Social Development Office.

Departmental Staff

68. **Deputy Sean Fleming** asked the Taoiseach in respect of 2011 the best estimate for 2012 of the number of persons in the following salary ranges, the total cost of the increments in respect of persons in each of these salary ranges: less than €40,000 between €40,001-€50,000, between €50,001-€60,000, between €60,001-€70,000, between €70,001 to €80,000, between €80,001 to €90,000, between €90,001 to €100,000 and more than €100,001; and if he will make a statement on the matter. [33030/12]

The Taoiseach: Details are set out in the following table:

Salary Bands	Number of Staff in Salary Band	Estimated 2012 Cost of Increment
More than €100,001	11	€3,500
€90,001-€100,000	7	€5,819
€80,001-€90,000	19	€15,627
€70,001-€80,000	18	€6,364
€60,001-€70,000	5	€6,753
€50,001-€60,000	33	€14,617
€40,001-€50,000	41	€30,647
Less than €40,000	74	€37,934

Question No. 69 answered with Question No. 66.

70. **Deputy Tom Fleming** asked the Taoiseach the number of the over 9,000 persons from the public service who have retired over the past six months with high tax-free lump sum payments in many cases and substantial pensions that have been re-hired on contract; if these persons are now being paid on the double by the State, that is, their pension and the salary they are receiving under the new contracts; and if he will make a statement on the matter. [33132/12]

The Taoiseach: No public servants who retired in the past six months have been re-hired by my Department on contract or otherwise.

Consular Services

71. **Deputy Dessie Ellis** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will appoint a liaison officer to work with the Spanish police and the family of a person (details supplied) in order to improve the current investigation into the person's disappearance. [33451/12]

72. **Deputy Dessie Ellis** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will express to the Spanish authorities his wish that they do not shelve the missing person's case of a person (details supplied). [33452/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 71 and 72 together.

My Department has provided extensive consular assistance to the named person's family since her disappearance in 2008 and continues to liaise with the relevant authorities on their behalf.

The police investigation case remains operational and when Embassy officials met with the Judicial Police in Malaga last month they were advised that while the judicial case — a separate

question from the status of the police investigation — has been archived, it has not been closed and can be “unarchived” at any time should further information emerge.

The police have assured the Embassy that they have followed up every possible lead, including in recent weeks, and continue to cross-check new cases for any potential links with Amy’s disappearance. The police remain at the disposal of the family and of the Embassy.

Proposed Legislation

73. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade the current status of the European Communities (Amendment) Bill 2012; when all stages of the Bills will be passed. [33034/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The European Stability Bill 2012 passed all stages in the Dáil on 20th June and all stages in the Seanad on the 27th June 2012. The European Stability Mechanism Act 2012 (No. 20 of 2012) was signed into law by President Higgins on the 3rd day of July, 2012.

Consular Services

74. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on a case (details supplied). [33089/12]

76. **Deputy Maureen O’Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will contact the Greek authorities in relation to the request for an urgent appeal in respect of persons (details supplied) where documents proving the absence of one of the men from Crete at the time of the offences are continually being ignored; and if he will do his utmost to ensure the appeal is conducted in a manner that is within EU law. [33169/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 74 and 76 together.

I am aware of the situation concerning the two men referred to by the Deputies. As neither of them is an Irish citizen it is not possible for my Department to offer them consular assistance. The Greek authorities are under no legal obligation to assist our Embassy with any requests made in connection with this case, as we have no *locus standi* in the matter. However, on hearing of their detention, and notwithstanding the fact that neither is a citizen of Ireland, the Irish Embassy in Athens made contact with the Greek police in an effort to convey the Irish Government’s interest in this case on the basis that he is married to an Irish citizen. It was made clear to our Embassy that the authorities in Crete would not provide them with any information regarding this case as no Irish citizen was involved.

To clarify further, the Embassy has certain rights of communication and contact with Irish citizens in Greece to facilitate the exercise of our consular functions under the Vienna Convention on Consular Relations (1963). This Embassy has no such rights for other persons, even if they are related to Irish citizens.

Departmental Staff

75. **Deputy Simon Harris** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33111/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are no State agencies, offices or bodies under the aegis of my Department.

Question No. 76 answered with Question No. 74.

Human Rights Issues

77. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has raised with the appropriate authorities the situation regarding a person (details supplied); and if he will make a statement on the matter. [33188/12]

78. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the case of a person (details supplied); and if he will endorse the requests of human rights activists. [33285/12]

82. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the deteriorating situation of Palestinian prisoners being held in Israeli prisons; and if he has raised this matter with the Israeli authorities; if he will intervene with them in the case of a person (details supplied) [33348/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 77, 78 and 82 together.

In my replies to earlier Questions about Palestinian hunger strikes, I made clear my continuing concern for Mr. Akram Rikhawi, who was continuing with his protest. He has been on hunger strike now for over 80 days. Although he was for much of this period taking mineral and vitamin supplements, he is believed now to be only taking water, and is in a critical condition. There are reports that he may be periodically blacking out, although he remains in control of his actions.

I had hoped that Mr. Rikhawi's protest could be satisfactorily resolved along the same lines as earlier protests, but this has not proven to be the case so far. I continue to call on both parties to actively consider pragmatic solutions which can avoid a tragic outcome. The Irish Ambassador has conveyed my concerns about this case directly to the Israeli authorities at a senior level, following up on earlier messages, and has also been in contact with the ICRC. Our Representative Office in Ramallah has been in contact with NGOs working with the prisoners and with Mr. Rakhimi's lawyers. The EU has also conveyed its concerns at Head of Mission level.

Prisoner Releases

79. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he will take to demand that the British authorities release a person (details supplied) forthwith in line with the commitments in view of his and other participants in the talks at the time of the signing of the Weston Park Agreement in relation to on the runs. [33315/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The various measures included in the package agreed at Weston Park in August 2001 addressed four issues to assist in the successful implementation of the Good Friday Agreement: policing, normalisation, the stability of the institutions and decommissioning. Proposed draft legislation by the British Government to deal with this specific issue as referred to in paragraph 20 of the Weston Park accord was formally withdrawn by the then Secretary of State for Northern Ireland, Peter Hain MP, on 11 January 2006. The draft legislation, the Northern Ireland (Offences) Bill, had

been opposed by the majority of the Northern Ireland Assembly parties and the Secretary of State was compelled to withdraw the legislation when the only supporting party, Sinn Féin, could not accept certain aspects of the proposed legislation. The Government remains committed to the full implementation of the Good Friday Agreement.

On the particular issue of securing early release for Mr. McGeough, the prisoner in question initiated legal proceedings to secure an early release and judgment on this has been passed. On 8 July 2011, Mr. McGeough was granted leave to seek a judicial review in an attempt to obtain a Royal Prerogative of Mercy. Mr. McGeough's legal team argued that because he had been previously jailed abroad, the Royal Prerogative of Mercy should be granted to ensure equal treatment with others who benefited from it. On 2 March 2012, the High Court ruled this argument untenable. Officials from my Department continue to monitor developments very closely.

80. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the condition of a prisoner (details supplied) and the need for the British Government to release them forthwith in line with the Royal pardon they had been issued, or the fact that they would also qualify under the terms and conditions of the Good Friday Agreement for the release of prisoners and further that on humanitarian grounds they should not be incarcerated any longer; and if he will make a statement on the matter. [33316/12]

99. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade if he intends to raise the deteriorating health of Marion Price, who is being held without trial in prison in the North, with political leaders during his next visit to the North; and if he will make a statement on the matter. [29470/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 80 and 99 together.

I have discussed this case with the Secretary of State on a number of occasions, most recently on 27 April. I have been assured that the process which has led to the prisoner's detention fully adhered to the law and that advice was sought from an independent body to verify that this action was pursued in a correct manner. The NIO has confirmed that a Royal Prerogative of Mercy was given to the prisoner on 30 April 1980 but that this pardon was only granted in respect of a sentence of twenty years for conspiracy to cause an explosion and was not granted in relation to the sentence of two terms of life imprisonment related to the Old Bailey bombing. On 22 February this contention was upheld by the Parole Commission which ruled that the prisoner is subject to life license in respect to the two life sentences.

I understand that the prisoner's legal representatives are currently exploring the further legal avenues available to the prisoner to appeal this decision. I have also raised concerns surrounding the health of the prisoner with the relevant authorities. The prisoner has been moved to the medical wing of Hydebank Prison and more recently to hospital for medical treatment. My officials are in regular contact with the authorities in Northern Ireland, relevant MLAs, human rights NGOs and others closely following this case. I will continue to raise my concern as appropriate with the relevant authorities.

Treatment of Prisoners

81. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the protests by prisoners in Maghaberry Jail, County Antrim and the effect it would have on the ongoing peace process if the situation further

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deteriorates due to the lack of action and the need for him to intervene with the authorities to ensure that their grievances are resolved and prisoners are held in decent, safe and humane conditions. [33317/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The issue of prisons within Northern Ireland is a devolved matter to the Northern Ireland Executive and, specifically, to the Department of Justice in Northern Ireland and the Northern Ireland Prison Service. Arising from the Hillsborough Agreement of February 2010, Dame Ann Owers and the Prison Review Team undertook a review of the prison system. In October 2011 their report made forty recommendations on prison reform in Northern Ireland. Minister for Justice Ford has underlined his commitment to full implementation of the recommendations and has described the prison reform process as “unstoppable”. I had an opportunity to discuss the reform process with him at our most recent meeting on 20th April. Implementation of the Owers Report remains the most effective way to ensure that prison conditions in Northern Ireland meet the required standard.

Where allegations arise in relation to conditions in Maghaberry Prison, or any other prisons in Northern Ireland, which affect an Irish citizen, the Government continues to raise the matter with the relevant authorities. The Government is of the view that the full implementation of all of the recommendations of the Owers Report remains the most effective way to ensure that conditions within all prisons in Northern Ireland are of an acceptable standard.

Question No. 82 answered with question No. 77.

Human Rights Issues

83. **Deputy Patrick Nulty** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will make contact with the Ukrainian Ambassador to Ireland with relation to Law 8711 which may undermine the human rights of the Lesbian, Gay, Bisexual and Transgender community in the Ukraine; and if he will make a statement on the matter. [33418/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I understand that the Ukrainian Parliament has discussed draft legislation which could ban activities which allegedly promote homosexuality. As the Deputy will be aware, I am on record as having expressed concern about any legislation that could result in further stigmatisation, and even criminalisation, of lesbian, gay, bisexual or transgender people. In relation to this issue, I will ensure that the concerns of the Government are relayed to the Ukrainian authorities.

The Government is strongly committed to combating discrimination on grounds of sexual orientation or gender identity. We believe that consensual, same-sex relationships between consenting adults should not be criminalised and supports measures to ensure that the right to freedom of expression and association can be enjoyed effectively by all people. Discriminatory legal or administrative provisions, which curtail the rights of lesbian, gay, bisexual and transgender people are not acceptable. In our international relations, Ireland strongly supports the promotion and protection of the human rights of all persons, irrespective of their sexual orientation and gender identity. On Friday, 17 June 2011, a historic resolution on Human Rights, Sexual Orientation and Gender Identity was adopted at the 17th session of the UN Human Rights Council in Geneva. Ireland co-sponsored the resolution. This was the first time a UN resolution explicitly acknowledged human rights protection as covering sexual orientation and demonstrates the increasing commitment across the broader international community to the promotion and protection of the human rights of all persons, irrespective of their sexual orientation and gender identity. Ireland also participated in a panel at the 19th session of the UN

Human Rights Council on the report prepared as mandated by this resolution. Ireland will continue to engage actively with this issue at the Human Rights Council.

Fiscal Compact Treaty

84. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he expects any significant changes to the Treaty on Stability, Coordination and Governance in the context of the election of President Hollande; and if he will make a statement on the matter. [26281/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I do not expect any changes to be made to the Treaty on Stability, Coordination and Governance as a result of the election of President Francois Hollande. Both before and after his election, President Hollande made clear his wish to see the Treaty complemented by an agenda for Growth and Jobs at European level, an approach the Government Strongly supported.

At its meeting on 28/29 July, the European Council adopted a ‘Compact for Growth and Jobs’ which contains an ambitious programme of actions to be taken at national and European levels in order to increase investment and to stimulate growth. Ensuring its full implementation will be an important task in the period ahead.

Paramilitary Groups

85. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he intends to meet groups in Derry who are concerned about the activities of RAAD; if he intends to discuss these concerns on his forthcoming visit to Northern Ireland; and if he will make a statement on the matter. [26509/12]

86. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade his views regarding the illegal activities by RAAD in Derry; if he has discussed this at the North South Ministerial Council meetings; and if he will make a statement on the matter. [26508/12]

87. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade his views regarding the recent bomb threats in the North of Ireland; if he has discussed these with the First Minister; and if he will make a statement on the matter. [26235/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 85 to 87, inclusive, together.

The peace process and the Good Friday Agreement have resulted in a transformation of society in Northern Ireland, perhaps most visibly in the normalisation of daily life and the dramatic decrease in terrorist-related incidents and violence. There remains, however, a threat from paramilitary groups who continue to assert their determination to impose a return to conflict on the people of Ireland. RAAD has claimed responsibility for the murder of one young man in Buncrana earlier this year and for a grim series of shootings and mutilations of young people in Derry. It is clear that these people enjoy no popular support within the community, as evidenced by the unequivocal response by the people of Derry who have publically protested against those who seek to impose their will on the community through violence.

Strong deep cooperation between the Garda Síochána and the Police Service of Northern Ireland is doing much to counter such individuals and groups. The number of arrests in connection with paramilitary activity made in both jurisdictions continues to be significant. The Gardaí and the PSNI will continue to cooperate very closely to combat such activity on both sides of the border. Justice and security matters are not among the six Areas of Co-Operation on which

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common policies and approaches are discussed and agreed in the North South Ministerial Council. It is however, a matter of close ongoing cooperation between the Government, the Northern Ireland Assembly and the British authorities. The Joint Statement by the Taoiseach and Prime Minister Cameron on British Irish relations in March this year underlined the determination of both governments to support reconciliation and prosperity in Northern Ireland. I reviewed progress in this area with Secretary of State Owen Patterson today and will have an opportunity to do so again when I meet with the Secretary of State, the First Minister and the Deputy First Minister next week.

EU Presidency

88. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade the policy areas his Department will be prioritising for the six months that Ireland holds the EU presidency; and if he will make a statement on the matter. [26236/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Getting the European economy back on track by improving the European Union's global competitiveness, promoting economic growth and creating jobs will be the central theme of Ireland's EU Presidency. Peace, security and development, within an open and transparent rules bound system are essential for sustainable growth and job creation and my Department will focus on a range of key policy areas during our Presidency in support of our overall objectives. Among the areas that will require priority attention are:

- Active support for the High Representative of the European Union for Foreign Affairs and Security Policy and the European External Action Service (EEAS) to promote effectiveness and coherence in the EU's response to current foreign policy and security challenges. It is likely that the Middle East and Iran, North Africa and other issues in Africa and elsewhere will require priority attention within the EU's Common Foreign and Security Policy (CFSP) during the Irish semester.
- We will promote greater coherence in EU external policies, including at the UN and in other multilateral fora. Our priorities within the CFSP will include the promotion and protection of human rights and helping to shape the EU's position on disarmament and non-proliferation. We will work to enhance the role of the EU at the UN on human rights issues; we will also help to implement a political declaration and action plan expected under the EU Human Rights Strategy. Key areas of work in the disarmament and non-proliferation field include preparation for the Non-Proliferation Treaty review process and a major chemical weapons conference in April 2013.
- We will contribute to the development of the EU's Common Security and Defence Policy, taking full account of Ireland's interests and building on the experience of Ireland's 2012 Chairmanship of the OSCE in the areas of conflict prevention and resolution.
- The Irish Presidency will actively support the work of the EU's permanent President of the European Council and the High Representative to strengthen the EU's relations with its strategic partners. We will support growth and employment for the EU and its partners through enhanced political engagement underpinned by strengthened commercial relations. Coordination among EU Members States and with the EU institutions on the EU's Summits and Ministerial level meetings with the US, Russia and Latin America will be an integral aspect of the Irish Presidency's work in this regard.

- We will support the implementation of the incentive-based approach of the European Neighbourhood Policy. This is aimed at promoting democratic reforms and strengthening economic development in the countries to the East and South of the Union.
- We will promote the integrity and universality of the International Criminal Court (ICC), encourage further ratification of the Rome Statute of the ICC and seek to ensure that those indicted by the Court are brought to justice.
- The Irish Presidency will engage in targeted efforts to reinforce and improve the EU's civil protection instruments.
- Issues on the enlargement agenda arising during our Presidency will be shaped by progress made in the accession negotiations in the interim. It can be expected, nonetheless, that we will continue oversight of the accession negotiations with Iceland, Turkey and Montenegro. It is expected also that Croatia will accede to the European Union on 1 July 2013.
- As Presidency in the lead up to the Millennium Development Goals (MDG) Review Summit in September 2013 we will highlight areas to be considered as part of the post-2015 framework such as: human rights; equity / inclusiveness; climate change and sustainable development; economic growth and employment; agriculture and industrial development; governance, fragile states and vulnerability; and security-related issues.
- We will seek to address the linkages between hunger, nutrition and climate justice by ensuring that these linkages are adequately reflected in the new international development goals post-2015. We will oversee also the EU's input to the UN General Assembly's reporting and assessment of the state of the marine environment.
- The Irish Presidency will champion greater links between humanitarian relief and development aid. Drawing on lessons from the Horn of Africa emergency in 2011 and input from our partners in the field, we will explore the practical application of these principles and showcase examples of best practice. We will place particular emphasis on the EU's approach to disaster risk reduction. We will progress the implementation of the European Consensus on Humanitarian Aid and work to develop new and innovative ways in which to ensure that the common set of humanitarian principles and commitments can be put into practice.

We must also be prepared to ensure that we are in a position to respond in an appropriate way to a range of issues that may emerge. Ireland has won a high reputation on six previous occasions for maintaining its flexibility and for managing an efficient, effective and impartial presidency, with clearly defined, realistic and achievable goals. In the post-Lisbon institutional framework, it will be even more important to work closely with partners and with all the institutions of the Union. We will seek to ensure that in the year which marks the 40th anniversary of our accession, the people of Ireland can continue to be proud of our contribution to the European Union.

Undocumented Irish in the USA

89. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has discussed the issue of the undocumented Irish in the USA with dignitaries that he has met recently; and if he will make a statement on the matter. [30549/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The welfare of the Irish abroad is a very important priority for the Government. There are particular concerns in the United States where addressing the position of the undocumented Irish and reforming our migration arrangements are priorities for the Government in its contacts with the US Administration and Congress. The Government's keen interest in a resolution of the situation for undocumented Irish migrants is well recognised and accepted by our friends within US Administration and Congress. Their advice to us remains that comprehensive reform of the US immigration system and procedures is likely to be the only manner by which this can be achieved.

With a view to helping some positive momentum around immigration issues insofar as they relate to Ireland, enabling Irish people to apply for E-3 temporary U.S. work visas has been a particular focus of our efforts. If passed this would make 10,500 E-3 visas available to Irish citizens each year. During my visit to Washington in February this year, I reviewed progress on E-3 issues during meetings with Senators Leahy, Brown and Schumer and with the Friends of Ireland group in the House of Representatives and with Deputy Secretary of State Bill Burns. I also discussed prospects for progress with the Congressional Delegation led by leader Nancy Pelosi in Dublin in March.

During his recent visit to Washington, the Taoiseach raised immigration with President Obama and with Senators Leahy, Brown and Schumer and the Friends of Ireland Group. In June, I spoke again with Senators Leahy and Brown to reiterate the importance the Government attaches to this issue and our support for their efforts to make progress. Most recently, I raised the subject with Senator Pat Toomey of Pennsylvania during his visit to Ireland on 2 July. On 15 June, President Obama made an announcement in relation to the specific category of young illegal immigrants brought to the United States as children and measures to exempt them from deportation and to be granted temporary work permits. It is too early to determine what effect, if any, this will have on the overall immigration debate.

While I am heartened by the advances that have been made so far towards bi-partisan consensus in the US Senate towards enabling Irish people to apply for E-3 visas, I am conscious that passing any immigration-related legislation in an election year in the US presents very significant challenges. Through our Embassy in Washington, the Government will continue to work closely with all relevant actors, including our friends in Congress and with Irish-American community representatives with a view to ensuring that every opportunity is taken to put an E-3 visa scheme in place.

North-South Ministerial Council

90. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade the actions being taken in relation to issues discussed at the North South Ministerial Council; and if he will make a statement on the matter. [30548/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The North South Ministerial Council (NSMC) meets in three formats: Plenary, Institutional and Sectoral. To date in 2012 there have been 16 Sectoral meetings, an Institutional meeting on 27 April and a Plenary meeting on 15 June. The next Institutional meeting is planned for the early autumn and the next Plenary is scheduled for 2 November 2012. At the meeting in Plenary format at Farmleigh on 15 June discussions covered a wide range of issues including the economic challenges faced in both jurisdictions, the impact of the euro-zone crisis, bank restructuring and lending and NAMA. The meeting reviewed progress across a range of areas of North-South co-operation, including the work of the North-South bodies, particularly as they relate to

fostering economic recovery on the island. Ministers re-iterated their commitment to practical cooperation on these issues, and to exploring areas where cost savings might be achieved.

We discussed the opportunities for co-operation in exploiting the trade opportunities in developing markets. The benefits from maximising the potential of major tourism events including ‘The Gathering’ were noted. We welcomed continuing collaboration on innovation supported by the European Union and noted the successful all-island “Collaborate to Innovate” Conference on European research and innovation funding for SMEs which took place on 7 June 2012 in Belfast and which was addressed by EU Commissioner Máire Geoghegan Quinn. We also discussed the challenges and priorities for the upcoming Irish EU Presidency in 2013, and explored the potential for co-operative actions during the Presidency, including meetings of senior officials, the hosting of EU events in both jurisdictions and the inclusion of EU matters as an Agenda item at relevant NSMC sectoral meetings.

The Decade of Commemorations and the importance of ensuring that all commemorative events are respectful and inclusive was also discussed.

We welcomed continued progress on business planning for the establishment of the Radiotherapy Unit at Altnagelvin in Derry which will benefit patients on both sides of the border. Work on this important facility is planned to commence in 2013 and the Unit should be operational in 2016. The very successful North/South conference on alcohol misuse which was held in Armagh earlier this year was also welcomed.

The importance of co-operation on Third Level Education was discussed, taking account of the likely increase in student mobility between the two jurisdictions and of continuing collaborative action between third level institutions to assist with cost savings and on research and development.

We discussed progress to date on the A5 and A8 road projects, noted that the government remains committed to the completion of the A5 and approved a funding and implementation plan for the A5 project to the end of 2016 based on existing financial commitments.

We agreed to finalise deliberations on the North South Consultative Forum at the next NSMC Plenary meeting, and welcomed recent progress in establishing the North-South Parliamentary Forum.

We also discussed the North West Gateway Initiative, welcoming the progress that has been made on a range of projects. I expect that we will meet with the relevant Ministers, before the next NSMC Institutional meeting, to ensure that the measures to be taken forward through the Initiative are effectively delivered through the work of their Departments.

Elements of the St Andrews Agreement Review were advanced at the meeting. In regard to the Review’s first Term of Reference, Ministers endorsed the recommendations concerning the various North South Bodies that had been agreed at sectoral meetings. Work is progressing on a review of the financial memoranda of the North/South bodies. In relation to shared services, work has commenced on exploring the potential for realising efficiency savings within the Bodies, and a report will be submitted to the NSMC in the autumn. The First Minister, deputy First Minister, Taoiseach and I will reflect and consult on Terms of Reference Two and Three of the St Andrews Review, which include the case for additional areas of co-operation within the NSMC, with a view to decisions being taken on these at the November 2012 Plenary meeting. We will continue to work with our Northern colleagues in the NSMC to ensure that additional opportunities to engage cooperatively in areas where there is scope for joint action are identified to the maximum extent possible.

European Council Meetings

91. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to a study carried out by the Department of Political Science and Centre for European Research in the University of Gothenberg, Sweden, in relation to attendance by member states at EU ministerial meetings; and if he will make a statement on the matter. [30551/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Swedish research paper referred to by the Deputy is a useful historical document covering Ministerial attendance across all Member States at EU Council meetings between 2000 and 2010. This shows that Ireland was ranked 5th during the 2000 to 2010 period. However, this has been significantly improved upon by the current Government. In 2011 Ireland rose to 2nd overall in terms of Ministerial attendance at Councils, including outperforming France and Germany. This is contained in the ‘Accountability Report 2011’ published last April by European Movement Ireland. This showed that Ireland had an overall Ministerial attendance rate of 86%, with Ministers attending 61 out of 71 Councils that took place from 9th March to end December 2011. This was an almost 10% increase on the attendance level by Ministers of the previous Government when Ministers only attended 63 out of a total of 82 Council meetings held in 2010, and of the 9 Council meetings held between January and 9 March 2011, Ireland was represented at Ministerial level on only one occasion, at Ecofin in February 2011 by the late Brian Lenihan TD, Minister for Finance. I am happy to record that there has been a 100% attendance record by Ministers at the 39 Council meetings held during the recent Danish EU Presidency.

Humanitarian Access

92. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade the action that has been taken at EU and UN level to ensure there is humanitarian access for affected civilians in the region of South Korodofan and the Nuba Mountains in Sudan; if he will report on Irish Aid assistance to Sudan and South Sudan; and if he will make a statement on the matter. [33533/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): The Government remains seriously concerned about the situation in Sudan and South Sudan. We are working with our EU partners to ensure that, in addition to a focus on the political and security situation, priority is given by the international community to the vital issue of humanitarian access to people and communities affected by the conflict and the tension in the region. We will continue to use all available opportunities, within the EU and internationally, to raise these issues.

The situation in Sudan and South Sudan, including the humanitarian crisis in Southern Korodofan, has been discussed by EU Foreign Ministers at their meetings over recent weeks and months. In January, with Ireland’s encouragement, the EU urged the Government of Sudan to allow safe and unhindered access for international humanitarian workers to all civilians, and reiterated its readiness to provide humanitarian assistance. The EU also emphasised that the ongoing conflicts in Southern Kordofan, Blue Nile and Darfur remain obstacles to the provision of the full range of support we would like to provide to Sudan, and in the region. In April, the EU called on the Government of Sudan and the Sudan People’s Liberation Movement North (SPLM-N) to engage in an inclusive political process to resolve the ongoing conflict.

The UN Security Council on 2 May and 17 May adopted Resolutions demanding that both Sudan and South Sudan fulfil their obligations under international law to allow access by humanitarian agencies to civilian populations in need of assistance.

Since the adoption of the UN Security Council Resolutions, there has reportedly been some calming of the tensions between Khartoum and Juba. However, the issue of humanitarian access has remained unclear, despite continuing pressure from the EU and other parties. On 27 June, the Sudanese Government finally approved a Tripartite Proposal by the African Union, the Arab League and the United Nations for the delivery of humanitarian assistance to civilians in the areas held by the SPLM-N. This nine point agreement provides for the right to humanitarian assistance to the Sudanese affected by the conflict in the Blue Nile and South Kordofan without discrimination and the immediate cessation of hostilities in the region. It also includes a joint plan between the Sudanese Government and the UN to deliver humanitarian relief to those in need in both states.

We are in contact with a range of parties on the ground, but unfortunately there is no clarity yet as to whether the new deal on humanisation access is actually being implemented. I very much share the concerns expressed by the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, who has called for urgent access to all of the communities affected by the conflict. It is vital that neutral, impartial, independent and experienced humanitarian workers can reach these people to assess their needs and to immediately deliver the assistance necessary for their survival.

The Government has provided substantial assistance for those affected by the conflict in this region. Earlier this year, I approved an allocation of €2 million for the UN-managed Common Humanitarian Funds for both the Republic of Sudan and South Sudan. On 24 May, in recognition of deterioration in the humanitarian situation I announced a further funding allocation of €3m. These funds are being provided to help UN agencies and NGOs target the most critical humanitarian needs across both countries, including in areas affected by conflict and by displacement of populations from the Blue Nile and South Kordofan areas. In addition, almost €1.5 million in assistance has been allocated to a number of key Irish NGO partners, including Goal, Trócaire and World Vision for programmes in Sudan and South Sudan under the annual Irish Aid Humanitarian Programme Planning funding scheme.

We will continue to monitor closely the situation in South Kordofan, Blue Nile, and other affected areas of both countries. Together with other EU Member States, we will continue to press for unrestricted humanitarian access to affected civilians. We also stand ready to provide further assistance to our partner agencies as needs are identified on the ground.

Overseas Development Aid

93. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding the review of the 2006 White Paper on Irish Aid and the timeline for completion and publication of the review; and if he will make a statement on the matter. [33534/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): The 2006 White Paper on Irish Aid set out clearly the basis and priorities for Ireland's official aid programme, which is working on behalf of the Irish people to improve the lives of the world's poorest people. The programme has been recognised internationally for its focus on poverty and hunger, especially in sub-Saharan Africa, and for its leadership in making aid more effective.

[Deputy Joe Costello.]

The Review of the White Paper on Irish Aid is one of the commitments contained in the Programme for Government. We wanted to carry out such a Review to examine the progress being made in our aid programme, to assess the changed context, globally and here at home, and to set out our future priorities.

A very vibrant public consultation was undertaken for the Review between February and April of this year, which was overseen by the independent Irish Aid Expert Advisory Group. We met over 1,000 people across Ireland and in our partner countries, and received 165 written submissions. We also undertook consultation across Government Departments and in the Houses of the Oireachtas. It was encouraging to see so many Members of the Oireachtas participate in these consultations. In particular I would like to acknowledge the written responses that we received from the Joint Committee on Foreign Affairs and Trade, the Joint Committee on European Union Affairs, and others.

The contributions made during the consultation period are now being examined carefully and work is beginning on the Report on the Review of the White Paper. I intend that the Report and its recommendations will be submitted to Cabinet for approval in October, and that it will then be published.

Consular Services

94. **Deputy Dessie Ellis** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the situation in which Irish citizens studying with pilot training college Ireland have become stranded in Florida, USA following the untimely termination of the college's contract with Florida Information Technology College; and if he will make a statement on the matter. [33541/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I wish to assure the Deputy that my Department is very aware of the appalling situation in which these students have found themselves and we are in regular communication with the students in Florida and their families in Ireland through our Consulate in Atlanta and our Consular Division here in Dublin. Ireland's Consul General in Atlanta, Paul Gleeson, travelled to Florida on Thursday and met with the affected students to offer support and any available consular assistance. As in all such cases, we will continue to monitor developments closely and to provide all appropriate consular assistance, including by helping to relay messages to family in Ireland and by providing emergency travel documentation where the need arises.

Overseas Development Aid

95. **Deputy Anthony Lawlor** asked the Tánaiste and Minister for Foreign Affairs and Trade if Irish Aid currently has a programme for population planning in aid recipient countries; if so, where; if not, the reason therefor; and if he will make a statement on the matter. [33544/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): As we know from our own history, population growth is an enormously complex, multi-dimensional issue. The challenges posed by a rapidly expanding world population need to be addressed by tackling the root causes of that expansion. In poor countries, extreme poverty, food insecurity, inequality, high death rates and high birth rates are all linked in a vicious cycle. Irish Aid, Ireland's official development aid programme, is focused on dealing with these challenges and breaking that cycle.

Investing in health, particularly sexual and reproductive health, and in education for women and girls is fundamental. Women and girls who have at least completed primary school have

fewer children. Women who can access information on family planning options and safe, effective and affordable contraception use it to plan their family size in a way that maximises their own potential and that of their children. Providing women with access to reproductive health care also has a transformative effect on women's vulnerability to poverty, hunger and economic and social discrimination. The Government's aid programme, administered by Irish Aid in the Department of Foreign Affairs and Trade, aims to address the root causes of poverty. Rapid population growth alone is not the cause of poverty. The situation is more complex: poverty actually drives high population growth. Irish Aid responds to this challenge through our work in our priority countries and through our engagement with the multilateral system. In 2010, for instance, through Irish Aid, the Government provided €145 million in support to the health and education sectors in our nine partner countries and through global level partnerships. Since 2006, we have provided almost €30 million to the United Nations Population Fund (UNFPA) to support better reproductive health services for women in the developing world.

In 2011, as a member of UNFPA's Executive Board, Ireland worked to develop strategies and programmes that reach the poorest and most vulnerable women and allow them to make real choices over their lives. We have recently joined the international Partnership for Maternal, Neonatal and Child Health which promotes access to family planning.

Ireland's aid programme is strongly focused on sub-Saharan Africa, where the challenge of population growth is acute. In Ethiopia, our support for the Health Extension Programme has seen impressive growth in the uptake of contraception in rural areas. In both Tanzania and Mozambique, Irish support for the health sector has contributed to better delivery of district level reproductive health care. In Lesotho, in partnership with the Clinton Health Access Initiative, we have contributed to improved access to family planning by women living in very remote mountain villages. The international community has made real progress on many important development goals in the last ten years. School enrolment and child health have improved, child deaths have been reduced and access to clean water and sanitation has been expanded. With just three years remaining for the achievement of the Millennium Development Goals we are committed to helping repeat this level of progress in the area of reproductive health.

Diplomatic Representation

96. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he is reviewing the provision of diplomatic and consular services and full embassies to States who have closed their embassies here in recent months; the process for deciding in which States full diplomatic services are assigned; and if he will make a statement on the matter. [33655/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Ireland had 56 Embassies, 7 multilateral missions and 10 Consulates General and other offices overseas. In addition to their country of primary accreditation, many Ambassadors are also accredited to additional countries on a non-resident basis. There are also 94 Honorary Consuls located in 54 locations around the world which assist primarily with consular functions on behalf of my Department. Our Missions abroad are actively involved in representing and advancing Government policies with other States and in international organisations, in particular the EU and the UN; economic and cultural promotion; providing frontline consular and passport services to Irish citizens overseas; engaging with Irish communities and harnessing the resource they offer in assisting economic recovery; and managing programmes, particularly in Irish Aid priority countries.

[Deputy Eamon Gilmore.]

Our Embassy network works very closely with the State Agencies which have a remit for the promotion of Irish trade, tourism and inward investment — Enterprise Ireland, Bord Bia, Tourism Ireland and IDA Ireland — and other relevant Departments in assisting Irish producers to find and access new markets.

The scale and presence of the Irish diplomatic network is a matter that is kept under ongoing review in the light of changing circumstances and needs. Given the current budgetary situation, and recognising the role that our diplomatic network is playing in Ireland's economic recovery, any further adjustments to our diplomatic network will continue to be strategically focused.

While any reduction in the number of Embassies in Dublin is to be regretted, it is a matter for each State to make decisions on where it deploys its diplomatic network. Likewise, for Ireland, we will continue to make our own decisions on where we have a Mission on the basis of an assessment of what best serves the interests of the State and our people.

Human Rights Issues

97. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the status of Camp Ashraf and Camp Liberty in Iraq; the steps being taken at UN and EU level to protect the safety of Iranian refugees at both camps; and if he will make a statement on the matter. [33656/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): In December 2011 the UN Office of the High Commissioner for Refugees and the Government of Iraq agreed a process for the closure of Camp Ashraf in Iraq, whose terms were accepted by the camp residents. This process began in February, under the supervision of the UNHCR and the UN Special Representative Martin Kobler. Of the 3,400 residents in Camp Ashraf, about 2,000 have now transferred to Camp Hurriya near Baghdad. This is designated as a Temporary Transit Location from which the residents will move on to permanent accommodation in other countries, which both the residents and the Iraqi authorities now agree is the desired solution. The transfer process to Camp Hurriya is a difficult one, with great distrust and suspicion between the two sides.

In Camp Hurriya, the UNHCR is processing the individual residents and determining where best to relocate them. The UNHCR is encouraging countries to make places available for those residents who do not already have an entitlement to resettlement elsewhere.

The protection and human rights of the residents during this process are concerns for Ireland, its EU partners and the wider international community. The EU has enunciated a series of essential principles in relation to Camp Ashraf and its residents:

1. Iraq is once again a fully sovereign state, no longer under the tutelage of either the US or the UN. It has sovereignty over the camps, and is within its rights in seeking to move Camp Ashraf away from the Iranian border.
2. Equally, however, this means that the Government of Iraq is responsible for the safety and humane treatment of the residents.
3. There must be no question of forced return of any residents to Iran — and the Iraqi authorities have accepted this.
4. The process under the UNHCR is the agreed — and only — means of resolving the situation of Camp Ashraf, and should be adhered to.

In relation to the living conditions in Camp Hurriya, I call on the Iraqi authorities to allow all reasonable provision for the safety and comfort of the residents, including the transfer of personal property from Camp Ashraf. In doing so, we recognize that it is the judgement of the UNHCR that Camp Hurriya is of an acceptable standard to accommodate refugees. The precise status of this camp is a matter for the UNHCR and the Iraqi authorities.

Economic and Monetary Union

98. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on a two tier Europe with an increase in fiscal and political union described by Chancellor Merkel; and if he will make a statement on the matter. [28972/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The question of the future direction of the European Union is, of course, a matter for all 27 Member States. For its part, the Government has expressed its strong view that any future arrangements must avoid fragmentation of the Union and that maintaining the integrity of the Single Market is a matter of the highest importance.

At the European Council meeting on 28/29 June, President Van Rompuy presented his report “Towards a Genuine Economic and Monetary Union” to the Heads of State and Government. He identified four ‘building blocks’:

- an integrated financial framework;
- an integrated budgetary framework with commensurate steps towards common debt issuance;
- an integrated economic policy framework; and
- strengthened democratic legitimacy and accountability.

President Van Rompuy has now been invited to develop these ideas, in close cooperation with the Presidents of the Commission, ECB and Eurogroup, and to come forward with a specific and time-bound roadmap for the achievement of a genuine economic and monetary union.

He will examine what can be done within the current Treaties and which measures would require Treaty change. He will make an interim report in October and a final report before the end of December 2012.

Ireland has a very strong national interest in a robust and stable currency, in a strong and coherent European Union, and the Government looks forward to engaging with President Van Rompuy in this important work over the period ahead.

Question No. 99 answered with Question No. 80.

Legislative Programme

100. **Deputy Gerry Adams** asked the Minister for Finance the current status of the European Stability Mechanism Bill 2012; when all stages of the Bills will be passed. [33034/12]

Minister for Finance (Deputy Michael Noonan): The European Stability Bill 2012 passed all stages in the Dáil on 20 June and all stages in the Seanad on the 27 June 2012.

The European Stability Mechanism Act 2012 (No. 20 of 2012) was signed into law by President Higgins on the 3rd day of July, 2012.

Customs and Excise

101. **Deputy Michelle Mulherin** asked the Minister for Finance the protocol and requirements that exist for small airports for customs and excise inspectors upon the landing of unscheduled flights at these airports; and if he will make a statement on the matter. [33041/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that the terms and conditions of approval of airports by the Revenue Commissioners, as a place for the arrival of aircraft from outside the State, requires the operator/proprietor/licensee of each airport to notify Customs of all arrivals and to maintain a record of all such arrivals. In general, customs controls at small airports are risk-based and carried out by mobile Revenue staff. In the event of an unscheduled landing by a flight from abroad, the person in charge of the airport is required to report to Customs giving details of the landing, the pilot, the registration of the aircraft, whether there are goods or passengers on board, place from where the aircraft came and is destined, whether the landing was a forced landing outside the control of the pilot and whether the pilot expects to be able to continue the flight. This information is used for risk assessment by Customs and will determine what action is necessary.

It is important to note by way of context that the operating environment for Customs has been shaped to a significant degree by the Internal Market and the related principles of freedom of movement within the EU. Of specific relevance are the abolition of routine and systemic Customs checks on goods and passengers moving within any part of the EU and the elimination of Customs controls on the baggage of intra-Community passengers other than for anti-smuggling checks. This is particularly relevant in the case of the smaller airports outside of Dublin, Cork and Shannon where passenger traffic is predominantly intra-Community. In fact some of the smaller airports have no international flights at all. In this context, Revenue's approach has of necessity been to balance the freedom of movement principle in regard to people and goods with the need to control smuggling and enforce prohibitions and restrictions.

102. **Deputy Michelle Mulherin** asked the Minister for Finance the number of unscheduled flights into Ireland West Airport, Knock, County Sligo and Galway Airport in the past three years in respect of which customs and excise were not notified; and if he will make a statement on the matter. [33042/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that arrangements have been in place for some time, between the operators/proprietors/licensees at the airports in question and the Revenue Customs Service, to ensure that all unscheduled flights arriving into these airports are notified to Customs. These arrangements are working well and the Commissioners are satisfied, insofar as possible, that all unscheduled flights have been properly notified. All aircraft arrivals at Ireland West Airport Knock, Sligo and Galway are monitored on an ongoing basis and, based on risk analysis, profiling, review of intelligence and other factors, a decision is made on whether Customs inspection is deemed necessary. Passengers and crew from all aircraft, including private aircraft, entering the State are subject to the same checks, including individual profiling, physical inspection/examination by Customs, and screening by a drug detector dog.

The risk of smuggling (including drug smuggling) using unscheduled flights is fully appreciated by Revenue and is the subject of continuous assessment and risk analysis. Each airport is the subject of a formal risk assessment process that has regard to the nature of the facility, traffic frequency, routes, national and international seizure trends, specific intelligence and other risk indicators. Traffic with origins and destinations with a high-risk rating attract particular interest. The level of assessed risk at each location then informs the frequency of physical

inspections. This approach is similar to that employed throughout the EU, is in keeping with recognised best practice and represents the most effective deployment of scarce resources.

Finally, it should be noted that the terms and conditions of approval of each of the airports in question by the Revenue Commissioners, as a place for the arrival of aircraft from outside the State, require the operator/proprietor/licensee of each airport to notify Customs of all arrivals and to maintain a record of all such arrivals.

Disabled Drivers

103. **Deputy John Paul Phelan** asked the Minister for Finance if there has been changes recent to the URT rebate on vehicles purchased by the families of disabled people; and if he will make a statement on the matter. [33172/12]

104. **Deputy John Paul Phelan** asked the Minister for Finance if the fuel and motor tax rebates for vehicles of families with disabled children have been abolished; and if he will make a statement on the matter. [33173/12]

105. **Deputy John Paul Phelan** asked the Minister for Finance if there are any rebates on URT and VAT for the purchase of MPV's or buses for the purpose of transporting children with Spina Bifida; and if he will make a statement on the matter. [33174/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 103 to 105, inclusive, together.

I am advised by the Revenue Commissioners that Statutory Instrument (S.I.) 353/1994 Disabled Driver and Disabled Passenger Regulations outline the provisions under which certain vehicles may qualify for relief from VRT and VAT when used for the transportation of disabled passengers.

Regulation 2 of the above mentioned S.I. outlines a “qualifying organisation” and Regulation 3 outlines the medical grounds under which a disabled person may be assessed.

Regulations 16 and 17 outline the provisions under which fuel rebates and motor tax remissions are allowed.

There have been no recent changes to the provisions of S.I. 353/1994.

However, I have also been informed by the Revenue Commissioners that it has come to their attention that occasions have arisen where relief from VRT and VAT on a vehicle was allowed to organisations which are primarily funded by the State. As the provisions of S.I. 353/1994 do not apply to such organisations, procedures were put in place to ensure that relief for the payment of VRT and VAT is only allowed on vehicles purchased by “qualifying organisations” as provided for in legislation.

In addition it was also brought to the Commissioners' attention that relief of the residual VRT was allowed to qualifying individuals on the purchase of used vehicles in the State where no VRT was paid in the first instance, e.g. on the purchase of a used vehicle by a qualifying individual where the relief was granted to an earlier owner of the vehicle who had previously qualified for the relief.

Consequently procedures were put in place to ensure that relief for the payment of VRT and VAT will only be allowed to qualifying persons or organisations in situations where the person or organisation has borne or paid VAT, VRT or residual VRT in respect of a vehicle or in respect of the adaptation of a vehicle. If the VRT on a vehicle has been fully refunded at an earlier date under the scheme, there is no residual VRT available to be refunded on a

[Deputy Michael Noonan.]

subsequent sale to a second qualifying person and this should be reflected in the price of vehicle at the time of resale.

VAT Rates

106. **Deputy Mary Mitchell O'Connor** asked the Minister for Finance his views on the current VAT rate on fruit juices, bottled water, and smoothies is appropriate at 23%; and if he will make a statement on the matter. [33280/12]

Minister for Finance (Deputy Michael Noonan): All fruit juices, soft drinks, bottled water and smoothies are subject to the standard VAT rate, currently 23%. The standard rate is the VAT rate applied to such products in the majority of EU Member States. Prior to 1992 bottled waters and fruit juices had applied at the zero rate, but were made subject to the standard rate from 1 November 1992 in order to correct a competitive anomaly, as similar competing products such as soft drinks were standard rated. The change in the VAT treatment coincided with the removal of excise duty from bottled water. Where a product was zero rated prior to 1 January 1991 but subsequently standard rated, it is not possible to reintroduce the zero rate for that product. However, under Annex III of the EU VAT Directive, Member States are permitted to apply a reduced rate of not less than 5% to soft drinks, bottled water and fruit juices. It would therefore be possible to apply our reduced rate of 9% or 13.5% to these drinks. However, a reduction in the rate of VAT on such products would be costly to the Exchequer and I have no plans to reduce the rate of VAT on bottled water, fruit juices or smoothies.

Tax Reliefs

107. **Deputy Dominic Hannigan** asked the Minister for Finance if there are any tax breaks available for small businesses to send their employees on part time courses to help them support and improve their business; and if he will make a statement on the matter. [33552/12]

Minister for Finance (Deputy Michael Noonan): In general, all companies are entitled to claim a deduction for costs wholly and exclusively incurred for the purposes of the trade. There are a number of statutory prohibitions on deductions and these are set out in Section 81, Taxes Consolidation Act 1997. In addition, a deduction in respect of entertainment expenses is expressly forbidden. Where the cost of a training course is reimbursed to a staff member, the Revenue Commissioners will normally allow a deduction to the employer on the basis that the cost is incurred wholly and exclusively for the purposes of the trade — from the company's point of view such a cost would normally be included as part of its staff costs for the year. Tax relief is also available under Section 473A of the Taxes Consolidation Act 1997, subject to certain conditions and thresholds, at the standard rate of income tax (20%), for qualifying fees paid by an individual in respect of a third level education course including part-time and postgraduate courses. An individual can claim tax relief on fees paid by him/her in respect of an approved third level course pursued by him/her and on fees paid by him/her in respect of an approved course pursued by other individuals.

Section 476 of the Taxes Consolidation Act 1997, also provides tax relief for fees paid by individuals for training courses in the areas of information technology and foreign languages. The training courses, which can be up to two years duration, must be approved by FÁS. The tax relief, which is at the standard rate of tax, is available for fees of up to €1,270, subject to a minimum amount of €315. To qualify for the relief, the individual must receive a certificate of competence on completion of the course.

Departmental Properties

108. **Deputy Seán Kyne** asked the Minister for Finance the schedule for the vacating of the Central Bank of Ireland on Dame Street, Dublin; and if members of the public will be afforded the opportunity to contribute suggestions on the future possible uses for this building. [33639/12]

Minister for Finance (Deputy Michael Noonan): I would advise the Deputy that I have no function in the matter of accommodation arrangements at the Central Bank and that the matter has not been discussed at Cabinet.

I understand from the Central Bank that based on current construction programme projections and planning time lines, it is expected that the Central Bank would occupy the new building on the North Quays by the second quarter of 2015.

The Bank has stated on a previous occasion that any relocation of its headquarters may involve the retention of some activities in its building on Dame Street for a number of years in any event, as the relocation would not take place quickly.

Tax Code

109. **Deputy Stephen S. Donnelly** asked the Minister for Finance further to Parliamentary Question No. 40 of 20 June 2012, if he will instruct or request his officials, or the Revenue Commissioners, to prepare an analysis of the estimated net cost to the Exchequer of making childcare tax deductible, using the data on the cost of childcare from the review of the cost of a full-day childcare placement published by the National Children's Nurseries Association in 2007, adjusted as appropriate or comparable research, and data on the numbers of families using childcare from the report A Social Portrait of Children in Ireland, published by the Office for Social Inclusion in 2007, adjusted as appropriate or comparable research, in order to compensate for the fact that the Revenue does not capture data on the overall net cost of childcare. [33024/12]

110. **Deputy Stephen S. Donnelly** asked the Minister for Finance further to Parliamentary Question No. 40 of 20 June 2012, if, in the case that he is not in a position to have such analysis prepared within the Department or the Revenue, if he will release funding in order to allow me to commission such analysis from independent experts in the field. [33025/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 109 and 110 together.

I understand that comprehensive analysis of the options to support the provision of affordable and accessible childcare was undertaken in 2005.

Having considered the options available, the then Government introduced the early childcare supplement, providing a direct payment to all families with young children. In addition, certain other incentives were introduced in order to encourage an increase in the supply of childcare places.

At that time, tax relief for childcare costs was considered but not introduced, as it would only have been of benefit to those in the tax net and would most likely have been absorbed by childcare providers in the form of higher prices. Analysis showed that a standard rated childcare costs allowance of €4,000 per annum would cost the Exchequer €64 million per annum and would have resulted in a reduced liability to income tax of only €15 per week for those availing of it.

[Deputy Michael Noonan.]

The Deputy will be aware that the early childcare supplement has since been abolished as the measure was very costly, poorly targeted and possibly led to increased charges. In its stead, the Early Childhood Care and Education (ECCE) programme, which provides for a free pre-school year for children in the year before commencing primary school, was introduced.

In my view the concerns raised in the 2005 analysis regarding tax relief for childcare costs are still valid. This is particularly the case considering the major changes in the economy that have occurred in the intervening period. Furthermore, I would have concerns about basing any analysis of the cost of making childcare tax deductible on data provided in reports that were compiled five years ago.

To allocate already stretched resources to complete the analysis requested would not, in my view, be an efficient use of these resources. This is especially the case where it is likely that the cost of such a tax relief would be prohibitive for the State at the current time. Furthermore, I am not in a position to release funding to you for the commissioning of such an analysis. Requests for expenditure might be more appropriately addressed to the Minister for Public Expenditure and Reform.

Departmental Funding

111. **Deputy Paudie Coffey** asked the Minister for Finance if he will provide a list in tabular form of every quango and non governmental organisation that received any moneys from his Department in the years 2009, 2010 and 2011; and if he will make a statement on the matter. [33049/12]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy's question the following table lists bodies which received monies from my Department in the period in question.

List of bodies who received funding in period 2009 to 2011

Year	Quango or non governmental organization in receipt of Funding from the Department of Finance
2009	International Association for Research in Income and Wealth (IARIW)* Irish Economic Association* Credit Union Advisory Committee
2010	International Association for Research in Income and Wealth (IARIW)* Irish Economic Association* Credit Union Advisory Committee
2011	International Association for Research in Income and Wealth (IARIW)* Irish Economic Association* Statistical and Social Inquiry Society of Ireland* Irish Fiscal Advisory Council Credit Union Advisory Committee Commission on Credit Unions

*The Department pays a subscription fee to each of these bodies which supports economic research in Ireland.

Bank Debt Restructuring

112. **Deputy Peter Mathews** asked the Minister for Finance the amount of subordinated debt in Irish banks when Ireland entered the EU IMF programme at the end of 2010; the amount of subordinated debt that was redeemed in full since this date; the amount of burden sharing

that was forced on subordinated debt holders since this date; and if he will make a statement on the matter. [33068/12]

Minister for Finance (Deputy Michael Noonan): Unfortunately, it has not been possible to get the information from the covered institutions in the timeframe allowed by the Question. I will write to the Deputy in the near future with information provided by the institutions.

Banking Sector Regulation

113. **Deputy Patrick Nulty** asked the Minister for Finance if there is a possibility that banks operating in here have attempted to manipulate inter-bank lending rates, along the lines that Barclay's PLC in London, England, have been found to have attempted to rig the London inter-bank offered rate, Libor, and Euro inter-bank offered rate, Euribor; if he will take steps to investigate this issue; and if he will make a statement on the matter. [33095/12]

132. **Deputy Michael McGrath** asked the Minister for Finance if the London Interbank Offered Rate scandal at Barclay's Bank in the UK has any implications for the Irish Government, the National Treasury Management Agency or any financial entities operating here; and if he will make a statement on the matter. [33569/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 113 and 132 together.

Libor is an average interest rate compiled by the British Bankers Association (BBA) based on estimates provided by a number of banks of what they would be charged if borrowing from other banks. Along with Euribor, it is a benchmark for interest rates around the world. Additionally Libor and Euribor are commonly used as reference rates for interest rate swaps and other derivative instruments. The integrity of these benchmark reference rates is of fundamental importance to international financial markets.

Barclays Bank has been fined by the UK Financial Services Authority, the US Commodity Futures Trading Commission and the US Department of Justice for attempted manipulation of Libor and Euribor rates. A number of international investigations are ongoing, including one by the European Commission, and the British Bankers Association is currently undertaking a review of the way Libor is set and is expected to publish its findings shortly.

Allied Irish Bank and Bank of Ireland are members of the panel of 43 European banks which contribute quotes for the setting of Euribor but are not involved in the setting of LIBOR, the London Interbank Offered Rate.

I am informed by the NTMA that both NTMA and NAMA have substantial portfolios of derivative products, some of which use Libor (or Euribor) as the reference rates. However, much of that exposure is reduced by netting. The NTMA will continue to monitor the situation in order to assess any potential impact on the Exchequer.

I am informed by the Central Bank that this event may have had a very limited impact for some of the financial entities operating here, on account of the widespread usage of LIBOR as a reference price by most banks, including those in Ireland. Thus far the Central Bank has not received any complaints from the regulated banks nor have there been any issues raised with the Central Bank on this issue. In the course of its normal regulatory engagement with the banks it will raise this topic as appropriate.

Banking Operations

114. **Deputy Ciara Conway** asked the Minister for Finance if he will provide an update on

[Deputy Ciara Conway.]

his Departments' and the Central Bank interactions to date with Ulster Bank in view of the continuing crises; the measures the Regulator and Central Bank of Ireland are taking to help resolve the situation; and if he will make a statement on the matter. [33096/12]

Minister for Finance (Deputy Michael Noonan): I am fully aware of the negative impact that Ulster Bank's technical problems are having on the bank's personal and business banking customers throughout the country. This issue has been ongoing for far too long at this stage and the Bank is fully aware of my position in terms of the need to have the matter resolved as a priority. The Central Bank is closely monitoring the situation to ensure that it is resolved as quickly as possible. In that respect, the Central Bank has officials on the ground in Ulster Bank to ensure that immediate priority is given to the backlog issue and ensuring that all customers accounts are brought up to date as soon as possible. The Central Bank has also indicated that they will be putting in place a full restitution regime for all persons that have been impacted and that it will work with the Irish Credit Bureau to ensure that customer ratings are not impacted.

The current focus is to get all transactions processed and following that Ulster Bank has said that they will commence the process of refunding customers for any interest or fees and charges that have occurred as a result of this incident. I was pleased to note that the Bank has given a commitment that no customer would be out of pocket arising from the disruption caused by the problems at the Bank.

Departmental Staff

115. **Deputy Simon Harris** asked the Minister for Finance the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33110/12]

Minister for Finance (Deputy Michael Noonan): There were a total of 29 NTMA employees across all its business areas including NAMA who took greater than 5 days sick leave in 2011.

Greater than 5 days — 17 employees

Greater than 10 days — 4 employees

Greater than 15 days — 4 employees

Greater than 20 days — 4 employees

I am informed by the Revenue Commissioners that they are not in a position to provide a detailed reply on this matter within the timeframe for answering Parliamentary Questions. Accordingly, the Deputy will be contacted directly on this issue at an early date.

Banking Sector Regulation

116. **Deputy Pearse Doherty** asked the Minister for Finance if he will set out the position of the credit institutions over which the State has total or majority control, towards persons declaring bankruptcy in other jurisdictions. [33151/12]

Minister for Finance (Deputy Michael Noonan): AIB:

I am advised that the incidences of persons declaring bankruptcy in other jurisdictions are uncommon for AIB. Notwithstanding this, AIB considers each action on a case by case basis

and will adopt an approach which best protects AIB's financial and legal position as it seeks to recover outstanding amounts owed regardless of the jurisdiction involved.

PTSB:

I am advised that PTSB also adopt an approach to best protect the Bank's right to seek repayment of all outstanding debt in a fair and equitable manner regardless of the jurisdiction involved.

IBRC:

I am advised by IBRC that the approach of the Bank is to work constructively with each borrower on an individual basis to identify the most appropriate loan repayment plan. IBRC takes a very serious view of borrowers seeking bankruptcy in other jurisdictions as a means of circumventing the repayment of monies owed to the Bank. Where necessary, and as has occurred previously, the Bank will pursue borrowers to ensure bankruptcy is declared in what it deems to be the correct jurisdiction, with the ultimate goal of maximising recovery of loans for the Bank.

National Asset Management Agency

117. **Deputy Pearse Doherty** asked the Minister for Finance in view of the recent direction issued by him to the National Asset Management Agency to loan €3.06bn to the Irish Bank Resolution Corporation in place of the planned payment by the State to IBRC, if he will set out the consideration given to borrowing further funds from NAMA, and if he considers that the 2.35% per annum interest rate charged by NAMA on the IBRC transaction is cheaper than the rate that may be paid by the National Treasury Management Agency on short term bill issuance. [33152/12]

Minister for Finance (Deputy Michael Noonan): As an entity with a commercial mandate, the management of NAMA's cash position is first and foremost a matter for the board and management of NAMA. In managing its liquidity needs, NAMA must ensure that it has available liquidity over the medium term to meet all of its contractual obligations as they fall due. Such obligations, as outlined, include its day-to-day operating costs, investment to improve the value of the assets underpinning the loans, coupon payments due on its bonds and derivative contract payments. Furthermore, the Agency also provides an important stimulus to the construction sector in the form of advances to debtors for working capital and project funding, some of which is required at short notice. I am advised that updated liquidity projections, based on these various expected inflows and outflows, are reviewed on a monthly basis by the NAMA Board. In terms of cash management in NAMA, I am advised that cash is either placed on deposit with approved counterparties or the Central Bank or it is invested in qualifying liquid assets (short-term Irish Government securities). In this way the liquidity position of NAMA is actively used to support the ongoing financial commitments of the State.

As the deputy will be aware, the NTMA successfully auctioned € 500m three-month Irish treasury bills on 5 July at an issue yield of 1.8%. I welcome this success which had a bid to cover ratio of 2.8 times and I view it as a very important milestone on Ireland's continuing path to recovery. The interest rate charged by NAMA on the IBRC deal was in line with the commercial terms charged by Bank of Ireland at 2.35% and was higher than the rate paid on the short-term bills issued last week.

In relation to the ministerial direction to NAMA on the IBRC financing facility, I should remind the Deputy that this was a short-term interim measure and had been required pending the consent of Bank of Ireland's shareholders' to the IBRC financing arrangement and followed intense discussions on the matter with our European partners.

[Deputy Michael Noonan.]

Any such future decision to use NAMA funds under Ministerial direction would be given a similar level of consideration.

Commercial Leases Database

118. **Deputy Pearse Doherty** asked the Minister for Finance further to calls by the National Assets Management Agency chairman (details supplied) for the introduction of a public register of commercial property sales prices, if he will set out the consideration he has given to such a register and confirm if there are any plans for such a register; and if he will further set out the detail of any such plans. [33157/12]

Minister for Finance (Deputy Michael Noonan): I understand that a Commercial Leases Database and a database of residential property sales prices is currently being considered by the newly-established Property Services Regulatory Authority, which does not fall under the auspices of the Department of Finance. I understand the primary purpose of the Commercial Leases Database will be to ensure that accurate information will be available to assist in ensuring that rent review assessments are based upon true comparisons of rent levels and that the availability of such information should favourably impact on the conduct of rent reviews and also on the operation of the letting market itself.

Credit Unions Regulation

119. **Deputy Kevin Humphreys** asked the Minister for Finance further to his reply to Parliamentary Question No. 58 of 20 June 2012 when will the Credit Union Restructuring Board ReBo be appointed, when will it come into operation, if it will operate on an interim or administrative basis pending the passage of the draft Credit Union Bill; and if he will make a statement on the matter. [33175/12]

Minister for Finance (Deputy Michael Noonan): In my response the Parliamentary Question No. 58 of 20 June 2012 I stated that expressions of interest had been sought for appointment to the Credit Union Restructuring Board (the ReBo). The closing date for receipt of applications was 8 June. The process of identifying suitable candidates to sit on this Board is currently taking place within my Department and it is envisaged that the ReBo will be established shortly. The ReBo will operate on an administrative basis pending the enactment of the Credit Union Bill which will provide the statutory basis for the ReBo.

National Asset Management Agency

120. **Deputy Martin Ferris** asked the Minister for Finance the reason the National Assets Management Agency do not pay sub contractors a portion of the proceeds of sales of property where they are owed the money by the main contractors company which was liquidated by NAMA. [33191/12]

Minister for Finance (Deputy Michael Noonan): NAMA advises that, in circumstances in which it has entered into consensual arrangements with a debtor, all creditor claims, including those of unsecured creditors who hold no security or other attachment to the assets held by that debtor, are assessed on a case by case basis in the context of managing such assets to realise maximum return to the taxpayer. NAMA is not prescriptive as to when it will approve payments in the case of unsecured creditors. Each case is assessed by reference to its own circumstances. This often involves providing the debtor with temporary support so as to give NAMA an opportunity to assess the scope for reaching long-term agreements with them. Very often that involves meeting their short-term liabilities so that they can remain in business. In

cases where the process does not lead to a consensual arrangement with a debtor, enforcement is initiated. In those circumstances, an insolvency practitioner appointed by NAMA is required only to realise the value of NAMA's fixed or floating charges over assets. Understandably, he is not under any obligation to unsecured creditors. In an insolvency situation the ultimate outcome for all creditors will depend on the nature and ranking of their charges. In all cases, NAMA's primary objective is to protect the interests of taxpayers.

Tax Code

121. **Deputy Paul J. Connaughton** asked the Minister for Finance if the full amount of stamp duty has to be paid in respect of persons when one has a green certificate in agriculture; and if he will make a statement on the matter. [33203/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that Section 81AA of the Stamp Duties Consolidation Act 1999 provides an exemption from Stamp Duty on the transfer of agricultural land to a farmer who is:

- a) Under 35 years of age; and
- b) The holder of certain educational qualifications.

In the case of a joint purchase by a father and son, both must satisfy these conditions.

On the basis of the information presented, stamp duty would be payable as both joint purchasers do not, it appears, satisfy the necessary conditions.

Additionally, it would be necessary to have more details regarding the "green certificate in agriculture" in order to determine whether this certificate satisfies the appropriate educational qualification requirement. However, if it does, this on its own would not be sufficient for the exemption to apply, as only the son holds a certificate.

Where the exemption is not available, Stamp Duty is chargeable at the rate of 2% on the purchase price.

Fuel Rebate Scheme

122. **Deputy Mattie McGrath** asked the Minister for Finance the position regarding his Departments working group that was set up to examine the Irish Road Hauliers Association proposals for an Essential User Fuel Rebate; the efforts he is taking to tighten up on the availability of green diesel; and if he will make a statement on the matter. [33273/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware a working group was set up between officials of my Department, the IRHA and members of the Oireachtas. This working group had a series of meetings to discuss issues of concern to the haulage industry. I have recently received a submission from the group and I am considering the matters raised. I note the recent trend in falling oil prices and I hope that this continued fall is reflected in the price of fuel for consumers including hauliers at the pumps. The Deputy may also wish to note that provision was made in the Finance Act 2012 for a strengthened and extended licensing system for mineral oil traders, which will require traders in marked oils to be licensed for that purpose. In parallel with these changes, the Revenue Commissioners have recently made regulations that put in place new requirements in relation to the recording and reporting of oil movements. In particular, traders will have to submit returns to the Revenue Commissioners monthly giving details of fuel transactions. Action is being taken also to obtain an improved fuel marker. The Irish and UK revenue authorities published a joint 'Invitation to Make Sub-

[Deputy Michael Noonan.]

missions' (IMS) on 28th June for a new fuel marker. The IMS was also published in the Official Journal of the European Union on 4 July 2012.

Tax Collection

123. **Deputy Gerald Nash** asked the Minister for Finance the contact that has been made by the Revenue Commissioners with the social security authorities in other States to clarify the number of persons resident here who are receiving pensions from those States; and if he will make a statement on the matter. [33306/12]

124. **Deputy Gerald Nash** asked the Minister for Finance the contact the Revenue Commissioners have made with HMRC to ensure that those who are in receipt of occupational pensions from the UK, but are resident here and assessable on that income here in accordance with Articles 17 and 18 of Ireland/UK Double Taxation Treaty, are tax compliant; and if he will make a statement on the matter. [33307/12]

125. **Deputy Gerald Nash** asked the Minister for Finance the level of tax due to the State which has not been collected in 2007, 2008, 2009, 2010 and 2011 due to the failure to correctly assess Irish income tax occupational and social security pensions paid to Irish residents in view of the fact that Census 2011 advised that there are 114,948 persons aged 60 and over who had lived in the UK before moving here; and if he will make a statement on the matter. [33308/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 123 to 125, inclusive, together.

I am informed by the Revenue Commissioners that taxpayers are required, under the self-assessment tax system, to supply details each year of foreign-sourced pensions, both Social Security and Occupational, to Revenue. Taxpayers, however, are not required to separately identify the country of origin of pension income on tax returns and in the time available, the Commissioners are unable to provide up-to-date details of the number of taxpayers returning foreign-sourced pensions. The following details are the position as at January 2012, for the tax year 2009, in relation to the number of cases reporting a pension. This is the latest date for which figures are readily available.

Year	State Welfare pensions	Other foreign pensions	Total
2009	10,646	10,889	21,535

I am further informed by the Revenue Commissioners that they are not in a position to provide an estimate of the amount of income tax that is not being collected on UK-sourced pensions. However the Commissioners advise that the figure of 114,948 quoted by the Deputy is not a reliable indicator of the scale of possible non-declaration. A significant number of these people may not have any entitlement to a UK pension, or such entitlement may be small.

In this context, it should be noted that the rates of UK Social Security pensions are small when compared to the general tax exemption from income tax granted to those aged 65 or over in this State, viz. where their annual income is less than €18,000 for single or widowed persons and less than €36,000 for married persons or those in a civil partnership.

The question of information from other jurisdictions is affected by other countries Data Protection Laws, and in general can only arise in the context of Double Taxation Treaties. I am advised by the Revenue Commissioners that they seek information from other tax administrations, under Treaty provisions, about foreign-sourced pensions paid to Irish resident indi-

viduals where they are dealing with specific cases. The Commissioners are aware that there are data exchange arrangements in place between the Department of Social Protection and their UK counterparts and they are exploring with the Department of Social Protection (DSP) the usefulness for tax purposes of information available to them, and the possibility of gaining access to such information having regard to Data Protection law and other legal provisions.

Health Insurance

126. **Deputy Niall Collins** asked the Minister for Finance his views on State owned Irish Life having a 30% stake in a newly established private health insurance company; if EU competition issues arise as a result of the State's share holding; and if he will make a statement on the matter. [33345/12]

127. **Deputy Niall Collins** asked the Minister for Finance the reason Irish Life, as a State owned entity, has been permitted to hold a significant shareholding in a private health insurance company when he is working to divest itself of its shareholding in VHI; and if he will make a statement on the matter. [33346/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 126 and 127 together.

I must ensure that Irish Life is run on a commercial, cost effective and independent basis to maximise value for the State. I recognise that Irish Life remains a separate economic unit with independent powers of decision and that its board and management team retain responsibility and authority for determining the Company's strategy and commercial policies and conducting its day to day operations. The State will continue to work on the disposal of the business as soon as market conditions permit.

Irish Life is now a 48.95% shareholder in GloHealth Financial Services Limited, an insurance intermediary licenced by the Central Bank. GloHealth insurance policies are underwritten by Great Lakes Reinsurance (UK) Plc, a subsidiary of Munich Re. I have been informed by Irish Life that the investment does not give rise to issues under EU Competition Law.

The future strategy for VHI is a matter for the Minister for Health.

Tax Code

128. **Deputy Eoghan Murphy** asked the Minister for Finance if he will provide the following information, estimated, for a single person with no dependents, no credits, breaks or reliefs, earning €42,000 in income, with no other assumed additional sources of income: the amount of income tax and other taxes on incomes expected to be paid by this person in 2012; if he will provide a percentage breakdown of the areas of Government spending on which the taxes paid by the person are to be spent by each Department and in each area in line with the budget for 2012; if he will provide a detailed description of the way the taxes paid by the person are to be spent in simple monetary terms euros and cents in line with this breakdown; if he will provide a figure detailing the person's annual contribution to national debt repayments, a figure detailing the person's share of the national debt and a figure detailing the person's share of the national deficit; and if he will provide the same information as projected for 2013. [33359/12]

Minister for Finance (Deputy Michael Noonan): It is assumed for the purposes of answering this question that the single person is a PAYE worker in the private sector who would receive the basic tax credits and standard bands of tax, appropriate for an employee earning €42,000 per annum in 2012. The amount of PAYE income tax, Universal Social Charge (USC), and employee PRSI that person would pay is €10,707. The calculation is outlined in the table:

[Deputy Michael Noonan.]

Single Individual (Employee) Earning €42,000 (Class A Full PRSI)	
Gross Income	€42,000
<i>Deductions</i>	
Universal Social Charge (USC)	€2,259
PAYE Income Tax	€7,032
Employee PRSI	€1,416
Total Deductions	€10,707
Net Income	€31,293

Note that figures are rounded.

Tax revenues are not generally assigned to particular areas of expenditure. Rather they are available, along with non-tax revenues, capital receipts as well as moneys sourced from borrowing to fund overall expenditure.

The Department of Public Expenditure and Reform published the Revised Book of Estimates (REV) for 2012 in February. The REV sets out the voted expenditure allocations for every Government Department and Office, including for areas such as Social Protection, Health, Education, Justice and Agriculture. The REV therefore sets out the areas of voted expenditure that the tax revenues, non-tax revenues and capital receipts collected by the State as well as borrowing undertaken by the State are used to fund.

National debt servicing in 2012 was estimated at €6,965 million by the National Treasury Management Agency (NTMA) at the time of the Stability Programme Update (SPU) publication in late April. Last year's Census estimated the Irish population at just under 4.6 million. On this basis, an individual's share of total National debt servicing in 2012 is just under €1,520.

As per the website of the NTMA, at end-June 2012 the State's National debt stood at €131.9 billion. Given an estimated population of just under 4.6 million, an individual's share of National debt outstanding at end-June 2012 is just under €28,750.

This year's Exchequer deficit was estimated at €18,655 million in the SPU. Given an estimated population of just under 4.6 million, an individual's share of this year's Exchequer deficit is approximately €4,065. Note that this deficit estimate included, as part of non-voted capital expenditure, €3,060 million in respect of the IBRC Promissory Note although settlement of this payment was with a Government bond.

As regards 2013 it is not yet possible to provide the Deputy with the detailed information as voted expenditure allocations for 2013 have not yet been decided.

State Debt

129. **Deputy Patrick Nulty** asked the Minister for Finance if the agreement reached between EU leaders on the separation of banking debt from sovereign debt reached at the recent EU summit will result in a retrospective easing of Ireland's national debt burden, namely in relation to the €64 billion used to capitalise Irish banks but which now forms part of Ireland's national debt; and if he will make a statement on the matter. [33417/12]

Minister for Finance (Deputy Michael Noonan): As I stated last week in the Dáil during Oral questions, the announcement following the euro area summit in Brussels at end-June represents a major shift in European policy in terms of breaking the link between recapitalising

the banks and the sovereign, a policy change that I have repeatedly pressed for at EU meetings. This message has been echoed by the Taoiseach, the Tánaiste and other Ministers in meetings with their EU colleagues. The specific mention of Ireland in the statement issued following the summit is a welcome development and is the result of intensive discussions over the past year. It shows that there is widespread recognition for the measures this country has implemented and the significant sacrifices that Irish people have taken to bring our public finances under control.

This is an agreement in principle which provides an opportunity for the issue of bank debt to be addressed at an EU level. As the details have yet to be worked out, it is too early to say at this time what the precise implications of the announcement will be.

Preliminary discussions on how to separate Irish banking debt from sovereign debt are underway, with a view to concluding in October, but I do not want to prejudice them by commenting on the likely contents of any agreement at this time. Because of their complexity the discussions are likely to take some time. Our shared objective, agreed with our European colleagues is to break the link between banks and sovereigns and we are open to discussing any method of doing this.

This announcement is undoubtedly a positive development for Ireland. However, we cannot lose sight of the fact that notwithstanding the very considerable negative effect State support for the banking system has had on the public finances, including the debt level, there remains a large gap between day to day spending and revenues. This needs to be closed so as to enhance further the long-term sustainability of our public finances.

Departmental Statistics

130. **Deputy Michael McGrath** asked the Minister for Finance when the GDP and GNP figures for Quarter 1 2012 will be published; and if he will make a statement on the matter. [33475/12]

Minister for Finance (Deputy Michael Noonan): The CSO will publish the Quarterly National Accounts for Quarter 1 2012 on Thursday 12 July 2012.

Tax Code

131. **Deputy Patrick Nulty** asked the Minister for Finance if he supports the introduction of a financial transactions tax; and if he will make a statement on the matter. [33487/12]

136. **Deputy Patrick Nulty** asked the Minister for Finance the reason there was a three month delay between the completion of the ESRI research on a financial transactions tax and its publication; and if he will make a statement on the matter. [33712/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 131 and 136 together.

I have stated in the past my view that, if a financial transactions tax (FTT) cannot be introduced on a global basis, it would be better if it were introduced at least on an EU-wide basis. This would prevent any distortion of activity within the Union.

The Deputy will be aware that following the ECOFIN meeting on 22 July, the Commission's proposal to introduce an FTT on an EU-wide basis will not now proceed and certain Member States are going to ask the Commission to propose that the tax be introduced via the "enhanced co-operation" mechanism in those states which are willing to introduce the tax.

[Deputy Michael Noonan.]

Ireland is opposed in principle to enhanced co-operation in tax matters and will not be one of the enhanced co-operation countries. Our decision not to participate is consistent with the position we previously expressed that the tax should be introduced on at least an EU-wide basis. However, I indicated at the ECOFIN meeting that we would not stand in the way of those countries who wish to introduce an FTT. We will continue to monitor the issue, in particular to ensure the compatibility of any proposed measure with the internal market and with existing taxes on financial transactions such as our Stamp Duty on transfers of shares in Irish companies.

I received the ESRI/Central Bank of Ireland report into the FTT in late April. I did not publish the report immediately because my officials and I needed time to examine it. It has proven useful in our consideration of the issues surrounding the FTT.

Question No. 132 answered with Question No. 113.

Bank IT Systems

133. **Deputy Regina Doherty** asked the Minister for Finance if he intends to review banking procedures and protocols to protect customers from another crisis such as the Ulster bank occurrence which has seen customers without banking facilities for nearly three weeks; and if he will make a statement on the matter. [33600/12]

Minister for Finance (Deputy Michael Noonan): I have been informed by the Central Bank that, in conjunction with the Financial Services Authority in the UK, they will undertake a review of the IT failure which arose in Ulster Bank. This review will include a focus on lessons learned which will then be utilised in the Bank's on-going oversight of operational risks faced by all banks. In addition, the Irish Payments Services Organisation (in conjunction with the Central Bank) have commissioned an independent review of the risk assessment methodologies applied by clearing companies such as the Irish Paper Clearing Company and the Irish Retail Electronic Clearing Company.

On the completion of the reviews mentioned, I would expect that, should the Central Bank need to examine and strengthen its procedures, they will do so. It is important that the Central Bank satisfies itself that all requirements are met by credit institutions to avoid the occurrence of similar IT problems in the future.

Departmental Reports

134. **Deputy Seán Kyne** asked the Minister for Finance if he will report on the progress made in implementing those recommendations categorised as immediate, short and medium term of the Small Advisory Group's Report entitled *The Voice of Small Business* for which he has been designated as having lead responsibility. [33644/12]

Minister for Finance (Deputy Michael Noonan): The following table outlines the actions and current status of recommendations contained in "The Voice of Small Business" for which my Department has lead responsibility:

Action	Current Status
6(a) Develop and implement a cross-departmental awareness campaign on the impact of hidden economy activity.	There is no doubt that shadow/hidden economy activity creates distortions in the economy and competitive disadvantages for compliant businesses. For these reasons, Revenue focuses on deterring shadow/hidden economy activity and non-compliance through its audit and investigation programmes based on risk analysis, use of Revenue powers and their intelligence and information systems. Last year Revenue carried out 11,066 audits resulting in a yield of €440.46 million. The Revenue approach to the shadow economy is underpinned by close consultation and cooperation with the Department of Social Protection. The primary objective of these activities is to uncover either non-declaration or under declaration of income and/or fraudulent DSP claims. In addition, there is continuing strengthening of legislation to provide for a robust framework within which the Revenue Commissioners may tackle tax and duty evasion. Revenue has a prioritised focus on those sectors that traditionally have been susceptible to shadow activity such as cash businesses. In order to inform the approaches they are taking and help determine where resources may best be deployed, Revenue have engaged on a series of meetings with trade and representative bodies. Increasingly they are finding that bodies and individuals are prepared to share insights and specific information with Revenue with regard to shadow economy activity in times of recession. Revenue is deepening their engagement with the representative bodies and has set up regional shadow economy liaison groups. Any additional information campaign should be considered in the context of measures already in place.
8(a) Mandate the introduction of electronic payments by all Government and State agencies by end 2012.	A very similar goal is included as part of the Croke Park agreement and this is being worked towards in that context. Under the SEPA regulation the Irish government is committed to migrating the civil service to SEPA compliant payment systems by end Q1-2013. This will facilitate further the introduction of electronic payments.
8(b) Remove Professional Services Withholding Tax for service providers.	After careful consideration, and in light of the effect that this measure would have on the Exchequer returns, it is not proposed to abolish PSWT for service providers at this time.
8(b) Consider a reduction in the preliminary tax requirement from 100 percent to 75 percent for small firms until 2013.	After careful consideration, and in light of the effect that this measure would have on the Exchequer returns, it is not proposed to introduce this measure at this time.

Departmental Functions

135. **Deputy Seán Kyne** asked the Minister for Finance if the recommendation of the Deloitte report into the €3.6 billion accounting error to transfer sole responsibility for the compilation of statistics and information on the Government deficit to the Central Statistics Office will be implemented; and if so, if a timescale will be indicated. [33647/12]

Minister for Finance (Deputy Michael Noonan): The Deloitte Report into the error was finalised earlier this year and published on 7th June. A key overarching recommendation was the establishment of a Governance Group to *inter alia* oversee the implementation of the recommendations arising from the Report. This Group has considered the recommendations, including the recommendation that overall responsibility for the General Government Debt (GGD) compilation and reporting processes should be centralised in one organisation. In response to this it has been agreed by my Department and the Central Statistics Office (CSO) that the primary responsibility for this is to be transferred to CSO. Given the complex nature of the processes and the amount of work involved in the compilation of the necessary data, it is envisaged that CSO will take over primary responsibility for the Excessive Deficit Procedure Returns required under the Maastricht Treaty for the transmission due in March 2013.

Question No. 136 answered with Question No. 131.

National Asset Management Agency

137. **Deputy Pearse Doherty** asked the Minister for Finance further to Parliamentary Question No. 207 of 3 July 2012, the reason the National Assets Management Agency has redeemed senior debt from Permanent TSB since this organisation is not a NAMA participating institution. [33728/12]

Minister for Finance (Deputy Michael Noonan): The recent NAMA Senior Bond redemption was carried out on a pro-rata basis, whereby a proportion of each institution's share of NAMA Senior Bonds was repaid. The NAMA Senior Bonds held by Permanent TSB were received in February 2011 as part of the transfer of the former INBS deposit book to PTSB under the transfer order issued by the previous Minister for Finance. As set out in the transfer order, the deposit book and corresponding assets (including € 2.89 billion of NAMA Senior Bonds) transferred to NAMA at that time. Previous to the most recent bond redemption PTSB held € 2.77 billion and following this redemption PTSB hold € 2.575 billion of NAMA Senior Bonds.

The text of the transfer order and other details are available on the Department of Finance website: www.finance.gov.ie.

State Debt

138. **Deputy Pearse Doherty** asked the Minister for Finance the contribution made by the State to the first bailout in Greece in 2010; the way this contribution was accounted for in the deficit and national debt figures; the amount of interest received by Ireland from this contribution; when the sum is due for repayment by Greece to Ireland; if he will provide an assessment of the prospects for the repayment of the contribution; if any provision will be made for any non-repayment in our national accounts. [33729/12]

Minister for Finance (Deputy Michael Noonan): Under the Euro Area Loan Facility as agreed for Greece in May 2010, stability support in the form of a joint Euro area/IMF financing package of €110 billion is being provided to Greece over a three-year period. Ireland contributed €345.7 million (net of a 50 basis points service charge) in respect of the first two tranches of the loan in 2010. Ireland withdrew from participation in the facility when we entered the EU/IMF Programme of Financial Support.

This amount was accounted for as a loan under non-voted capital expenditure.

Interest payments on the loan in respect of Ireland's contribution to the facility are due quarterly and are calculated on the full nominal amount of the loan (i.e., including the 50 basis points service charge). The original loan agreement provided that the principal would be repayable quarterly over two years starting in 2013 and that the rate of interest, which is variable, would be based on three-month EURIBOR (the average rate at which euro interbank term deposits are being offered by one prime bank to another within the EMU zone) plus a margin of three hundred basis points (3 percentage points) for the first three years and four hundred basis points subsequently. However, the lending countries agreed in 2011 to extend the grace period and term of the loans and to reduce the margin in the interest rate charged to Greece to 100 basis points (one percentage point). As a result, the principal on Ireland's loan to Greece is due to be repaid over five years beginning in June 2020.

The total amount of interest received by Ireland on the loan to date is €25.96 million.

As the Deputy will be aware, Greece came to an agreement with its private sector creditors in March 2012 which allowed it to restructure debt held by banks and other private investors. However, that restructuring and the consequent losses for investors did not apply to loans under the Euro Area Loan Facility under which Ireland provided a loan to Greece in 2010.

School Transport

139. **Deputy Brendan Griffin** asked the Minister for Education and Skills his views on a matter (details supplied); and if he will make a statement on the matter. [33192/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Under the terms of my Department's Post Primary School Transport Scheme children are eligible for transport where they reside not less than 4.8 km from and are attending their nearest education centre as determined by the Department/Bus Éireann, having regard to ethos and language.

Bus Éireann, which operates the School Transport Scheme on behalf of my Department, determine eligibility by measuring the shortest traversable route from a child's home to the relevant education centre. Bus Éireann are currently processing applications for school transport for the 2012/13 school year. The number and size of vehicles required will be determined by the number of eligible pupils whose applications are finalised by the deadline date at the end of July. Children who are not eligible for school transport may apply for transport to a particular school on a concessionary basis in accordance with the terms of the scheme.

Children who applied for enrolment in their nearest school but who did not secure a place may have their school transport eligibility considered by reference to the distance they reside from their next nearest school. This consideration will only apply where my Department is satisfied that the child's nearest school does not have the capacity to enrol additional first year pupils.

European Globalisation Fund

140. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills the position regarding the EU's Globalisation Fund; his views on whether an expanded fund will be part of the EU's 2014 to 2020 budget round; his position on the fund; if the proposed expanded fund will include provisions for citizens who may lose their job in the self-employed and agricultural sector; and if he will make a statement on the matter. [33290/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The current European Globalisation Adjustment Fund (EGF) Regulation expires on 31 December 2013. On 6 October 2011, the European Commission tabled a proposal for a new Regulation for the period 2014-2020 to the European Council and European Parliament.

Substantive discussions on the Commission proposal commenced in the European Council Working Party on Social Questions in early 2012 under the Danish Presidency of the EU and are currently ongoing. Ireland is taking a full and active part in these discussions. A progress report on this dossier was presented to the EPSCO Council of Ministers on 21 June 2012. The current Cypriot Presidency of the EU is seeking to progress the dossier to finalisation if possible. If not, the dossier will fall to be progressed during the Irish Presidency in 2013.

Ireland continues to be a strong supporter of the EGF given the important contribution it makes to co-financing approved active labour market programmes in support of eligible redundant workers in this country.

It is not possible at this time, and given that discussions on the dossier are ongoing, to surmise whether, or in what form, the Fund will continue in 2014. However, Ireland is negotiating in Council on the basis that the Fund should and will continue.

The proposal to include both the self-employed and farmers in the scope of the new Regulation is a significant broadening of the existing position. Ireland is not opposed in principle to these elements of the proposal and together with their colleagues in the Departments of Jobs,

[Deputy Ciarán Cannon.]

Enterprise and Innovation and Agriculture, Food and the Marine, my officials will be seeking the most positive national outcome in the continuing discussions.

FÁS Training Programmes

141. **Deputy Eoghan Murphy** asked the Minister for Education and Skills if his attention has been drawn to the fact that there is no longer an ecommerce training course being offered by FÁS; his views on whether an ecommerce course would be a useful addition to the current courses on offer. [33352/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I am informed that the ecommerce course referred to by the Deputy was deactivated by FÁS in order to update it and bring it into line with the new Common Awards System. FÁS is currently working on a replacement course and once this course has been developed, it will be scheduled on the FÁS course calendar.

In addition, Skillnets receive funding from the National Training Fund (NTF) through my Department to support companies from any sector or region to engage in training by co-investing in the delivery of training with member companies of networks. Skillnets works in partnership with enterprise, in particular SMEs, by supporting the development of flexible and effective training delivery methods which are customised to its specific needs. There are a number of current course offerings related to ecommerce or which include a module around ecommerce and these can be viewed on the Skillnets website at www.skillnets.ie.

Graduate Medicine Programme

142. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills the complete range of financial supports available for students entering the graduate medicine programme [33661/12]

151. **Deputy Simon Harris** asked the Minister for Education and Skills if his attention has been drawn to the significant impact the increase in fees payable for graduate entry to medicine and the withdrawal by AIB of the graduate student loan package for graduate students will have on the viability of graduate entry medicine for many students; if he is considering any measures to offset these obstacles; and if he will make a statement on the matter. [33011/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 142 and 151 together.

Higher education institutions are autonomous bodies and the level of tuition fees charged for their Graduate Entry Medicine (GEM) programmes, is a matter for the institutions themselves to determine. Accordingly I have no role in the matter. The prerequisite for entry to GEM programmes is an Upper Second or First Class Honours Bachelor's degree in any discipline. GEM students therefore are pursuing a second undergraduate degree and are not eligible for free fees or for student grants. However in order to widen access the fees of EU students are partly subsidised by the State through the Higher Education Authority. For the 2011/12 academic year this subsidy amounted to €11,000 per EU student. In addition the Taxes Consolidation Act 1997 provides tax relief, at the standard rate, for tuition fees paid in respect of approved courses. I appreciate that for individual students having to meet those fees can be difficult and therefore it is a matter of regret if the loan package in question has been withdrawn by the bank.

143. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills the number of students who have undertaken and are currently undertaking the graduate medicine programme; the locations at which this course is available; the respective course fees; the degree to which this programme has achieved its stated purpose; and the way he will ensure that entry to these courses is not determined by ability to pay. [33663/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The graduate entry medicine (GEM) programme commenced in 2007/08 and has an annual EU intake of 240 students in four institutions: UCD (77), UCC (38), UL (95) and RCSI (30). Information regarding the numbers who have undertaken these programmes is not readily available. I have asked the Higher Education Authority to collate this data and it will be forwarded to the deputy when available. Each institution is responsible for setting its tuition fees which, in 2011/2012, were as follows: UCD (€13,915), UCC (€13,580), UL (€13,915) and RCSI (€15,940). The fees of EU students are partly subsidised by the State through the Higher Education Authority. For 2011/12 this subsidy amounted to €11,000 per EU student.

The establishment of a Graduate Medicine Programme was a specific recommendation of the Report of the Working Group on Undergraduate Medical Education and Training (the 'Fottrell Report') published in 2006. The Report made a number of recommendations in relation to the reform of medical education and training. It specifically saw the introduction of GEM as a means to increase the number of EU medicine graduates in the context of an evolving health care system and growing population needs. The first cohort of students graduated in 2011.

Departmental Funding

144. **Deputy John Perry** asked the Minister for Education and Skills if he will ensure that the three applications (details supplied) submitted to his Department are granted as this school cannot function without furniture and IT hardware and the essential upgrade of the electrical power supply is needed for health and safety; and if he will make a statement on the matter. [32967/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department has received three separate applications from the school referred to by the Deputy.

Additional funding for the upgrade of the electrical power supply has been approved under my Department's Additional Accommodation Scheme and the school authorities have been notified accordingly.

My Department has recently approved grant aid for loose furniture and dress design equipment for the new classrooms at the school in question.

In relation to the third application as all post primary schools were paid substantial grant aid late in 2010 for the purchase of high-tech IT equipment no further funding for IT equipment can be approved.

Schools Refurbishment

145. **Deputy Martin Ferris** asked the Minister for Education and Skills if he will provide an update on the status of an application for emergency funding in respect of a school (details supplied) in County Kerry who needs to update their electrics. [32973/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that the school to which the Deputy refers have applied for grant aid to carry out refurbishment works to an adjacent school building which the school authority has recently acquired.

[Deputy Ruairí Quinn.]

As outlined in the Five Year Plan last March and in view of the need to ensure that every child has access to a physical school place, the delivery of major school projects to meet significant demographic demands nationally will be the main focus for capital investment in schools in the coming years. The Five Year school building programme is focused on meeting those demographic needs.

I wish to advise you that my Department is considering the school's request in consultation with my Department's inspectorate. Department officials have been in contact with the Principal of the school and have conveyed this information to him.

School Staffing

146. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills the position regarding panel rights in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [32995/12]

170. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills his views on the case of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33412/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 146 and 170 together.

The arrangements for panel access for fixed term (temporary), substitute and part-time teachers are set out in Department Circular 0012/2012 which is available on my Department's website. The panels set up in accordance with the arrangements set out in this circular will be used for appointments to full-time permanent teaching posts but only where those posts are not otherwise required to facilitate the redeployment of surplus permanent and CID holding teachers. My Department notifies applicant teachers of the outcome for panel access as the panels are issued to the various panel operators. It is anticipated that the teacher referred to by the Deputy will be notified in this regard shortly.

147. **Deputy Michael Creed** asked the Minister for Education and Skills if there will be an appeals process open for two, three and four teacher schools who stand to lose a teacher for the 2013, 2014 school year; and if he will make a statement on the matter. [32996/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As part of the Budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools will be gradually increased between September 2012 and September 2014. The detailed arrangements are set out in the Department's Staffing Circular 0007/2012 that is now published on my Department's website. 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.

It is anticipated that the staffing arrangements for the 2013/14 school year, including the appeal process will be published in early 2013.

Special Educational Needs

148. **Deputy Peter Mathews** asked the Minister for Education and Skills his plans to provide a special needs assistant in respect of a person (details supplied) in Dublin 16; and if he will make a statement on the matter. [32998/12]

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 teachers and 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 such supports and the staffing resources available to my Department.

There is no automatic system of transfer of resources from one school to another. In considering applications for teaching and SNA supports for individual pupils, the SENOs take account of the pupils' needs and consider the resources available to the school to identify whether additionality is needed or whether the school might reasonably be expected to meet the needs of the pupils from its current level of resources.

Schools had been advised to apply to the NCSE for resource teaching and SNA support for the 2012/13 school year by 16th March, 2012 and schools are currently being notified by SENOs of their resource teaching and SNA allocation for 2012/13, based on the number of valid applications received and, in the case of SNA support, the extent of the care needs of qualifying children.

SNAs should be deployed by schools in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

School Patronage

149. **Deputy Brendan Smith** asked the Minister for Education and Skills the progress made to date in relation to a proposal (details supplied); when this application is likely to be approved; and if he will make a statement on the matter. [33001/12]

181. **Deputy Kevin Humphreys** asked the Minister for Education and Skills if his attention has been drawn to the fact that there is significant demand in the Dublin 6, 8 and 12 area for a new multid denominational school; if any plans have been drawn up in his Department towards recognising the start up group that currently exists; if there has been any consideration of any potential there may be locally for divestment of a current school to cater for this demand; and if he will make a statement on the matter. [33603/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 149 and 181 together.

In June of last year I announced that up to 40 new schools are to be established within the next six years to provide sufficient school capacity to meet our increased demographics. These consisted of twenty new primary schools and twenty new post-primary schools. This announcement did not include a proposal to establish a new primary school in the areas referred to by the Deputies.

On foot of recommendations in the Report of the Advisory Group to the Forum on Patronage and Pluralism in the Primary Sector, I recently announced an Action Plan to progress divesting Catholic schools in certain areas.

[Deputy Ruairí Quinn.]

Surveying will be carried out in five pilot areas initially in October this year and surveys in the balance of the forty four areas will take place in November. The 44 initial areas where surveys of parental preferences will be carried out include the Dublin 6 and 8 districts.

The outcome of the initial surveys will then be made available to the relevant school patrons who will be asked to come forward with divesting options in line with parental preferences within the areas. Full details of the Action Plan are available on my Department's website www.education.ie.

Special Educational Needs

150. **Deputy Brendan Griffin** asked the Minister for Education and Skills the reason a person (details supplied) in County Kerry has had their special needs assistant taken away; if the SNA will be reinstated; and if he will make a statement on the matter. [33009/12]

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 processing applications from schools for special educational needs supports including resource teaching and Special Needs Assistant (SNA) support, to support children with special educational needs. The NCSE operates within my Department's established criteria for the allocation of such supports and the staffing resources available to my Department.

All schools had been advised to apply to the NCSE for resource teaching and SNA support for the 2012/13 school year by 16th March, 2012 and schools are currently being notified by SENOs of their resource teaching and SNA allocation for 2012/13, based on the number of valid applications received and, in the case of SNA support, the extent of the care needs of qualifying children.

SNAs should be deployed by schools in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

Question No. 151 answered with Question No. 142.

152. **Deputy Michael McGrath** asked the Minister for Education and Skills if the allocation of special needs assistants to a particular school (details supplied) in County Cork for the 2012/13 school year is being reassessed; if he will agree to become involved in the matter in view of the exceptional circumstances that apply; and if he will make a statement on the matter. [33014/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the National Council for Special Education (NCSE) is an independent agency with responsibility for determining the appropriate staffing levels in relation to the support of pupils with special educational needs in mainstream and special schools. The NCSE operates within my Department's established criteria for the allocation of supports to schools and the staffing resources available to my Department.

The Deputy will appreciate that it would be inappropriate of me to intervene in the resource allocation process which would be to compromise the independence of the role of the NCSE as set out in the Education for Persons with Special Educational Needs (EPSEN) Act, 2004.

As I advised the Deputy in my PQ reply of 21 June, the NCSE has confirmed that the SNA allocation for the school in question for the 2012/13 school year is a sufficient level of support to cater for the care needs of all qualifying children in the context of the applications received for the 2012/13 school year. Whereas I understand that schools may wish to maintain current staffing levels, the NCSE must ensure that where there are surplus SNA posts in a school, these must be redirected to meet the needs of children who need this valuable support.

I am sure the Deputy will agree that at a time of constrained resources it is essential that SNA numbers are managed and deployed as prudently and as effectively as possible. Resources left in an area that are not in accordance with criteria mean public resources are not available for another deserving area. It is worth noting that this school has been allocated 12 SNA posts for the forthcoming school year, which is an extensive provision of resources by any measure.

It is expected that schools seeking to have their SNA provision reviewed, 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. It is open to schools to contact their local SENO in this regard, using the contact details available on *www.ncse.ie*.

Emergency Works Scheme

153. **Deputy Michael Creed** asked the Minister for Education and Skills the position regarding an application for emergency electrical works at a school (details supplied); and if he will make a statement on the matter. [33032/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department recently approved funding under the Emergency Works Scheme for electrical works at the school in question.

154. **Deputy Niall Collins** asked the Minister for Education and Skills if an application for emergency works in respect of a school (details supplied) in County Kerry will be approved as soon as possible; and if he will make a statement on the matter. [33033/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department has no record of any recent application for funding under the Emergency Works Scheme from the school in question. Should an application be received it will be assessed and the school authority will be advised of the outcome.

Special Educational Needs

155. **Deputy Terence Flanagan** asked the Minister for Education and Skills the position regarding a special needs assistant in respect of a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [33052/12]

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 processing applications from schools for special educational needs supports including resource teaching and Special Needs Assistant (SNA) support, to support children with special educational needs. The NCSE operates within my Department's established criteria for the allocation of such supports and the staffing resources available to my Department.

[Deputy Ruairí Quinn.]

All schools had been advised to apply to the NCSE for resource teaching and SNA support for the 2012/13 school year by 16th March, 2012 and schools are currently being notified by SENOs of their resource teaching and SNA allocation for 2012/13, based on the number of valid applications received and, in the case of SNA support, the extent of the care needs of qualifying children.

SNAs should be deployed by schools in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

Teacher Training

156. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills his future plans, if any, to address the additional twelve workshops that student teachers must complete in order to successfully acquire their full professional qualification with particular reference to the financial burden facing student teachers to complete same when they have had no choice but to avail of the opportunity to teach abroad to acquire sufficient teaching hours; if he has any plans to introduce the completion of such workshops online; and if he will make a statement on the matter. [33058/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The commencement of mandatory Induction for Newly Qualified Teachers (NQTs) is in keeping with the provisions of the 2001 Teaching Council Act and fulfils a key element of my Department's Literacy and Numeracy Strategy which states that Induction would be mandatory by September of this year.

The Induction workshops which the Deputy refers to are designed to complement the learning and development that the NQT gained during their initial teacher training in college. The workshops focus on priority issues and challenges that arise for NQTs, and are intended to equip them with a range of effective strategies and skills that can be readily implemented in day-to-day classroom practice, across a range and variety of school contexts. The workshops also provide networking opportunities and the professional support needed in making the transition from student to teacher. The National Induction Programme for Teachers (NIPT) develops and designs the workshops and the content of the workshops is reviewed on an ongoing basis, having regard to feedback received from NQTs and consultation with Colleges of Education. As the workshop programme evolves and develops, it is expected that the workshops will gradually introduce blended e-learning elements, as appropriate. The face-to-face elements of the workshop programme will continue to be an important feature of the NIPT programme.

NQTs have three years to attend the twelve workshops and achieve full registration. NQTs can complete all workshops in any one of the three years, or spread their attendance at the workshops over the course of the three years. In certain extenuating circumstances, the Teaching Council may grant an extension to the three years.

There is no fee applicable for attendance at the NQT workshop programme as these costs are covered by the Department of Education and Skills. The Teaching Council receives no income from the Induction programme.

School Transport

157. **Deputy Mattie McGrath** asked the Minister for Education and Skills if the free school transport scheme for medical card holders will be extended to a person (details supplied) in County Waterford when they have not been accepted to a school in their catchment area and subsequently attend a school in the adjoining area; and if he will make a statement on the matter. [33086/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Under the terms of my Department's Post Primary School Transport Scheme children are eligible for transport where they reside not less than 4.8 kms from and are attending their nearest education centre as determined by my Department/Bus Éireann, having regard to ethos and language.

Children who are not eligible for school transport may apply for transport on a concessionary basis subject to a number of conditions; one of these conditions includes the payment of the annual charge. Only eligible children who hold valid medical cards (GMS Scheme) are exempt from paying the annual charge. Children who applied for enrolment in their nearest school but who did not secure a place may have their school transport eligibility considered by reference to the distance they reside from their next nearest school. This consideration will only apply where my Department is satisfied that the child's nearest school does not have the capacity to enrol additional first year pupils.

Departmental Staff

158. **Deputy Ciara Conway** asked the Minister for Education and Skills the measures being put in place to ensure that anyone receiving payment from his Department processed through Ulster Bank, will continue to receive their entitlements; if alternative arrangements being made to facilitate collection elsewhere, such as at a post office; and if he will make a statement on the matter. [33099/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Payroll and supplier/grant payments are being issued as normal by my Department. The payroll and supplier /grant payments are not processed via Ulster Bank. To date my Department has received only minimal enquiries in relation to this issue and as such I do not see the need at this time to make alternative arrangements.

Ulster Bank via its website www.Ulsterbank.ie/roi/personal/generic/service-update.ashx continues to offer updated advice to customers impacted by the current problems, and offers guidance to customers to help the bank facilitate disbursements from their bank accounts. Individuals who are experiencing difficulties receiving payments from Ulsterbank should in the first instance contact that bank for assistance.

School Transport

159. **Deputy Pearse Doherty** asked the Minister for Education and Skills the arrangements being put in place to provide school transport for students to attend their new amalgamated school who had previously attended a primary school in Donegal that has been amalgamated with another school in County Donegal (details supplied). [33100/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Under the terms of my Department's Primary School Transport Scheme children are eligible for transport where they reside not less than 3.2 kms from and are attending their nearest national school as determined by my Department/Bus Éireann, having regard to ethos and language.

[Deputy Ciarán Cannon.]

These eligibility criteria are applied equitably on a national scale to all children attending a national school including children who are attending a school of amalgamation.

Departmental Staff

160. **Deputy Simon Harris** asked the Minister for Education and Skills the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter.

[33108/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The day to day administration of agencies is a matter for each agency. Every agency has responsibility for its own HR function which includes the management of sick leave. My Department does not collate information on sick leave in agencies.

The Department of Finance circular 25/78 governs the conditions that apply to sick leave for officials within the Civil Service. Under these conditions an official can at most take 7 uncertified sick days with pay within a 12 month period. These conditions apply to those agencies under the aegis of my Department which are staffed by civil servants.

Teachers' Remuneration

161. **Deputy Derek Keating** asked the Minister for Education and Skills the number of teachers retired or otherwise engaged who were employed by his Department to act as supervisors during the exam period for the leaving certificate this year; the status of a person who acts as a supervisor; if it required that they be registered, approved by the Teaching Council and cleared by the Gardaí; the employment status of engaging them for this work, that is, if a person is out sick or if a person was employed as a teacher in another school; and if he will make a statement on the matter. [33135/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including determining procedures in places where examinations are conducted including the supervision of examinations. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

Literacy Levels

162. **Deputy Derek Keating** asked the Minister for Education and Skills the latest research that has been conducted by his Department and its conclusions regarding the number of children leaving primary school who have difficulty in reading and writing or cannot read and write; and if he will make a statement on the matter. [33139/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Rigorously constructed surveys of attainment in English reading have been carried out since the 1970s. The 2009 National Assessments of Mathematics and English Reading, which are the most recent in this series of national assessments, provide baseline data for future national assessments in English reading at second and sixth class but are not directly comparable with previous assessments. In 2009, test scores were grouped into four proficiency levels (clusters of skill-sets and competencies describing what pupils are likely to be able to do). Those proficiency levels are described in the report of the 2009 National Assessments, which is available on the website of the Educational Research

Centre (www.erc.ie). To facilitate comparability across classes and subjects, the cutpoints used to create each proficiency scale were based on predefined percentages of pupils. Thus, 10% of pupils were classified as at Level 4; 25% at Level 3; 30% at Level 2; and 25% at Level 1, with 10% of pupils described as failing to reach Level 1. The next national assessments in 2014 will facilitate direct comparison with the 2009 results.

The National Literacy and Numeracy Strategy, which I launched in July 2011, contains a range of actions to improve the literacy and numeracy skills of children and young people up to 2020 and these actions are being implemented.

School Transport

163. **Deputy Dara Calleary** asked the Minister for Education and Skills if he will outline the mechanisms used by VECs in determining the distance from a candidate's home to place of education; if he is satisfied that this method of measuring the distance is accurate and transparent; and if he will make a statement on the matter. [33144/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Bus Éireann operates the School Transport Schemes on behalf of my Department.

Under the terms of these Schemes children are eligible for school transport where they meet the distance eligibility criterion and are attending their nearest school, having regard to ethos and language.

Distance eligibility is determined by Bus Éireann by measuring the shortest traversable route from a child's home to the relevant school. Mobile Bus Éireann Inspectors located throughout the country physically conduct these distance measurements where required; a GIS mapping solution may also be used to complement this process. In cases where the distance eligibility is marginal or in dispute, vehicles fitted with calibrated measuring devices which measure the distance down to the nearest metre may be used to establish the exact distance.

Road Safety

164. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if his Department will make funds or grant assistance available to schools to carry out works to improve the safety of the public road/entrance to the schools from the public road, in the interests of pupil safety; and if he will make a statement on the matter. [33162/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In general, individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care.

The issue of road safety measures outside the vested site areas of schools on public roads, such as road signage, traffic calming measures etc., is a matter, however, for the relevant Local Authority. Local Authorities have the power to decide on road safety measures outside schools to ensure that measures are in place to protect the safety of local school children.

Fire Safety

165. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the number of primary and post-primary schools that have a current buildings fire safety certificate; the number of primary and post-primary that do not hold a current buildings fire safety certificate, and if so, the reasons these schools do not hold a current fire safety certificate; and if he will make a statement on the matter. [33195/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The aggregate information requested by the Deputy is not held by my Department.

A school is not required to apply for a Fire Safety Certificate unless it is undertaking building works. A Fire Safety Certificate is a certificate granted by a Building Control Authority certifying that the building or works, if constructed in accordance with the plans, documents and information submitted to the authority as part of a planning application, would comply with the requirements of the current Building Regulations.

The Building Regulations apply to the construction of new buildings and to extensions and material alterations to existing building and to certain changes of use of existing buildings.

However, School Management Authorities have a responsibility to ensure that the School's Safety Statement includes an up to date Fire Safety Management Plan which would address fire safety in the building. All schools should have fire drills and procedures in place for actions in the event of a fire including evacuating the building.

School Transport

166. **Deputy Dara Calleary** asked the Minister for Education and Skills the reason secondary school persons (details supplied) in County Mayo are being denied school transport even though the bus servicing the school of their choice passes by their door; the reason these same persons are being told by Bus Éireann to avail of a service to other schools even though there is no existing bus to service such a run; his views on whether this system is unfair and insensible; and if he will make a statement on the matter. [33305/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Changes to the Post Primary School Transport Scheme were announced in Budget 2011 and derive from recommendations in the Value for Money Review of the School Transport Scheme.

The main change to the current scheme means that from the 2012/13 school year, school transport eligibility for all pupils newly entering a post primary school will be determined by reference to the distance they reside from their nearest Post-Primary Education Centre having regard, as heretofore, to ethos and language. In general, children who are currently eligible for, and who are availing of school transport, will retain their transport eligibility for the duration of their post primary education cycle unless there is a change in their current circumstances. Children who are not eligible for school transport may apply for transport to a particular school on a concessionary basis in accordance with the terms of the scheme.

The planning and organising of school bus routes is an operational matter for Bus Éireann which operates the School Transport Schemes on behalf of my Department. Bus routes are planned in such a way as to ensure that, as far as possible, eligible children have a reasonable level of service while at the same time ensuring that school transport vehicles are utilised in an efficient and cost effective manner. Services are reviewed over the summer months and may be altered or extended depending on the number of eligible children who apply for school transport, and pay the annual charge, for the following school year.

Third Level Fees

167. **Deputy Derek Keating** asked the Minister for Education and Skills further to Parliamentary Question No. 220 of 3 July 2012. if he will reply to the question in relation to the details supplied. [33406/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I understand that this relates to a student who does not qualify for free fees and is being charged the non EU rate of fee as an international student.

As explained in my last reply higher education institutions are autonomous bodies and the criteria governing the level of tuition fees to be charged (EU or Non EU rate), in cases where undergraduate students do not qualify for free fees under my Departments free fees scheme, are a matter for the institutions to determine. The particular institution concerned sets their own criteria as to the rate of fees to apply and the issue as to whether the student in question qualifies for the EU or non EU rate is a matter for the fees office of the institution concerned.

I have no role in this matter however officials of my Department did make contact with the fees office of the institution concerned who confirmed that this student registered online and as he has a stamp 2 GNIB card was classified as an International student for the purposes of paying tuition fees at the non EU rate.

Pupil-Teacher Ratio

168. **Deputy Dominic Hannigan** asked the Minister for Education and Skills the reason a school (details supplied) in County Meath had a reduction in their funding for their leaving certificate applied English course with the loss of a teacher; when this decision was made and communicated to the school; the provisions that will be put in place in the school to help the pupils who would otherwise have gone to this course; and if he will make a statement on the matter. [33407/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Teacher allocations are approved annually in accordance with established rules based on recognised pupil enrolment. My Department has published the staffing arrangements at post primary level for the coming school year, 2012/13. The relevant Post Primary circular is 0009/2012 which is available on my Department's website. 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.

The reform of the teacher allocation process being introduced for the 2012/13 school year were designed to give a more equitable distribution of existing posts between schools. The enhanced resources for schools that operated the LCA programme were redistributed so that support could also be given to new schools joining the programme. Previously schools joining the programme were allocated no additional teacher support. The new arrangements are to operate on the basis of the standard allocation under the staffing schedule (18.25:1 in DEIS post-primary schools, 21:1 in fee-charging schools and 19:1 in all other post-primary schools) and an additional fixed allocation of 0.5 of a post to each school that operates the programme. This additional allocation of 0.5 of a post will be available to all new schools joining the programme. The teacher allocation process at post-primary level is largely completed at this stage and all schools would have been notified accordingly.

At post primary level, 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.

Special Educational Needs

169. **Deputy John Browne** asked the Minister for Education and Skills if he will approve a fixed term resource teaching post to be based at a primary school (details supplied) in County Wexford on a shared basis. [33410/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The NCSE has notified all schools of their allocation for the 2012/13 school year of resource hours for low incidence special needs. The arrangements for how schools access these resource hours in teaching posts are set out in the Department Staffing Circular 0007/2012. Under these arrangements a network of over 2,500 full-time resource posts has been put in place in close to 1,700 base schools throughout the country. The list of these schools and the criteria used to select them is set out in the published Circular.

These resource posts are allocated on a permanent basis and the teachers in them will undertake NCSE approved (low incidence) resource hours in the base schools or in neighbouring schools. Schools that are unable to access these hours will be allocated mainly temporary part-time posts. It is also open to schools to make a joint application for a full-time temporary resource post.

I understand that the school referred to by the Deputy has submitted such an application and my officials will be in contact with the school Board of Management in this regard.

Question No. 170 answered with Question No. 146.

School Transport

171. **Deputy John Perry** asked the Minister for Education and Skills if his attention has been drawn to the difficulties a person (details supplied) in County Sligo will encounter with school transport; if he will intervene with Bus Éireann on their behalf; and if he will make a statement on the matter. [33414/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Changes to the Primary School Transport Scheme were announced in Budget 2011 and derived from recommendations in the Value for Money Review of the Scheme. One of the changes announced means that from the beginning of the 2012/13 school year children will be eligible for school transport where they reside not less than 3.2 kilometres from and are attending their nearest national school, having regard to ethos and language.

Existing eligible children, who are not attending their nearest school, will retain their school transport eligibility for the duration of their primary education cycle provided there are no changes to their current circumstances. Siblings of these children, who wish to attend the same school, may apply for transport on a concessionary basis only, subject to a number of conditions which are detailed in the scheme. In this regard, it is worth noting that the annual charge for concessionary tickets will be reduced to €100 for the 2012/13 school year which is the same charge that applies for eligible tickets.

Schools Building Projects

172. **Deputy John Perry** asked the Minister for Education and Skills if his attention has been drawn to the correspondence submitted to his planning and building unit by a school (details supplied) in County Sligo; if he will insure that the additional funding is provided; and if he will make a statement on the matter. [33422/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In September 2011, the school referred to by the Deputy was granted funding for the provision of 2 Mainstream Classrooms under my Department's Additional Accommodation Scheme. In May 2012 the school applied for additional funding for a sliding sound proof partition between both classrooms so that the school could use the rooms for assemblies, choir practice and parent meetings. This application was refused and the school advised that any building works carried out over and above those

approved must be funded by the Board of Management, as was set out in the Department's original letter of approval.

I am sure the Deputy will appreciate that there are many competing demands on my Department's capital resources and in this context it must prioritise applications for the provision of much needed additional mainstream classroom accommodation.

School Staffing

173. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will provide a breakdown, by name and location, of the 32 small schools that will lose a teacher in September 2012 as a consequence of the budget measures. [33430/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Some 73 small primary schools were originally due to lose a classroom teacher in September 2012 as a result of the budget measure to increase the relevant pupil thresholds. The Staffing Appeals Board provisionally upheld appeals from 41 schools subject to confirmation that their actual enrolments in September 2012 reach the required level. The breakdown of the remaining 32 schools is attached as requested by the Deputy.

County	Roll Number	School Name and Address
Cavan	17630E	Scoil Naomh Maodhóg, Baileboro, Co. Cavan
Clare	17633K	Scoil Náisiúnta Eoin Baiste Ballyvaughan
Cork	19978I	Maultrahame Central N. S., Leap, Skibbereen, Co. Cork
Cork	17281F	Togher NS Dunmanway, Co. Cork
Donegal	16384K	SN Arainn Mhor II Arainn Mhor, Co. Dhun na nGall
Donegal	16819T	S.N. Gort a Choirce, Gort a Choirce, Co. Dhún na nGall
Donegal	18219F	Scoil Chonaill, An Bun Beag, Leitir Ceanainn, Tír Chonaill
Donegal	16829W	S N Loch An Iubhair Anagaire, Leitir Ceanainn, Tir Chonaill
Donegal	20144M	Gaelscoil Cois Feabhail, Carn na Gaírbhe, Bun an Phobail, Co. Dhún na nGall
Galway	10591I	Scoil na hAirde Moire Cill Chiarain, Conamara
Galway	18113M	Kilasolan N. S. Caltra Ballinasloe
Galway	17760R	SN Baile An Leasa Dunmore, Tuam, Co. Galway
Galway	19283T	Ballymacward Central Ballinasloe, Co. Galway
Kerry	18756I	Fibough N. S. Castlemaine Co. Kerry
Kilkenny	14476F	Wandesforde Mixed N S Castlecomer Co. Kilkenny
Laois	17557U	St Abban's N. S. Killeen Maganey
Laois	18075H	Rathdomhnaigh N S Rathdowney, Co. Laois
Leitrim	17558W	S N Rosan Carrigallen Co. Leitrim
Longford	14300O	Killasonna N.S., Granard, Co. Longford
Longford	17724N	Ballycloghan N. S. Carrickboy, Co. Longford
Mayo	14923E	Keenagh N. S. Keenagh Ballina Co. Mayo
Mayo	16295L	SN Chorrain, Currane, Achill, Co. Mayo
Offaly	15638K	Monasteroris N. S. Edenderry, Co. Offaly
Roscommon	18061T	Scoil Mhuire Ballyleague, Lanesboro, Co. Roscommon
Roscommon	14966W	Kilteevan N S Roscommon
Sligo	19688W	Dromore West Central N. S., Dromore West, Sligo

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County	Roll Number	School Name and Address
Tipperary	17640H	Sc Naisiunta Colman Naofa Terryglass Nenagh Co. Tipperary
Tipperary	18322V	Drom N. S. Drom Templemore Co. Tipperary
Westmeath	18764H	Ardnagrath N.S., Walderstown, Athlone, Co. Westmeath
Westmeath	01731U	Ballynacargy Mixed NS Ballynacargy Co. Westmeath
Wexford	15883A	Killegney N S Killegney, Clonroche, Enniscorthy Co. Wexford
Wicklow	14829M	Redcross 1 N S Redcross, Co. Wicklow

School Curriculum

174. **Deputy Regina Doherty** asked the Minister for Education and Skills his views on embedding information literacy in the national school curriculum; and if he will make a statement on the matter. [33458/12]

175. **Deputy Regina Doherty** asked the Minister for Education and Skills his views on embedding information literacy in the secondary school curriculum; and if he will make a statement on the matter. [33461/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 174 and 175 together.

Attention to information literacy is a feature of the NCCA's ICT Framework: A structured approach to ICT in Curriculum and Assessment (2007) which is available to all primary and post-primary schools. There are no specific initiatives underway at the moment on information literacy at primary level but information literacy is an integral part of a student's on-going education. It harnesses the young person's natural sense of wonder. The primary curriculum promotes the importance of ICT as a resource which enriches the quality of teaching and learning across the curriculum.

The new Framework for Junior Cycle, proposed for introduction in schools in 2014, features six Key Skills that will be embedded in all junior cycle subjects and short courses. One of these is Managing Information and Thinking through which "learners improve their capacity to search for information from different sources. They also develop their skills in judging and discriminating between information. They develop strategies for organising information so that they can understand it and use it later." A key element of this skill is to "use ICT and digital media to access, manage and share knowledge".

The new Junior Cycle Framework also provides for short courses to be introduced in schools, some of which will be developed by the NCCA and some by schools themselves. A short course that the NCCA is currently working on is in the area of Digital Literacy which includes topics such as information literacy, personal safety online, digital storytelling, and online privacy.

The Senior Cycle curriculum explicitly espouses the central role of self-directed learning, a spirit of enquiry, critical thinking and problem solving. Recently revised syllabi contain references to the student as a researcher. This requires the skills of analysis of a range of data to make judgements based on the student's research. Such an approach is, in reality, at the heart of good practice in information literacy. Strategies to enhance the students information literacy skills are, as noted earlier, contained in the NCCA's ICT Framework document.

Schools Building Projects

176. **Deputy Noel Harrington** asked the Minister for Education and Skills if he will review clause 3.3a regarding turnover in the declaration of suitability for contractors for small works open procedure only in view of the economic downturn in the construction sector over recent years which has had a dramatic effect on turnover which may restrict suitable contractors from tendering; and if he will make a statement on the matter. [33466/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Contracting Authorities have an obligation to ensure that, as part of suitability assessment for projects, Contractors have adequate economic and financial capacity. The Turnover requirements are 1.5 times the project value, which for small projects of limited duration is not onerous. In that regard I do not propose to make any changes to the requirements.

Information and Communications Technology

177. **Deputy Regina Doherty** asked the Minister for Education and Skills the position regarding the policy of implementing the smart school initiative that every classroom here is to get a teaching laptop, software and digital projector; and if he will make a statement on the matter. [33476/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Between November 2009 and November 2010, my Department distributed some €92m directly to schools and VECs under the national ICT Infrastructure Grant Scheme. The main priority under this scheme is the equipping of each classroom with a teaching computer and digital projector. Once the baseline is in place schools can allocate any remaining funding under the scheme to other ICT equipment and software for educational use. A number of key support measures were taken to help schools get best value in the use of these devolved grants — in particular, the inclusion of schools in national purchasing frameworks for desktops, laptops, digital projectors and printers, the delivery of a national series of e-learning seminars for school leaders, and the provision of extensive guidance and training on the use of ICT in the classroom.

My officials are currently examining ways of assessing the impact of this funding. A survey will be carried out in the Autumn which will ascertain the availability of infrastructure and the integration of ICT in teaching, learning and assessment. Ireland's levels of ICT integration will be also benchmarked against international comparisons.

Enterprise Support Services

178. **Deputy Dominic Hannigan** asked the Minister for Education and Skills if there are any grants available for small businesses to send their employees on part time courses to help them support and improve their business; and if he will make a statement on the matter. [33552/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I can confirm that Skillnets receives funding from the National Training Fund (NTF) through my Department to support companies from any sector or region to engage in training by co-investing in the delivery of training with member companies of networks. Skillnets works in partnership with enterprise, in particular SMEs, by supporting the development of flexible and effective training delivery methods and enterprise has full decision-making power and can customise training to its specific needs.

Companies can avail of subsidised training by joining a Skillnet network. The member companies contribute match funding to a ratio agreed by the network and Skillnets. Full details are available on the Skillnets website at www.skillnets.ie.

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In addition, the full range of FÁS night courses are open to employees and these are available, on a fee paying basis, in the various FÁS Training Centres countrywide. Full details are available on the FÁS website at www.fas.ie.

Emergency Works Scheme

179. **Deputy Paudie Coffey** asked the Minister for Education and Skills if he will provide an update on an emergency works application in respect of a school (details supplied) in County Waterford; and if he will make a statement on the matter. [33581/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The school referred to by the Deputy submitted a revised application for funding under my Department's Emergency Works Scheme to replace windows at their school. The application is currently being considered and the school authority will be advised of the decision as soon as possible.

Adult Education

180. **Deputy Michael Creed** asked the Minister for Education and Skills if he has received representations from the National Adult Literacy Agency seeking to provide a place for adult learners on the education and training boards; and if he will make a statement on the matter. [33596/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In October 2011 the General Scheme of an Education and Training Boards Bill was referred to the Oireachtas Joint Committee on Jobs, Social Protection and Education. The General Scheme was also published at that time. Following discussions with this Department and relevant stakeholders, the Committee prepared a report which the Minister responded to at a meeting of the Committee on 25 January 2012. The General Scheme was then referred to the Office of the Parliamentary Counsel to the Government for formal drafting. It is hoped that the Bill will be published during the summer.

I have received representations from the National Adult Literacy Agency in relation to the membership of the new Education and Training Boards. Consideration will be given to those representations in the course of the drafting of the legislation.

Question No. 181 answered with Question No. 149.

Bullying in Schools

182. **Deputy Seán Kyne** asked the Minister for Education and Skills his plans to introduce statutory provisions to require the preparation and operation of safe schools programmes to combat bullying in schools and educational facilities in a holistic and community-centred approach; and if he will make a statement on the matter. [33637/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy may be aware that an Anti-Bullying Forum was held on Thursday 17th May bringing together a range of experts, support groups and representatives of the schools sector including parents and students. 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 web page of my Department's website www.education.ie. The presentations of the various speakers can also be viewed and downloaded from this page.

As a follow on to holding the Forum itself, I invited the stakeholders and any other interested parties, including those unable to attend the event on the day, to submit their views on this important topic to my Department by 29th June 2012. I have also established a working group on tackling bullying in schools, including homophobic bullying, cyber bullying and racist bullying. The outcomes from the Forum together with the submissions from the stakeholders and other interested parties will assist the working group in its deliberations. This working group includes representatives of the Department of Education and Skills and the Department of Children and Youth Affairs, and will draw upon the expertise of a range of organisations throughout their work.

Weight of Schoolbags

183. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if he has examined the weight of school bags been carried to school by children; his views on whether excessive weight been carried on children's backs has the potential to cause injury; if he provides assistance to schools to install locker facilities for school books; and if he will make a statement on the matter. [33659/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department issued Circular M35/05 in 2005 to highlight the potential health hazard of overweight schoolbags and to outline a range of local measures that could be put in place to help alleviate the problem. The circular referred to the recommendations of the previously published report of the Working Group on the Weight of School Bags. This report acknowledged that many of the solutions belong at local school level and made various recommendations in this regard, such as optimum use of storage facilities, developing pupil organisation skills and timetabling.

It is a matter for each individual school to determine which particular measures are most suited to its individual circumstances and to how the school concerned organises teaching and learning. The circular and the report of the Working Group on the Weight of School Bags are available on my Department's website at www.education.ie.

Schools Building Projects

184. **Deputy Patrick Nulty** asked the Minister for Education and Skills if a school (details supplied) in Dublin 15 is included in the capital programme for school buildings improvements; and if he will make a statement on the matter. [33713/12]

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 2a submission (Developed Sketch Design) of the design process. This project was not included in the Capital Programme, which I announced in March of this year. School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

Budget 2013

185. **Deputy Terence Flanagan** asked the Minister for Public Expenditure and Reform if he will address the following concerns regarding the next Budget 2013 (details supplied); and if he will make a statement on the matter. [33184/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): As the Deputy is no doubt aware I do not comment on Budget measures prior to Budget Day.

Flood Prevention Measures

186. **Deputy Noel Harrington** asked the Minister for Public Expenditure and Reform the position regarding the Skibbereen Flood Plan, County Cork; if the various stags are now six months behind schedule; his plans to bring this plan back on schedule; the planned completion date; when an application by Cork County Council made in March 2012 for addition funds for minor flood mitigation works will be processed and a decision communicated to the council; and if he will make a statement on the matter. [33474/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Following the allocation of funding by the Office of Public Works, Cork County Council appointed consultants in February 2011 to carry out a Study aimed at bringing forward proposals for a flood relief scheme for Skibbereen. The process of establishing the most appropriate solution from the technical, social, environmental and economic perspectives, from the range of potential mitigation options requires detailed technical analysis and extensive consultation with stakeholders. Timelines for the various stages are difficult to predict with accuracy, particularly given the range of issues that can arise. The Study has been progressing satisfactorily, with two public information days held in the town as part of the consultation process, the first on 23 March 2011 and the second on 25 January, 2012. These public consultations have helped to inform the development of a preferred option for the scheme which is now emerging.

It was envisaged at the commencement of the Study that the emerging scheme would be brought through the planning process by Cork County Council under the Planning and Development Regulations. However, it has recently been agreed that the scheme should be progressed by the Council as OPW's agents using the Arterial Drainage Acts.

The proposed scheme will, therefore, be brought forward by means of formal Public Exhibition under the Arterial Drainage Acts. It is expected that the Exhibition will take place in the latter half of 2012. This is in line with the schedule outlined at the second public information day. Subject to a successful exhibition, the scheme will be progressed through detailed design and the procurement process for a civil works contractor. The scheme will then be submitted for Confirmation under the Arterial Drainage Acts to the Minister for Public Expenditure and Reform. It is envisaged that this will be in the second half of 2013.

In relation to minor works, Cork County Council was allocated funding of €10,000 under OPW's Minor Flood Mitigation Works Scheme in 2011 for some cleaning works on the River Ilen. A further application for funding for cleaning works was submitted by the Council in 2012 and is currently being considered in the light of the current criteria and the availability of resources for flood risk management, with a decision expected in the coming weeks.

Ministerial Staff

187. **Deputy Billy Kelleher** asked the Minister for Public Expenditure and Reform the names of each special advisor to each Minister and Minister of State whom he approved a pay increase

in excess of the Government cap; the amount involved in each case; and if he will make a statement on the matter. [33720/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I refer the Deputy to the reply I gave to PQ Ref 32379/12 on Wednesday 4th July 2012.

Flood Prevention Measures

188. **Deputy Billy Kelleher** asked the Minister for Public Expenditure and Reform the Office of Public Works plans to implement its plans for the alleviation of flooding in Clonakilty, County Cork; and if he will make a statement on the matter. [33722/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): In relation to the identification of measures to address flooding issues on a long-term basis, the Office of Public Works is continuing to progress the programme of Catchment Flood Risk Assessment and Management (CFRAM) Studies. The studies will recommend an integrated management plan and prioritised measures to address flood problems in areas where there is significant risk in each major catchment in the country.

Clonakilty has been identified as an Area for Further Assessment (AFA) under the South West CFRAM study and will therefore be subject to a full flood risk analysis to identify appropriate mitigation measures.

I am very aware of the impact of the flooding of 28th June, 2012, having visited the town last week to meet with those affected and inspect the damage.

Following the flood event of 2009, the Office of Public Works provided funding of €350,000 to Cork County Council under the Minor Flood Mitigation Works Scheme for a series of works to improve the capacity of the River Fealge, which burst its banks in November, 2009. Cork County Council has completed some of the required works and other works are still in hand.

Following recent event I am advised the Council have submitted an application to this Office on 4th July, 2012 for further funding of €1.216m to complete these works and also to address further issues which have arisen in the wake of the June event.

The current application submitted by Cork County Council will be considered having regard to the CFRAM study.

Parking Regulations

189. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the proposals being considered by the Office of Public Works to introduce an element of pay parking within the Phoenix Park, Dublin, if he favours such proposals; and if he will make a statement on the matter. [33036/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works has no immediate plans to implement paid parking within Phoenix Park. However the present parking practices pose particular issues for the Park in terms not only of its management, conservation and presentation as a very special historic landscape but also because of the inconvenience posed to users wishing to enjoy the recreational and amenity facilities.

The recently published Conservation Management Plan identified the restriction of free public parking in continuous periods of more than 3-4 hours as one item for consideration. Plans will be developed on this in due course.

Proposed Legislation

190. **Deputy Stephen S. Donnelly** asked the Minister for Public Expenditure and Reform with regard to the Public Service Pensions (Single Scheme) and Remuneration Bill, if he will provide the national employer contributions for the groups listed in the rates of contribution table on page 21 of the Bill, which would be required in a funded scheme with the same employee contributions and benefits; and if he will make a statement on the matter. [33059/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Comptroller and Auditor General's (C&AG) special study on public service pensions in 2009 estimated the annual pension cost for public servants to range between 10% and 41%. The new scheme will reduce these costs by approximately one-third. The employee contribution in the Single Scheme continues to be 6.5% (3% on pensionable pay and 3.5% on net pensionable pay (i.e. reduced for social welfare integration)), which nets to an average contribution of about 5% of total pay for most public servants.

There is no fund as public service schemes are pay-as-you-go. Employee contributions are actual in that pay is reduced to account for these. Employer contributions are estimated as being that figure necessary to fund the retirement benefits, were a fund to exist, after employee contributions are taken into account.

The C&AG derived employer contribution rates for various categories of staff in his 2009 report — see Table below. Without carrying out a substantial and expensive actuarial exercise, the best estimate is to reduce the employer rates derived by the C&AG below for each category in line with overall one-third reduction and that means approximately a 10% or higher employer contribution in the new scheme for the majority of public servants.

Table

Notional contribution rates — post 2005 male entrants (C&AG Report 2009)

Categories from C&AG	gross contribution rate	Employee contribution	Current notional employer rate	Single Scheme notional employer rate
Established CS	24.6%	4.6%	20.0%	11.8%
Non-Established CS	9.5%	0.3%	9.2%	6.0%
Primary Teacher	20.5%	4.9%	15.6%	8.8%
Post-Primary Teacher	23.1%	4.9%	18.2%	10.5%
Garda	29.6%	5.1%	24.5%	14.6%
Prison Officer	27.8%	4.5%	23.3%	14.0%
Commissioned Officer	41.2%	4.8%	36.4%	22.7%
Enlisted Personnel	22.4%	0.4%	22.0%	14.5%
Consultant	25.9%	6.0%	19.9%	11.3%
Nurse (general)	17.7%	4.7%	13.0%	7.1%
Established in NCSSB	22.7%	4.9%	17.8%	10.2%

Departmental Staff

191. **Deputy Simon Harris** asked the Minister for Public Expenditure and Reform the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33115/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The following shows the number of staff who took sick leave of more than five, ten, fifteen, twenty days and twenty-one days or over in 2011 in all agencies, offices or other bodies reporting to my Department except the Office of Public Works where the information requested is not readily available but, in relation to the Established staff, will be extracted and forwarded directly to the Deputy. As regards the State Industrial Employees the information is not readily available as it is not recorded in a manner that would facilitate a retrieval of the data in the manner requested.

- More than 5 days taken — 114 staff.
- More than 10 days taken — 48 staff.
- More than 15 days taken — 29 staff.
- More than 20 days taken — 16 staff.
- 21 days or over taken — 53 staff.

Additionally details of the length of the ten highest incidences of sick leave across these bodies as requested by the Deputy are as follows:

- 1-229 days.
- 2-209 days.
- 3-165 days.
- 4-162 days.
- 5-146 days.
- 6-119 days.
- 7-116 days.
- 8-112 days.
- 9-92 days.
- 10-71 days.

It should be noted that the sick days shown above include a mix of paid, half pay and unpaid leave. Furthermore it should be noted that Civil Service sick leave policy dictates that where a period of sick leave spans a weekend, public holiday, or any other day on which the officer was not required to work, and the officer remains on sick leave on the day(s) after the non-working days, those non-working days should be counted as sick leave.

Flood Prevention Measures

192. **Deputy Billy Kelleher** asked the Minister for Public Expenditure and Reform the remedial works to be carried out in Glanmire, County Cork to prevent any future flooding, regardless of its nature, to protect homes and businesses and if so if he will outline the time frame envisioned; and if he will make a statement on the matter. [33176/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): In relation to the identification of measures to address flooding issues on a long-term basis, the Office of Public Works is continuing to progress the programme of Catchment Flood

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Risk Assessment and Management (CFRAM) Studies, which is due for completion at end 2015 in accordance with the EU Floods Directive. The studies will recommend an integrated management plan and prioritised measures to address flood problems in areas where there is significant risk in each major catchment in the country.

I am very aware of the impact of the severe flooding of 28th June 2012 in Glanmire and other areas in Cork.

Specifically, in relation to Glanmire, the recent flood events of June 2012 will be analysed and the results incorporated into the CFRAM Plan for the South-West. The Plan will set out clearly a proposed phasing framework for the flood risk management measures for all catchments within the South West River Basin District including the Glashaboy River.

In conjunction with these comprehensive studies, the OPW continues to provide funding under the Minor Flood Mitigation Works and Coastal Protection Scheme to local authorities, to undertake minor flood mitigation measures to address localised flooding and coastal erosion problems within their administrative areas.

Cork County Council has recently submitted a minor works application for funding to undertake a study of the Glashaboy River catchment following the serious flooding which affected the Meadowbrook housing Estate (45 houses flooded) and the Hazelwood Shopping Centre (10 units flooded) in Glanmire. This application will be assessed in accordance with the current criteria, the availability of resources for flood risk management and will also have regard to the outcome of the CFRAM process.

Over €2.6m has been allocated Under the Minor Works Scheme to date for projects in Cork city and county.

Public Sector Staff

193. **Deputy Noel Harrington** asked the Minister for Public Expenditure and Reform if he will state the exceptions that have been permitted to the public service embargo; the number of vacancies permitted to be filled; if he will indicate where he expects recruitment; the numbers involved to be permitted over the next 18 months; and if he will make a statement on the matter. [33342/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The latest available data on moratorium exceptions, which covers the period to the end of the first quarter 2012 will be forwarded to the Deputy as requested.

The Employment Control Framework (ECF) for 2012 set a ceiling of 294,400 on public service staffing numbers by the end of this year. This will allow scope for some targeted recruitment of up to 3,000 in 2012 so as to address needs in key areas of front-line services, particularly in the Health and Education Sectors and other strategic requirements including the EU presidency in 2013. Final decisions of where recruitment will actually arise will obviously depend on (a) where vacancies arise as staff retire, (b) how Departments and organisations decide to reorganize and reallocate work, (c) the business case made for the filling of any particular post, and (d) the decision made on this business case in the light of other priority demands.

It is part of the day to day function of the Boards and Management of all public bodies to assess, budget and plan for current and ongoing staffing requirements within the context of reducing public service numbers. In support of this, the Strategic Workforce Planning Groups in each sector are currently ensuring that sectoral employers develop plans to deal on an ongoing basis with the operational and strategic consequences arising from the reductions in public service staffing numbers.

Departmental Staff

194. **Deputy Michael Conaghan** asked the Minister for Public Expenditure and Reform if he has set a time-limit within which individuals awaiting redeployment must be fully redeployed; and if he will make a statement on the matter. [33554/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Public Appointments Service (PAS), which has day-to-day operational responsibility for the implementation of redeployment, has put in place a system of Resource Panels of Civil Service and State Agency staff to support the redeployment processes in those sectors agreed under the Croke Park Agreement. Posts to be filled by redeployment are offered in the first instance to the relevant panel or panels. It is a matter for the employer to identify the number and grades of posts to be redeployed in the first instance and to upload the posts onto the PAS panels. Employers can do this early in the redeployment process to maximise the opportunities to place their staff. There is no set time-limit within which individuals awaiting redeployment must be redeployed.

To ensure an effective system, Personnel Officers in sending and receiving organisations have been asked to put a dedicated Redeployment Liaison Officer in place to proactively manage the redeployment of staff. In addition, my Department works on an ongoing basis with PAS and other stakeholders to improve the efficiency and effectiveness of the redeployment processes and of the panel system in particular.

Employment Rights

195. **Deputy Michael Conaghan** asked the Minister for Public Expenditure and Reform if a person who has held three consecutive fixed-term contracts with a body under the aegis of a Government Department is considered permanent and a public servant. [33555/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): A person who has held three consecutive fixed-term contracts would not necessarily be entitled to a permanent post in the civil or public service. However such a person would be protected by the Protection of Employees (Fixed-Term Work) Act 2003 which allows for the renewal of existing or granting of new contracts where there are valid reasons for doing so. Only if the Body concerned failed to comply with the terms of the Act would the question of any entitlement to a contract of indefinite duration arise.

Any person employed in the civil or public service on a fixed-term contract would be regarded as a temporary civil or public servant.

Departmental Correspondence

196. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation if he will consider reopening the issues in respect of a person (details supplied) if he became aware of additional or new information on the case. [33007/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The issues referred to by the Deputy were examined by the appropriate authorities, including the Office of the Ombudsman and no basis for any complaint was upheld. Any new evidence in relation to this matter should be brought to the attention of the relevant authorities for appropriate attention.

Departmental Staff

197. **Deputy Simon Harris** asked the Minister for Jobs, Enterprise and Innovation the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in

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2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33113/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The table below shows the breakdown of sick leave in the categories requested:

Table	
0.5-5.5 days	296
6-10.5 days	132
11-15.5 days	61
16-20.5 days	39
21 days and over	119

242 staff of my Department took no sick leave in 2011.

There were 230 available working days per staff member in 2011. The ten highest instances of sick leave were as follows:

Table	
1	230
2	230
3	230
4	230
5	203
6	189
7	168
8	144
9	132
10	116

In general, sick absences of up to 183 days (uncertified and certified combined) in any 12-month period, counting back from the date of the most recent absence, will be on full pay, subject to submission of valid medical certificates and social welfare forms (where applicable).

Once 184 days' sick absence has been reached in any 12-month period, pay is reduced to half of normal pay. If sick absence continues, paid sick leave will be exhausted once 365 days' sick leave have been taken in any 4-year period, counting back from the most recent absence. Staff who have more than five years' pensionable service may, when paid sick leave has been exhausted, qualify for "pension rate of pay", subject to the agreement of the Chief Medical Officer (CMO). Pension rate of pay is the rate of pay such a person would receive if they were, at that time, retiring from the Civil Service on grounds of ill-health.

With regard to the Agencies under the aegis of the Department, the management of sick leave is a day to day matter for the Agencies and I have asked each Agency to contact the Deputy directly in response.

Departmental Bodies

198. **Deputy Stephen S. Donnelly** asked the Minister for Jobs, Enterprise and Innovation if he is prepared to meet representatives of the Consumer Association of Ireland to discuss the

organisation's urgent financial position; and if he has communicated such to the Association following their repeat requests for a meeting. [33181/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I recently met with the Consumers' Association of Ireland which apprised me of its current financial position. The Association also raised the possibility of future exchequer support. I advised the Association that, notwithstanding difficulties it may be experiencing in managing its finances, exchequer support could only be considered where the expending of public funds would represent value for money. In the light of our discussion, I understand that the Association intends to submit a proposal to seek exchequer support in the coming weeks. Any proposal submitted by the Association will have to demonstrate that it represents value for money, which is the requirement in respect of the expenditure of all public monies.

Employment Rights

199. **Deputy Terence Flanagan** asked the Minister for Jobs, Enterprise and Innovation the position regarding Joint Labour Committee rates in respect of a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [33211/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Joint Labour Committee, Employment Regulation Orders no longer have the force of law. However, the Government is currently progressing legislation to provide for a new system of Employment Regulation Orders.

The Judgement of Mr. Justice Feeney delivered, in the High Court, on the 7th of July 2011 declaring that the provisions of sections 42, 43, and 45 of the 1946 Industrial Relations Act and section 48 of the 1990 Act are invalid having regard to the provisions of Article 15.2.1 of the Constitution of Ireland means that Joint Labour Committee Employment Regulation Orders (EROs) no longer have the force of law.

Accordingly, the rates of pay provided in all ERO's formulated by JLCs ceased to be legally enforceable from the date of the High Court ruling and employees in employment sectors previously regulated by ERO's now come within the ambit and the pay rates provided for under the National Minimum Wage Act 2000.

Contractual entitlements which employees enjoyed prior to 7th July 2011 remain protected by law unless changed by agreement with employers. An employee's rate of pay is a term/condition of their contract of employment (employees have a contract of employment or terms of employment whether notified in writing or not). Any change in an employee's terms or conditions of employment would normally be by agreement between the parties. Such agreement can be expressed or implied, tacit or by acquiescence (i.e it can be formally agreed, informally or verbally agreed or accepted by the employee).

Any dispute arising in relation to the operation of employment contracts/conditions falls to be settled either between the parties involved or by availing of the State's industrial relations dispute settlement machinery as provided for under the Industrial Relations Acts. In the event of the parties being unable to resolve a dispute relating to conditions of employment, it is open to the parties to refer the matter to the Labour Relations Commission for investigation under the Industrial Relations Acts (for such an investigation to commence the consent of both parties to participate is required).

The Payment of Wages Act 1991 provides that non-payment of wages or any deficiency in the amount of wages properly payable by an employer to an employee is regarded as an

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unlawful deduction from wages unless the deficiency or non-payment is attributable to an error of computation.

If an employee considers a reduction in their wages to be an improper deduction from wages or non-payment of wages, the employee may consider referring a complaint to a Rights Commissioner under the Payment of Wages Act

Alternatively if an employee considers a reduction to be a breach of their employment contract they may seek redress for breach of contract in the civil courts.

The Industrial Relations (Amendment) (No. 3) Bill 2011, published on 22 December 2011, is progressing through the legislative process. The main purpose of the Bill is to implement the commitment in the Programme for Government to reform the Joint Labour Committee system. The Bill provides for the more comprehensive measures required to strengthen the legal framework for the EROs and Registered Employment Agreement sectoral wage setting mechanisms, under the Industrial Relations Acts 1946 to 2004, in the light of deficiencies in the original legislation.

Work Permits

200. **Deputy Noel Harrington** asked the Minister for Jobs, Enterprise and Innovation if he has examined the proposals of an organisation (details supplied) to create special technology visas for skilled workers in the ICT sector to make it easier for them to work and live here, and lead to the creation of 20,000 further jobs; his views on this proposal; if he will promote such a visa to the Department of Justice and Equality; and if he will make a statement on the matter. [33311/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Ireland remains a very open and welcoming country for non-Irish nationals in our Labour Force. Quarter 1 2012 labour market statistics show there are 274,000 non-Irish nationals in our labour force of just over 2 million. Ireland remains a very attractive location for Foreign Direct Investment. Favourable demographics and consistent investment in education ensure a plentiful supply of highly qualified workers with excellent technical, language and customer services capabilities, as well as a reputation for flexibility and innovation. In addition, Irish employers have access to the EU and EEA labour force in accordance with EU law on freedom of movement or Accession Treaties.

I would advise the Deputy that for specified highly skilled and strategically important occupations, where a skills shortage exists, Green Card employment permits may be issued. ICT professionals, professional engineers and technologists are specifically catered for under this scheme. The Green Card permit is issued to the employee and allows his or her employment in the State by the named employer in the occupation specified on the permit. It may be issued for a period of two years. The employee may apply for immediate family re-unification and an application for long-term residence may be made after two years. No labour market needs test (e.g. newspaper and FÁS/EURES advertising) is required prior to making an application. Sensibly, it is a requirement that no more than 50% of staff employed by a company in Ireland may be employment permits holders.

In addition my officials advise me that in 2011 we received 6408 new applications for permits of all kinds and that new permits issued in respect of 5200, or 81% of these cases. Notwithstanding this the Employment Permit structure and procedure has been designed and maintained to ensure that it is responsive to Irish labour market conditions while ensuring that key specific skills are available to ensure that the Irish economy expands and develops.

201. **Deputy Noel Harrington** asked the Minister for Jobs, Enterprise and Innovation if he has examined the proposals of an organisation (details supplied) to create special technology visas for skilled workers in the ICT sector to make it easier for them to work and live here, and lead to the creation of 20,000 further jobs; if he has examined the potential of Irish third level colleges to produce enough graduate and post graduate students in the next year; the next three years and the next five years, to satisfy the job requirements of this sector; and if he will make a statement on the matter. [33312/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Ireland remains a very open and welcoming country for non-Irish nationals in our Labour Force. Quarter 1 2012 labour market statistics show there are 274,000 non-Irish nationals in our labour force of just over 2 million. Ireland remains a very attractive location for Foreign Direct Investment. Favourable demographics and consistent investment in education ensure a plentiful supply of highly qualified workers with excellent technical, language and customer services capabilities, as well as a reputation for flexibility and innovation. In addition, Irish employers have access to the EU and EEA labour force in accordance with EU law on freedom of movement or Accession Treaties.

With regard to the specific issue of employment permits for specified highly skilled and strategically important occupations, where a skills shortage exists, Green Card employment permits may be issued. ICT professionals, professional engineers and technologists are specifically catered for under this scheme. The Green Card permit is issued to the employee and allows his or her employment in the State by the named employer in the occupation specified on the permit. It may be issued for a period of two years. The employee may apply for immediate family re-unification and an application for long-term residence may be made after two years. No labour market needs test (e.g. newspaper and FÁS/EURES advertising) is required prior to making an application. Up to 50% of staff employed by a company in Ireland may be employment permits holders.

The Department also operates an Intra-Company Transfer (ICT) scheme. This scheme is designed to facilitate the transfer of senior management, key personnel or trainees who are foreign nationals from an overseas branch of a multinational corporation to its Irish branch. Up to 5% of the entire workforce may have such ICT Permits. However for startups this level may be increased on a case by case basis for an initial period. No labour market needs test is required in respect of an application for an Intra-Company Transfer permit. Certain basic criteria must be met.

I should add that the Government is also guided by the Expert Group for Future Skills Needs and keeps its permit policy under review and can adapt to changing circumstances.

Finally, I would like to advise the Deputy that issues regarding skills availability through the third level colleges and graduate and postgraduate students are primarily a matter for my colleague the Minister of Education and Skills. However, a report produced in January by the Expert Group on Future Skills Needs (EGFSN) entitled *Addressing High-Level ICT Skills Recruitment Needs* confirms that Ireland is a successful major centre for ICT operations with around 75,000 people employed in 8,000 companies. Indeed, ten of the top ICT companies in the world have substantial operations in Ireland.

The research undertaken by the Group, the Secretariat to which is provided by Forfás, indicates that the global ICT market is expected to grow by 5% between 2009 and 2014/15 with potential growth rate as high as 20% per annum over the next decade. In order to exploit these opportunities, however, it is crucial to ensure that Ireland's labour force is appropriately skilled. In this context the Group's report found that there are a range of skills and recruitment diffi-

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culties within the ICT sector with the result that, as at December 2011, there were approximately 1,800 vacancies in the sector. These vacancies arose mainly due to the lack of graduates with high-level ICT Honours Degrees and above which are required to fill such positions as Computer Software Engineers, ICT Network Specialists and Engineers, ICT Security Experts, ICT Telecommunications, ICT Project Managers and IT Sales and Marketing / Foreign Languages Skills Personnel. The report points out that this challenge is not unique to Ireland as such high level ICT skills are also in short supply globally.

In order to address these challenges I, along with my colleague, Mr. Ruairi Quinn, T.D., Minister for Education and Skills, subsequently launched the *ICT Action Plan: Meeting the High Level ICT Skills Needs of Enterprise in Ireland*. The Action Plan establishes an over-reaching target of doubling the annual output from honours degree ICT undergraduate programmes to 2,000 graduates by 2018 and outlines a number of actions that will be implemented to ensure an increased output of appropriately skilled graduates in the medium term 2015-2018.

Proposed Legislation

202. **Deputy Michael Healy-Rae** asked the Minister for Jobs, Enterprise and Innovation with regard to the Consumer and Competition Bill if this Bill will be expanded to include the banking sector and to enable laws to be passed to ensure that the consumer is protected in the event of unforeseen difficulties arising as is the case at present with many of our banks failing to fulfil their obligations to have money put into people's accounts such as when children's allowance payments were not put into parents accounts despite the banks having received the payments from the Department; and if he will make a statement on the matter. [33439/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The matter referred to by the Deputy is essentially concerned with the operation of the payments system and the current difficulties being experienced by consumers and businesses alike.

Regulatory responsibility in relation to the national payments system lies with the Central Bank. The Deputy will be aware that the Central Bank is actively engaged with the financial institution concerned and with other institutions in the payments/clearing system to ensure that the current difficulties are resolved as a matter of urgency and also to ascertain what precisely happened in this instance. Once its investigations are concluded, I understand that the Bank will bring any deficiencies in the operation and the legal framework supporting the national payments system to the attention of my colleague, the Minister for Finance who has primary policy responsibility for legislative initiatives in this area.

Employment Appeals Tribunal

203. **Deputy Robert Troy** asked the Minister for Jobs, Enterprise and Innovation the position regarding an employment appeal in respect of a person (details supplied) in County Westmeath. [33576/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Employment Appeals Tribunal is independent in the exercise of its quasi-judicial function and I have no direct involvement in its day to day operations.

However, having made enquiries, I understand that the Tribunal has already issued notices of hearing to the parties and that the hearing is scheduled to take place on 1st August 2012 in Naas.

The Employment Appeals Tribunal has seen a significant increase in its caseload in recent years, as it is one of the front-line services directly impacted upon by the economic downturn.

The largest increase in claims has been in redundancy appeals but other types of claims have also increased. Regrettably, this has increased the time it takes for a claimant to have his or her case heard. All appeals are listed for hearing in accordance with their date of lodgment with the Tribunal.

The Tribunal has been pro-active in driving efficiencies. Divisions of the Tribunal are sitting longer, hearing more cases per sitting and seeking to manage the caseload to maximise efficiency. These efficiencies have resulted in improvements to the service provided and delivered significant increases in output and the number of cases disposed of, in both 2010 (30%) and a further 11% in 2011, with a further 11% increase to date in 2012 over the same period in 2011.

Notwithstanding the efforts of the Tribunal, I believe that the delays that users of the service are experiencing are unacceptable. This is one of the reasons I am undertaking a root and branch reform of all five Workplace Relations Bodies.

The Reform Programme I have commenced will deliver a two tier Workplace Relations structure by merging the activities of the Labour Relations Commission, the National Employment Rights Authority, the Equality Tribunal and the first instance functions of the Employment Appeals Tribunal and the Labour Court into a new Body of First Instance, to be known as the Workplace Relations Commission (WRC). The appellate functions of the Employment Appeals Tribunal will be incorporated into an expanded Labour Court. Work has commenced on the drafting of a Workplace Relations Bill to give effect to the new two-tier structure.

The purpose of the Reform Programme is to provide a more efficient and effective system of resolving employment disputes. Substantial progress has already been made in this regard. For example, the establishment of a Workplace Relations Single Contact Portal from January this year has resulted in all complaints now being acknowledged and respondents notified within, on average, 5 working days of receipt of the complaint. In some cases this was taking up to eight months. This service enhancement increases the likelihood of employers and employees resolving issues sooner and has substantially reduced the backlog for certain hearings. I understand that the backlog for Rights Commissioner hearings has effectively been eliminated.

The service improvements have also been underpinned by the launch from January this year of a Single Complaint Form for all first instance workplace relations complaints. A Pilot Early Resolution Service commenced on 14th May this year. This service will provide the opportunity in certain cases for employers and employees to resolve issues without recourse to formal adjudication hearings, thus relieving pressure on adjudication services such as the Rights Commissioner Service and the EAT.

The two tier model now being designed will deliver a just, fair and efficient adjudication service provided by independent, professional and impartial decision-makers with a target period of three months from the time of complaint to hearing, and written, reasoned decisions within 28 working days of the hearing with published decisions. Finally, I also intend to provide for a more effective method of enforcing the awards of adjudicators.

Youth Enterprise Initiatives

204. **Deputy John Lyons** asked the Minister for Jobs, Enterprise and Innovation if he has considered any youth specific enterprise initiatives to encourage entrepreneurial activity; and if he will make a statement on the matter. [33586/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The role of the County and City Enterprise Boards (CEBs) is to develop indigenous potential and stimulate

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economic activity at a local level primarily through the provision of financial and technical support for the development of small and micro-enterprises that employ less than ten people.

Encouraging and promoting a youth enterprise culture is an important area of activity for the enterprise boards. Through various programmes and initiatives, the CEBs seek to influence student attitudes in favour of enterprise. To that end, the CEBs continue to reinforce entrepreneurship in the education system as a critical element in the future development of small business in Ireland. A number of initiatives are provided by the CEBs at both primary and secondary level including, the annual Student Enterprise Awards, Exploring Enterprise, Celtic Enterprise and BÍ Gnóthach Enterprise. Over 20,000 students a year now participate in the various CEB-supported programmes implemented in the education sector. Further information on the initiatives run by the CEBs is available at www.enterpriseboards.ie.

Enterprise Ireland has a wide range of programmes to address the multi-disciplinary demands of entrepreneurship and the diversity of business types, regardless of the age profile of a project promoter. The agency supports companies, employing ten or more people, to achieve productivity gains, internationalisation and export growth. It assists with research and development, management skills acquisition, market information and seed and venture capital. The Deputy may wish to access full details of the agency's programmes on its website www.enterprise-ireland.com.

Youth Unemployment

205. **Deputy John Lyons** asked the Minister for Jobs, Enterprise and Innovation if he has considered using the European Progress Microfinance Fund as a source of funding for youth unemployment initiatives; and if he will make a statement on the matter. [33587/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Youth unemployment initiatives are the responsibility of my colleague, the Minister for Education and Science. I am in the process of introducing a Microfinance Loan Fund, which has a significant entrepreneurship focus, for all would-be entrepreneurs including young entrepreneurs who are unemployed. Loans will be made available to start-up, newly established, or growing microenterprises, with viable business propositions, that do not meet the conventional risk criteria applied by banks. The potential viability of the business proposal will be the dominant factor in all credit decisions. However, I believe that the Fund will be of particular benefit to young entrepreneurs, as they do not have the advantage of a favourable credit history and therefore, may be categorised as a high risk by the banks. Loans from the Microfinance Loan Fund will be administered under the remit of the Social Finance Foundation on behalf of the Minister for Jobs, Enterprise and Innovation.

The European Progress Microfinance Facility is a European Investment Fund (EIF) initiative to support entrepreneurship and employment through microfinance activities. Capped guarantees may be provided to eligible intermediaries partially covering their portfolios of microloans, or loan facilities may be availed of to increase lending to microenterprises. Initial engagement has taken place between the Social Finance Foundation and the EIF in relation to availing of the EU Progress Microfinance Guarantee Facility. Formal application will be made for the EU Progress Microfinance Guarantee Facility following enactment of the legislation, which provides for the establishment of the microfinance lending entity, Microfinance Ireland. A rigorous due diligence process is required to secure EIF accreditation.

Departmental Bodies

206. **Deputy Seán Kyne** asked the Minister for Jobs, Enterprise and Innovation if he will

report on the progress made in implementing those recommendations categorised as immediate, short and medium term of the Small Advisory Group's Report entitled *The Voice of Small Business* for which he has been designated as having lead responsibility. [33641/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Minister for Small Business, John Perry, chairs the Advisory Group on Small Business. This group published the *Voice of Small Business Report* in 2011, which was submitted to the Minister for Jobs, Enterprise and Employment as the recommended small business actions for consideration in the Action Plan for Jobs. The *Voice of Small Business* contains fifty-seven actions across twelve broad policy areas. Thirty-four of the Advisory Groups actions/recommendations were included in the Action Plan for Jobs. The Action Plan for Jobs first Quarterly Report shows that twelve of the thirty-four actions met their Quarter 1 timeline (the others have varying timelines). This full Progress Report is published on the Department of Jobs, Enterprise and Innovation website. One action, the publication of the Official 15 Day Prompt Payment Notice is fully implemented. Twenty-two further actions have different timelines but will be progressed over the remainder of 2012.

Skills Development

207. **Deputy Seán Kyne** asked the Minister for Jobs, Enterprise and Innovation the procedures in place to ensure cross Departmental co-operation for the filling of strategically important vacancies at companies in highly globalised and competitive industries when such companies have encountered clear difficulties in sourcing Irish and EU citizens with the requisite skills [33646/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): There is close strategic alignment across Government in both identifying and responding to the skills needs of highly globalised and competitive industries operating in Ireland. The Expert Group on Future Skills Needs (EGFSN) advises the Irish Government on current and future skills needs of the economy and on other labour market issues that impact on Ireland's enterprise and employment growth. It has a central role in ensuring that labour market needs for skilled workers are anticipated and met. Forfás, under my Department, in conjunction with FÁS, under the Department of Education and Skills provides the EGFSN with research and secretariat support.

A report produced in January by the EGFSN entitled *Addressing High-Level ICT Skills Recruitment Needs* confirms that Ireland is a successful major centre for ICT operations with around 75,000 people employed in 8,000 companies. Indeed, ten of the top ICT companies in the world have substantial operations in Ireland. The research undertaken by the Group, indicates that the global ICT market is expected to grow by 5% between 2009 and 2014/15 with potential growth rate as high as 20% per annum over the next decade. In order to exploit these opportunities, however, it is crucial to ensure that Ireland's labour force is appropriately skilled. In this context the Group's report found that there are a range of skills and recruitment difficulties within the ICT sector with the result that, as at December 2011, there were approximately 1,800 vacancies in the sector. These vacancies arose mainly due to the lack of graduates with high-level ICT Honours Degrees and above which are required to fill such positions as Computer Software Engineers, ICT Network Specialists and Engineers, ICT Security Experts, ICT Telecommunications, ICT Project Managers and IT Sales and Marketing/Foreign Languages Skills Personnel. The report points out that this challenge is not unique to Ireland as such high level ICT skills are also in short supply globally.

In order to address these challenges from domestic sources I, along with my colleague, Mr. Ruairi Quinn, T.D., Minister for Education and Skills, subsequently launched the ICT Action

[Deputy Richard Bruton.]

Plan: Meeting the High Level ICT Skills Needs of Enterprise in Ireland. The Action Plan establishes an overreaching target of doubling the annual output from honours degree ICT undergraduate programmes to 2,000 graduates by 2018 and outlines a number of actions that will be implemented to ensure an increased output of appropriately skilled graduates in the medium term 2015-2018.

As part of my Departments policies for attracting employees for specified highly skilled and strategically important occupations, where a skills shortage exists, Green Card employment permits may be issued. The Green Card permit is issued to the employee and allows his or her employment in the State by the named employer in the occupation specified on the permit. It may be issued for a period of two years. The employee may apply for immediate family reunification and an application for long-term residence may be made after two years. No labour market needs test (e.g. newspaper and FÁS/EURES advertising) is required prior to making an application. Up to 50% of staff employed by a company in Ireland may be employment permit holders.

The Department also operates an Intra-Company Transfer (ICT) scheme. This scheme is designed to facilitate the transfer of senior management, key personnel or trainees who are foreign nationals from an overseas branch of a multinational corporation to its Irish branch. Up to 5% of the workforce may have ICT Permits. However for startups this may be waived on a case by case basis for an initial period. No labour market needs test is required in respect of an application for an Intra-Company Transfer permit. Certain criteria apply in the case of ICTs.

Also my Department operates the Researcher Mobility “Hosting Agreement” scheme, which provides for the entry into the State of researchers from Third Countries under Council Directive 2005/71/EC, which has operated very successfully since 2007. As an example of cross-Departmental co-operation, a Hosting Agreement Extranet was established enabling relevant key departments, such as Immigration authorities, Embassies and Consulates access to an electronic database thus expediting immigration procedures for third country researchers. The Extranet is operated and maintained by the Irish Universities Association.

Carer’s Allowance

208. **Deputy Billy Kelleher** asked the Minister for Social Protection the process by which carer’s allowance appeals are being carried out; if there is a significant backlog; the average and maximum wait for appeals decisions; her views on the case of a person (details supplied); and if she will make a statement on the matter. [33299/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that for the first half of 2012 the current average times taken to process carer’s allowance appeals decided by summary decision is 32.1 weeks and 45.3 weeks for those requiring an oral hearing. Generally the vast majority of cases fall within average times but extenuating factors, often outside of the control of the Social Welfare Appeals Office, will cause greater delays in some cases. In the light of this, if the most protracted cases are excluded (i.e. those received before January 2011), the relevant waiting times are 30.7 for summary decision and 38.7 weeks for those requiring an oral hearing. There are 1,606 carer’s appeals pending at the end of June 2012.

By its nature and because it is a quasi-judicial process, the processing of appeals takes time and reflects the fact that, by definition, the appeal process cannot be a quick one. Once an appeal is received, there is a statutory requirement for a response to that appeal by a Deciding Officer addressing the contentions raised in the appeal. If new evidence is submitted, a review

of the decision will be undertaken by the Department and this may involve a re-investigation of the appellant's circumstances. When the submission is received from the Department, in many cases there is a need to conduct an oral hearing of the appeal which requires the booking of a venue at a location convenient to the appellant, arranging the attendance of witnesses, notifying appellants and handling cancellations and this adds quite considerably to the time taken to process appeals.

In an effort to reduce the processing times, the Department have appointed 13 additional Appeals Officers since 2010. In addition, a further 10 Appeals Officers, formerly employed by the Community Welfare Service (CWS) of the Health Services Executive joined the Office as part of the integration of the CWS appeals services into the Social Welfare Appeals Office. This has brought the total number of Appeals Officers to 40. In addition to this, the Office has improved its business processes and IT support.

I am assured by the Chief Appeals Officer that she is keeping the methods of operation by which the Social Welfare Appeals Office conducts its business under constant review, and that the processes are continuously being enhanced to reduce the backlogs in the Office and, overall, to reduce the processing times for dealing with appeals. I am advised by the Social Welfare Appeals Office that an appeal for the person concerned has not, as yet, been received in that Office. The application is currently being processed by the Carer's Allowance section of the Department and an appeal to the Social Welfare Appeals Office will only arise in the event that the person is not satisfied with the decision of the Deciding Officer.

The Department is committed to delivering the best possible service to its customers. Currently the average time taken to award a carer's allowance application is 28 weeks. I acknowledge that the time taken to process carer's allowance claims at present is not satisfactory but a major service delivery modernisation project is underway to improve the efficiency of administration of the carer's allowance scheme. This involves the deployment of information technology solutions and associated business process re-organisation. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customers. Full deployment of the new system for carer's allowance has been completed this month. In tandem with the full implementation of the new system, a comprehensive business process improvement exercise commenced on the 2nd July, the focus of which is to optimise performance and provide improved customer service. However it is expected to be a number of months before the backlog is reduced to an acceptable level.

Homeless Persons

209. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding emergency homeless accommodation (details supplied) [33440/12]

256. **Deputy Eric Byrne** asked the Minister for Social Protection the position regarding payments made to homeless young persons in transition from care (details supplied); and if she will make a statement on the matter. [33444/12]

266. **Deputy Terence Flanagan** asked the Minister for Social Protection if she will deal with a query (details supplied) regarding youth homelessness; and if she will make a statement on the matter. [33477/12]

291. **Deputy Peter Mathews** asked the Minister for Social Protection her plans in respect of a person (details supplied) who are currently in receipt of welfare allowance; and if she will make a statement on the matter. [33715/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 209, 256, 266 and 291 together.

The €100 rate of jobseeker's allowance was introduced for claimants aged under 20 in April 2009, and this rate was applied to claimants aged up to 21 from December 2009. The €100 rate does not apply to certain categories of claimant including:

- claimants with a qualified child;
- those transferring to Jobseeker's Allowance immediately after exhausting their entitlement to Jobseeker's Benefit;
- those making a claim for Jobseeker's Allowance where that claim is linked to a Jobseeker's Allowance claim made within the previous 12 months to which the maximum personal rate applied;
- those transferring directly to Jobseeker's Allowance from Disability Allowance;
- certain people who were in the care of the HSE during the period of 12 months before he or she reached the age of 18.

A rate of €144 applies to claimants aged 22-24. The adoption of these measures reflected the need to encourage more young jobseekers to improve their skills by either pursuing further study or accessing a labour market programme.

Receiving the full adult rate of a jobseekers payment without a strong financial incentive to engage in education or training can lead to welfare dependency. While many young people with low levels of education and training were able to get work in construction and other areas when the economy was doing well, they are likely to find it much harder to get work over the course of the next few years. The measures encourage young jobseekers to improve their skills and remain active in the labour market in order to avoid the risk of becoming long-term unemployed and will help them to progress into sustainable employment on a long-term basis. Where a person is in receipt of a rate of jobseeker's allowance described above and he or she participates in a course of education, training, Community Employment, Rural Social Scheme or Tús, the full normal rate of payment applicable to that course or scheme applies without any reduction for persons aged under 25.

I understand that Deputies have been contacted with regard to these measures following a campaign by Focus Ireland. My officials met with Focus Ireland in May, 2012 in relation to their concerns. These are being examined and further discussions are planned.

More generally, Deputies may wish to note that my Department's role with regard to persons who are homeless is mainly income maintenance. Under the social welfare system, homeless people have entitlements to the full range of social welfare schemes, including supplementary welfare allowance and associated supplements, subject to the normal qualifying conditions. My Department, through its work in the Homeless Persons Unit and the Asylum Seekers and New Communities Unit provides assistance to people in sourcing the most appropriate accommodation available. In addition, prison and hospital in-reach services are provided to explore accommodation options and, where necessary, liaise with local authorities to identify and source the most appropriate accommodation available for those who are homeless or at risk of homelessness. This ensures that where possible, people are diverted away from homeless services and towards community-based supports.

Departmental Staff

210. **Deputy Dara Calleary** asked the Minister for Social Protection if a person (details supplied) in County Sligo may extend their career break in her Department. [33539/12]

Minister for Social Protection (Deputy Joan Burton): All applications for leave, including career breaks, are a matter for local management to consider and approve subject to the business requirements of the area at the time. The officer concerned is not currently on a career break from her position in the Department. An application for a six month career break received by her local management in September 2011 was not approved because of business demands at the time and difficulties finding replacement staff due to the moratorium on recruitment. The officer subsequently applied for a leave absence of thirteen weeks from 18th January 2012 to 18th April 2012, under the Shorter Working Year (SWY) scheme which was approved by her local management. The SWY scheme provides for temporary cover for the period of the absence and a temporary officer was recruited for the period up to the 18th April. In addition, a period of eight weeks special leave without pay up to the 20th June 2012 was approved. Following this a period of annual leave was approved up to 6th July 2012. The officer was due to report for duty on 9th July 2012, however, she failed to do and has since informed her manager that she remains out of the Country. Accordingly, she has been removed from the payroll and HR division is examining her current position.

The Deputy will appreciate that the pressures of work in my Department are substantial and, while managers make every effort to ensure family friendly policies and facilitate staff, the needs of the customer must be seen as a major priority for the Department.

Social Welfare Benefits

211. **Deputy Stephen S. Donnelly** asked the Minister for Social Protection if she will provide a breakdown of the cost of the survivor's pension for the nearest year for which this is available; the number receiving this pension; and the total cost of the pension to the State. [33718/12]

Minister for Social Protection (Deputy Joan Burton): There were 115,762 recipients of Widow's, Widowers or Surviving Civil Partner's Contributory Pension in December 2011 with 11,310 qualified children. The cost of the scheme was €1.34 billion for the year 2011. In addition, there were 1,959 recipients of Widow's, Widowers or Surviving Civil Partner's Non-Contributory Pension in December 2011 at a cost of €18.2 million for the year 2011.

Carer's Allowance

212. **Deputy Jim Daly** asked the Minister for Social Protection the position regarding a carer's allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [32963/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

213. **Deputy Jim Daly** asked the Minister for Social Protection the position regarding a carer's application in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [32964/12]

Minister for Social Protection (Deputy Joan Burton): The application for carer's allowance from the person in question was refused on the ground that the care recipient is not in need

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of full-time care and attention as laid down in the regulations. The person in question has requested a review of this decision and has submitted further medical evidence in support of the application. Once the review is completed in this case the person in question will be notified directly of the outcome.

Carer's Allowance

214. **Deputy Sean Fleming** asked the Minister for Social Protection when the carer's allowance will be approved in respect of a person (details supplied) in County Laois; and if she will make a statement on the matter. [32965/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

215. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding a carer's allowance application in respect of a person (details supplied) in County Cork. [32971/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

216. **Deputy Paschal Donohoe** asked the Minister for Social Protection when a decision will issue on the review of a half rate carer's allowance in respect of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [32976/12]

Minister for Social Protection (Deputy Joan Burton): The application for carer's allowance from the person in question was refused on the ground that the care recipient is not in need of full-time care and attention as laid down in the regulations. The person in question has requested a review of this decision and has submitted further medical evidence in support of the application. Once the review is completed in this case the person in question will be notified directly of the outcome.

Rent Supplement Scheme

217. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding rent allowance in respect of a person (details supplied) in County Wicklow; if it will be granted as a matter of urgency; and if she will make a statement on the matter. [32984/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned made an application for rent supplement on 16th March 2012 and has been requested to provide further information in order to process her claim. A decision will be made on her application when the information has been provided.

Carer's Allowance

218. **Deputy John O'Mahony** asked the Minister for Social Protection when a decision will be made on a review for a carer's allowance in respect of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [32999/12]

Minister for Social Protection (Deputy Joan Burton): The application for carer's allowance from the person in question was refused on the ground that the care recipient is not in need of full-time care and attention as laid down in the regulations. The person in question has requested a review of this decision and has submitted further medical evidence in support of the application. Once the review is completed in this case the person in question will be notified directly of the outcome.

Rent Supplement Scheme

219. **Deputy Robert Dowds** asked the Minister for Social Protection if there are any measures which she will introduce to make it easier for people who are in receipt of rent supplement to take up jobs without being hit by punitively high rents. [33002/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of the rent supplement scheme is to provide short-term income 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 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 approximately 92,000 persons in receipt of rent supplement for which the Government has provided a sum of €436 million for 2012.

Rent supplement is calculated to ensure that an eligible person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum weekly contribution of €30 (€35 for couples) which each recipient is required to pay from his or her own resources. The existing rent supplement assessment provides for a gradual withdrawal of payment as hours of employment or earnings increase. Those availing of part-time employment and/or training opportunities can continue to receive rent supplement subject to their satisfying the standard means assessment rules. Where a person has additional income in excess of the standard weekly rate of supplementary welfare allowance, the first €75 of such additional income together with 25% of any additional income above €75 is disregarded for means assessment purposes. This ensures that those returning to work or participating in training schemes are better off as a result of taking up such an opportunity.

Rent supplement is not generally payable where a person or their spouse or partner is in full-time employment, i.e. for 30 hours or more a week. However, a person on rent supplement, who is accepted as eligible for accommodation under the rental accommodation scheme (RAS), may return to full-time work, subject to a means test, without losing entitlement to their rent supplement payment. The rental accommodation scheme gives local authorities specific responsibility for meeting the longer-term housing needs of people receiving rent supplement for 18 months or more. Details of these cases are notified regularly by my Department to the Department of the Environment, Community and Local Government.

On 16th June 2011, the Minister for the Environment, Community and Local Government and the Minister for Housing and Planning published a new housing policy framework statement. This framework statement reflects the content of the Programme for Government and sets out the principles to underpin the development of housing policy into the medium term. Specifically, it contains the announcement for the transfer of responsibility in providing housing needs for long term rent supplement recipients to housing authorities. A multi-agency steering group, which includes representation from my Department, has been established to develop proposals to give effect to this transfer. This will help achieve a key Government commitment of removing barriers to employment at the same time returning rent supplement to its original purpose, that of a short term income support payment for those temporarily unemployed.

Domiciliary Care Allowance

220. **Deputy Finian McGrath** asked the Minister for Social Protection if she will include a group (details supplied) in County Clare on the domiciliary care allowance review group [33005/12]

Minister for Social Protection (Deputy Joan Burton): The review of the domiciliary care allowance (DCA) scheme, as recently announced will commence shortly. The group undertaking the review will be comprised of representatives from a number of government Departments, the National Disability Authority and other persons with relevant experience. Three representatives from a working group established by Downs Syndrome Ireland, Inclusion Ireland, Irish Autism Action, Special Needs Parents Association, the Carers Association and Midlands Regional Forum of People with Disabilities have been invited to be part of the review group. It is considered that this broad representation will reflect the issues and views of the vast majority of parents on the matter.

Officials from my Department have met with representatives from the DCA Warriors to discuss how they can be facilitated in making a positive contribution to the review process. Based on those discussions and the understanding that this group has membership from all over the country, I am pleased to inform the Deputy that this NGO is being offered a place on the working group. The terms of reference for the review allows for a consultation process with parents and representative groups to be held. This will allow for all parents and groups not directly represented on the working group to input their concerns and suggestions to the review process.

Carer's Allowance

221. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when a decision will be made in relation to an application for carer's allowance in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [33008/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

222. **Deputy John McGuinness** asked the Minister for Social Protection if carer's allowance will be approved in respect of a person (details supplied) in County Kilkenny. [33018/12]

Minister for Social Protection (Deputy Joan Burton): The application for carer's allowance from the person in question was refused on the ground that the care recipient is not in need of full-time care and attention as laid down in the regulations. The person in question has requested a review of this decision and has submitted further medical evidence in support of the application. Once the review is completed in this case the person in question will be notified directly of the outcome.

223. **Deputy John McGuinness** asked the Minister for Social Protection if an application for carer's allowance will be granted in respect of a person (details supplied) in County Kilkenny. [33020/12]

Minister for Social Protection (Deputy Joan Burton): I can confirm that an application for carer's allowance has been received from the person in question.

On completion of the necessary investigations relating to all aspects of the case a decision will be made and the person concerned will be notified directly of the outcome.

Free Travel Scheme

224. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding benefits (details supplied); and if she will make a statement on the matter. [33026/12]

Minister for Social Protection (Deputy Joan Burton): Free travel passes are provided for more than 700,000 people at an annual cost of €77 million. Approximately 400,000 people are in receipt of the household benefits package at a cost of almost €370 million in 2011 and 400,000 people are in receipt of the fuel allowance at a cost of almost €265 million in 2011.

I appreciate the important role that these schemes play in promoting social inclusion and preventing isolation of older people and people with disabilities. All of the schemes operated by my Department, including free travel, the household benefits package and the fuel allowance were examined in the context of the Comprehensive Review of Expenditure and continue to be kept under review given the on-going need for savings. The Review continues to inform me and my colleagues in Government in our decisions on future spending.

Social Welfare Benefits

225. **Deputy Ciara Conway** asked the Minister for Social Protection the measures being put in place to ensure that anyone with Ulsterbank receiving a payment from her Department, such as child benefit or pension entitlements will continue to receive their entitlements; if alternative arrangements being made to facilitate collection elsewhere, such as at a post office; and if she will make a statement on the matter. [33097/12]

Minister for Social Protection (Deputy Joan Burton): The Department issues over 1.4 million weekly payments and a further 723,000 monthly payments to its customers. In most cases the Department offers a range of payment options including payment at a local post office via electronic information transfer (EIT), payment through a bank, building society account or certain credit union of the customer's choice via electronic funds transfer (EFT) or by cheque. Payment can be received at Post Offices in respect of Child Benefit and Pensions.

Last week approx. 62,000 weekly payments and 48,000 monthly payments were made to customers who nominated to have their payments made into an account at Ulster Bank.

Bank of Ireland is the Department's primary banker partner and all EFT payment files are routed through them for onwards transmission to other financial institutions in the case of those social welfare customers who bank with institutions other than Bank of Ireland.

The Department is in continuous contact with Ulster Bank in relation to their current difficulties. Ulster Bank has assured the Department that arrangements have been put in place to ensure that customers who have been affected can access their money by contacting their local Ulster Bank Branch. In the circumstances, the Department does not propose to put alternative arrangements in place but will continue to monitor the situation closely.

Departmental Staff

226. **Deputy Simon Harris** asked the Minister for Social Protection the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to her Department; the length of the ten highest incidences of sick leave across these bodies; and if she will make a statement on the matter. [33116/12]

Minister for Social Protection (Deputy Joan Burton): The agencies operating under the aegis of the Department are the Citizens Information Board and the Pensions Board. In addition, the Office of the Pensions Ombudsman comes under the remit of the Department.

Details of the sick leave as requested by the Deputy are shown in the following table:

	Citizens Information Board	Pensions Board
No. of days	No. of instances	No. of instances
5+	32	11
10+	15	4
15+	10	2
20+	7	1
21+	7	1

None of the sick leave absences that occurred in respect of the staff serving in the Office of the Pensions Ombudsman exceeded 5 days in 2011.

The ten highest instances of sick leave across the agencies in 2011 were 85 days, 72 days, 59 days, 36 days, 32.5 days, 27 days, 25 days, 19 days, 18.5 days and 16 days respectively.

227. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection the number of clerical officer grade staff in her Department seeking a transfer to County Galway; the arrangements in place to facilitate transfers on a cross departmental basis; and if she will make a statement on the matter. [33123/12]

Minister for Social Protection (Deputy Joan Burton): Currently there are 27 Clerical Officers recorded on the transfer list for the Department's office in Galway City, 25 for the Loughrea Office and 16 for the Clifden Office.

When filling vacancies, the Department is obliged, in the first instance, to fill positions by the redeployment of staff from other departments or agencies. Where there are no staff available from the redeployment panel, the Department then seeks to fill the post by reference to the relevant transfer list.

In accordance with protocols agreed centrally with unions and the Department of Public Expenditure and Reform, the names of officers seeking to transfer to alternative locations are recorded on the relevant transfer list in strict order of date of application. The transfer lists are open to Clerical Officers in all Government Departments.

Jobseeker's Allowance

228. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when an oral hearing will be held in relation to a jobseeker's assistance appeal in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [33145/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 15th May 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 on 28th June 2012 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.

Carer's Allowance

229. **Deputy Denis Naughten** asked the Minister for Social Protection when a decision on a carer's allowance application will issue in respect of a person (details supplied) in County Galway; the reason for the delay in same; and if she will make a statement on the matter. [33149/12]

Minister for Social Protection (Deputy Joan Burton): The carer's allowance application for the person in question was refused on 11th January 2012 on medical grounds. Subsequent to this, the person in question requested a review of this decision and submitted further medical information in support of the application.

The medical assessor has reviewed the medical component of this application and is of the opinion that the care recipient is eligible.

A decision will be made by a deciding officer and the person concerned will be notified directly of the outcome.

Invalidity Pension

230. **Deputy Joanna Tuffy** asked the Minister for Social Protection if she will provide an update on an appeal for invalidity pension in respect of a person (details supplied) in County Dublin and if she will expedite the matter. [33179/12]

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 April 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Carer's Allowance

231. **Deputy John Lyons** asked the Minister for Social Protection when an application for carer's allowance in respect of a person (details supplied) in Dublin 11 will be assessed; and if she will expedite a decision on same. [33189/12]

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. In the interests of fairness and equity, applications are dealt with by the Department as far as possible in the order in which they are received.

On completion of the necessary investigations relating to all aspects of the case a decision will be made and the person concerned will be notified directly of the outcome.

232. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection when a carer's allowance appeal will be processed in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [33194/12]

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 02nd April 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Disability Allowance

233. **Deputy Patrick Nulty** asked the Minister for Social Protection the position regarding disability allowance appeal in respect of a person (details supplied) in Dublin 15; if an early oral hearing will be granted; the reason for the delay; and if she will make a statement on the matter. [33196/12]

Minister for Social Protection (Deputy Joan Burton): To date, no appeal has been received from the person concerned in relation to the refusal of their disability allowance application.

The person concerned also made a claim for invalidity pension and was refused on medical grounds. He appealed the decision to disallow him an invalidity pension. An appeals officer found that the appellant failed to show that he was permanently incapable of work due to illness/disability within the meaning of Social Welfare legislation and, accordingly, the appeal was disallowed.

An appeals officer's decision is final and conclusive in absence of any fresh facts or evidence. The person concerned was notified of this decision in writing on 19 December 2011.

It is open to the person concerned to make a new claim for invalidity pension or disability allowance.

Carer's Allowance

234. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the progress made to date in the determination of an application for carer's allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33202/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

235. **Deputy Patrick O'Donovan** asked the Minister for Social Protection the up to date position regarding an application for carer's allowance in respect of a person (details supplied) in County Donegal. [33217/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

Question No. 236 withdrawn.

237. **Deputy Michael McGrath** asked the Minister for Social Protection the date an application for carer's allowance was received in respect of a person (details supplied) in County Cork; when same will be processed. [33239/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

Invalidity Pension

238. **Deputy John Perry** asked the Minister for Social Protection if she will ensure that an invalidity pension appeal is granted in view of the medical report submitted in respect of a person (details supplied) in County Sligo; and if she will make a statement on the matter. [33258/12]

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 11th June 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Carer's Allowance

239. **Deputy Niall Collins** asked the Minister for Social Protection the position regarding a carer's allowance application in respect of a person (details supplied) in County Cork. [33261/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

Statutory Sick Pay Scheme

240. **Deputy Thomas P. Broughan** asked the Minister for Social Protection if any progress has been made in the context of the earlier report this year from the Consultation Seminar — The Feasibility and Implications of Introducing a Scheme of Statutory Sick Pay in Ireland; and if she will make a statement on the matter. [33270/12]

247. **Deputy Eoghan Murphy** asked the Minister for Social Protection if, in view of her proposal to introduce statutory sick pay on employers, if she has carried out a full cost-impact

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analysis on small businesses if this proposal were to be introduced; and if so what are the results of this. [33356/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 240 and 247 together.

The question of introducing a scheme of statutory sick pay, whereby employers would directly meet the costs of sick absence for an initial period of illness is being considered in the context of the need to reform the social welfare system to bring it into line with practices in other countries in this area; the need to address the deficit in the social insurance fund; the need to limit progression from short-term illness to long-term illness or disability; and in the wider context of enhancing the health of the workforce and addressing levels of absenteeism.

In considering the wide range of issues to be addressed before such a scheme could be introduced, a preliminary analysis based on estimates of absenteeism in the private sector has been carried out and this indicates that if a sick pay scheme with a duration of four weeks were to be introduced, it would add about €1 per week per employee to the costs of employment.

The report of the consultative seminar on the feasibility and implications of introducing a scheme of statutory sick pay held in February is now available on the Department's website.

The range of complex issues associated with the introduction of such a scheme continue to be considered and will be discussed in the course of the wider process associated with the preparation of Budget 2013. Any decisions which might be taken by Government on the possible introduction of a statutory sick pay scheme will be considered in that context.

Employment Support Services

241. **Deputy Gerald Nash** asked the Minister for Social Protection the reason no reference is made to the national figures of the Local Employment Service Network or to its involvement in the National Employment Action Plan in the recent report Employment Action Plan Monthly Progress Report No. 163 of April 2012; and if she will make a statement on the matter. [33274/12]

Minister for Social Protection (Deputy Joan Burton): The monthly progress report is a long-standing report produced by FÁS since the late 1990s providing summary overall national data on outcomes for persons referred under the National Employment Action Plan (EAP). It predates the involvement of the LES in the EAP referral process (which commenced in 2009), and the absence of a reference to this LES involvement is an oversight.

Approximately one third of referrals under EAP are now to LES offices, with the remainder being to employment services offices of the Department.

The report in its current form and the data collection process underlying it have become outdated in a number of respects as the EAP has evolved, and particularly in the light of the transfer of the employment service from FÁS to the Department. It is planned to move to an updated reporting format later this year.

Youth Unemployment

242. **Deputy Gerald Nash** asked the Minister for Social Protection if she will provide an analysis in tabular form of youth unemployment between those born in Ireland and those born outside the State in view that 10% of those aged between 18 and 25 were not born in the State; if she will outline any plans to tackle the specific employment problems many of those young persons face; and if she will make a statement on the matter. [33275/12]

Minister for Social Protection (Deputy Joan Burton): The official measure of unemployment comes from the Quarterly National Household Survey. While the survey provides some data on the nationality of the unemployed at the aggregate level, these are considered by the Central Statistics Office to be “broadly indicative”, and the data are not available below the aggregate level.

Administrative data show that there were 79,098 persons aged less than 25 years on the Live Register at the end of June 2012. The data do not distinguish place of birth; however, data on nationality are available and these are given in the table:

Persons aged under 25 years on the Live Register, June 2012

	Ireland	UK	EU 13	EU AC 12	Non-EU	Total	Total Non Irish
Jobseekers Allowance	65,614	1,439	136	2,371	1,303	70,863	5,249
Jobseekers Benefit	7,217	67	19	526	36	7,865	648
Jobseekers Benefit Credits Only	324	5	8	32	1	370	46
Total Live Register	73,155	1,511	163	2,929	1,340	79,098	5,943

The data show that 7.5% of all young people on the Live Register are not Irish nationals.

Currently, once they have been on the Live Register for three months, unemployed people — including young people and those originally from abroad — are referred to the employment service of my Department for a one-to-one interview and more intensive assistance through a caseload approach. That approach provides for the identification of specific barriers to re-employment faced by each individual so that these can be addressed.

Profiling of the newly unemployed is now being introduced by the Department to identify those least likely to re-enter the workforce unaided. This will allow those facing specific barriers to re-employment to be referred for interview and more intensive assistance earlier in their unemployment spell than has been possible up to now.

Pension Provisions

243. **Deputy Gerald Nash** asked the Minister for Social Protection the contact she has made with social security authorities in other States to clarify the number of persons resident here receiving pensions from those States; and if she will make a statement on the matter. [33276/12]

244. **Deputy Gerald Nash** asked the Minister for Social Protection the information she has furnished to the Revenue Commissioners in relation to residents of Ireland who are receiving social security pensions from other States, where that information has been furnished to her Department; and if she will make a statement on the matter. [33277/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 243 and 244 together.

The Department does not have information about the total numbers of people resident in Ireland with foreign social security pensions as information about an individual with other pension income would only be required by the Department if the person applied for the means tested State Pension (Non-Contributory). That information is mainly sourced when the person applies for that pension.

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A person can receive both an Irish contributory pension and a pension from another source such as an occupational or foreign pension. Their entitlement to the contributory pension is based on their PRSI contribution record. It is not means tested so information in relation to their other income is not required. In addition, there would be people resident in Ireland with foreign social security pensions who have no Irish pensions.

In relation to means tested payments, any monies received by way of a foreign social security payment is assessable as means for the purposes of determining the rate of their social welfare means tested payment. An applicant for a means tested payment is obliged to declare if they have an entitlement to a foreign social security payment/pension. If a person has indicated that they previously worked in the UK or in another jurisdiction, then a check will be made with the relevant authority to establish if the customer had an entitlement to a social security entitlement from that jurisdiction.

It is the practice that a data match is conducted with the Department of Work and Pensions (DWP) in the UK to identify their customers who reside in Ireland and who are receiving a social security payment from the UK and the rate of payment the customer is receiving. This information is then matched against DSP customers who are receiving means tested income support payments.

Once the information is received and the customers are identified, a review of the customer's entitlement is undertaken. Appropriate action is then taken in terms of amending the rate of entitlement to the DSP payment/pension. The impact of any increase in the value of the UK entitlement on a customer's DSP entitlement is also dependent on the change in the exchange rate, if any, since the customer's entitlement was last reviewed. The value of any increase in the UK entitlement may be offset by a reduction in the exchange rate, if the exchange rate has fallen.

To date the Department has not provided the Office of the Revenue Commissioners with any information that was received from other States on residents of Ireland who are receiving social security pensions from outside of Ireland.

Child Benefit

245. **Deputy Gerald Nash** asked the Minister for Social Protection the number of children for whom child benefit was paid in 2008, 2009, 2010 and 2011 and who also had a social insurance record at Classes A, S or M for the same year in tabular form; and if she will make a statement on the matter. [33278/12]

Minister for Social Protection (Deputy Joan Burton): Child Benefit (CB) is currently paid for 598,336 families in respect of 1,136,361 children.

The corresponding figures for the past four years are as follows:

Year	Families	Children
2008	596,108	1,141,938
2009	602,932	1,156,917
2010	591,432	1,124,003
2011	597,333	1,136,065

Details on the number who also had a social insurance record at Classes A, S or M for these years is not readily available and can only be obtained through an extensive data matching

exercise. Given the number of years involved and the total number of children for whom CB is in payment it is not proposed to undertake such an exercise.

It should be noted that children who are aged over 16 and in full time education are not precluded from taking part time work and paying PRSI contributions while CB remains in payment.

National Employment and Entitlements Service

246. **Deputy Thomas P. Broughan** asked the Minister for Social Protection when the new National Employment and Entitlements Service will be fully rolled out; and if she will make a statement on the matter. [33291/12]

Minister for Social Protection (Deputy Joan Burton): My Department is establishing a new National Employment and Entitlements Service, as provided for in the Programme for Government, which will integrate employment and benefit payment services within the Department.

The first step in establishing the National Employment and Entitlements Service was integrating staff from FÁS, the Community Welfare Service and my Department which will free up resources and staff for the more resource intense role of case management and activation.

With regard to the timeline for the development of the National Employment and Entitlements Service the assignment and integration of functions and the full transformation to a case management approach focussed on activation, will be a multi-annual programme of work. However, significant progress has already been made and the first trial National Employment and Entitlements Service offices are scheduled open before the end of the year

Question No. 247 answered with Question No. 240.

Statutory Sick Pay Scheme

248. **Deputy Jack Wall** asked the Minister for Social Protection his views regarding a submission (details supplied); if she has had or is proposing meetings with the National Organisation regarding this issue; if the meetings have taken place, the results of the meetings; and if she will make a statement on the matter. [33361/12]

Minister for Social Protection (Deputy Joan Burton): A consultative forum on the feasibility and implications of introducing a scheme of statutory sick pay was held in February of this year. The national organisation to which the Deputy refers was represented at the Forum, (a report of which is now available on the Department's website). I should add that Department officials will also be meeting some of the organisation again on the matter.

At that forum, concerns were expressed by various employer representative groups regarding the introduction of such a scheme, and these concerns will be taken into account as the range of complex issues associated with the introduction of such a scheme continue to be considered.

The issues involved will be discussed in the course of the wider process associated with the preparation of Budget 2013 and any decisions which might be taken by Government on the possible introduction of a statutory sick pay scheme will be considered in that context.

Community Employment Schemes

249. **Deputy Catherine Murphy** asked the Minister for Social Protection if she is concerned about the length of time community employment applicants are having to wait for garda clearance; if she is aware of the amount of schemes adversely affected by these wait times; and if she will make a statement on the matter. [33399/12]

Minister for Social Protection (Deputy Joan Burton): The Department of Social Protection is committed to ensuring the protection of children and/or vulnerable adults. It is Community Employment policy that participants on any scheme that gives individuals substantive unsupervised access to children and/or vulnerable adults are subject to Garda Vetting. This policy has been in place since June, 2009 in compliance with Childcare Legislation/Regulations and with legal advice.

Once an individual has been selected for a CE position that requires Garda Vetting, their Garda Vetting application can be processed through either my Department or through the employing organisation if they are already registered with the Garda Central Vetting Office.

The Garda Central Vetting Office are doing their utmost to process applications speedily. In relation to Community Employment over 1,500 Garda Vetting applications have been made by my Department to the end of June this year in addition to the applications submitted directly by the employing organisations.

Applications from my Department are taking approximately 6 weeks on average to process. Some applications with addresses outside the state, or pending further regional investigation or who submit incomplete forms can take longer to process.

Social Welfare Appeals

250. **Deputy Brendan Griffin** asked the Minister for Social Protection the reason the sole residence of a person (details supplied) in County Kerry is being assessed as an income; and if she will make a statement on the matter. [33401/12]

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 23 April 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 3 July 2012 and the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on 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.

Rent Supplement Scheme

251. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason for termination of rent allowance without warning in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33403/12]

Minister for Social Protection (Deputy Joan Burton): The primary social welfare payment of the person concerned, upon which her qualification for rent supplement depends, was suspended causing the rent supplement to also be suspended. As the primary payment has now been restored, the rent supplement has also been reinstated and the person concerned has been issued with all outstanding arrears.

Carer's Allowance

252. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when payment will issue in respect of an application for carer's allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33421/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

253. **Deputy Paschal Donohoe** asked the Minister for Social Protection the position regarding an application for carers' allowance in respect of a person (details supplied) in Dublin 7; and if she will make a statement on the matter. [33428/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

254. **Deputy John Lyons** asked the Minister for Social Protection the position regarding an appeal for a carer's allowance in respect of a person (details supplied) [33429/12]

Minister for Social Protection (Deputy Joan Burton): The application for carer's allowance from the person in question was refused on the ground that the care recipient is not in need of full-time care and attention as laid down in the regulations. The person in question requested a review of this decision and has submitted further medical evidence in support of the application.

On completion of the review of the case, a decision will be made and the person concerned will be notified directly of the outcome.

Domiciliary Care Allowance

255. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding the case of a person (details supplied) [33432/12]

Minister for Social Protection (Deputy Joan Burton): The continued entitlement of the person concerned to domiciliary care allowance was reviewed in March 2012. The case was referred to one of the Department's Medical Assessors who found that the child was no longer medically eligible for the allowance.

The person concerned was notified of the decision on 7 March 2012 and she has appealed the decision. As part of the appeal process, the case has been forwarded to another of the Department's Medical Assessors for further consideration, including a review of any new information supplied. Upon receipt of the Medical Assessor's opinion, the case will be further examined and forwarded for consideration to the Social Welfare Appeals Office, if necessary.

Question No. 256 answered with Question No. 209.

Invalidity Pension

257. **Deputy Brendan Griffin** asked the Minister for Social Protection if a decision has been made on the appeal in respect of a person (details supplied) in County Kerry for invalidity pension; and if she will make a statement on the matter. [33445/12]

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 12 April 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When received,

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the case in question will be referred to an Appeals Officer who will make a summary decision on the appeal based on 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.

Disability Allowance

258. **Deputy John McGuinness** asked the Minister for Social Protection the status of an application for disability allowance in the case of a person (details supplied) in County Carlow; and if she will expedite a response. [33446/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 6 December 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 17 January 2012 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on 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.

Carer's Allowance

259. **Deputy John McGuinness** asked the Minister for Social Protection the position regarding an application for carer's allowance in the case of a person (details supplied) in County Kilkenny; and if she will expedite a response. [33447/12]

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. In the interests of fairness and equity, applications are dealt with by the Department as far as possible in the order in which they are received. On completion of the necessary investigations relating to all aspects of the case, a decision will be made and the person concerned will be notified directly of the outcome.

260. **Deputy John McGuinness** asked the Minister for Social Protection if an appeal will be expedited for carer's and social welfare allowance in view of the fact that they were registered on 29 July, 2011 in respect of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [33448/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the available evidence, including that adduced at oral hearing, decided that the appeal of the person concerned is disallowed in regard to Rent Supplement but has allowed the Carer's Allowance appeal for each week where it has been established that the person worked for 15 hours or less. The person has been informed of these outcomes. 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.

261. **Deputy John McGuinness** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied) in County Carlow; and if she will expedite a decision. [33449/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case on 25 July 2012. The person concerned has been notified of the arrangements for the 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.

Disability Allowance

262. **Deputy Brendan Griffin** asked the Minister for Social Protection if a decision has been made on the request by a person (details supplied) in County Kerry to have their appeal for disablement benefit back-pay reviewed; and if she will make a statement on the matter. [33450/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the available evidence, including that adduced at oral hearing, disallowed the appeal of the person concerned. The person concerned was notified of the Appeals Officer's decision on 26 June 2012. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Invalidity Pension

263. **Deputy Brendan Griffin** asked the Minister for Social Protection if a decision has been made on the appeal by a person (details supplied) in County Kerry for invalidity pension; and if she will make a statement on the matter. [33459/12]

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 23 April 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When they have been received, the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Carer's Allowance

264. **Deputy Brendan Griffin** asked the Minister for Social Protection if a decision has been made on the application by a person (details supplied) in County Kerry for carer's allowance; and if she will make a statement on the matter. [33460/12]

Minister for Social Protection (Deputy Joan Burton): I can 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 the case, a decision will be made and the person concerned will be notified directly of the outcome.

Question No. 265 withdrawn.

Question No. 266 answered with Question No. 209.

Question No. 267 withdrawn.

Rent Supplement Scheme

268. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding an application for rent allowance in respect of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [33481/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was refused rent supplement on 5th July 2012 due to his failure to meet a number of the qualifying conditions and he was notified of the reasons for refusal on the same day. If the person concerned can meet these criteria, the Department will be in a position to re-assess his rent supplement claim. Alternatively, the person concerned can appeal the refusal to the Social Welfare Appeals Office. An appeal can be sent in writing to the Chief Appeals Officer, Social Welfare Appeals Office, D'Olier House, D'Olier Street Dublin 2.

Carer's Allowance

269. **Deputy Emmet Stagg** asked the Minister for Social Protection when a decision will issue on a carer's allowance application in respect of a person (details supplied) in County Kildare. [33536/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

Invalidity Pension

270. **Deputy John McGuinness** asked the Minister for Social Protection if an appeal for invalidity pension will be expedited in respect of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [33550/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision. Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Rent Supplement Scheme

271. **Deputy Catherine Murphy** asked the Minister for Social Protection if her attention has been drawn to the fact that single parents in receipt of rental supplement may often have variations in their income subject to the vagaries of the other parent's intermittent maintenance

payments; if there is a mechanism to deduct maintenance at source where it is linked to a rental supplement payment; and if she will make a statement on the matter. [33558/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of the rent supplement scheme is to provide short-term income 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 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 approximately 92,000 persons in receipt of rent supplement for which the Government has provided a sum of €436 million for 2012.

Rent supplement is normally calculated to ensure that a person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to their family circumstances less a weekly minimum contribution which recipients are required to pay from their own resources. The minimum contribution is currently €30 for a single adult and €35 for couples.

Many rent supplement recipients pay more than the minimum contribution because they are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic supplementary welfare allowance rate towards their accommodation costs.

A person who claims a one-parent family payment is required to seek maintenance from her/his spouse or the other parent of the child. Maintenance payments are assessed as means for the purpose of determining entitlement one-parent family payment. However, vouched housing costs of up to €95.23 per week in respect of rent or mortgage are disregarded in establishing the rate of one-parent family payment payable.

For rent supplement, maintenance payments of up to €95.23 per week are assessed in determining the appropriate rate payable. Where a person has weekly maintenance payments of more than €95.23, the first €75 a week together with 25% of any additional maintenance above €75 can be disregarded for means assessment purposes. This ensures that the family benefits from any maintenance payments received in excess of €95.23.

Customers are obliged to notify the Department of any changes in circumstances, including changes in maintenance payments.

In every case where a one-parent family payment is awarded, the Department seeks to trace the other parent (liable relative) in order to ascertain whether he or she is in a financial position to contribute towards the cost of the one-parent family payment. Liable relatives in receipt of a social welfare payment from my Department are not asked to contribute, as, when assessed in line with the regulations, they are determined to have a nil contribution due. Accordingly there is no mechanism to deduct maintenance at source from any social welfare payment.

The Liability to Maintain Family provisions contained in the Social Welfare Consolidation Act 2005 is separate to Family Law legislation. Any applications to the courts under family law for a maintenance order against the other parent are made through the courts service and are not the responsibility of the Department.

Social Welfare Benefits

272. **Deputy Catherine Murphy** asked the Minister for Social Protection if there is any facility under her Department's remit whereby a minimum sum can be guaranteed for any parent who is required to pay child maintenance despite their personal financial situation, including people in receipt of unemployment assistance; if there is a limit on the proportion of a social welfare

[Deputy Catherine Murphy.]

payment that will be paid over in maintenance; and if she will make a statement on the matter. [33559/12]

Minister for Social Protection (Deputy Joan Burton): The Department is responsible for implementing the Liability to Maintain Family Provisions, as provided for in Part 12 of the Social Welfare Consolidation Act 2005, as amended. The methods of assessment of the liable relative's ability to pay are specified in detail in Regulations (S.I. No. 571 of 2006 and S.I. No. 142 of 2007).

In every case where a one-parent family payment is awarded, the Department seeks to trace the other parent (liable relative) in order to ascertain whether he or she is in a financial position to contribute towards the cost of the one-parent family payment. Persons in receipt of a social welfare payment from my Department are not asked to contribute, as, when assessed in line with the regulations, they are determined to have a nil contribution due.

The Liability to Maintain Family Provisions, contained in the 2005 Act, are completely separate to family law legislation. Applications to the courts under family law for a maintenance order are made through the courts service and are not the responsibility of this Department.

Invalidity Pension

273. **Deputy Tom Fleming** asked the Minister for Social Protection the steps she has taken to improve the length of time it takes to process invalidity pension appeals; if she is satisfied with the current turn around time; and if she will make a statement on the matter. [33572/12]

275. **Deputy Tom Fleming** asked the Minister for Social Protection the steps she has taken to improve the length of time it takes to process domiciliary care allowance appeals; if she is satisfied with the current turn around time; and if she will make a statement on the matter. [33575/12]

280. **Deputy Tom Fleming** asked the Minister for Social Protection the steps she has taken to improve the length of time it takes to process illness benefit appeals; if she is satisfied with the current turn around time; and if she will make a statement on the matter. [33606/12]

281. **Deputy Tom Fleming** asked the Minister for Social Protection the steps she has taken to improve the length of time it takes to process disability allowance appeals; if she is satisfied with the turn around time; and if she will make a statement on the matter. [33607/12]

283. **Deputy Tom Fleming** asked the Minister for Social Protection the steps she has taken to improve the length of time it takes to process carer's allowance appeals; if she is satisfied with the current turn around time; and if she will make a statement on the matter. [33612/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 273, 275, 280, 281 and 283 together.

The current processing times for the scheme types mentioned by the Deputy are included in the following table. Generally the vast majority of cases fall within average times but extenuating factors, often outside of the control of the Social Welfare Appeals Office, will cause greater delays in some cases.

In light of this, the following table showing the current processing times (based on figures at the end of June 2012) shows the overall average for each scheme along with the average when the older appeals are excluded.

These processing times are calculated from the registration date of the appeal to the date of its finalisation. They include all activities during this period including time spent in the Department for comments by the Deciding Officer on the grounds of appeal put forward by the appellant, and any further investigation, examination or assessment by the Department's Inspectors and Medical Assessors that is deemed necessary. A considerable period of time is added to the process when an oral hearing is required because of the logistics involved in this process. By its nature and because it is a quasi-judicial nature, the processing of appeals takes time even at the best of times and reflects the fact that, by definition, the appeal process cannot be a quick one.

In an effort to reduce the processing times, the Department have appointed 13 additional Appeals Officers since 2010. In addition, a further 10 Appeals Officers, formerly employed by the Community Welfare Service (CWS) of the Health Services Executive joined the Office as part of the integration of the CWS appeals services into the Social Welfare Appeals Office. This has brought the total number of Appeals Officers to 40. In addition to this, the Office has improved its business processes and IT support.

I am assured by the Chief Appeals Officer that she is keeping the methods of operation by which the Social Welfare Appeals Office conducts its business under constant review, and that the processes are continuously being enhanced to reduce the backlogs in the Office and, overall, to reduce the processing times for dealing with appeals.

Appeals processing times by scheme 1/1/2012 — 30/6/2012 — Summary and Oral

	Average processing times (weeks) Summary Decisions	Average processing times (weeks) Summary Decisions (Excluding appeals registered before 1.1.2011)	Average processing times (weeks) Oral Hearings	Average processing times (weeks) OralHearing (Excluding appeals registered before 1.1.2011)
Adoptive Benefit	15.6	15.6	40.4	40.4
Blind Pension	22.2	22.2	30.4	30.4
Carers Allowance	32.1	30.7	45.3	38.7
Carers Benefit	32.7	24.4	35.4	34.0
Child Benefit	53.1	37.5	58.5	42.8
Disability Allowance	31.3	29.4	40.8	36.1
Illness Benefit	38.4	36.5	51.1	43.7
Domiciliary Care	28.6	28.2	41.8	37.2
Deserted Wives Benefit	19.8	14.6	47.2	—
Deserted Wives Allowance	14.6	19.8	—	47.2
Farm Assist	20.3	17.3	44.9	35.6
Bereavement Grant	29.7	25.5	—	—
Family Income Supplement	18.8	18.7	30.2	27.4
Invalidity Pension	36.6	33.5	57.6	37.8
Liabile Relatives	—	—	72.8	30.4
One Parent Family Payment	25.6	23.2	46.3	38.5
Maternity Benefit	32.3	29.4	40.0	40.0
State Pension (Contributory)	30.8	21.8	58.6	35.2
State Pension (Non-Cont)	28.0	27.2	51.3	40.4
State Pension (Transition)	20.0	20.0	61.8	61.3

[Deputy Joan Burton.]

	Average processing times (weeks) Summary Decisions	Average processing times (weeks) Summary Decisions (Excluding appeals registered before 1.1.2011)	Average processing times (weeks) Oral Hearings	Average processing times (weeks) OralHearing (Excluding appeals registered before 1.1.2011)
Occupational Injury Benefit	0.3	0.3	56.0	44.6
Occupational Injury Benefit (Medical)	78.7	—	87.4	—
Disablement Pension	46.1	39.3	51.4	37.0
Incapacity Supplement	7.7	7.7	52.1	36.8
Guardian's Payment (Con)	24.5	24.5	56.3	37.3
Guardian's Payment (Non-con)	27.1	27.1	82.9	41.7
Pre-Retirement Allowance	54.6	54.6	—	—
Jobseeker's Allowance (Means)	20.1	18.2	40.5	34.0
Jobseeker's Allowance	24.6	19.4	35.9	29.8
Jobseeker's Benefit	16.7	15.3	29.3	28.0
JA/JB Fraud Control	—	—	—	—
Respite Care Grant	25.8	25.8	38.7	36.1
Insurability of Employment	52.0	41.7	81.8	48.8
Supplementary Welfare Allowance	14.7	14.6	19.1	19.0
Treatment Benefits	18.9	18.9	—	—
Survivor's Pension (Con)	—	—	75.0	55.5
Survivor's Pension (Non-con)	28.6	28.6	44.6	34.2
Widows Parent Grant	23.2	23.2	—	—
All Appeals	26.0	22.0	40.4	38.0

274. **Deputy Tom Fleming** asked the Minister for Social Protection the steps she has taken to improve the length of time it takes to process invalidity pension applications; if she is satisfied with the current turn around time; and if she will make a statement on the matter. [33573/12]

Minister for Social Protection (Deputy Joan Burton): This Department is committed to delivering the best possible service to its customers. I acknowledge that the time taken to process Invalidity Pension (IP) claims at present is not satisfactory but I am satisfied that the Department is taking appropriate action to resolve the situation. Many improvements have already been introduced in IP Section.

Since June 2011 all IP claims are processed on a new IT platform under the department's service delivery model project. A comprehensive business process improvement exercise has recently been completed, the focus of which is to optimise performance and reduce waiting times. New organisation structures and claim processing procedures have recently been implemented. Additional staff has also been assigned to IP area and overtime has been made available and is used when necessary.

Processes and procedures are continuously reviewed with the explicit objective of reducing delays. The position is being closely monitored and kept under review by my Department.

Question No. 275 answered with Question No. 273.

Carer's Allowance

276. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection when a carer's allowance appeal will be processed in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [33591/12]

Minister for Social Protection (Deputy Joan Burton): The application for carer's allowance from the person in question was refused on the ground that the care recipient is not in need of full-time care and attention as laid down in the regulations. The person in question has requested a review of this decision and has submitted further medical evidence in support of the application. Once the review is completed in this case the person in question will be notified directly of the outcome.

Social Welfare Benefits

277. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the extent to which two days working per week will affect applications for rent allowance and jobseeker's allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33598/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned has not supplied the Department with any information in relation to his part-time earnings. Details would have to be provided to the relevant sections in order to accurately establish what effect two days of employment would have on his rent supplement and jobseekers allowance entitlements. However, the person concerned has no current entitlement to rent supplement as his rent is in excess of the appropriate limit.

Farm Assist Scheme

278. **Deputy Dara Calleary** asked the Minister for Social Protection the number of farm assist applications made on a county basis from March 2011 to date in 2012; and if she will make a statement on the matter. [33599/12]

Minister for Social Protection (Deputy Joan Burton): The total number of farm assist applications made from March 2011 to June 2012 is 2,295. A breakdown of this figure is set out in the tabular statement below. The county breakdown is based on the local office where the application was made, not the applicant's address. The catchment area of an office may include residents of neighbouring counties.

Table A: Number of farm assist applications between 28/02/2011 and 30/06/2012

County	1/1/2012-30/06/2012	1/03/2011-31/12/2011	Total
Carlow	13	29	42
Cavan	31	36	67
Clare	43	104	147
Cork	84	126	210
Donegal	74	155	229
Dublin	1	4	5
Galway	106	177	283
Kerry	73	141	214
Kildare	3	8	11
Kilkenny	5	26	31
Laois	17	28	45

[Deputy Joan Burton.]

County	1/1/2012-30/06/2012	1/03/2011-31/12/2011	Total
Leitrim	18	50	68
Limerick	39	56	95
Longford	36	48	84
Louth	4	12	16
Mayo	68	136	204
Meath	9	13	22
Monaghan	49	61	110
Offaly	14	34	48
Roscommon	35	60	95
Sligo	16	39	55
Tipperary North	16	35	51
Tipperary South	10	18	28
Waterford	6	8	14
Westmeath	15	22	37
Wexford	16	35	51
Wicklow	14	19	33
Total	815	1,480	2,295

Redundancy Payments

279. **Deputy Dan Neville** asked the Minister for Social Protection the position regarding an application for redundancy payment in respect of a person (details supplied) in County Limerick. [33602/12]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned has been awarded and payment is due to issue to the person's nominated bank account in the coming weeks.

Questions Nos. 280 and 281 answered with Question No. 273.

Rent Supplement Scheme

282. **Deputy Joanna Tuffy** asked the Minister for Social Protection if she will provide details of the amount of funding provided in respect of rent supplement for the years 2008, 2009, 2010, 2011 and 2012; and if she will make a statement on the matter. [33611/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of the rent supplement scheme is to provide short-term income 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 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 approximately 92,000 persons in receipt of rent supplement for which the Government has provided a sum of €436 million for 2012.

Details of the expenditure on rent supplement for the years 2008 to 2012 are provided in the following tabular statement:

Tabular Statement

Year	Expenditure €000
2008	440,548
2009	510,751
2010	516,538
2011	502,748 ⁽¹⁾
2012	436,001 ⁽²⁾

⁽¹⁾ Provisional Outturn.

⁽²⁾ Revised Estimate.

Question No. 283 answered with Question No. 273.

Carer's Allowance

284. **Deputy Tom Fleming** asked the Minister for Social Protection the steps she has taken to improve the length of time it takes to process carer's allowance applications; if she is satisfied with the current turn around time; and if she will make a statement on the matter. [33615/12]

Minister for Social Protection (Deputy Joan Burton): The Department is committed to delivering the best possible service to its customers. Currently the average time taken to award a carer's allowance application is 28 weeks.

I acknowledge that the time taken to process carer's allowance claims at present is not satisfactory but I am satisfied that the Department is taking appropriate action to resolve the situation.

A major service delivery modernisation project is underway to improve the efficiency of administration of the carer's allowance scheme. This involves the deployment of information technology solutions and associated business process re-organisation. Full deployment of the new system for carer's allowance was completed last month. In tandem with the full implementation of the new system, a comprehensive business process improvement exercise has recently commenced, the focus of which is to optimise performance and provide improved customer service. However it is expected to be a number of months before the backlog is reduced to an acceptable level.

Question No. 285 withdrawn.

286. **Deputy Patrick Nulty** asked the Minister for Social Protection if she will expedite an application for carer's allowance in respect of a person (details supplied) in Dublin 15; the reason for the delay; and if she will make a statement on the matter. [33626/12]

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 the case a decision will be made and the person concerned will be notified directly of the outcome.

287. **Deputy Stephen S. Donnelly** asked the Minister for Social Protection further to Parliamentary Question No. 376 of 3 July 2012 if, in view of the fact that constituents are reporting that deciding officers have refused to accept any evidence of a joint custody arrangement other than a court order, she will confirm that a letter from a solicitor should be regarded, in ordinary circumstances, as acceptable documentation by the officer administering the scheme; and if she will issue an instruction to that effect. [33660/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from 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.

Each claim for rent supplement is determined having regard to the particular circumstances of the applicant and in a case where parents have joint custody of a child, the needs of both parents to have adequate accommodation are taken into account when an application for a rent supplement is being determined. While documentation is normally required showing that a joint custody arrangement is in place, and being availed of, before a decision can be made, it is a matter for the officer administering the scheme to determine the form of documentation required. This flexibility supports the officer in fully assessing the circumstances specific to each case.

Accordingly it is not proposed to issue instructions to officers administering rent supplement on the documentation required for claims where the applicant has joint custody of a child.

Back to Education Allowance

288. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the reason the back to education allowance is not available to students undertaking the graduate medicine programme in view of the fact that the issue of displacement does not arise; and if she will make a statement on the matter. [33662/12]

Minister for Social Protection (Deputy Joan Burton): The back to education allowance (BTEA) is a second chance education opportunities scheme designed to remove the barriers to participation in second and third level education by enabling those eligible to certain social welfare payments to continue to receive a payment while pursuing an approved full-time education course that leads to a higher qualification than that already held. A person wishing to pursue BTEA will have to satisfy a number of conditions such as being of a certain age, in receipt of a prescribed social welfare payment for a specified time period, pursuing a full time course of study leading to a recognised qualification in a recognised college and progressing in the level of education held by the client with reference to the national framework of qualifications (NFQ) among others.

The entry requirements of the graduate medicine course to which the Deputy refers require a person to already hold an honours degree in any discipline which is level 8 on the NFQ. As indicated above, a person who already possesses a level 8 qualification is not eligible for the BTEA. State support for education purposes is grounded on a student progressing from one qualification level to a higher one. The progression criteria is essential and applies to all courses of study. The scheme was never intended to be an alternative form of funding for people entering or re-entering the third level education system.

Carer's Allowance

289. **Deputy Brendan Griffin** asked the Minister for Social Protection if a decision has been made on the appeal in respect of a person (details supplied) in County Kerry for carer's allowance; and if she will make a statement on the matter. [33683/12]

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 2 March 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers

and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. 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.

Question No. 290 withdrawn.

Question No. 291 answered with Question No. 209.

Turbary Rights

292. **Deputy Pat Breen** asked the Minister for Arts, Heritage and the Gaeltacht when payment in respect of bog compensation will issue in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [32975/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I am advised that my Department does not have any record of an application from the individual referred to in the Deputy's Question — neither under the voluntary bog purchase scheme or the cessation of turf cutting compensation scheme administered by my Department.

National Cultural Institutions

293. **Deputy Brian Walsh** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide an update on progress made in relation to plans to merge the National Archives and the Irish Manuscripts Commission with the National Library; and if he will make a statement on the matter. [32990/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As Deputy will be aware, the Government's Public Service Reform Plan, published by Minister Howlin on 17 November last, contains a number of actions in respect of my own Departmental remit. These include the amalgamation of the National Library, the National Archives and the Irish Manuscripts Commission. At the outset, I would like to underline the value which I place on the role of the National Cultural Institutions in this country. They are the custodians of our arts and cultural heritage. They also have a key role in scholarship and the national discourse. That is why €47.25 million is provided for our cultural institutions and bodies in the 2012 Estimates. The critical role that art and culture play in attracting tourists to Ireland is also well recognised. Cultural tourism is now a key element of Ireland's tourism industry and the National Cultural Institutions play a very significant role in that respect. The institutions funded by my Department attracted over 3 million visitors in 2011.

In the overall context of the Public Service Reform agenda, one of my key concerns is to ensure that all options are examined so that the most appropriate implementation approach can be adopted for each institution. The artistic and curatorial autonomy of the cultural institutions is, of course, a major consideration in this regard. The fact is, however, that all of our cultural institutions are facing very difficult challenges in the times ahead, particularly in relation to resources and funding. Given the difficult economic circumstances, there has been a considerable reduction in Exchequer funding over the last number of years and this is likely to continue for the foreseeable future.

[Deputy Jimmy Deenihan.]

My Department is consulting with the Department of Public Expenditure and Reform at present, following which these matters will be submitted to Government.

Turbary Rights

294. **Deputy John McGuinness** asked the Minister for Arts, Heritage and the Gaeltacht if he is in receipt of a submission from 14 persons seeking permission to cut turf on All Saints bog, County Offaly; the date the submission was received by the Department; if the request has been examined; his views on the matter; and if he will make a statement on the matter. [33017/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The applications, which were received in my Department at the end of May, are currently being assessed and I expect recommendations will be made in relation to them in the near future. My Department will be in touch with the applicants shortly.

Departmental Staff

295. **Deputy Simon Harris** asked the Minister for Arts, Heritage and the Gaeltacht the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33104/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I refer to my reply to Question No. 149 of 4th July in relation to the management of sick leave in the bodies funded from my Department's Vote Group. I have asked that the further information now sought be included in the information to be provided by the bodies concerned to the Deputy directly.

Turbary Rights

296. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding turf cutting harvesting rights in respect of a person (details supplied) in County Fermanagh; when a date will issue for an appeal; and if he will make a statement on the matter. [33155/12]

297. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht when the panel for hearing and determining appeals on turf cutting and harvesting rights will begin its work; when appeals will be heard; when will appellants be advised of their appeals; and if he will make a statement on the matter. [33156/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I propose to take Questions Nos. 296 and 297 together.

Under the provisions of the Wildlife (Amendment) Act 2000, the carrying out of certain works in natural heritage areas, including the extraction of turf, cannot take place without my consent, as Minister for Arts, Heritage and the Gaeltacht. Consent was refused for the works referred to in the Deputy's Question, as they were considered to be damaging to the natural heritage area. I understand that the individual in question has appealed against this decision. My Department has established a panel from which to draw upon barristers or solicitors of not less than seven years standing to hear and determine appeals against decisions to refuse consent for the carrying out of certain works in natural heritage areas.

An arbitrator has been appointed to hear and determine the appeal in question. I am advised that my Department has written to the solicitor acting for the individual concerned notifying him of this appointment and in relation to agreeing a date for the appeal hearing.

National Museum

298. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide a inventory of all historical objects that are held my State museums which have their origins in County Meath. [33625/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): Whilst my Department provides funding to the National Museum of Ireland, the Board of that Institution is responsible for all operational matters, including inventories, and I do not have a statutory function in respect of such matters.

Flood Prevention Measures

299. **Deputy Patrick O'Donovan** asked the Minister for Arts, Heritage and the Gaeltacht if his Department and/or the National Parks and Wildlife Service place restrictions on the amount of debris and gravel that can be removed from rivers by local authorities or the Office of Public Works; if the restrictions on the removal of material applies in areas in which flooding to private domestic dwellings and other properties have taken place; his views on whether restrictions of this nature are in keeping with the principles of good river management and flood protection; and if he will make a statement on the matter. [33634/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy will be aware, the dredging of rivers and streams has the potential to cause environmental and economic damage, and must be undertaken with due care and in keeping with the appropriate legal framework governing such activities. It is, in my view, fully in keeping with the principles of good river management and flood protection that all potential impacts of proposed works be fully considered before proceeding. The activities referred to by the Deputy, insofar as they relate to the responsibilities of my Department, are governed by the provisions of the Wildlife Acts (if the works relate to Natural Heritage Areas) or the European Communities (Birds and Natural Habitats) Regulations 2011. Those Regulations, together with the Planning and Development Acts, transpose into Irish law Ireland's obligations under the EU Birds and Habitats Directives. Certain drainage works within certain Natural Heritage Areas and protected European sites (Special Areas of Conservation and Special Protection Areas) require the consent of my Department before they can be undertaken.

Drainage plans or projects undertaken by State bodies, such as the Office of Public Works or local authorities, must also be undertaken in compliance with the relevant legislation. Any flood alleviation plan or project must, by law, be screened for potential impacts on European sites and, if necessary, subjected to a more detailed "appropriate assessment" of its potential impacts in view of the sites' conservation objectives. If it can be concluded that there is not a risk to a European site, then the plan or project may proceed. If, on the other hand, such a risk cannot be ruled out, then the project cannot proceed unless the legally prescribed conditions for derogation can be met.

Any project adversely impacting on the otter or bat species, which are afforded strict protection under the Habitats Directive, will also require a derogation licence from my Department before commencing.

Fisheries Protection

300. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources in relation to the ongoing ban of eel fishing, if he will apply to the EU for compensation for the fishermen who lost their livelihood as a result of this ban; if he will engage with the Department of Finance to ensure that national funding is made available to compensate this group of people; and if he will make a statement on the matter. [33060/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Following scientific research conducted by the International Council for the Exploration of the Sea (ICES) indicating that the European eel stocks are in a critical state, the EU introduced Council Regulation 1100/2007, the objective of which is to achieve recovery of the stocks to previous high levels. The Regulation required that all Member States prepare a national Eel Management Plan (EMP). Ireland's plan was approved by the European Commission in July, 2009. Bye-laws, Conservation of Eel Fishing Bye-law No. C.S. 303, 2009 and Conservation of Eel Fishing (Prohibition On Issue Of Licences) Bye-law No. 858, 2009, were signed by the then Minister in 2009 prohibiting the capture of eels. There was no provision for compensation for those who previously engaged in this fishery on a commercial basis.

The then Central and Regional Fisheries Boards (now Inland Fisheries Ireland — IFI) engaged with the eel fishermen representatives to investigate possible diversification schemes; however, no specific funding was identified for diversification. I understand that a number of former eel fishermen have been contracted by the ESB to undertake Trap and Transport operations to mitigate the impact of hydropower schemes as part of the eel management plan. There is no property right attaching to public eel licences and consequently the issue of compensation does not arise, given that the closure of the fishery was applied for conservation reasons under the Fisheries Acts. Given that context and having regard to National economic circumstances, no provision has been made for compensation payments.

The National EMP is currently being updated following the provision of three additional years of scientific research and monitoring of the status of eels stocks. The latest independent Standing Scientific Committee report on eels is available on the IFI website and a link to this web page is also available on my Department's website. IFI's three-year eel monitoring report is also available online. Ireland's EMP Implementation report, which details progress on Ireland's 2009 EMP, is due to be submitted to the EU shortly. In relation to the information contained in these reports and prior to consideration of the continuation of existing measures, a public consultation period has commenced. The closing date for receipt of submissions to be considered as part of the review of eel plans for Ireland was set as Monday 2nd July 2012. However, on foot of presentations made to stakeholders as part of the consultation, I have decided to extend the closing date to 11th July to facilitate the receipt of submissions from as many stakeholders as possible.

Submissions made during the public consultation period, which included a number of public meetings/seminars, will be considered in formulating proposals for the management of the eel fishery for the coming years. Three public meetings on the EMPs have been held in Clonmel, County Tipperary on 19th June, in Athlone, County Westmeath on 20th June and in Carrick on Shannon, County Leitrim on 21st June. Copies of all relevant documents (EU Report, Scientific Report and Monitoring Report) were available at the public meetings and are also available on IFI's website (www.fisheriesireland.ie) or through the link on my Department's website (www.dcenr.gov.ie).

Departmental Staff

301. **Deputy Simon Harris** asked the Minister for Communications, Energy and Natural

Resources the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33106/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I wish to advise the Deputy that issues relating to sick leave in State Bodies under the aegis of my Department are an operational matter for the individual Bodies in the first instance and I have no function in this regard. I will however ask the Agencies under the aegis of my Department to reply directly to the Deputy in the matter.

Fisheries Protection

302. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources his views on a matter (details supplied); and if he will make a statement on the matter. [33164/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): In the 1960s and 1970s Irish bass stocks were very severely depleted due to the overexploitation of the species by commercial fishing. This resulted in the near loss of one of our most important marine sport fish species and the collapse of the accompanying angling tourist industry that serviced this area. As a result of the serious decline in bass stocks, bass conservation legislation was put in place to facilitate the rebuilding of stocks. The south and east coastline have shown an improvement in stocks during the last decade but catches are still down on results experienced in the sixties and early seventies. The west coastline up to Galway Bay has also shown an improvement.

Bass in Irish waters are also protected by a number of measures including the Bass (Conservation of Stocks) Order 1990 which regulates the activities of Irish fishermen within ICES sub-areas VI and VII: commercial fishing for bass is prohibited, the taking of bass using nets is prohibited, and Irish fishing boats must not have bass on board or engage in trans-shipment of bass. This order also sets the legal size of capture for bass at 40cm. The slow pace of stock recovery indicates why all conservation measures and legislation needs to remain in place. Bass is the only marine species which is protected in this way, primarily for angling purposes. Angling for bass is also subject to control and anglers are limited to two fish in a 24 hour period, there is a close season from 15th May to 15th June and bass cannot be sold. Many bass anglers now practice catch and release voluntarily.

The Central and Regional Fisheries Boards and subsequently Inland Fisheries Ireland (IFI) have always given their full support to the Bass Conservation measures introduced by the Department of Agriculture, Fisheries and the Marine and will continue to do so in the future. Bass is a most important and sought after shore caught angling species attracting many anglers from home and abroad. This resource brings in additional sustainable revenue to many rural areas around our coastline. In 2007, angling brought circa 128,000 visitors, 68% of whom stayed between 6-14 nights in the country. The estimated spend by visiting anglers was €87.4m. It is estimated that circa 31,000 of these visiting anglers were sea anglers. In this regard and to underpin the importance of Bass as a key sea angling species the IFI is in the process of finalising a National Policy on the management of the species to ensure that it is only exploited in a sustainable manner into the future.

Inland Waterways

303. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Communications, Energy and

[Deputy Luke ‘Ming’ Flanagan.]

Natural Resources if he will instruct the ESB to make available its regulations for the control of the River Shannon; and if he will make a statement on the matter. [33288/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): ESB is an independent statutory body and the matter referred to by the Deputy is an operational matter in which I have no role or function.

Mobile Telephony

304. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources the actions he has taken or future plans he has to address the high cost of cross border mobile phone roaming charges particularly for those resident in border areas; and if he will make a statement on the matter. [33310/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The provision of mobile telephony services within the EU is a fully liberalised market and regulation of that market is limited to the provisions permitted by EU harmonisation Directives. The maximum charges which can be imposed for roaming services within the EU is also regulated by EU harmonisation measures, in the form of EU Regulations. The most recent such Regulation, Regulation (EU) No. 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union, which commenced on the 1st July last, imposes decreasing annual maximum wholesale and retail charges as set out in the following table:

	Retail (excl VAT)	Wholesale (excl VAT)
Making a phone call/minute	€0.29 cent from July 2012, €0.24 from July 2013 and €0.19 cent from July 2014	€0.14 from July 2012 €0.10 from July 2013 €0.05 from July 2014
Receiving a phone call/minute	€0.08 from July 2012, €0.07 from July 2013 and €0.05 from July 2014	— — —
Sending a text message	€0.09 from July 2012, €0.08 from July 2013 and €0.06 from July 2014	€0.03 from July 2012 €0.02 from July 2013 €0.02 from July 2014
Data usage/Mbyte	€0.70 from July 2012, €0.45 from July 2013 and €0.20 from July 2014.	€0.25 from July 2012, €0.15 from July 2013 €0.05 from July 2014

The prices permitted by the EU Regulation are maximum prices. Service providers are permitted and encouraged to charge lower rates. At least one operator in Ireland advertises that it imposes no additional charges for roaming within the EU. Most other mobile operators advertise that they impose no additional roaming charges or reduced charges for roaming in Northern Ireland, providing customers opt to take service from a named service provider in Northern Ireland usually operating with the same brand name e.g. 3, O₂ or Vodafone and T mobile in the case of e-mobile. The detailed terms and conditions may vary depending on the account type and package chosen. Customers should consult with their service provider to identify the charging options available and to ensure they can manually select the most appropriate service provider when roaming in Northern Ireland or disable the automatic switching function to avoid inadvertent roaming within the State in border areas.

I will continue to work with my EU colleagues and at a Government policy level, to reduce the cost of cross-border mobile phone charges.

Energy Resources

305. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources his views on recent new evidence that peak oil has not happened and is unlikely to happen and that instead a new global oil boom has occurred; if he will outline the impact of this changed future oil scenario on his energy policy; and if he will make a statement on the matter. [33396/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Ongoing discoveries of oil and new methods of extraction of oil and gas continue to change the fossil fuel landscape as well as having impacts on global energy markets. Ireland, however, remains critically dependent on imported fossil fuels, particularly oil and natural gas, which are subject to price volatility and supply risks. This dependency underlines the immediate and long term imperatives of enhancing energy security and moving to more sustainable forms of energy. It is also critical for climate change targets.

Latest International Energy Agency analysis continues to point to a tight balance between global oil supply and demand, with price impacted by ongoing geopolitical uncertainties and fluctuating economic demand in OECD and developing economies. Volatility in global oil prices and continued supply risks underscore the Government's commitment to delivering national energy efficiency and renewable energy objectives which are aimed at moving the economy away from over reliance on imported carbon intensive fossil fuels. Irrespective of new global oil and in particular, gas scenarios, Ireland needs to sustain all efforts to reduce the fossil fuel bill and reduce emissions.

The electrification of transport offers potential for Ireland, not just in terms of energy savings but also because of the opportunity to better utilise grid sourced renewable electricity, as work continues to progressively deliver on the target of 40% renewable generation by 2020.

The Biofuel Obligation Scheme is also enabling the sustainable growth of an Irish biofuels market affording opportunities for indigenous biofuel producers and displacing traditional oil products in the transport sector.

The Government is also committed to continuing and enhancing the delivery of significant energy efficiency improvements across the commercial, public and private sector. Energy efficiency will progressively reduce Ireland's dependence on imported fossil fuels, while supporting energy competitiveness and security as well as employment and economic activity and reducing emissions.

Energy Prices

306. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he is satisfied that the impact of recent increases in daily global oil production is being passed on to consumers in view of the fact that when oil production decreases on the global market Irish consumers immediately see significant increases in the price of petrol and diesel; if he has any plans to examine the operation of the liquid fuels sector in conjunction with the Department of Jobs, Enterprise and Innovation in relation to process; and if he will make a statement on the matter. [33397/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I have no statutory function in relation to the setting of diesel and petrol fuel prices. The oil market

[Deputy Pat Rabbitte.]

is fully liberalised and deregulated. Notwithstanding increased global oil production, the International Energy Agency oil market analysis continues to point to a tight balance between global oil supply and demand with price impacted by ongoing geopolitical uncertainties.

The National Consumer Agency, under the aegis of Department of Jobs, Enterprise and Innovation, carried out a detailed survey on consumer oil prices. The survey found that the prices charged by Irish retailers for oil products relate to the refinery price rather than to the price of crude oil and that prices at the pump reflect the volatile market price, as well as transportation costs, trends in euro/dollar exchange rates and other operating costs, together with the impact of taxation on oil products. There are no plans to carry out a further examination of the sector at this time.

Broadcasting Services

307. **Deputy Patrick Nulty** asked the Minister for Communications, Energy and Natural Resources if any procedures and protocols are in place with digital TV service providers to deal with household arrears with a particular sensitivity towards vulnerable and low income households; and if he will make a statement on the matter. [33419/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): There are several digital TV service providers in the country. The main pay TV operators are Sky and UPC. In addition RTÉ operates a digital network called SAORVIEW, which is subscription free.

I have no role in relation to the subscriptions demanded by pay TV service providers or the payment processes they use. The Broadcasting Act 2009 requires RTÉ to provide a national digital network as a replacement for its national analogue TV network. The new digital network is called SAORVIEW. RTÉ has also rolled out a satellite network — SAORSAT. As with the analogue network, these digital networks are subscription free.

Alternative Energy Projects

308. **Deputy Anthony Lawlor** asked the Minister for Communications, Energy and Natural Resources If he will confirm that a company (details supplied), in compliance with Section 7.3 of the Terms and Conditions of the Refit Competition Document, has been granted on extension to the REFIT Scheme 1 until the end of December 2013; and if he will make a statement on the matter. [33545/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The REFIT 1 feed in tariff scheme was open for applications until end 2009 and the project, referred to by the Deputy, applied for entry into the scheme in June 2006. The scheme required that projects were operational by end 2010. However extensions of time have been granted for projects to build out after that date, although the end date of the scheme remained the same.

As there were no other REFIT schemes available for onshore wind energy until REFIT 2 opened in March 2012, an extension of time to build out was granted to those projects seeking extensions between the closure of REFIT 1 and the introduction of REFIT 2, while noting that the backstop date remained 2025. This project was granted an extension in time, at their request, to build until June 2012. I understand that a further extension to end 2013 has been requested.

The REFIT 2 scheme opened in March 2012. It caters for onshore wind projects built between 1/1/10 and 31/12/15. REFIT 2 is on the basis of a minimum price for exported electricity of the REFIT reference price (which is the same as in REFIT 1) plus a balancing pay-

ment. The manner in which the balancing payment operates is the main change between REFIT 1 and REFIT 2

My Department is finalising advice for my consideration in relation to whether to grant further extensions to extensions already granted to projects in REFIT 1, in view of the fact that the new REFIT scheme is now in operation. All relevant project developers will be informed as soon as possible of the outcome of my considerations in light of the Department's advice to me.

Post Office Network

309. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he will consider establishing an inter-departmental group to progress a long-term strategy for the enhancement of the vital post office network; and if he will make a statement on the matter. [33621/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Operational matters and the role of developing commercial strategies for the post office network are a matter for the management and Board of An Post and one in which I have no statutory function. As shareholder I do, however, have a strong concern in relation to the ongoing commercial position of the Company and I regularly liaise with the Company in this regard. The Company has been adversely affected by a significant and ongoing downward trend in its core mail business. In response, the Company has, sought to control costs and diversify operations whilst continuing to provide a high quality national service. I fully support the Company's strategy in this regard.

In this context, I have stressed to my Government colleagues that the increased use of the post office network should be considered by public sector bodies where this is appropriate. In the context of the public sector transformation agenda, I will be engaging with my colleague the Minister for Public Expenditure and Reform in relation to new public sector business processes to ensure that the post office network is considered in this regard.

An Post has many strengths and has the largest retail presence in the country. I have impressed on the Company the need to further exploit its unique position in this regard and have been supportive of its attempts to diversify its income streams and to win a wider range of commercial contracts offering higher margins.

Overall, it is Government policy that An Post remains a strong and viable company, in a position to provide a high quality, nationwide postal service and maintain a nationwide customer focused network of post offices.

Flood Prevention Measures

310. **Deputy Billy Kelleher** asked the Minister for the Environment, Community and Local Government if he will be commissioning reports on the recent flooding in Glanmire, County Cork to examine the sequence of events and the effectiveness of the warning system; and if he will make a statement on the matter. [33177/12]

320. **Deputy Billy Kelleher** asked the Minister for the Environment, Community and Local Government if he will be commissioning reports on the recent flooding in Glanmire, County Cork, to examine the sequence of events; the effectiveness of the warning system; and if he will make a statement on the matter. [33171/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 310 and 320 together.

[Deputy Phil Hogan.]

Heavy rainfall across the country on the night of 27/28 June gave rise to very localised downpours, particularly in several areas of Cork, including Glanmire. Given their nature, it is not possible accurately to predict the exact location, scale or intensity of such localised downpours. An aggravating factor was the already saturated ground due to the wettest June on record.

As the primary response agencies, Cork local authorities will report comprehensively to their elected members on the flooding and response. When all details and analyses of the flooding event that occurred in Cork last week are to hand in the near future, a detailed report will be prepared for the Government Task Force on Emergency Planning in order that we can learn from it and improve our overall resilience to deal with severe weather events of the kind witnessed last week.

The Office of Public Works is the lead agency for flood risk management in Ireland. However, I understand from the OPW that they are not directly involved in the operation of any flood warning system in County Cork. I further understand from the OPW that Cork County Council very recently (4 July 2012) submitted to them a minor works application for funding under the Minor Works Scheme to undertake a study of the Glashaboy River catchment following the serious flooding which affected the Meadowbrook Housing Estate and the Hazelwood Shopping Centre in Glanmire. The purpose of the study is to identify appropriate alleviation measures. The Council would intend to submit a further minor works application on the identification of such works.

Non-Principal Private Residence Charge

311. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government if money for the non principal private residence charge goes to a Central Exchequer Fund or if it is apportioned to local authorities as the household charge is; and if he will make a statement on the matter. [33472/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities through the introduction of the charge on non-principal private residences (NPPR). The charge is set at €200 and is being levied and collected by local authorities. It is used to support the provision of local services and the income from the charge is retained by the individual local authorities that collect it.

312. **Deputy Billy Timmins** asked the Minister for the Environment, Community and Local Government the position regarding the non principal private residence charge; and if he will make a statement on the matter. [33733/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

Article 4 of the Local Government (Charges) Regulations 2011 (S.I. No. 721 of 2011) made under the provisions of the above Act, as amended by section 19(1)(h) of the Local Government (Household Charge) Act 2011, prescribes a fee of €10 for the payment of a NPPR charge by a person attending at the offices of a relevant local authority providing such payment

services. The €10 charge is payable by that person to the relevant local authority with the said charge from 1 January, 2012.

Over-the counter payments are resource-heavy for local authorities and this is reflected in an additional fee if a person chooses to use an administratively-expensive payment option when others are available. A €10 transaction charge was also recommended by the Local Government Efficiency Review Group to apply to all payments other than those made electronically.

The €10 fee does not apply in any circumstances in the case of persons making payment of a household charge at the office of a local authority. There is no proposal to introduce a fee for payment of the charge by cheque.

Noise Pollution

313. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government the current regulation regarding neighbourhood noise; to whom one should complain if one is suffering from excessive neighbourhood noise; the process of making a complaint; and if he will make a statement on the matter. [32987/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Currently, a person experiencing noise nuisance may contact their local authority, which may initiate proceedings on grounds of noise nuisance under the Environmental Protection Agency Act 1992. This Act also provides for any person, or group of persons, to seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation.

A public information leaflet A Guide to the Noise Regulations, outlining the legal avenues available to persons experiencing noise nuisance, is available on my Department's website www.environ.ie

Motor Taxation

314. **Deputy Billy Timmins** asked the Minister for the Environment, Community and Local Government the position in relation to commercial tax on a crew cab when a farmer who farms with his brother and father but they are not his employees and they have out farms he has been informed by Wicklow County Council that he cannot tax his crew cab commercially even though the three travel together to farm; the action he will take in order to tax his crew cab commercially as it is used commercially for farming; and if he will make a statement on the matter. [32991/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): For a crew cab to be taxed commercially an applicant must fulfil the normal requirements for goods vehicles. The conveyance of persons other than the driver is prohibited where a vehicle is taxed commercially, except that the carriage of employees is permitted in a goods vehicle provided they are employed by the registered owner of the vehicle, the carriage takes place in the course of their employment and the vehicle is ordinarily used for the conveyance of goods in the course of trade/business.

The assessment of motor tax in the case of any particular vehicle is a matter for the local licensing authority. A licensing authority must be satisfied that the tax class for which an application is being made is the appropriate class for the vehicle in question and may seek whatever additional documentation it deems necessary in order to be satisfied in this regard, including evidence of the existence of employees in order to be satisfied that the reduced rate of motor tax available to commercial vehicles is correctly being applied to the vehicle.

Planning Issues

315. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the arrangements with an Bord Pleanála with regard to staff taking holidays; if it is the situation that everyone takes holidays at the same time which would result in planning applications being delayed in their decisions for people waiting for their appeals to be heard. [33087/12]

316. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the number of planning appeals that are awaiting a decision from Bord Pleanála from four to 14 months; if he will provide a detailed break down for each month. [33102/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): I propose to take Questions Nos. 315 and 316 together

The scheduling of leave arrangements for staff and Board Members is an internal matter for An Bord Pleanála and my Department has no function in that regard. The information sought in relation to the number of planning appeals currently awaiting a decision from An Bord Pleanála for four to fourteen months is not available within my Department. A range of information in respect of planning appeals is available in the annual reports of An Bord Pleanála and on its website.

Departmental Staff

317. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33109/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): As indicated in the reply to Question No. 169 of 4 July 2012, day to day operational matters, including sick leave in the State agencies under my Department’s remit are a matter for the agencies concerned.

Waste Management

318. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government if any changes in legislation are proposed with regard to the importation of partially used or worn vehicle tyres; and if he will make a statement on the matter. [33158/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Waste Management (Tyres and Waste Tyres) Regulations 2007 were designed to improve information on tyre flows and the management of waste tyres. These regulations facilitate the comparison of quantities of waste tyres arising with the amounts placed on the market and the tracking of the movement of waste tyres from their discarding until they are either reused or processed for recycling.

Changes in legislation with regard to the importation of partially used or worn tyres are not within the remit of my Department.

Local Authority Housing

319. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local

Government the total number of housing applications on the local authority waiting list in Killarney, County Kerry; the total number of vacant houses available under various schemes in the Killarney area; his plans for these houses; and if he will make a statement on the matter. [33166/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): I refer to the reply to Questions Nos. 167,169 and 171 of 28 June, 2012 which set out the position on this matter.

Question No. 320 was answered with Question No. 310.

Water and Sewerage Schemes

321. **Deputy Noel Harrington** asked the Minister for the Environment, Community and Local Government if he will state the position regarding Bantry sewage works programme, County Cork; the expected timetable for the works to be completed; the expected cost; and if he will make a statement on the matter. [33178/12]

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 Cork. The Programme includes contracts under construction and to commence to the value of some €230 million in the county during the period of the Programme.

The Water Services Investment Programme currently includes two projects in the ‘Contracts to Start’ category of the Programme under Bantry Sewerage Scheme. Both of these are now completed resulting in the construction of a new waste water treatment plant in Bantry, the upgrading of the existing waste water pumping station and the provision of waste water transfer pipework between the town and the new waste water treatment plant. The infrastructure installed under these contracts is fully operational since early 2011.

Bantry Sewerage Scheme is also included in the Water Services Investment Programme 2010-2013 in the ‘Schemes at Planning’ category of the Programme. This Scheme will provide for the upgrading of the sewage collection system in Bantry town and the elimination of various separate waste water discharges to existing storm water culverts, which are unconnected to the town’s existing waste water collection network. The Design Brief for the appointment of Consultants to prepare the Preliminary Report for this element of the scheme was recently submitted by Cork County Council to my Department and this will be assessed as soon as possible. The Preliminary Report, when completed, will make recommendations on the necessary upgrading of the sewage collection network, will outline the costs involved and will also provide the time scale for the delivery of the additional works.

Septic Tank Registration Scheme

322. **Deputy Seán Conlan** asked the Minister for the Environment, Community and Local Government if it is the responsibility of the home owner or lessee of a premises to register for the septic tank charge; and if he will make a statement on the matter. [33182/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Water Services (Amendment) Act 2012 provides that the owner of a premises connected to a domestic waste water treatment system must register the system. Lessees are not obliged to register. Owners may register details of their system on-line at www.protectourwater.ie or at local authority offices or by post to Protect Our Water, PO Box 12204, Dublin 7.

Departmental Funding

323. **Deputy Seán Conlan** asked the Minister for the Environment, Community and Local Government the current position (details supplied) of an application for funding with Pobal; and if he will make a statement on the matter. [33183/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Funding of €314m is available under the Rural Development Programme (RDP) 2007-2013 for allocation to qualifying projects up to the end of 2013. Currently there are 35 Local Action Groups contracted, on my Department's behalf, to deliver the RDP throughout the country and these groups are the principal decision-makers in relation to the allocation of project funding. Such decisions are made in the context of the local development strategy of the individual groups and in line with Departmental operating rules and EU regulations.

Projects that require funding of €150,000 or more must seek final approval from the Department before a final decision can be made by the Local Action Group. Pobal have no involvement in the assessment and approval of such projects. The project referred to in the question is one such project and funding of €322,528.41 has been sought. The assessment of higher value projects (projects with a grant approval of €150,000 or more) usually involves detailed consultations between my Department and the relevant local development company. It frequently necessitates the provision of further documentation or clarifications. It may also, in some instances, result in modifications to the project proposed to ensure best value for money and compliance with all the necessary regulations, both national and European, governing the activities funded under the programme.

These assessments also consider whether the project as proposed addresses the needs of the local community in the best possible way. I am sure you will appreciate that a full and detailed assessment of all projects is vital. It must be remembered that currently, project expenditure under Axes 3 and 4 of the Rural Development Programme 2007-2013 is co-financed by the European Union at a rate of 85% and, accordingly, comes within the remit of a strict regulatory regime which requires that each project must be compliant before any funding is awarded.

An application regarding the project in question has not as yet been submitted to the Rural Development Section of my Department. I understand that the Local Development Company dealing with the application does not have sufficient funding available under the Basic Services Measure of the RDP for the proposed project. Recently, as part of a number of changes that I introduced, I announced an additional €10m in funding under the Basic Services Measure of the RDP which is in the process of being allocated to the 35 Local Development Companies. Each Company was asked to make a submission regarding its need for additional funding and the overall value of those submissions is approximately €34m. Accordingly, in the context of the available funding and the level of demand, it will not be possible to allocate funding to all eligible projects.

The project mentioned by the Deputy will be evaluated in that context.

Environmental Schemes

324. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government if the National Economic and Social Council secretariat submitted the interim report on potential options for policies and measures to close the distance to Ireland's greenhouse gas emission reduction target under Decision 406/2009/EC in the compliance period 2013-2020; the date he will release the interim report; and if he will make a statement on the matter. [33246/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The secretariat to the National Economic and Social Council have submitted their interim report. As indicated in the programme for the development of national climate policy and legislation published earlier this year, I intend to release the report and formally invite views from the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht by end September 2012.

325. **Deputy Noel Harrington** asked the Minister for the Environment, Community and Local Government his plans for the re-instatement of Reendonegan Lake, Bantry, County Cork; the timetable for the work to be completed; and if he will make a statement on the matter. [33293/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The local rowing club at Reenydonegan has submitted an engineering report to my Department outlining the works required to re-instate the lake. As it is believed that the original barrage was put in place in the 1950s by the inland fisheries authorities, my Department referred the report to Inland Fisheries Ireland for their views and is awaiting a response.

Rural Development

326. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will clarify whether the chair of a local development company will have to vacate the position and cannot seek re-election to the position as chair for a further term of three years (details supplied); if the chair may seek re-election for a further term; and if he will make a statement on the matter. [33350/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In line with the guidelines on the Governance of Integrated local development companies and urban based partnerships and the Operating Rules of the Rural Development Programme 2007-2013 the chairperson of the Local Development Company will have to vacate the position at the end of the term but may seek re appointment to the Board as a director and may subsequently be re-elected for a further term.

Every chairperson appointed holds office until the end of the third Annual General Meeting following his or her appointment, whereupon he or she must retire from office as both chairperson and as a director and also cease to be a member of the company. A chairperson who retires in accordance with this may, if willing to act and if re-nominated by any pillar or sector, be re-appointed as a director for a further term provided that no person is re-appointed as a director more than twice and provided that no person holds the office of director for more than two consecutive terms. The directors elect one of their number to be the chairperson of the Company.

Performance Management and Development System

327. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government the number of local authority employees that completed performance management and development system assessments in 2011 by authority sector; if he will provide a breakdown of the scoring categories 5 to 1 in each authority sector. [33358/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Under section 159 of the Local Government Act 2001, each City and County Manager is responsible for staffing and organisational arrangements necessary for carrying out the func-

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tions of the local authorities for which he or she is responsible. Accordingly, the detailed information sought is not available in my Department.

Local Authority Charges

328. **Deputy Derek Nolan** asked the Minister for the Environment, Community and Local Government if the non-principal private residence charge applies to persons who are living abroad; the exemptions in place in relation to paying this charge; if owners who now find themselves unemployed are liable to pay the charge; his plans to review the stipulations on this charge; and if he will make a statement on the matter. [33402/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities by introducing a charge on non-principal private residences. The charge is set at €200 and liability for it falls, in the main, on owners of rental, holiday and vacant properties in the State.

The Act has a starting position of a universal liability for residential property in respect of the charge. It goes on to exempt certain buildings and owners from this liability, the most important exemption being where a property is occupied by the owner as his or her sole or main residence on the liability date. Where a property is not occupied by the owner as his or her sole or main residence, it falls liable for the charge, regardless of whether the owner's usual residence is in the State or abroad.

Further exemptions provide for buildings that are newly constructed but unsold and form part of the trading stock of a business; buildings with heritage merit; buildings let by local authorities for social housing or by voluntary housing bodies; buildings which are the subject of a shared ownership arrangement with local authorities; and buildings on which commercial rates are paid and which are wholly used as dwellings. In addition, exemptions apply where a person purchases a property for use as a principal private residence provided they dispose of their existing property within six months; where a charity owns a property, and where a spouse or ex-spouse has an interest in a property after a divorce or separation agreement but does not reside there. Granny flats and principal private residences that have to be vacated due to long-term illness are also exempt if certain criteria are fulfilled.

I have no plans at present to review the exemptions provided under the Act.

Departmental Properties

329. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will expedite a land transfer and correspond with the housing organisation (details supplied) in relation to their query; if he will provide this Deputy with a copy of his response; and if he will make a statement on the matter. [33411/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): The site in question was approved for inclusion under the Land Aggregation Scheme, and the Housing Finance Agency loan on it was redeemed by my Department in October 2011, following which the process of transferring the land from Limerick County Council to Housing and Sustainable Communities (HSC) Ltd was commenced.

My Department understands that the transfer process from Limerick County Council to HSC Ltd is currently at an advanced stage. Once the transfer has been completed HSC Ltd will have responsibility for managing the land and has undertaken to contact the approved housing body

in this context. My Department will write to the approved housing body in this regard and a copy will be provided to the Deputy.

Local Authority Housing

330. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government the steps he has taken in relation to the pyrite issue in local authority housing in Dublin; if he has made, or is making, funding available to the local authority to address and redress this matter; and if he will make a statement on the matter. [33431/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Funding may be available under the Social Housing Investment Programme to fund major refurbishment works to dwellings with serious structural defects, including problems arising from pyrite. My Department has been liaising with Dublin City Council on this issue on an ongoing basis and is currently assisting the Council with regard to social housing schemes affected by pyrite at a number of locations.

Urban Renewal Schemes

331. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government his plans to publish his regeneration plan and the information it will contain. [33463/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): My Department currently supports an ambitious programme of regeneration projects to deliver integrated physical, social and economic regeneration, ranging from large-scale urban regeneration projects such as those in Ballymun and Limerick city to smaller estate-wide regeneration projects in Dublin city and in a number of regional towns around the country.

This year my Department is providing some €90 million to support the national regeneration programme. Regeneration goes beyond a bricks and mortar solution in improving the accommodation and lifestyles of residents of run down local authority estates and flat complexes. Regeneration seeks to address the underlying causes of disadvantage and social exclusion and to create vibrant and sustainable communities. The projects supported by my Department take a broad focus, beyond the remediation of the physical environment, also to deliver social and economic regeneration of the areas concerned.

To qualify for regeneration funding, local authorities and regeneration agencies are required to prepare comprehensive evidence-based masterplans, which provide a vision for the physical, social and economic regeneration of the area concerned and set out a framework for delivering on the objectives of the plan. The plan should include detailed strategies and implementation arrangements for delivering all three strands of regeneration and for addressing the socio-economic and infrastructural deficits that contribute to the social exclusion of the community concerned. Beyond this, regeneration masterplans are project-specific and it is a matter for the local authority, in consultation with tenants, the local community and relevant statutory bodies, to determine the nature and extent of individual regeneration projects.

Leader Programmes

332. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government if it is possible to grant funding to a project situated on land in the ownership of Coillte notwithstanding all other elements of the application that would have to be assessed for approval; and if he will make a statement on the matter. [33629/12]

333. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government if it is possible to grant Leader funding to a project situated on land in the ownership of Coillte notwithstanding all other elements of the application that would have to be assessed for approval; and if he will make a statement on the matter. [33630/12]

334. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government if it is possible to grant local authority funding such as the Community Fund to a project situated on land in the ownership of Coillte notwithstanding all other elements of the application that would have to be assessed for approval; and if he will make a statement on the matter. [33631/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 332 to 334, inclusive, together.

The operating rules of Axis 3 and 4 (LEADER) of the Rural Development Programme 2007-2013 (RDP) require legally binding leasing arrangements for any land where works of a capital nature are being carried out by the entity seeking funding (promoter). The promoter must provide evidence of Title/Leasehold in respect of capital projects involving land, e.g. sites of building construction/renovation, fixtures, traffic ways, etc. Leases in respect of such projects must run for a minimum period of 5 years from the date of the final grant payment to the promoter. Where a lease or evidence of title is not available a legal document declaring that the project promoter has permission to carry out the project activities concerned for at least a 5 year period, signed by a person/entity recognised as being the person/entity in charge of the property in question and the promoter, will suffice. A solicitor must witness the signing of this document.

Where leasing arrangements as described above are in place, and notwithstanding the full and robust consideration of all other elements of the proposed project, a project situated on Coillte land may be eligible in principle for funding from the LEADER elements of the RDP. Section 109 of the Local Government Act 2001 provides the statutory basis for the establishment of a Community Fund. A local authority may by resolution establish a fund (in this section referred to as a “community fund”) for the purposes of supporting community initiatives and may accept contributions to such fund by any voluntary, business or community group, other local authority or public authority or other person and may itself make contributions to such fund. The establishment of a fund is discretionary but requires a resolution of the Council.

The Rural Recreation Section of my Department has previously provided funding to Coillte to support the implementation of the National Countryside Recreation Strategy and for the development and maintenance of recreation facilities such as walking and cycling trails. Future support of this nature is subject to the availability of funding.

Water Services

335. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government the position regarding the report on the establishment of Irish Water. [33638/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government provides for the establishment of a new State-owned national water authority, Irish Water, to take over responsibility for managing and supervising investment in water services infrastructure and to manage the domestic water metering programme. The Memorandum of Understanding between Ireland and the EU/IMF committed Ireland to undertaking an independent assessment of the establishment of such an authority.

The first phase of work on the independent assessment has been completed, and the published report is available on my Department's website. The Government decided in December 2011, based on the recommendations in the independent assessment, to establish a public water utility company to take over the operational and capital delivery functions of local authorities in the water services area.

Work is now focused on the development of an implementation strategy which will address transformation planning in more detail. This strategy will provide the platform for dealing with a broad range of implementation issues during the transitional phase. The implementation strategy is being developed in collaboration with other relevant Government Departments, local authorities, Bord Gáis and NewERA. The strategy will focus on maintaining the delivery of a critical public service during and following a restructuring process, and will give further clarity on the next steps that will be taken in this reform process.

Local Government Reform

336. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government if he will report on the progress of implementing those recommendations categorised as immediate, short and medium term of the Small Advisory Group's Report entitled *The Voice of Small Business* for which he has been designated as having lead responsibility. [33643/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department has been identified, in the Small Advisory Group's Report — *The Voice of Small Business*, as having lead responsibility for implementing recommendations in relation to local government reform and efficiencies, commercial rates, property taxes, water charges and the taxing of commercial vehicles.

With regard to local government reform, the Government's broad policy approach was set out in the Programme for Government. In line with this, I intend to bring proposals to Government shortly for an extensive programme of local government reform. Subject to the Government's decisions, I will publish a comprehensive Policy Statement setting out a clear vision for the future of local government and proposals to achieve it, with particular focus on strengthening structures generally at regional, county and sub-county levels, expanding the role of local government, maximising operational and organisational efficiency and improving governance, oversight, local political and executive leadership and citizen engagement.

With regard to the recommendations contained in the Report of the Local Government Efficiency Review Group, I established an independently chaired Implementation Group in April 2011 to drive forward relevant recommendations of the Report, with a focus on key recommendations that will remove costs and yield early savings. The Group has recently completed an interim report and I am considering its contents in the overall context of the Local Government Reform Programme.

With regard to commercial rates, local authorities have responded positively in recent years to requests to exercise restraint in setting commercial rates. 68 rateable local authorities when adopting their 2012 budgets maintained their ARVs at 2011 levels, and 19 reduced theirs. Overall, the average change of ARV from 2011 to 2012 shows a decrease of 0.31%. There are currently no plans to review the regulations or other legislation relating specifically to the payment of commercial rates.

With regard to property taxes, an independently-chaired Inter-Departmental Expert Group was established to consider the structures and modalities for an equitable valuation-based prop-

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erty tax. The Group has recently completed its work and submitted its report to me. I will now be considering the approach to the report in consultation with my Government colleagues.

With regard to water charges, the Memorandum of Understanding with the EU/IMF and ECB commits Ireland to introducing water charges for households during the programming period. However, no decision has been taken by the Government on the exact date for the introduction of water charges. The Government considers that charging based on usage is the fairest way to charge for water and it has decided that water meters should be installed in households connected to public water supplies.

With regard to the taxing of commercial vehicles, Article 3 of the Road Vehicles (Registration and Licensing) (Amendment) Regulations 1992 provides that a licensing authority must be satisfied that a vehicle is correctly taxed. Departmental Circular MT4/1, issued in August 2010, contained an instruction to licensing authorities that an applicant, in particular in relation to small vans and adapted goods vehicles, should be asked for supporting documentation which can include, but is not limited to, evidence of registration for VAT, a Tax Clearance Certificate, a commercial insurance certificate, or a copy of a “Notice of Tax Registration Form”. Form RF 111A Goods Declaration Form requires an applicant who is applying for a vehicle to be taxed at the goods rate to provide a Revenue registration identity number to confirm that he or she has a business registered for tax purposes. The Road Traffic Act 2012 places obligations on insurers to provide details of insurance policies. Assisted by this legal framework, it is understood that the Department of Transport, Tourism and Sport is currently working with the Irish Insurance Federation (IIF) to obtain insurance details of vehicles in electronic format.

The Department is also identified in the summary list of actions as responsible agency for accelerating the national revaluations process. This is a matter for the Commissioner of Valuation.

Local Authority Charges

337. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government the estimated cost of operating the non-online aspect of the household charge scheme on an annualised basis; the total projected cost of the administration of the scheme in 2012; and if he will make a statement on the matter. [33650/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government Management Agency (LGMA) administers the household charge system on a shared service/agency basis for all county and city councils. The Local Government Management Agency estimates the annualised projected cost of operating the non-online aspect of the household charge as €4,492,410. The total projected cost of administering the household charge in 2012 is €6,033,052.

338. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government the initial annual administration cost of operating the non principal private residence charge; the recurring annual cost of the scheme; and if he will make a statement on the matter. [33651/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government Management Agency (LGMA) administers the non-principal private residence charge (NPPR) system on a shared service/agency basis for all county and city councils.

The information requested, which has been compiled by the LGMA, is set out in the following table:

NPPR Bureau Administration Costs

2009	2010	2011	2012 to date
€802,426	€775,555	€809,546	€204,774

Planning Issues

339. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government his advice on an issue (details supplied) regarding planning [33717/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Transparency has always been an essential part of the planning system. Insofar as the planning application process is concerned there is a facility for the public/third parties to make submissions, and to appeal a decision of the planning authority to An Bord Pleanála as the independent planning appeals body. In relation to development by a local authority the Planning Acts and Regulations similarly make provision for input from the public, whether in the case of decisions made by the elected members of the local authority, or, as is the case where the development would require assessment under the Environmental Impact Assessment or Habitats Directives, An Bord Pleanála.

The forward planning process also makes provision for statutory consultation with the public in relation to the preparation of development plans and local area plans. Furthermore, I am a statutory consultee in the forward planning process in the context of my overall responsibility for the planning policy and legislative framework to support proper planning and sustainable development, and I have delegated powers of direction under Section 31 of the Planning and Development Acts where I am of the opinion, *inter alia*, that a plan fails to set out an overall strategy for the proper planning and sustainable development of an area.

The Planning Review Report I published, on 12 June 2012, together with the Government’s response to the report of the Mahon Tribunal, within the coming weeks, will further underpin a fair, open and transparent planning system.

Local Authority Housing

340. **Deputy Billy Timmins** asked the Minister for the Environment, Community and Local Government the position regarding a new scheme regarding local authorities and housing; and if he will make a statement on the matter. [33723/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Local authorities have long been the lenders of last resort servicing the housing loans needs of less affluent members of society. In the present economic circumstances it is to be anticipated that the ability of some borrowers to service housing loans may become restricted and that a number of loans may fall into arrears.

Section 34 of the Housing (Miscellaneous Provisions) Act 2009 provides local authorities with powers to deal flexibly with distressed borrowers, and they have exhibited admirable forbearance over the years in dealing with such cases. In March 2010 my Department issued guidelines to local authorities, based upon the Central Bank’s first Code of Conduct on Mortgage Arrears, which continued the tradition of handling arrears in a manner that is sympathetic to the needs of the particular household, while also protecting the position of the local authority concerned.

[Deputy Jan O’Sullivan.]

To reflect the content of the Central Bank’s revised Code of Conduct — which replaced the previous code from 1 January 2011 and was informed by the deliberations of the Expert Group on Mortgage Arrears and Personal Debt — my Department recently issued updated guidance to local authorities in consultation with the County and City Managers Association. This will further enable local authorities to provide a range of flexible repayment options for households in difficulty.

In particular, the introduction of a Mortgage Arrears Resolution Process (MARP), which closely mirrors the suite of options available in the commercial sector, will present borrowers in difficulty with a range of alternative payment agreements, which can be accessed to ease the particular circumstances of each case. This process will feature a standard set of options including, in cases of certain unsustainable mortgages, the facility of mortgage-to-rent. Local authorities have been restructuring loans for some time using their own internal practices. The introduction of these revised guidelines will standardise the approach across the whole sector, introduce a systematic structure to this area and provide borrowers with a transparent and accessible model for arrears resolution.

I expect that the adoption of these revised guidelines will serve simultaneously to help resolve mortgage difficulties for both local authorities and their borrowers.

Non-Principal Private Residence Charge

341. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if he will instruct local authorities to implement guidelines (details supplied); and if he will make a statement on the matter. [33730/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities by introducing a charge on non-principal private residences. The charge is set at €200 and liability for it falls, in the main, on owners of rental, holiday and vacant properties.

Under the Act, it is a function of a local authority to collect non-principal private residence charges and late payment fees due to it, and all charges and late payment fees imposed and payable to a local authority are under the care and management of the local authority concerned. In this regard, application of the legislation in particular circumstances is a matter for the relevant local authority.

However, I have recently issued guidelines to local authorities in relation to the operation of the “care and management” provisions of the Local Government (Charges) Act 2009 in the context of individual situations where genuine hardship in having to discharge a liability in a single payment can be demonstrated. The guidelines set out the modalities for local authorities in relation to entering into payment arrangements for the discharge of outstanding liabilities in instalments over a specified period. I expect local authorities to implement these guidelines appropriately.

Immigration Policy

342. **Deputy Regina Doherty** asked the Minister for Justice and Equality if, due to the current shortage of highly quality technological talent, he will review the current working visa permit system to help indigenous companies expand and develop; and if he will make a statement on the matter. [33577/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my response of 3rd July last appended below to Parliamentary Questions Nos. 490 and 479. In addition to

my answer on that occasion I would point out that in many instances. 95% of all visa applications are approved and that the overall average rate of visa approval is 92%.

While I am not averse in principle to the establishment of an immigration regime specifically geared to the technology sector, it would have to be on the basis that there was concrete evidence of a particular skills deficit in the labour market that cannot be filled by Irish or EU citizens. That labour market assessment would ultimately be a matter for my colleague the Minister for Jobs, Enterprise and Innovation. In this regard it should be borne in mind that the technology sector spans a broad range of skills with differing levels of supply and demand.

I would also envisage that applicants for any such programmes would be subject to a rigorous assessment of their qualifications and experience to ensure that their skill sets are appropriate for the sector in question. In any event, the existing visa application arrangements are entirely flexible and designed to cater for the widest possible range of applicants who may wish to come here as workers, visitors, professionals and so forth.

Human Trafficking

343. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent he has identified locations for potential trafficking in children or young adults with particular reference to the need to prevent the activities of organised criminals in this area; and if he will make a statement on the matter. [33678/12]

344. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent he has identified situations likely to allow trafficking in children or young adults; the intentions to address any issues arising from evidence available; and if he will make a statement on the matter. [33679/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 343 and 344 together.

I am informed by the Garda authorities that the number of children referred to or encountered by An Garda Síochána as possible victims of human trafficking were 17 in 2009; 19 in 2010 and 13 in 2011. This includes persons identified in the course of investigations into offences contrary to the Child Trafficking and Pornography Act 1998 and the Criminal Law (Human Trafficking) Act 2008.

An Garda Síochána has conducted a number of investigations to combat human trafficking, including child trafficking, and will continue to do so in line with information/intelligence available to them. Ongoing training takes place for members of An Garda Síochána who are aware of the signs of human trafficking, including child trafficking. As with all crimes, members of An Garda Síochána are vigilant in their efforts to combat the crime of human trafficking and especially the trafficking of children. Locations and the circumstances of human trafficking can significantly vary and the intelligence led approach of An Garda Síochána has to be based on the particular circumstances which arise.

Under the National Action Plan to Prevent and Combat the Trafficking of Human Beings in Ireland a Working Group on Child Trafficking has been established and is chaired by my Department's Anti-Human Trafficking Unit; this Group has representatives of State organisations including An Garda Síochána and the Health Service Executive; non-governmental organisations and international organisations. The purpose of this Working Group is to progress actions in the Plan related to child trafficking. Specific issues of concern can be raised within this forum and directed, as appropriate, to the representatives from An Garda Síochána.

[Deputy Alan Shatter.]

A Guide on Services for Victims of Child Trafficking has been finalised and is available on the website *www.blueblindfold.gov.ie*. An information leaflet setting out the signs of child trafficking will shortly be available for distribution and will also be put on the website.

Asylum Support Services

345. **Deputy Gerry Adams** asked the Minister for Justice and Equality if the current residents of the Mosney camp, County Meath are to be relocated to an alternative site; if they are to be relocated to an alternative site; if the Bettystown Court Hotel is being considered as a possible option. [32992/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Reception and Integration Agency (RIA) of my Department is charged with responsibility for the accommodation of asylum seekers while their applications for protection are being processed. Currently, there almost 5,100 persons accommodated in 37 RIA centres located throughout the State.

RIA has recently signed another contract with Mosney for the accommodation of asylum seekers up to June, 2013. Therefore, the scenario outlined in this question does not arise. Moreover, RIA does not have a contract with the hotel cited by the Deputy.

As a general point, it is not uncommon for unused hotels in locations around the country to generate such speculation but, as a matter of long standing policy, RIA never comments on procurement issues. The number of asylum seekers requiring accommodation now and in the future is under constant review.

Crime Levels

346. **Deputy Robert Dowds** asked the Minister for Justice and Equality if he will provide an explanation as to the reason the sum total of the number of convictions for the white collar crime offences of falsification of accounts, Offences under the Companies Act, Offences under the Investment Intermediaries Act, Offences under the Stock Exchange Act, money laundering, embezzlement, fraud against the European Union and corruption involving a public office holder, fell by 98% over the period 2003-2010 from 50 convictions in 2003 with 15 cases pending, to one conviction in 2010 with two cases pending according to figures provided by the Central Statistics Office; and if he will make a statement on the matter. [33022/12]

347. **Deputy Robert Dowds** asked the Minister for Justice and Equality if he will provide an explanation as to the reason the number of convictions for the offence of fraud, deception, false pretence offences as classified by the Central Statistics Office, fell by 66% over the period 2003-2010, from a total of 529 convictions in 2003 with 200 cases pending to 177 convictions in 2010 with 158 cases pending according to figures provided by the CSO; and if he will make a statement on the matter. [33023/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 346 and 347 together.

I can assure the Deputy that I attach the highest priority to the full investigation of white collar crime and bringing the perpetrators of such crime to justice. On taking office, I raised a number of cases of white collar crime with the Garda Commissioner and I am being briefed on an ongoing basis on the progress of the investigations. I am assured by the Commissioner that the resources allocated to the Garda Bureau of Fraud Investigation are sufficient to meet the demands placed on it and I will respond as necessary to any further legislative needs raised by An Garda Síochána or any of the other bodies involved in the investigation and prosecution of white collar crime.

I should mention that the primary regulative and investigative agency for the offences under the Companies Acts which includes falsification of accounts (Section 22(3) 1986 Companies Act) is the Office of the Director of Corporate Enforcement and the primary regulative and investigative agency for the Investment Intermediaries Act and the Stock Exchange Act is the Central Bank.

My commitment to tackling white collar crime was further underscored by the swift action I took, within eight weeks of taking up office, to move urgently to draft and seek Government approval to the introduction of additional legislation. This new legislation, the Criminal Justice Act 2011, was enacted on 2 August 2011. The main purpose of this new legislation is to address delays in the prosecution and investigation of complex white collar crime by improving certain important procedural matters and strengthening Garda investigative powers. The Act's provisions are based on the experiences of those involved in investigations and prosecutions of white collar crime. It provides new procedures and powers which will speed up both current and future investigations, including investigations into offences in the areas of banking and finance, company law, money laundering, fraud and corruption.

I am also bringing forward a new Bill to clarify and strengthen the law on corruption and to replace a number of overlapping Corruption Acts stretching back to Victorian times.

In so far as the statistics cited by the Deputy are concerned, these relate to the outcome of the criminal prosecution process and the Deputy will appreciate that my role does not extend to the bringing of prosecutions, or indeed to the determination of guilt, which is a matter for the courts.

Garda Investigations

348. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he has been briefed by the Gardaí on any investigations into exchanges of punts for euros at the Central Bank of Ireland; and if he will make a statement on the matter. [33088/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed that An Garda Síochána has not received any recent reports from the Central Bank regarding any suspicion attached to the exchange of money from Punts to Euros.

I also understand that the Central Bank continuously monitors this process to ensure the provision of a secure public service including appropriate procedures to notify the authorities of any suspicious transactions.

Asylum Applications

349. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of eligibility for residency status in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [33093/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned arrived in the State on 21 December 2003 and made an application for asylum the following day. His application was refused following consideration of his 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 29 October 2004, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why

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he should be allowed to remain temporarily in the State. Representations were submitted on behalf of the person concerned at that time.

On 10 October 2006 the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006), came into force. The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present.

The wife of the person concerned made an application for Family Reunification on 15 February 2010. As is standard practice where an application for family reunification has been made in addition to an application for Subsidiary Protection and representations for consideration under Section 3 of the Immigration Act 1999 (as amended), the family reunification application will be considered first and a decision notified. This application was refused and the wife of the person concerned was so notified by letter dated 6 January 2012.

The person's application for Subsidiary Protection will be considered next. In the event that this application is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Citizenship Applications

350. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in respect of determination of an application for naturalisation in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [33094/12]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that the application has entered the final stage of processing and I intend to grant citizenship. A letter issued on 27 June 2012 to the person referred to by the Deputy asking him to submit the prescribed fee and other documents so he can attend the next citizenship ceremony at which he will make a declaration of fidelity to the Irish Nation and loyalty to the State and receive his certificate of naturalisation.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Departmental Staff

351. **Deputy Simon Harris** asked the Minister for Justice and Equality the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all

agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33114/12]

Minister for Justice and Equality (Deputy Alan Shatter): The information detailed in the table below is in respect of agencies, offices and other bodies staffed by and/or reporting to my Department:

Agency/Body	>5 days	>10 days	>15 days	20 days	>21 days
The Equality Authority	4	3	1	0	3
The Equality Tribunal	4	1	0	0	4
Office of the Data Protection Commissioner	1	2	0	0	3
Private Security Authority	9	0	1	0	0
National Property Services Regulatory Authority	0	4	0	0	1
The Courts Service	218	63	32	5	79
The Legal Aid Board	88	13	10	1	24
The Irish Prison Service (discipline grades)	728	395	236	0	651
Property Registration Authority	133	66	23	5	74
Garda Síochána Ombudsman Commission	17	6	4	4	4
National Disability Authority	12	2	2	0	3
Irish Human Rights Commission	0	0	0	0	0

The ten highest incidences of sick leave across these bodies are as follows:

365 days (5 individuals), 363 days (1 individual), 355 days (1 individual), 314 days (1 individual), 313 (1 individual), 312 (1 individual).

The information in relation to An Garda Síochána will be provided directly to the Deputy by the Division concerned.

Crime Levels

352. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality if he will provide details of the total number of crimes committed, prosecutions and convictions in the Castlepollard area, County Westmeath, or closest geographical area for the years 2007, 2008, 2009, 2010 and 2011; and if he will also provide a breakdown of the figures showing the incidence of each type of crime in the same region over the same time span. [33126/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide statistics directly to the Deputy.

Garda Transport

353. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality the number of Garda cars by district within the Donegal division; the change in number of Garda cars by district within the Donegal division over the past five years; and if he will make a statement on the matter. [33165/12]

Minister for Justice and Equality (Deputy Alan Shatter): The provision and allocation of Garda vehicles is a matter for the Garda Commissioner in the context of his identified policing priorities. At Divisional level responsibility for the efficient deployment of Garda vehicles is assigned to the Divisional Officer, who may allocate vehicles between Districts on the basis of operational requirements.

I am informed by the Garda authorities that the number of Garda vehicles assigned to the Districts in the Donegal Garda Division for the period referred to by the Deputy is as set out in the table below:

District	2012	2011	2010	2009	2008
Ballyshannon	12	10	12	9	8
Buncrana	11	13	14	12	13
Glenties	6	5	6	6	6
Letterkenny	14	18	20	20	17
Milford	6	6	6	8	9
Total for Division	49	52	58	55	53

Garda Stations

354. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality if any proposals have been submitted to Garda headquarters from the Donegal Garda division recommending the closure of any Garda stations in County Donegal; if so, the name of those Garda stations earmarked for closure; and if he will make a statement on the matter. [33167/12]

Minister for Justice and Equality (Deputy Alan Shatter): 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. Any proposals for the closure of Garda stations or the altering of Regional or Divisional boundaries must be set out in that plan. 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.

Citizenship Applications

355. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality the number of persons, since 2005, that have been naturalised every year and to date in 2012; and if he will give an indication of the top ten nationalities that have been naturalised since 2005. [33187/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Irish Naturalisation and Immigration Service that the number of Certificates of Naturalisation issued in the years 2005 to 2012 were approximately 1,400, 1,400, 1,500, 3,100, 4,500, 6,400, 10,700, and 12,300 in the year to date respectively.

The top ten nationalities naturalised since 2005 are Nigerian, Filipino, Indian, South African, Chinese (including Hong Kong nationals), Pakistani, Bangladeshi, Ukrainian, Russian Federation nationals and nationals of the United States of America.

Crime Prevention

356. **Deputy Paul J. Connaughton** asked the Minister for Justice and Equality his views on the link between below cost selling of alcohol and the prevalence of drink fuelled crime on the country's streets; the plans that exist in terms of changes to legislation in relation to this matter; and if he will make a statement on the matter. [33206/12]

Minister for Justice and Equality (Deputy Alan Shatter): I very much share the Deputy's concern about the incidence of street violence and anti-social behaviour. There is little doubt that much of this is fuelled by excessive drinking, as well as the use of illegal drugs.

An Garda Síochána is using the strong legal powers available under the Public Order Acts and the Intoxicating Liquor Acts to keep our streets as safe as possible, including prosecutions where appropriate. The powers available include the seizure of alcohol to prevent under age drinking in public places and to forestall public disorder or damage to property. Gardaí may also issue fixed charge notices for the offences of intoxication in a public place and disorderly conduct in a public place. These are a more efficient use of Garda resources and avoid court proceedings when an offender pays the penalty.

I am in regular contact with the Garda authorities about these matters and these contacts will continue.

However, this problem is not simply a matter of law and order. Rather, it requires action by parents, educators and those who sell alcohol, not only in public houses, but right across the retail sector. I have indicated that, in the coming months, I intend to put in place new regulations to prohibit the below cost selling of alcohol and also alcohol promotions that encourage excessive drinking.

Garda Transport

357. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality the number of Garda cars by station within the Donegal division; the change in the number of Garda cars by station within the Donegal division over the past five years; and if he will make a statement on the matter. [33210/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have sought information from the Garda authorities in relation to the matters raised in this Question and I will respond further to the Deputy as quickly as possible.

Garda Strength

358. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality the current number of Garda by station and by district in the Donegal division; and if he will make a statement on the matter. [33218/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by the Garda Commissioner that the strength of each Garda District and Station in Donegal, as of 31 May 2012, the latest date for which figures are readily available was as set out in the table below:

District	Station	31/05/2012
Letterkenny	Letterkenny	107
	Carrigans	5
	Castlefin	4
	Brocach	0
	Newtowncunningham	2
	Raphoe	3
	Lifford	17
	Ballybofey	22
	Convoy	3
	Total	163
Buncrana	Buncrana	50
	Burnfoot	6

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District	Station	31/05/2012	
	Carndonagh	4	
	Clonmanny	2	
	Malin	3	
	Moville	6	
	Muff	4	
	Total	75	
	Milford	Milford	27
	Carrigart	2	
	Kerrykeel	4	
	Kilmacrennan	1	
	Churchill	1	
	Dunfanaghy	2	
	Craosloch	1	
	Falcarragh	9	
	Ramelton	2	
	Rathmullen	1	
	Total	50	
	Glenties	Glenties	24
	Annagry	1	
	Ardara	1	
Bunbeag	15		
Burtonport	0		
Clougher	0		
Dungloe	8		
Carrick	2		
Gleann Cholmcille	1		
Total	52		
Ballyshannon	Ballyshannon	46	
	Ballintra	1	
	Bundoran	6	
	Donegal Town	33	
	Pettigo	0	
	Na Cealla Beaga	6	
	Mountcharles	1	
	Total	93	
Donegal Division	Total	433	

Firearms and Ammunition Security

359. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if firearms and ammunition stored at Clancy Barracks, Dublin 8, between 1 July and 31 December 2001, were destroyed by the Garda Technical Bureau. [33241/12]

360. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the date on which the request for tender was issued to 13 companies for the destruction of firearms and ammunition stored at Clancy Barracks, Dublin 8 and if the request was issued to companies based in States outside of Ireland. [33242/12]

361. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if the tender company who secured the contract of destroying firearms and ammunition at Clancy Barracks, Dublin 8 between 2000 and 2001, benefitted from the exporting of scrap metal shipped abroad for recycling, or if the company was paid separately. [33244/12]

362. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the exact date in 2000 date on which the firearms and ammunition were destroyed at Clancy Barracks, Dublin 8; and if he will make a statement on the matter. [33245/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 359 to 362, inclusive, together.

I am informed by the Garda authorities that firearms which had been held at Clancy Barracks were destroyed at another location on thirty-two occasions between 1st July, 2000 and 31st December, 2001. The destruction of these firearms was authorised by the Chief Superintendent in charge of the Garda Technical Bureau. I am further informed by the Garda authorities that, for security reasons, it would be inappropriate to provide further details in relation to this matter.

I am also advised that a request for tender for the destruction of ammunition stored at Clancy Barracks issued on 19 November, 2001. The tender issued to 13 companies with expertise in the area and these included companies which were Irish based and companies which were based outside the State. In addition, I understand that the successful company was paid by the Garda authorities on completion of the service required.

Garda Vetting of Personnel

363. **Deputy Derek Keating** asked the Minister for Justice and Equality if his attention has been drawn to the fact that under the vetting system supervised by his Department, a question on the application form for Garda clearance asks a person applying have they ever been convicted of a crime; if his further attention has been drawn to the fact that a number of persons have completed the form stating that they have not been convicted but the Gardaí record any person who has been brought to court by the gardaí and this is deemed to be a conviction and is recorded on the computer system and thereby used by Garda clearance to refuse garda clearance when such a person is applying for a position that may not be related in any way to a child protection issue; if he will re-examine this; and if he will make a statement on the matter. [33247/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Central Vetting Unit (GCVU) provides employment vetting for a large number of organisations in Ireland which are registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to work with children and/or vulnerable adults. The primary purpose of the process is the protection of children and vulnerable adults.

Garda Vetting Disclosures are predicated on the signed authorisation of a vetting subject for An Garda Síochána to disclose to the registered organisation “details of all prosecutions, successful or not, pending or completed, and/or convictions which may be recorded in respect of them in the State or elsewhere”; or alternatively that there are “no prosecutions or convictions recorded in respect of them”.

The Garda Central Vetting Unit does not provide Garda clearance. The function of the GCVU is to make disclosure, in accordance with a written authorisation from the vetting subject to the registered organisation. Decisions on the suitability of the person concerned rest at all times with the recruiting organisation to which a vetting disclosure is made.

Legal Complaints Procedures

364. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will support the case of a person (details supplied) regarding complaints about a solicitor who dealt with a property sale. [33269/12]

Minister for Justice and Equality (Deputy Alan Shatter): The matter referred to by the Deputy concerns the client of a solicitor who is dissatisfied with the legal services provided by that solicitor. Under the current regulatory regime, the Law Society of Ireland, the Solicitors Disciplinary Tribunal and the Office of the Independent Adjudicator are the statutorily independent bodies charged with investigating or resolving complaints against solicitors under the Solicitors Acts 1954-2008 and their attendant regulations.

Under these statutory complaints structures the Law Society is, therefore, the usual or main route of redress for aggrieved clients of solicitors, outside of the courts. The Society's Complaints and Client Relations Committee, which includes lay members, determines complaints lodged directly to it by members of the public. The Society provides guidance on "making a complaint" at its website, *www.lawsociety.ie*.

The Solicitors Disciplinary Tribunal deals with complaints of misconduct and applications to it are either referred by the Law Society or made directly by members of the public. The Tribunal members are appointed by the President of the High Court and act independently of the Law Society. Further details are available on the Tribunal's website *www.distrib.ie*.

Persons who are unhappy with the Law Society's handling of the complaint may also forward their complaint to the Office of the Independent Adjudicator [*www.independentadjudicator.ie*]. The Independent Adjudicator was established to provide an independent forum to which members of the public could apply if they were dissatisfied with the manner in which the Law Society had dealt with their complaint. It is important to note that the Adjudicator's role is to investigate the handling of the complaint by the Law Society and not to investigate the substance of the original complaint.

Under current law, therefore, it is not my function as Minister to determine or to intervene in disputes or difficulties between solicitors and their clients. Nor would it be appropriate for me to give legal advice on specific cases or to make a complaint on a person's behalf. Rather, these are matters to be dealt with by the designated statutory bodies or through the courts. Persons considering taking legal action against a solicitor may find it more prudent to first seek independent legal advice on the strength or otherwise of their position. It will then be a matter for the persons concerned to decide which course of action might be best suited to the circumstances of their complaint and to approach the relevant disciplinary body on that basis.

The Deputy may also wish to be aware that the Legal Services Regulation Bill 2011, which is due to commence Committee Stage following the summer recess, will establish a new, independent, Legal Services Regulatory Authority with responsibility for the oversight of both solicitors and barristers. There will be a new complaints system to deal with complaints about professional misconduct independent of both the Law Society and the Bar Council backed up by a Legal Practitioners' Disciplinary Tribunal. Members of the public who wish to make complaints will no longer do so through the Law Society or the Bar Council but through the new Legal Services Regulatory Authority. There will also be a new and more transparent legal costs regime based on a set of Legal Costs Principles provided in statute for the first time and a new Office of the Legal Costs Adjudicator whose determinations on disputed legal costs will be published.

Naturalisation Applications

365. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will support a matter (details supplied) [33287/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by my officials in the Irish Naturalisation and Immigration Service (INIS) that a decision letter has issued to the person referred to by the Deputy.

The person concerned has exceeded the maximum 3 year period permitted under the regime for full time non EEA nationals to remain in the State to pursue a course at Language and Non Degree level.

The person referred to by the Deputy is permitted to enrol on a Degree Programme Course. The maximum aggregate time a non-EEA student is permitted to be in the State as a student is seven years. The person has been advised of her options in this regard and has been granted a temporary extension of permission to remain until the 17 August, 2012 in order to consider the options available.

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.

Garda Civilian Staff

366. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of civilian staff by grade currently working in the Garda Training Centre and Garda Headquarters; and if he will make a statement on the matter. [33295/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that as of 30 June 2012, the number of Garda civilian staff attached to the Garda College in Templemore and Garda Headquarters in the Phoenix Park was 51 and 278 (Whole Time Equivalents) respectively. A breakdown of the grades concerned was as set out in the table below:

Garda College Templemore

Teacher	20
H.E.O.	1
E.O.	3
S.O.	8
C.O.	19
Total	51

Garda Headquarters

Legal Services (solicitor)	1	Accountant Grade II	2
Executive Director	1	Researcher	3
Director	1	Technicians	24
Chief Medical Officer	1	P.O.	2

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Garda Headquarters

Assistant CMO	1	A.P.	10
Doctor	1	H.E.O.	43
Nurse	5	E.O.	12
Transport (Accident Damage Co-ordinator)	1	S.O.	10
Photographer	3	C.O.	156
Accountant Grade I	1	Total	278

Citizenship Applications

367. **Deputy Eric Byrne** asked the Minister for Justice and Equality the position regarding an application in respect of a person (details supplied) in Dublin 20; and if an exemption was based on the facts outlined will be accepted; and if he will make a statement on the matter. [33304/12]

Minister for Justice and Equality (Deputy Alan Shatter): Section 6A of the Irish Nationality and Citizenship Act 1956 as inserted by section 4 of the Irish Nationality and Citizenship Act 2004 provides that a person born in the island of Ireland shall not be entitled to be an Irish citizen unless a parent of that person has, during the period of 4 years immediately preceding the person's birth, been resident in the island of Ireland for a period of not less than 3 years or periods the aggregate of which is not less than 3 years. The section does not apply to certain persons including those born to parents one of whom is at the time of the person's birth an Irish citizen, British citizen or a person entitled to reside without restriction. For the purpose of calculating reckonable residence under section 6A certain residence is excluded from consideration including unlawful residence, residence covered by a permission granted under Section 4 of the Immigration Act 2004 for the purpose of study and residence covered by a provisional permission granted pending determination of an asylum application.

Applicants for certificates of naturalisation are required to provide evidence that they were resident and that they had the permission of the Minister to remain in the State for the prescribed period. Periods for which an applicant did not have the permission of the Minister and periods for which permission granted for the purpose of study are not reckonable for the purpose of satisfying the residency requirements.

Upon application for a passport, the Passport Office of the Department of Foreign Affairs assesses the child's entitlement to citizenship based upon the parent's reckonable residency. If the parents do not have sufficient residency the child does not have an entitlement to citizenship. It remains open to the parent of the child to make an application for a certificate of naturalisation on their behalf under section 15 of the 1956 Act when the child has 5 years reckonable residency in the State.

Property Transaction Register

368. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if any steps have been taken to establish a property transaction register; and when he envisions it to be up and running. [33354/12]

Minister for Justice and Equality (Deputy Alan Shatter): Section 86 of the Property Services (Regulation) Act 2011 provides that the Property Services Regulatory Authority shall prepare and maintain a register of residential property sales prices in the State. I am advised by the

Authority that it expects to publish the register by the end of September 2012. It is anticipated that the residential property sales prices register will comprise a database searchable by a number of criteria including address of property, value of property, by county, city or town. The information which will be contained in the database will be the full address of the property, its sale price and date of sale. The register will, at the outset, cover all sales between 1 January 2010 to date of publication. It is anticipated that the information will be updated regularly and will be current within 30 days of the actual date of sale of the property.

Section 87 of the Property Services (Regulation) Act 2011 provides that the Authority shall establish and maintain a database relating to commercial property leases. It is anticipated by the Authority that the commercial leases database will be put in place during the early part of 2013 and that it will contain data relating to leases entered into after 3 April 2012.

Garda Vetting of Personnel

369. **Deputy Catherine Murphy** asked the Minister for Justice and Equality if he will explain the reason there are delays to secure Garda clearance; if there are actions underway to reduce the waiting times; and if he will make a statement on the matter. [33400/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Central Vetting Unit (GCVU) provides employment vetting for over 19,000 organisations in Ireland who are registered with the Gardaí for this purpose and which employ/engage persons in a full-time, part-time, voluntary or training capacity to positions where they would have substantial, unsupervised access to children and/or vulnerable adults.

The current average processing time at the GCVU is 3 weeks approximately. This, in my view, is well within acceptable limits. Seasonal fluctuations and the necessity to seek additional information on particular applications can, however, result in this processing time being exceeded on occasion. Registered organisations have been advised to take account of these processing times, and the possible need for additional information to be provided in some cases, in their recruitment and selection processes.

I would remind the Deputy that since I became Minister I have taken a number of measures to ensure that the time it takes for the processing of vetting applications improves significantly. I remain very conscious of the need to keep the time required to obtain a vetting to the minimum possible.

Garda Powers

370. **Deputy Noel Harrington** asked the Minister for Justice and Equality the State agencies and bodies that have the power to enter or search premises in the course of an investigation; if they need a search warrant; and if he will make a statement on the matter. [33443/12]

Minister for Justice and Equality (Deputy Alan Shatter): The law relating to powers of entry and search for the purposes of criminal and civil investigations is detailed and complex. Members of the Garda Síochána and many other persons by virtue of the particular office that they hold have powers to enter or search private property without the consent of the occupier, and in some instances without a search warrant. It should be said that the majority of Agencies and Bodies that have such powers operate outside the aegis of my Department.

Insofar as my Department is concerned, a number of Bodies have powers of entry and search, in the course of their investigations. These include the Garda Síochána, the Private Security Authority, the Property Services Regulatory Authority, the Data Protection Commissioner and the Garda Síochána Ombudsman Commission.

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Members of the Garda Síochána have a wide range of common law and statutory powers to enter a private premises. These powers are restricted in terms of their purpose and the circumstances in which they may be used. Such restrictions arise from the need to balance, on the one hand, the duty of a member to enforce the law and protect individuals and, on the other, the rights of individuals to ownership and privacy. In addition, the Deputy will be aware that Article 40.5 of the Constitution affords special protection to domestic dwellings providing that they are inviolable and may not be forcibly entered save in accordance with law.

Examples of the powers available to members of the Garda Síochána include the common law power to enter a private premises without a warrant in order to save a life within; section 6 of the Criminal Law Act 1997 which permits the entry and search of any premises to effect an arrest; and section 10 of the Criminal Justice (Miscellaneous Provisions) Act 1997 which permits a member to apply to a District Court judge for a search warrant for the purpose of gathering evidence in relation to the commission of a serious offence.

Naturalisation Applications

371. **Deputy Gerald Nash** asked the Minister for Justice and Equality if an application for naturalisation in respect of a person (details supplied) has been successful; and if he will make a statement on the matter. [33467/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in April, 2011.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation, such as good character and lawful residence, 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.

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.

Garda Stations

372. **Deputy Paul J. Connaughton** asked the Minister for Justice and Equality when Ballygar Garda Station, County Galway will be repaired after a recent fire in the station as its closure at the moment is causing concern and anxiety among the local community; and if he will make a statement on the matter. [33468/12]

Minister for Justice and Equality (Deputy Alan Shatter): The programme of replacement and refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána. The programme is progressed in co-operation with the Office of Public Works, who have responsibility for capital expenditure in respect of Garda accommodation. I am informed by the Garda authorities that a tender for repair works in respect of Ballygar Station has recently been issued by the Office of Public Works.

Garda Operations

373. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if his attention has been drawn to the case of a person whose house was burgled having notified the Gardaí was told that as they would have to collect a Garda herself as no transport was available; and if he will make a statement on the matter. [33469/12]

Minister for Justice and Equality (Deputy Alan Shatter): Decisions in relation to Garda operations and the deployment of Garda resources are a matter for the Garda Commissioner.

I am advised by the Garda authorities that the burglary referred to by the Deputy was reported in person at around 10pm at a Garda station in Co. Donegal. Rather than wait for the return of the local patrol car, which was on patrol in the locality, and given that the premises was around 700 metres from the station, the Garda member on duty immediately accompanied the victim of the crime in her car to check out the premises and to expedite the Garda inquiries into the burglary. Additionally, the member sought to reassure the victim with his immediate presence.

While care must be taken in relation to publicly commenting on individual cases, and while nothing should be said that intrudes into individual privacy, I do feel it appropriate to say that in the light of the circumstances I have outlined, I believe that the action of the Garda member in this case demonstrated the determination of An Garda Síochána to serve the community in the most effective and practical way possible.

More generally, I am, of course, happy to express my appreciation and support for the work of An Garda Síochána on my own behalf, that of the Government, and, in particular, on behalf of the communities they serve.

Crime Prevention Officers

374. **Deputy Tom Hayes** asked the Minister for Justice and Equality the position regarding the appointment of a crime prevention officer for South Tipperary; and if he will make a statement on the matter. [33470/12]

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, and I have no function in the matter.

Garda management closely monitors this allocation of resources, including transfers and retirements, in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

I am further advised that the crime prevention function of An Garda Síochána being provided to the community in Tipperary has not been adversely affected as crime prevention and personal security advice is being provided by appropriate Divisional resources and where more

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in-depth specialist advices are required, the services of the Divisional Crime Prevention Officer from the neighbouring Waterford Garda Division are utilised.

International Office for Migration

375. **Deputy Eric Byrne** asked the Minister for Justice and Equality the staffing, structure, funding, and overall composition of the Dublin office of the International Office for Migration; and if he will make a statement on the matter. [33531/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the International Organisation for Migration (IOM) is an inter-governmental body operating on a global basis, my Department has no role or function in relation to its structure, staffing or operations. Immigration services are provided by IOM to my Department — principally in the area of assisted voluntary return of migrants to their home country — on a funded basis matched with funding provided by the European Commission.

Visa Applications

376. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of an application for a student visa in respect of a person (details supplied) in Dublin 12; and if he will make a statement on the matter. [33560/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by my officials in the Irish Naturalisation and Immigration Service (INIS) that the Department will be in contact shortly with the person concerned to seek additional information in order to process this application.

Queries made 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.

Garda Strength

377. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will provide the whole full-time equivalent of Gardaí in Malahide Garda Station, County Dublin, for the years, 2008, 2009, 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [33561/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by the Garda Authorities that the strength of Malahide Garda station on the 31 December 2008, 2009, 2010, 2011 and on the 31 May 2012, the latest date for which figures are readily available, was as set out in the table:

31/12/2008	31/12/2009	31/12/2010	31/12/2011	31/05/2012
45	44	37	35	35

Garda Transport

378. **Deputy Dara Calleary** asked the Minister for Justice and Equality the number of official

Garda vehicles that are attached to Swords Garda district, Malahide Garda sub district and Coolock Garda sub district, Dublin; and if he will make a statement on the matter. [33562/12]

Minister for Justice and Equality (Deputy Alan Shatter): The provision and allocation of Garda vehicles is a matter for the Garda Commissioner in the context of his identified policing priorities. At Divisional level responsibility for the efficient deployment of Garda vehicles is assigned to the Divisional Officer, who may allocate vehicles between Districts on the basis of operational requirements.

I am informed by the Garda authorities that the number of Garda vehicles assigned to the Garda stations referred to by the Deputy is as set out in the table:

Coolock District	
Station	No. of Garda vehicles
Coolock	16
Malahide	3
Swords	10

Census of Population

379. **Deputy Dara Calleary** asked the Minister for Justice and Equality based on the 2011 Census, the population in each of the following garda sub-districts (details supplied) [33563/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by the Garda authorities that the Garda strength of the Swords, Malahide and Coolock Garda Stations, on the 31 May 2012 the latest date for which figures are readily available, was 76, 35 and 115 respectfully. Population figures are available from the Central Statistics Office website at www.cso.ie.

Garda Strength

380. **Deputy Dara Calleary** asked the Minister for Justice and Equality the current operational strength whole full-time equivalents at non-peak times, that is 7am, in Malahide garda station; and if he will make a statement on the matter. [33564/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the personnel strength of Malahide Garda Station as of 31 May 2012, the latest date for which figures are readily available, was 35. For security and operational reasons, it is Garda policy not to disclose the number of personnel on duty at any given time.

Garda Overtime

381. **Deputy Dara Calleary** asked the Minister for Justice and Equality the current overtime allocation for Swords sub-district; Malahide sub-district; Coolock sub-district, Dublin; and if he will make a statement on the matter. [33565/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Commissioner is the Accounting Officer for the Garda Vote. In that context I am informed by the Garda authorities that they are not in a position to provide details of overtime allocations for the sub-districts referred to by the Deputy. I understand that this is due to the fact that Garda overtime expenditure arises on the basis of operational requirements and is not specifically linked to individual locations.

Garda Strength

382. **Deputy Dara Calleary** asked the Minister for Justice and Equality the number of Garda sergeants attached to Malahide Garda station, County Dublin; and if he will make a statement on the matter. [33566/12]

383. **Deputy Dara Calleary** asked the Minister for Justice and Equality the number of Garda sergeant vacancies in Malahide Garda sub-district. [33567/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 382 and 383 together.

I am informed by the Garda authorities that on 31 May 2012 there were 4 Garda Sergeants attached to Malahide Garda Station. This is a reduction of 1 Sergeant from the same date in 2009.

The Deputy will be aware that the Commissioner is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no function in the matter. 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.

Policing Plans

384. **Deputy Dara Calleary** asked the Minister for Justice and Equality the scope of the current impact assessment process being undertaken on the demands placed on each Garda station district and station in County Donegal; if he will outline the likely date for the conclusion of these assessments; if there will be any public consultation on this process; and if he will make a statement on the matter. [33604/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware of the process leading up to the publication of the Commissioner's policing plan for each year. That process has not yet been completed for the policing plan for 2013 and it is therefore not possible to state what it will contain although I do expect that it will contain proposals for the further rationalisation of Garda stations and Districts. In this regard, each Regional Officer is tasked with conducting an impact assessment on the demands placed on each Garda district and station within their region.

The overall operational effectiveness and resilience of the Garda Síochána is also being examined and covers such areas as the broad range of policing activity and resources including courts, escorts, protection posts, station opening hours, training, contracts/procurement, civilianisation and specialisation and partnerships with other agencies to enhance overall efficiency in the justice system. The objective of this review is to identify opportunities to achieve further efficiencies in the Garda Síochána while at the same time ensuring that the commitment of An Garda Síochána to the community is not diminished. The analysis of the assessment findings from the Northern Region, within which the Donegal division is located, is awaited. The Garda Commissioner has reiterated the commitment of An Garda Síochána to continue to provide a professional and effective policing service within the prevailing economic conditions. However, the Garda Síochána is not immune from the harsh economic realities which are impacting on the community and the public sector alike.

Human Trafficking

385. **Deputy Ciara Conway** asked the Minister for Justice and Equality the number of

recorded victims of human trafficking in County Waterford in 2010 and 2011; if he will provide details of the gender, age profile and country of origin of each of these victims; the number of convictions that have been secured in respect of these offences; and if he will make a statement on the matter. [33617/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that in June 2010 a 34 year old Bulgarian female, who had been arrested by An Garda Síochána in Waterford Garda Division in relation to other matters, alleged that she had been deceived into travelling to Ireland by an unidentified male. She was recorded by An Garda Síochána as a possible victim of human trafficking but the person did not wish to make a statement and left the jurisdiction, travelling to the UK. There was no further information available to An Garda Síochána and the matter could not be progressed further.

No victims of human trafficking came to the attention of An Garda Síochána in Waterford Garda Division in 2011.

Garda Training

386. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of active Gardaí excluding those retiring, resigning and so on that are now trained to operate each intoxilyser machine; the number trained in each division; the number of members of the Traffic Corps trained in the use of the intoxilyser machines; if there are adequate numbers of Garda trained to use the 22 intoxilyser machines that are currently being assigned across the country; the length of time and the cost of training for the use of an intoxilyser machine; and if he will make a statement on the matter. [33622/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the total number of operators and supervisors trained in the use of intoxilyzers is 1014. This is further broken down into 840 operators and 174 supervisors. A minimum of two persons per unit are trained in the use of these machines. A more detailed breakdown is not readily available and would require a disproportionate amount of Garda resources to elicit the information requested.

The information in relation to the distribution of the 22 new machines and the time and cost of training is not readily available. I have requested the information from the Garda authorities. I will be in contact with the Deputy when the information is to hand.

Magdalene Laundries

387. **Deputy Dara Calleary** asked the Minister for Justice and Equality if Gardaí current or retired will be assured that their participation in Senator McAleese's enquiry is to be encouraged by him; the measures being taken by him and An Garda Síochána to encourage and facilitate individual serving or retired members of An Garda Síochána in providing oral or written witness evidence to this committee; and if he will make a statement on the matter. [33624/12]

Minister for Justice and Equality (Deputy Alan Shatter): Officials of my Department were first in contact with the Garda Commissioner in July 2011 about the sourcing of records and information from serving and retired members of the Garda Síochána relevant to the work of the Committee chaired by Senator McAleese charged with establishing the facts of the State's involvement with the Magdalen laundries. The Garda Síochána are cooperating fully with the work of the Committee.

Cash for Gold Trade

388. **Deputy Robert Troy** asked the Minister for Justice and Equality if he will regulate the cash for gold industry that has swept across Ireland in view of the fact that the lack of regulation is leading people to having their jewellery stolen and ultimately is leading to a rise in the number of break-ins. [33632/12]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that on 19 June 2012 I published a report on the criminal justice aspects of the cash for gold trade which was prepared by my Department.

I have formally requested the Joint Oireachtas Committee on Justice, Equality and Defence to consider the content of the report, that it considers holding hearings on the issues raised in the report, that it obtains the views of all relevant interested parties and that it makes such report and recommendations to the Houses of the Oireachtas and to Government as it deems proportionate and appropriate in the public interest.

Small and Medium Enterprises

389. **Deputy Seán Kyne** asked the Minister for Justice and Equality if he will report on the progress made in implementing those recommendations categorised as immediate, short and medium term of the Small Advisory Group's Report entitled *The Voice of Small Business* for which he has been designated as having lead responsibility.. [33642/12]

Minister for Justice and Equality (Deputy Alan Shatter): Lead responsibility for the implementation of the recommendations of the Report referred to by the Deputy rests with my colleague, the Minister for Jobs, Enterprise and Innovation.

Section 4 of the Report makes reference to the need for reform of our personal insolvency regime. In this regard, the Deputy will be aware that I have brought forward proposals for radical reform of the law in this area. These are contained in the Personal Insolvency Bill 2012 which was published on 29 June last. The Bill is currently at Dáil Second Stage.

Garda Investigations

390. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality if his attention has been drawn to instructions being issued to An Garda Síochána since 2004 that there was or is a policy not to search suspected rendition flights at Shannon Airport.. [33654/12]

Minister for Justice and Equality (Deputy Alan Shatter): To date, ten complaints concerning allegations that rendition flights were transiting through Shannon Airport have been received from members of the public in the past five years which have been subject of investigation by An Garda Síochána. No evidence of rendition was disclosed in any of the investigations and as a result there were no prosecutions.

All complaints of this nature are dealt with in line with the advices provided by the Attorney General/Director of Public Prosecutions.

An Garda Síochána are fully committed to investigate all alleged breaches of the criminal law including alleged offences involving the use of aircraft at Shannon Airport.

There are statutory powers of search and entry bestowed on the Garda Síochána under various legislative provisions. However, these powers may only be exercised in circumstances where a member of An Garda Síochána reasonably suspects that an offence has occurred. The mere assertion of wrongdoing by a member of the general public is clearly insufficient in this regard. In the circumstances, there is no basis for the suggestion in the Deputy's question.

Naturalisation Applications

391. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if his attention has been drawn to the case of persons (details supplied); if a meeting will be arranged for these persons; and if he will make a statement on the matter. [33658/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by officials in the Irish Naturalisation and Immigration Service (INIS) that further documentation has been requested from the person referred to by the Deputy. The documentation requested is for the purpose of establishing that the Non EEA national who wishes to remain in the State comes within the criteria for permission to remain in the State on the basis of a de facto relationship with an Irish National. In particular, the person should be in a position to provide evidence of a durable attested relationship of at least two years. The following documentation must be provided:

1. Evidence of finances of both parties.
2. Evidence of relationship of at least 2 years duration (i.e. tenancy agreements, utility bills, bank statements, etc).

I understand that these applications are processed without the requirement of an interview with the applicant.

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.

392. **Deputy Michael McNamara** asked the Minister for Justice and Equality when a naturalisation application will be finalised in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [33680/12]

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, 2007.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation, such as good character and lawful residence, 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.

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

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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 Support Services

393. **Deputy John Lyons** asked the Minister for Justice and Equality if he will review the decision of the Refugee Integration Agency to send a person (details supplied) to County Sligo in circumstances in which they have been accepted to a third level course in a Dublin college and they have no connections in County Sligo; and if he will make a statement on the matter. [33681/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Reception and Integration Agency (RIA) of my Department is charged with responsibility for the accommodation of asylum seekers while their applications for protection are being processed. Currently, there are almost 5,100 persons accommodated in 37 RIA centres located throughout the State.

The person referred to in the question made an application for asylum on 11 March, 2009, was deemed an unaccompanied minor by the Office of the Refugee Applications Commissioner (ORAC) and referred to the HSE which has responsibility for the care of unaccompanied minors under the Child Care Act 1991.

Where an unaccompanied asylum seeker minor in the care of the HSE reaches 18 years of age, he or she may be referred by the HSE to the Reception and Integration Agency (RIA) for transfer to adult accommodation and service provision. In circumstances where the HSE deem such a person to be particularly vulnerable, the period in HSE care can be extended beyond 18 years of age at the HSE's discretion, as happened in this case.

In this case, the person concerned was placed in a foster home accommodation by the HSE and remained there until 20 January, 2012 when she was transferred to RIA for adult accommodation within the Direct Provision system, at which point she was 20 years of age. Discussions took place with the HSE Separated Children's Team prior to her arrival in RIA accommodation. RIA was informed that she was undertaking a pre-nursing course which would be completed in May 2012. It was agreed to offer this person accommodation in Viking Lodge in Dublin, a RIA accommodation centre, until June 2012. The person concerned was informed by letter dated 9 December, 2011 from RIA that she would be placed in Viking Lodge until June, 2012, after which she would be transferred to one of the designated "aged-out-minor" centres outside of Dublin. This would be in keeping with RIA's policy to disperse such persons to centres outside Dublin, generally family centres which have established links to HSE services and NGO supports.

Further discussions took place with the HSE Separated Children's Team in December, 2011 and in January, March and April of 2012 as to which RIA family centre would best suit this person following the completion of her pre-nursing course. In May, 2012 representations were made on her behalf by the Dun Laoghaire Refugee Project (DRP) and Crosscare to the effect that she should not be transferred from Dublin. RIA and the HSE held to the view that this person did not require a placement in Dublin. On 30 May, 2012, the person was informed that she would be transferring to Globe House, Sligo on 5 July, 2012.

Further representations were then received from the Irish Refugee Council (IRC) which included a letter from DRP stating that she had received a place in a two year Social Care course in Inchicore College which the DRP were funding. The IRC also forwarded medical information regarding this person which was sent to the independent medical referee. His

subsequent advice was that this person can be safely transferred to another location with the proviso that her medical records follow her.

For unconnected reasons, the transfer to Sligo has had to be postponed to the beginning of August. RIA has been informed that, in the meantime, further representations will be made on this case and these will, of course, be considered further. I am informed by RIA that the enrolment of this person in a two year course in Dublin to begin in September, when she was aware of her pending transfer to outside Dublin, will not be a factor in determining the final outcome in this case. As things stand, and pending consideration of any further representations in this case, RIA intends to proceed with this transfer in August.

Liquor Licensing Laws

394. **Deputy Jim Daly** asked the Minister for Justice and Equality his proposals in relation to future arrangements for the display and sale of alcohol products in mixed trading outlets; if he will give details of his proposals; and if he will make a statement on the matter. [33731/12]

Minister for Justice and Equality (Deputy Alan Shatter): The position is that on receipt of the third Compliance Report on the RRAI Code of Practice on the Display and Sale of Alcohol in Mixed Trading Premises, I launched a public consultation process inviting views on the Report and, more generally, on the voluntary approach to implementing structural separation of alcohol products in supermarkets, convenience stores and other mixed trading outlets.

Following an examination of the submissions received, the choice now lies between implementation of the statutory provisions in section 9 of the Intoxicating Liquor Act 2008 or implementation of a statutory code of practice under section 17 of the Civil Law (Miscellaneous Provisions) Act 2011. I expect to be in a position to seek Government approval for my proposals in relation to future arrangements for the display and sale of alcohol products in mixed trading outlets in the coming weeks.

Departmental Staff

395. **Deputy Simon Harris** asked the Minister for Defence the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33107/12]

Minister for Defence (Deputy Alan Shatter): With regard to the length of periods of sick leave taken by members of the Permanent Defence Force, the military authorities have advised that in 2011 the 10 highest incidents were as follows:

Number of Days	Number of PDF personnel
246	3
245	1
244	1
243	1
237	1
225	2
222	1

The procedures for managing absences due to the ill health of members of the Permanent Defence Force are governed by the provisions of Defence Force Regulations A12 (Medical Treatment). All absences due to ill health are recorded on the Defence Forces Personnel

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Management System and DFR A12 provides that commanding officers are required to play a proactive role in managing sick leave in their areas.

It has not been possible to collate the detailed information requested by the Deputy in relation to the number of personnel who took sick leave of more than 5, 10, 15, 20 and 21 days or over, in 2011 in the time available. My Department is currently seeking to compile the relevant data and I will provide the information directly to the Deputy once it comes to hand.

Defence Forces Reserve

396. **Deputy Michael McGrath** asked the Minister for Defence if he will state the effective strength of the Reserve Defence Force by rank and brigade at 31 May 2012. [33613/12]

Minister for Defence (Deputy Alan Shatter): The effective strength of the Army Reserve and the Naval Reserve by rank and brigade as at 31 May 2012 is set out in the table:

Army Reserve	Lt Col	Comdt	Capt	Lt	2/Lt	Total Officers	BSM	BQMS	CS	CQMS	Sgt	Cpl	Total NCOs	Ptes	Total
2 Eastern Brigade	0	19	45	47	24	135	1	4	27	20	136	187	375	618	1,128
1 Southern Brigade	1	28	43	74	19	165	3	4	28	28	194	230	487	711	1,363
4 Western Brigade	1	25	60	59	16	161	5	4	21	23	191	325	569	936	1,666
RDFTA DFTC		4	7	4	0	15	1	2	0	1	10	1	15	0	30
Total Army Reserve	2	76	155	184	59	476	10	14	76	72	531	743	1,446	2,265	4,187

Naval Service Reserve	Comdr	Lt Cdr	Lt (NS)	S/Lt	Ens	Total Officers	WO	SCPO	CPO	SPO	PO	LS	Total NCOs	Ratings	Total
	0	3	10	5	2	20	0	3	10	0	9	26	48	103	171
Total Effective Reserve Defence Force	2	79	165	189	61	496	10	17	86	72	540	769	1,494	2,368	4,358

397. **Deputy Michael McGrath** asked the Minister for Defence further to Parliamentary Question No. 127 of 21 June 2012 and having regard to the time taken to arrange the competition for promotion of RDF officers, if he will instruct the military authorities to fill the additional vacancies which have now arisen since October 2011; and if he will prepare a promotion list to fill the vacancies that will arise during the rest of 2012 as is procedure in the Permanent Defence Forces [33614/12]

Minister for Defence (Deputy Alan Shatter): I am advised by the military authorities that competitive interviews are being conducted in both the Army Reserve and the Naval Service Reserve to fill selected vacancies up to the authorised levels of 70% of the permitted RDF officer strength. Following completion of these current promotion competitions, if further vacancies arise at officer level in the RDF which result in the numbers of officers falling below 70% of the RDF's permitted officer strength, the matter will be considered further. The Deputy should also be aware that the value for money report on the RDF is expected to be completed in September and that future decisions on promotions will have to reflect any relevant recommendations that this report may contain.

Bovine Disease Controls

398. **Deputy Sandra McLellan** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 552 of 3 July 2012 the reason his Department can ignore a court ruling and not pay compensation to a person (details supplied) in County Cork; and if he will make a statement on the matter. [33441/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I have set out the position in reply to Question No. 552 of 3 July.

Single Payment Scheme

399. **Deputy Nicky McFadden** asked the Minister for Agriculture, Food and the Marine if advance payments of the single farm payment will be approved, particularly on account of the bad weather experienced by farmers throughout June; and if he will make a statement on the matter. [32979/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): As already announced, it is my firm intention to seek the approval of the EU Commissioner to allow the payment of a 50% advance of the Single Payment with effect from 16 October, the earliest payment date possible, it being the first day of the new EU financial year. I am both particularly mindful of the importance of the Single Payment to individual farmers and also of the benefit to the wider rural community and, in light of ongoing general financial difficulties, but particularly the recent very unseasonable weather, I have decided to approach the Commissioner, as indicated.

Agri-Environment Options Scheme

400. **Deputy Marcella Corcoran Kennedy** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Offaly will receive payment from the agri environment options scheme for which they have been approved since September 2011; and if he will make a statement on the matter. [32981/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named has been informed in writing that he was approved for participation in the 2011 agri-environment Options Scheme with effect from 1 September 2011.

Under the EU Regulations governing the Scheme and other area based payment schemes, a comprehensive administrative check of all applications, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. This process is under way with a view to commencing payments shortly. In the event of any queries arising from these checks my Department will be in direct contact with the person named.

Farm Improvement Scheme

401. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine the reason a grant in respect of a farm building was not granted in respect of a person (details supplied) in County Kerry; if the case will be reviewed and if payment in respect of the cost of the farm building will issue; and if he will make a statement on the matter. [32997/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person concerned was an applicant under the Farm Waste Management Scheme and received grant aid in respect of certain investments under the Scheme during the period 2009-2011. However, grant-aid was refused in relation to the completion of a slatted cubicle house as this investment had not been the subject of a grant-aid application when the Scheme closed. The person named appealed this decision in August 2008 however the original decision of the Department was upheld.

As the grant-aid must be limited to items listed in my Department's letter of approval, I regret that no further grant-aid is payable in this case.

Agri-Environment Options Scheme

402. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine if he will consider amending regulations in relation to the agri environmental options scheme to ensure that a son can use his father's land without a formal lease (details supplied); and if he will make a statement on the matter. [33010/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Agri-Environment Options Scheme (AEOS) is a menu based scheme where the farmer elects to deliver certain actions on individual parcels on the holding. The land on which the AEOS actions are delivered must be owned or leased by the applicant. A simple lease is acceptable for AEOS purposes and whether or not a farmer engages the services of a solicitor where a lease is arranged is a matter for each individual.

Beef Technology Adoption Programme

403. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine if he will review a decision to exclude a person (details supplied) in County Cork from participation in the beef technology adoption programme as it appears he is being excluded on the basis of the size of his farm holding rather than his commitment to improving the beef quality in his herd; and if he will make a statement on the matter. [33031/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In order to be eligible for the Beef Technology Adoption Programme applicants must satisfy one of the following two criteria: farmers with suckler cows must be current participants in the Suckler Cow Welfare Scheme (AWRBS), that is, they must have received payments under the Scheme on 2010 born calves and have applied to participate in ICBF HerdPlus prior to applying for the Programme; or beef farmers without a suckler herd must have applied to participate in ICBF HerdPlus prior to applying for the Programme. Any farmer finishing animals to slaughter

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must have applied for membership of the Beef Quality Assurance Scheme (BQAS) before the application date for this Programme and must be a member of the scheme by 31 October 2012. He/she must also have finished a minimum of 15 cattle to slaughter in 2011.

Unfortunately, as the person named has not satisfied either he is not eligible for acceptance to the Programme.

Forestry Sector

404. **Deputy Dara Murphy** asked the Minister for Agriculture, Food and the Marine if an investigation or report has ever been requested by the Department into the consequences of forestry management by Coillte along the Glashboy River, County Cork, with regard to the possible effects of flooding; and if he will make a statement on the matter. [33092/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): No investigation or report was requested by my Department in relation to the matter outlined by the Deputy.

Departmental Staff

405. **Deputy Simon Harris** asked the Minister for Agriculture, Food and the Marine the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33103/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In relation to the twelve State Bodies under the aegis of my Department and the management of sick leave, this is an operational matter for the Bodies.

406. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the grade and number of all staff seeking a transfer to the Department of Social Protection in County Sligo; and if he will make a statement on the matter. [33124/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Transfer lists for locations in Department of Social Protection are maintained by that Department.

Agri-Environment Options Scheme

407. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Donegal under the agri environment options scheme; and if he will make a statement on the matter. [33141/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named has been informed in writing that he was approved for participation in the 2011 Agri-Environment Options Scheme with effect from 1 September 2011.

Under the EU Regulations governing the Scheme and other area based payment schemes, a comprehensive administrative check of all applications, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. This process is under way with a view to commencing payments shortly. In the event of any queries arising from these checks my Department will be in direct contact with the person named.

Dairy Hygiene Scheme

408. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a

payment will issue in respect of a person (details supplied) in County Kerry; if a valid C2 Certificate will be produced by the contractor involved; and if he will make a statement on the matter. [33143/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person concerned was an applicant under the Dairy Hygiene Scheme and received grant-aid under the Scheme in respect of certain investments in February 2008. However, one invoice was excluded for grant-aid purposes as the contractor concerned was unable to provide tax clearance as required under the terms of the Scheme.

To date, the required tax clearance has not been received by my Department and I am not therefore in a position to progress the matter further.

Turbary Rights

409. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the persons within his Department who has responsibility to adjudicate in disputes between land-owners and turf cutters regarding turbary allocated by the Irish Land Commission. [33216/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Disputes between land owners and turf cutters are primarily private law matters for the parties concerned to resolve, if necessary through the Courts or by way of mediation. Where the Department sold the land or turbary it will provide assistance, where possible, to all parties.

Farm Improvement Scheme

410. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding an application under the dairy equipment scheme in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [33238/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person concerned submitted an application under the Dairy Equipment Scheme on 28 April 2011. The applicant was approved into the Scheme on 29 September 2011. The applicant has submitted a payment claim and payment of the grant will take place when it has been determined that all the terms and conditions of the Scheme have been complied with. These checks will be completed in the near future.

Animal Welfare Issues

411. **Deputy Billy Timmins** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 168 of 27 June 2012, the position regarding same [33266/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): With reference to my reply to your question on 27 June 2012 on the disposal of horses the position remains unchanged.

Animal Carcase Disposal

412. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine his views on recent reports of the alleged disposal of dead animals at an animal welfare shelter; and if he is satisfied that all animal welfare services are operating with valid licenses and are also disposing of dead animals through a licensed collector; and if he will make a statement on the matter. [33271/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Animals that die in the care of animal welfare organisations must be disposed of in compliance with EU Animal By-Product (ABP) Regulations. Under the ABP regulations, there is a number of methods available for the disposal of dead animals, including rendering at approved rendering plants. I understand that in the case which was the subject of recent media reports, the local authority veterinary service has carried out checks and the shelter concerned routinely uses the services of an approved rendering plant.

The Control of Dogs Acts 1986 and 1992 place statutory responsibility for dog control and licensing services (including the provision of shelters for stray and other dogs) on local authorities.

Harbours and Piers

413. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No 148 of 10 May 2012 if he will report progress on the studies on the Bull Nose Pier on Cape Clear Island, County Cork; if he has received the report; if he will publish the report; if a decision on the work that will be carried out has been taken; and if he will make a statement on the matter. [33284/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My reply to the previous Parliamentary Question of 10th May 2012 submitted by the Deputy sets out the position in relation to the studies carried out on the Bulls Nose at Cape Clear.

The final report from the consultants engaged on this project is regrettably not yet to hand. On receipt of their report I will be in a position to make an informed decision in relation to the proposed works at Cape Clear.

Grassland Sheep Scheme

414. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine when the balance of a grassland sheep payment will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33303/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Processing of the Grassland Sheep Scheme application in question, which had been delayed due to the changed circumstances of the persons named, has recently been finalised, thereby allowing the payment due to issue shortly.

Single Payment Scheme

415. **Deputy John Perry** asked the Minister for Agriculture, Food and the Marine if he will ensure that a favourable decision is made on a single farm payment appeal in respect of a person (details supplied). [33423/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the Single Payment Scheme /Disadvantaged Areas Scheme was received from the person named on the 13th May 2011.

This application was selected for a ground eligibility/cross compliance inspection. During the course of this inspection discrepancies were found that resulted in a claimed area of 6.65ha being reduced to a found area of 3.43ha. If the total area found is not sufficient to support the number of entitlements held penalties will be applied per the Terms and Conditions of the scheme. In this case the number of entitlements held by the person named is 6.4. As the

difference between the area declared and the area found was more than 50%, under EU Regulations no payment was due in respect of the 2011 scheme.

The person named was informed of this decision and of his right to seek a review. He was also informed of his right to appeal the outcome of any such review to the Independent Agriculture Appeals Office. Such a review was requested, the outcome of which was to uphold the original decision. An appeal has been lodged with Agriculture Appeals Office who will be in contact with the person named to arrange a hearing in due course.

416. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if farm payments will be advanced in 2012 due to the fact that it has been a bad year for farmers with the poor weather conditions; and if he will make a statement on the matter. [33426/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): As already announced, it is my firm intention to seek the approval of the EU Commissioner to allow the payment of a 50% advance of the Single Payment with effect from 16 October, the earliest payment date possible, it being the first day of the new EU financial year. I am both particularly mindful of the importance of the Single Payment to individual farmers and also of the benefit to the wider rural community and, in light of ongoing general financial difficulties, but particularly the recent very unseasonable weather, I have decided to approach the Commissioner, as indicated.

Agri-Environment Options Scheme

417. **Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine the reason there is a continuing delay in the processing of the 2010 and 2011 agri environment options scheme payments in respect of a person (details supplied) in County Mayo; and if payment will be expedited.. [33585/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st November 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. Digitisation issues associated with one of the parcels on the AEOS application of the person named have now been resolved, however during the final administration checks a query arose in relation to the claimed Natura area on one of the parcels. This problem is presently being addressed and I expect payment will issue shortly.

TB Eradication Scheme

418. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Clare has not been facilitated; and if he will make a statement on the matter. [33727/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department is still awaiting the outcome of the Garda investigation in relation to this case. In the meantime, it has been decided not to make any payments to the person concerned under the TB Eradication Scheme in respect of testing conducted in his herd after 4th October 2010 due to reported interference with the test. He has been informed of the position by telephone and by

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letter dated 22nd June 2012 and that he may appeal this decision through the Regional Assistant Principal Officer.

Education Welfare Service

419. **Deputy Derek Keating** asked the Minister for Children and Youth Affairs the number of cases the National Education Welfare Board is currently managing, that is, the number of new cases received in 2011; the number of cases in total that are being dealt with by the 85 welfare officers; and if she will make a statement on the matter. [33138/12]

420. **Deputy Derek Keating** asked the Minister for Children and Youth Affairs regarding non-attendance at school, if she is satisfied that there is enough staff in the National Education Welfare Board does she envisage a transfer of staff from other sections of the public service to meet the needs; and if she will make a statement on the matter. [33190/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 419 and 420 together.

The National Educational Welfare Board (NEWB), under the auspices of my Department, has a statutory remit to ensure that “*each child attends a recognised school or otherwise receives a certain minimum education*”. In particular, the NEWB has a key role to respond to instances where children are not attending school regularly, or where there is concern about a child’s educational welfare. The Educational Welfare Service, and its network of Educational Welfare Officers (EWOs), is a key resource for the Board in delivering on this statutory remit.

The NEWB further has strategic and operational responsibility for the School Completion Programme and the Home School Community Liaison Scheme and is developing an integrated service to better respond to the complexity of issues that impact on children and young people’s attendance, participation and retention in the education system.

With regard to the issue of caseloads, when a young person is referred to the Board by a school, parent or another agency, the initial work of the EWO is to assess the nature, scope and depth of the problem. Each case generally falls between two distinct categories i.e. those requiring intensive casework and those requiring brief interventions.

I have been advised by the Board that in 2011, the Board’s EWOs worked with 3,845 children requiring Intensive Casework. Of the 3,845 cases, 1093 were new cases. In addition, EWOs worked with a further 12,062 children by providing assistance through Brief Interventions.

The NEWB is staffed with 72 front line personnel (57 Educational Welfare Officers, 12 Senior Educational Welfare Officers and 3 Regional Managers) and a further 19 staff in management and administrative support work in head quarters and at regional locations. The Board also has strategic and operational responsibility for 403 HSCL co-ordinators, 250 full-time SCP staff and several hundred sessional SCP personnel which are overseen by 5 Service Managers in the Board.

Vacancies that arise in staffing front line services for children and young people at risk of early school leaving are prioritised by my Department in so far as possible working within Government policy on public service numbers and the moratorium on recruitment.

The Board has prioritised the introduction of a new integrated practice and case management system bringing together the Educational Welfare Service, the Home School Community Liaison Scheme and the School Completion Programme.

School Absenteeism

421. **Deputy Derek Keating** asked the Minister for Children and Youth Affairs the attendance rate of disadvantaged schools, which comprises approximately 22% of all schools, compared to non-disadvantaged schools; her views on this problem; and if she will make a statement on the matter. [33252/12]

423. **Deputy Derek Keating** asked the Minister for Children and Youth Affairs if, under the current practice whereby schools are required to notify Education Welfare Officers of individual cases where there are problems or non-attendance in excess of 20 days or if the school suspends a student, if there has been an increase in the past four years with problematic students, non-attendance students or suspensions in tabular form; and if she will make a statement on the matter. [33268/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 421 and 423 together.

Under the Education (Welfare) Act 2000 all recognised schools are obliged to submit an Annual Attendance Report to the National Educational Welfare Board (NEWB), which is under the remit of my Department, on the levels of school attendance each year.

I recently launched the report for the 2009/2010 school year. The report contains a comprehensive analysis of non attendance data in primary and post primary schools including information about absences and suspensions and detailed data about attendance patterns in urban and rural schools, schools in disadvantaged areas and special schools. The data in the report links to the attendance data reported for earlier years. The report is available on the website of the NEWB at www.newb.ie.

The overall reduction in the rate of absenteeism in 2009/2010 is welcome. However the number of children who continue to miss school each day is a concern because of the implications that such absences hold for children and young people's educational and developmental outcomes. Almost €38 million has been allocated to my Department in 2012 to support children and young people's participation and retention in education through the services of the NEWB, in particular, through the School Completion Programme and Home School Community Liaison Scheme which target children in the most disadvantaged communities in the country.

The NEWB, under the remit of my Department, has prioritised the introduction of a new integrated practice and case management system.

Child Care Services

422. **Deputy Derek Nolan** asked the Minister for Children and Youth Affairs the number of social workers she intends to take on as a result of the ChildFirst Guidelines; the number that will be taken on nationally and locally; when they will be taken on; the locations at which they will be based; the number of positions that will be filled; and if she will make a statement on the matter. [33254/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Children First National Guidance for the Protection and Welfare of Children, which I published in 2011, provides clarity and guidance for individuals and organisations in identifying and responding appropriately to child abuse and neglect. It also sets out what organisations that care for or work with children should do to ensure they are safe whilst in the care of the organisation. The Government has committed, as a priority, to the introduction of legislation to underpin Chil-

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dren First and the Heads of the Bill have been prepared and submitted to the Committee for Health and Children for their consideration.

The Deputy will be aware that *Children First* has operated on the basis of voluntary compliance since it was first published by the then Department of Health and Children in 1999. Significant resources have been put in place to support the implementation of *Children First* and in the case of the HSE and An Garda Síochána, *Children First* has formed an integral part of their existing operations and practices. The HSE has provided training, information and advice on the implementation of *Children First* throughout the HSE, voluntary and community sector. In addition to the existing structures in place to support *Children First*, significant additional resources have been provided to the HSE over the past three years to increase the number of social workers in the child welfare and protection area. The recruitment of these additional social workers was included in the Ryan Report Implementation Plan, as was the commitment to place Children First on a statutory basis. This additional resource will be of particular assistance to the HSE in driving forward the process of implementation of *Children First*.

Currently, under Children First, organisations are required to appoint a Designated Officer. The Designated Officer has responsibility that staff and volunteers are vetted, recruited properly and are trained in safe practices with children and in recognising signs of abuse and neglect. In the proposed legislation, it is intended that the Designated Officer along with certain named professionals will have statutory responsibility to report information about abuse to the HSE. The obligation to report abuse extends to abuse and neglect wherever it occurs, that comes to the attention of the Designated Officer in the course of his/her work or volunteer activities.

To assist Designated Officers and certain named professionals make a determination as to whether to report abuse, a “Guidance for Reporting of Abuse” is to be developed by my Department. This Guidance will deal with issues such as definitions, thresholds and appropriate routes for the reporting of abuse. The Guidance will assist designated officers and professionals named in the legislation, in their considering a number of factors to see if the concern reaches the threshold of a report under the legislation. This approach is intended to ensure that only those cases which require an assessment by the HSE are brought to its attention. As regards the allocation of resources to community based welfare services, this will be a matter to be considered both in the context of the establishment of the new Child and Family Support Agency and the Regulatory Impact Analysis which will accompany the preparation of relevant legislation.

The HSE is actively reviewing the impact of current vacancies, including recent retirements at national and regional level. The National Director of Children and Families Services, Gordon Jeyes, will apply his discretion over the course of the year to the filling of vacancies, having regard to identified need and subject to services being delivered within available resources, taking account of recent early retirements, identified need and subject to services being delivered within available resources.

The recruitment of the additional social workers is one element of a wider reform agenda within the HSE, through which I believe we can deliver better outcomes for children and families. This reform agenda will lead to the establishment of a new Child and Family Support Agency which will provide a dedicated focus on child protection and will support families in need.

Question No. 423 answered with Question No. 421.

Foreign Adoptions

424. **Deputy Dara Calleary** asked the Minister for Children and Youth Affairs if any progress has been made in resolving the delay in the signing of the bilateral agreement between the Irish and Russian authorities in respect of the adoption of Russian children to Irish families. [33070/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Adoptions from Russia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). Under the provisions of the legislation, such adoptions may take place up to the end of October 2013.

As regards adoptions thereafter, Russia has not ratified the Hague Convention and there appears to be no immediate prospect that this will happen. Therefore, future adoptions from Russia, beyond those provided for under the transitional arrangements, may only be possible under a bi-lateral agreement. The negotiation of bilateral agreements on inter-country adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010. Any bilateral arrangements which might be entered into would be required by law to meet the minimum standards set out in the Hague Convention.

It is the role of the Adoption Authority to make an assessment of whether the inter-country adoption legislation and practices in a non-contracting state, in this case Russia, are in compliance with both Irish legislation and the principles of the Hague Convention. As part of this assessment the Adoption Authority has reviewed a draft bilateral agreement presented to it during previous discussions with its Russian counterparts and has provided me with an initial assessment in this regard. As a result of this, the issues which may require further exploration with the Russian authorities have been considered. I have recently asked the Adoption Authority to engage further with the Russian authorities on issues raised in their report to me.

Departmental Staff

425. **Deputy Simon Harris** asked the Minister for Children and Youth Affairs the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to her Department; the length of the ten highest incidences of sick leave across these bodies; and if she will make a statement on the matter. [33105/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): All agencies under the aegis of my Department have detailed sick leave policies in place to manage time and attendance matters, including absenteeism due to sickness. The policies include procedures for staff and management to follow in recording and addressing sick leave levels. These arrangements recognise that staff may from time to time encounter challenges to their health and well-being and that management of sick leave must be done in a fair and consistent manner with the objective of addressing the cause of the sick leave and ensuring regular attendance.

Management information systems are in place to record, monitor and analyse patterns of sick leave. Failure to comply with the sick leave regulations is considered as serious misconduct and the disciplinary code may be invoked. Abuse of sick leave arrangements may lead to penalties including withholding salary increments, withdrawal of sick leave privileges and ultimately dismissal.

The specific information requested by the Deputy is set out below:

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No. of staff taking sick leave of more than	Children Detention Schools	Adoption Authority of Ireland	National Educational Welfare Board	Family Support Agency
5 days	138	27	3	2
10 days	97	1	7	1
15 days	75	1	2	—
20 days	—	—	—	—
21 days and over	60	1	11	—

The ten highest incidences of sick leave across these bodies are:

Children Detention Schools	Adoption Authority of Ireland	National Educational Welfare Board	Family Support Agency
136 days	148 days	365 days	14 days
84 days	16 days	222 days	7.5 days
65 days	10 days	102.5 days	7 days
47 days	8 days	64 days	—
41 days	7 days	56 days	—
37 days	5 days	32 days	—
36 days	3 days	30 days	—
36 days	3 days	30 days	—
32 days	3 days	28 days	—
30 days	2 days	28 days	—

I understand that the Office of the Ombudsman for Children has contacted the Deputy directly in relation to sick leave in that office.

Early Childhood Education

426. **Deputy Derek Keating** asked the Minister for Children and Youth Affairs if he will provide in tabular form the number of private and public local organisations who are receiving funding to provide the early childhood care and education scheme otherwise known as the free pre-school year scheme in Dublin Mid West constituency; the amount of funding provided in 2009, 2010 and 2011 for the early childhood care and education scheme service in Dublin mid west constituency; and if she will make a statement on the matter. [33136/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Early Childhood Care and Education (ECCE) programme was introduced in January 2010 and provides a free pre-school year to all eligible children in the year before commencing primary school. About 65,000 children, that is approximately 95% of children in the year before school, are availing of the free pre-school provision at this time.

In 2011, the ECCE programme cost approximately €166 million. Additional funding has been made available for 2012 when the cost of the programme is expected to rise to €175 million to cater for changing demographics and provide for the increased number of children in the relevant age cohort.

The data requested by the Deputy is currently being collated and I will issue this information directly to the Deputy.

427. **Deputy Derek Keating** asked the Minister for Children and Youth Affairs in relation to childcare and early childhood education facilities, the minimum qualifications required for service being provided by individuals or teachers to children; and if she will make a statement on the matter. [33140/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The core obligations of the adult practitioner are set out at Part 11, Section 5 of the Child Care (Pre-School Services) (No. 2) Regulations 2006

It is a requirement of the Early Childhood Care and Education (ECCE) programme which is implemented by my Department, that pre-school year leaders in services participating in the programme, and who are receiving the standard capitation, hold a qualification in childcare which is equivalent to FETAC Level 5 on the National Framework of Qualifications of Ireland (NFQ).

A higher capitation rate is available to sessional playschool services participating in the ECCE programme in which all childcare workers have qualification levels above the minimum requirements for the programme.

Child Protection

428. **Deputy Derek Keating** asked the Minister for Children and Youth Affairs if in view of the fact that it is reported that every year more than 30,000 child protection and welfare concerns were reported to the Health Service Executive Services and 16,000 of these are child welfare concerns, 13,000 of these are child protection concerns and 1,500 of these are confirmed as cases of sexual, physical and emotional abuse, if she has satisfied herself that she has enough social workers in place to deal with the reporting of such cases, the waiting time to see a social worker in tabular form; the waiting time to have a risk assessment conducted and the waiting time to have a case completed to ensure that a child is safe in tabular form; and if she will make a statement on the matter. [33248/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Since its introduction in 1999, significant resources have been put in place to support the implementation of *Children First* and in the case of the HSE and An Garda Síochána, *Children First* has formed an integral part of their existing operations and practices. The HSE has provided training, information and advice on the implementation of *Children First* throughout the sector.

In addition to the existing structures in place to support *Children First*, significant additional resources have been provided to the HSE over the past three years to increase the number of social workers in the child welfare and protection area. The recruitment of these additional social workers was included in the Ryan Report Implementation Plan, as was the commitment to place *Children First* on a statutory basis. This additional resource will be of particular assistance to the HSE in driving forward the process of implementation of *Children First*.

The HSE is actively reviewing the impact of current vacancies, including recent retirements at national and regional level. The National Director of Children and Families Services, Gordon Jeyes, will apply his discretion over the course of the year to the filling of vacancies, having regard to identified need and subject to services being delivered within available resources. There has been an increase in social work numbers in the Children and Families care group over the period raised by the Deputy. Plans are in train to recruit further social workers to vacancies which have been identified for filling.

The recruitment of the additional social workers is one element of a wider reform agenda within the HSE, through which I believe we can deliver better outcomes for children and

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families. This reform agenda will lead to the establishment of a new Child and Family Support Agency which will provide a dedicated focus on child protection and will support families in need.

I will reply directly to the Deputy on the other matters raised.

Child Care Services

429. **Deputy Derek Keating** asked the Minister for Children and Youth Affairs the roles and functions of a designated officer under the new Children First legislation whereby an organisation will be required to have a designated officer who will have responsibility for staff and volunteers and to ensure that they are vetted, recruited properly and are trained in safe practices; if the designated officer themselves have to be trained and vetted before they can take up such an appointment; if her attention has been drawn to the fact that, as reported at the recent Oireachtas Committee on Health and Children, designated officers in schools such as principals may not have not been vetted or trained; and if she will make a statement on the matter. [33250/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Deputy will be aware that *Children First: National Guidance for the Protection and Welfare of Children* has operated on the basis of voluntary compliance since it was first published by the Department of Health and Children in 1999. Under Children First, organisations are required to appoint a Designated Liaison Person. This person acts as a liaison with outside agencies and a resource to any staff member or volunteer who has child protection concerns. He/she is also responsible for ensuring that the standard reporting procedure is followed, so that suspected cases of child neglect or abuse are referred promptly to the designated person in the HSE Children and Family Services or to An Garda Síochána where there is an emergency and the HSE is unavailable. The Designated Liaison Person should ensure that they are knowledgeable about child protection and undertake training as necessary.

In the legislation, it is proposed that the Designated Officer along with certain named professionals will have statutory responsibility to report information about abuse to the HSE. The obligation to report abuse extends to abuse and neglect wherever it occurs, that comes to the attention of the Designated Officer in the course of his/her work or volunteer activities.

To assist Designated Officers and certain named professionals make a determination as to whether to report abuse, a “Guidance for Reporting of Abuse” is to be developed by my Department. This Guidance will deal with issues such as definitions, thresholds and appropriate routes for the reporting of abuse. The Guidance will assist designated officers and professionals named in the legislation, in their considering a number of factors to see if the concern reaches the threshold of a report under the legislation.

My Department is currently chairing an interdepartmental group on the implementation of the Children First national policy document. Issues such as that raised by the Deputy are clearly set out in the guidance. I have asked each Department to prepare a sectoral plan which sets out the current mechanisms for assurance of compliance with Children First policy as well as identifying those areas where improved mechanisms or supports are required to ensure full implementation. I expect to receive drafts of those plans in the coming weeks.

Foreign Adoptions

430. **Deputy Kevin Humphreys** asked the Minister for Children and Youth Affairs if her attention has been drawn to the fact that an organisation (details supplied) requested an

opinion from Kenya on the compatibility of laws in Kenya with Irish adoption laws on 2 March 2012; if this organisation is taking any steps to follow that opinion up; if so, the steps that will be taken, when they will expect a response; and if she will make a statement on the matter. [33251/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): In March 2012 the AAI commenced a review of the adoption law(s) of Kenya, which has ratified the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption. The general review process followed by the AAI in such instances is detailed on the Authority's website. In the case of Kenya the AAI requested the preparation of a legal opinion and awaits receipt of same. Owing to the variable nature of the process in respect of each individual country, and the need to engage with legal experts in the country being assessed, there is no definitive or set timescale for the completion of such reviews. The AAI will provide all relevant information relating to reviews on its website at the appropriate time.

431. **Deputy Kevin Humphreys** asked the Minister for Children and Youth Affairs when the report by an organisation (details supplied) summarising the conclusions and recommendations of the delegation's visit to Ethiopia will be completed; when this organisation will contact her again on the legal advice referred to in her previous replies to questions on this matter; if further information has been submitted to her regarding this legal advice; if this organisation has completed its consideration of this matter; and if she will make a statement on the matter. [33255/12]

433. **Deputy Eoghan Murphy** asked the Minister for Children and Youth Affairs if she has considered the recommendations made by an organisation (details supplied) in relation to adoptions from Ethiopia; if this organisation has received the completed legal advice it was seeking from Ethiopia. [33355/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 431 and 433 together.

Adoptions from Ethiopia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). These transitional arrangements may lead to adoptions from Ethiopia taking place up to the end of October 2012. The Adoption Act 2010 also contains provision for a one year extension to declarations of eligibility and suitability to adopt which may lead to a one year extension to this date.

Ethiopia is not a signatory of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption. In these circumstances, adoptions from Ethiopia which are not covered by the transitional arrangements referred to above would require a bilateral agreement between Ireland and Ethiopia. The negotiation of bilateral agreements on inter-country adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010. Any bilateral arrangements which might be entered into would be required by law to meet the minimum standards set out in the Hague Convention.

A delegation from the Adoption Authority visited Ethiopia in April and held exploratory meetings with the Ethiopian authorities regarding the system of adoption which operates in that country. The delegation, in the course of its visit, held preliminary discussions with the Ethiopian authorities around the potential for a bilateral agreement on inter-country adoption. The Authority submitted its initial report which summarises the conclusions and recommendations of the delegation's visit. In addition, the Embassy in Ethiopia recently submitted a detailed background note on inter-country adoption in Ethiopia. The AAI has stated that it

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is seeking further legal advice in Ethiopia on whether adoptions there are full or simple adoptions. At the time of making its initial report the Authority indicated that it would contact me again once it has received this legal advice and completed its consideration of the matter.

The Authority has recently confirmed to me that it will submit its further report on adoption in Ethiopia as soon as possible.

Departmental Funding

432. **Deputy Dominic Hannigan** asked the Minister for Children and Youth Affairs the reason an organisation (details supplied) had their application for funding denied under the National Childcare Investment programme; the way they an appeal can be made, if there are any plans for NICP programme for 2013; and if she will make a statement on the matter. [33292/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The maximum grant available was €50,000 (including VAT). The aim of the funding is to provide support to childcare settings to address remedial, maintenance and renovation work, or to purchase equipment.

Following a robust appraisal 290 applications were approved for funding. The successful applications were those that represented the most complete, coherent, precise and compelling cases for funding. The investment has been directed, to the greatest extent possible, to addressing the most urgent works, and supporting the quality of services making the greatest impact for disadvantaged children and communities.

The capital programme was administered by Pobal and behalf of this Department. The Pobal website informed applicants, whose applications were declined, of the steps to be taken to obtain information on how their application was appraised. Applicants could request by e-mail a call-back from Pobal if they wished to discuss their application further. The reason for the decline/partial approval would then be explained to the applicant and if the applicant still had concerns about the reasonable treatment of their application, a written request to Pobal for a review of their application could be submitted. The review of such applications will be considered shortly by a Review Panel which is being led by my Department.

I understand that at this stage, Pobal cannot take any further requests for individual consultations or requests for reviews. I also understand that the service in question has not made contact with Pobal since the decision to decline the application was transmitted to them.

It is not possible, prior to the conclusion of the Estimates and Budgetary Process for 2013, to determine whether capital funding will be made available to my Department under December's Budget.

Question No. 433 answered with Question No. 431.

Child Protection Guidelines

434. **Deputy Catherine Murphy** asked the Minister for Children and Youth Affairs if, in planning for the mandatory reporting of child abuse, she has considered the funding and resources that will be required to manage the system of reporting; her views that the provision of these resources may result in the reduction of resources available to provide services for vulnerable children; if resources will be allocated to improve the community based welfare services; and if she will make a statement on the matter. [33405/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Deputy will be aware that *Children First* has operated on the basis of voluntary compliance since it was first

published by the then Department of Health and Children in 1999. Significant resources have been put in place to support the implementation of *Children First* and in the case of the HSE and An Garda Síochána, *Children First* has formed an integral part of their existing operations and practices. The HSE has provided training, information and advice on the implementation of *Children First* throughout the HSE, voluntary and community sector.

Under *Children First*, organisations are required to appoint a Designated Officer. The Designated Officer has responsibility that staff and volunteers are vetted, recruited properly and are trained in safe practices with children and in recognising signs of abuse and neglect. The Designated Officer makes information available to parents about child protection in the organisation and will have a system in place to check and report on its compliance with the legislation. In the legislation, it is proposed that the Designated Officer along with certain named professionals will have statutory responsibility to report information about abuse to the HSE. The obligation to report abuse extends to abuse and neglect wherever it occurs, that comes to the attention of the Designated Officer in the course of his / her work or volunteer activities.

To assist Designated Officers and certain named professionals make a determination as to whether to report abuse, a 'Guidance for Reporting of Abuse' is to be developed by my Department. This Guidance will deal with issues such as definitions, thresholds and appropriate routes for the reporting of abuse. The Guidance will assist designated officers and professionals named in the legislation, in their considering a number of factors to see if the concern reaches the threshold of a report under the legislation. This approach is intended to ensure that only those cases which require an assessment by the HSE are brought to its attention. As regards the allocation of resources to community based welfare services, this will be a matter to be considered both in the context of the establishment of the new Child and Family Support Agency and the Regulatory Impact Analysis which will accompany the preparation of relevant legislation.

Foreign Adoptions

435. **Deputy Jack Wall** asked the Minister for Children and Youth Affairs when the Adoption Authority of Ireland will start processing adoptions from India or when an agent will be appointed; and if she will make a statement on the matter. [33557/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I am currently seeking an update on this issue from the Adoption Authority of Ireland and I will provide this information to the Deputy when it is received.

Children's Rights Referendum

436. **Deputy Regina Doherty** asked the Minister for Children and Youth Affairs if the definition of the best interests of the child as defined in the UN Convention on the Rights of the Child is to be included in the wording of the Children's Rights Referendum; and if she will make a statement on the matter. [33570/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Programme for Government 2011-2016 states that the Referendum on Children's Rights is a priority, and that the wording of the proposed referendum will be along the lines of that proposed by the All Party Joint Committee on the Constitutional Amendment on Children (JCCAC).

Following taking office as Minister for Children and Youth Affairs, both myself and officials of my Department have engaged extensively with the Attorney General and her officials to formulate a draft wording for the proposed constitutional amendment. Contact in that regard

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is ongoing and, as part of normal process, will involve consultations across the relevant departments in advance of presentation of a proposed wording to Government for approval.

In developing a draft wording, cognisance is being taken of a range of experience and standards relating to children's rights. However, until the wording is finalised and approved by Government, it would not be appropriate to refer to any aspect of possible content.

The Government has decided that the referendum will take place later this year and will be held on a standalone basis. The significant work currently underway is geared towards this timeline and objective.

Foreign Adoptions

437. **Deputy Andrew Doyle** asked the Minister for Children and Youth Affairs when the Adoption Authority of Ireland will be in a position to sign a bilateral agreement with Russia regarding inter-country adoption; and if she will make a statement on the matter. [33583/12]

440. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the timeframe within which the bilateral agreement between Russian and Irish adoption authorities will be completed; when the agreement will be signed and when adoptions from Russia will recommence; and if she will make a statement on the matter. [33627/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 437 and 440 together.

Adoptions from Russia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). Under the provisions of the legislation, such adoptions may take place up to the end of October 2013.

As regards adoptions thereafter, Russia has not ratified the Hague Convention and there appears to be no immediate prospect that this will happen. Therefore, future adoptions from Russia, beyond those provided for under the transitional arrangements, may only be possible under a bi-lateral agreement. The negotiation of bilateral agreements on inter-country adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010. Any bilateral arrangements which might be entered into would be required by law to meet the minimum standards set out in the Hague Convention.

It is the role of the Adoption Authority to make an assessment of whether the inter-country adoption legislation and practices in a non-contracting state, in this case Russia, are in compliance with both Irish legislation and the principles of the Hague Convention. As part of this assessment the Adoption Authority has reviewed a draft bilateral agreement presented to it during previous discussions with its Russian counterparts and has provided me with an initial assessment in this regard. As a result of this, the issues which may require further exploration with the Russian authorities have been considered. I have recently asked the Adoption Authority to engage further with the Russian authorities on issues raised in their report to me.

Departmental Expenditure

438. **Deputy Willie Penrose** asked the Minister for Children and Youth Affairs if she will outline in detail the budget was for children and families within the Health Service Executive for 2009, 2010, 2011, and to date in 2012; and if she will assure all concerned that the HSE is not now engaged in reducing the budget and resources for children and families in advance of the establishment of the new agency; and if she will make a statement on the matter. [33595/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Revised Estimates for Public Services 2012 indicates, for the first time, a dedicated sub-head budget provision of €550.7 million for children and family services. The equivalent budget figure for 2011 is estimated at €529.7 million. Reliable data for 2009 and 2010 is not available on a comparable basis in the absence of a standardised national reporting system which accurately captures expenditure across all children and family services.

In preparation for the establishment of the new Child and Family Support Agency work is under way on disaggregating the Children and Families budget from within the overall HSE financial determination. This necessary work will be completed in the latter half of 2012 in preparation for the planned establishment of the new agency early in 2013. This process is likely to lead to some further revision of the above figures having regard to the detailed service composition of the care group.

It is my intention and that of the National Director, Gordon Jeyes as the Chief Executive Officer designate for the new Agency, to ensure that there is full transparency with regard to the composition of the budget for the new Agency when established.

Children in Care

439. **Deputy Ciara Conway** asked the Minister for Children and Youth Affairs the number of minors that have been reported missing from the care system in County Waterford in 2010 and 2011; the number that were found and re-entered the system; the age profile and country of origin of each of these children; and if she will make a statement on the matter. [33618/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

Question No. 440 answered with Question No. 437.

Departmental Expenditure

441. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs if she is satisfied regarding the availability of sufficient funds being available to her Department notwithstanding the on-going economic situation in view of pressing need to ensure that youth and children services receive the fullest possible attention thereby presenting the recurrence of previous happenings; and if she will make a statement on the matter. [33666/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The gross estimate provision for my Department in 2012 is €426.980 million. This represents an increase of €7.8 million, or 2%, on last year's outturn. In addition, the Revised Estimates for Public Services 2012 indicates, for the first time, a dedicated sub-head budget provision of €550.7 million for HSE children and family services. The equivalent budget figure for 2011 is estimated at €529.7 million. The HSE figures are the subject of ongoing validation and refinement in the context of the establishment of the new Child and Family Support Agency. The Agency will be established early next year and will take over responsibility from the HSE for children and family services.

I acknowledge the service pressures within children and youth services, including those arising from demographic factors. In the context of the wider economic situation, I am satisfied that the increased budgetary provision in 2012 demonstrates that significant priority has been afforded to the services funded by my Department and the HSE in these areas.

Departmental Staff

442. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs if she is satisfied that she and her Department have sufficient staff to meet their on-going responsibilities; and if she will make a statement on the matter. [33667/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department is currently engaged in a Workforce Planning exercise to compare our current workforce with future workforce requirement relative to the delivery of commitments under the Programme for Government and other strategic objectives of the Department. This exercise is examining how best to have the right people with the right knowledge, skills and competencies deployed appropriately. It is taking account of all managed movement into, around, and out of the Department including retirement, recruitment, promotion, secondment, transfers and redeployment opportunities.

As part of this process, specific skills in the area of legal, financial, research, economic, change management and human resources have already been identified as requiring development. Officials of my Department are in discussion with the Department of Public Expenditure and Reform in this regard with a view to addressing this requirement from within approved numbers and within the overall existing Vote provision for my Department.

Child Protection

443. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the progress that has been made towards establishing the support and investigative services to identify and put in place the necessary procedures to help children and youth at risk; and if she will make a statement on the matter. [33668/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

Youth Services

444. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the progress made by her to date towards establishing dialogue and networking with youth groups throughout the country with the objective of meeting any necessary requirements arising; the extent to which she has to date sought and or received submissions in this regard; and if she will make a statement on the matter. [33669/12]

445. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she has identified the most serious deficiencies in children and youth support or other services; the progress made in addressing such issues; and if she will make a statement on the matter. [33670/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 444 and 445 together.

As Minister for Children and Youth Affairs, improving children's and young people's outcomes is my primary objective. Early childhood care and education programmes, in particular those that are aimed at low income families, are priorities to enhance children's opportunities for social and educational development. In 2012, some €230 million in all will be provided by my Department for these schemes. This year some 66,000 children throughout the country will benefit from the free preschool year in the Early Childhood Care and Education programme,

while some 26,000 children in low income households will benefit under the Community Child-care Subvention programme.

My Department supports the delivery of a range of youth work programme and services, including programmes for young people living in disadvantaged communities. In 2012, funding of €56.8m (current expenditure) will be invested in provision for youth. The programmes are delivered by the voluntary youth work sector. They include “out of school” projects in non-formal education settings and projects which aim to divert “at risk” young people in disadvantaged areas from the dangers of substance misuse; as well as the provision of community centres, youth facilities and sports clubs. Over 500,000 young people including those who are disadvantaged or marginalised benefit from the youth work programmes and services provided by the voluntary youth work sector by some 1,100 youth work personnel. This work is supported by a large volunteer base estimated to be in the region of 60,000.

Some 31 national and major regional voluntary youth organisations are supported under the Youth Service Grant Scheme to provide universal youth work opportunities for over 200,000 young people aged between 10 and 21. These programmes promote and support young people’s development and well-being and assist them in becoming self-reliant, responsible and active participants in society. Young people who are disadvantaged are a particular priority, for example young homeless people, those who are at risk of substance misuse and young travellers and funding of the order of €39.6m supports a range of programmes and initiatives for these young people. Support is also provided to some 1,600 local volunteer led youth clubs with almost 90,000 members (€1m in 2012) and to 28 youth information centres which provide young people with easy access to information on rights, employment, education and training opportunities etc (€1.4m in 2012).

Youth cafés have become increasingly prominent as a total of €1.7m has been allocated to date by my Department to support the provision of youth cafés as a means to provide young people with opportunities in the community. My Department estimates that between 75-100 youth café facilities now operate across the State. These facilities are proving hugely beneficial to local communities in terms of broader engagement with young people. Capital funding of €2.25m has been provided to my Department for 2012 and 2013 for youth projects, including youth cafés. I expect to announce plans for the distribution of this funding in the very near future.

Dialogue and networking opportunities with young people and youth service providers is extremely important as it helps me and my Department provide relevant and responsive services and supports for young people. A number of groups including the National Children’s Advisory Committee, the National Youth Work Advisory Task Group and an International Expert Reference Group are assisting my Department in the development of youth policy and service for the future. My Department is currently developing a Children’s and Young People’s Policy Framework. Already some 67,000 young people have been consulted. A public consultation on this Framework is underway at present. The consultation is aimed at voluntary and community groups, national and local organisations, families and all those that work with children and young people.

Furthermore, as part of the Structured Dialogue process with young people during Ireland’s Presidency of the EU, I will host a three-day event in Dublin which will bring together young people and policy-makers across the EU to jointly discuss and feed into youth policy at national and European level. I am exploring ways to involve as many young people as possible from a range of backgrounds into this structured dialogue process at local, regional and national level so that their views may inform the development of youth policy objectives and services for the future.

Child Protection

446. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the number of reports received on a monthly basis indicating children or youth vulnerability over the past twelve months; the degree to which she has been able to respond in such instances; and if she will make a statement on the matter. [33671/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

Bullying of Children

447. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she has monitored or received reports of cyber bullying; the action or measures taken to address the issues; and if she will make a statement on the matter. [33672/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Recently, along with my colleague the Minister for Education and Skills I co-hosted the National Anti-Bullying Forum where I highlighted research findings by the Anti-Bullying Centre Trinity College which indicated that one in four girls and one in six boys in Ireland have been involved in cyber-bullying either as a victim, bully or both.

My Department will continue to work with both the Department of Education and Skill and the National Centre for Technology in Education to support responses to the problem of cyber-bullying.

Psychological Service

448. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the degree to which she is in a position to interact with children at various ages with particular reference to the need to identify psychological difficulties and make a positive and supportive intervention; and if she will make a statement on the matter. [33673/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

Child Abuse

449. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the number of incidents of child abuse reported inside or outside the home; the extent to which any particular pattern of circumstances have emerged; and if she will make a statement on the matter. [33675/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department has sought the information requested by the Deputy from the HSE. I will provide the information to the Deputy when it becomes available.

Foster Care

450. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent child fostering services are available throughout the country; the total number of places now required; and if she will make a statement on the matter. [33676/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

Adoption Services

451. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the total number of applications for adoption, national and foreign awaiting process or approval; if she will further outline her proposals to address the most obvious of frequently arising issues; and if she will make a statement on the matter. [33677/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The number of applications for adoption awaiting processing and approval covers various aspects of processing work ranging from an enquiry by prospective adopters to the HSE for assessment through to the granting of an entry in the Register of Adopted people and Register of Inter-country Adoptions, as appropriate.

The AAI have advised me that they have received 288 applications for extensions to Declarations of Eligibility and Suitability in recent weeks. These Declarations of Eligibility and Suitability are due to expire on 31 October 2012. The AAI have forwarded these applications to the HSE for updated assessments to be produced. The Authority also currently has 37 applications in hand for new Declarations.

I have referred the Deputy's question to the HSE for direct reply in regard to the number of adoption applications it is currently processing.

Medical Cards

452. **Deputy Brian Walsh** asked the Minister for Health if a decision in respect of an appeal regarding a medical card application in respect of a person (details supplied) in County Galway will be expedited. [32977/12]

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.

Nursing Education

453. **Deputy Regina Doherty** asked the Minister for Health if he will consider the case of the nursing class of 2011 (details supplied), who were excluded from qualification payments as their exams were not graded until 2012; and if he will make a statement on the matter. [33571/12]

Minister for Health (Deputy James Reilly): The Minister for Public Expenditure and Reform is currently carrying out a review of allowances in the public service. This review is being undertaken following a Government decision requiring the public service to take additional measures to deliver further efficiencies in the public sector pay bill.

Psychological Service

454. **Deputy Bernard J. Durkan** asked the Minister for Health if he has identified any particular or specific weaknesses in child psychological or support services; and if he will make a statement on the matter. [33674/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): For Child and Adolescent Mental Health Services (CAMHS) teams to work effectively, a range of disciplines, skills and perspectives are required so that children and adolescents are offered a care and treatment package appropriate to their individual needs. The Third Annual Child and Adolescent Mental Health Service Report 2010-2011 has highlighted gaps in the completion of CAMHS teams. Therefore part of the special funding of €35m allocated to the HSE in 2012 will be used to complete the multidisciplinary profile of the existing CAMHS teams by ensuring, at a minimum, that at least one of each mental health profession (medical, nursing, clinical psychology, social work, occupational therapist, speech and language therapist, child care worker) is represented on every team.

HSE approvals have already issued to the four Regional Directors of Operations to allow for the process of the filling of the posts in each region to commence.

Hospitals Building Programme

455. **Deputy Billy Kelleher** asked the Minister for Health when a decision will issue on the National Children's Hospital; and if he will make a statement on the matter. [32969/12]

Minister for Health (Deputy James Reilly): As the Deputy will be aware, I established an independent Review Group to consider the implications of the decision of An Bord 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 was to consider all the possible options for the earliest possible delivery of a new children's hospital. The Group has now presented its report which I intend to consider carefully before bringing to Government.

Services for People with Disabilities

456. **Deputy Peter Mathews** asked the Minister for Health if community services will be made available for a person (details supplied) in County Dublin while they are being accessed by the Health Service Executive for autistic services; and if he will make a statement on the matter. [32970/12]

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.

457. **Deputy Brian Walsh** asked the Minister for Health if he will provide details of how additional funding of €24 million in excess of the €1,576 million allocation for disability services in the Health Service Executive National Service Plan was spent in 2011. [32974/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The issues raised by the Deputy are more appropriate for the Health Service Executive. Accordingly the Department has asked the HSE to provide the details requested directly to the Deputy.

Pension Provisions

458. **Deputy Éamon Ó Cuív** asked the Minister for Health the number and names of section 38 intellectual disability bodies covered by the State guaranteed pension scheme, known as the nominated health agency superannuation scheme; the pension deficit for each organisation for 2012, 2011, 2012 and estimated for 2013; and if he will make a statement on the matter. [32982/12]

459. **Deputy Éamon Ó Cuív** asked the Minister for Health the number and names of all section 38 bodies covered by the State guaranteed pension scheme, known as the nominated health agency superannuation scheme; the pension deficit for each organisation for 2010, 2011, 2012 and 2013; and if he will make a statement on the matter. [32983/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 458 and 459 together.

As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Medical Cards

460. **Deputy John O'Mahony** asked the Minister for Health further to Parliamentary Question No. 601 of 12 June 2012 and Parliamentary Question No. 550 of 26 June 2012 the reason a decision has not been made on this application; the reason for the delay in issuing a decision; when a decision will be made; and if he will make a statement on the matter. [32989/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy as a matter of urgency.

Health Insurance

461. **Deputy Billy Kelleher** asked the Minister for Health if he has held any discussions with private insurance companies regarding their plans to provide Ippy to their customers; and if he will make a statement on the matter. [33016/12]

Minister for Health (Deputy James Reilly): I have not held any discussions with the private health insurers in relation to the drug referred to by the Deputy. The main legislative provisions for the regulation of the Irish private health insurance market are included in the Health Insurance Acts 1994 to 2011 and insurers are free to design their own health insurance schemes and to enter into agreements with health service providers under this governing legislation. It is not the role of the Minister for Health to become involved in the day to day operations of any private health insurance company.

I am aware that the drug to which the Deputy refers (Ipilimumab) is a treatment for advanced melanoma in adults and is recognised internationally as a significant advance in the treatment of melanoma. In relation to treatment of patients in the public system, the HSE's National Cancer Control Programme (NCCP) has overall responsibility for providing access to appropriate cancer treatments that meet clinical needs, including emerging drug treatments. The HSE/NCCP has recently announced that Ipilimumab will now be made available for use by eligible patients and I welcome this development.

Hospital Staff

462. **Deputy Billy Kelleher** asked the Minister for Health if the flexibility clause in the Croke Park Agreement allows for the following (details supplied); and if he will make a statement on the matter. [33039/12]

Minister for Health (Deputy James Reilly): The Health Sector chapter of the Public Service Agreement commits both staff and management to implementing a range of measures, including the revision of existing rosters. Under the 2012 Health Sector Action Plan, one of the actions specified is that local management revise the rosters in place in their organisation.

[Deputy James Reilly.]

Revisions will be focussed on achieving the optimal match between staff levels, service activity levels and patient dependency levels across the working day/week/year, as provided for in the Agreement.

Medical Cards

463. **Deputy Tom Fleming** asked the Minister for Health if he will examine an application for medical cards in respect of persons (details supplied) in County Kerry [33051/12]

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.

464. **Deputy Noel Harrington** asked the Minister for Health the reason a full medical card was refused in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [33053/12]

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.

General Medical Services Scheme

465. **Deputy Sean Fleming** asked the Minister for Health if general practitioners are allowed to charge medical card patients for the taking of blood tests; and if he will make a statement on the matter. [33055/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): Section 11 of the General Medical Services (GMS) GP Capitation Contract, which was introduced in 1989, provides that the medical practitioner shall provide for eligible persons, on behalf of the Health Service Executive, all proper and necessary treatment of a kind usually undertaken by a general practitioner and not requiring special skill or experience of a degree or kind which general practitioners cannot reasonably be expected to possess.

General Practitioners (GPs) who hold General Medical Services (GMS) contracts with the HSE must not seek or accept money from medical card or GP visit card holders for services covered under the GMS contract. In circumstances where the taking of blood is necessary to either:

- (a) assist in the process of diagnosing a patient; or
- (b) monitor a diagnosed condition;

the GP may not charge the patient if they are eligible for free GMS services.

At my request, the HSE has written to all GMS GPs reminding them of their obligations under their contract in respect of services such as phlebotomy and advised them that charges should not be applied for such services.

The HSE is encouraging eligible patients who believe they have been inappropriately charged by a GP for routine phlebotomy services to seek a refund from the GP in question. Alternatively, they may wish to follow up with the HSE and the matter will be fully investigated. Formal complaints will be dealt with through the HSE's Consumer Affairs Service.

It is appreciated that because of the nature of the GP/patient relationship, it may be difficult for patients to make such complaints. Where public representatives are made aware of GPs charging GMS patients in error, they may wish to notify the HSE directly.

The Programme for Government provides for the introduction of a new GMS GP contract with an increased emphasis on the management of chronic conditions, such as diabetes and cardiovascular conditions. It is envisaged that the new contract, when finalised, will focus on prevention and will include a requirement for GPs to provide care as part of integrated multi-disciplinary Primary Care Teams. Officials in my Department are in consultation with the HSE with a view to drawing up a new contract. The appropriate arrangements in relation to phleb-tomy services and other such services will be considered as part of the new contract.

Mental Health Services

466. **Deputy Dan Neville** asked the Minister for Health the progress made in the allocation of €35 million in the last budget towards the implementation of a vision for change; and if he will make a statement on the matter. [33057/12]

468. **Deputy Dan Neville** asked the Minister for Health the progress made on the development in 2012 of the multi-disciplinary community based psychiatric teams as recommended in A Vision for Change; and the progress made in filling posts to achieve this aim in 2012 as outlined by Government in allocating €35 million towards this objective in Budget 2012. [33065/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 466 and 468 together.

Funding from the €35m special allocation for mental health will be used primarily to 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 planned that 414 staff will be recruited to the mental health service to deliver on the €35m package of special measures. In order to establish this staffing requirement, a detailed gap analysis of the present composition of 185 Community Mental Health Teams was undertaken. The specific need in relation to each team in all of the four main regions was identified as quickly as possible after the Service Plan was decided. HSE approvals have issued to the four Regional Directors of Operations for the filling of the posts in their areas. The process of recruitment commences immediately on approval.

Of the 414 posts involved, the HSE has had to convert 31 of these in the Dublin Mid Leinster region to nursing that will be assigned in the immediate term to acute in-patient services. However, it is intended that this will be done in the context of introducing a nursing floor for the acute in-patient and community services in that region consistent with the provision of safe services in line with *A Vision for Change* as well as the Mental Health Commission Quality Framework for Mental Health Services and the roll out of the clinical care programmes.

Suicide Prevention

467. **Deputy Dan Neville** asked the Minister for Health if he will outline the budget, including any allocations announced in the budget for a Vision for Change allocated to the National Suicide Prevention Office [33063/12]

469. **Deputy Dan Neville** asked the Minister for Health the progress made on the implementation of the National Strategy for Action on Suicide Prevention 2005-2014. [33067/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 467 and 469 together.

[Deputy Kathleen Lynch.]

The budget for the National Office for Suicide Prevention (NOSP) is set by the Health Service Executive. In 2011, the total funding available nationally through the HSE for suicide prevention was about €9 million of which €4.1 million is administered by NOSP and is used to fund voluntary and statutory agencies delivering services in the areas of prevention, intervention, postvention and research. The remaining €5 million is available regionally to fund Resource Officers for Suicide Prevention, Self-Harm Liaison Nurses in Hospital Emergency Departments and local suicide prevention initiatives. In 2012, an additional €3 million (part of the special allocation of €35m for mental health) has been made available to NOSP to implement suicide prevention initiatives in line with *Reach Out*.

Since the launch of *Reach Out* and the establishment of the NOSP, there has been a significant amount of cross-sectoral working which has resulted in considerable advances in suicide prevention. The NOSP has implemented many of the action areas engaging a strategic approach in four key areas — delivering a general population approach to mental health promotion and suicide prevention; using targeted programmes for people at high risk of suicide; delivering services to individuals who have engaged in deliberate self harm; providing support to families and communities bereaved by suicide; and commissioning research into suicidal behaviour. Initiatives progressed to date include:

- ASIST and Safetalk suicide awareness training programmes.
- The tough economic times programme.
- Mental Health awareness campaigns.
- Supporting voluntary organisations in their work on suicide prevention.
- Developing all-island co-operation in the areas of promoting positive mental health and tackling the issue of suicide.
- Funding a number of Suicide Community Assessment Nurses (SCAN) to work within primary care to provide an effective and coordinated response for people who are in distress.
- The establishment of a Working Group to address the issue of reducing access to the means of suicide and self-harm in a national and coordinated way.

In addition, the National Office recently established a Working Group to review the current activities in this area and to determine the priorities within suicide prevention to ensure that we maximise the available resources. A report on the NOSP's activities is published annually and laid before both Houses of the Oireachtas. The report for 2011 is expected to be published in September.

Question No. 468 answered with Question No. 466.

Question No. 469 answered with Question No. 467.

Hospital Charges

470. **Deputy Billy Kelleher** asked the Minister for Health the amount in accident and emergency charges levied by hospitals in 2011 on patients who attended accident and emergency without a general practitioner referral; the amount recouped; the amount outstanding; and if he will make a statement on the matter. [33069/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Medical Cards

471. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued as a matter of urgency in respect of a person (details supplied) in County Kilkenny; and if he will expedite the matter. [33071/12]

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.

Drugs Payment Scheme

472. **Deputy Charlie McConalogue** asked the Minister for Health the delay in issuing a refund under the drugs payment scheme in respect of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [33091/12]

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.

Health Service Staff

473. **Deputy Ciara Conway** asked the Minister for Health the measures being put in place to ensure that Health Service Executive employees receiving a payment processed through Ulster Bank, will continue to receive their entitlements; if alternative arrangements are being made to facilitate collection elsewhere, such as at a post office; and if he will make a statement on the matter. [33098/12]

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.

Departmental Staff

474. **Deputy Simon Harris** asked the Minister for Health the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter. [33112/12]

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.

The information in relation to the Non-Commercial State Agencies is currently being collated and will be forwarded to the Deputy as soon as it is available.

Medical Cards

475. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued as a matter of urgency in respect of a person (details supplied) in County Kilkenny; and if he will expedite the matter. [33120/12]

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.

Ambulance Service

476. **Deputy Jonathan O'Brien** asked the Minister for Health if his attention has been drawn to the fact that there was no ambulance cover in Skibbereen, County Cork, on 3 July from 8 am in view of the fact that there was only one paramedic available who could not operate the service alone; if he will prevent this situation arising in the future; and if he will make a statement on the matter. [33128/12]

488. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the pre-hospital emergency cover, including ambulance services, for the town of Skibbereen, County Cork on the 3 July 2012; if he will ensure that there is a full return of ambulance cover for Skibbereen and surrounding areas immediately; and if he will make a statement on the matter. [33237/12]

492. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding the ambulance service (details supplied) in Skibbereen, County Cork; and if he will make a statement on the matter. [33279/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 476, 488 and 492 together.

As these are service matters, they have been referred to the Health Service Executive for direct reply.

Medical Aids and Appliances

477. **Deputy Ciarán Lynch** asked the Minister for Health when a decision will be taken on an application for the provision of a stair lift in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [33131/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

478. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will direct the Health Service Executive to arrange the urgent transfer of a patient (details supplied) in County Kildare; and if he will make a statement on the matter. [33133/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Nursing Home Services

479. **Deputy Sean Fleming** asked the Minister for Health the reason there is a consultation process underway regarding contemplating the closure of Abbeyleix and Shaen community nursing units, County Laois, in view of the fact that the Health Information and Quality Authority approved bed capacity is greater than the bed occupancy in these two locations and in each of the nine community nursing units in the midland region as outlined in the information and consultation document in May 2011 for older persons services Health Service Executive midlands; and if he will make a statement on the matter. [33137/12]

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.

480. **Deputy Sean Fleming** asked the Minister for Health if he will provide a list of all public nursing homes in tabular form showing the name and address of the public unit, the cost of running each facility, the number of patients in each facility, the average weekly cost per patient for each facility and the totals for all public nursing homes for both 2010 and 2011; and if he will make a statement on the matter. [33142/12]

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.

Air Ambulance Service

481. **Deputy Billy Kelleher** asked the Minister for Health if he has considered subjecting the provision of the air ambulance service to a formal tendering process; if he will outline his liaisons with Air Ambulance Ireland on this matter; and if he will make a statement on the matter. [33147/12]

Minister for Health (Deputy James Reilly): Last year, I received a number of unsolicited submissions about the provision, by the private sector, of dedicated aeromedical support services in the west of Ireland. I also considered the possibility of provision from within existing state resources.

The absence of data for aeromedical support in the Irish context indicated the need for a pilot project, in order to assess the type and extent of service, if any, that might be required to support the National Ambulance Service (NAS) in the west.

I am pleased to announce that, in co-operation with my colleague Alan Shatter, Minister for Justice, Equality and Defence, a pilot has now been put in place to gather this information and it will run for 12 months. The pilot service, based in Custume Barracks, Athlone, which began on 4th June, will allow the HSE to determine how best to provide support to the NAS emergency ambulance service in the region in the longer term and how we can, realistically, improve response and transit times, and improve outcomes, for seriously ill people.

Hospitals Building Programme

482. **Deputy Billy Kelleher** asked the Minister for Health if he will provide in tabular form, the allocated budget in 2012 for fit-out and refurbishments of hospitals here; if such works have been affected by fiscal constraints; and if he will make a statement on the matter. [33159/12]

483. **Deputy Billy Kelleher** asked the Minister for Health if he will outline the key fit-out and refurbishment projects undertaken over the past three years in hospitals here; if there are any significant upcoming projects; and if he will make a statement on the matter. [33160/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 482 and 483 together.

There are always more infrastructure projects than can be funded from the Exchequer's health capital allocation. The Health Service Executive's 2012 health capital allocation for health infrastructure at €334m represents 61% of its 2008 allocation. All projects must be considered in the context of the HSE's overall capital programme which is a multi-annual programme developed over a rolling five year period. The Executive is required to prioritise capital infrastructure projects within its overall capital allocation taking into account the existing capital commitments and costs to completion over the period. Therefore it is essential to assess all projects other than those where there are existing capital commitments in place, on their merits, to ensure that the limited capital funding available goes to those developments

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which are of the highest national importance. The proposed Capital Plan 2012-2016 requires my approval with the consent of the Minister for Public Expenditure and Reform. I am in the process of approving this plan and seeking consent. Details of the plan will be published by the HSE following its approval.

Delivery of health infrastructure in a service matter. Therefore your question has been referred to the Executive for direct reply.

Hospital Equipment

484. **Deputy Billy Kelleher** asked the Minister for Health if there are any guidelines from the Health Service Executive in relation to fit-out of its hospitals and the tendering process for such contracts; if there has been a change in the approach and nature of the materials and products used in hospital fit outs and refurbishments in recent years; and if he will make a statement on the matter. [33161/12]

Minister for Health (Deputy James Reilly): Procurement of materials and products used in hospital fit-out and refurbishment is a service matter. Therefore your question has been referred to the Health Service Executive for direct reply.

Services for People with Disabilities

485. **Deputy Finian McGrath** asked the Minister for Health if he will confirm that there is no extra money to offer day services to people with a disability. [33163/12]

511. **Deputy Catherine Murphy** asked the Minister for Health his plans to follow through on commitments given to school leavers with intellectual disabilities that appropriate services will be provided; if he will ensure that full and appropriate services are provided for the families affected in this way; if the affected families will have this commitment confirmed to them; and if he will make a statement on the matter. [33453/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 485 and 511 together.

Day services for adults with disabilities provide a network of support for over 25,000 people who have a wide spectrum of need, ranging from those with severe and profound disabilities who are likely to need long-term specialist service provision to people with lower support needs and greater potential for community participation and inclusion. The HSE, through its Occupational Guidance Service, works with schools, service providers, service users and families to identify the needs of young people with disabilities who are due to complete their second level education. The aim is to address the needs of individuals in the following ways:

- Health-funded rehabilitative training;
- Health-funded day services;
- FÁS-funded vocational training;
- Approval to extend education placement for a specified time.

The demand for day services, including rehabilitative training, for school-leavers continues to grow. The HSE expects that approximately 650 school-leavers will require services in 2012. This year, disability services are required to cater for demographic pressures such as new services for school leavers from within their existing budgets. In previous years demographic funding was

provided to meet this need. 2012 budgets have been reduced by 3.7% and the moratorium on staff recruitment gives rise to additional challenges in service provision.

The HSE is currently working with all relevant service providers to maximize the use of the available places. Service providers and the HSE have come together under the auspices of National Consultative Forum to identify how the needs of individuals who require day and rehabilitative training places can be responded to within available resources.

The National Consultative Forum recognises that the key to ensuring that available resources for people with disabilities are used to best effect is through constructive collaboration between non-statutory providers and the HSE. There are already many excellent examples of collaborative working between providers and the HSE in innovatively responding to the needs of individuals.

The HSE and disability service providers have agreed that notifications will be issued to families from 10th July if a place is available or if the individual is to be placed on a waiting list. The HSE and the disability service providers acknowledge that the waiting period is a difficult time for individuals and their families. Every effort is being made to achieve an equitable and sustainable outcome.

486. **Deputy Patrick O'Donovan** asked the Minister for Health the provisions that will be put in place for people with disabilities that have been affected by the discontinuation of a scheme (details supplied) in County Wexford; and if he will make a statement on the matter. [33186/12]

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.

Alcohol Pricing

487. **Deputy Paul J. Connaughton** asked the Minister for Health his views on the link between below cost selling of alcohol and resultant health consequences for people's health; the plans that exist in terms of changes to legislation in relation to this matter; and if he will make a statement on the matter. [33205/12]

Minister for Health (Deputy James Reilly): In its report on alcohol, the National Substance Misuse Strategy Steering Group recommended — among other things — the introduction of a legislative basis for minimum pricing per gram of alcohol. As minimum pricing is a mechanism of imposing a statutory floor in price levels for alcohol products that must be legally observed by retailers, its primary function would be thus to discourage at risk levels of alcohol consumption. This recommendation is being actively considered as part of the development of an Action Plan in advance of proposals being drafted for Government.

Question No. 488 answered with Question No. 476.

Lourdes Hospital Redress Scheme

489. **Deputy Clare Daly** asked the Minister for Health if he will meet with an organisation (details supplied), in order to progress the issue of seeking a mechanism to compensate women who were excluded on age grounds from the Lourdes Hospital redress scheme, as is stated in the Programme for Government; when it will be possible to arrange a meeting with this organisation; and if he will make a statement on the matter. [33249/12]

Minister for Health (Deputy James Reilly): As the Deputy is aware a commitment was made in the Programme for Government to seek a mechanism to compensate those women who were excluded on age grounds alone from the Lourdes Hospital Redress Scheme.

My Department has been engaged in a review to identify the most appropriate mechanism to compensate those women. This process involves taking instructions and legal advice, including advice from the Office of the Attorney General, with a view to proposals being brought to Government for decision.

I would like to assure the Deputy that I am committed to finding a robust and accessible mechanism to fulfil the Government's commitment to the women involved and I intend bringing proposals to Government at the earliest opportunity.

I previously met the organisation referred to by the Deputy in relation to this sensitive issue and I envisage further consultation with them as the matter progresses.

Health Service Staff

490. **Deputy Sandra McLellan** asked the Minister for Health further to Parliamentary Question No. 687 of 24 April 2012 if the meeting scheduled for 19 June 2012 took place; if he will clarify the position of occupational therapists in the East Cork area as currently the Health Service Executive do not provide occupational therapy reports for people in Youghal, County Cork who are in need of having their homes adapted due to ill health; and if he will make a statement on the matter. [33253/12]

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.

Patient Statistics

491. **Deputy Pearse Doherty** asked the Minister for Health further to Parliamentary Question No. 674 of 19 June 2012, the steps he will take to deal with the dramatic increase in incidents of Crohn's disease and ulcerative colitis among children; the resources he will invest in combatting the dramatic rise in Crohn's disease and ulcerative colitis among children; and if he will make a statement on the matter. [33265/12]

Minister for Health (Deputy James Reilly): Statistics on the numbers of people diagnosed with Crohn's disease and ulcerative colitis are not routinely available. The available data relates to episodes of hospitalisation from these conditions and this information is presented in the table below. The data are derived from the Hospital In-Patient Enquiry (HIPE) system which records details on each in-patient and daycase discharge from all publicly-funded acute hospitals. It should be noted that if a patient is admitted more than once for a specific condition, each admission is counted separately in HIPE. For this reason, the figures should not be interpreted as prevalence estimates for these conditions. The data for 2011 is provisional.

Similar to all chronic disease management, the treatment of Crohn's disease and ulcerative colitis in children requires a combination of self-help, primary care and specialist care services.

In relation to specialist services, the SDU are supporting hospitals in achieving a 9-month maximum waiting time for inpatient and daycase surgery.

Hospitalisation for Crohn's Disease and Ulcerative Colitis, for Age Groups 1-15 and 16-30, for years 1994-2011

Year	Crohn's Disease		Ulcerative colitis	
	Ages 1-15 years	Ages 16-30 years	Ages 1-15 years	Ages 16-30 years
1994	61	387	64	255
1995	53	385	50	283
1996	51	388	51	310
1997	77	392	54	353
1998	47	450	62	332
1999	52	501	48	351
2000	51	543	46	353
2001	77	686	46	433
2002	95	730	51	416
2003	129	802	41	455
2004	88	844	40	425
2005	119	964	42	409
2006	130	1128	38	554
2007	140	1423	58	631
2008	191	1407	57	663
2009	163	1492	74	733
2010	212	1710	85	826
2011	268	1737	113	921

Source: HIPE, Information Unit, DoH.

Data refers to occurrences of Crohn's disease and ulcerative colitis with principal diagnosis codes of ICD9 555 and ICD9 556, for years 1994-2004. The years 2005-2011 use codes ICD10 K50 and ICD10 K51 respectively.

Question No. 492 answered with Question No. 476.

VAT Rates

493. **Deputy Mary Mitchell O'Connor** asked the Minister for Health his views on whether it would be more appropriate to have a higher rate of VAT on soft drinks and alcohol than on nutritional drinks such as juices and smoothies which all currently have a VAT rate of 23%; and if he will make a statement on the matter. [33281/12]

Minister for Health (Deputy James Reilly): The Special Action Group on Obesity is currently carrying out a Health Impact Assessment (HIA) on the health and economic aspects of introducing a levy on sugar-sweetened drinks and the Institute of Public Health will be facilitating my Department with this assessment.

The Steering Group aims to have the Health Impact Assessment Report available in October to be presented to me. At that point, myself and my officials will consider the HIA results and use them as part of the decision making process regarding any possible introduction of a levy on sugar-sweetened drinks.

In its report on alcohol, the National Substance Misuse Strategy Steering Group recommended — among other things — the introduction of a legislative basis for minimum pricing per gram of alcohol. As minimum pricing is a mechanism of imposing a statutory floor in price levels for alcohol products that must be legally observed by retailers, its primary function would be thus to discourage at risk levels of alcohol consumption. This recommendation is being actively considered as part of the development of an Action Plan in advance of proposals being drafted for Government.

Pharmacy Services

494. **Deputy Mary Mitchell O'Connor** asked the Minister for Health his views on whether the current number of training places available to pharmacy students is sufficient; and if he will make a statement on the matter. [33282/12]

495. **Deputy Mary Mitchell O'Connor** asked the Minister for Health his views on whether a greater clinical focus in pharmacy training would result in more streamlined referral to general practitioners and a more timely identification of health problems; and if he will make a statement on the matter. [33283/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I propose to take Questions Nos. 494 and 495 together.

Pharmacists perform an important role in the safe dispensing and use of medicines, including providing advice, information and counselling to patients. As a result, it is essential that pharmacists undergo comprehensive education and training in order to provide the best patient care.

The minimum requirements for the education and training of pharmacists are set out in an EU Directive on the recognition of Professional Qualifications which requires that the pharmacist qualification must consist of a five-year programme of education and training, with a minimum of four years of full-time university-level academic studies and a minimum of six months practical training in either a community or hospital pharmacy.

Currently in Ireland, 3 schools of pharmacy at Trinity College Dublin, University College Cork and the Royal College of Surgeons in Ireland (RCSI) provide an accredited 4 year pharmacy degree programme. The fifth year of in-service training (the National Pharmacy Internship Programme) is currently delivered as a transitional measure on behalf of the Council of the PSI by the RCSI. Successful students are awarded a Masters degree in Pharmacy and are entitled to apply for registration as a pharmacist. In June 2010 the Council of the PSI decided to move to a 5 year fully integrated programme of education and training in pharmacy. The fully integrated Masters degree will continue to include practical experience of working with patients, carers and other healthcare professionals but these practice experiences will be more clinically focussed in order to meet the needs of patients and the health system. In addition, the integrated degree will also facilitate interprofessional education in order to promote collaborative working with GPs and other health professionals.

Practical in-service training is a key aspect of pharmacy education and training. Training placements are provided to pharmacy graduates by pharmacists in community, hospital and industrial practice. I am advised by the PSI that it closely monitors the availability of training placements. There are currently 190 placement opportunities available annually to meet the needs of 170 students. However, the numbers of community and hospital placements have decreased in recent years due to the financial situation.

The pharmacy educational reforms are expected to lead to more streamlined referrals to general practitioners, and ensure that these referrals are more clinically informed to improve patient care. These reforms will commence in 2013 and are intended to ensure that pharmacists can play a critical role in the delivery of future integrated health services in Ireland.

Dental Services

496. **Deputy Dominic Hannigan** asked the Minister for Health the number of young persons that are on the waiting list for orthodontic treatment in Our Lady's Hospital, Navan, County Meath; the number of these that have been on the waiting list for three months, between three and six months, between six and 12 months; between 12 and 18 months, between 24 and 30

months; between 30 and 36 months, between 36 and 42 months and between 42 and 48 months; and if he will make a statement on the matter. [33313/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the HSE for direct reply.

497. **Deputy Dominic Hannigan** asked the Minister for Health the position regarding the plans being developed by the Health Service Executive and the local staff to deal with the delays in orthodontic treatment in Our Lady's Hospital, Navan, County Meath; and if he will make a statement on the matter. [33314/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the HSE for direct reply.

Hospital Services

498. **Deputy Pat Deering** asked the Minister for Health the reason a person (details supplied) in County Carlow who was collected by the Health Service Executive mini bus and brought to Kilcreene Hospital, County Kilkenny, for breast screening was not returned to their home following their appointment. [33344/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Health Insurance

499. **Deputy Niall Collins** asked the Minister for Health the reason Irish Life, as a State owned entity, has been permitted to hold a significant shareholding in a private health insurance company particularly when he is working to divest itself of its shareholding in VHI on foot of a European Court of Justice judgement to this effect; and if he will make a statement on the matter. [33347/12]

Minister for Health (Deputy James Reilly): As the Deputy is aware the Irish health insurance market received a new entrant last week with the launch of GloHealth. I welcome this development, and believe that it will help improve competition in the market. The decision of Irish Life to invest in GloHealth is a commercial matter for the Board of Irish Life, in keeping with its remit as a commercial insurer. Both Glohealth and Irish Life are regulated by the Central Bank of Ireland.

The European Court of Justice judgement to which the Deputy refers concerned the VHI's derogation from the EU Non-Life Directives which had exempted it from the requirement to be authorised by the Central Bank. The Court of Justice of the European Union ruled against the State on 29 September last. The Government is committed to addressing the findings of the European Court of Justice by dealing with the VHI's regulatory status. Irish officials have met with European Commission officials of both the Directorate General for Competition and the Directorate General for Internal Market and Services since the beginning of the year and will continue to engage with them on an ongoing basis.

Health Service Staff

500. **Deputy Eoghan Murphy** asked the Minister for Health the number of health service employees who completed performance management and development system assessments in 2011 by the Health Service Executive area and hospital; if she will provide a breakdown of the scoring categories 5 to 1 in each HSE area and hospital [33357/12]

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.

Medical Cards

501. **Deputy Peadar Tóibín** asked the Minister for Health if his attention has been drawn to the case of a person (details supplied); the reason the persons are not allowed to know the reason they are being refused a medical card. [33362/12]

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.

Hospital Waiting Lists

502. **Deputy John Browne** asked the Minister for Health if he will arrange to have a person (details supplied) in County Wexford admitted to hospital [33409/12]

Minister for Health (Deputy James Reilly): The Special Delivery Unit (SDU) is working 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 daycase surgery. As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and hospital involved.

Medicinal Products

503. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a matter (details supplied) regarding the unavailability of a drug; and if he will make a statement on the matter. [33413/12]

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 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.

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. Eltroxin, which contains the active substance levothyroxine, is a long-established medicine that is used to control hypothyroidism, congenital hypothyroidism and juvenile myxoedema. It is marketed in tablets containing 25, 50 and 100mcgs and is the subject of a marketing authorisation in Ireland.

Before anyone is allowed to market a medicine in Ireland they are required to apply for a marketing authorisation from either the Irish Medicines Board (IMB) or the European Medicines Agency (EMA). The IMB and EMA examine the safety, quality and efficacy of medi-

cines. The Marketing Authorisation Holder (MAH) for Eltroxin is the Mercury Pharma Group of which Goldshield Pharmaceuticals is a part. The product is manufactured under contract in the United Kingdom. The current shortage of Eltroxin emerged in February 2012 when the UK's Medicines and Healthcare Products Regulatory Agency suspended the authorisation of an alternative levothyroxine 100mcg tablet product, which was not on the Irish market, with the effect that the overall supply of levothyroxine on the Irish and UK markets was reduced.

The Health Service Executive (HSE) and the IMB have been managing the shortage of Eltroxin and issued a joint communication (26th April 2012) via the Pharmaceutical Society of Ireland (PSI) updating pharmacists on management of the shortage. The HSE put in place special arrangements to reimburse suitable UK licensed product stock and this was notified to community pharmacists on 1st May 2012. The HSE and IMB continue to closely monitor this issue to ensure ongoing access to this important medicine. In addition, the PSI has recently published guidance to registered pharmacists on managing medicines shortages.

The MAH for Eltroxin is continuing to liaise with the IMB and HSE on this matter and has confirmed to the HSE there are stocks of 50mcg and 100mcg in the country at the moment with further supplies of the 25mcg expected this week. To avoid stockpiling of this product in some locations and to ensure that all patients throughout the country have access to this medicine, the Mercury Pharma Group has had to apply a quota system to quantities supplied to pharmacies. My Department has been engaging with the IMB, the HSE and the 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.

Health Services

504. **Deputy Finian McGrath** asked the Minister for Health if he will support the case of a person (details supplied). [33415/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

505. **Deputy Brendan Griffin** asked the Minister for Health if Behcets syndrome will be recognised as a long term illness for the purpose of a medical card; and if he will make a statement on the matter. [33425/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): There are no plans to extend the list of conditions covered by the Long Term Illness Scheme. Under the Drug Payment Scheme, no individual or family pays more than €132 per calendar month towards the cost of approved prescribed medicines. The scheme significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines. In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultation.

Food Safety Standards

506. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will confirm that any proposed changes to the terms and remit of Safefood will be taken forward with the agreement

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of the North South Ministerial Council; and if he will make a statement on the matter.
[33434/12]

507. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the agreements reached with the Northern Minister for Health with regard to changes in the operation of Safefood; and if he will make a statement on the matter. [33435/12]

508. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health to detail the input his Department made to Department of Health, Social Services and Public Safety review of the operation of Safefood; and if he will make a statement on the matter. [33436/12]

509. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health his views on the Department of Health, Social Services and Public Safety review of Safefood with regard to changes that it proposes into the operation of Safefood's all Ireland programme; and if he will make a statement on the matter. [33437/12]

510. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will confirm that his Department remains committed to an all Ireland approach as developed by Savefood and in particular the roll out of an all Ireland public information campaigns on nutrition; and if he will make a statement on the matter. [33438/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 506 to 510, inclusive, together.

The Department of Health, Social Services and Public Safety (DHSSPS) in the North are currently reviewing the work carried out by the Food Safety Promotion Board (FSPB). The purpose of the review is to ensure that the Food Standards Agency in Northern Ireland, the Public Health Agency, the FSPB and DHSSPS work effectively, in complementary roles, and provide maximum value for money in respect of the provision of high quality scientific and policy advice relating to food safety, diet and nutrition. This DHSSPS review is expected to be completed soon and it can be anticipated that its final recommendations will be made available within a matter of weeks. This review will not require any alteration or amendment to the statutory remit and scope of the FSPB.

I recently met with the CEO of the FSPB and members of its Advisory Board. At that meeting I outlined that I had asked officials in my Department to also review the work of the FSPB — a review which would finish after, and take into account the findings of, the DHSSPS review. Both reviews are exploring the scope for greater efficiencies, and the respective roles and responsibilities of organisations working in the food safety, diet, and nutrition areas North and South so as to avoid duplication and maximise value for money. These reviews will help clarify the role to be undertaken by FSPB and will also inform consideration of their 2012 Business Plan. I have also emphasised the need for this review process to reflect FSPB's Island of Ireland remit. It has been agreed that approval of FSPB's Business Plan needs to await the outcome of these reviews. The outcome of this process will be subject to agreement at Ministerial level and will thereafter be brought to the North-South Ministerial Council at the earliest opportunity.

Question No. 511 answered with Question No. 485.

Services for People with Disabilities

512. **Deputy Finian McGrath** asked the Minister for Health if he will assist a disability service

(details supplied) in County Dublin who have 40 years service users who are in crisis need of residential care. [33465/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

513. **Deputy Noel Harrington** asked the Minister for Health the reason the medical card applications in respect of persons (details supplied) in County Cork still have not been fully processed; and if he will make a statement on the matter. [33482/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

514. **Deputy Patrick Nulty** asked the Minister for Health if he will report on the proposed merger of James Connolly Memorial Hospital, Dublin 15 and Beaumont Hospital, Dublin 9; and if he will make a statement on the matter. [33485/12]

Minister for Health (Deputy James Reilly): It is important that we organise our health services to make sure that we have safe and consistent treatment for patients across the country in a way which is affordable. This is being tackled through the clinical programmes and also through the re-organisation of our hospital system and the establishment of our hospitals into groups. The creation of hospital groups and trusts is at the heart of the Government's reforms of the acute hospital sector. In June the Minister announced the appointment of Professor John R. Higgins to work with the Special Delivery Unit (SDU) in the role of Chair of a Strategic Board to assist the Department of Health in the design and establishment of Hospital Groups.

Both Beaumont and Connolly Hospitals have had an opportunity to meet with Professor Higgins and to make a contribution to the fact finding phase of the work of this Board. In addition, both hospitals are working together on service developments including joint consultant posts and service re-alignments such as general urology moving from Beaumont Hospital into Connolly Hospital to facilitate an expansion of the National Kidney Transplant Programme and the continuing development of the National Cancer Programme at Beaumont Hospital. The final decision about the arrangements for hospital groups will be a matter for Cabinet.

National Children's Hospital

515. **Deputy Patrick Nulty** asked the Minister for Health when the preferred site for the proposed new National Children's Hospital will be made public; and if he will make a statement on the matter. [33486/12]

Minister for Health (Deputy James Reilly): As you will be aware, I 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 was to consider all the possible options for the earliest possible delivery of a new children's hospital. The Group has now presented its report which I intend to consider carefully before bringing to Government.

Ambulance Service

516. **Deputy Aengus Ó Snodaigh** asked the Minister for Health the reason Skibbereen in West Cork and the area in general has recently had no ambulance cover due to lack of overtime pay; and if he will give a commitment that a full ambulance service cover will be restored and in place for the future [33546/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Medical Cards

517. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [33549/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Departmental Reports

518. **Deputy Catherine Byrne** asked the Minister for Health his views on the recent report by Professor Oonagh Walsh of UCC on the practice of Symphysiotomy here; the way he plans to respond to this report and the forthcoming consultation process; if he accepts the concerns outlined by the Survivors of Symphysiotomy organisation; and if he will make a statement on the matter. [33568/12]

Minister for Health (Deputy James Reilly): Professor Oonagh Walsh, independent researcher from University College Cork was commissioned by the Chief Medical Officer in the Department of Health to draft a report in relation to the practice of symphysiotomy in Ireland. This draft report is the first stage of a two-stage process in relation to this research on the practice of symphysiotomy in Ireland. This first stage is an independent academic research report, which is based on an analysis of published medical reports and research. The draft report contains information about how frequently symphysiotomy was carried out in Ireland and compares rates with other countries. The second stage in the research, which is now underway, is a consultation process on the draft report involving patient groups, health professionals and in particular the women who have undergone symphysiotomy.

The final report, which will take full account of the consultation outcomes and include recommendations, will be presented to me for consideration of any actions that may be required to address the issues concerned. The researcher expects to complete the final report in the Autumn. I then intend to publish the report after it is presented to me, subject to the usual legal considerations but I do not anticipate any significant difficulties in that regard. I do not wish to express any views on the draft report which is going through its planned consultation phase to preserve the independence of the research process and to allow the women in particular to provide their views in the consultation concentrating solely on the research report and without being possibly deflected from that process by any statements from me. I remain determined to bring this matter to a conclusion for all women concerned as soon as possible.

Medical Cards

519. **Deputy Mattie McGrath** asked the Minister for Health when a medical card will issue in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [33578/12]

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.

Long-Term Illness Scheme

520. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if the long term illness scheme covers hospitalisation costs relating to the condition; and if he will make a statement on the matter. [33588/12]

521. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if a young patient suffering from asthma and type 1 diabetes, covered by the long term illness scheme, is entitled to free hospital care [33589/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I propose to take Questions Nos. 520 and 521 together.

The Long Term Illness Scheme does not cover the cost of hospitalisation.

Medical Cards

522. **Deputy Robert Troy** asked the Minister for Health the position regarding a medical card review in respect of a person (details supplied). [33590/12]

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.

523. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue on a medical card application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33594/12]

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.

Cosmetic Surgery

524. **Deputy Dominic Hannigan** asked the Minister for Health if he will be seeking any costs back from the three clinics on which PIP implants were inserted; if the National Treatment Purchase Fund had to be used to remove them for safety risks; and if he will make a statement on the matter. [33605/12]

Minister for Health (Deputy James Reilly): Since concerns were first raised in March 2010 regarding the issue of breast implants, provided by the now defunct French company Poly Implant Prothese (PIP), my Department's clear priority has been to try and ensure that the three treating clinics involved in the issue provide professional and appropriate care to their affected clients. However despite intensive efforts, by the office of the Chief Medical Officer, such appropriate care on the scale required has not been forthcoming. Despite intense discussions one provider has failed to deliver an appropriate care package for its clients. Consequently it has been decided that the necessary care required by the affected recipients of these implants should be made available via an alternative route, i.e. the National Treatment Purchase Fund (NTPF). Accordingly the Department has now commenced work on sourcing an alternative service via the NTPF. This will encompass surgical consultation, radiology if required and removal of implants if this is deemed clinically necessary. The Department intends to seek recovery of the costs incurred by the NTPF from the relevant service provider.

Health Promotion

525. **Deputy Regina Doherty** asked the Minister for Health if he will act upon the recent report by the Food Safety Authority which has called for calorie counts to be displayed on menus in food service outlets such as restaurants, bars and cafés; and if he will make a statement on the matter. [33609/12]

Minister for Health (Deputy James Reilly): In October 2011, the Minister for Health wrote to Fast Food chains operating in Ireland to request that they introduce calorie posting in their restaurants and received a very positive response. It is in this context that the Department of Health commissioned the Food Safety Authority of Ireland (FSAI) to conduct a public consultation on the introduction of calorie posting on fast food outlet and restaurant menus. The Minister launched the FSAI's public consultation process in February 2012, with a view to gathering information which would inform the next steps in the process. The final outcome of that consultation process was launched by the Minister on 4th July 2012.

The Calorie Posting initiative is only one among several that are being progressed by the Special Action Group on Obesity which the Minister set up in 2011. This group comprises key stakeholders, and is chaired by the Department of Health. The group includes representatives from the Department of Children and Youth Affairs, the Department of Education and Skills, the Health Service Executive, the Food Safety Authority of Ireland and *SafeFood* and its remit is to examine and progress a number of issues to address the complex and multi-factorial problem of obesity.

The Special Action Group on Obesity is concentrating on a specific range of measures to combat the growing obesity problem, one of which is the Calorie Posting initiative. The Group will work with other Government Departments in a cross-sectoral approach to help halt the rise in overweight and obesity. It is recognised that alone no single initiative will reverse the trend, but a combination of measures should make a difference. It is essential to recognise that a small but sustained positive change in the eating behaviour of a large number of individuals can have a major effect on the obesity crisis.

The Minister has indicated that he is very much in favour that the programme of putting calories on menus in Ireland be introduced on a voluntary basis at first, because it is clear from the consultation results that the food industry will need significant technical support in order to implement it. To this end, the Special Action Group on Obesity is actively working on the development of an action plan to facilitate the implementation. There are a number of issues which SAGO now needs to address, for example, technical support for providing calorie content information for small restaurant/coffee shop owners; priority based implementation; how the scheme might work in restaurants whose menus change frequently etc. It is envisaged that calorie posting commence in the coming months when these considerations are finalised and the necessary implementation mechanism has been devised.

Value for Money Reviews

526. **Deputy Regina Doherty** asked the Minister for Health if the recent value for money report has revealed any incidences in which moneys from the disability budget were diverted to pay staff rather than fund services; and if he will make a statement on the matter. [33616/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Value for Money (VFM) and Policy Review of the Disability Services was initiated by the Department of Health in June 2009 and was conducted under the auspices of the Government's Value for Money and Policy Review Initiative 2009-2011. The purpose of the Review was to assess how

well current services for people with disabilities met their objectives and support the future planning and development of services. The period under review was 2005 to 2009.

The Review was overseen by an independent chair, Mr. Laurence Crowley, and had two other independent members, as well as members drawn from the Disability Sector, the Department of Health and Children, the Department of Public Expenditure and Reform, and the HSE. It is expected that the report will be submitted to the Government for consideration in the near future and, if approved, will be published as soon as practicable thereafter. It would not be appropriate for me to speculate on any of the findings of the report in advance of its consideration by the Government.

However, separate from the VFM Review, the Deputy may wish to note that the Disability Services Programme is primarily delivered through the provision of a wide range of services and supports, including residential, day, multi-disciplinary therapies, early intervention and early childhood services, respite, home support, assisted living services and other support services. These services and supports are provided to people with disabilities by the HSE and by voluntary service providers through approximately 24,000 staff across many different disciplines, grades and skills. Consequently approximately 85% of the disability budget is expended on staff pay and the balance on non-pay.

Hospital Accommodation

527. **Deputy Brian Stanley** asked the Minister for Health the plans he and the Health Service Executive have to reopen St. Joseph's ward in St. Vincent's Hospital, Mountmellick, County Laois. [33619/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Services

528. **Deputy Brian Stanley** asked the Minister for Health the number of patients and the current level of funding in the budget for St. Vincent's Hospital, Mountmellick, County Laois. [33620/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Waiting Lists

529. **Deputy Patrick O'Donovan** asked the Minister for Health when a person (details supplied) in County Mayo will be called for surgery in view of the nature of this person's illness [33628/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospital Charges

530. **Deputy Michael McGrath** asked the Minister for Health if he will consider introducing a reform to deal with the manner in which persons are currently being charged for a service (details supplied). [33633/12]

Minister for Health (Deputy James Reilly): The A&E charge which is currently €100, is provided for by the Health (Out-Patient Charges) Regulations 1994 (as amended). The charge

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applies to persons attending Accident and Emergency and Casualty Departments subject to exemptions set out in these regulations, including medical card holders and those who have a letter of referral from a registered medical practitioner. There are no plans at present to reform the A&E Charge.

Health Service Staff

531. **Deputy Seán Kyne** asked the Minister for Health if consideration will be given to amending the Health and Social Care Professionals Act 2005 to include creative arts therapists on the list of recognised professionals in view of the fact that such an eventuality would enhance client safety and welfare while also recognising the benefits of arts therapies [33636/12]

Minister for Health (Deputy James Reilly): The Health and Social Care Professionals Council, established in 2007 and the 12 registration boards being established under the Health and Social Care Professionals Act 2005 (the Act) will be responsible for protecting the public by regulating health and social care professionals in Ireland. The object of the Council is to protect the public by promoting high standards of professional conduct and professional education, training and competence among the registrants of the following 12 health and social care professions designated under the Act: clinical biochemists, dietitians, medical scientists, occupational therapists, orthoptists, physiotherapists, podiatrists, psychologists, radiographers, social care workers, social workers and speech and language therapists. In time, only registrants will be entitled to use these titles.

These 12 professions were designated in the Act which is being implemented on a phased basis, and currently 2 registration boards have been established. These are the Social Workers Registration Board and the Radiographers Registration Board. It is hoped that the remaining 10 registration boards and their registers will be established by end 2014.

While the proposed system of statutory registration applies, in the first instance, to 12 health and social care professions, the legislation empowers the Minister for Health to include, if he considers it appropriate and in the public interest to do so, additional health and social care professions in the regulatory system over time, as appropriate. Section 4 of the Act provides a definition of a health and social care profession and also sets out the factors governing the subsequent addition of any further professions into the regulatory system at a later date, including:

- (a) The extent to which the profession has a defined scope of practice and applies a distinct body of knowledge;
- (b) The extent to which the profession has established itself, including whether there is at least one professional body representing a significant proportion of the profession's practitioners;
- (c) The existence of defined routes of entry into the profession and of independently assessed entry qualifications;
- (d) The profession's commitment to continuous professional development;
- (e) The degree of risk to the health, safety or welfare of the public from incompetent, unethical or impaired practice of the profession;
- (f) Any other factors that the Minister for Health considers relevant.

The priority at present for my Department is to develop statutory registration for the 12 professions specified in the Act in the first instance. The extension under the Act of statutory registration arrangements for other health and social care professionals will not be considered until after the initial designated 12 professional grades have been fully dealt with.

Government approval was given in July 2011 to the drafting of the Health and Social Care Professionals (Amendment) Bill to:

(i) remove difficulties in relation to the effective operation of the Health and Social Care Professionals Council, in particular to urgently provide for the Minister to continue to appoint professional representatives to the Council from the designated professions under the Act, whose term of office expired in March 2011, and

(ii) implement Directive 2005/36/EC on the recognition of professional qualifications in respect of the professions designated under the 2005 Act and provide a legal base for the assessment of qualifications which are outside the scope of the Directive.

Drafting is now at an advanced stage and as the proposed amendments are technical in nature and simply facilitate the more effective operation of the Act it is hoped that the Bill may be enacted at an early date. It is not my intention to revise the terms and provisions of the Bill at this juncture to include the regulation of any additional health and social care professions not designated under the Act.

Water Fluoridation

532. **Deputy Seán Kyne** asked the Minister for Health if in view of the growing scientific doubt as to the benefit of fluoridation of public water supplies and in recognition that Ireland is one of last remaining countries in Europe not to have discontinued this practice, he will exit the current three year minimum contract for water fluoridation when the opportunity to do so arises in November 2012. [33640/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Forum on Fluoridation advised in 2002 that the fluoridation of public piped water supplies should continue as a public health measure. The Irish Expert Body on Fluorides and Health, which was established in 2004, monitors new and emerging issues on fluoride and its effects on health and related matters.

The Expert Body confirms that, based on the review of all previous and current international and national scientific data, the balance of this scientific evidence worldwide confirms that water fluoridation, at the optimal level, does not cause any ill effects and continues to be effective for protecting the oral health of all age groups. The EU Scientific Committee on Health and Environmental Risks (SCHER), published its 'Opinion on critical review of any new evidence on the hazard profile, health effects, and human exposure to fluoride and the fluoridating agents of drinking water' in 2011. The main conclusions of the SCHER report are that there are no known health implications from fluoridating water at levels used in the EU. There is also extensive evidence in Ireland from a series of national, regional and cross-border studies conducted between 1984 and 2006 that fluoridated drinking water substantially improves the dental health of children and adults.

The Health (Fluoridation of Water Supplies) Act 1960 provides that the HSE make arrangements for the fluoridation of public water supplies. The HSE makes the necessary contractual arrangements in relation to these responsibilities. There are no plans to discontinue the policy of fluoridation of public water supplies, which continues to make an effective contribution to oral health in Ireland.

Hospital Accommodation

533. **Deputy Patrick Nulty** asked the Minister for Health if the number of neurosurgical intensive care beds in Beaumont Hospital, Dublin, has been increased within the past five years; if so the reason for same; and if he will make a statement on the matter. [33714/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Thalidomide Victim Compensation

534. **Deputy Kevin Humphreys** asked the Minister for Health the position regarding the Programme for Government commitment to address the need for further compensation for victims of Thalidomide; when he will deliver on this commitment; and if he will make a statement on the matter. [33716/12]

Minister for Health (Deputy James Reilly): I met with the Irish Thalidomide Association (ITA) and the Irish Thalidomide Survivors Society (ITSS) last year.

Having taken legal advice, I am satisfied that the State does not have a legal liability for the injuries suffered by Irish survivors of thalidomide. However, I have previously indicated that I am willing to enter into discussions about a financial gesture of goodwill towards Irish survivors of thalidomide, which will be constrained by virtue of the current economic circumstances of the country and the many demands made on limited resources. The Irish Thalidomide Association has stated that it fundamentally disagrees with the State's position above and it is unwilling to engage with me on this basis. I also informed both organisations that the Government's main concern is to address their health and social care needs. The first step in this process is to identify the needs of each individual. The Health Service Executive (HSE) and Dr Paul O'Connell, Consultant in Rheumatology and Rehabilitation, Beaumont Hospital have developed a protocol for an appropriate assessment process. The ITA is unwilling to engage in this process also.

The protocol envisages that the multidisciplinary assessment process will include medical, nursing, occupation therapists, physiotherapists, social workers and/or other designated staff as appropriate. It is proposed that the assessment will be conducted in two phases. Phase 1 will be conducted by a multidisciplinary team in Beaumont Hospital. Phase II will be conducted by a multidisciplinary team in the community, preferably in the home. In addition, Beaumont will establish and maintain links with more established centres in Europe. The draft Protocol for the Multidisciplinary Management Plan for the Care of Survivors of Thalidomide in Ireland was sent to the ITSS. The ITSS were asked to review the draft protocol and revert to the HSE with any observations.

However, the ITSS has written to the HSE regarding the extent and scope of the assessment process. Some major issues raised by the ITSS, including an independent agency, housing, heating and transport are unfortunately outside my Department's remit. I have written to the ITSS requesting them, in good faith, to continue to engage with the HSE in developing and participating in a health care assessment process. The process and its outcome will provide information which will assist us in addressing the future health care needs of Irish survivors of thalidomide.

Health Services

535. **Deputy Finian McGrath** asked the Minister for Health if he will support the case of a person (details supplied) in Dublin 3. [33725/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter the question has been referred to the HSE for direct reply.

Respite Care Services

536. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will instruct the Health Service Executive to arrange respite facilities in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [33726/12]

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.

Marine Safety

537. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport his views on marine safety (details supplied); and if he will make a statement on the matter. [33209/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The safety of passenger ships and boats is a key objective for my Department. As we saw earlier this year with the capsizing of the “M/V Costa Concordia” with the tragic loss of thirty lives this is a critical area in ensuring safety. In Ireland we have a number of categories of passenger tour boats.

Passenger tour boats carrying more than 12 passengers are referred to as passenger ships and they can operate on the inland waterways and at sea. Passenger tour boats carrying not more than twelve passengers are referred to as passenger boats and there are several hundred such boats operating around our coastline and on our lakes and rivers. Each passenger boat and ship is surveyed by Surveyors from my Department.

Passenger ships are subject to annual surveys and passenger boats are surveyed every two years. These surveys cover all aspects of the vessel including hull structure, watertight integrity, machinery and electrical arrangements, crew qualification and operational matters such as musters and drills. The Merchant Shipping Acts require any Irish ship greater than 80 gross tonnage to enter into an agreement with the crew and complete an official logbook. In addition, in accordance with EU Regulation 336/2006 on the implementation of the International Safety Management Code and its application to passenger ships which operate to sea, the vessels must have a certified safety management system in place called Domestic Safety Management (DSM) and the vessels must hold a DSM logbook as well.

Professional Qualifications

538. **Deputy Billy Timmins** asked the Minister for Transport, Tourism and Sport the position regarding CPC courses in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [32980/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The subject matter of this question, which is the operation of the Certificate of Professional Competence (CPC) regime is a matter for the Road Safety Authority (RSA). As Minister I have no involvement in individual cases and cannot comment on them. I have referred the question to the RSA for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

Departmental Staff

539. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport the number of staff who took sick leave of more than five, ten, 15, 20 days and 21 days or over in 2011 in

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all agencies, offices or other bodies reporting to his Department; the length of the ten highest incidences of sick leave across these bodies; and if he will make a statement on the matter.

[33118/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The provision of the material requested is a matter for direct response by the State agencies, offices and other bodies under the aegis of my Department. I have forwarded the Deputy's question to them for attention. If the Deputy does not receive a reply within ten working days, please advise my private office.

Public Transport

540. **Deputy John McGuinness** asked the Minister for Transport, Tourism and Sport if bus services provided by independent operators (details supplied) in County Kilkenny on agreed routes servicing such locations as Kilkenny City will be included as part of the consideration under PSO; if he intends to give grant aid under a sustainable public transport initiative to assist operators in the purchase of natural gas vehicles; if he has had discussions with bus operators regarding this matter; the plans he has, if any, to assist in the funding of the roll out of natural gas vehicle fuelling depots; if he will fund local authorities to assist their plans for use of such vehicles by private operators as part of a local public transport network strategy; and if he will make a statement on the matter. [33122/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): Matters relating to the consideration of PSO contracts, discussions with bus operators regarding government support and the development of local public transport network strategies fall within the remit of the National Transport Authority (NTA). I have therefore referred these elements of the Deputy's question to the NTA for their direct reply. Please advise my office if you have not received a response within 10 working days.

There are currently no funding streams within my Department from which funding support of the type envisaged for local authorities or public transport operators could be made available. Grant assistance towards the purchase of vehicles using alternative energy technologies and matters relating to the natural gas grid and supply are matters for agencies and companies within the remit of the Minister for Communications, Energy and Natural Resources. I understand from my colleague, the Minister for Communications, Energy and Natural Resources that he has been informed by Bord Gáis Networks (BGN) that they are actively working with Bus Eireann on a trial to be launched in Cork soon to use CNG within Bus Eireann's city fleet.

Driving Licences

541. **Deputy Michelle Mulherin** asked the Minister for Transport, Tourism and Sport further to Parliamentary Question No. 634 of 12 June 2012, the reason no grandfather rights are provided for persons with monocular vision in respect of group 2 licences which is at odds with the UK driving and vehicle licensing authority; and if he will make a statement on the matter. [33125/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): When EU legislation is being transposed into the national legislation of Member States, Member States occasionally choose to exercise their right to adopt more stringent requirements than are strictly necessary in order to comply with the EU legislation. In the case of the EU Directives on fitness to drive — 112 and 113 of 2009 — Ireland chose to follow the Directives closely, while the UK chose

to exercise its right to adopt more stringent measures. I believe that this has led to a misunderstanding on the part of the Deputy.

The Irish legislation states that applicants for a licence in Group 2 — categories C1, C, D1, D, EC1, EC, ED1 or ED — who have monocular vision, should have an adaptation period of at least six months before driving, and that afterwards driving is allowed only after a favourable opinion from vision experts.

In the UK, people with loss of vision in one eye are, with one important exception, barred from holding a Group 2 licence. The exception is the ‘grandfather rights’ to which the Deputy refers and relates solely to licence applicants for category C1. The UK allows people with monocular vision to apply for a C1 licence if they passed their driving test prior to 1 January 1997, but only if they satisfy eyesight tests for the remaining eye.

In other words, the UK authorities chose to exercise their right to adopt a stricter approach than was required to comply with the EU Directives, and then gave one exception to those strictures. As Ireland chose not to adopt such additional strictures, the question of ‘grandfather rights’ as an exception to additional strictures did not arise.

Pension Provisions

542. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the efforts he is making to aid in the resolution of the shortfall in the Irish Aviation Superannuation Scheme Pension Fund. [33221/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The question refers to the Irish Airlines (General Employees) Superannuation Scheme (IASS).

The IASS is a multi-employer scheme involving Aer Lingus DAA and SR Technics. Resolution of the funding difficulties in the scheme is a matter for the trustees, the companies participating in the scheme and the members and I understand that the parties are participating in discussions with the assistance of the Labour Relations Commission in an effort to find a solution to the current difficulties.

As I have no function in relation to the pension scheme the Department is not a party to these discussions.

Driving Licences

543. **Deputy Michelle Mulherin** asked the Minister for Transport, Tourism and Sport further to parliamentary Question No. 634 of 12 June 2012, the reason no grandfather rights are provided for persons with monocular vision in respect of group 2 licences which is at odds with the UK Driving and Vehicle Licensing Authority; and if he will make a statement on the matter. [33267/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): When EU legislation is being transposed into the national legislation of Member States, Member States occasionally choose to exercise their right to adopt more stringent requirements than are strictly necessary in order to comply with the EU legislation. In the case of the EU Directives on fitness to drive — 112 and 113 of 2009 — Ireland chose to follow the Directives closely, while the UK chose to adopt more stringent measures.

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In other words, the UK authorities exercised their rights to adopt a stricter approach than was required to comply with the EU Directives, and then gave one exception to those strictures. As Ireland chose not to adopt such additional strictures, the question of ‘grandfather rights’ as an exception to additional strictures did not arise.

Bus Services

544. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport if he will examine the No. 13 Dublin Bus service with a view to putting on extra buses during rush hour. [33289/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The provision of services is an operational matter for Dublin Bus in conjunction with the National Transport Authority (NTA). I have referred the Deputy’s question to the company for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Tourism Promotion

545. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the steps being taken outside Ireland to promote and advertise the Gathering in 2013; the budget allocated for same; and if he will make a statement on the matter. [33296/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The matter raised is an operational one for Tourism Ireland Limited as the body responsible for promoting “The Gathering Ireland 2013” overseas. I have referred the Deputy’s Question to Tourism Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Medical Aids and Appliances

546. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport his plans to increase the number of defibrillators available for emergencies in each of the terminals at Dublin Airport; and if he will make a statement on the matter. [33297/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The number of defibrillators available at Dublin Airport is an operational matter for the Dublin Airport Authority. Accordingly, I have forwarded the question to the Company for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Parking Regulations

547. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport his plans to make it possible for local authorities to introduce partial footpath parking in urban areas. [33353/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I corresponded with Dublin City Council on this matter on a number of occasions in the past year. In essence, the

argument for allowing partial parking is that it would alleviate certain parking difficulties in the city, while the arguments against relate to safety. I believe the arguments against a change substantially outweigh those in favour of change.

Footpaths are provided for the safety of pedestrians and to segregate vulnerable road users from passing or parking traffic on the roadway. Footpaths are not constructed to the same specifications as roads and are not built to bear the weight of vehicles. Local authorities could face problems such as potential damage to kerbs, paths and utility access covers. Finally, if pavement parking is allowed in some areas, it could become a matter of habit for many people and difficult to restrict to the areas where it is legally permitted.

In the absence of any new evidence or arguments for allowing partial parking on pavements, I have no plans to change the law in this regard.

Tourism Industry

548. **Deputy Barry Cowen** asked the Minister for Transport, Tourism and Sport the most recent data of annual footfall to each of the destinations which have been recognised by tourist or heritage destination, brown, signs by the National Roads Authority on motorways; and if he will make a statement on the matter. [33360/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects, including the provision of signage, is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Specifically, the NRA has responsibility under section 19 of the above Act to “prepare or arrange for the preparation of schemes for the provision of traffic signs”. In this context the NRA has published a policy document outlining the criteria for erecting tourist signage (brown signs) and setting out the role of the Authority, Fáilte Ireland and local authorities in the signage development process (and reflected in the letter sent to Senator White).

In this regard, I have no function in the collection of statistical data in this area.

Rail Services

549. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport if in view of the re-scheduling of the new timetable if he will provide an assurance that the first and last train from and to County Kerry, will not be cut under any circumstances; and if he will make a statement on the matter. [33433/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The scheduling of train timetables and provision of services is a matter for Irish Rail in conjunction with the National Transport Authority (NTA). I have referred the Deputy’s question to Irish Rail for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Question No. 550 withdrawn.

Sports Facilities

551. **Deputy Patrick Nulty** asked the Minister for Transport, Tourism and Sport if capital funding will be provided to construct permanent changing facilities for sports clubs in Harts-town Park, Dublin 15, in view of the fact that existing facilities were recently destroyed by vandalism; and if he will make a statement on the matter. [33483/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): The provision of these facilities is a matter more appropriate to Fingal County Council.

I am informed that a number of storage containers located in Hartstown Park, Clonsilla, Dublin 15, were targeted in an arson attack which resulted in damage to equipment belonging to local soccer clubs. The possibility of relocating the containers to a location closer to the newly constructed all weather pitch to facilitate the storage of equipment in a more secure location is currently being examined by the local authority.

I am also informed that it is a long term objective of the local authority to eliminate containers from Hartstown Park and, subject to the availability of funding, to seek to build a new facility which will incorporate changing and storage facilities at a site adjacent to the all weather facility and a local school. No application was received from the local authority under the 2012 Sports Capital programme for such a project.

Should an application be made under the next round, I shall be happy to give it full consideration.

552. **Deputy Patrick Nulty** asked the Minister for Transport, Tourism and Sport if there is capital funding available for the construction of indoor facilities for minority sports, which are Olympic sports; and if he will make a statement on the matter. [33484/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): A new round of the Sports Capital Programme (SCP) was launched on 28th March 2012.

By the deadline for applications (11 May for paper-based applications and 1 June for applications made online) the Department had received over 2,150 applications for funding under the 2012 SCP.

An application for a grant towards the construction or refurbishment of an indoor sports facility would, subject to meeting the other application criteria, be eligible for assessment under the SCP.

Pilot Training Courses

553. **Deputy Willie O’Dea** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the fact that up to 80 students from Ireland, some of whom are from Limerick, have potentially lost more than €80,000 in fees following the termination of a training contract involving a Florida based college and the Waterford based Pilot Training Centre of Ireland; if he will investigate the way this could happen; the way the students can be facilitated to continue their training; and if he will make a statement on the matter. [33580/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Pilot Training College Waterford (PTCW) is a privately owned and operated flight training college. The Irish Aviation Authority (IAA) has responsibility for approving and overseeing flight training organisations in Ireland so I have referred the question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

The Deputy can be assured that the matter will be investigated by the IAA and that the IAA is assisting pilot trainees to have their training to date recognised and to find new pilot training schools.

I will give consideration to a boarding/fee insurance system for the future, but none such is currently in place either in Ireland or the U.K.

Professional Qualifications

554. **Deputy Tony McLoughlin** asked the Minister for Transport, Tourism and Sport if he will provide a breakdown of the number of students by examination session January, June, September who sat the TMCPC under the Chartered Institute of Logistics in Transport examination in Sligo for each of 2009, 2010 and 2011 calendar years; and the number of the aforementioned examination students who had their TMCPC course tuition provided in Sligo by the approved course provider for each of those three years. [33593/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Chartered Institute of Logistics and Transport has provided me with the following details of the numbers of candidates for the Certificate of Professional Competence in Transport Management in 2009, 2010 and 2011.

In 2009, five candidates attended the January examination session, fifteen attended in June and there were no candidates in September. In 2010, seven candidates attended in January while there were no candidates for the June and September examinations. In 2011, four candidates attended in January and there were no candidates for the June and September examinations.

I am informed by the Chartered Institute of Logistics and Transport that all candidates concerned had their course tuition provided in Sligo by the approved training provider.

Rural Transport

555. **Deputy Denis Naughten** asked the Minister for Transport, Tourism and Sport the steps he is taking to not only maintain but to develop rural passenger transport services and to comply with the commitment in the Programme for Government to maintain and extend the rural transport programme with other local transport services as much as is practicable; and if he will make a statement on the matter. [33652/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): I established the National Integrated Rural Transport Committee (NIRTC) earlier this year to oversee and manage a partnership approach to implementing integrated local and rural transport. The Committee which is chaired by the National Transport Authority, is drawn from organisations representing key stakeholders in the local and rural transport integration process including rural transport groups, the HSE, Pobal, Local Authorities, Bus Éireann and policy makers from relevant Departments.

The Committee has been meeting on a monthly basis since April to ensure momentum is maintained in addressing the many complexities associated with effective integration of local and rural transport service provision. The structure of RTP Groups, the nature of local and RTP operations and the extent of HSE and school transport services varies across different areas as does the amount of data available. Consequently, the NIRTC established sub-groups to examine the four key areas of health related transport services, school transport services, logistics e.g. trip-booking systems, ticketing, information, and appropriate structures to support integration. The sub-groups are involving other stakeholders in their work and seeking input from relevant sources as appropriate.

The key area of work for the sub-groups is to identify constraints or high-level impediments to integrated local and rural transport, along with recommendations on how these should be managed. The output from the sub-groups will also inform the design of model areas to test how integrated local and rural transport services can best operate to achieve greater synergies, better meet identified transport needs and deliver increased value for money for the Exchequer.

[Deputy Alan Kelly.]

The outcome of the model areas will inform the wider national roll out of integrated rural transport services on an incremental basis. The sub groups are expected to make an initial report to the NIRTC later this month who will then report to me. In the light of the reports from the sub groups and NIRTC I will be reviewing progress and deciding on the next steps.

This new approach, bringing together all of the key stakeholders is endorsed by Government and is the first time that a national focus and coherence has been brought to the delivery of an integrated rural transport service. This reflects the importance that the Government attaches to the contribution that a carefully designed and efficient rural transport service based on local needs, will make to overcoming social exclusion in rural areas.