

DÁIL ÉIREANN

Déardaoin, 12 Iúil 2012.
Thursday, 12 July 2012.

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

Paidir.

Prayer.

Leaders' Questions

Deputy Michael Moynihan: Last week, we asked the Government to act on the flooded Shannon region as farmers in this particular region have been badly hit. Farmers and agricultural contractors throughout Ireland are extremely concerned about their livelihoods as a result of the persistent bad weather. Silage has not been cut, cattle cannot graze, production costs have increased, milk production has dramatically decreased, crops have been affected and beef prices were pulled this week by the factories. June was the wettest month on record, which will cost the farming community approximately €160 million. The weather is extremely bad and is crippling farmers' ability to make a decent living.

Deputy Tom Hayes: The sun is shining today.

Deputy Michael Moynihan: It took farmers almost three years to trade out of the disastrous year of 2009. The response from the Government has been shamefully inadequate. The only response last week from the Minister for Agriculture, Food and the Marine, Deputy Coveney, was to bring the single farm payment forward to October. Every Deputy in this House knows that the single farm payment has since inception been paid in October. As such, what the Minister has done is nothing new.

Our economy depends hugely on our farming and agricultural community. Ministers have rightly boasted about its success in terms of export-led growth. The Government needs to take this matter seriously, take a more proactive role and put in place more practical supports for troubled farmers. The Minister must meet with suppliers and merchants and demand more flexibility given the challenges of the disastrous weather. Also, the farming by calendar year needs to be urgently reviewed.

Has the Minister made any request for supplementary funding to in some way alleviate the plight of farmers in this country? Has he even requested that the single farm payment be paid earlier than October?

The Tánaiste: I agree with Deputy Moynihan on two matters, the first of which is the huge of importance of agriculture to the Irish economy. There has been a strong performance in recent times by the agriculture and, in particular, the food sector, which has enormous potential for job creation. Much of Ireland's strong export performance in recent times is due to the performance of our agriculture and food sector. We take considerable satisfaction in the fact

[The Tánaiste.]

that as a country we are now producing enough food to feed ten times our population, with the obvious implications of this for our export performance.

I agree also with the Deputy that the recent spell of very bad weather is creating huge problems for farmers in terms of the flooding of land and difficulties in harvesting and managing their farms. The Minister for Agriculture, Food and the Marine is particularly concerned about this and has for that reason decided to bring the single farm payment forward by six weeks to October.

Deputy Barry Cowen: That happens every year.

Deputy Simon Coveney: Not every year.

The Tánaiste: It is also the reason the Government is giving particular attention, in the context of the discussions currently taking place on the multi-annual financial framework for the European budget, to the importance of the Common Agricultural Policy and payments associated with it. The difficulties being experienced by farmers as a result of the weather is exercising the work of the Minister for Agriculture, Food and the Marine and is something which the Government fully understands.

Deputy Finian McGrath: What about the sugar beet industry?

Deputy Michael Moynihan: While the smoke screen in terms of the Government bringing forward to October the single farm payment may appear a good activation measure it does not cod any member of the farming community. It is taken as a given every year that the first tranche of single farm payments will be made in October. We cannot continue to allow this sector to be hampered in this way. All farmers want to do is earn a decent living. Farmers need to take a more proactive role.

The Government should cease the notion of the single farm payment being made in October, which is taken as a given. The Government and Minister need to have discussions with officials in the Department of Agriculture, Food and the Marine around the cessation of all inspections during the next couple of months. Farmers are at the end of their tether in terms of management of inspections.

Deputy Simon Coveney: We cannot make payments without inspections. The Deputy should at least know what he is talking about.

Deputy Michael Moynihan: Excuse me, Minister.

An Ceann Comhairle: A question, please.

Deputy Mattie McGrath: The Minister should allow Deputy Moynihan to speak.

Deputy Michael Moynihan: All but emergency inspections must cease. The last thing——
(*Interruptions*).

An Ceann Comhairle: Please allow the Deputy to ask a supplementary question.

Deputy Michael Moynihan: The last thing farmers need at this time is undue inspections. They are at the end of their tether to harvest their crops. We need to cease all——

An Ceann Comhairle: Would the Deputy ask the question?

Deputy Michael Moynihan: I am asking the Tánaiste to ensure they cease all inspections during these very difficult months.

An Ceann Comhairle: Thank you.

Deputy Michael Moynihan: I also ask the Minister to deal with merchants and ask for flexibility. He should also have immediate discussions with the banks to ask them for leniency for farmers and agricultural contractors who have seen the worst year on record.

The Tánaiste: I do not believe there is a farmer in the country who would blame the Government for the bad weather.

Deputy Mattie McGrath: The Tánaiste and his colleagues did when they were on the Opposition benches.

An Ceann Comhairle: I hear the familiar tones once again. Please hold your whist, as they say.

The Tánaiste: There is a bit of a tone of that from the Opposition this morning. There is very bad weather at the moment which is having an impact on farming as we all understand. The Minister for Agriculture, Food and Marine is in close contact with the farming community and farming organisations to discuss the best way to deal with that. However, the Fianna Fáil Party suggestion to have a complete cessation of inspections is simply not possible. There is a legal requirement to have a minimum number of inspections so that payments will be made. Suspending inspections would mean the payments could not be made. The Minister for Agriculture, Food and Marine has made arrangements to bring forward the single farm payment. The route suggested by Fianna Fáil would result in huge complications and in all probability the cessation of payments, which is something the Government will not countenance.

Deputy Mattie McGrath: He stopped everything else; he may as well stop the payments.

The Tánaiste: The Minister for Agriculture, Food and Marine will continue to keep in close contact with the farming organisations and the farming community about the impact of the bad weather on farming at present. If we take this in its totality, it is fair to say that in the lifetime of this Government we have seen an enormous improvement in agricultural output and in the performance of farming, and very close co-operation between the Government, the Minister for Agriculture, Food and Marine and the farming organisations.

(Interruptions).

Deputy Jonathan O'Brien: Last night, we heard ten minutes of legal bluster from a bumbling Minister for Health during which he failed to answer some fundamental questions. The appearance of his name in *Stubbs Gazette* is as a result of him breaching an order of the High Court, yet the Minister has given no indication as to when he will comply with that order. The Minister also directly contradicted his own register of interests as a Deputy. In his SIPO declaration he stated that he transferred his nursing home interests to a blind trust and yet we now know from the Minister's own mouth last night that this declaration was untrue.

An Ceann Comhairle: This is not a court of law. The Minister has made a statement and the Deputy cannot accuse him of improper behaviour during any parliamentary question. There are other ways of dealing with the matter and if the Deputy cares to contact the officials, they will advise him how to do so. Please refrain from accusing the Minister of something when he is not here to defend himself.

Deputy Jonathan O'Brien: I am not accusing the Minister.

An Ceann Comhairle: You are accusing him of misleading the House.

Deputy Jonathan O'Brien: I am just repeating what the Minister said last night about his SIPO declaration.

An Ceann Comhairle: Please proceed along those lines.

Deputy Jonathan O'Brien: As the Tánaiste knows, making a false declaration to SIPO is a very serious matter.

An Ceann Comhairle: I must intervene again. You cannot state that the Minister made a false declaration to SIPO——

Deputy Michael McGrath: Conflicting.

An Ceann Comhairle: ——based on what was said last night. Please refrain from making accusations.

Deputy Paul Kehoe: He should be made withdraw it.

Deputy Jonathan O'Brien: From his statement last night it appears that from the time the Minister took office in March 2011 up to 12 January 2012, he was in breach of SIPO guidelines. Does the Tánaiste agree that SIPO should now investigate the matter? The Minister, Deputy Reilly, has not dispelled the concerns we have regarding his conflict of interest. He is presiding over hundreds of bed closures in the public nursing sector while being an acknowledged stakeholder in a private residential care home. Does the Tánaiste share these concerns regarding the Minister's conflict of interest?

The Tánaiste: The Minister for Health made a statement to the House about those matters last night. I accept that statement. The issue of any Member of the House having private business interests is not new. We have procedures as to how that is to be addressed. There is a procedural requirement for a declaration to be made to SIPO which applies to every Member of the House. There is a requirement in respect of officeholders not to take an active involvement in their business affairs. There is a way in which they put that at arm's length while they are holders of office. The Minister for Health described how he had done that in the course of his statement last night. He also informed the House that he had sought the advice of SIPO, as is appropriate for him to do, and that he had complied with that advice. I accept that statement. Regarding issues of conflict of interest, there are rules which govern the way in which all of that is to be dealt with. It is the procedure for declaration and the procedure whereby Ministers do not have an involvement in any private business matter while an officeholder. Where there is any doubt about any of those issues or where any individual officeholder or Member of the House is in doubt, the place to go is to SIPO for advice, which is what the Minister did on this occasion.

Deputy Jonathan O'Brien: A number of questions remain unanswered. The Minister for Health is attempting to sell his share in a private for-profit nursing home while at the same time decisions he is making are resulting in the closure of public nursing home beds, which will have an impact on the value of that share. Does the Tánaiste still have full confidence in a Minister for Health who is in breach of a High Court order?

The Tánaiste: The Deputy cannot have it both ways. He cannot on the one hand say there is a conflict of interest and on the other hand that he is disposing of the interest he has in the property concerned.

Deputy Jonathan O'Brien: He has not.

The Tánaiste: The Minister informed the House yesterday of the efforts he had made to dispose of that interest.

Deputy Jonathan O'Brien: But he has not.

The Tánaiste: That is on the public record and he has made that clear. Yes, I have confidence in the Minister for Health as I do in all the Ministers who serve in this Government.

Deputy Thomas Pringle: The Government has a tendency to let the banks run the show when all they have done is put us in the glass coffin of recession. Perhaps the Government would be better served by concerning itself with actual bread and butter issues. The Department of Finance is providing for the introduction of basic payment accounts and has decided in its wisdom — we all know how the wise men in Merrion Street delivered us into the bank guarantee — to ignore the safe pair of hands and the option that people trust every day, the post office. Instead it has opted to pilot the basic payment accounts through those reliable and well-oiled machines, the banks. In effect it would seem that the 17% of people who do not have a bank account are being corralled into the banks while the State ignores the tried and trusted post office network which is in situ. At the same time the Department of Social Protection intends to move to 100% electronic payments for social welfare benefits and implement this strategy with none other than the banks again. I remind the Tánaiste of a well-known nugget of information, which is that most people do not trust their banks. The post office is a trusted part of our communities and can provide the basic account in a way that will provide the easiest access for everyone and continue to allow people to get their payments in their local post office. Post offices provide a significant social fabric. Put simply, the post office service is a perfect way to roll out this account. This would also help to ensure the continued operation of many rural post offices by growing the services that they can provide.

Can the Tánaiste explain why the post offices are not included in this pilot programme despite common logic pointing to their inclusion? Does he intend to include post offices in the rollout of basic payment accounts?

The Tánaiste: My understanding is that An Post will be involved in all of this. The position in An Post is changing. The number of people who use the postal services of An Post has been declining and, clearly, it has to develop new business to ensure that the company has a viable and successful future. My understanding is that there have been discussions between the banks and An Post with regard to joint venture products which would meet the requirement the Deputy is raising. I am aware, for example, that AIB and An Post have recently been working on a joint venture product. That type of approach, as I understand it, would meet the difficulty the Deputy has raised.

Deputy Thomas Pringle: I am glad the Tánaiste said that An Post will be included in this rollout but it is my information that it is not included in the pilot programme and the programme is being rolled out directly through the banks. When the bank are retrenching and closing branches across the country, it is vital that people who do not have access to bank accounts have access to a basic account in their local communities and the network that can provide that is the An Post system. I ask the Tánaiste check that An Post will be included in this rollout.

[Deputy Thomas Pringle.]

As a shareholder, the Irish people have the right to insist that An Post provides this vital service. The cost incurred by people who do not have a bank account can be more than €1,000 a year. We need a system that is trusted and tried and tested and the inclusion of An Post in the programme is the way to do that. I ask the Tánaiste to make sure that An Post is included in this rollout.

The Tánaiste: I agree that people who do not have bank accounts need to be looked after and a way needs to be found to ensure that they get their payments and that they are not, as the Deputy said, corralled into banks in which they do not have accounts. I will examine what the Deputy has raised. It is not unreasonable that An Post should be involved in the end product. I will have the issue examine and will return directly to the Deputy on it.

Order of Business

The Tánaiste: It is proposed to take No. 10*b*, motion re Standing Orders 82 and 165A to 165F; No. 16*a*, motion to rescind Order of Referral of the Criminal Justice (Search Warrants) Bill 2012 [*Seanad*] to the Select Committee on Justice, Defence and Equality; No. 20, Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill 2012 [*Seanad*] — Order for Report, Report and Final Stages; No. 19, Personal Insolvency Bill 2012 — Second Stage (resumed), to adjourn at 3.30 p.m., if not previously concluded; and No. 2*a*, Gaeltacht Bill 2012 [*Seanad*] — Second Stage, to adjourn at 5.30 p.m. if not previously concluded.

It is proposed, notwithstanding anything in Standing Orders, that: (1) the Dáil shall sit later than 5.45 p.m. tonight and shall adjourn on the conclusion of Oral Questions; (2) Nos. 10*b* and 16*a* shall be decided without debate; (3) Second Stage of the Gaeltacht Bill 2012 [*Seanad*] will be taken today and if not previously concluded, shall adjourn at 5.30 p.m. and the order shall resume thereafter with Topical Issues and Oral Questions; (4) the Dáil shall sit tomorrow at 10.30 a.m. and shall adjourn not later than 3.30 p.m. and the business to be transacted shall be as follows: (i) Personal Insolvency Bill 2012 — Second Stage (resumed), to adjourn at 12.30 p.m. if not previously concluded; (ii) Gaeltacht Bill 2012 [*Seanad*] — Second Stage (resumed), which shall if not previously concluded, be brought to a conclusion at 3.30 p.m.; and (iii) any divisions demanded shall be taken immediately after the Order of Business on Tuesday, 17 July 2012.

An Ceann Comhairle: There are four proposals to be put to the House. Is the proposal that the Dáil shall sit later than 5.45 p.m. agreed to? Agreed. Is the proposal for dealing No. 10*b*, motion re Standing Orders, and No. 16*a*, motion re Referral of the Criminal Justice (Search Warrants) Bill 2012 [*Seanad*] to the Select Committee on Justice, Defence and Equality without debate, agreed to? Agreed. Is the proposal for dealing with No. 2*a*, Second Stage of the Gaeltacht Bill 2012 [*Seanad*], agreed to? Agreed. Is the proposal for the sitting and the business of the Dáil tomorrow agreed to?

Deputy Jonathan O'Brien: It is not agreed. Given that the Dáil is sitting tomorrow, is it possible to have Leaders' Questions and Topical Issues rather than concluding business at 3.30 p.m.?

The Tánaiste: The arrangements for Leaders' Questions and Topical Issues are on Tuesday, Wednesday and Thursday. The sittings on Fridays, which are a new innovation in this Dáil, deal with legislation. We propose to deal with the Personal Insolvency Bill, which is very important legislation designed to assist people who are having difficulties with their mortgages.

The Government has given a high priority to assisting people who are in mortgage distress. We hear about it all the time from our constituents. We know of people who are having great difficulties with their mortgages. We are anxious to progress the personal insolvency legislation, which is important and radical legislation that will introduce for the first time non-judicial debt settlements for people who are in difficulty. We need to deal with that legislation tomorrow and to give it the maximum amount of time possible and also to deal with the Gaeltacht Bill 2012.

Question, "That the proposal for the sitting and the business of the Dáil tomorrow be agreed to", put and declared carried.

Deputy Michael Moynihan: The Minister for Health has said that he is all about the patient being at the centre of the health system, yet he seems to be reluctant to produce legislation from his Department. The health information Bill is meant to bring in better governance and promote individual patient care. When can the House expect this Bill to be published?

The Tánaiste: It is intended to publish that Bill later this year.

Deputy Jonathan O'Brien: At the finance committee yesterday we heard that there is a fund available in Europe to assist those who are affected by a disaster such as flooding. We know that Italy has completed an €18 million drawdown from it. Arising from the floods that took place in Cork recently, many homeowners and businesses are struggling to put their lives back together. Will the Tánaiste confirm whether the Government is considering applying for funding under this fund?

The Tánaiste: The Minister for the Environment, Community and Local Government is currently drawing up a report in conjunction with the local authorities arising from the floods which took place and I understand that he intends to make an announcement arising from that report in the near future.

Deputy Seán Ó Feargháil: The programme for Government and the reviewed programme for Government published earlier this year made commitments in regard to the survivors of the thalidomide drug which has had a devastating impact on the lives of 32 surviving people. Their demand has been for a redress process and for a health and social care package provided on a statutory basis.

Does the Tánaiste intend that legislation in that regard will be brought forward and might it be addressed in the health and social care Bill which is promised at No. 18 on the "A" list?

The Tánaiste: The Minister for Health has been in discussions with representatives of the people who are thalidomide sufferers. His door is open on this issue and he is available for further discussions. I hope it would be possible to arrive at a solution in those discussions.

An Ceann Comhairle: We cannot have a debate now.

Deputy Seán Ó Feargháil: Is it intended this will have a legislative basis? It appears the reason for the failure of the discussions was that what was being offered to these people, who have been very badly let down by the State, was a gesture. They do not want a gesture; they want services based on legislation so that they do not have to continue to beg and plead for services which should be readily available to them.

An Ceann Comhairle: Is there promised legislation in this area?

The Tánaiste: There is not a separate Bill promised on this matter. So far as the Minister for Health is concerned the discussions are not concluded. It would be better if those discussions were resumed and a conclusion reached. How that conclusion is expressed, whether in legislation or otherwise, can be teased out in discussions.

Deputy Barry Cowen: The budget overrun in the Department of Health has been the subject of a recent Private Members' motion. It is clear this has arisen because of the inaction on the part of the Government to bring forward legislation which was promised in the budget last year. I refer to the health (pricing and supply of medical goods) Bill which had provision for savings of €140 million and, allied to other Estimate provisions it was thought up to €300 million, which could be saved in this year's budget. Instead, there is an overrun by the same amount and the prospect of a deficit of €500 million by the end of the year which will impact on patient care and safety. I ask for information on this legislation and other health legislation. When will control of the budget be undertaken and legislation brought forward?

An Ceann Comhairle: We can only deal with legislation at this point.

The Tánaiste: The health (pricing and supply of medical goods) Bill was approved by Government this week and it is intended it will be published this session.

Deputy James Bannon: When will legislation be introduced to tackle white collar crime in banking circles? It is time to foster a new culture of responsibility in banking circles. Will this issue be dealt with in the Central Bank (Consolidation) Bill? Will this Bill be published immediately following the summer recess?

The Tánaiste: The Central Bank (Consolidation) Bill cannot be brought forward until the other Central Bank legislation is completed when it will be then brought forward.

Deputy Pearse Doherty: I have two questions on legislation. The programme for Government makes a commitment to strengthen the regulation of moneylenders. What legislation is proposed by the Government? Legal moneylenders are charging up to 210% APR and not one prosecution in the past seven years has been successfully taken against illegal moneylenders. I have asked both the Taoiseach and the Tánaiste about this on many occasions but have received no response. I have been told I will receive a written response. When will the strategic investment bank legislation be brought forward? I ask the Tánaiste to share this information with the House if possible.

The Tánaiste: On the latter question, the strategic investment fund is to make finance available in order to stimulate the Irish economy. The Minister for Public Expenditure and Reform, Deputy Brendan Howlin, will be making an announcement next week about measures which the Government will take to stimulate the economy. On the issue of moneylenders the Government is committed to legislating for moneylenders and I will revert to the Deputy with the information on which Bill this will be.

Deputy Seamus Kirk: Will it be necessary to bring forward new regulations to deal with Teagasc staff? There is a difficulty with recruitment of staff for the agency and staff have left under the recent retirement scheme. Research, advice and education are the primary functions of Teagasc—

An Ceann Comhairle: Where is this leading, Deputy Kirk?

Deputy Seamus Kirk: —and there is a recruitment embargo. Does the Government intend to look at—

An Ceann Comhairle: To what legislation is the Deputy referring?

The Tánaiste: There is no legislation.

Deputy Joe Higgins: I ask about three Bills in the areas of health and medical legislation — the health and social care professionals (amendment) Bill, the HSE governance Bill and the Bill to amend the Medical Practitioners Act 2007. Which of these Bills will deal with the fact that the care of the elderly should not be regarded as a source of profit and speculative investment by business interests? Is this not the real issue raised by the incident involving the Minister for Health, Deputy Reilly, rather than squabbles between business people in *Stubbs Gazette*?

An Ceann Comhairle: We will not deal with this matter on the Order of Business, Deputy.

Deputy Joe Higgins: The issue is that our elderly should not be the subject of profiteering.

Deputy Alan Shatter: The Deputy does not like profit. Apparently every business should operate on the basis of a loss.

An Ceann Comhairle: Thank you. I call the Tánaiste.

The Tánaiste: The Bill to amend the Medical Practitioners Act 2007 will be published in late 2012. The HSE governance Bill, now known as the health (amendment) Bill will be published this session. The health and social care professionals (amendment) Bill will be published this session.

Deputy Joe Higgins: I did not have the privilege of hearing what the Minister, Deputy Shatter, said.

An Ceann Comhairle: No, you will not hear it either. I call Deputy Kitt.

Deputy Alan Shatter: I said Deputy Higgins does not seem to like profit. That is what destroyed the Soviet Union.

(Interruptions).

Deputy Alan Shatter: Bring back Stalin.

An Ceann Comhairle: I ask the Minister to desist; I have called Deputy Kitt.

Deputy Michael P. Kitt: On the question of the merger or the abolition of State agencies and legislation on the appointment of managers to oversee more than one local authority, I refer to the local government (miscellaneous provisions) Bill.

The Tánaiste: The Minister for the Environment, Community and Local Government is considering the re-organisation and reform of local government and he will be bringing proposals to Government in the near future.

Deputy Regina Doherty: When will the new valuations Bill come to the House? Will it be cognisant of sporting organisations such as the GAA and rugby clubs who have small loss-making commercial aspects to their sporting activities? Will the Bill take into consideration those loss-making parts of their services?

An Ceann Comhairle: We cannot deal with the contents of Bills; we can only ask when Bills will be published.

The Tánaiste: The valuations Bill is due to be considered by the Government in the next couple of weeks.

An Ceann Comhairle: That completes the Order of Business.

Deputy Bernard J. Durkan: Excuse me, you missed me. I am very disappointed.

A Deputy: You cannot miss him, Ceann Comhairle.

An Ceann Comhairle: It is the practice that Members indicate when they wish to speak.

Deputy Bernard J. Durkan: I did.

An Ceann Comhairle: I did not see the Deputy and I deliberately looked because I was surprised that I had not heard from him.

Deputy Bernard J. Durkan: I can see you.

An Ceann Comhairle: I know.

Deputy Bernard J. Durkan: On promised legislation I refer to two important pieces of legislation. When will the regulation of lobbying Bill be introduced or if the heads of this Bill have been discussed in view of the level of concern about lobbyists over the past number of years? I ask that it might be introduced at the earliest opportunity. The national vetting bureau Bill is very important promised legislation. When will it come before the House? It should be introduced at the earliest opportunity.

The Tánaiste: It is expected that the heads of the registration of the lobbyists Bill will be brought before the Government towards the end of the summer. The vetting Bill is expected to be before the Government in the next couple of weeks.

Assaults on Emergency Workers Bill 2012: First Stage

Deputy Dara Calleary: I move:

That leave be granted to introduce a Bill entitled an Act to revise the law relating to non-fatal offences against the person by imposing specific terms of imprisonment on persons found guilty of assaulting members of the emergency services whilst on duty.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Dara Calleary: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Consumer Credit (Amendment) Bill 2012: First Stage

Deputy Pearse Doherty: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Consumer Credit Act 1995.

The Bill seeks to place a cap on interest rates charged by licensed moneylenders approved in the State.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Pearse Doherty: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Standing Orders 82 and 165A to 165F: Motion

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

That, notwithstanding anything in Standing Orders—

(1) the Order of the Dáil of 8th June, 2011 relating to the Joint Committee on Investigations, Oversight and Petitions, as amended by the Order of the Dáil of 29th September, 2011, is amended—

(a) in paragraph (1) by the deletion of all words from and including 'Investigations,' down to and including '2011' and the substitution of 'Public Service Oversight and Petitions, to consider the activities specified in Standing Order 165A.', and

(b) by the deletion of paragraphs (2) and (3) and the substitution of the following:

'(2) Standing Orders 165A to 165E, inclusive, shall apply to the Joint Committee.',

(2) the Order of the Dáil of 9th June, 2011 relating to membership of the Joint Committee on Investigations, Oversight and Petitions is amended by the deletion of all words from and including 'Investigations, Oversight and Petitions' and the substitution of 'Public Service Oversight and Petitions'.

and

(3) until further notice in the 31st Dáil, the Standing Orders of Dáil Éireann relative to Public Business are hereby amended—

(a) by the adoption of the following additional Standing Orders:

'165A.(1) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a Standing Committee, which shall be joined with a similar Committee of Seanad Éireann, to form the Joint Committee on Public Service Oversight and Petitions.

(2) The Standing Committee shall consist of fifteen members of Dáil Éireann. The quorum of the Joint Committee shall be six, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be a member of Dáil Éireann.

[Deputy Paul Kehoe.]

(3) The Joint Committee shall have oversight of public service delivery generally, with a particular focus on investigating and identifying improvements in the delivery of such services to citizens.

(4) (a) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a sub-Committee which shall be called the sub-Committee on the Ombudsman, which shall be joined with a similar sub-Committee of the Seanad Committee, to form the Joint sub-Committee on the Ombudsman.

(b) The sub-Committee shall consist of all fifteen members of the Standing Committee. The quorum of the Joint sub-Committee shall be six, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be the Chairman of the Joint sub-Committee.

(5) (a) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a sub-Committee which shall be called the sub-Committee on Public Petitions, which shall be joined with a similar sub-Committee of the Seanad Committee, to form the Joint sub-Committee on Public Petitions.

(b) The sub-Committee shall consist of all fifteen members of the Standing Committee. The quorum of the Joint sub-Committee shall be six, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be the Chairman of the Joint sub-Committee.

(6) Without prejudice to the generality of paragraph (3),

(a) the Joint sub-Committee on the Ombudsman shall consider—

(i) the reports of the Ombudsman which are laid before the Houses of the Oireachtas under the Ombudsman Acts 1980 to 1984;

(ii) motions pursuant to section 2 of the Ombudsman Act 1980, which shall stand referred to the Joint Committee for consideration and report to the Houses of the Oireachtas thereon; and

(iii) such other matters as may be referred to the Joint sub-Committee by the Houses of the Oireachtas;

(b) the Joint sub-Committee on Public Petitions shall consider—

(i) public petitions addressed to the Houses of the Oireachtas which shall stand referred to the Joint sub-Committee in accordance with Standing Orders 165B to 165E, inclusive; and

(ii) such other matters as may be referred to the Joint sub-Committee by the Houses of the Oireachtas;

and

(c) the Joint Committee shall consider—

(i) the quality and standards of public service delivery informed by its sub-Committees' consideration of the reports and petitions under paragraphs (a) and (b), including the effectiveness of public service complaints and redress systems;

(ii) such other matters as may be referred to the Joint Committee by the Houses of the Oireachtas; and

(iii) any other related matters.

(7) The Joint Committee and the Joint sub-Committee on Public Petitions shall have the following powers:

(a) the powers defined in Standing Order 83, other than paragraphs (2A), (4A), (4B) and (6A) thereof; and

(b) power to refer any matter which has been considered by it (and which has been concluded to be of sufficient importance to require additional consideration) to the relevant Joint Committee appointed under Standing Order 82A for further consideration and report back to the Committee.

(8) The Joint sub-Committee on the Ombudsman shall have the following powers:

(a) the powers defined in Standing Order 83, other than paragraphs (4A), (4B) and (6A) thereof; and

(b) power to refer any matter which has been considered by it (and which has been concluded to be of sufficient importance to require additional consideration) to the relevant Joint Committee appointed under Standing Order 82A for further consideration and report back to the Committee.

(9) Each Joint sub-Committee shall have the power to report directly to the Dáil.

(10) The provisions of Standing Order 92, other than paragraph (1) thereof, shall apply to the Joint Committee and its sub-Committees.

(11) In carrying out their roles under this Standing Order—

(a) the Joint sub-Committee on the Ombudsman—

(i) shall agree guidelines on collaborative working between the Joint sub-Committee and the Ombudsman, including a right of initiative for the Joint sub-Committee in bringing specific matters to the attention of the Ombudsman;

and

(ii) may liaise with such other Ombudsmen, regulatory public bodies or bodies established for the purpose of redress, as the Joint sub-Committee considers appropriate;

and

(b) the Joint sub-Committee on Public Petitions may engage with the Committee on Petitions of the European Parliament including in relation to the European Citizens' Initiative.

(12) It shall be an instruction to the Joint Committee and its sub-Committees that they shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.

[Deputy Paul Kehoe.]

(13) The Joint Committee shall prepare an annual work programme and an annual report as outlined in Standing Order 86, which shall be laid before both Houses of the Oireachtas.

(14) The Joint Committee shall review its role generally on an ongoing basis and may make recommendations for change by way of report to the Committees on Procedure and Privileges of both Houses.

165B. (1) A petition may be addressed to the Houses of the Oireachtas on a matter of general public concern or interest in relation to their legislative powers or an issue of public policy.

(2) A petition may be lodged by person, a body corporate or an unincorporated association of persons.

(3) A petition shall clearly indicate—

(a) the name of the petitioner;

(b) an address of the petitioner to which all communications concerning the petition should be sent; and

(c) the name and address of any person supporting the petition.

(4) All petitions addressed to the Houses of the Oireachtas shall stand referred to a Committee or sub-Committee empowered to consider petitions under this Standing Order and Standing Orders 165C, D and E (referred to in this Standing Order and Standing Orders 165C, D and E as ‘the Committee’).

(5) The Committee shall, from time to time, determine—

(a) the proper form of petitions;

(b) the manner in which petitions are to be lodged with the Houses; and

(c) such other matters in relation to the consideration of petitions as the Committee considers appropriate and which are not otherwise provided for in these Standing Orders.

165C. (1) A petition is admissible unless it—

(a) requests the Dáil to do anything other than the Dáil has power to do;

(b) does not comply with Standing Orders or is otherwise not in proper form;

(c) is *sub judice* within the meaning of Standing Order 57;

(d) contains the name or names of individuals;

(e) contains language which is offensive or in the nature of being defamatory;

(f) is the same as, or in substantially similar terms to, a petition brought by or on behalf of the same person, body corporate or unincorporated association during the lifetime of that Dáil and which was closed by agreement of the Committee;

(g) is frivolous, vexatious or otherwise constitutes an abuse of the petitions system;
and

(h) requires the Committee to consider an individual complaint which has been the subject of a decision by the Ombudsman, by another Ombudsman, or by a regulatory public body or a body established for the purpose of redress.

(2) In relation to admissible petitions, where a petition deals with—

(a) local or regional matters; or

(b) matters which are more appropriate to a regulatory public body or a body established for the purpose of redress;

the Committee shall establish that all available avenues of appeal or redress have been utilised by the petitioner prior to the Committee considering the matter.

(3) The Committee shall consider and decide in a case of dispute whether a petition is admissible and shall notify the petitioner of its decision and of the reasons for that decision.

165D. (1) If a petition is admissible, the Committee shall take such action as it considers appropriate in relation to that petition.

(2) Without prejudice to the generality of paragraph (1), the Committee may—

(a) refer the petition to the Ombudsman, another Ombudsman or a regulatory public body or a body established for the purpose of redress;

(b) refer the petition to any other Committee as it considers appropriate, with a request for further consideration and report back to the Committee; and

(c) report to the Dáil with recommendations, including a request that the report be debated by the Dáil.

(3) The Committee shall notify the petitioner of any action taken under paragraph (2).

165E. (1) The Committee may close a petition at any time.

(2) Where the Committee closes a petition it shall notify the petitioner that the petition is closed and of the reasons for closing it.’,

and

(b) by the insertion in Standing Order 82 of the following subparagraph after paragraph (2)(c):

‘(ad) that it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Service Oversight and Petitions in the exercise of its functions under Standing Order 165A.’”

Question put and agreed to.

Criminal Justice (Search Warrants Bill) 2012: Motion

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

That the Order of the Dáil of 4th July, 2012, referring the Criminal Justice (Search Warrants) Bill 2012 [*Seanad*] to the Select Committee on Justice, Defence and Equality, be discharged and that the Bill be considered in Committee of the whole Dáil on Wednesday, 18th July, 2012.

Question put and agreed to.

Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill 2012: Order for Report Stage

Minister for Justice and Equality (Deputy Alan Shatter): I move: "That Report Stage be taken now."

Question put and agreed to.

Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill 2012: Report and Final Stages

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

Minister for Justice and Equality (Deputy Alan Shatter): I thank the Members for their co-operation in facilitating the passage of the Bill. I thank the Opposition Members for their co-operation and constructive contribution to the important debate on the Bill both in this House and in the committee. I also thank the members of the Fine Gael and Labour Party for their support.

This is very important child protection legislation. It creates a new era in which there will be an important obligation on those who know that a serious offence has been committed against a child or vulnerable adult to report that offence to An Garda Síochána, and where they have information that would assist the Garda in an investigation of such an offence an obligation will now exist to report that information to the Garda. There will be a ministerial order to bring the Bill into force following it being signed by the President, which I hope will occur within the next few days. The legislation should become operative at the end of this month.

Deputy Dara Calleary: It is a year this week since the publication of the Cloyne report and this legislation is an enormously important response to that. The debate on the Bill was greatly enhanced by the early publication of the heads of the Bill and the debate we held in the justice committee with the various organisations involved. It ensured that the debate was constructive and positive at all times. I thank the Minister, his officials and all the groups who participated in that process, and the Chairman of the committee for ensuring that it took place.

Deputy Jonathan O'Brien: I echo the comments of Deputy Calleary. The publication of the heads of the Bill and the fact that we could discuss them with a number of groups who are active in this area informed the debate on Second Stage. There was also a good Committee Stage even though none of our amendments was accepted. It was a worthwhile exercise and many of the concerns people have raised were answered by the Minister on that Stage. If people are anxious to get more information on the legislation I would encourage them to read

the transcript of the Committee Stage proceedings. I also welcome the fact that the Minister intends to have the Bill come into force before the end of the month.

Question put and agreed to.

An Ceann Comhairle: A message will be sent to the Seanad to inform it accordingly.

Message from Seanad

An Ceann Comhairle: Seanad Éireann has passed the Qualifications and Quality Assurance (Education and Training) Bill 2011 without amendment.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Éamon Ó Cuív — to ensure the future of the stomach and oesophageal cancer services in Galway University Hospital; (2) Deputy Caoimhghín Ó Caoláin — the need for the Government to fulfil its commitment to those effected by thalidomide; (3) Deputy Pat Breen — the future of the agri-environment options scheme; (4) Deputy James Bannon — funding in respect of St. Christopher's Services, Longford, a community provision for the intellectually disabled; (5) Deputy Seamus Healy — to restore the 22 beds in the community hospital, Thurles, County Tipperary; (6) Deputy Finian McGrath — to discuss the recent cuts to the education and service provisions to school leavers with disabilities; (7) Deputies Colm Keaveney and Dan Neville — to discuss the year on year increase in the rate of suicide; (8) Deputy Regina Doherty — to discuss continuing reports of the theft of power and telecommunications cables; (9) Deputy Catherine Murphy — the effect on employment rights from the abolition of the state pension, transition; (10) Deputy Jim Daly — the need for an emergency fund for uninsured business victims of the recent flooding at Clonakilty; (11) Deputy Dessie Ellis — the need for a targeted approach to dealing with unemployment blackspots highlighted in the census report; (12) Deputy Michelle Mulherin — the need to make provision for two intermediate care teams in north and south Mayo to allow for better use of acute hospital resources; (13) Deputy Richard Boyd Barrett — the need to support the democratic protests in Sudan; (14) Deputy Mick Wallace — to discuss the significant difference in waiting times between those with private health insurance and those with public appointments; (15) Deputy Mattie McGrath — the difficulties caused to the agriculture and food industries by bad weather and the need for support mechanisms to be put in place; and (16) Deputy John Lyons — to assist vulnerable persons who suffer with mental illness and the steps that are taken to engage such persons, especially those who are deemed at risk.

The matters raised by Deputies Colm Keaveney, Dan Neville, Michelle Mulherin, Éamon Ó Cuív and Catherine Murphy have been selected for discussion.

Personal Insolvency Bill 2012: Second Stage (Resumed)

Question again proposed: "That the Bill be now read a Second Time."

Deputy Stephen S. Donnelly: This is important legislation and has the potential to be one of the critical parts of the recovery of individuals, families, businesses and the State in general. I welcome the Bill as a much needed change. I congratulate both the Minister on a robust, quite radical legislative measure and his officials, who have been working very hard on this over the last year or more. I consider it a very solid measure.

[Deputy Stephen S. Donnelly.]

A few months ago I introduced a Private Members' Bill, the Family Home Protection Bill. I withdrew it so the essence of it could be considered for inclusion in this legislation. The justice committee looked at the Bill and made it its top recommendation that the family home be protected. I am delighted to see a substantive increase in the protection of the family home in sections 63 and 99, if memory serves. I thank the Minister and congratulate him. Obviously, all of that did not originate from me but I hope my contribution helped push the legislation that way. I discussed the Bill with the legal team in New Beginning and they warmly shared the same reaction, which is that this substantively increases the protection of family homes.

In the spirit of making the Bill even more effective, there are three matters I wish to raise with the Minister and to suggest for consideration as the Bill makes its way through the various Stages. The first is the review period. The Bill is due to be reviewed in ten years. The way it is constructed, of course, is that it is prescriptive enough but not so much that the courts cannot apply an amount of interpretation. This Bill will grow as the courts make decisions and set precedents. My understanding is that the processes in the Bill are new, not just to Ireland but internationally. The arrangements are very innovative internationally.

At its best, the court will interpret this legislation by deciding, where the borrowers have made a legitimate offer and are acting in good faith and the bank, in exercising its veto, is not being reasonable, it will grant bankruptcy. In three years this family will be out from under the debt and the courts will leave them with a reasonable standard of living. At its best, that is how I envisage it working. Indeed, at its best, I envisage that happening a few times, after which the banks will begin to act reasonably so people can avoid the entire process. At its worst, the court could decide that the family or individual is not being reasonable, that the bank has a legal call on the money owed and decide to leave the individual or family on social welfare. It could define living on social welfare as having a reasonable standard of living and not grant bankruptcy. If a bank did this, one would essentially be living on social welfare for the next six years. At worst, that could happen. The courts rightly have discretion to begin deciding what is appropriate. However, I suggest that where there is so much room for the courts to decide, an annual review by the Minister or Oireachtas, possibly including the committees responsible for justice and finance, would be very useful. On the basis that there is so much room for the courts to apply discretion, I would love to see an annual review, at least for the first few years, to ensure that a healthy balance between borrowers and lenders transpires through a precedent set in the courts.

The second issue, which is related to the first, concerns the phrase "reasonable standard of living". Correctly, the Bill does not try to determine what is a reasonable standard of living. We have discussed this with banks on the public record at meetings of the Joint Committee on Finance, Public Expenditure and Reform. I and I am sure many others have had private conversations with bankers on the definition of "reasonable standard of living". I am concerned in this regard because when I ask banks privately and publicly what they consider to be a reasonable standard of living, they obfuscate. They say it depends on the individual, his place of work and who he is, and that one must, as a consequence, work on a case-by-case basis. This is true to a point. However, when one asks the banks what guidelines they have given to their staff who are negotiating the deals, they state, more often than not, that they do not really get any guidelines. When one asks the banks what standardised training is being given to staff, they state they do not really give any such training. When one asks how many disciplinary proceedings have been brought against staff for misconduct, or intimidating or humiliating borrowers, the banks typically state they do not know but that there were probably none.

As Members of Dáil Éireann, we all know banks have acted absolutely despicably in some cases, although we accept banks have acted in good faith in many cases. I had a private conver-

sation in which a senior banker obfuscated for quite some time on the question of how much his bank would leave an individual or family with. He eventually conceded that the bank would ultimately try to leave the individual with social welfare. The reason the bank would do so is not because it believes social welfare would result in a reasonable standard of living but because the individual or family would rationally declare bankruptcy if their standard of living were any lower, thereby leaving the bank with nothing.

If one wants an understanding of the mindset of at least some of the banks, one can read the public exchange between me and the chief executive of Bank of Ireland at a meeting of the Joint Committee on Finance, Public Expenditure and Reform. If one does so, one will see the attitude that this bank, at least, has to reclaiming its money. I pointed out that the bank, through PCAR recapitalisation, has had several billion euro made available to it just for mortgages. When I asked how much of this money had been passed on to borrowers, the delegates did not answer the question for quite a while. Having been asked about six times, including through an intervention by Deputy Alex White, the Chairman, they finally said that not a penny had been passed on to borrowers. We know the banks are acting like banks. I believe Mr. Boucher said to me, "I run a bank." I asked him whether his bank had any liability or was culpable regarding the processes it changed, the negative equity and the arrears and he basically replied that he runs a bank. It is well known that the banks — perhaps not all but enough of them — will try to leave individuals, families and business people with nothing.

One of the most upsetting stories I heard in Wicklow was from two constituents with young children. They were in a restructuring process. The mother, who got very upset when telling me her story, said the bank had left her family with so little money that they must measure of the amount of toothpaste they put on their toothbrushes. She said the bank had not left them enough money for that. This is what the banks are capable of.

Perhaps the Minister should issue guidelines or a Government statement to guide the courts on what constitutes a reasonable standard of living. Getting this right will be very important. There is some solid research from the United Kingdom that suggests mortgage payments up to 35% of net household income are reasonable. This leaves individuals, parents and families with sufficient money to live their lives. They may still be paying a lot of money back to the banks but can still invest in their children, themselves and their jobs. If it is at all possible, I urge the Minister to think of a way of making it very clear to the courts, be it through additional legislation, a Government statement or another mechanism, that he does not believe some of the banks are trying to leave people with a reasonable standard of living. He should stipulate that a reasonable standard of living ought to be in line with the new EU directive on having a fresh start. This dictates that, when one has sold off everything one has and goes through a process, one must be able to start again and invest in oneself, one's children and one's business. The Minister should find some way of ensuring a reasonable standard of living is the standard that most of us in Dáil Éireann would choose rather than the standard that some of the banks would choose were they left to their own devices. They are left to their own devices at present.

The third issue concerns personal insolvency professionals. There is a very innovative approach. It is unclear who the professionals will be, what qualifications and training they will need, the regulation that will apply to them and how we will be able to insist on high quality and consistency nationally given the number of professionals. The audit processes, disciplinary processes, codes of conduct etc. should be clear. Something should be done to ensure the professionals are of high quality, are well trained and provide consistent advice to borrowers. Doing so would be very welcome. FLAC has raised concerns about this subject.

We must ensure the process itself is not too onerous. There are some interesting data from the United Kingdom that suggest one in three arrangements, based on the UK's legislative type, fails because it is too onerous. I urge the Minister to examine the bureaucratic hurdles.

[Deputy Stephen S. Donnelly.]

I congratulate the Minister and his officials. I thank the Minister for introducing the heads of the Bill first. From a non-Government perspective, this was very useful. I wish the Minister luck in bringing the Bill through the House. I hope some of the issues raised can make their way into the legislation that is ultimately enacted.

Deputy Seamus Healy: I welcome the opportunity to speak on this Bill. It is important to remember the background to the current debt problem, particularly mortgage distress. The Fianna Fáil-Progressive Democrats Government, in particular, allowed a property bubble to develop and an inflationary trend in the building industry. Former Minister for Finance Mr. Charlie McCreevy had his name all over this. Over many years, Governments refused to control the price of land zoned for building. This effectively ensured the coming into being of the circumstances in which 100,000 mortgagors now find themselves. Every facet of the Irish establishment bought into the trend and young couples were told continually that they should buy property or the family home. They were told that if they did not get their foot on the ladder at that time, they never would. We can recall that all the daily newspapers had huge property supplements, all supporting the property bubble. The suicide reference by the former Taoiseach, Bertie Ahern, is associated with the problem. The establishment told young people to the very end that there would be a soft landing and it was still the right time to purchase property. I reject out of hand the ongoing suggestion that all of us lost the run of ourselves. We did not. The majority of distressed mortgage holders are people who bought their family homes, not two or three properties. They are experiencing significant difficulties in repaying their mortgages and are in serious levels of negative equity. I know a family that bought a local authority home under the affordable housing scheme. The apartment's price was €278,000. It is now worth a maximum of €120,000. That the remaining apartments were on the private market for €375,000 indicates the madness of the situation.

Unfortunately, the previous Government's austerity policies are being continued by the current Government. Ordinary families might have had a chance of repaying their mortgages. Due to the large amount of money taken out of the economy and the knock-on effects, many people who took out large mortgages for family homes have become unemployed or suffered significantly reduced incomes and are genuinely not in a position to make repayments. This year's extraction of a significant amount of money from the economy has been promised again for the next two budgets, making it more difficult for families to meet repayments.

We need economic stimulus and growth to ensure job creation. Since the Government came to power, we have lost 18,100 additional jobs. Rather than job creation, we have seen job destruction. Unemployment devastates families, leading to significant health and mental health problems and even suicide. Recent statistics show as much. The Society of St. Vincent de Paul and the credit unions attest to the seriousness of the situations in which people are finding themselves.

This Bill has been long awaited and is welcome, but some of its aspects are disappointing. It should contain a number of cornerstones. For example, the system of debt regulation should be independent. I welcome and support the methods under the Bill for ensuring that people can remain in their family homes. Those methods should be non-judicial. My main difficulty with the legislation is the fact that the lender — effectively the banks, which the State has bailed out in recent years to the tune of €64 billion — will have a veto over the process. This is the Bill's most important provision and should be re-examined by the Minister. There must be independence so that, where borrowers and mortgage holders make reasonable attempts to reach agreements with their banks, these can be independently ordered so that banks will not have a veto.

Regarding the mortgage resolution officers and the reference to the Money Advice and Budgeting Service, MABS, the question of resources arises, as it does in the case of most legislation. I hope that the officers will be additional posts, particularly if they form part of the MABS structure. MABS is already under significant pressure and many of its offices are seeing long delays in dealing with queries, albeit through no fault of the staff. The additional officers would need to be highly qualified.

Will the Minister consider the issue of local authority loans? Perhaps I am wrong, but it is unclear as to whether the legislation addresses the matter. People who have mortgages with local authorities are experiencing significant problems. As of yesterday, I have been told that local authorities have no way of dealing with their mortgage holders. For example, they cannot allow interest-only mortgages, operate the mortgage-to-rent scheme or take over the properties and reinstate mortgage holders as tenants. This issue has been neglected. The Minister and his colleague, the Minister for the Environment, Community and Local Government, should consider it urgently.

An Leas-Cheann Comhairle: I call Deputy Heydon, who is sharing time with Deputies Griffin, Áine Collins and Kyne.

Deputy Martin Heydon: This is historic legislation, although I do not say so lightly. We can sometimes be a bit flippant, but the Bill is historic because of the country's historic level of debt. We are introducing new legislation that the country has never previously needed, but has been necessitated by unprecedented levels of personal debt that were built up in short periods by a large number of people.

Some constituents have asked me why they should bail people out when the former did not go mad and spend big during the boom. It is a difficult argument to make, but people must understand that, for the good of the economy and the country, it is in no one's interest to allow so many to be burdened by so high a level of personal debt. When people tell me that they did not take chances and did not lose out and ask why their taxes should be used in this way, I make a point about their children being unable to get jobs and their relations and friends losing jobs in shops, pubs, restaurants and elsewhere in the services industry. They need to understand that many people do not have disposable income and, as such, are not spending, which is choking our economy.

The perception that this is a bailout needs to be challenged. Some have suggested that the Bill is a gravy train, a way out or a handy number for people with personal debts who took many chances. That is not the case. Nobody, if faced with the choice of having debt and going through personal insolvency or being without debt, would choose the former. The Bill is very well structured in that regard, which is very important.

The Bill will allow those currently stifled by unsustainable debt to start living a normal life again. There are families currently struggling to feed themselves and their children, and they are unable to afford the basics in life that most of us take for granted. The difficulty may be in recognising these people. When canvassing, on occasion we might knock on doors of houses that might have a nice car in the driveway. It might be in an affluent area and the house may have been very expensive during the boom. We might think such people are comfortable but in many respects some of these people are struggling the most. The people who did not have much means during the boom probably did not have the potential to get into big debt.

That may be a generalisation but we must change our perception of who is in this type of difficulty. Families may not look like they are struggling to the extent that they are, and the burden of debt and stress placed on the family unit is colossal. This Bill looks to help those people get back to some sort of normality in their lives. The legislation will provide a release

[Deputy Martin Heydon.]

from the mental torture and stress that can be brought on families. Whether the father or mother is the main provider, the burden of debt weighs heavily on a person's mind, often with tragic consequences. I am very mindful that yesterday's Central Statistics Office figures indicated a 7% increase in suicides, and everybody in the House should be mindful of this. It is an indication of the level of stress and strain that debt can bring about.

This Bill provides a process that will allow people see light at the end of the tunnel, especially those who can only see themselves in a black hole. The level of debt and stress is relative for people; there are some who owe millions of euro but do not lose much sleep because they have the mentality to deal with the pressure. If another type of person owes a couple of hundred thousand euro and the family home is on the line, it is a different reality. A certain person may owe €4,000 or €5,000 to a debt collector who aggressively knocks on the door every week. The unregulated money lending area is a big issue in my constituency and although €4,000, €5,000 or €6,000 might seem a relatively small amount of money, if the collectors impose penal interest rates and are aggressive when seeking the money, the consequent stress can weigh heavily on people.

This is the reason there are different methods for different levels of debt, all with very strict conditions. The debt relief notice is for unsecured debts up to €20,000, the debt settlement arrangement is for figures above €20,000 and there is also a personal insolvency arrangement for the settlement of secured debts up to €3 million, along with unsecured debt. The Minister should be commended for the level of work and detail that has gone into this very complex legislation. He has ensured that all sides are being looked after, including the debtor and creditor. We must be as fair as possible and there should also be an acknowledgement that the current period is like nothing we have seen before. I hope we never see anything like it again.

There is a suggestion that the banks will retain much power and control under this legislation. It is important to remember that this Bill will introduce agreements, which cannot come about unless both sides are involved. If the agreement does not kick in, we would consider other options. The banks and lending institutions have an element of power but the debtor also has an option of whether to take or leave this. That should be borne in mind.

It is important to note this is not just about mortgages but takes in all types of debt, including the smaller debts which can be equally stressful relative to a person's circumstances. Many members of the public may think the introduction of this Bill will in some ways force banks to deal with customer debt levels, and in some ways it will do so. The easier access to settlement options should act as an incentive for banks to reach settlement arrangements. It should also encourage banks to come up with their own initiatives to address customer difficulties, which is already happening to some degree. The irony is that the introduction of this legislation may mean that more settlements are reached outside the legislation due to the incentive the new law will provide. If that happens, it would be a mark of a good Bill.

I have been contacted by plenty of constituents who are with banking institutions that have not yet passed on the recent interest rate reduction from the European Central Bank. The issue has been raised with me and people are very frustrated about it. They have seen the State pumping billions of euro into the banks but when the ECB cuts interest rates, they note that banks do not pass it on. There are two sides to the argument, the issue is quite difficult and I understand where people are coming from. The State cannot micro-manage the banks and they must be allowed to make commercial decisions. Nevertheless, the banks are not commercially funded at present, which knocks holes in any argument to be made in that regard. The banks must return to being commercially funded but that will not happen if the State micro-manages operations. The banks must react and take responsibility for their part in the crisis. They must be as creative in formulating debt settlement and restructuring solutions as they were with sales

products during the boom. If the banks can show the same ingenuity now in solving some of the problems they helped create, it should happen.

I welcome a much anticipated and badly needed Bill. I am sorry we are in a position where it is needed but to restore our economy, we must allow people to move on and get back some semblance of normality in their lives. I hope the provisions will provide light at the end of the tunnel for those people currently struggling. I commend the Minister as at the heart of this legislation is a real desire to keep people in their family homes, which is crucial. No matter how many problems any of us have in life, we should always be able to return home in the evening to the family. There is comfort and solace in that. If the family home is under threat, more than anything else that would lead to a level of insecurity. I commend the Minister and his staff for their work and I ask the Minister to keep the pressure on in getting this legislation enacted as quickly as possible.

Deputy Áine Collins: I thank the House for the opportunity to speak on this Bill. As the Taoiseach has said, the Bill will not solve the mortgage crisis overnight. However it will bring a change in the relationship between customers and banks, which should give the customer more bargaining power. The period for bankruptcy is being cut from 12 years to three years, something which is long overdue. This will allow people who ended up in unsustainable debt, many through no fault of their own, to start again. We need to allow these people the opportunity to use their entrepreneurial skills and experience to get back into business. These are the people who will create jobs and help restore confidence in the economy. As a nation we must change our attitude towards business people who fail and encourage people who have an idea to try.

In sport people celebrate success and acknowledge failure and we need to do likewise in business. Without people who are prepared to take risks, the economy will not grow. This Bill provides such people with some protection should their business venture fail. In the US, England and other advanced economies this is a given. In the US, two former presidents went bankrupt, as did Donald Trump and many other prominent business people who are now contributing enormously to the economy again.

However, even for these people to succeed we must now in Ireland deal with our huge indebtedness from mortgages, credit cards and other general debt, such as credit unions loans and personal loans. Our personal debt grew by 245% over seven years, a level that is not sustainable. Without debt resolution for our people, our domestic economy will not recover, and that is why this insolvency Bill introduces other ways of dealing with debt.

These methods include a debt relief notice to allow for write-off of qualifying unsecured debt of up to €20,000, subject to a three-year supervision period, an agreed debt settlement arrangement for the unsecured debt and a personal insolvency arrangement for the agreed settlement of secured debt of up to €3 million. None of these options is easy and much of the Bill contains provisions to ensure that these new arrangements will not be abused. The underlying principle must be that those who can afford to pay must pay. Those who cannot pay must go through a vigorous process to ensure that they pay what they can over a specified period of time.

Another important provision is to encourage the banks to come up with their own innovative proposals to facilitate a debt resolution for their customers. I understand that banks are now seriously looking at ways to offer resolutions to their customers, which is very welcome. This Bill will ensure that if the banks are not sufficiently flexible with their customers, at least their customers can opt for a solution offered in the Bill.

The fundamental problem for very many taxpayers is that money gets written off or written down. This money must eventually be paid by someone, ultimately the taxpayer. People who

[Deputy Áine Collins.]

did not get themselves into debt or those who have already paid off difficult mortgages find it very difficult to understand why they will now have to contribute to this debt forgiveness, either by paying tax or having to pay higher bank charges so the banks can make adequate profits to accommodate debt write-offs. This is unfortunate, but the reality is that hundreds of thousands of people in the country were encouraged by the then Government, in co-operation with a reckless banking system, to borrow way beyond their ability to pay back. However, the borrower must take his or her share of the responsibility, which is why the Bill contains such strict provisions.

From a national point of view we all agree we cannot have hundreds of thousands of individuals and households with this level of debt. It effects confidence and prevents the economy from returning to growth. We must allow these people space to recover so they can play a part in our economic recovery which will eventually benefit all society.

The resolution of the mortgage crisis was always going to be a difficult task. The Government has always obliged banks to limit the amount of foreclosures. It is hoped the recent changes in mortgage supplement will force the banks to deal more promptly with distressed mortgages. The scene whereby people can remain in a house and pay rent should also be of assistance. We will resolve the mortgage debt crisis quickly for the good of the economy. It is in the best interest of customers and lending institutions to try and deal fairly and reasonably without necessarily having to resort to the legal provisions contained in the Bill.

The legislation is very welcome. I hope it will give many the chance to avail of a shorter time period of bankruptcy should it be needed. In particular I hope the Bill will help the negotiation possibilities between borrowers and lenders so a more favourable solution can be found for both parties. I commend the Minister and I have no hesitation in commending the Bill to the House.

Deputy Seán Kyne: I am delighted to have an opportunity to speak on the Personal Insolvency Bill, which is radical legislation dealing with an area of Irish law which has urgently needed reform for many years. Regrettably, over-indebtedness, bankruptcy and insolvency have grown exponentially in recent years as the effects of the global financial crisis trickle down to individual level. The ideal opportunity to reform this area of law, much of which has remained the same for several decades, was during the economically successful years when far fewer individuals required such assistance. So out of touch with reality was our insolvency legislation that external experts insisted in including this reform in our EU-IMF agreement.

I commend the Minister, Deputy Shatter, for confronting this issue head on, first with the Civil Law (Miscellaneous Provisions) Act 2011 and now with the comprehensive Personal Insolvency Bill. I commend other stakeholders such as the Law Reform Commission, the free legal advice centres and the Money Advice and Budgetary Service, MABS, for conducting very helpful analysis in this area and for making clear, meaningful and citizen-centred recommendations and observations. We must never lose sight of the fact this issue concerns citizens and families who, for whatever reason, find themselves burdened with insurmountable debt which negatively affect all areas of life, from health to family to work. It is to no one's benefit for fellow citizens to endure such pressures and strains.

A positive measure contained in the Bill is the removal of many debt-related matters from a court setting. By all means it is appropriate for the court to play a role such as that required in the approval of arrangements or orders, but non-judicial alternatives would be more beneficial, particularly for over-indebted citizens already in a vulnerable position. I am certain the creation of an independent insolvency service, to be headed by a director and staffed to monitor insolvency arrangements, consider applications for debt relief notices and provide information to

the public, will prove constructive. I am less optimistic about the function which permits the service to authorise approved intermediaries and personal insolvency practitioners. A greater detail of focus is needed here. Some commentators on the issue of insolvency and debt relief warn against the creation of a cheats' charter which would enable dishonest individuals evade their financial responsibilities. Greater vigilance will be required if we are to prevent an industry from springing up whose sole purpose is to profit from the financial woes of others.

We have an excellent world-class debt advice and information service in MABS, provided by the State on a non-profit citizen-centred basis. Citizens trust and respect MABS and other bodies such as the free legal advice centres for impartial advice and assistance. I know from the information provided by the Department that the regulation of approved intermediaries will be developed on Committee and Report Stages and I agree fully with the sentiments expressed which view this section as key to the success of the Personal Insolvency Bill.

To those who unkindly comment that some of the reforms contained in the Bill will facilitate the evasion of personal financial responsibilities, I draw their attention to the many measures which pertain to the three main voluntary debt settlement arrangements. Each arrangement, namely, the debt relief notice, the debt settlement arrangement and the personal insolvency arrangement, is specifically designed to assist citizens with various levels of over-indebtedness. The debt relief notice, which facilitates a debt write-off of up to €20,000, contains requirements that a person be unable to pay his or her debts as they fall due and have no prospect of being able to meet these debts. It is a low-cost alternative to bankruptcy which will be in reach of citizens for whom the existing bankruptcy law is of no help. I am confident a debt relief notice would provide a person with the necessary breathing space to solve financial problems and become debt free while also enabling that person to make contributions to paying off existing debt if his or her circumstances should change for the better.

The debt settlement arrangement, which is for larger and longer term unsecured debt, contains innovative and helpful features. One such feature is the protective certificate which, to my mind, is almost like examinership, not for businesses but for citizens. I must concur with some stakeholders who noted the 65% approval rate required from creditors constitutes a veto over the debt settlement arrangement process, but I also believe a majority of creditors will realise there is almost nothing positive to be gained from pursuing through the courts an overly indebted person who is struggling. The exclusion of certain debts, such as taxes, Government charges, domestic maintenance and the protection of the principal private residence, proves that safeguards exist so the Bill assists and helps honest citizens. The personal insolvency arrangements will prove helpful for debts involving property or other large assets and may prove a less judicially focused more co-operative alternative to bankruptcy.

The Bill will provide further clarification in certain areas, the reforms so desperately needed in this area of Irish law and relief to citizens struggling with the burden of debt. It represents the concrete fulfilment of a commitment contained in the programme for Government for national recovery agreed by the coalition partners. It recognises implicitly that any national recovery will be dependent on the collective individual recovery of our over-indebted citizens.

Deputy Michael McGrath: I very much welcome the opportunity to make a contribution on Second Stage of the Personal Insolvency Bill. I warmly welcome the publication of the Bill which is long overdue. It is ground-breaking legislation which will radically transform the opportunities open to distressed borrowers of all levels. It has to be acknowledged that people across the board in society and many interested groups have been waiting quite some time for this type of system to be introduced in Ireland. I commend the work of the Law Reform Commission whose paper and draft Bill at the end of 2010 formed the template of the Bill introduced by the Minister. I also acknowledge the work of the free legal advice centres which

[Deputy Michael McGrath.]

have been lobbying for approximately ten years for these necessary reforms to Ireland's insolvency and bankruptcy regime. They have already made a constructive contribution to the debate on exactly what shape the Bill should take and precisely how the arrangements contained therein should be configured to ensure we have the right balance between the rights and responsibilities of borrowers and lenders, and this is very important.

We all acknowledge a non-judicial debt settlement system is urgently needed. In recent years, as previous speakers have outlined, there has been an enormous build up of personal debt in Ireland, not only mortgage debt but also a variety of other forms of personal debt such as credit card loans, personal loans, car loans and hire purchase agreements. People have entered a host of arrangements which have cumulatively resulted in a dramatic increase in the overall level of indebtedness faced by Irish people.

When the economic collapse struck Ireland in 2008, the fall-out from that resulted in many thousands of people losing their jobs and when their income was essentially demolished overnight, they were left with having to face up to liabilities they had built up on the back of an income stream that was no longer available to them. That combination has resulted in the type of carnage that is out there and all of us who are elected representatives now meet on a weekly basis people who are dramatically over extended and who, despite the best will in the world and making all the possible reasonable sacrifices that could be expected of anyone, will never be able to meet their financial obligations. This throws up difficulties in terms of identifying an appropriate policy response. There are rights and responsibilities on both sides and we must also be cognisant of people who are still managing to meet their financial commitments in full. It is important the interests of those people and the wider economy are part of our consideration.

That said, there is no getting away from the fact that we must face up to and confront the scale of personal and mortgage debt people are carrying, because in many instances the level of debt is unsustainable and something will have to give. There are people living in misery because they cannot meet their commitments. They are coming under inordinate pressure from banks and other financial service providers to make repayments, but they have not got the money to do so. This is resulting in the efforts to bring about an economic recovery being stymied by the overhang of debt and until we face up to and deal with that issue, we will not get the type of economic recovery we all want to see.

As the Minister knows, Fianna Fáil brought forward a Bill last October in Private Members' time, the Debt Settlement and Mortgage Resolution Office Bill, which was accepted on Second Stage. The Joint Oireachtas Committee on Justice, Defence and Equality has done significant work on the draft heads of the current insolvency Bill, which was published in January, and issued a report to the Minister and held an extensive series of hearings with interested parties. That report has formed part of the Minister's consideration in bringing forward this Bill. There are a number of differences between the Bill we brought forward last October and the Bill the Minister has now brought forward and if I have time, I will speak about those shortly.

One of the main benefits of bringing forward this Bill is that it puts it up to the banks to act, because they will now know that people can engage with an alternative process. Hopefully, we will shortly have a system in place that people who are over-indebted can access in order to have a tailored solution put in place that will reflect the unique circumstances they face with regard to their financial affairs. This will provide a clear and strong incentive for the banks to engage properly with people. We all acknowledge that it would be far better for the majority of people if they did not have to engage in the new insolvency service and were able instead to restructure their affairs with their financial institutions. The insolvency process being established will not be painless and there will be consequences. The process will be invasive and

intrusive in their personal lives and there will be a public register of decisions that have been made.

A clear benefit of the Bill being brought forward is that it forces the banks to face up to their responsibilities and to engage properly with people. While the banks have restructured approximately 70,000 mortgages to date, they could do far more. The official statistics from the Central Bank indicate that what the banks call “restructured mortgages” can be divided into the following categories: putting people on interest only payments, approximately 28,000 cases; reduced payment options, where people pay more than the interest but less than the full interest and capita, 14,000 cases; a reduced payment, as in less than an interest only payment, 11,000; extension of the mortgage term, approximately 9,500 cases; capitalised arrears, 9,500 cases; a repayment holiday, 3,000 cases; and hybrid solutions, approximately 3,800 cases.

The point is that the banks have shown very little imagination in coming up with solutions to this crisis. It is only when the Government, the troika and all other interested parties have come forward with these proposals for an insolvency regime that we see the banks talk about coming up with packages that will include split mortgages, the possibility of taking an equity stake in some houses, where people cannot afford the full mortgage liability, and shared ownership arrangements. Therefore, it is only because it was ultimately put up to the banks to show more ingenuity and imagination to deal with the crisis that they have finally begun to bring forward ideas that will apply to far more people. The previous solutions of interest only payments, extension of the mortgage term and the capitalisation of arrears are not suitable for everyone. I believe that if the will existed within the financial institutions, they could resolve the majority of mortgage distress cases through agreement with the borrowers. That would be the ideal scenario and would save everybody the hassle and distress of going through an insolvency process. That said, the insolvency system is needed, because it provides a backstop, that in the event people cannot restructure their affairs with their bank, this system exists as a last resort for them.

The role of the banks in regard to facing up to the problem must be questioned. I agree they have entered into arrangements with approximately 70,000 people. However, I have dealt with many individual cases over the past few months and it is worth reading into the record some of the correspondence people in mortgage distress have received. The letter I am about to read from comes from a pillar bank with regard to someone with an outstanding mortgage of approximately €44,000, with arrears of a few thousand euro and where the attempts to come up with an alternative arrangement have failed so far. The person in question received a letter saying:

As a result, we now call on you to pay us everything you owe under the mortgage loan ... within 10 business days of the date of this letter. [Essentially the bank is calling in the entire mortgage loan.] This letter is a demand for early repayment of your mortgage loan under your mortgage loan offer letter and the total amount you now owe at the date of this letter is quoted above. Interest continues to accrue daily at the rate which now applies to your mortgage loan.

If you do not pay us what you owe us under the mortgage ... within 10 business days ... we can start legal proceedings against you for repossession of the mortgaged property.

Under the terms of your Mortgage Deed, you are responsible for the costs of any legal action we take to repossess the mortgaged property. These costs could be substantial. We include an estimate of costs in the ‘Important Information’ section of this letter. We would stress the importance of clearing the arrears on your mortgage account to avoid the need for court proceedings.

[Deputy Michael McGrath.]

Please note that if your property is sold for less than the amount you owe us under your mortgage loan, you will still be legally obliged to repay us the remaining amount you owe us. That would include any interest which you owe us, charges and any legal, selling or other costs which we have to pay to sell your property. For example, there will be solicitors' and estate agents' fees and expenses to achieve a sale. Remember: the cost of selling the property must be deducted from the sale price and only the remainder of the sale price can be used to repay your mortgage loan.

This is the type of letter people in mortgage distress are receiving from their banks. People who cannot afford to pay their monthly payment are getting letters calling in the entire mortgage amount to be repaid within 10 days. Of course, the banks know this is completely unreasonable. They are merely ticking a box along the road to court proceedings for repossession. This is essentially what the bank is doing in the case raised in the letter.

To underestimate the effect of receiving a letter like this has on a vulnerable person who is in distress cannot be countenanced. It is unacceptable that people are being treated in that manner.

There is a way to deal with people. The person in this case has made every reasonable effort. I would have been very upfront with the person that this would end up in court ultimately if he or she could not manage to repay some of the mortgage. However, letters like that are unacceptable. There was no mention of the code of conduct on mortgage arrears in that correspondence.

The Minister closely examined the issue of the banks having a veto in respect of the arrangements that follow from this, in particular the personal insolvency arrangement. Legal people have told me there are important constitutional considerations in terms of property rights and so forth and that one cannot set up an independent arrangement whereby a solution can be imposed on the banks. I do not have the legal qualifications to make a determination on that but, without question, allowing the banks to retain a veto takes something from the Bill because, in effect, one could ask the question, what will be different under this arrangement than is currently the case outside of it? Outside of the arrangement, the bank can still say "No". If somebody makes a proposal to restructure his or her mortgage, the bank can simply say "No" and send out a letter along the lines of that which I read into the record to the mortgage holder. Under the insolvency arrangements we propose to establish, the bank can again simply say "No".

The difference is, I suppose, that in the Bill, the Minister is proposing important changes, which we welcome, to the bankruptcy regime. The banks will know that if they do not agree to a proposal from the personal insolvency practitioner in respect of a personal insolvency arrangement, the mortgage holder or the borrower will have recourse to the bankruptcy regime and there is only a three year automatic discharge period. That will help to bring a greater degree of acceptance within the banks that they will have to engage constructively with this process. I would expect the banks to accept the outcome of the recommendations that are being made by the personal insolvency practitioner, otherwise somebody will simply go down the bankruptcy road.

While I hope this Bill will not take a prolonged period to go through the Oireachtas, I would make the point that we must get it right. I do not mind if the Oireachtas spends a reasonably long period of time getting it right because that is absolutely essential. However, the Minister should consider taking out the bankruptcy element and enacting that as separate legislation. The reason I make that point is that having that in place in the shortest possible time would

force the banks' hand and would result in them resolving far more of the mortgage distress cases directly with the borrowers without needing to have recourse to the insolvency system. The Minister could actually lessen the workload of the insolvency system if he enacted and put in place those bankruptcy provisions. It would have the effect of more cases being resolved directly between the borrower and the bank.

I mentioned FLAC, which has given its initial response, earlier. I respect very much its experience of dealing with cases over many years. We should all listen very carefully to its suggestions and proposals because they are based on practical experience of dealing with borrowers experiencing difficulty. It has highlighted the need for a right of appeal. In most processes, we would all expect there would be an appeals mechanism in place. Of course, it would be far better if we could ensure the system itself came up with the right solution in the first place and that we would not force people into an appeals scenario. However, that proposal should be given very careful consideration.

The Bill and the debate surrounding it would be greatly enhanced if possible scenarios were given and examples of how it might work for individuals, albeit hypothetical cases. I fully accept each case will be different and it is difficult to set out a model which involves examples but it would make the debate far more meaningful if people knew the possible outcomes at the end of this process.

The Minister has gone into considerable detail in the Bill in respect of the three different arrangements, namely, the debt relief notice, the debt settlement arrangement and the personal insolvency arrangement. The entire process would be enhanced if people could see some tangible examples of options which an insolvency practitioner could recommend without being prescriptive about it. It would allow a practitioner to set out possible scenarios. People will want to know the consequences for them coming out the other side of this process. Will they be able to borrow again within five or ten years? How long will there be a record on the system? How will the Irish Credit Bureau deal with cases where people have gone through the insolvency system and how will any future credit application be considered by the banks? Should we force the banks to consider each application on its merits and without having regard to previous history which will have been disposed of through the system? There are practical issues there which need to be dealt with.

The Government accepted a Bill we brought forward on regulating debt management advisers who will now see a great opportunity to hand hold people through this process and will make all sorts of commitments and promises. This insolvency system opens up great opportunity for them to exploit vulnerable people and I urge the Government to enact that legislation. It is very straightforward and the Bill has passed Second Stage. It is essential that whole sector is properly regulated before the insolvency system is up and running, otherwise people will be exploited.

I wish the Minister well and I am glad we are having the Second Stage debate in advance of the summer recess. Committee Stage will be absolutely crucial and it will be a very onerous one for those tasked with the responsibility for it because they will have to go through the Bill line by line and ensure the correct balance is struck. Many issues need to be addressed but we warmly welcome the broad principles of the Bill and, as a party, we will engage very constructively on Committee Stage to make this new system the best it can possibly be so that it offers some hope for people who are currently in a very dark place.

Deputy Catherine Byrne: I welcome the Bill and commend the Minister, Deputy Shatter, and the Minister for Finance, Deputy Noonan, and their Departments on the work they have done on this very important issue as the Government works to overhaul the law on bankruptcy and personal insolvency.

[Deputy Catherine Byrne.]

The issue of personal debt is one which is affecting a growing number of people in this country and this Bill will help people to deal with their debts without having to go through the courts. It also aims to help people to stay in their homes and to continue to rear their families, which is a very welcome step.

This Bill represents a lifeline for many people who have found themselves in debt which has consumed their daily lives. It will give them breathing space and allow them to live in their homes and, hopefully, resolve some of the day-to-day credit issues they may face. This legislation introduces three measures which aim to help those struggling with debt. One is a debt relief notice which would allow for the write off of unsecured debt up to €20,000. A person who has debt of less than €20,000 will be able to look for a debt relief notice. MABS can act as an intermediary to assist with this process. The debt relief notice is in place for three years and during the three years, the debtor cannot be pursued by the creditor. The second is a debt settlement arrangement for the agreed settlement of unsecured debt over five years and the third is a personal insolvency arrangement for the agreed settlement of secured debt up to €3 million.

This Bill also sets up an independent body called the insolvency service to oversee the non-judicial system and it radically reforms the length of bankruptcy from 12 to three years. Does the Bill go far enough to help those people struggling with debts? Maybe it does or maybe it does not, but it is a start and a step in the right direction and it shows that this Government is committed to helping those in genuine need.

The instability of our banking sector over the past few years has resulted in banks not engaging with their customers and those who must borrow money. The Bill does not provide for an automatic writing off of negative equity. Where people are in a position to service their mortgages, they must continue to do so. Back in the boom times, banks fell over each other to lend money. They gave loans to many people whose ability to repay was not examined properly. Now, many of these people have lost their jobs or have had a reduction in their wages and simply cannot meet their repayments. They face mounting debt and feel utterly helpless. Meanwhile, the banks, for the most part, refuse to engage in any meaningful way with their customers to address their arrears. We heard an Opposition Deputy read a letter that was received by a constituent. How frightening it must be to have such a letter come through one's door.

Furthermore, I am very concerned at the refusal of some banks to pass on reductions in interest rates to their customers. Last week, the European Central Bank cut interest rates by a quarter of a percentage point to 0.75%, a record low. However, customers of many Irish banks will not benefit from this, which is not acceptable. AIB-EBS has refused to pass on this cut, which is a huge blow to their customers who are already struggling. I am also concerned that the banks are reluctant to lend even small amounts that could make life easier for many people, particularly owners of small businesses.

As a housewife, I see a sign of the times when I go shopping at the weekend and notice other people's shopping trolleys. Shoppers are now very focused on what they put in their trolleys, which is sure sign that they are watching what they are spending and do not have the same amount of money as previously.

Last week the Irish League of Credit Unions published its findings on how families are struggling to survive on a low income. Many families have just €100 to live on after they pay all their bills, and rely on family and friends to help them out. The credit union report found that 40% of those surveyed are borrowing to pay household bills, with 10% turning to moneylenders for extra cash. This highlights a worrying trend, where more and more people are turning to moneylenders to help them get by. Many of those who go to moneylenders may not

have a bank account, or even be welcome in a bank, and may feel they have no other option to get some extra cash. If they cannot get money from friends or family they turn to moneylenders. However, the consequences of this can be very serious.

There are now more than 40 licensed moneylenders operating here, with countless others operating illegally. They charge interest rates of up to 190%, leaving it almost impossible for people successfully to keep up repayments. These unscrupulous lenders operate a door-to-door policy for repayments, which can lead to a feeling of intimidation. I have witnessed this door-step intimidation many times in my constituency. This approach means borrowers get themselves into even more debt and borrowing from a moneylender is their only option.

Besides the enactment of the Bill, I would like to see two things to happen. First, credit unions need to look at their own lending practices. Credit unions have traditionally been the people's bank and they must continue to carry out this function. I am frequently contacted by people in my constituency who have trouble getting even a small loan from any traditional source, and this needs to be addressed. Second, I call on the Central Bank to look at the need for regulation of moneylenders. They are currently required to display their high interest rates, under the provisions of the consumer protection code for licensed moneylenders, but there is no cap on the interest rates they can charge. This, effectively, means they are charging what they like.

Illegal money lenders are charging huge interest rates. Many of them follow their borrowers to the local post office on the day children's allowance or other social welfare payments are paid and wait outside to be handed their money. I have witnessed this.

We are living in a very difficult time, but a little more compassion from our banks and other agencies would help people to lighten their burden and help them through the dark tunnel they are in at present.

Many young people are suffering huge stress. Some days ago, Deputy Dan Neville spoke about the incidence of suicide among young people and the growing concern about suicide among young people who are in terrible debt, particularly in mortgage arrears. Every life is precious, but for many people the only way out of their struggle, particularly with debt, is to take their own life. This is a sad reflection on where we have come to. We may be a high-tech country with jobs in high-tech companies but our young people and how they deal with stress on a daily basis is most important. I hope we will continue to identify with people who are struggling, who have lost their jobs and, above all, who feel the only end in sight is to take their lives.

I commend the Bill to the House.

Deputy Alan Farrell: I thank the Minister of State for his presence and for the opportunity to speak on the Bill. First, I will speak on behalf of my constituents in Dublin North which was one of the fastest growing constituencies during the housing boom. Consequently, it is one of the most affected by negative equity, escalating prices and large unsustainable debt.

As noted by many speakers, it is the ordinary people, who were not looking to make millions or who borrowed irresponsibly, who are in dire need of this legislation in order to get their lives back on track. In Dublin North, people borrowed to buy homes and not investment properties, nor was it greedy or reckless of them to do so. Mortgage rates were low, rents were high and it seemed like the only option. Ordinary people played by the rules which were set by bankers and by a Government that afforded tax incentives to get on the property ladder and reduced tax rates to fuel a false economy. Experts told us, over and over again, that it was in our interest to buy property as soon as we could rather than pay an extra €50,000 if we waited a month or so.

[Deputy Alan Farrell.]

The Bill is not just about mortgages. It is also about personal debt associated with the peak of the boom. I used to drive through my constituency, particularly after my first election to the local authority in 2004, and look at towns like Balbriggan, Swords, Rush, Lusk and Skerries that were being transformed in front of my very eyes. Housing estates sprang up from nowhere and I saw signs outside building sites, as all Members have, advertising homes at, perhaps, €300,000. A month later, another sign would appear saying, "Phase One Sold Out; Phase Two €350,000". That was a common occurrence throughout the country.

We could not buy property fast enough and the banks could not lend us the money fast enough. People queued overnight, bought off plans and signed agreements worth up to half a million euro without even seeing a property. This was not because they were foolish or irresponsible. It was because they did not have much choice in the matter. If they chose to hesitate they paid the price. That was the reality. We signed for our homes in good faith, expecting to pay back every cent. I did it, my neighbours did it, my family members did it, my friends have done it, all with the reassurance that we would have a paycheque at the end of the month in order to meet our mortgage or personal debt payments.

No one is looking for special treatment or to get off easy. Easy is far from how I would describe the fear and uncertainty of being unemployed or without a means to keep a roof over one's head. People have come to me in fear of loan sharks, as Deputy Byrne mentioned. These people have been escorted to cash machines or a post office in order to withdraw money to give to these individuals. People have walked out of their homes, desperate to find a way out of their nightmare. Marriages and partnerships have broken down. People have been abandoned by partners and left without financial support to pay creditors alone and with no one to turn to for help. These are genuine stories of real people who were sold the lie and incentivised to invest with the risk free momentum that was carried through our Government and our banking sector.

According to a UK study the typical age of those who enter the personal insolvency process is between 25 and 44. These are the years in which we raise families and invest in family homes. Such individuals are at the lower end of the salary scale even though 90% of them are in employment. They are the working poor. It is not only the unemployed who face financial difficulties in this new Ireland but also those who find their incomes do not meet their monthly expenditure. I hope this Bill will offer a breathing space or a light at the end of the tunnel to these people, who merely want a normal and safe life with their families.

As a member of the Committee on Justice, Defence and Equality I recognise the challenges that arise in publishing this type of legislation. How do we protect the taxpayer or effectively resource organisations such as the proposed insolvency service when we do not even know the scale of what will be required? How can we reform our bankruptcy law to bring it in line with our European counterparts so as to avoid the risk of continued bankruptcy tourism? Has thought been given to what happens at the end of the three year period of bankruptcy? In the UK, for example, individuals enter a probationary period subsequent to exiting bankruptcy. These are big challenges and the work is only beginning.

We will soon have a non-judicial means by which debtors can enter into negotiations with banks, with equal representation on all sides, by way of an insolvency service. This service needs to be an affordable and I know the Government does not underestimate the cost of the expertise and time needed to support debtors during negotiations. MABS has heretofore had the tough job of meeting these needs. It has done an extraordinary job since the crisis began and I trust it will have a significant presence in the implementation of this legislation. It is trusted on all sides by creditors, the Government and the public. I would also like to commend

the Free Legal Advice Centres, representatives of which I invited to the Dáil last week to provide Members with a briefing, on their effective advice on rights and options to people who find themselves in a new and difficult situation. I hope the Minister will continue to work alongside these agencies and heed their expertise as his Department develops a fully functioning facilitation process. During our briefing it was noted that while hire purchase agreements are not entitled to recourse for justice they continue to make up a large part of the credit facilities and products advertised by creditors and retail outlets.

I welcome that the insolvency service will function as an independent body reporting to the Minister. It is vital that it is transparent and accountable by means of registers that provide information to the public and that it advises the Minister on any matter relating to its functions. While I understand the importance of maintaining the independence of this body, I urge the Minister to be vigilant on accountability so that it does not become another agency disengaged from the State. I am curious, for example, to ascertain if the agency will be directly answerable to Members of this House. Often when Deputies table parliamentary questions pertaining to agencies of the State they get the response that the matter is the responsibility of, for example, the HSE. This would be an unacceptable outcome but it can be remedied before the Bill is passed.

This is one of the most comprehensive Bills this House has published to date but, as the Minister is aware, a number of issues remain to be clarified. What will creditors be able to expect from debtors in terms of what is a fair deal and the level of flexibility that should be offered if circumstances change? What compliance procedures will be put in place and how long will it take? Until there is an established code of practice I am not at ease with the establishment of an insolvency service that is fully independent of Government. I do not mistrust the proposals for the insolvency service but have concerns about the unpredictability of the outcome. I note that the Minister has legislated for accountability through the service's director but it would be appropriate to also make him or her answerable to this House.

This will be a complex procedure and every case will be different. While it is the only practical means of approaching a settlement, I am concerned about the potential hazard of discretion. I ask for further clarity on the manner in which the banks will approach these negotiations. Will one individual have final sign-off depending on his or her personal judgement of the situation or will the decision be made by a committee or a faceless review board? How can we guarantee that everyone gets a fair deal, regardless of their banks, socioeconomic backgrounds, genders or circumstances? I hope a code of practice will be established quickly to cover all creditors and oblige organisations to follow a formulaic system of criteria and look to precedents to ensure that a fair and equal approach is afforded to all.

I hope this Bill offers those who are living in fear, and young families in particular, a way out of their current situation and a means to provide a future. As a Government, we have an unprecedented mountain to climb and many of the decisions we make are not easy. This Bill, however, will facilitate significant reforms in our banking sector. It is a shared consequence of the legacy that we have inherited and I commend the Minister and his Department on the serious work that they have done thus far.

Deputy Dessie Ellis: I am grateful for the opportunity to speak on this important issue. We are a nation laden with debt. The richest went mad with greed and borrowed multiple millions of euro to amass empires of property but they have paid little for their criminal irresponsibility. Some believed the hype they were sold by the Government and the supposed experts that the bubble would never burst and that they were fools if they did not own their homes. They stretched themselves to the limit to enter the property market and are paying the price today by being stuck in possibly unsuitable houses with mortgages in excess of current house prices.

[Deputy Dessie Ellis.]

Many will be unable to pay for their homes in the lifetime of their mortgages or cannot even make next month's payment.

There is little doubt that the State, in its cavalier promotion of the bubble and its drive to make homeownership a national obsession, is greatly to blame. It has until now done nothing and, despite its many flaws, this Bill is at least welcome as a piece of work which seeks to address this serious problem. However, it is flawed. It leaves the banks in a powerful position and does not properly position the debtor, as citizen, to make arrangements to bring about a rational solution to the problem of insurmountable debt. Sinn Féin has stated clearly that an independent agency must be formed in order to manage the process of debt resolution in a humane and tailored way. As the Bill stands there will be no legal obligation on banks to accept even the most reasonable of arrangements.

This veto will, without doubt, make this Bill in some circumstances completely irrelevant. Indeed, with rumblings of memos stating that certain banks will not accept write-downs, this seems to be a certainty in many cases.

What will be done to address this matter? All the well-drafted legislation in the world can be of no use if there is a very clear get-out clause. The reality is that if the banks were going to voluntarily engage in significant debt resolution arrangements, then they would have done it. It makes sense for the banks to rationalise and address the inability of many of these mortgages to be paid, but they have not done so in sufficient cases to indicate that anything other than an independent binding process is the solution.

The shortening of the bankruptcy period is welcome and will do some good but the fact that bankruptcy causes the person to lose all their assets, including their home, is worrying. This process must also be treated in a humane fashion. Bankruptcy must no longer be the pit of despair it is in this State. In other countries, people seem to be given another chance instead of it being a brand for those who should be avoided at all costs. The period also remains quite long by comparison with the regime in the Six Counties or in England and Wales.

I work mainly on the issue of housing and I am worried by the continuing failure of the Government to shake off the desire to treat housing as a commodity. It has been treated like that for many years to our eternal detriment. However, the Government must recognise it as the most basic of needs for its people as well as recognising their right as citizens to have a home. If this Bill protects that right in some way I am glad, but the problem of people being evicted from their homes is not something on the horizon; it is happening now and has been for some time. This Bill is not a preventative measure but it is long overdue. It will do nothing for the many people who have already lost their homes and now are forced to live in privately rented accommodation, which is often of low standard and poor value.

The treatment of property as a commodity, if continued, will produce these problems again and again until a government is willing to live up to its duty to house its people as of right and to finish subsidising a private property market which takes much and gives little.

Deputy Michael Colreavy: Within the last 90 minutes my office in Sligo was contacted by a middle-aged man in tears. He is a married man with a family. He had his own home with a mortgage and has worked very hard for over 20 years with a State agency. Last year he suffered an occupational injury at work but because it was psychological rather than physical, it was not classified as eligible for occupational injury benefit. When he first contacted my office, he had no income to live on because his employer's sick pay had been stopped. He applied for, and received, an invalidity allowance.

He is entitled to back money from the date he first applied but despite several calls to the Department of Social Protection, the arrears have not yet been paid. Meanwhile, his local bank has been telephoning him and sending him threatening letters for the amount of €1,600. The disability allowance arrears would be well in excess of the latter sum for which the bank is putting him and his family under such stress. Last night, his 16-year-old son took a knife to himself but, thankfully, survived with 16 stitches. He said he did it because he wanted to attend university but felt it was unfair because it was putting more financial pressure on his family. It is scandalous that any bank would do that.

The Bill is complex and ground-breaking, and I accept it is a genuine attempt by the Minister and the Government to assist many people such as the man who rang my office in tears. From their own clinics, every Deputy knows the pain that is being caused. Personal debt, which people are incapable of repaying through no fault of their own, is causing sleepless nights, ill health and stress. While the Personal Insolvency Bill will not fix the debt problem in society, it does attempt to fix part of the problem. For that reason this legislation is welcome, but it is just part of the process. While the Bill attempts to alleviate some of the existing debt problems, those who have most to fear are still very much afraid. I still do not know whether this legislation will help the man who contacted my Sligo office in tears earlier today. I have no doubt that many people are following this debate closely but depending on the final shape of the legislation there may be some disappointment with it. The last thing that already stressed people need now is false hope. We need to get this legislation right first time.

I will not go through all the proposals contained in the Bill because several speakers have already referred to them. There are three arrangements for dealing with insolvency. First, debt relief notices are aimed at debtors who possess almost no income or assets. They will be administered by approved intermediaries at no cost to the debtors. Second, debt settlement arrangements are aimed at those who do not fall within the strict criteria of debt relief notices. Third, personal insolvency arrangements will operate in a similar fashion to the debt settlement arrangements but will allow for the inclusion of secured debt.

The Bill will reform existing bankruptcy rules by reducing the period for bankruptcy from 12 years to three years. However, the eligibility criteria for debt relief do not make sense. The legislation, as currently drafted, requires that a debtor does not have a net disposable income of more than €60 per month or assets and savings greater than €400. What constitutes an asset? Would a wedding ring, television set, fireplace or a three-piece suit be counted as assets? Any of these items could well be worth over €400.

Is the Government proposing that people's homes must be stripped to the bare necessities in order to qualify for debt relief? We must re-examine this matter because there has to be a better way of determining qualification for this relief. We cannot give people relief while requiring them to be paupers. It must also be established how personal insolvency practitioners will propose the debt settlement arrangements and broker their terms. The Bill suggests many ways as to how they might deal with debt, but more work needs to be done on how those arrangements can be sorted out.

The personal insolvency arrangements have received most media attention. They will operate in a similar manner to the debt settlement arrangements but will also allow for the inclusion of secured debt. The voting rules needed to reach agreement are complex and I am not sure they will work in their current form. Those criteria need to be reconsidered.

The Bill states that a person must be in debt to at least one creditor holding security over an asset or property situate within the State and that he or she must make a statutory declaration to the effect that he or she has co-operated with his or her creditors for the past six months in the context of dealing with any mortgage arrears on his or her principal private

[Deputy Michael Colreavy.]

residence. In other words, he or she will have engaged with the mortgage arrears resolution process. I received a call in my office 90 minutes ago from a man who was in tears. Does that qualify as engaging in a mortgage arrears resolution process?

Another bone of contention in this legislation is the role which the banks will play in the decision-making process. Effectively, the banks are to maintain a veto over decision making. There is no legal obligation on them to comply with an offer, irrespective of how reasonable that offer might be. A robust independent appeals process to oversee bank activity in this regard must be put in place because we know that the banks cannot be trusted. We must ensure through this legislation that the taxpayer does not again become the fall-guy for the banks in terms of their transferring the amounts they have written off onto the shoulders of those who have already bailed them out. We must ensure the banks cannot use compliance with this legislation as yet another reason to burden taxpayers.

The real test in terms of whether this legislation is effective will become evident when we have evaluated if it has been of assistance to the hundreds of thousands of people who are struggling under mountains of debt. How many of these individuals will be able to avail of the provisions contained in this Bill? While this legislation has potential some important changes will need to be made to it. While Sinn Féin supports the Bill we will be submitting a number of important amendments to it, which will, it is hoped, be accepted by Government, leading to better legislation.

Deputy Caoimhghín Ó Caoláin: Legislation is overdue to address the huge rate of mortgage indebtedness and the great distress it is causing to people throughout Ireland. This Bill, which has been long promised and awaited, received much favourable comment in the media on publication, which gave renewed hope to people in serious distress with mortgages. My fear now is that false hopes have been created because while this Bill is a measure of progress, it does not go far enough to address the social and economic crisis that is mortgage indebtedness in this country today. Most disturbing is the continuance of a creditors' veto, which should be removed on Committee Stage. I call on the Minister to so do.

The stark reality is that some families are going without adequate food in order to service mortgages and keep a roof over their heads. They are in the iron grip of money lenders. Our people should not have to live with these strains. The "What's Left" survey published on 9 July by the Irish League of Credit Unions shows that 1,820,000 people are left with €100 or less each month after bills are paid. I have no doubt that mortgage debt is a dominant factor in this situation. From my work as a Dáil member in my constituency and as my party's spokesperson on health, I am conscious of the serious impact of mortgage debt and consequent poverty on people's health, in particular, their mental health.

CSO figures published this week show that the number of recorded suicides in this State rose to 525 in 2011, an increase of 7% on the previous year. The record shows that 439 men and 86 women took their own lives in 2011. I have no doubt that the recession and burden of debt on individuals was a significant factor in this increase, a further increase on the increase recorded the previous year. These are only the recorded figures. The number of unrecorded suicides is much higher. People are struggling desperately to pay off mortgage debts incurred because of outrageous house prices, which were inflated by rapacious developers, property speculators, banks and irresponsible so-called regulators. This was the Fianna Fáil property bubble, the legacy of which is poverty. The property boom induced a kind of madness. People who could barely manage one inflated mortgage were actively encouraged by banks to take out a second or further mortgages on investment properties. The delusion was created that by not doing so they were losing out. Unfortunately, many people fell for this delusion and are

paying the price today. However, the vast majority of people did not participate in the property craze. They were simply trying to buy a home to live in, in respect of which they were forced to pay grossly inflated prices because of the greed and neglect of others. Now tens of thousands of them face penury, possible bankruptcy and the loss of their homes. Thousands have already suffered this fate. To the extent that this Bill may remove or postpone that threat for some, it is welcome. Our concern is, as I have already stated, that it does not go far enough.

At the end of March there were over 116,000 mortgage holders in serious distress. Almost 100 mortgage holders fell into distress each day during the first three months of 2012. Also in the first three months of 2012, there was a 28% increase over the last quarter of 2011 in the number of repossessions. Some 170 families lost their homes in January, February and March this year. That may seem a relatively low number but the increase is ominous and, of course, this is only the tip of the iceberg of distress. Beneath the surface is a mountain of misery for people struggling day in and day out to meet crippling repayments.

The range of concerns that Sinn Féin has about this Bill have been outlined already and will be addressed on Committee and Report Stages. I urge the Minister to take on board our concerns and those of others who want an improved Bill with a real impact. I hope that is what we all want. FLAC has pointed out that the legislation as it stands still does not impose a legally binding obligation on lenders to accept reasonable applications from customers in arrears. Also the Bill does not provide a right for debtors to appeal a creditor's decision. These are serious faults in the Bill, which must be rectified. I thank FLAC for taking the time to engage with Deputies and Senators on this legislation.

We recognise that the Bill provides some additional protection for the family home. A personal insolvency practitioner proposing either a debt settlement arrangement or a personal insolvency arrangement must try to ensure that a debtor can maintain the family home, unless the mortgage is unsustainable or unsuitable. To what extent will this protect people from losing their homes? To how many people will the provisions of this Bill apply and how will they work in practice? What guidance will people have through the new mechanisms established by the Bill? These are all important questions. Mortgage holders and their elected representatives will need clear and adequate information on the workings of the legislation.

As I stated, this Bill has created a hope and an expectation among many people. Many will look to us their elected representatives for guidance. I urge the Minister, his colleagues and relevant agencies to ensure that the process is transparent and accessible and that it is responsive to the needs of citizens. The only way we can ensure this is to guarantee that the Bill will as it proceeds through its remaining Stages become the Bill we would all wish it to be. The first issue to be addressed is the removal of the veto on the part of the lending institutions.

An Leas-Cheann Comhairle: The next speaker is Deputy John Lyons, who I understand is sharing time with Deputy Michael Conaghan.

Deputy John Lyons: I welcome the opportunity to contribute to the debate on this legislation. I congratulate the Minister and his staff on their work on this Bill, which is clearly a detailed piece of legislation. I appreciate the time and effort that went into producing it.

I wish to talk about the unsustainable debt burden in our society at present and the impact it is having on individuals, their families and society. I will also talk about some aspects of this Bill, particularly the non-judicial elements and the impact they will have. The Bill is long overdue. The current legislation relating to bankruptcy and discharging people of their debts is woefully out of date and unsuitable for the challenges we face today. As we know the primary problem in Ireland relates to debt taken on at a time when people believed our economic prosperity would always guarantee their ability to pay their debts.

[Deputy John Lyons.]

While listening to some of the previous speakers I was reminded that I am one of those people. I am 35 and most of my 20s were in the first decade of the 21st century. Along with the rest of my friends with whom I grew up, we were told we must be mad not to have a house.

1 o'clock I believe one former Deputy said one would even be suicidal not to buy a house at that particular time. Most of us bought into that, which highlights that previous administrations and the current Administration have not done anything about offering an alternative to private accommodation. We really need to revisit the issue of social housing for people. Regardless of whether we like it, we bought into this bubble and I was one of those as were most of my friends. The reality is that those people do not go out at weekends, they are counting their pennies, they do not have fancy holidays, they shop in the places they will get the cheapest groceries and are barely making ends meet. They have enough to pay to go to work. I admire those who go out to work albeit just to pay to stay alive as opposed to live. That is what that bubble caused to people of my generation.

The crippling financial effects of unemployment and failed businesses have stranded many people in situations they never imagined they would face. Other problems relating to debt have arisen through changed family situations or illness. The majority of people who took on debt that is no longer sustainable were those with mortgages on a family home and whose situations have drastically changed. These people now need guidance and help to deal with their financial situations.

The scale of the problem is immense. My figures differ somewhat from those outlined by Deputy Ó Caoláin. I am not sure whose are right but I believe mine are quite accurate. At the end of March, 77,630 mortgages representing 10.2% of all mortgages were in arrears of more than 90 days. That means that approximately 90% of people are paying their mortgages on time. However, I imagine that a significant number of those people are struggling to pay it on time. The number of accounts that were in arrears of more than 180 days was 59,437 at end of March 2012, equivalent to 7.8% of the total stock. Some of these people will be able to work through their debts, but many will not. Debt in Irish society has always had a certain shame attached to it but these people now need guidance and help to deal with their financial situations — they do not need judgment. That means responsible legislation that gives people a workable solution to their affairs.

The Bill and the non-judicial debt resolution measures it will introduce are very welcome in bringing forward these workable solutions. Through options such as a debt relief notice, debt settlement agreements and personal insolvency agreements, these people will now have options for their individual situations. The independent insolvency service to be set up will provide guidance and oversee the non-judicial personal insolvency system. While welcoming these new debt resolution means and in particular the non-judicial ones, it is important not to represent these as easy options for people to avail of. None of these processes should be viewed as anything other than a last option. There are no guaranteed outcomes and creditors will still have a large say in the process. Much will be learned from how these processes are implemented in practice. For instance, it will be interesting to see what is decided as a “reasonable standard of living” in allocating a debtor’s income.

It is important that people with unsustainable debts will have options and guidance and the role of the insolvency service will be telling here. I hope the service is adequately staffed and funded to meet this challenge given the scale of the problem. On the issue of resources, MABS, for example, received more than 7,657 helpline calls in the first quarter of 2012. These calls ranged from personal debt and mortgages to difficulties with bills. Not all these people required follow-up help but they indicate the scale of difficulty with financial matters that exists. People come to Deputies every week to talk about their financial situation. They are not looking to

easily offload their issues. It takes considerable courage to come and talk to somebody about personal issues. They are explaining that they are in a situation about which they are embarrassed to talk but are making the effort to do so. People who are genuinely in very difficult situations should not be ashamed and I hope they will use the services that the legislation will introduce. Many people have postponed seeking solutions for their debts in anticipation of this legislation so I ask the Minister to pay particular attention to this issue. I believe that more people will use these services than the number of people who have already contacted MABS.

Some commentators have said that this legislation will encourage more entrepreneurial behaviour as it means people will not be tied to their debts for life if a business is unsuccessful. While I accept this point, where business debts are not paid small creditors and businesses also lose out. We must remember that debt relief is not always victimless.

With debt settlement agreements it is important that certain types of debt are excluded in principle without the consent of the creditor. I am thinking in particular of taxes, levies and management company fees. I have found through advising and assisting management companies in my own constituency that where people have difficulty paying their fees, their management companies by and large are usually accommodating in arranging payment plans. As all residents depend on the shared payment of services and necessities, such as insurance and waste, it is important that these fees are not included. These are important points in the context of the debate we are having.

The focus of the solutions as they work themselves out should be to keep people in their homes wherever possible. This has been the focus of some of the Keane report measures already implemented such as the mortgage to let scheme and the same principle should be followed here. If families lose their homes as a result of an insolvency process, the knock-on effects on their lives in terms of disruption to children in school and other factors could be enormous. As I mentioned earlier, we simply do not have the social housing stock to accommodate people displaced from their homes. Keeping people in their homes must be the focus of the solution to unsustainable debt where possible.

I welcome this legislation. I welcome any Bill that seeks to remove the burden of unsustainable debt from people's shoulders. I also welcome that the Oireachtas will have oversight of the insolvency service. We will learn much about the finer points of the Bill as it passes through the House and as it is tested in practice but I welcome it and I thank the Minister for introducing it. While many Deputies have already spoken on this debate and more will do so, some are saying that the Bill does not go far enough. Unfortunately, no Bill will go far enough to deal with the reality of everybody's situation. However, our hope is that it will go far enough to deal with those who are most burdened in order to allow them to live again.

Deputy Michael Conaghan: I endorse what Deputy Lyons has said and I wish to add some remarks of my own. I welcome the opportunity to speak on this very important legislation. I commend the Minister on his efforts in bringing this Bill before the House and in taking action on the debt crisis which many people in Ireland are currently facing. I welcome the measures proposed in the Bill but I would make a few brief observations with regard to improvements that could be made to it. I hope the Minister will engage constructively with me and all the Deputies who comment on the Bill to ensure that it is as effective as it can be in tackling this crisis. I am confident that when we look back on this most difficult period for our country this legislation will stand out as one of the key measures taken by this Government to improve the lot of our people and to help get the country out of the mess that this Government inherited.

Like every other Deputy, I have been inundated with queries from constituents in despair over personal and mortgage debt and despondent because they see no way out. This is a live issue across Ireland. Years of reckless lending by banks, a property bubble fuelled by specu-

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lation, poor regulation and corruption created a situation where over-indebtedness became a norm. The subsequent property crash, and the economic crash that went with it, has had enormous consequences. It has left growing number of families trapped by negative equity in unsuitable accommodation. People who were encouraged to get on the property ladder before it was too late now find themselves unemployed and unable to meet their mortgage payments. Many business owners who invested personally in their companies when times were good have seen demand for their products and services fall off, and have found themselves weighed down by debt. Difficulty in meeting personal obligations has left people paying large bills with credit cards, or worse still going to moneylenders who prey on such people.

The situations I have outlined reflect the anecdotal evidence which every member of this House will have experienced and this anecdotal evidence is backed up by the numbers. The total level of household debt in Ireland is €190 billion with 70% of the debt being accounted for by mortgages. Some 19,000 mortgage holders are currently in receipt of mortgage income supplement from the Department of Social Protection. More than 10% of all residential mortgages — that is more than 70,000 — are now in arrears of 90 days. A further 80,000 homeowners have had their mortgages reconstructed by their lenders because of the difficulties they face.

Before the last general election, the Labour Party recognised the need for intensive action on mortgage debt. It stated that “We are committed to undoing the damage caused by Fianna Fáil’s recklessness, beginning with helping homeowners in distress to weather this recession ... Labour believes that the best way to deal with distressed mortgages is to make keeping people in their homes an absolute priority.” In developing a programme for Government, Labour’s commitment in this area was reinforced. The programme for Government states: “This Government is committed to helping homeowners in distress to weather the recession ... A more radical approach is needed to protect families in fear of losing their home.” The legislation before the House today reflects a major step in delivering on these commitments.

I take this opportunity to commend a related action, which has been taken by my ministerial colleague, Deputy Jan O’Sullivan, in her capacity as the Minister of State with responsibility for housing. The proposed mortgage to rent scheme will offer a ray of light for thousands of low income families who find themselves burdened with completely unsustainable mortgages. More important, this scheme will ensure that the family remains in the home. I welcome the work of the Minister of State, Deputy O’Sullivan, in developing this scheme, and in working with the social housing agency, Cluid, to bring this about. She has set ambitious targets but I am confident they will be reached. The Government has budgeted for this scheme to be taken up by 100 families this year and it is estimated that as many as 3,500 families in total could avail of it. I admire the foresight of the Government in allocating the necessary resources for this initiative. This sort of scheme has long been a commitment of the Labour Party and I am delighted that the Minister of State, Deputy O’Sullivan, has been able to deliver on it.

Turning to the items contained in the legislation, it envisages three new non-judicial debt settlement arrangements, namely, debt relief notices for people with low income and assets to write off unsecured debt of up to 20,000; debt settlement arrangements for unsecured debts of €20,000 to €3 million; and personal insolvency arrangements, the key mechanism for people with distressed mortgages, which will allow for agreement to be reached between debtors and both secured and unsecured creditors. In addition to these three formal avenues, I am confident that these measures will encourage creditors to begin engaging fully with struggling customers to reach voluntary agreements. In many instances the banks have been holding off on acting until they see what comes of this legislation. Now that they know what lies ahead, I hope that they will begin to engage constructively with families in distress.

Many critics of this legislation point to the effective veto which banks may have over personal insolvency arrangements and debt settlement arrangements. This is highlighted as a major flaw in the legislation and evidence of the Government putting the banks before the people. This is simplistic reasoning and it misses a major point. While there is no denying that creditors can veto the reaching of a personal insolvency agreement, the new measures taken by the Government will also give the debtor a veto. This comes in the form of the change to the bankruptcy law. We have seen in recent times bankruptcy tourists travelling to the UK to be declared bankrupt there because bankruptcy in Ireland has been so harsh. By reducing the term of bankruptcy from 12 years to three in Ireland, this greatly strengthens the hand of debtors in their dealings with the bank. If a creditor refuses to engage fully and fairly where debts become unsustainable, or refuses to agree a reasonable personal insolvency agreement, then the option now exists for the debtor to file for bankruptcy and, if successful, they can now be relieved of their unsustainable debt within three years. One issue that has been brought to my attention in this regard, however, is the fact the legislation envisages an income attachment order period of five years, which will commence on completion of the bankruptcy period, effectively extending the term of bankruptcy to eight years. I am genuinely concerned that this measure will take away the incentive for individuals to make a second go of it, to try to seek better employment, etc. The programme for Government commits to bringing Ireland “in line with best international standards” in bankruptcy and insolvency legislation, but I do not believe the proposed extended income payments order period squares with this, especially when compared to the UK and other European countries.

Similarly, I am somewhat concerned about the change which has come about in regard to debt relief notices for small, unsecured debts of under €20,000. When the Minister introduced the heads of this Bill earlier this year, debt relief notices were set to expire after a period of one year, allowing the individual to expunge their debt and get on with their lives, but now the draft legislation has extended that period to three years. I would like to hear from the Minister what brought this change about because I suspect it may very well be a result of the input of the banks. With regard to debt relief notices, I would like to address the recent comments made by the Minister, Deputy Shatter, around the paltry allowance which will be made for personal effects, and his statement that individuals would have to sell items such as engagement rings to avail of this measure. When I first heard of this I was appalled. The idea that an individual would have to sell such an important personal item as a wedding or engagement ring to begin making their way out of a debt crisis is completely unacceptable. For a person, already dealing with the personal and emotional anguish and mental health issues that go hand in hand with severe over-indebtedness, to be asked to sell such items of sentimental and symbolic value would finally strip that person of all dignity. I urge the Minister to reconsider and find some way to make an exception.

I would like to refer to the role envisaged for the Money Advice and Budgeting Service, MABS, in these proposed arrangements. I welcome the Minister’s confirmation that MABS will have a legally defined role to play in the debt relief notice aspect of the legislation, with an agreement that it will act as an approved intermediary in this regard.

Acting Chairman (Deputy Seán Kenny): The Deputy is over his time and I ask him to conclude.

Deputy Michael Conaghan: However, the Minister has been less forthcoming with regard to the role MABS can play in debt settlement and personal insolvency arrangements. MABS is anxious that its money advisers would be able to take on the role of personal insolvency practitioner to act as a mediator between the debtor and creditors in these arrangements. By all accounts the Minister is not supportive of this suggestion. The legislation does go into detail

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as to the qualifications required to be a personal insolvency practitioner but I hope that he will recognise the advantages of using MABS in this area.

Over the years, MABS has built up a great stock-in-trade in reaching agreements between debtors and creditors. The agency has solid relationships with all types of creditors and has earned a reputation for credibility and trustworthiness. If MABS is to be excluded from participating in these important aspects of this legislation, much of this accrued knowledge and experience will go to waste. I would not like to see the Minister legislate for the abandonment of all the excellent work done by MABS over the years.

Acting Chairman (Deputy Seán Kenny): The Deputy is way over his time and I ask him to conclude.

Deputy Michael Conaghan: In conclusion, I thank the Minister for taking the initiative with this legislation which has great potential to deliver for people struggling with overwhelming mortgage and personal debt.

Deputy Seán Ó Feargháil: I should begin by asking the Minister of State, Deputy Perry, to convey to the Minister, Deputy Shatter, and his officials our appreciation for the substantial work in compiling what is inordinately important legislation. Those of us on this side of the House have a responsibility to identify and highlight the inadequacies or the shortcomings of the legislation but none the less we recognise the importance of it and we will do everything in our power to ensure its speedy passage through the House. Likewise, I hope that the Minister will be willing to engage constructively with all the Opposition parties when dealing with the many amendments on Committee Stage.

I compliment Deputy Conaghan on becoming the champion of the engaged and married ladies of Ireland who will be happy to know, having listened to his contribution, that they will not have to rush to the pawn shops with their jewellery in order to help deal with their mortgage situation.

Like all Members, I see at first hand the effects that financial pressure brings to bear on individuals, couples and families in our everyday engagement with them in our constituencies. I live in Kildare, in the heart of the commuter belt where the population of every town and village has mushroomed. Much of that population has come from the Dublin suburbs as young people moved out to avail of cheaper house prices or indeed many older people moved in order to trade up to larger properties or when departing local authority properties and with some substantial investment capital. Many fine housing developments were established and I am happy to report that the ghost estates are not as great a problem in County Kildare as in many other areas.

However, the county has many trophy homes and one could meet people who talked about the number of holidays they could enjoy each year and the number of second homes they had acquired. At that time, 10,000 people in County Kildare were employed in the construction sector but all this has changed. A visit to some of these homes now will see a very different life with food cupboards and fridges very often empty. Mothers and carers very often have to turn to grandparents to borrow from their pensions in order to provide for their children. This Bill is, therefore, very important as it has the capacity to have an impact on the daily lives of people. As I go about my work I do not encounter a palpable sense of expectation that this legislation will do all this, but all of us who understand the importance of the Bill realise it must have the effect of improving the prospects for people who are burdened with debt.

The programme for Government states that the Government intends to fast-track personal bankruptcy reform. There has been a protracted delay in the publication of the legislation, with deadlines moving from April back to June while a Fianna Fáil Private Members' Bill encompassing mortgage debt and based on the LRC's recommendations was ready to go. If this were an era of real political reform, it should have been possible to take that Bill on board and to move it forward.

This Bill aims to amend Ireland's antiquated bankruptcy laws and to considerably shorten the period of bankruptcy and restrictions from the minimum of 12 years to three years. This is welcome. It means Ireland will be in line with our European partners and with developed economies in general. Some of the main proposals in the Bill include a broadly non-judicial insolvency service that will operate separately from the courts. However, there remains a role for the courts, albeit small, but there is a question about the issue of costs and additional waiting times as courts struggle to get through the backlog of cases that will inevitably arise. A simple mechanism, a one-year debt relief certificate, will be put in place for small personal unsecured borrowings of €20,000 and an arrangement lasting for five or six years would cover unsecured borrowings of over €20,000. This is to be welcomed. Mortgage debt will be included in the non-judicial debt agency under a personal insolvency arrangement. However, the process will see people remain within its confines for even longer — a period of six years — than would be the case under a full personal bankruptcy.

I refer to the role of personal insolvency practitioners. The Bill does not provide for how these people shall be appointed or what qualifications they must hold. Practitioners will play a central role in the process of reaching and monitoring agreements with the banks. It is paramount that steps must be taken to ensure that those who first negotiated and granted the mortgages to those people who are now in difficulties are not given these new roles. This is a very real prospect because I understand the Department is already swamped with applications for positions in the new agency. Indeed, FLAC and Noeleen Blackwell have also alluded to this issue and to the need for a proper appeal system. I pay tribute to FLAC as being a very articulate and brave advocate on behalf of the many people across the country who are afflicted by personal and mortgage debt. Strong regulation of this central role in the overall process is needed to ensure that people can have full faith in the process and that only fully qualified and skilled individuals are eligible for appointment to the role. The Insolvency Service of Ireland will need to be adequately staffed for the volume of work it will need to undertake.

We are seeing the effects of the volume of work with which MABS must contend. We are all aware in our constituencies of the vital work of MABS. We are conscious of the dedication, commitment and skills of the people who work in that agency. We are also conscious that public engagement with the Department of Social Protection is hampered by the increasing length of waiting times. The State is proving very ineffective in responding to what is very often an urgent need on the part of the public. The Minister of State, Deputy Lynch, will be aware of the difficulties with regard to the issue of medical cards where delays are experienced and the very great delays in the area of the issuing of carer's allowance and carer's benefit. People who are burdened down with debt will expect that this new agency will be in a position to address their problems in a fair, realistic and expeditious timeframe.

The provisions regarding the bank veto and the lack of an independent arbitrator is a grave concern. The Bill provides that 65% of creditors will be required to agree to the personal insolvency arrangement empowering banks to block agreements if they see fit. Incredibly, there is no scope for appeal, which gives the banks a stronger position in the bargaining process. It amazes me that within these proposals there is an absence of any independent authority to provide a sensible and fair solution where a person finds themselves in serious debt and is unable to come to an agreement with his or her creditors. This situation is going to occur

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frequently, where banks will expect those in serious debt to make major changes in their standard of living that may prove unacceptable and unfeasible to these people.

Deputy Conaghan spoke, quite correctly, about women being forced to sell their engagement rings. We have all heard of engagements with banks where the weekly shopping basket has been the topic of discussion. The essentials of life which a parent must provide should not be the subject of negotiation with banks. I doubt that many people facing financial crises of the type being discussed here are eating caviare for dinner or going to any other great excesses. There are no apparent terms and conditions that can be applied or no definition of what is to be reasonably expected of those in debt and no remit for appeal or further dialogue if talks break down.

The issue of the bank's veto is also significant when measured against the performance of the pillar banks in respect of the €3 billion provided to each of them to support the small and medium enterprise, SME, sector. If this insolvency legislation is to work, the banks will have to demonstrate a great deal more good faith, willingness and proactivity than they have done in the case of lending to the business sector and given what the public has experienced and witnessed in the banking sector in recent years, people have very little reason to be optimistic that this will happen. There is a need for the Government to play hardball. There is a view across the country that while this legislation was being worked on, with the best of intentions, the banking lobby was very effective and achieved this level of veto or excessive influence over the potential outcomes.

Fianna Fáil's policy is significantly different. We have brought forward two new Bills, the family home Bill and the regulation of debt management advisers Bill, and a series of additional initiatives to overhaul personal insolvency law and make it extraordinarily difficult for lenders to remove people from their homes. Our Bill empowers a Money Advice and Budgeting Service, MABS, style agency to move in and arbitrate on such issues. I agree with colleagues on the Government side who say the very last thing that should happen is that families should be removed from a house which, more likely than not, will not be capable of being sold on the open market. Such people will be forced into a situation where, unless they have fully surrendered their title to the house, they will be unable to go on a local authority waiting list and, therefore, not be in a position to avail of the rent supplement.

People are faced with inordinate difficulties. In fact, people who come forward to surrender the keys of their houses are experiencing difficulty because in many instances they are told by their local authorities that they are not eligible to go on a housing waiting list. How much better it would be if such people could arrive at some level of agreement with the lending agency, whereby a rent of some description would be paid to that agency. In fairness, however, and having been critical of the banks, I acknowledge that Allied Irish Banks has been quite positive and constructive in its engagement with some of the voluntary housing agencies, where real efforts are being made to arrange circumstances in which people can remain in their homes.

The proposals Fianna Fáil has brought forward offer an independent arbitration role, thus reducing the influence and power of banks in the overall process. This would ensure that those struggling at present will not have to suffer any further due to unrealistic pressures placed on them by the banks. In that context, I hope the Government, in the course of its engagement with the banks, will talk to them about the training given to banking personnel who are dealing in a direct, person-to-person capacity with people who are over-burdened with debt. Such people are living through a period of inordinate stress and pressure in their lives. Other Members in their contributions on this issue have mentioned the incidence of suicide. Too frequently we meet people who are suffering severe mental distress due to the pressure of indebtedness. It behoves the banks and the lending agencies, who were so flathulach in the

distribution of the money in the first instance, to ensure the people who engage with hard pressed members of the public have the type of training that will equip them to deal with particularly sensitive circumstances.

Fianna Fáil published a Bill in October 2011 to establish a debt settlement and mortgage resolution office to provide an independent, non-judicial debt settlement system for persons struggling with personal debt and those in difficulties with their mortgage. This Bill was specifically based upon the recommendations of the Law Reform Commission's report from December 2010. I believe this approach would provide a more clear and transparent system of dealing with the issue of debt and allow all parties involved to have confidence in the process without becoming disillusioned.

Personal debt is a major problem for the economy. As a recent IMF study found, household debt restructuring programmes help economic growth by removing the unsustainable burden from the shoulders of consumers. This proposed solution does not achieve that ambitious aim. Directly dealing with the crucial problem of mortgage debt with a mechanism for an independent arbitrator is an essential part of our policy and forms the core of the Bill we brought forward. That is not apparent in this legislation and that is regrettable. A functioning market economy needs an effective legal route to clear insolvency issues and allow people to move on from unsustainable debts.

In summary, while this Bill is welcome, it is somewhat under-ambitious and gives too much power to the banks. However, I appreciate having the opportunity to address this issue. I wish the Government well in the early implementation of the legislation and I hope our misgivings about it prove unfounded and that it does work to alleviate the unbearable pressures under which many people are labouring.

Deputy Seán Conlan: The Personal Insolvency Bill can be the central plank in a suite of legislation aimed at addressing the problems of thousands of our people mired in the unsustainable debt which is the legacy of the Celtic tiger years. This is not a knee jerk reaction to a current problem, but an attempt to address our insolvency legislation which is acknowledged to be outdated, penal and retrograde.

This Bill is long overdue and honours commitments agreed in the EU-IMF deal. It also addresses concerns raised in a number of recent reports regarding the draconian nature of our insolvency laws compared to those of our European and international counterparts. The Bill seeks to overhaul the laws of bankruptcy and personal insolvency by introducing a system of non-judicial debt settlement and establishing the insolvency service, while updating the approach to judicial bankruptcy proceedings. In bringing this legislation into force, we must be mindful of the thousands of decent people who will rely on it to free themselves from the unsustainable debt burdens they bear in the wake of changing financial circumstances and often through no fault of their own, brought about by the deteriorating economic environment in the economy over the past number of years.

There are countless members of society whose only crime is to have wanted to provide a safe and secure home for their families and who, responding to the unrelenting reports of increasing property prices, sought to get a foot on the property ladder before it rose above their reach. We all know about the term "property ladder". Unfortunately, not many were aware of the snakes lurking in the undergrowth, seeking their opportunity to return those recently ascended to a position far below whence they came.

Thousands of business people progressively embarked on business enterprises that were well researched and thought out but they could not possibly have factored in the calamitous collapse in their business fortunes brought about by the worst recession to rage across this country since

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the Wall Street crash of 1929. We are now part of the global economy and our legislation must keep pace with progressive legislation relating to financial matters in the greater economic environment in which we operate. We must look to Europe, including the United Kingdom, and America and reflect the means by which they deal with insolvency. These are our trading partners and it is to them we must turn when seeking inward investment. We must have a business model in Ireland agreeable to and reflective of the trading partners we hope to attract and on whom we rely in the day-to-day functioning of commerce.

In the USA, a culture has developed of getting progressive business people back into the game fast. Sensibly, this has spread across the Atlantic and is now reaching our shores. To an extent, it is encountering the thankfully declining Irish culture of penalising or keeping progressive people out of the game, which is the nub of the problem. Do we legislate in such a way as to ensure the re-entry into commerce of those who tried and failed or those who bought and, through changing circumstances, could not pay, or do we legislate in such a way as to relegate them to the margins to look on from afar? When deciding, one should take into account the fact that these individuals were the bright young things who were participating and forging ahead. These were the ones who did not rely on public authorities to house them or their families. They were in the front charge when expanding the economy and driving it forward to reach a level that may have proved unsustainable but in an environment in which even the trained eye of the economist and banker failed to foresee this unsustainability.

It is a fact that those who failed in business enjoy an incredibly enhanced rate of business success on re-entering the world of commerce by comparison with those who never experienced such failure. They have learned valuable lessons and have experienced the taste of failure. They have been introduced to the world of closed bank doors and disappearing friends, and they have become aware of the dangers of exposure on a number of fronts. The membership of this club boasts such international household names as Abraham Lincoln, Henry Ford, founder of Ford Motor Company, William Durant, founder of General Motors, and our own Oscar Wilde. How poor would the world be if such luminaries and thousands of other lesser known progressive individuals were consigned to the margins? It is imperative, especially in light of the unprecedented decline in economic circumstances that prevailed when these individuals were endeavouring to establish businesses or homes, that we legislate to ensure the talents and progressive abilities of these people will not be lost to the economy, that they will not be forced out, that their potential contribution will be recognised and embraced and that we will move forward together to build a better future for the generations to come. We have a small country with limited personnel and we cannot afford to expel some of our brightest and most progressive from commerce, which is occurring on foot of our current bankruptcy laws.

This brings us to the next dilemma facing us in addressing the problem. There are those who can pay, those who cannot pay and those who will not pay. We have a moral responsibility to differentiate and put in place a means of differentiating between those who cannot pay and those who simply will not pay. If we get this wrong, our legislation will lack the moral authority essential to success. It will have devastating consequences for the banking sector and business in general if those who will not pay are released from their responsibilities and, as a consequence, undermine the efforts of the many people who honour their lawful debts against a background of dissipating incomes and, in many cases, job losses. We would be rewarding the unjust and encouraging others to follow suit.

In legislating for this matter, we must be acutely aware that the eyes of those on whose behalf we legislate are upon us. I do not use these words lightly. We have had the banking collapse. This, in the eyes of those whom we represent, was avoidable. The irresponsible lending engaged in by the banks was driven purely by greed. The recklessness and negligence displayed

by the banking sector in this country crossed the threshold of legality and caused the collapse of our economy.

The senior members of the previous Government were ambushed in the middle of the night and, erroneously and with grave consequences for this economy and its dependants, signed a blanket bank guarantee to secure the future operation and survival of these greedy and negligent institutions. The people underwrote the financial institutions' debt and became responsible for it, as if they had borrowed the money themselves. The institutions, which would be bankrupt save for the intervention of the citizens of this State, are now lobbying to extract a veto over the non-judicial debt settlement element of this Bill. This veto has the potential to derail negotiations and instigate draconian measures on behalf of the banking sector. Of course, the response is that the individual retains the option of seeking the protection of judicial bankruptcy proceedings. However, is the whole exercise not aimed at averting these consequences? The banks themselves were not so enamoured with the prospect of such proceedings when they shuffled into Government Buildings and huddled together like the moneylenders in the temple in the middle of the night.

The banks have abdicated their moral authority to advise or even engage in these negotiations by virtue of their obvious inadequacies. It is now the responsibility of the Government, on whose shoulders fell the responsibility of extracting the economy from the mess it found it in, an exercise it undertook with care and diligence and which I am pleased to advise the House is beginning to have a positive result, to address the problems facing its citizens in a non-partisan and fair manner and to ensure the latter are protected from exposure to proceedings and forums that may present a real and lasting danger to their economic survival. These are extraordinary times and they require extraordinary solutions, but let us leave nobody behind in our endeavours. Let us take all along with us in an orderly and humanitarian fashion. Let not the bullies isolate and divide. Let the process we adopt be open and fair for all to see, and let it be a lasting solution to the economic woes facing citizens.

The previous Government acted in a negligent fashion, ignoring the warnings and allowing the gulf between what was available to spend and what was actually spent to reach a level that was completely unsustainable in any circumstances. It enjoyed surpluses of billions of euro each year, yet, shortly after the commencement of the recession, the money had evaporated. The people still fail to understand this, and rightly so. There was unquestionably bad fiscal management at play, yet, when faced with economic collapse, the former Government was offered a lifeline in the form of the EU-IMF bailout. The banks and State got bailed out. However, if some of the financiers had their way, some people would be thrown out of their houses. Everything possible must be done to ensure this does not happen. We must legislate for the greater good to ensure the least possible damage is inflicted on the people as a result of these extremely difficult times. These times will pass. When they do, let us not look back with regret having left some to die in the wilderness. Let us be firm, but fair. That is what is required of us, and we must deliver thereon. The people must view this legislation for what it is, namely, their legislation and the solution to their problems, because the people affected include all our families. Each affected individual is somebody's son, daughter, brother, sister, cousin or friend.

This Bill is largely capable of delivering the required solution to the problems it seeks to address. In many ways, it has brought us from having the dinosaur of insolvency legislation to leading the way through the provision of a non-judicial, low-cost and efficient process designed to minimise the long-term detrimental effects incurred by those engaging in the insolvency programme. Unfortunately, the Bill lacks the independent decision-making element in regard to the debt settlement agency programme. This is reflected in the potential consequence of a creditors' meeting at which one major creditor, in most cases a bank, could vote down the

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others, thereby frustrating the system and rendering it void. I would prefer to see this element being adjudicated upon by an appropriate independent, non-judicial authority with a view to strengthening the debt settlement agency section of the Bill and reducing the arm-wrestling capacity of the banks that have ungraciously accepted their re-financing packages, which appear to be safely deposited in some safe haven far away from the SMEs in this jurisdiction.

Deputy Mary Mitchell O'Connor: What do the luminaries Abraham Lincoln, Henry Ford, Walt Disney, Milton Hershey and H. J. Heinz all have in common? They all went bankrupt and failed. Winston Churchill stated: “Success is not final; failure is not fatal: it is the courage to continue that counts.” Our current bankruptcy legislation frustrates courage. It makes mice out of lions, it makes bottle-washers out of hoteliers, and it makes paupers out of sole traders.

The Irish novelist Samuel Beckett stated: “Ever tried. Ever failed. No matter. Try again. Fail again. Fail better.” While this might have been chanted first by an Irishman, it is the mantra of American entrepreneurs, not Ireland. As legislators, we should have listened to Beckett a long time ago. Our entrepreneurs deserve our support, not our condemnation, but a balance must be struck. If we had listened, perhaps our archaic bankruptcy legislation would have been more in line with that of the rest of the world. Perhaps we would have less forum shopping in this area.

In the years to come we will tell our children the tale of the “Flight of the Bankrupts”. An entire industry has been established to assist our bankrupts in declaring elsewhere. They are referred to as bankruptcy tourists. It has been claimed that as many as 4,000 Irish residents per year file for bankruptcy in the UK, where an average of 1,392 people are declared bankrupt per week. This can be compared with just 30 declared bankruptcies in Ireland in 2010. This situation is hardly surprising, given how negatively our bankruptcy laws compare with the UK's. If one was offered a prison sentence of 12 months or 12 years, which would one take? It is a no-brainer. In the coming years, it is important that we watch to ensure that this legislation abates bankruptcy tourism. If it does not, we will need to readdress the matter.

As a politician, I believe that it is right and fair to allow bankrupts to start over after a reasonable time. The timeframe should be adjusted for scale. Someone who is €500,000 in the red should be given preferential treatment over a person who is €5 million in debt. A sliding scale would be more ethical. Our criminal justice system does not treat a drug user and drug pusher in the same way. Similarly, we should not treat all bankrupts the same. Some bankrupts might not like the comparison to drug users, but both leave victims in their wake. Creditors can be plunged into bankruptcy by a bankrupt debtor. Keeping Irish bankrupts at home gives creditors a greater opportunity to get more of their money refunded.

It was once highlighted that capitalism without bankruptcy was like Christianity without hell. Therefore, we need to wake up and start tackling the issue. Like capitalism, it is here to stay. We need to put a stronger system in place not just to support bankrupts, but also to support the fatalities they leave behind. Personal debt is a problem for many people. I will not roll out the numbers, as that was done earlier. Often, the plight of the people in question is lost in the statistics.

I have been contacted by many people in dire straits. As a Deputy, telling constituents that legislation to assist is coming has been frustrating. One constituent replied, “So is Christmas”. People are frustrated and it is imperative that the Bill not frustrate and alienate them further. We must avoid judgments that ignite Irish begrudgery instincts or situations in which neighbours are torn apart, for example, if one neighbour receives a personal insolvency agreement and the other does not.

Acting Chairman (Deputy Seán Kenny): The Deputy has gone over time.

Deputy Mary Mitchell O'Connor: We must ensure that the Bill will not be another gravy train. It must be built to serve those who are genuinely in financial ruin as well as taxpayers and those who are repaying their debts.

Deputy Peter Fitzpatrick: I welcome the opportunity to discuss this legislation. As an elected Deputy for the past 18 months, I have dealt with personal queries from distressed constituents throughout counties Louth and east Meath. From Laytown to Greenore, Clogherhead and Tallanstown, the message has been the same — people need to be able to see the light at the end of the tunnel.

As a businessman, I have seen the devastation that bankruptcy can cause for people and their families. I have witnessed business men and women suffering greatly, but not just in the urban areas of Dundalk and Drogheda. Small villages and towns like Dunleer, Collon, Ardee and Carlingford have all been host to greatly distressed business families. As a friend, I have attended some gruesome funerals, deaths that could have been avoided. I have consoled grieving families, widows and widowers. I do not wish to experience this anymore.

To fail in business is not a crime or a source of embarrassment, nor should it be a slur on one's character. As in life, what is unforgivable is not trying again. In my constituency, I have seen fabulous examples of people overcoming great adversity to come back stronger in their business, personal and sporting lives. Whether in life, business or sport, I never advocate lying down, but always encourage people to try again. Let me borrow a quote from the great Canadian ice hockey player Wayne Gretsky. He stated: "You miss 100% of the shots you don't take." Quite right. By not trying, you fail. If this country is to restore itself to greatness and economic prosperity, we need people who are prepared to try, are not afraid to fail and will not lie down. Great countries are made of people who will get back up and try again.

The current draconian legislation is preventing people from returning to business and trying again. They have an abundance of skills and knowledge that would be of great benefit to the business community, but they are excluded. They have displayed bravery in trying a new venture. We need more people like them. They should be applauded rather than ostracised. This Government is passionate about jobs and enterprise and this legislation is a strong step in the right direction. The Bill's implementation should ensure that people are encouraged to re-enter business and help to remove the irrational stigma associated with business failure. The Bill is a welcome addition and I commend the Minister, Deputy Shatter, on its detail.

The Bill will continue the reform of the Bankruptcy Act 1988, which began in the Civil Law (Miscellaneous Provisions) Act 2011. The critical new provision is the introduction of automatic discharge from bankruptcy, subject to certain conditions, after three years in place of the current 12 years. This provision is noteworthy and has captured much media attention, but another of the Bill's aspects is worth additional emphasis. The Bill makes it clear that those persons experiencing debt difficulties must primarily engage with their lenders to negotiate appropriate settlements. This is crucial, as the Bill does not simply provide an out for those in financial arrears.

As a result, the Bill does not lose sight of the objective, which is to introduce reformed, workable and balanced insolvency legislation. Such legislation is a requisite feature of any properly functioning economy. The Government is firmly committed to the introduction of same. The Bill will assist not only debtors and financial institutions, but also all forms of traditional commerce. All debtors and creditors are concerned by this reform, thus it is far reaching and all encompassing. The Government is committed to treating everyone fairly.

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The underlying philosophy of the debt settlement arrangement and personal insolvency arrangement is that the insolvent debtor will, with the assistance of a personal insolvency practitioner, make what he or she considers to be a realistic offer to his creditors, one that will restore the debtor to solvency within a reasonable period while giving creditors a better financial outcome than the alternatives of debt enforcement and bankruptcy. This is a win-win for both sides.

I cannot emphasise how important this legislation is to the wider business community. It is a great addition to the Statute Book and I have no hesitation in commending it to the House.

Deputy Patrick Nulty: I welcome the opportunity to contribute on the Bill. I commend the Minister and public servants on their tireless work, particularly given the Bill's level of detail, scope and breadth in dealing with the issue of insolvency. The Bill is a step in the right direction, although it is an insufficient response to the issue of mortgage debt in particular. I might elaborate on these points during my contribution.

I wish to note the context in which the Bill has been introduced, particularly the element of mortgage distress. At the end of last September, 8.1% of private residential mortgage accounts had been in arrears for 90 days or more.

That has since increased and this amounts, in practice, to 62,970 individual accounts. Of those households in arrears over 90 days, almost 40% have been in arrears for a year or more, and the average amount of arrears in the loans is €27,000, compared to an average outstanding balance of just over €200,000. That exemplifies the level of debt that people are experiencing, particularly in families enduring unemployment or a severe drop in income. On top of the arrears of 90 days or more, a significant number of borrowers have restructured loans or delinquent payments of less than 90 days, bringing the total affected to 20% of borrowers in the mortgage market. It is something that is making an impact right across our society.

Arrears tend to be highest with buy-to-let properties and among first-time buyers, as these purchasers took on larger debts owing to the high house prices between 2005 and 2008. It was mentioned in an earlier contribution by Deputy Mitchell O'Connor that our society and economic model is here to stay and the free market will reign forever. I certainly hope that in the years to come, the type of economic model we design and economy we build will be fundamentally different from what we have seen over the past ten years, when banks were able to give out 100% mortgages and there was light-touch regulation. The banking sector could hold the Government to ransom on the night the bank guarantee was approved, and we cannot afford to lose sight of that fact. We need very widespread and fundamental reform to ensure our financial institutions behave responsibly, and if they are not capable of that, the regulator must force them to do so and treat people in arrears and those with debts with dignity and respect.

The main impact of the Bill is the proposal to introduce a State-run insolvency service to operate the new non-judicial insolvency arrangements. It allows for three voluntary debt settlement systems and reduces the period of bankruptcy from 12 to three years, which I welcome. The first voluntary debt settlement proposed is where a debtor has unsecured debts for an amount under €20,000, where there can be a one-year moratorium period during which creditors cannot pursue action against the debtor in respect of the debts covered by the debt relief certificate. This commences on the date of the certificate's registration on the insolvency register and the debtor is restricted from applying for further credit. After the end of the year, if the debtor is still unable to pay off the debt, it is written off, which is a welcome provision.

The second voluntary debt settlement proposal deals with unsecured creditors owed more than €20,000. In this scenario, a debtor can apply for a debt settlement arrangement and creditors would be presented with a possible arrangement indicating how the debt is to be repaid over five years. A percentage of what is owed would be offered to be repaid to creditors, with 65% of creditors having to approve this proposed arrangement. If the arrangement is agreed, it would be registered on the insolvency register.

The third voluntary settlement proposal is a personal insolvency arrangement for secured and unsecured creditors for an amount of €20,000 up to a maximum of €3 million. The personal insolvency trustee would apply to the insolvency service for a protection certificate that would prohibit creditors from pursuing the debtor for 60 days. The trustee would contact the creditor and put forward proposals for how debts would be repaid. Unsecured creditors would be offered an agreed percentage of what they are owed to be repaid over six years. If part of a person's mortgage is in negative equity, this amount could be written off under a personal insolvency arrangement. For a personal insolvency arrangement to be effective, at least 55% of the unsecured creditors and 75% of secured creditors must agree to the arrangement. That gives significant power and scope to banks, which will continue to hold many of the cards in dealing with people in debt.

The Free Legal Advice Centre, FLAC, has welcomed the Bill but there are legitimate concerns about arrangements to allow people stay in the family home, which must be agreed to by creditors. It has been a subject of debate as to whether these proposals are optional and, in my view, they are as the banks do not have any legislative obligation to agree to them. However, it may well be in the commercial interests of banks to come to formal arrangements as this would recover some of the loan, although there is certainly no legal obligation. The reduction in the bankruptcy term from 12 years to three years, with possible extensions up to eight years, gives the banks further incentives to avail of these arrangements, which is positive.

A number of organisations, including FLAC, Threshold, Focus Ireland, New Beginning, the Society of St. Vincent de Paul, Northside Community Law Centre, the Ballymun Community Law Centre, Respond! and numerous academics in the housing area have called for the following principles to be addressed with mortgage arrears. These are over-indebtedness and inability to pay; the need for more detail and data on mortgage arrears; proposals for solutions to multiple debt liabilities in one account; personal insolvency legislation, with the establishment of a debt resolution agency; and debt write-off, with debtors paying to the best of their ability for a limited period before remaining debts are written off. We must consider that closely if we are to lift the weight of debt from our domestic economy. Other principles include access to representation, as debtors must be entitled to have an advocate represent their interests in negotiations to agree processes to contest debt repayments; and minimum incomes, as debtors must be entitled to a minimum income in order to meet basic needs while repaying debts. Many people in debt have families and responsibilities, and in any modern society the protection of a minimum income for daily life and secure access to essentials for a family must be considered.

Unsustainable mortgages that result in repossessions should lead to appropriate social housing arrangements. That has happened in some cases, which I welcome. For example, we have seen some voluntary housing agencies take on a property, with the incumbent in the home leasing it back. I strongly welcome that process, which should be developed and expanded to ensure nobody must leave a family home where it is not possible to meet mortgage repayments. This is particularly relevant in considering there is, essentially, a crisis in housing need in Ireland, with social housing waiting lists longer than they have ever been and almost 100,000 households on them. Nevertheless, we are failing to provide sufficient social housing options for people, and the provision of social housing by local authorities has ground to a standstill. If people who lose their home have to go on to a waiting list for an allocation, it would be

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completely irrational, so the idea should be rejected out of hand. The retention of people in the dwelling in which they live should be done with State supports, and people should be kept in their homes, where possible, either while continuing to pay a mortgage or as a tenant where appropriate.

There is a question as to whether this Bill addresses those principles. I believe it does in many respects but debt write-off and the retention of the dwelling are optional components. It would be preferable, from the stressed mortgage payer's perspective, if the independent debt resolution service could impose an agreement on creditors and debtors. That would have further negative consequences for the banks and it may be subject to constitutional change but it must be considered. Appropriate State supports for those who have homes repossessed are not addressed in the Bill but I hope they will be dealt with elsewhere.

The Bill is a welcome step forward in addressing the problem of mortgage arrears but it could go further.

Progressive Deputies should vote in favour of the Bill, but we should also encourage the Government to return to the issue and see how it can be amended and improved, particularly with regard to the independence of the debt resolution process and forcing the banks to engage with people.

The banking sector has criticised the Bill. Criticism that the Bill does not go far enough is valid, rather than the slow and tepid response from some elements in the banking sector in dealing with the issue of debt. It is too soon to tell for certain how successful the insolvency legislation will be in practice. However, it is reasonable to conclude it does not go far enough. The Bill lacks provision for an independent debt resolution service which could make repayment agreements with debt write-downs that are binding on creditors, and also lack provision of a guarantee that people who make every effort to pay back what they can will be protected from eviction or home repossession. These issues need to be addressed as the Bill goes through the Oireachtas.

There are a number of sections of the Bill I have mentioned which require elucidation. Section 61 provides for the full repayment of preferential debts to creditors under debt settlement arrangements unless creditors agree otherwise. This means these debt settlement arrangements may be of no use to thousands of families. Section 62 guarantees the rights of secured creditors, which prevents banks and lending institutions entering into debt settlement arrangements with distressed mortgage holders whose liabilities are far in excess of €20,000. There is no quick-fix solution to balancing the rights of secured creditors and distressed mortgage holders. While the Bill provides some positives for families struggling with debt, it favours the rights of creditors, banks and lending institutions and a better balance must be struck. I call on the Government to introduce provisions for an independent and binding mortgage debt arrears resolution process.

To identify the level of debt and tightened nature of personal and family budgets, on 9 July the Irish League of Credit Unions published a report on the incomes of families and the level of disposable income they have after five years of austerity. A total of 1.8 million households are left with €100 or less each month after bills are paid. Half of bank account holders are unaware of the bank charges they must pay. A total of 54% of current account holders have no idea how much they pay on overdraft charges. Of those with credit cards, 46% do not know the interest rate they are charged. There is a huge information gap between consumers and the financial sector.

On average, Irish consumers owe €1,000 on credit cards and 25% of credit card holders rely on their credit cards to make ends meet at the end of the month, which is a shocking statistic.

A total of 40% have borrowed to pay household bills in the past 12 months and 10% use moneylenders. Like other Deputies, I have spoken to people in communities I represent who are to the pin of their collar with regard to their finances. They have no more money to pay and have been bled dry by the disastrous policies being pursued in terms of not taxing wealth or the rich. They cannot take any more and they have told me they have had to borrow from moneylenders at exorbitant interest rates, which is wholly unacceptable. We need to address this issue.

The crippling nature of personal debt is a weight on our economy which needs to be addressed. The Bill takes some steps in this regard which are small but welcome none the less. However, we will need to revisit the issue of mortgage debt because the Bill will not solve it in and of itself. Chronic mortgage arrears and debt exists and the Bill will not cater for those with liabilities of more than €20,000. I welcome the Bill but the Oireachtas will have to return to the issue.

Deputy Regina Doherty: I welcome the opportunity to speak on this long anticipated Bill. It provides for the reform of personal insolvency law and will introduce a number of new non-judicial debt resolution processes. It will provide a framework for people to start dealing with unsustainable debts in a structured manner and to start putting their lives back together. The legislation significantly reforms the insolvency regime and allows for more flexible ways of dealing with people with unsustainable debts and mortgages. As stated by the Minister, the legislation addresses the obligations of debtors and the rights of creditors in a proportionate and balanced way and it represents a radical overhaul and modernisation of Ireland's personal insolvency law.

With this legislation, the Government has put together a suite of solutions to personal insolvency and I commend the Minister and the Department on all the work involved in drafting it. The radical overhaul of Ireland's regime for personal debt insolvency is fundamental to the Government's strategy. As the Tánaiste stated recently, it is mammoth and ground-breaking legislation. The Government has put together effective solutions which people can understand and negotiate themselves, or have proper supports to guide them where appropriate.

The Bill has three main features. If bankruptcy is declared, the bankruptcy period is reduced from 12 years to three years; the possibility is created of having unsecured debt of up to €20,000 written off if one has a net disposable income of less than €60 per month and one's circumstances do not change over a period of five years; and a debt settlement arrangement is created for secured debt of up to €3 million. In addition, the Bill provides for the establishment of an insolvency service to operate the new arrangements. However, as the Minister stated, the Bill does not provide for an automatic writing off of negative equity, and where someone is in a position to service their mortgage they must continue to do so.

The issue of mortgage arrears has been one of the most pressing economic, social and human problems facing the country, with many at risk of losing their homes. According to Central Bank data, at present 773,420 private mortgage accounts are held in Ireland to a value of approximately €115 billion. A spokesperson from the Independent Mortgage Advisers Federation recently stated approximately 80,000 mortgage holders have fallen behind on at least three months of payments, not including a much greater number of people struggling to repay buy-to-let mortgages. According to some commentators, this could just be the tip of the iceberg. The Central Bank estimates the value of arrears has passed €1 billion for the first time, with the average size of the arrears just over €17,000 and the average loan amount outstanding €196,400. It is not surprising agencies such as FLAC and MABS have expressed concerns that not enough supports exist for people seeking legal advice. With the advent of this legislation there will be a surge in demand for their services which they will not be able to meet.

[Deputy Regina Doherty.]

In May, the Financial Regulator stated banks need to examine other ways of dealing with the arrears, such as reducing the amount of debt owed. He was to meet each bank board to ask directors to focus personally on the arrears problems. Is it possible for these discussions with the banks to be taken into consideration?

All commentators are agreed this is a very detailed and well thought out Bill. Given this is such complex legislation, we need to ensure proper supports and infrastructure are in place so normal everyday ordinary people are able to negotiate their way around it to find the solution which is most appropriate to their circumstances. The scheme contains up to ten options. It has been estimated the cost of the services of intermediaries and legal practitioners will be between €3,500 and €4,000. I am concerned that people facing into a personal insolvency scheme will not have the financial resources to pay for such services. I welcome the inclusion in the Bill of details of a potential waiver for application fees. Hopefully, other costs will reflect individual personal circumstances. We do not need to preclude people from entering the process. Everyone has waited a long time for this legislation but it must come with the proper supports to make it function. We need to recognise this and to get it right.

I welcome the fact that the Bill contemplates the issuing of guidance, by way of codes of practice to be published by the insolvency service, regarding the mandatory requirements for the debt settlement arrangement, DSA, and personal insolvency agreement, PIA, proposals. These may include guidelines regarding the assessment of reasonable expenditure and essential income when determining what a debtor might need to enable him to maintain a reasonable standard of living. People want to resolve their debts, so let us help them do it with dignity and fairness. We must ensure that we rebalance the rights of the borrower and lender in a fairer manner. The proof of that will be in the pudding but this Bill makes a good start.

Deputy Paudie Coffey: I, too, welcome the opportunity to contribute on this much awaited legislation. I commend the Minister and his officials on the work involved in compiling and drafting this complex legislation. I also commend the Oireachtas Joint Committee on Justice, Defence and Equality which provided important feedback to the Minister and his officials on a cross-party basis. The Departments of Finance and of Social Protection and their officials were also involved.

Coming as I do from Waterford, which is now an unemployment black spot, I am aware that individuals and families are living under intense strain due to mounting debts incurred during the Celtic tiger era. Many of these genuine people ran businesses, but they now find themselves under increasing pressure due to financial difficulties. We must put down a marker that will ensure we never forget how we arrived at this place and how our economy suffered the crash and crisis we are undergoing. It was the propagation of a property bubble that contributed to the economic crisis. Houses and property were being sold, with little or no regulation or control and little leadership from the political and banking sectors which have contributed to the crisis. Families are now experiencing mounting debt. We were dependent on revenue from the property sector and the boom Celtic tiger years to fund ever increasing costs in the public Exchequer. This is the legacy this Government has been left to deal with.

Trying to resolve these issues will not be easy but this Bill is a step in the right direction. The Government must try to rebalance the economy and put it on a sustainable footing. I was a member of the previous Seanad in 2008 and I remember advice given by the Leader of the time. His advice illustrates the type of leadership we had in 2008, when we had our first experience of the property crash. He said:

Now is the right time to buy. We have a duty to tell first-time house buyers, young couples with no previous experience that there is unbelievable value in the marketplace today. I will remind the House, perhaps in 12 or 18 months time when prices have again increased by 25% or 30%, that they were told this by this Leader of this House on this historic day.

I know it is easy to talk in hindsight, but the property the Fianna Fáil leader of the Seanad was telling young couples to buy and suggesting it would increase in value by from 25% to 30% has fallen in value by over 50%. That is the kind of leadership we got from the previous Government.

I remember a time when the ESB provided a facility for people to buy appliances and pay for them by instalments on their ESB bill. In order to qualify to avail of that hire purchase arrangement, the ESB operated a strict credit control and assessment policy. Many people who could not qualify to buy appliances on their ESB bills suddenly qualified for mortgages, car loans and other credit mechanisms proposed and propagated by the banks. The banks lost all control and competed with each other to provide easy access to credit. They did this through intensive advertising, bulging property supplements in the press, banking incentives of 100% mortgages, interest only loans and general easy access to credit. Now we find ordinary people have been the victims. Some people remortgaged their homes to buy second properties. We all remember the queues outside hotels on Sundays when people were being encouraged to buy foreign properties in places like Bulgaria, Turkey and Spain. We are now seeing the true impact of that easy credit. The banks have been bailed out but they gave out easy money with little regulation. I concur with Deputies who spoke previously that we must call on the banks to step up to the plate now and engage with people in mortgage and debt distress to find a resolution to this mess. This Bill and the mechanisms contained within it will facilitate this.

I would like to acknowledge the role of MABS in assisting people in mortgage and debt distress. The MABS organisation has a valuable and experienced network of negotiators and I would encourage the Minister and his officials to ensure MABS has an important role in any function relating to debt resolution because over the years, MABS has built up good contact networks within the banks and other credit institutions. Every effort must be made by banks and stakeholders involved in this process to achieve fair debt resolution and, where possible, every effort must be made to ensure families remain in the family home.

I hope this Bill will give renewed hope to those who feel they cannot get beyond the huge debt they currently face and look to a new future. This Bill will change the law to reduce the term for bankruptcy from 12 years to three years, an important reduction. The Bill sets out the framework for a mortgage arrears resolution process and a code of conduct on mortgage arrears. The Bill will establish an insolvency service that will oversee the non-judicial personal insolvency system. It establishes three kinds of voluntary debt settlement arrangements, through debt relief notice, debt settlement arrangement and personal insolvency agreement. It is not meant to provide a blanket debt write-down, but has been drawn up to help those who cannot pay, rather than those who will not pay.

I and Deputies from all parties and the Government will monitor closely this process and how the banks engage with those in distress. If the banks do not step up to the plate we will exert political pressure to ensure they engage properly.

Deputy Paul J. Connaughton: Figures from the Central Bank for the fourth quarter of 2011 showed that household debt in Ireland was €184.6 billion, or €41,000 per person. That figure makes for a dismal reading and the reality behind it is sleepless nights for thousands of people for whom, whichever way they add up their assets and liabilities and factor in their income, both current and projected, there appears to be no way out of their financial dilemma. The

[Deputy Paul J. Connaughton.]

Personal Insolvency Bill now before the House aims to provide those householders with some answers.

The Bill provides relief for a small percentage of people currently burdened with major debt, people who are insolvent. For home owners struggling to pay their mortgage who want to retain ownership of their home, the Bill is not a panacea. However, I welcome the fact that the people working at the coalface of the household debt problems in Ireland, particularly groups such as the Money Advice and Budgeting Service and the free legal advice centres, have had their voices heard in the drawing up of this Bill. Such people are only too aware that the current insolvency arrangements in Ireland are completely outdated and are of little use to indebted householders. Recent figures from the Courts Service bolster this argument. Despite the tsunami of debt under which many households are struggling, in 2008 there were only eight bankruptcies. In 2009 that number rose to 17 and to 29 in 2010. Clearly the current bankruptcy mechanism is not fit for purpose.

The Bill contains a provision for the establishment of a debt settlement office, which would licence a panel of personal insolvency trustees. These trustees would manage debt settlement arrangements and make debt relief orders. I have already had numerous inquiries about the process of becoming a personal insolvency trustee and believe that there will be a huge volume of applications for these positions. However, it is important that as this formal process replaces what was a voluntary process, the huge extra costs are not borne by already hard-pressed householders seeking to regulate their financial affairs.

The debt settlement arrangements which relate to unsecured debt only will be the key section of this legislation for many householders. Through such an arrangement, both parties will agree to an amount to be paid over a period of five years. At the end of the term, the debt will be deemed fully paid but this arrangement will only be available to a person who acts in good faith and who makes a full disclosure of all assets. People who conceal assets in this fashion will face criminal prosecution.

The issue of bankruptcy tourism has only presented itself to the Irish people in recent months, with a number of high profile business people featuring in court proceedings as various parties sought to determine the jurisdiction in which their bankruptcy proceedings should be conducted. For debtors in Ireland, the regime in the UK is infinitely easier to navigate than the current system in Ireland and allows a person to become debt free after 12 months. The European Union opposes such bankruptcy tourism and debtors can be involved in insolvency proceedings in more than one state at any time.

The Bill aims to fulfil an important element of the programme for Government and the EU-IMF programme for Ireland. Given the financial difficulties faced by thousands of people across the country and its effect on a vast section of the children growing up in Ireland today, change to the current legislation is imperative. The Minister for Justice and Equality, Deputy Shatter, has invested huge time and energy in the current Bill, the aim of which is to bring Ireland in line with other European countries in dealing with insolvency.

The Minister has also stressed the need for people in mortgage arrears to engage with their lenders and for lenders to engage constructively with customers in genuine financial difficulty. I am glad to note the Minister's statement that the protections afforded under the Central Bank code of conduct on mortgage arrears will continue to be available to co-operating borrowers. In conclusion, the Bill is a step in the right direction in modernising the Irish bankruptcy laws and in terms of putting in place a mechanism for those unable to service their debts to deal effectively with them.

Deputy Tony McLoughlin: Deputies have been waiting for this Bill for some time, mainly because the debris of the economic collapse is all around us, but most especially in the lives of our citizens who have seen a dramatic fall in the value of their fixed assets, such as homes and businesses. The value of homes has reduced, according to various reports, by up to 61% since 2008. In some cases, the fall has been greater when there is a very cautious bank policy on lending. In many cases, the real value of many properties is far less than the value of the remaining mortgage.

Business premises, industrial units, office blocks, hotels, pubs and restaurants have devalued beyond belief. Many business people secured huge loans with personal guarantees and are now directly in the firing line and face ruin. I welcome this Bill for the reasons already mentioned and, specifically, the proposed measures to reform insolvency law personal and the introduction of the following non-judicial debt resolution processes subject to relevant conditions in each case. The first is a debt relief notice to allow for a write-off of qualified unsecured debt up to €20,000, subject to a three-year supervision period. The second is a debt settlement arrangement for the agreed settlement of unsecured debt and the third is a personal insolvency arrangement for the agreed settlement of secured debt up to €3 million and unsecured debt. The Bill also reformed the Bankruptcy Act 1988, which will include the introduction of automatic discharge from bankruptcy, subject to certain conditions, after three years instead of the current 12 years. The 1988 Act is a farce and the number of people who have explored the possibility of moving to the UK and benefiting from bankruptcy rules in that jurisdiction is startlingly large. As a Deputy, I have been consulted by many constituents who have nowhere to turn but to the UK. Our laws on the issue must at all times be compared to the UK. I welcome the Government initiative.

A debt relief notice remains in effect for a period of three years from the date it is recorded in the register of debt relief notices. The time period is not set in stone as an extension may be granted by the court on application by the insolvency service in specific situations. There will also be a system of debt settlement arrangements between debtors and one or more creditors to repay unsecured debt over a period of five years, with a possible agreed extension to six years. The debt settlement arrangements will assist persons with incomes, assets or debts that fall outside the criteria of the debt relief notice. The Bill makes a number of amendments to the Bankruptcy Act 1988, including an increase in the minimum amount for a creditor petitioned for bankruptcy from €1,900 to €20,000. I welcome the modernisation of our bankruptcy laws, which bring them in line with our European neighbours.

Compromise is the name of the game and I have no doubt disputing parties will have workable debt resolution processes and it will encourage lenders and borrowers to resolve debt issues. It is estimated that more than 10,000 home owners are in real difficulty and will never be able to pay for their homes. Beyond that, 50,000 will find a resolution through negotiation and interaction with lenders. However, in some cases this mechanism will not suffice. Many Members know households where both parties worked in construction or related commercial activities and now receive social protection payments as income, with a mortgage up to €1,500 per month. The value of the house may be €150,000 while the mortgage is somewhere near €300,000. In such cases, we have a problem and that is where the new Bill can assist. Such people are, technically, insolvent and, with the bank's agreement, they can sell the home and outstanding debt can be written off after six years. The mortgage holder will contribute something over six years to pay off the debt but will still maintain an adequate standard of living. Banks may agree to such arrangements as it removes a non-performing loan from the book and arrears are no longer building up.

In most cases, especially if the individual is unemployed and has little prospect of regaining employment, almost no level of mortgage debt is sustainable irrespective of the value of the

[Deputy Tony McLoughlin.]

property. In such cases, it is unrealistic that creditors will agree to a write-down to a sustainable level, if they see it is less than the current level of the value of the property. Their duties to their shareholders prevent them from doing so. There is also the possibility that many of the home owners in difficulty can keep their homes under the personal insolvency arrangements and will have their debt written down to a sustainable amount. This figure may not be the value of the home and could be a lot more but it must be sustainable and the person must be comfortable with the commitment. In this case, I hope the banks will only agree to it where the home owner in difficulty has an income other than social welfare system and that the mortgage arrears resolution process has failed to make the current level of the mortgage sustainable.

An Ceann Comhairle: Thank you, Deputy. The Deputy is over time.

Deputy Tony McLoughlin: There have been comments in the media that the banks have been let off the hook but it is important that the Government moves forward in a balanced way.

Deputy Charlie McConalogue: I welcome the opportunity to speak on this Bill and I commend the Minister on introducing it. With the collapse in the housing market and the collapse in economic confidence, the resultant impact on business has led to many people facing exceptionally difficult circumstances in respect of their solvency and the amount of debt owed. Deputy Mitchell O'Connor referred to a number of well-known historical figures, including Abraham Lincoln and Henry Ford, who tried and failed, went bankrupt and came back again. She noted that, in America, it is a badge of honour for someone involved in business to have tried and failed — to have had a business that became insolvent before trying and coming back again. It can arise when someone is trying out a new idea. There is always the risk that it will go wrong. In this country, the debt phenomenon has happened primarily with regard to the housing market. Although businesses will always try and fail, it is unprecedented for a generation to try and fail in getting their lives started, buying homes and making moves not to set up businesses but to set up steady lives for themselves and steady futures.

One of the consequences of the collapse of both the Celtic tiger and the housing market is that we have an entire generation mired in negative equity and facing into a future devoid of hope in terms of their financial position. In that context, the Bill is long overdue. Thousands of people are struggling on a daily basis with an unsustainable burden of debt. The provisions in this Bill will at least offer some clarity as to the options available to them to alleviate their plight. The latest figures illustrate the severity of the problem. Some 116,000 mortgage holders were in serious distress at the end of March 2012, an increase of 8,500 since the previous December. From January to March, a further 95 mortgage holders fell into arrears every day. Meanwhile, some 170 families lost their homes to repossession in the first quarter of the year, an increase of 30% on the figure for 2011. These are the people in the most severe distress, those who are finding it very difficult, if not impossible, to meet their mortgage demands.

What the figures do not reflect are the large numbers who are meeting their mortgage payments but are being put to the pin of their collar to do so. Many people, for example, purchased apartments during the boom and now find themselves in negative equity, often for as much as €200,000. Some of these home owners, being fortunate enough to have a reasonable job, are able to meet their repayments. They cannot, however, move on with their life in terms of purchasing another home which would better meet their changing needs. Unfortunately, the Bill offers little hope for that category of home owner. I accept it is a difficult and complex issue to address. I recently spoke to a person whose one-bedroom apartment, purchased during the boom for €350,000, is now worth no more than €150,000. Although this particular individual

is in secure employment and can afford the mortgage repayments, it is soul destroying to be carrying a negative equity burden of €200,000. The prospect of seeing a substantial portion of one's income being eaten up for years to come in paying off one's negative equity is leading many to despair. Home owners in that situation are essentially stuck, often unable to trade down or upgrade their current home. It is little wonder that so many cannot see a viable future for themselves and their families. Instead of a light at the end of the tunnel, they can see only years of paying for a property which will never again be worth what they paid for it and in which they are effectively marooned.

One of the concerns that has been expressed regarding the Bill is that it might present a disincentive to people in a situation where they can afford to meet their mortgage repayments but are facing into ten or 15 years of negative equity to continue shouldering all of that burden. Some home owners, for instance, might look around and consider that if they were not in employment and no longer in a position to meet their mortgage commitments, some of the options set out in the Bill would be available to them. There will inevitably be a certain number of people who no longer see an incentive to work and instead opt to go down one of these pathways. It is difficult not to sympathise with those who are facing a future burdened with a level of debt that inhibits their ability to progress in life in a manner in which they could reasonably have expected to do.

One of the weaknesses of the Bill, as referred to by many speakers, is its failure to provide for an independent system of appeal, particularly in regard to the debt settlement and personal insolvency arrangements. The requirement that the consent of creditors owning at least 65% of the debt is required in order to enter into one of these arrangements will effectively afford a veto to the banks in most cases. The Minister observed that the ultimate court of appeal for people will be the option of bankruptcy, under the new conditions laid out in the Bill. For many, however, that is simply not an option. It is entirely unsatisfactory as an ultimate appeals mechanism.

The provision to reduce the period of discharge for bankruptcy from 12 years to three is very welcome. Coming from a Border area, I am only too familiar with the increasing phenomenon in recent years of people opting to apply for bankruptcy in another jurisdiction in order to avail of a process which is more considerate of the needs of those who find themselves in this situation. Bankruptcy laws which end up leaving people bankrupt for a period of 12 years are totally unsuitable. The new provisions ensure that the penalty for bankruptcy remains sufficiently onerous while also allowing us to deal with people in a more humane way.

The problems we are facing in this area can be traced back to the housing bubble and the failure to take action to address it. This was a failure on the part of society, the political establishment, the business community and the banking system. There is a tendency to simplify what happened by seeking to assign all the blame to one political party and one Government. That is a very simplistic and erroneous analysis of what happened. The reality is that we had a European and global economy that was performing strongly and an Irish economy that was performing much too strongly. Loans were given out by Irish banks to an extent that was simply not sustainable. In fact, at the very peak of the boom, at the very time when restrictions in the opposite direction should have been imposed, there was a move towards the provision of 100% mortgages. We are all wise after the event, but the reality is that there were very few in the world of business, banking or politics calling for an end to this and for a tightening of credit rules. That added extra froth to the situation and extra weight to the problems now facing so many people throughout the country.

The three debt resolution arrangements provided for in the Bill offer reasonable solutions to those in difficulty in accordance with their particular needs. In regard to the relief certificate

[Deputy Charlie McConalogue.]

option, I welcome the fact that MABS will be involved. It is an appropriate body which is doing much fine work under great pressure in terms of resources in trying to deal with the growing workload that has come its way. It is important MABS has the resources and the ability to give that assistance and that we do not place unacceptable pressure on it. In regard to the debt settlement and the personal insolvency arrangements, we must ensure the personal insolvency practitioners, who will act on behalf of the debtor, are properly regulated and that the best possible advice is provided to the person who owes money.

On Committee Stage, I urge the Minister to look at an independent appeals mechanism to arbitrate in situations where the bank and the debtor do not agree. It is unacceptable that the only recourse in situations like that is the court route or the bankruptcy route. It is very important that an independent body, which is able to intervene and impose a binding resolution on the bank and the debtor that is fair and takes into account the particular circumstances, is provided for in the Bill. I do not see why a situation like that should escalate and go straight to the courts resulting in somebody going into bankruptcy.

My party and our spokesperson, Deputy Calleary, will bring forward amendments to try to improve the Bill but I support the broad thrust of it and welcome its introduction.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): I am delighted to speak on the Personal Insolvency Bill 2012. It represents a significant step forward in our efforts to deal with personal debts. The financial turmoil in recent years has resulted in too many people facing debts they are never likely to be able to repay. Most people are agreed that the existing legislation is draconian and offers little opportunity for people to escape these crushing debts. I very much welcome the introduction of this legislation which will provide a comprehensive reform of insolvency law and offer new and more flexible options to address the circumstances of insolvent debtors.

It is important to say a few words about the context for this legislation. Over the past number of years, we have spent much time dealing with the fallout from what were described as the glory years of the Celtic tiger. It was a very brutal animal and left a huge trail of destruction behind it and we have been picking up the pieces ever since. There is no doubt that it caused more damage than good.

It was good to note today the improvement in the State's finances and the fact that in 2011, the economy improved from the expected growth of 0.7% to 1.4%, double what was expected. We hope that continues into the future. However, the troika — the EU, IMF and ECB — is in town. It is completing the seventh examination of whether we are dealing with our finances in an adequate fashion, of how we are dealing with our debts, our banking debts and our mortgage arrears, of the economy and of whether the fairly harsh road on which we have had to embark is being trodden on carefully and diligently.

This is all about people's lives which have been damaged and destroyed in one way or another and about people who are in arrears with their mortgages, those who are unemployed and whose income has dropped considerably. We have been seeking to put in place the necessary policies and legislation to address the matter. I hope we are coming close to putting the final piece of the jigsaw in place to deal with the problems caused by the madness which the Celtic tiger instilled in the country — the expectation it would go on forever or that there would be a soft landing. The then Minister for Finance said the bank guarantee introduced in 2008 would be shortest bailout in the history of the world and not just of Ireland.

This Bill deals with personal debt, personal insolvency and bankruptcy. This major reform of our personal insolvency and bankruptcy laws forms one part of a series of steps which the Government is taking to deal with the problem of unsustainable mortgage and personal debt

which affects households and acts as a drag on the economy. The steps taken by the Government to assist with mortgage debt include increasing mortgage interest relief for people who bought their first home at the peak of the boom, fast-tracking personal bankruptcy reform to bring us into line with the best international standards and directing mortgage providers in receipt of State support to present the Government with plans for cost cutting.

Furthermore the Government introduced the mortgage-to-rent scheme to assist people whose mortgage debts are unsustainable to stay in their homes. The Minister might look into a case I have been dealing with. The mortgage-to-rent scheme seemed to be the ideal solution to the problem but it transpired that the cut-off point was €200,000 for qualification for the scheme. The value of the home of the man in question, with a wife and three children, was valued at more than €200,000 and, therefore, he could not avail of the mortgage-to-rent scheme. That ceiling might, in some way, be adjustable. Will the Minister look at that carefully to see how this scheme, which has been of value to a number of people, might be extended to this person and to others who might be deemed to be in the same situation?

The Keane report of October 2011 recommended that the early introduction of new judicial and non-judicial bankruptcy options was vital. It stated that without effective bankruptcy legislation, the mortgage arrears problem would not be resolved. This is, in many ways, the final implementation of the recommendations that were made in the Keane report. I am delighted that at last they are being addressed. The reform of personal insolvency law contained in the Bill involves the introduction of the following new non-judicial debt resolution processes — a debt relief notice to allow for the write-off of a qualifying debt of up to €20,000, subject to a supervision period, a debt settlement arrangement for the agreed settlement of unsecured debt over five years, and a personal insolvency arrangement for the agreed settlement of secured debt up to €3 million and unsecured debt over six years.

Finally, the significant reform of the Bankruptcy Act 1988 that was begun in the Civil Law (Miscellaneous Provisions) Act 2011 is continued. A significant measure is the introduction of automatic discharge from bankruptcy after three years, as opposed to the existing 12 years. This development moves Ireland to the European norm for such discharge and is most welcome. It is a better period than the one year which is the norm in our neighbouring jurisdiction. It provides the correct balance.

The Bill aims to provide a modern insolvency process that addresses the obligations of debtors and the rights of creditors in a proportionate and balanced way, taking into account the financial reality of an individual's true circumstances.

These new personal insolvency laws, in addition to providing new legal remedies, should give a significant incentive for financial institutions to develop and implement realistic agreements to resolve debt issues with their customers. The provisions relating to a personal insolvency arrangement are specifically designed to facilitate a debtor's continued ownership and occupation of his or her home unless the debtor does not wish to do so or the cost of the debtor's continuing to reside there is disproportionately large. If it is not possible to come to a non-judicial debt settlement between debtors and creditors there is still the option of debt enforcement or judicial bankruptcy.

The Bill will be welcomed by mortgage holders and those with personal debt as a means of resolving what seemed like an insoluble problem. I would like to have seen the legislation on the Statute Book before now, but the steps taken to date have all been taken with a view to reaching a solution to the crisis that has befallen us in recent years. Solid steps have been taken in the right direction.

[Deputy Joe Costello.]

The Bill brings us almost to the end of the road of solving the problem of those who are unable to meet the debts they have incurred and must find a way forward for their families. The economy will benefit substantially by this drawing of a line in the sand. People who want to do their best to make ends meet, to get on with their lives and to build a society in Ireland are now in a position to do so.

Deputy Anne Ferris: I welcome the opportunity to speak on this very important Bill.

The Bill has the capacity to change people's lives. I am sure all Members in this House have been contacted by constituents who are struggling to repay untenable mortgage payments. I am certainly well aware of it myself. It is another legacy issue from the Celtic tiger, the effects of which have been particularly corrosive for many families. In my constituency of Wicklow I have been contacted from people living in Bray, Greystones, Wicklow, Arklow, Blessington and across the county. This demonstrates that this is not an isolated problem and is not confined to any particular area or street.

It is clear that the fault lies with the bankers and their very close friends in Fianna Fáil. I cannot conceive why this gross property bubble was allowed to develop or why a political party would put developers and bankers to the fore ahead of the people they were elected to serve. The Labour Party recognised this when we criticised, in our election manifesto, the policy of putting the interests of big developers and the banks ahead of people looking to purchase a modest home. This was a direct cause of Ireland's disastrous property boom and bust. I am still angry at Fianna Fáil and their banking and developer friends. I am angry that no banker and no politician has gone to jail for what are and were crimes against the State. They betrayed the country. It is quite despicable and disgraceful to have to listen to what is left of Fianna Fáil speak with mock indignation of their shallow criticisms of the Government. They have demonstrated, without any doubt, their sheer inability to run an economy. What shame there is on them for allowing the troika into this country. They can clearly never be trusted again. This leaves the Government cleaning up the mess they left behind in the best way it can. We have made progress on this.

The Personal Insolvency Bill is part of this progress. It will be of great benefit to the many families who have need of it and it delivers on another promise in the programme for Government to give more protection for home owners with distressed mortgages.

In tackling the heart of the problem the Government sought the views of the Joint Committee on Justice, Defence and Equality. As Vice Chairman of the committee, I was more than happy to facilitate hearings on this important Bill. The report that was compiled has greatly helped in developing it.

The Bill outlines a number of avenues that can be pursued by people in debt. Three non-judicial debt resolution processes are detailed. The first option is that of the debt relief notice which will help people who have unsecured debt of €20,000. The second option is the debt settlement arrangement on unsecured debt with a supervision period of over five years. The third option is the personal insolvency arrangement. This last option will look to secured debt of up to €3 million, though an agreed settlement can go higher with the agreement of all creditors. These options are welcome, and I look forward to the establishment of the insolvency service of Ireland which will act as a point of contact for insolvency measures.

I hope, when the Bill is passed and the technical and structural mechanisms are put in place, that a greater fairness and balance will be brought home to those in financial difficulty. So far, many banks have shown little regard to this fairness. I am particularly angry at the way Permanent TSB has treated its customers. I have received many criticisms of banks from constituents

but I have a great disdain for Permanent TSB. It sometimes gives the appearance of addressing the needs of its customers, but it is only an appearance. It has customers who are struggling to repay loans and I know this bank does not give a tuppenny damn for them. I hope this legislation can in some way help these constituents in particular, because it would appear that TSB will not do so on its own.

I look forward to the implementation of the legislation although I would like to ensure that when it is passed all bases are covered and there are no inherent flaws.

I hope we will see the Bill enacted and the processes put in place in the autumn when we can seriously help the thousands of people who are just about keeping their heads above water.

Deputy Brendan Ryan: Thank you, a Cheann Comhairle, for the opportunity to speak on this most important Bill. I welcome its publication. It is radical legislation which, if passed as it is designed, will overhaul our laws on personal insolvency and bankruptcy.

The destruction of our economy by the previous Government laid bare numerous underlying faults and flaws in the economic, political, societal and legal structure of our State. Two such faults were the lack of regulation of our banking sector and in our building regime.

Toxic lending to young people to buy poorly built homes is a double tragedy affecting thousands of people all over the country. This was brought to a head when the economy collapsed and unemployment soared. People were suddenly faced with loans they were struggling to meet and mortgages they were unable to pay. Our bankruptcy laws were totally inadequate to deal with the sudden onset of the mortgage crisis.

The Personal Insolvency Bill is a strong example of the Labour Party delivering on its promises to tackle mortgage debt reform. Reform and fairness formed two pillars of our general election campaign and the Bill looks to deliver elements of both. The Bill provides workable solutions for individuals and families struggling to restructure some of their debts. There will be options to allow for people to remain in their homes or move to smaller more affordable alternatives. For the first time since the economic collapse, distressed home owners will be able to see at least some light at the end of the tunnel.

The three voluntary debt settlements created by this Bill, the debt relief notices, debt settlement arrangements and the personal insolvency arrangements, will provide mechanisms for people to relieve themselves from different levels of unpayable debt. The processes for each arrangement will not be easy but they will be manageable. This is not blanket debt forgiveness; it is debt settlement and relief. It is designed for people who are making every effort to meet their debt requirements but through no fault of their own are unable to do so. For the first time the relationship between the borrower and the bank will be rebalanced towards the borrower. This is a big shift for which the Labour Party has fought over many years.

The reduction of the period of bankruptcy from 12 to three years is a long overdue and most welcome change. The 12 year period was outdated and represented a severe punishment for bankruptcy by EU standards. A three year period demonstrates progressive reform and is a much fairer timescale.

However, the Bill must not be viewed as an isolated approach to our mortgage crisis. The Minister of State at the Department of the Environment, Community and Local Government, Deputy Jan O'Sullivan, announced recently that the mortgage-to-rent scheme is to be rolled out nationally. This scheme allows people to arrange for local authorities to purchase their homes from the bank at the current market rate while they continue to live in it as tenants of the council. This is another progressive step by the Government in dealing with the mortgage crisis. However, the road is long and we have many obstacles to overcome. The Personal Insolvency Bill 2012 is a big step in the right direction but it is not the answer in and of itself.

[Deputy Brendan Ryan.]

The Government will need to monitor its application in practice. If issues need to be addressed in the application of the Bill, we need to be swift and decisive in addressing them.

That said, this Bill is a game changer for bankruptcy law and personal insolvency in Ireland. Its success will be predicated on an open, honest and constructive engagement between borrower and lender. It is incumbent on all of us in this House to ensure that borrowers engage with lenders in this manner. If they do so, this Bill has the potential to be a big step on the road out of our current mortgage crisis.

Deputy Sandra McLellan: Sinn Féin welcomes the publication of the Personal Insolvency Bill 2012. I have no doubt that the people and families who are weighed down by debts that they will never be able to repay will also welcome the Bill and the same can be said of the many NGOs and organisations who work in this area. However, it must be noted that the legislation was long overdue and its delay has only added to the distress experienced by those who are in debt.

Even though the Minister has had ample time to produce comprehensive legislation, the Bill as it stands is disappointing and vague. Therefore, while Sinn Féin welcomes it and views its publication as a beginning of sorts, we regard it as seriously flawed legislation that does little to address the fears and concerns of people who are in debt. When the Bill was published we were to the forefront in stressing the importance of ensuring that the proposed insolvency scheme is independent. We have repeatedly called for a more humane approach to this issue. It should, therefore, come as no surprise that the Bill is a bitter disappointment to us, especially when one considers that it gives the banks power over personal insolvency arrangements for the majority of families in mortgage distress. This makes for bad policy and poor legislation and, more important, it leaves those who may have hoped to avail of this Bill in the tight clutches of the financial institutions. Sinn Féin has called for an independent agency which would be empowered to enforce legally binding settlements on debtors and creditors. The only other option open to people in serious arrears is bankruptcy.

For many people this is a painful and stressful situation, particularly where families and young children are involved. Single mothers and those with mental health problems are particularly vulnerable when they find themselves weighed down by debts which they have no hope of repaying. Evidence from other countries indicates that the main users of consumer bankruptcy and insolvency arrangements are from lower middle income, working class and low income groups. Those who have to deal with additional issues such as divorce, separation or the break up of a long-term relationship are over represented when it comes to personal insolvency, as are women and single parents. Therefore, while Sinn Féin welcomes the reduction of the bankruptcy term from 12 to three years, we are mindful of the fact that people entering bankruptcy will lose all their assets, including their homes. Our party's position is that people should be helped to remain in their homes and that an independent agency should examine on a case-by-case basis how to make mortgage debt sustainable.

We repeatedly criticised the Government for delaying the introduction of personal insolvency legislation. When the Bill was published we stated that the proposed insolvency service must be made independent, that the threshold of debt qualifying for a debt relief certificate needed to be carefully examined and that a more humane approach to bankruptcy was required. What is humane about legislation which allows a person to lose his or her family home? This type of legislation makes no sense in that it puts additional pressure on the State's already stretched resources and on vulnerable people who are just about keeping their heads above water.

We know that debt increases the risk of mental illness and that mental illness increases the risk of getting into debt. Research conducted in other countries indicates that people who are

unemployed or on welfare are over represented in the debt relief notice category. I have heard Government commentators describe this Bill as radical but that word must be viewed in the context of the current environment. In this environment of high unemployment and high levels of personal insolvency, any attempt to change the current legal framework on debt and bankruptcy would appear innovative or radical. The reality is somewhat different, however. The test of whether this Bill will make a genuine difference to the situation in which thousands of people find themselves will be its capacity to help those who are struggling in the face of massive debts by empowering them to negotiate solutions without having to pay third party companies. There is no one-size-fits-all approach. A range of measures must be made available to those who are unable to deal with their debts.

We have serious concern about certain provisions in this Bill, including, in particular, the imbalance of power between banks and debtors. Banks are allowed to retain their veto when it comes to debt settlement and personal insolvency arrangements. They will not be legally obliged to accept reasonable applications from customers in arrears. Furthermore, there will be no legal obligation on any bank to accept an application for resolution options from customers in arrears and the absence of a right to appeal a bank's decision potentially leaves debtor with no option but to apply for bankruptcy.

The Free Legal Advice Centres, which have extensive experience in these matters, welcomed the review of the personal insolvency arrangement and the reduction from ten to five years in particular. However, we share their concern that the period is still too long and agree that the reviews should be held annually.

While we acknowledge that the Bill provides a measure of family home protection and addresses the need to maintain debtors in the family home where the mortgage is sustainable, a broader question arises in respect of how the State views property and housing. In this regard, it appears that nothing has changed with this Government. It is business as usual despite everything we now know about past mistakes. Housing is still a commodity and the banks are busy throwing people out of their homes after giving them mortgages they can never repay. The Government is pushing people into substandard rented accommodation because it refuses to acknowledge the State's primary role and obligation in social housing. The State adds injury to insult by acting as if the payment of rent supplement to private landlords is some kind of charity for the poor rather than a subsidy to private landlords and property speculators who made their money during the boom years of the Celtic tiger.

Measures that have been added to the Bill since it was first published include different out of court arrangements before final bankruptcy and provision for automatic discharge from bankruptcy after three years. We are concerned about the fees and costs contained in the debt settlement and arrangements. This will be a very real concern for people considering a personal insolvency practitioner who will, under the Bill as it stands, have the capacity to vouch that a person in debt was unable to come to a voluntary arrangement with their creditor or bank. These are not State practitioners. They are private and thus far unregulated entities and they will not work for free.

FLAC also made the following important point:

It is ironic that the Bill requires six months of co-operation with the mortgage lender under the code of conduct on mortgage arrears — or a similar Central Bank-approved process — before applying for a PIA. Yet the recent changes to the mortgage interest supplement mean that a person must currently prove 12 months of making agreed alternative payment arrangements under the code of conduct before he or she can even apply for the supplement.

[Deputy Sandra McLellan.]

There are promising elements in this Bill. However, we are mindful of the fact that there may only be around 30,000 mortgage holders who may avail of the provisions, while approximately 80,000 people are in mortgage arrears of three months or more. Most of them are owner-occupiers rather than buy-to-let property owners. According to reports, the Department has said that only 16,000 people will be able to avail of this during the first year. We must ask ourselves whether that is really adequate. How many people's situations will worsen during that timeframe?

The Government has failed to take the opportunity to loosen the grip that the banks have on people. It would appear that the State still refuses to recognise that creditors and banks should not be the ones setting the agenda on these issues. An independent body must be created that can deal with mortgage arrears and debt resolution.

Deputy Clare Daly: There is no doubt that the Bill is long awaited. However, unlike some of the Labour Deputies, I do not think there will be great celebrations about it. The legislation is disappointing and we will be tabling a number of amendments on Committee Stage to try to improve it. It is not the great step forward that many people require and it does not deal with the core issue of mortgage debt. Inevitably, there will have to be a write-down of some of that debt which is unsustainable.

The Bill has three main features, to which other Deputies have alluded. First, it reduces the bankruptcy period from 12 years to three, which is welcome, although the anomaly that still exists with the North of Ireland and Britain may prove to be a problem. Nonetheless, it is a step in the right direction. The second measure deals with the possibility of having unsecured debt of up to €20,000 written off if the person meets certain criteria. That is welcome, although it does cause problems for credit unions. I will deal with the latter point later on. Third, the primary part of the Bill deals with a debt settlement arrangement for secured debt or mortgages of up to €3 million. The key problem here is the retention of a veto for the banks. A creditor who controls 65% of a person's debt will have to agree to engage in the debt resolution process, which is an inherent weakness in the legislation.

The Bill itself is so big, convoluted and complex that it will be inaccessible for many people. It must be seen in the context of the Government's lack of other measures to deal with the overall mortgage crisis against the backdrop of the Keane report. The provisions and guiding principles of that report show the weakness in the Government's approach. The report's primary findings stated that those who can discharge their mortgage obligations must do so. In addition, there is no entitlement to a particular solution and solutions have consequences. Crucially, there are unsustainable situations and unfortunately it is inevitable that people will lose their homes. While acknowledging that this needs to be minimised, I do not think the measures outlined in this Bill actually address the objective of keeping people in the family home, although that objective is in everybody's interest.

The Bill does not deal with the need for debt reduction through a write-down process. In fact, it absolves banks of any responsibility in this situation. The only options facing home owners who are struggling to pay mortgages are an interest-only repayment mechanism, possibly a year's break from payments or a reduction in payments for a period. The authorities are standing over a situation where arrears are increasing, however, and the Bill does not provide a long-term solution. It is delaying the inevitable situation whereby people cannot meet their repayments.

When the Minister, Deputy Shatter, introduced the Bill it contained caveats. He spoke of the Bill incentivising banks and having a better outcome potentially, but there is no compulsion

in it so home owners have no safeguards. The legislation hopes that banks will come up with a solution which I do not think is good enough. A constituent of mine wrote to the Minister on foot of his contribution last week when introducing this Bill. She put it well when she wrote:

I am sitting here seething at the audacity of you to suggest that we sell our jewellery and so on to pay the banks. Do you remember that they lent us money that they never had in the first instance? Then they made interest on it and now you want the people of Ireland to pay them again. How do you sleep at night? I invite you to walk in my shoes and travel with me, and learn what it's like to live at the mercy of the present Irish Government paying for the bail-out of the banks.

She goes on to talk about the problems in the economy and the effect that austerity is having. This Bill does not solve the problems of mortgage debt in any way because it leaves the issue and decision making in the hands of the banks. As Deputy McLellan said, 10% of mortgages are over 90 days in arrears. Some 77,630 family homes are in arrears. Some 8% of homes are over 180 days in arrears, and 40% of owner-occupier dwellings are in negative equity. This is an almighty stranglehold on the economy. The total deadweight of that mortgage debt is stifling all aspects of economic recovery. Sadly, the Bill does not address the problem in any way.

This is one measure the Government intends to take to deal with the mortgage crisis. While I have problems with this aspect of the legislation, the other aspects are not too enticing either. The mortgage-to-rent scenario has been outlined but the reality is that it has not seen the light of day. The Department of the Environment, Community and Local Government is currently engaged in a pilot programme with AIB for 20 cases. Some of the subprime lenders, including GE Money and Start, have been approved for 40 cases with voluntary housing associations. Some 60 cases are being dealt with, out of 80,000 houses in arrears, so we are a long way from solving the problem. Even if half of those cases default, which is entirely likely, 60 is nothing. Under the Government's plan it would take hundreds of years to deal with this. We cannot see it separately from what the Government is doing in terms of social policy and the complete lack of investment in the provision of social housing. The objective should be to keep people in the family home but I do not see any way in which that is being done.

Other measures include banks developing a mortgage arrears resolution strategy beyond what existed before. While we are told that the banks have drafted such a strategy, we have not had any information on it. The Central Bank is seeking information about it but has not received any either. We have heard the stated intention that a mortgage advisory agency would be set up and run in co-operation with MABS but there has been no discussion with MABS in that regard. When we are talking about a holistic approach, where this is one of a number of measures, we must examine the other measures as well. However, they have not gone far enough to deal with this overall crisis.

The arrangement to deal with unsecured debt of less than €20,000 — which would primarily be credit card debt and credit union debt — is a welcome addition. However, the criteria are quite limited. We must take into account the submissions made by credit unions which are a different type of financial institution. They are owned by their members and operate on a not-for-profit basis. In fairness, they have made the point that they will be affected by all the measures in this Bill but particularly by the unsecured debt provision.

A high percentage of credit union lending would come within this category. As a result, credit unions will be disproportionately affected. The credit unions make the point that they will also be affected by other provisions and that while they are being made accountable in terms of these arrangements they will have little control over the outcome in that regard. I agree with them that this legislation was drafted from the banks' perspective. As stated, credit

[Deputy Clare Daly.]

unions and their members will not pick up the bill for the mistakes made by the banks in advancing unsustainable property loans. Like all taxpayers, credit union members are paying for the recapitalisation of the banks and they should not be hit on the double through this provision. We need to take into account the special role of credit unions so as not to disproportionately disadvantage them.

I take on board the point made by the credit unions that this Bill, in terms of its impact on financial inclusion, may drive people out of credit unions, who will be reluctant to lend because of the provisions in this Bill in respect of people on social welfare, which assume they do not have the capacity to repay. We must be mindful of this.

Debate adjourned.

Gaeiltacht Bill 2012 [Seanad]: Second Stage

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): Tairgim: “Go léifear an Bille an Dara hUair anois.”

Cuireann sé áthas mór orm, mar Aire Stáit le cúraimí Gaeilge agus Gaeltachta, agus mar ionadaí poiblí de bhunadh na Gaeltachta, tús a chur leis an díospóireacht ar Bhille na Gaeltachta 2012 i nDáil Éireann tráthnóna inniu. Mar is eol don Teach, tionscnaíodh an Bille seo i Seanad Éireann agus chríochnaigh sé gach Céim sa Teach sin tráthnóna inné. Is Bille gairid é Bille na Gaeltachta 2012, le 25 alt i gceithre Chuid agus Sceideal. Mar sin féin, creidim gur Bille thar a bheith tábhachtach é a mbeidh dea-thionchar aige ar chur chun cinn na Gaeilge sa Ghaeltacht agus ar fud na tíre ar feadh na mblianta amach romhainn. Ní mór dúinn cuimhneamh gurb í seo an chéad uair ó 1956 go bhfuil aird á tabhairt, trí reachtaíocht, ar an ghá atá le brí nua a thabhairt don Ghaeltacht agus le haitheantas a thabhairt do phobail eile sa Stát a thugann tacaíocht don Ghaeilge.

Tuigeann muid ar fad na hathruithe móra sóisialta, cultúrtha, eacnamaíocha agus déimeagrafacha atá tagtha ar an Ghaeltacht sa tréimhse 56 bliana atá caite ón phíosa reachtaíochta deireanach. An uair sin, bhí daonra iomlán de 86,000 duine sa Ghaeltacht. Tá an figiúr sin méadaithe go dtí 97,000 duine inniu. Ar an drochuair, áfach, níl líon na gcainteoirí a úsáideann an Ghaeilge go laethúil ag méadú dá réir. De réir dhaonáireamh 2011, níl ach 24% de dhaonra na Gaeltachta, nó 23,175 duine, ag úsáid na Gaeilge go laethúil. Tugann an figiúr seo léargas iontach soiléir dúinn ar staid leochaileach na Gaeilge sa Ghaeltacht inniu, agus ar a riachtanáil agus atá sé bearta nua samhlaíocha a thógáil chun na dúshlán a shárú agus tacaíocht a thabhairt do na pobail sin atá tiomanta don oidhreacht shainiúil speisialta atá acu a chaomhnú do na glúine a thioctaidh inár ndiaidh.

Tá sé tábhachtach aitheantas a thabhairt fosta don líon mór teaghlach agus pobal atá tiomanta do chur chun cinn na Gaeilge lasmuigh den Ghaeltacht. Is comhartha dóchais é go bhfuil 1.77 milliún duine sa Stát anois a deir go bhfuil eolas acu ar an nGaeilge. Úsáideann 77,000 duine an Ghaeilge go laethúil lasmuigh den chóras oideachais agus níl amhras ar bith ach go bhfuil dea-thoil fhorleathan don Ghaeilge i measc an phobail i gcoitinne. Tugann sé seo ar fad dúshraith mhaith dúinn le tógáil uirthi agus muid ar ár ndícheall ag iarraidh na spriocanna dúshlánacha atá leagtha síos sa straitéis 20 bliain don Ghaeilge a bhaint amach. Ba mhaith liom léargas gairid a thabhairt daoibh ar phríomhchuspóirí agus ar phríomhfhórála an Bhille. Tá dhá phríomhchuspóir ag an mBille — foráil a dhéanamh maidir le próiseas reachtúil pleanála teanga chun tacú leis an Ghaeilge, agus foráil a dhéanamh maidir le leasuithe ar bhord agus ar fheidhmeanna Údarás na Gaeltachta.

Maidir leis an phróiseas reachtúil pleanála teanga, déantar foráil leis an mBille maidir le hainmniú na Gaeltachta reatha mar limistéir pleanála teanga Ghaeltachta. Chun na críche sin,

bainfear úsáid as critéir pleanála teanga a bheidh leagtha síos i rialacháin. Tá gá leis an gcur chuige seo chun aghaidh a thabhairt ar an athrú suntasach teanga atá ag tarlú sa Ghaeltacht. Léiríonn an staidéar cuimsitheach teangeolaíoch ar úsáid na Gaeilge sa Ghaeltacht i bhfianaise phátrún labhartha teanga an aosa óig, ach go háirithe, go bhféadfadh sé nach mbeadh ach saolré 15 go 20 bliain fágtha ag an nGaeilge mar theanga phobail agus theaghlaigh sa Ghaeltacht, mura ndéanfar gníomh práinneach ina leith seo. Is mar gheall ar an tuar sin go bhfuil forbairt córas cuimsitheach pleanála teanga ag leibhéal an phobail sa Ghaeltacht ina ghné lárnach den straitéis 20 bliain don Ghaeilge. Dá bhrí sin, tabharfaidh an reachtaíocht seo feidhm reachtúil don phróiseas pleanála teanga faoina mbeidh plean teanga á ullmhú ag leibhéal an phobail do 19 limistéar pleanála teanga faoi leith sa Ghaeltacht, faoi réir rialacháin a shaineoidh na critéir pleanála teanga.

Tá na ceantair a bheidh á roghnú le bheith mar limistéir pleanála teanga Ghaeltachta bunaithe cuid mhaith ar na limistéir pleanála atá ag Údarás na Gaeltachta cheana féin, ach ag tógáil san áireamh nithe ar nós cúrsaí teanga, cúrsaí tíreolaíochta, struchtúir pobail agus dlús daonra. Ós rud é go bhfuil baint lárnach ag an údarás leis an bhforbairt phobail sa Ghaeltacht agus go bhfuil sé ag maoiniú eagraíochtaí pobalbhunaithe éagsúla, ar nós comharchumainn agus comhlachtaí forbartha, beidh ról ag an údarás maidir le cúnamh a thabhairt do phobail i ndáil le hullmhú agus cur i bhfeidhm pleananna teanga sna limistéir seo. Tá sé tábhachtach a nótáil go mbeidh gach ceantar atá sa Ghaeltacht faoi láthair ag fáil deis páirt a ghlacadh sa phróiseas pleanála teanga. Chomh maith leis sin, tá forálacha sa Bhille chun gur féidir leis an Aire ceantair a scor de bheith ina limistéir Ghaeltachta ar an mbunús go dtograíonn siad gan a bheith páirteach sa phróiseas nó nach bhfuil pleananna teanga á gcur i bhfeidhm ar bhonn sásúil.

Déantar foráil leis an mBille fosta maidir le bailte seirbhíse Gaeltachta a ainmniú. Is é atá i gceist leis seo ná bailte atá suite i limistéir pleanála teanga Ghaeltachta, nó taobh leo, agus a bhfuil ról suntasach acu maidir le seirbhísí poiblí a sholáthar do na limistéir sin. Chun go ndéanfar ainmniúchán mar bhaile seirbhíse Gaeltachta, beidh ar eagraíocht i mbaile den sórt sin plean teanga a ullmhú agus a chur faoi bhráid an Aire lena cheadú. Déanfaidh Údarás na Gaeltachta nó Foras na Gaeilge, ag brath ar cibé acu atá an baile suite laistigh de limistéir pleanála teanga Ghaeltachta nó lasmuigh díobh, cúnamh a thabhairt d'eagraíochtaí maidir le hullmhú agus cur i bhfeidhm pleananna teanga sna bailte sin. Mar atá ráite agam, is tuar dóchais é an méid atá ar siúl i bpobail éagsúla lasmuigh den Ghaeltacht chun an Ghaeilge a chur chun cinn. Ar an ábhar sin, tá sé tábhachtach nach mbeidh an próiseas pleanála teanga teoranta do na ceantair a bhfuil stádas reachtúil Gaeltachta acu faoi láthair.

Baineann alt 11 den Bhille le pobail teanga atá lasmuigh de limistéir pleanála teanga Ghaeltachta a ainmniú mar líonraí Gaeilge, nó limistéir a bhfuil bun-mhais chriticiúil bainte amach acu i dtaca le tacaíocht phobail agus tacaíocht Stáit don Ghaeilge agus a bhfuil pleananna teanga ullmhaithe ina leith. Beidh ról ag Foras na Gaeilge maidir le cúnamh a thabhairt d'eagraíochtaí i ndáil le hullmhú agus cur i bhfeidhm pleananna teanga i líonraí Gaeilge. Foráiltar le halt 12 den Bhille go ndéanfaidh an tAire, le rialachán, na critéir pleanála teanga a úsáidfear i leith pleananna teanga i leith limistéar pleanála teanga Gaeltachta, bailte seirbhíse Gaeltachta agus líonraí Gaeilge a fhorordú. Tá réamhullmhúchán déanta cheana ag mo Roinn chun critéir shamplacha, a chuimseoidh gach gné de shaol an phobail, a fhorbairt i gcomhar le páirtithe leasmhara laistigh agus lasmuigh den Ghaeltacht. Tá na critéir seo foilsithe ar shuíomh gréasáin mo Roinne, www.ahg.gov.ie. Tá aitheantas poiblí tugtha agamsa go minic cheana don obair cheannródaíoch atá déanta ag Údarás na Gaeltachta ag forbairt na Gaeltachta le breis agus 30 bliain. Cuirfidh na hathruithe atá beartaithe sa Bhille seo dlús leis an obair sin agus ginfidh na feidhmeanna breise Gaeilge-lárnaithe atáthar ag tabhairt don údarás misneach agus fuinneamh nua san eagraíocht.

[Deputy Dinny McGinley.]

Déantar na forálacha seo a leanas leis an Bhille: (i) deireadh a chur leis an gceanglas i ndáil le toghcháin dhíreacha chun bord Údaras na Gaeltachta; (ii) laghdú a dhéanamh ar an líon cómháltaí ar an bhord ó 20 go 12; foráil a dhéanamh maidir le comhairlí contae, a bhfuil limistéir Gaeltachta laistigh díobh, d'ainmniú cúig chómhalta den bhord lena gceapadh ag an Aire, agus foráil a dhéanamh maidir leis an Aire do cheapadh na seachtar gcomhalta eile; (iii) feidhmeanna breise a thabhairt don údaras maidir le pleanáil teanga agus cur chun cinn teanga sa Ghaeltacht; (iv) deireadh a chur le coistí reachtúla réigiúnacha an údaráis; (v) laghdú a dhéanamh ar mhéid an choiste meastóireachta reachtúil; (vi) a chumasú don Aire a ordú don údaras infheistíocht a dhéanamh in earnalácha áirithe fiontraíochta; agus (vii) foráil a dhéanamh i dtaobh nithe gaolmhara eile.

De bharr na leasuithe atáthar ag déanamh ar alt 8 d'Acht Údarás na Gaeltachta 1979, soiléir-eofar go bhfuil cúram reachtúil ar an údarás maidir le forbairt teanga, chultúir, shóisialta, fhisiciúil agus eacnamaíoch na Gaeltachta a chur chun cinn.

Mar is eol do Theachtaí, tá cinneadh tógtha ag an Rialtas deireadh a chur le toghcháin do bhord an údaráis. Mar aitheantas don traidisiún láidir daonlathais atá ag baint leis an bhord áfach, tá gné dhaonlathach de cheapadh na gcomhaltaí a coinneáil. Déanfaidh comhairlí contae, a bhfuil limistéar Gaeltachta nó limistéar pleanála teanga Gaeltachta suite ina ndlínse, cúig chomhalta den bhord a ainmniú as measc na gcomhaltaí tofa. Déanfar ceathrar comhalta den chúigear sin a ainmniú as measc chomhaltaí tofa chomhairlí contae chontaetha Dhún na nGall, Mhaigh Eo, na Gaillimhe agus Chiarraí agus beidh siad ina n-ionadaithe ar feadh an téarma iomláin oifige. Déanfar an t-ainmniúchán eile a líonadh ar bhonn sealaíochta uair amháin gach dhá bhliain trí chomhalta tofa a bheith ainmnithe ag ceann amháin de na comhairlí contae ina bhfuil limistéir bheaga Ghaeltachta, is iad sin Corcaigh, Port Láirge agus an Mhí.

I gcás nach féidir le comhairle contae duine dá comhaltaí tofa a ainmniú ar chúiseanna nach bhfuil an duine ar fáil nó go bhfuil sé nó sí mí-oiriunach, féadfaidh an chomhairle sin duine seachas ionadaí tofa a ainmniú. Is é an t-Aire a cheapfaidh na seacht gcomhalta eile, lena n-áirítear an cathaoirleach.

Tá sé tábhachtach a nótáil go mbeidh ar gach duine a cheapfar a dheimhniú don Aire go bhfuil taithí acu, nó go bhfuil cumas léirithe acu, i ndáil le nithe a bhaineann le feidhmeanna an údaráis, lena n-áirítear an cumas chun a bhfeidhmeanna a chomhlíonadh go héifeachtach i nGaeilge, rud atá thar a bheith tábhachtach.

Beidh sábháiltí airgid ag eascairt ón Bhille. Meastar gurb é a bheidh sa tsábhail a leanfaidh as Cuid 3 den Bhille a bhaineann le bond Údaras na Gaeltachta ná tuairim is €100,000 sa bhliain agus sábháil suas go €500,000 gach cúig bliana. Ní shamhlaítear go leanfaidh aon chos-tais bhreise don Státchiste as na codanna eile den Bhille mar go mbeidh siad á gcur i gcrích laistigh den soláthar a bheidh ceadaithe ón Státchiste, trí phróiseas na Meastachán.

Ba mhaith liom cupla focal a rá maidir le nithe atá tagtha chun cinn ón uair gur foilsíodh an Bille an mhí seo caite. Tá cáineadh déanta ar an Bhille mar gheall ar easpa comhairliúcháin phoiblí agus easpa ama a líomhnaítear a bheith tugtha don díospoireacht i dTithe an Oireachtais. Ní ghlacaim leis na líomhaintí seo ar chor ar bith. Is mar gheall ar thréimhse fhada comhairliúcháin phoiblí ag dul siar blianta atá an Bille seo tagtha ar an fhód. D'eascair na comhairliúcháin phoiblí seo as tionscnaimh agus próisis eagsúla ar a n-áirítear Coimisiún na Gaeltachta, an staidéar cuimsitheach teangeolaíoch ar úsáid na Gaeilge sa Ghaeltacht agus an Straiteis 20 Bliain don Ghaeilge. Anuas air sin, bhí comhairliúcháin phoiblí ann maidir le hÚdaras na Gaeltachta agus Acht na dTeangacha Oifigiúla. Creidimse go láidir gur gníomh atá ag teastáil anois seachas tuilleadh cainte.

Tugadh thart ar dheich n-uaire an chloig don díospoireacht ar an Bhille sa tSeanad le coicís anuas. Faoin am a mbeidh sé imithe trí gach chéim sa Dail, beidh tuairim is fiche uair a chloig díospoireachta déanta air idir an dá Theach. Dá bhrí sin, ní thuigim conas gur féidir a rá nár tugadh deis do Thithe an Oireachtais forálacha an Bhille a chóradh go mion. Is mór an méid ama 20 uair a chloig san dá Theach do Bhille a raibh súil againn leis agus a bhfuil an oiread sin plé déanta mar gheall air le blianta anuas.

Cuireadh thart ar 160 leasú síos ar an Bhille agus é ag dul trí na céimeanna éagsula sa tSeanad. Bhí téamaí comónta ag rith trí go leor de na leasuithe sin agus déanfaidh mé iarracht anois blas de na téamaí sin a thabhairt don Teach seo.

Moladh, mar shampla, gurb é Údaras na Gaeltachta a dhéanfaidh na pleananna teanga a ullmhú i gcomhar le heagraíochtaí pobail sna limistéir pleanála teanga Gaeltachta. Téann an smaointeoireacht seo i gcoinne an choincheap gurb iad na pobail atá lárnach don phróiseas pleanála teanga ina gceantair féin agus gur chóir go mbéadh siad i gceannas ar an phróiseas dá réir. Is iad muintir na Gaeltachta, lucht labhartha na teanga, na daoine a mbeimid ag brath orthu ins na blianta amach romhainn chun an teanga a labhairt agus a choinneáil beo. Is í an fhealsúnacht atá taobh thiar den mBille ná go mbeidh ról lárnach ag na pobail in ullmhú na bpleananna teanga. Mar atá an Bille leagtha amach, tá an Stát ag tabhairt tacaíochta do na pobail trí Údaras na Gaeltachta, a bheidh ag tabhairt cúnamh do na heagraíochtaí pobail pleananna teanga a ullmhú agus a fheidhmiú. Mar sin, beidh páirt lárnach ag na pobail Gaeltachta i gcur na bpleananna le chéile agus beidh cuidiú, tacaíocht agus comhairle le fáil ó Údarás na Gaeltachta agus ó dhreamanna eile a bhfuil saineolas acu ar chúrsaí teanga agus ar chúrsaí pleanáil teanga.

Moladh fosta gan aon ról a thabhairt d'Fhoras na Gaeilge maidir le cuidiú a thabhairt d'eagraíochtaí aitheantas a fháil do bhailte seirbhíse Gaeltachta aaaa taobh amuigh den Ghaeltacht. Ní thig liom aontú leis an leasú seo ar dhá chuis. Ar an chéad dul síos, níl sé i gceist ag an Rialtas feidhmeanna breise a thabhairt do Údaras na Gaeltachta lasmuigh den Ghaeltacht mar atá sí sainithe faoi láthair. Go stairiúil, tá Údaras na Gaeltachta ag plé leis na ceantair Gaeltachta on bhliain 1980 agus leanfaidh sé de bheith ag plé leo faoin Bhille seo. Ar an dara dul síos, tá raon leathan feidhmeanna ag Foras na Gaeilge ar bhonn uile-Éireann agus tá an méid atá beartaithe faoin Bhille ag teacht lena fheidhmeanna agus lena ghníomhaíochtaí.

Díreoidh mé anois ar leasuithe a moladh maidir le feidhm a thabhairt don Choimisinéir Teanga sa Bhille. Cé go dtuigim an bunús a bhí leis na leasuithe seo, is é sin go mbéadh an t-Aire scartha on bpróiseas a bhaineann le gnéithe éagsula den phróiseas pleanála teanga a chur i bhfeidhm, tá mé sasta go bhfuil an cur chuige atá rianaithe sa Bhille cóir, réasúnta agus oiriúnach. Sa chéad áit, tá deighilt an-soiléir feidhmeanna déanta sa Bhille maidir le ról na Roinne agus róil Údaras na Gaeltachta agus Foras na Gaeilge faoi seach. Is iad Údaras na Gaeltachta agus Foras na Gaeilge, mar is cuí, a bheidh ag cuidiú le heagraíochtaí pleananna teanga a ullmhú i gcomhar limistéir pleanála teanga Gaeltachta, bailte seirbhíse Gaeltachta agus líonraí Gaeilge. Is é an t-Aire a bheidh freagrach as na pleananna sin a fhaomhadh faoi réir critéir shainiúla. Ar an dara dul síos, is é Údaras na Gaeltachta agus Foras na Gaeilge, mar is cuí, a chuideoidh le heagraíochtaí na pleananna teanga a chur i bhfeidhm ar an talamh. Ina dhiaidh sin, déanfaidh an t-Aire athbhreithniú treimhsiúil ar an dul chun cinn a bheidh déanta maidir le cur i bhfeidhm an phlean agus, chun na críche sin, rachaidh an t-Aire i gcomhairle le hÚdarás na Gaeltachta nó Foras na Gaeilge, mar is cuí. Tabharfar deis aon laigí a aithneofar i bpleananna teanga a leigheas thar thréimhse ama. Léiríonn an próiseas seo go bhfuil deighilt shoiléir ann maidir le feidhmeanna an Aire agus feidhmeanna na ngníomhaireachtaí.

[Deputy Dinny McGinley.]

Árdaíodh ceisteanna freisin sa tSeanad maidir le rangú na Gaeltachta i gcatagóirí A, B agus C, mar a moladh sa staidéar cuimsitheach teangeolaíoch. Faoin chur chuige atá beartaithe sa Bhille seo, beidh deis á tabhairt do na pobail éagsúla i 19 de limistéir pleanála teanga plean cuimsitheach dá gceantair a ullmhú agus a fheidhmiú i gcomhar le hÚdaras na Gaeltachta. Ciallaíonn an cur chuige seo go bhfuil dlús substaintiúil daonra sna limistéir éagsúla agus go mbeidh mórfhlean teanga le réiteach i leith 19 de na limistéir sin. Tabharfaidh an mórfhlean seo aitheantas do na cúinsí teanga éagsúla taobh istigh de gach limistéar pleanála teanga. I gcás na bpobal sin ina labhraíonn mórán na ndaoine Gaeilge, beidh béim ar chosaint na Gaeilge mar ghnáth-theanga an phobail. I gcás pobail eile nach bhfuil an Ghaeilge chomh láidir céanna iontu, beidh béim ar na gréasáin phobail Ghaeilge atá iontu a láidriú.

Tá leasuithe molta fosta maidir le comhaltaí a thoghadh do bhord Údarás na Gaeltachta trí thoghcháin dhíreacha. Mar atá mínte agam, tá cinneadh déanta ag an Rialtas deireadh a chur leis an modh ceapacháin seo agus líon na gcomhaltaí ar bhord an údaráis a laghdú ó 20 comhalta go 12. Déanfar na comhaltaí a cheapadh ar bhealach oscailte agus trédhearcach a thugann aird ar ghné an dhaonlathais. Tá ceisteanna ardaithe chomh maith maidir le tréimhse ionadaíochta níos giorra a bheith tugtha ar bhord an údaráis do na contaetha a bhfuil ceantair Ghaeltachta níos lú iontu. Ba mhaith liom a threisiú go mbeadh sé dodhéanta freastal ar mhianta ionadaíochta gach pobal, go háirithe leis an líon comhaltaí laghdaithe go mór ar bhord an údaráis. Is é an príomhspríoc ná go mbeidh Údarás na Gaeltachta ag feidhmiú faoi threoir bord atá éifeachtach, cumasach agus tiomanta chun leas na Gaeilge agus na Gaeltachta a chur chun cinn.

Le hachtú an Bhille seo, beidh céim mhór tógtha maidir le gnéithe tábhachtacha den straitéis 20 bliain don Ghaeilge a chur i gcrích. Beidh ról ceannasach ag eagraíochtaí pobail taobh istigh agus taobh amuigh den Ghaeltacht obair i gcomhpháirtíocht leis an Stát maidir le pleananna teanga a ullmhú agus a fheidhmiú dá gceantair. Níl amhras ar bith orm ach go mbeidh borradh úr le brath faoi úsáid na Gaeilge ar bhonn forleathan sna blianta beaga amach romhainn mar thoradh ar an mBille seo. Maireann teanga mar gheall ar mhórtas an phobail. Tá mé lándóchasach, leis an spreagadh ceart ón Stát, go bhfuil pobail ann ar fud na Gaeltachta agus ar fud na tíre atá sásta dul i ngleic leis an dúshlán an Ghaeilge a thabhairt ar aghaidh mar theanga theaghlaigh agus phobail don chéad ghlúin eile.

Beidh deis anois ag baill an Tí seo tuairimí a nochtadh faoina bhfuil sa Bhille. Tá mé ag súil go mór éisteacht leo. Ba thógáil croí dom, i ndíospóireachtaí a bhí againn anseo cheana, an dea-mhéin a léiríodh agus an tacaíocht a tugadh do cheisteanna agus rúin a bhain leis an nGaeilge agus leis an nGaeltacht. Tá súil agam go mbeidh an dea-mhéin agus an tacaíocht chéanna ar fáil ar bhonn traspháirtí don reachtaíocht tábhachtach seo. Mar sin, molaim an Bille don Teach.

Deputy Michael P. Kitt: Ba mhaith liom mo chuid ama a roinnt leis an Teachta Mac Giolla Laoire.

Acting Chairman (Deputy Robert Troy): An bhfuil sé sin aontaithe? Aontaithe.

Deputy Michael P. Kitt: Gabhaim buíochas leis an Aire Stáit as ucht an díospóireacht seo a thosú. Tá díomá orm nach bhfuil dóthain ama againn chun an reachtaíocht seo a phlé. Labhair an tAire Stáit mar gheall ar an díospóireacht a tharla sa Seanad. De réir mar a thuigim é, ní raibh Seanadóirí in ann ach 20% de na leasuithe a phlé le linn na díospóireachta sa Teach sin. Níl sé sin maith go leor. Tuigim nach mbeidh ach lá amháin againn an tseachtain seo chugainn chun leasuithe a phlé sa Teach seo. Cén fáth go bhfuil a leithéid de dheifir ar an Rialtas an Bille seo a chríochnú roimh briseadh an tsamhraidh? B'fhéarr le go leor eagrais Ghaeilge,

Teachtaí Dála agus Seanadóirí go bhfanfaimid go dtí an fhómhair chun an díospóireacht ar an mBille seo a thabhairt chun críche.

Tá na heagrais Ghaeilge ag súil le Bille na Gaeltachta le blianta anuas. Is féidir an rud céanna a rá faoi éinne a bhfuil suim acu sa Ghaeilge agus sa Ghaeltacht. Mar a dúirt an tAire Stáit, tá dhá phríomhchuspóir ag an mBille seo — próiseas reachtúil pleanála teanga a struchtúrú chun tacú leis an Ghaeilge agus leasuithe a dhéanamh ar bhord agus ar fheidhmeanna Údarás na Gaeltachta. Dúirt sé go gcuirfidh sé béim ar na critéir pleanála teanga in áit na critéir tíreolaíochta a úsáideadh roimhe seo. Aontáim leis an Aire Stáit sa mhéid sin. Aontaím freisin gurb é an reachtaíocht seo an deis deireanach chun an Ghaeltacht a shábháil.

Is í an fhadhb is mó atá agam leis an reachtaíocht seo ná go bhfuil níos mó cumhachta a thabhairt don Aire Stáit. Tá an Bille lag i dtaobh na sonraí agus na mionrudaí atá sa straitéis 20 bliain don Ghaeilge. Tá sé ag dul in aghaidh an daonlathas. Dúirt an tAire Stáit go dtiocfaidh coigilt de €500,000 as Cuid 3 den Bhille os rud é nach mbeidh toghchán ann. Ní dóigh liom go bhfuil sé sin fíor. Dá mbeadh toghchán Údarás na Gaeltachta ar siúl ar an lá céanna le olltoghchán, toghcháin áitiúil nó reafrainn, ní bheadh an costas chomh mór sin. B'fhéidir go mbeadh sé idir €10,000 agus €15,000.

Tá an daonlathas an-tábhachtach. Caithfidh mé a chur sa phríomh-áit. Ba mhaith liom ceist a chur ar an Aire Stáit maidir leis an gcúigear comhalta a bheidh á roghnú ag comhairleoirí contae i nDún na nGall, Gallimh, Maigh Eo agus Ciarraí. Os rud é go bhfuil comhairleoirí de chuid páirtithe an Rialtais i gcumhacht sna ceantair sin, sa chuid is mó, is dócha go roghneoidh siad daoine óna bpáirtithe féin. Caithfidh mé a rá go dtarlódh an rud céanna dá mbeadh Fianna Fáil nó aon páirtí eile i gcumhacht. Tá súil agam go mbeadh toghchán Údarás na Gaeltachta ag dul ar aghaidh sa chás sin, áfach.

Is rud bunúsach é an daonlathas a chur chun cinn. B'fhéidir go n-athróidh an Aire Stáit a intinn mar gheall ar na toghcháin. B'fhéidir iad a chur ar siúl chun seans a thabhairt do mhuintir na Gaeltachta a gcuid vótaí a chaitheamh. Dé réir mar a thuigim an Bille, ainmeoidh an Aire Stáit seachtar comhalta an bhoird. An mbeidh comhchoistí Tithe an Oireachtais ag plé leis an gceist bunúsach sin? Uaireanta, is féidir le Aire áirithe cathaoirleach ar bhord éigin a ainmniú. Táimid ag féachaint ar an bpróiseas sin le blianta. Céard faoin cúigear comhalta eile? Os rud é nach mbeidh aon toghchán ann, an mbeidh daoine in ann iarratais ar na poist sin a chur isteach?

Deputy Dinny McGinley: Beidh, ar www.publicjobs.ie.

Deputy Michael P. Kitt: B'fhéidir go dtabharfaidh an tAire freagra dom ag deireadh na díospóireachta.

Deputy Aengus Ó Snodaigh: Beidh siad in ann é a aistriú go Gaeilge chomh maith.

Deputy Michael P. Kitt: Tuigim go bhfuil an tAire Stáit ag caint faoi puncanna.

Deputy Aengus Ó Snodaigh: Tá a fhios agam.

Deputy Dinny McGinley: Is féidir eolas ar fhostaíocht phoiblí a fháil i nGaeilge ar an suíomh sin.

Deputy Michael P. Kitt: Is maith an rud é go mbeidh ról ag na coistí, mar a dúirt an tAire Stáit. Tá súil agam go mbeidh deis ag na coistí agallaimh a eagrú leo siúd atá ag iarraidh bheith ar an údarás. Cén fáth nach féidir le muintir na Gaeltachta iad a thoghadh?

[Deputy Michael P. Kitt.]

Tá inní orm go mbeidh an iomarca cumhachta á thabhairt don Aire, agus dos na hAíreí a thiofadh ina dhiaidh. Ba mhaith liom tagairt do rud a scríobh Seosamh Mac Donnacha ó Acadamh na hOllscolaíochta Gaeilge sa Cheathrú Rua, in *The Irish Times*. Dúirt sé gur cheart go bhfoilseofaí láithreach na critéir faoina roghnódh Údarás na Gaeltachta na heagrais a bhéas ag plé le hullmhú pleananna teanga. Aontaím leis sin. Níl an t-eolas go léir againn maidir leis an mBille.

Bhí mé ag breathnu ar an suíomh idirlín *gaelpoort.com*, agus an chéad abairt a chonaic mé ná, “What’s the rush, Minister?” Leanadh leis an alt mar seo:

Irish language groups, Conradh na Gaeilge and Guth na Gaeltachta have expressed their dismay that a defective Gaeltacht Bill would be enacted before the Houses of the Oireachtas break for the summer recess. Donnchadh Ó hAodha, president of Conradh na Gaeilge said it was scandalous that the politicians and the public would not get a chance to debate the Bill in full before it was pushed through the Dáil. Other critics have included the Coimisinéir Teanga, the language ombudsman, who has stated that the Bill will be seriously problematic should it not address the need for public bodies to improve services in the Irish language to Gaeltacht communities.

Tá an cheist á cur ag na heagrais Gaeilge agus ag an Coimisinéir Teanga maidir le seirbhíse do chainteoirí dúchais. Mar shampla, an bhfuil plean teanga fós ag Feidhmeannacht na Seirbhíse Sláinte, an HSE? Bhí scéalta sna nuachtáin mar gheall ar chainteoirí dúchais i nDún na nGall a bhí ag iarraidh gnó a dhéanamh tré Ghaeilge leis na gardaí. Bhí fadhbanna ag daoine a bhí ag iarraidh gnó a dhéanamh tré Ghaeilge le comhairlí contae. Sin iad na ceisteanna gur cheart díospóireacht a dhéanamh orthu. Tá súil agam go mbeimid in ann é sin a dhéanamh. Ní bheidh an deis againn díospóireacht a dhéanamh orthu má théann an reachtaíocht go han-tapaídh tríd an Dáil.

Níl a lán tráchta ins na meáin cumarsáide faoin mBille, de réir mar a léim agus mar a chloisim. Déanaim comhghairdeas le Comhaltaí an tSeanaid a rinne plé ar an mBille. Bhí an-díospóireacht acu. Bhí mé féin ag smaoineamh ar abairt a bhíodh ag Liam Ó Murchú nuair a bhíodh an clár teilifíse “Trom agus Éadrom” á láithriú aige. Deireadh sé, “You’d get away with it in Irish”. Sin atá ag tarlú anois. The Minister of State is getting away with it in Irish. He can certainly get away with it when there is a big Government majority.

Last week in *The Irish Times*, Donncha Ó hÉalaithe wrote an important article where he spoke about the need for further work on defining more realistic Gaeltacht boundaries, which he states is critical to the preservation of the Irish language. He asked, “Is it too late to ask the Government to withdraw this faulty legislation and redraft a more honest and courageous Gaeltacht Bill in the autumn? After 12 years of waiting we can afford another few months of delay in order to get it right. The survival of our living language heritage is at stake.”

Is maith an rud go bhfuil an Roinn ag pleanáil agus ag plé leis na limistéir pleanála teanga Gaeltachta. Tá súil agam go mbeidh feidhmeanna níos soiléire ag Údarás na Gaeltachta. Bhuail mé le hoifigigh ón Roinn agus tá mé an-bhuíoch díobh as an léargas a thug siad dom ar an mBille. Cuirim fáilte roimh na treoracha nua don údarás, cur i gcás turasóireacht, feirmeoireacht éisc agus gnóthaí mar sin. Chuir mé féin ceist cupla uair ar an Aire ag iarraidh go dtabharfaí maoiniú don Gathering an bhliain seo chugainn nuair a bheidh airgead de dhíth ins an Ghaeltacht agus ar na hoileáin don chomhdháil sin.

Tugann an t-údarás cúnaimh chun postanna a gcur ar fáil ins an Ghaeltacht. Tá 7,700 post ins an Ghaeltacht faoi láthair, le cabhair an údaráis. Tá seacht gcontaetha i gceist agus tá 20% de hoibrithe na Gaeltachta fostaithe i dtionscail a cuireadh ar bun ag Údarás na Gaeltachta.

Tá an t-údarás ag déanamh sár obair chun míle post a chur ar fáil in aghaidh na bliana. Tá sé de chuspóir ag an údarás níos mó ná 8,500 post a bheith ann i gcionn trí bliana eile.

Tá sin tábhachtach agus tá obair an-mhaith á déanamh ag an údarás. Ach tá ceist agam faoi Údarás na Gaeltachta. Deir an t-Aire Stáit go mbeidh beirt déag ar bhord an údaráis. Tá sin ceart go leor, ach ní aontaím leis an gcinneadh go roghnófar seachtar ag an Aire. Tá seacht gceantar Gaeltachta ann. Ba cheart go mbéadh comhaltaí ón seacht gceantar sin ar bhord an údaráis. Beidh cathaoirleach an bhoird freagrach do choiste an Oireachtais ach ní bheidh na baill eile a roghnófar ag an Aire freagrach ar an dóigh chéanna.

Chuala mé díospóireacht faoin mBille cupla lá ó shin ar chlár raidió “Today With Pat Kenny”. De réir mar a chuala mé, níl na heagrais Gaeilge i bhfábhar an Bhille. Labhair an t-Aire Stáit féin ar an gclár ach is beag duine seachas é féin a labhair i bhfábhar na rudaí atá á dhéanamh aige. Is gá plé a dhéanamh ar na bailtí seirbhíse Gaeltachta, is iad san na bailtí atá gar don Ghaeltacht ach atá taobh amuigh di, agus ar na líonraí Gaeilge, Irish language networks. Caithfear an reachtaíocht a phlé leis an bpobal. Sin an fáth a deirim gurb fhearr fanacht go bhfillfidh an Dáil sa bhfómhar chun díospóireacht cheart a dhéanamh ar an mBille.

Mar fhocal scor, iarraim ar an Aire Stáit ath-bhreithniú a dhéanamh ar an mBille. Bhí díospóireacht ar an mBille ag Comhairle Contae na Gaillimhe agus vótáladh i gcoinne thoghchán an údaráis a chur ar cheal. Níl ansin ach comhairle contae amháin. Tá a fhios agam go bhfuil inní ar a lán Teachtaí Dála agus Seanadóirí nach mbeidh ionadaithe ar an údarás ós na pobail Gaeltachta i bPort Láirge, i gCorcaí agus i gContae na Mí. Tá a lán rudaí eile a bhfuil díomá orm nach bhfuil siad san mBille, ach b’fhéidir go mbeidh seans againn tagairt a dhéanamh dóibh nuair a pléifear leasaithe ar Chéim an Choiste.

Níor cuireadh a dhóthain ama ar fáil chun na leasaithe a bplé. Ní bheidh ach lá amháin againn an tseachtain seo chugainn chun Céim an Choiste a phlé. Ach déanfaidh mé féin agus na Teachtaí eile ár ndícheall chun an Bille a leasú.

Deputy Dara Calleary: Tá mé lán-sásta caint faoi Bhille na Gaeltachta 2012. Tá sé soiléir go bhfuil daoine an-bhuartha faoin mBille, go háirithe na heagrais agus na cumainn Gaeilge, agus ní bheidh seans againn cúiseanna na mbuarthaí sin a bplé roimh dheireadh an tseisiúin seo. Críochnófar an Dara Chéim amárach agus críochnófar Céim an Choiste an tseachtain seo chugainn. Tar éis na díospóireachta sa tSeanad agus na leasaithe a moladh sa Teach sin, ní luíonn sé le cearta na n-eagras agus na gcumann sin nach mbeidh seans ag an Dáil am a chaitheamh ar Chéim an Choiste, ach go háirithe, agus díospóireacht chuimsitheach a dhéanamh ar an gCéim sin.

Mar gheall ar an deifir sin, ní bheidh an Bille chomh láidir agus a d’fhéadfadh sí a bheith agus ní bhfaigheadh sí tacaíocht ó eagrais mar Chonradh na Gaeilge agus a leithéid. Tá díomá orm go bhfuil an deifir sin orainn agus go bhfuil an Bille os comhair an Tí ag deireadh an tseisiúin nuair atá Teactaí faoi bhrú chun go leor píosaí oibre a chríochnú. Mar adúirt an Teachta Kitt, ní bheidh díospóireacht cheart againn de bharr na deifre sin.

Iarraim ar an Rialtas an díospóireacht a cur siar go dtí an chéad seisiún eile. Ní béadh aon deifir ar an Aire go ceann cupla mí agus b’fhéidir go mbeidh seans ag Teachtaí i rith laethanta saoire an tsamhraidh an Bille a phlé le daoine agus a dtuairimí a gclos. B’fhéidir go mbéadh Bille níos fearr againn dá bharr sin.

Bhí mé ag éisteacht lena raibh le rá ag an Aire Stáit. Cuirim fáilte roimh a lán de. Níl sé ceart go bhfuil deireadh a chur le toghchán Údarás na Gaeltachta. Dúirt an tAire Stáit agus an Aire, an Teachta Deenihan, go dtéann na comhairleoirí contae tofa sna cheantair Gaeltachta go dtí cruinnithe an údaráis. Dúirt siad go bhfuil sé sin ar nós local democracy, ach ní aontaím leis sin. Ní bheidh comhairleoirí chomh láidir leis na hionadaithe atá againn faoi láthair. Tugann

[Deputy Dara Calleary.]

na toghcháin a tharlaíonn gach cúig bliana, b'fhéidir, deis do cheantair Gaeltachta na tíre todhchaí na Gaeltachta a phlé. Is féidir leo machnamh a dhéanamh ar na rudaí atá riachtanach chun na Gaeltachtaí a choimeád agus a láidriú. Sá chóras atá leagtha amach sa reachtaíocht seo, beidh toghcháin na gcomhairlí contae ar siúl gach cúig bliana ach ní bheidh aon díospóireacht faoi Údarás na Gaeltachta, postanna sa Ghaeltacht nó na hábhair eile a phléitear roimh toghcháin an údaráis.

Táimid ar tí an seans atá againn plé ceart ar todhchaí na Gaeltachta a bheith againn gach cúig bliana a chailleadh. Ba cheart go mbeadh seans ag muintir na Gaeltachta seasamh suas ar son a gceantair féin. Ní bheidh an seans sin acu sna toghcháin áitiúla. Beidh an údarás nua cosúil l'aon choiste eile sa chomhairle chontae. Tar éis na toghcháin áitiúla, beidh na comhairleoirí cosúil le páistí ar maidin Nollag. It will be a case of presents for the boys. Ní bheidh seans ag na ceantair Ghaeltachta an cineál duine atá oiriúnach don údarás nua a phlé. Tá a lán rudaí á cailleadh mar thoradh ar an scriosadh atá á dhéanamh ar toghchán díreach an údaráis; go háirithe, an díospóireacht ar staid na Gaeilge agus na Gaeltachtaí a tharlaíonn gach cúig bliana. Is é sin an rud is mó.

Ba mhaith liom labhairt mar gheall ar an obair a dhéanann Údarás na Gaeltachta i dtaobh tionscail agus poist. Tá beagnach bliain imithe ó theip Meitheal Forbartha na Gaeltachta. Tá a fhios agam go bhfuil an tAire Stáit ag déanamh a dhícheall an fadhb seo a réiteach. An bhfuil an Aire Comhshaoil, Pobail agus Rialtais Áitiúil ag déanamh a dhícheall, áfach? Tá a lán comhlachtaí agus cumainn áitiúla ag fanacht chun airgead a fháil as Meitheal Forbartha na Gaeltachta, as Leader agus as an EU. Níl siad in ann an t-airgead sin a fháil. Tá sé caite. That money has been spent and the local organisations cannot access it. An official somewhere in the system of Government needs to get the finger out and solve this problem. If that does not happen, this country will lose Leader money.

Like Deputy Kitt, I want to make this point in English because I am concerned that what is said in Irish can get lost. In the absence of an immediate resolution of this problem — within the next few weeks — Ireland will lose Leader money and it will have to send unspent Leader money back. That would be a shame. The turnaround time is so long that every Gaeltacht area which wants to submit a Leader application and get money will need to have a Leader company up and running by September. Some of the organisations that are waiting for the money to which they are entitled took out bank loans to build projects, invested their own moneys or had to depend on their parent organisations for funding.

I appreciate that the Minister of State has done his best with regard to Meitheal Forbartha na Gaeltachta, but somebody somewhere needs to get their finger out and solve this problem immediately because it is causing huge hardship. Cén fáth nach bhfuil an jab seo á thabhairt go dtí an t-údarás? Tá oifigí agus foirne iontacha ag an údarás i ngach Gaeltacht sa tír. An bhliain seo caite, bhí Údarás na Gaeltachta réidh chun an jab a bhí á dhéanamh ag Meitheal Forbartha na Gaeltachta ag an am sin a dhéanamh. Is féidir leis an údarás an jab sin a dhéanamh os rud é go bhfuil tionchar áitiúil aige agus go bhfuil sé in ann cabhair a thabhairt do na daoine áitiúla. Ní thuigim cén fáth nár ghlac an Rialtas an rogha sin an bhliain seo caite nuair a bhíomar ag déileáil le fadhb Meitheal Forbartha na Gaeltachta.

Tá mé buartha faoi na pleananna teanga atá le cur le chéile. Cuirim fáilte roimh an smaoineamh. Is maith agus is láidir an smaoineamh é. Cén saghas eolas a bheidh ag na daoine i ngach ceantar a bheidh freagrach as na pleananna a ullmhú? Cén saghas support a gheobhaidh siad ón údarás? An mbeidh foireann an údaráis ar fáil chun cabhair a thabhairt dóibh? Cé a bheidh i gceannas ar an bplean a chur le chéile sna cheantair teanga? An mbeidh sé de dhualgas ar an gcomhairle contae, an community council nó Cumann Lúthchleas Gael go háitiúil é seo a

dhéanamh? Cé a bheidh i gceannas ar an bpróiseas seo sna ceantair áitiúla? Níl na freagraí sin soiléir sa reachtaíocht seo.

Ba mhaith liom soiléiriú a fháil ón Aire Stáit i dtaobh an tacaíocht a bheidh ar fáil. An mbeidh airgead ar fáil chun pleananna a ullmhú? Chosnóidh an próiseas seo airgead. Tá na pleananna seo chomh tábhachtach — beidh stádas Gaeltachta na ceantair seo ag brath orthu — gur cheart go mbeadh airgead ar fáil chun daoine a fhostú chun iad a ullmhú. Cuirim fáilte roimh an riachtanas sa Bhille go gcaithfidh gach plean dul os comhair an Aire. Cén saghas turnaround a bheidh ann? Nuair a fhaigheann an Roinn na pleananna ó na ceantair, an seolfar ar ais iad taobh istigh de mhí, mar shampla? Will they be approved within a certain timeframe? An bhfuil seans ann go mbeidh ar cheantar éigin dul ar ais go dtí an Roinn arís agus arís eile chun ceisteanna a fhreagairt, mar a tharla i gcomhthéacs go leor pleananna eile? Tá sé tábhachtach go mbeidh customer service arrangement ag an Roinn chun cabhrú leis na ceantair na pleananna seo a chur le chéile.

Chuala mé an díospóireacht ar “Today with Pat Kenny”, nuair a labhair an Aire Stáit faoi Chluain Dolcáin i gcomhthéacs Gaeltachtaí nua a bhunú. Chuirfinn an-fáilte roimh ceantair nua Gaeltachta. Tá sé soiléir go bhfuil daoine i gceantair éagsúla a thuigeann gurb é ceann de na fadhbanna is mó a bhaineann le stádas na Gaeilge sa tír seo ná go bhfuil iomarca béime fós á chur ar chúrsaí gramadaí, srl., a chuireann eagla ar dhaoine an Ghaeilge a fhoghlaim. Má chuirimid béim ar an mbéaltríail agus ar ár gcultúr, beidh rudaí i bhfad níos láidre sna ceantair Ghaeltachta agus sa chuid eile den tír.

Bhí ar dhaoine de mo ghlúin *Peig* a staidéar. Rinne an leabhar sin dochar uafásach don Ghaeilge. Ag an am sin, cuireadh an-bhéim ar an tuiseal ginideach. Ní raibh cliú ag éinne faoi rudaí den sórt sin. Ní raibh aon relevance acu don saghas Gaeilge a bhí againn. Tá seans ag daoine anois an Ghaeilge a fhoghlaim agus a chéiliúradh. Ní fhéachann páistí ar an teanga mar saghas medicine a thuilleadh. Tá sé soiléir go bhfuil siad ag glacadh an seans atá acu ár dteanga dúchais a chéiliúradh. Tá gaelscoileanna ar fud na tíre agus tá na fleadhanna cheoil i bhfad níos láidre ná mar a bhí. Tá daoine ag iarraidh cultúr na Gaeilge agus cultúr na tíre a chéiliúradh. Ba cheart go mbeadh an reachtaíocht seo oiriúnach le haghaidh an aois seo. Caithfidh an Roinn obair leo siúd atá ag iarraidh an teanga a chéiliúradh.

Is dóigh liom go bhfuil na fóralacha sa Bhille seo a bhaineann le Údarás na Gaeltachta ag dul sa treo mícheart, i gcoinne na daoine. Ní bheidh seans acu baill an údaráis a phlé os rud é nach mbeidh siad tofa go díreach amach anseo. An mbeidh sé riachtanach dóibh siúd a thioctfaidh ó na comhairlí contae go dtí an t-údarás nua bheith ina gcónaí sa Ghaeltacht? B’fhéidir go mbeidh an tAire Stáit ábalta an cheist sin a fhreagairt amárach. An mbeidh an Aire Stáit in ann aon chomhairleoir contae a chur ar an mbord? An gcaithfidh gach ball an údaráis bheith ina chónaí nó ina cónaí sa Ghaeltacht? An mbeidh an Aire Stáit in ann aon duine as aon chuid den chontae i gceist a chur ar an údarás, fiú muna bhfuil aon Ghaeilge aige nó aici? Iarraim ar an Aire Stáit freagra a thabhairt dom amárach.

D’fhéadfainn a lán rudaí eile a ardú. Choimeád mé súil ar an díospóireacht sa Seanad. Tá a fhios agam gur moladh an iomarca leasuithe sa Teach sin. Tháinig an gilitín aníos ar chuid mhaith dóibh, ach ná bacaimís leis sin. Léiríonn sé sin go bhfuil a lán buartha ar dhaoine. Is léir, chomh maith, go bhfuil suim ag a lán daoine san mBille. Ní aontaím nár rinneadh a lán phlé ar an mBille. Rinneadh go leor plé air agus tá a lán suim ag daoine san mBille. Mar gheall ar an suim sin, ní bheimid in ann am a chaitheamh ar an díospóireacht mar ba cheart a dhéanamh, toisc an deifir atá ar an Rialtas go gcríochnófar an díospóireacht ar an mBille an tseachtain seo chugainn. Tá a fhios agam go bhfuil an t-Aire ag iarraidh rud maith a dhéanamh agus bhéadh an Bille i bhfad níos láidre dá gcaithfí cupla seachtain breise ar Chéim an Choiste nuair a thioctfaidh an Dáil ar ais tar éis an tsamhraidh. Má caifear cupla seachtain ar Chéim an

[Deputy Dara Calleary.]

Choiste nuair a thagann an Dáil ar ais san fhómhar beidh an Bille i bhfad níos fearr ná mar atá sé anois.

Deputy Aengus Ó Snodaigh: Le cead an Tí, roinnfidh mé mo chuid ama leis an Teachta Pearse Doherty má tá sé in ann bheith anseo.

Ar shlí amháin, tá éacht déanta ag an Aire Stáit. Tá sé tar éis Bille Gaeltachta a chur os comhair an tí, rud a bhfuilimid ag fanacht air le tamall maith de bhlianta. Táimid ag fanacht le fada le Bille Gaeltachta a dhíreodh isteach ar thodhchaí na Gaeltachta. Sin an fáth go n-aontaím leis na Teachtaí atá tar éis labhairt go dtí seo.

Ní cóir go mbéadh fuadar orainn an Bille a rith tríd an Teach roimh an Aoine seo chugainn. Níl mé ag rá gur chóir dúinn moill a chur rudaí, ach ba chóir dúinn an méid ama is cóir a ghlacadh chun gur féidir linn déileáil i gceart leis na leasaithe a bhéas á moladh agam féin agus ag Teachtaí eile.

Tá tuiscint ag an Aire Stáit ar cheist na Gaeilge. Bhí díospóireachtaí eadrainn thar na blianta agus is léir go dtuigeann sé an cheist agus go bhfuil todhchaí na Gaeltachtaí os a chomhair i gcónaí agus go dtuigeann sé cá háit ar chóir dúinn a dhul. Ní hé sin le rá go bhfuil gach rud san mBille foirfe. Tá súil agam, mar sin, go bhfuil an t-Aire Stáit chun éisteacht a thabhairt do Theachtaí, mar a rinne sé sa tSeanad, agus tá súil agam go mbeidh am againn fá na choinne sin.

De réir an sceidil atá leagtha amach faoi láthair, ní bheidh ach trí uair a chloig againn chun díospóireacht a dhéanamh ar Chéim an Choiste agus ar an Tuarascáil. Tá sin mícheart ach sin a tharlaíonn roimh sos an tsamhraidh gach bliain. Mar an gcéanna, bhí an t-Aire Dlí agus Cirt agus Comhionannais ag iarraidh go rithfí an Bille um Dhócmhainneacht Phearsanta tríd an Dáil faoi dheifir toisc go raibh an sochaí ag fanacht air. Sa deireadh thiar thall, bhí an Rialtas, agus an t-Aire féin, sásta glacadh leis go raibh Teachtaí ar gach taobh den Teach ag iarraidh labhairt ar an mBille. Ós rud é go bhfuilimid ag déanamh athraithe suntasacha ó thaobh fiacha de agus ar mhaithe le daoine atá i gcruachás, glacadh leis go raibh sé de cheart ag gach uile Teachta díospóireacht cheart a dhéanamh, go mba cheart go ndéanfaimis machnamh ar na leasaithe i rith an tsamhraidh agus muid ar saoire on áit seo, go dtiocfaimís ar ais chucu sa bhfómhar agus go mbéadh an Bille réidh roimh an Nollaig.

Sin a bhfuil mé ag iarraidh ar an Aire Stáit. Ba chóir an díospóireacht a chur ar athló nuair a glacfar leis an Dara Chéim an tseachtain seo chugainn, agus ní bhéinn go hiomlán i gcoinne gilitín a dhéanamh ag an am sin, machnamh a dhéanamh air i rith an tsamhraidh agus Céim an Choiste agus an Tuarascáil a phlé san bhfómhar.

Thagair an t-Aire Stáit dos na líomhaintí a rinneadh nár tugadh go leor ama don díospóireacht ar an mBille. Is é an ghnáth choinbhinsiún san Oireachtas go mbíonn tréimhse dhá sheachtain nó mí idir fhoilsiú Bhille agus díospóireacht a dhéanamh air agus go mbíonn tréimhse dhá sheachtain idir chéim amháin agus céim eile. Ní bhrítear an coinbhinsiún sin ach i gcás éigeandála nó nuair a cuirtear teorainn ama ar reachtaíocht ag na cúirteanna, nó a leithéid. Níl aon teorainn ama sa chás seo, seachas go bhfuilimid ag fanacht ar an mBille leis na blianta. Más amhlaidh, cén dochar a dhéanfadh sé fanacht dhá nó trí mhí breise.

Tá daoine ar gach taobh den Teach báuil don chuid is mó a bhfuil sa mBille. Tá roinnt fadhbanna ann, agus tá daoine ag iarraidh é a leasú chun déanamh cinnte de go mbeidh an Bille chomh foirfe agus is féidir, ó thaobh na Gaeilge de. Dúirt an t-Aire Stáit, agus daoine eile, go mb'fhéidir gur seo an deis dheireannach a bhéas againn an Ghaeltacht a sábháil. Caithfidh déanamh cinnte de go bhfuilimid chun an obair a déanamh i gceart. Ní leor trí uair a chloig ar an Déardaoin seo chugainn chun plé le gach mion-fhorálach atá san mBille. Sin an fáth go bhfuilimid ag impí ar an Rialtas go dtiocfaimís ar ais chuig an mBille i Mí Meán

Fhómhair agus críoch a chur leis an díospóireacht i Mí Meán Fhómhair nó i Mí Deireadh Fómhair. Mar sin, bhéadh an Bille réidh roimh Nollaig. Ní bheidh an córas nua i réim roimh an bhliain seo chugainn pé scéal é.

Tuigim go bhfuil fadhb maidir le toghcháin Údarás na Gaeltachta. Nuair a bhí an t-Aire Stáit ar an dtaobh seo den Teach agus Fianna Fáil ag cur an toghcháin ar athló tré reachtaíocht, chuireamar ar fad ina choinne sin ach rinneadh é mar sin féin. Is féidir an rud céanna a dhéanamh an uair seo. D'fhéadfaí an toghchán a chur ar athló go ceann sé mhí eile agus, más toil an Oireachtais ansin é, fáil réidh leis na toghcháin ar fad. Ní aontaím gur cheart fáil réidh leis na toghcháin ach is féidir toghchán na bliana seo a chur ar athló. Ní bhéadh gá ach le Bille aon líne ar an Déardaoin seo chugainn.

Tá sé tábhachtach, agus cuíosach dearfa, go bhfuilimid ag díriú ar an Ghaeltacht a aithint i gceart. Níl fadhb ar bith agam maidir le bunú na líonraí Gaeilge, na bailtí seirbhíse Gaeltachta nó na limistéir pleanála teanga Gaeltachta. Céim chun tosaigh iad na líonraí Gaeilge agus tá mé cinnte go mbeimis in ann tógáil orthu amach anseo. Tá mé ag caint faoina leithéid le tamall de bhlianta ins an Teach seo agus lasmuigh de. Is cuimhin liom freastail ar lánseáil phlean cúig bliana Bhord na Gaeilge roinnt blianta ó shin. Cad a tharla dó sin? An príomh fáth gur theip ar an bplean sin, agus ar a lán des na pleananna eile, nach raibh maoiniú ceart ann. Minic go leor, ní raibh an toil ann ach oiread. Bhíodh a lán cainte faoi na pleananna iontacha seo ach bhí easpa cur chuige agus easpa maoiniú ann.

Tá mé ag impí ar an Rialtas nach fiú tráithnín an Bille muna bhfuiltear chun maoiniú ceart a chur taobh thiar de agus na hacmhainní cearta a thabhairt do Údarás na Gaeltachta agus do Fhoras na Gaeilge chun forálacha an Bhille a gcur chun cinn.

Tá an dáinséar ann go gcuirfidh na pleananna teanga moill ar an gcur chuige agus ar an obair ar chóir a dhéanamh láithreach ó thaobh na Gaeltachta de. Tá an dáinséar ann go mbeidh go leor de chur chuige Údarás na Gaeltachta agus Fhoras na Gaeilge gafa suas le pleananna a gcur le chéile nó le déileáil leo. Feicimid cad atá tarlaithe go dtí seo maidir leis na pleananna atá in ainm is a bheith ann faoi Acht na dTeangacha Oifigiúla agus an mhoill atá ar roinnt des na húdaráis agus na comhlachtaí Stáit na pleananna a gcur i réim. Tá an t-Acht sin cuíosach coimeádach ó thaobh na n-adhanna atá sna pleananna. Tuigim nach mbéadh an t-Aire Stáit sásta glacadh le plean a bhéadh coimeádach ó thaobh na limistéir Gaeltachta de, ach ní bheidh sé ina Aire go deo na ndeor. B'fhéidir gur mhaith leis go mbéadh agus ní bheidh éinne againn sa phost chéanna go deo na ndeor. Is cuimhin liom tréimhsí nuair a bhí Airí Gaeltachta nach raibh an Ghaeltacht mar phríomhchuspóir acu. Ag uaireanta áirithe, bhí Taoiseach an lae, Aire ealaíon an lae nó Aire éigin eile i gceannas ar an nGaeltacht. Go minic i stair na tíre seo, ní raibh tús áite tugtha don Ghaeltacht. Is é sin an fáth go bhfuil mé buartha mar gheall ar na pleananna Gaeltachta a thiocfaidh chun cinn. Tá súil agam nach mbeidh sé cruthaithe go bhfuil an ceart agam an inní sin a bheith orm.

Baineann an príomhghearán atá agam i dtaobh na reachtaíochta seo leis an athrú atá le déanamh ar toghcháin an údaráis. Tá sé molta go gceapfaidh an tAire agus na comhairlí contae comhaltaí an údaráis. Thar na blianta, is minic nár tháinig na comhaltaí is fearr agus is gníomhaí in Údarás na Gaeltachta ó na páirtithe móra. Níor fuair ionadaithe ná bpáirtithe sin mórán tacaíochta óna gcuid páirtithe go lárnach — bhí siad beagáinín neamhspleách, b'fhéidir os rud é go rabhadar ina gcónaí sa Ghaeltacht. Ní gá go mbeidís tofa ag na comhairlí contae. Tiocfaidh ball amháin as Comhairle Contae Ciarraí. Níl aon geallúint ann go seasfaidh an chomhairle contae sin le meon an phobail. Roimhe seo, ar a laghad bhí deis ag muintir na Gaeltachta duine a roghnú chun gníomhú ar a son. I gcásanna áirithe, toghadh daoine nach raibh Gaeilge maith go leor acu, nó nach raibh spéis acu an Ghaeltacht a chur chun cinn. Ar a laghad, bhí siad tofa agus dá bhrí sin bhí an locht ar an bpobal áitiúil nó ar an páirtí a roghnaigh agus a

[Deputy Aengus Ó Snodaigh.]

chur chun cinn iad. Má táimid chun an deis atá ag an bpobal áitiúil daoine a thoghadh a bhaint astu, beidh laghdú á dhéanamh againn ar an daonlathas áitiúil.

Cosnaíonn an daonlathas airgead. In ainneoin na meáin agus iad siúd a bhíonn ag caitheamh anuas orainn, tá costas i gceist leis an daonlathas. Ní féidir an daonlathas áitiúil a chruthú ar an ngannchuid. Ní féidir linn bheith sprionlaithe nuair atá infheistiú a dhéanamh againn. Mhol muid athruithe éagsúla thar na blianta. Mar shampla, dúirt muid gur cheart go mbeadh toghchán Údarás na Gaeltachta ar an lá céanna leis na toghcháin áitiúla agus toghchán Parlaimint na hEorpa. Dá mbeadh an moladh sin glactha, bheadh coigilt airgid an-mhór i gceist. Ar a laghad, bheadh an daonlathas áitiúil slán. Má leanann an Rialtas ar aghaidh leis an reachtaíocht mar atá sí, déanfar íslú céime ar Údarás na Gaeltachta. Beidh an t-údarás cosúil leis na VECs nó fóram an HSE sa mhéid is go mbeidh roinnt comhairleoirí contae agus roinnt ainmnithe air. Ní bheidh an t-aitheantas nó séasamh céanna ag an údarás is a raibh nuair a bhí neamhspleáchas áirithe ag baill tofa an údaráis. As seo amach, beidh siad go huile agus go hiomlán gafa ag pé Aire i réim atá tar éis iad a cheapadh. Roghnóidh an tAire seachtar as an 12 duine a bheidh ar an údarás nua. Impím ar an Aire Stáit fáil réidh leis an bhforáil seo agus port a athrú. Ba cheart dó cur leis an daonlathas seachas leanúint leis an gcreimeadh ar chumhachtaí na húdaráis áitiúla agus eagrais tofa atá ag tarlú, diadh ar ndiadh, sa Stát seo. Is é seo ceann de na príomhfhadhbanna agus príomhlochanna leis an mBille seo.

Labhair mé faoin fuadar maidir leis an am agus a leithéid. Tá ceisteanna eile ann maidir leis na coistí réigiúnda. Cad a tharlóidh dóibh? Conas a bheidh siad in ann díriú isteach ar an obair atá á dhéanamh acu faoin láthair, go háirithe má tá an údarás chun a bheith chomh mion is atá i gceist ag an Aire Stáit? Bhí na coistí réigiúnda in ann díriú isteach ar rudaí a bhí cuíosach áitiúil agus déileáil leo i mbealach nach mbeidh oscailte, b'fhéidir, d'aon ghrúpa a bheidh ag déileáil leis na Gaeltachtaí ar fad agus an réimse gnó, srl., a bhaineann leo. Measaim gur am cinniúnach é seo, ní hamháin dúinn sa Dáil ach freisin dóibh siúd atá tar éis teaghlaigh a thógáil le Gaeilge sa Ghaeltacht, gan go leor tacaíocht ón Státhóras ó bunaíodh an Stát. Déanaim comhghairdeas i gcónaí leo siúd a sheas an fód agus a chosain an Ghaeilge nuair a chas daoine eile ar phort eile. Má táimid chun plean ollmhór nua a chur le chéile chun an Ghaeltacht a chosaint, caithfidh cabhrú leo siúd atá ina gcónaí sna ceantair sin é a dhéanamh i gceart. Ní thiocfaimid ar ais chuige seo chomh tapaidh arís. Tá seans againn é seo a dhéanamh i gceart. Impím ar an Rialtas nach mbeidh deifear orainn. Más gá fanacht mí nó dhá mhí breise chun é seo a dhéanamh i gceart, ba cheart an t-am sin a thógáil. Má tharlaíonn sé sin, beimid ar fad in ann tacaíocht a thabhairt do na hathruithe atá cuí chun an Ghaeilge agus an Ghaeltacht a shlánú sa tír seo.

Deputy Pearse Doherty: Cuirim fáilte roimh an mBille. Is maith an rud é go bhfuil sé á phlé againn sa Dáil inniu. Tá a fhios againn gur chuir an Rialtas deireanach go leor moille ar an reachtaíocht seo. Ní thuigim, agus an Bille seo á léamh agam, an oiread ama agus a ghlacadh lena thabhairt chun tosaigh. Tá sé ráite go raibh próiseas comhairliúcháin ansin, ach nuair a labhair mé le daoine sa Ghaeltacht agus le eagraíochtaí Gaeltachta dúirt siad liom nár éist an Rialtas leis an gcomhairle a bhí ar fáil. Mar a dúirt an Teachta Ó Snodaigh inniu agus Seana-dóirí Shinn Féin nuair a bhí an Bille á phlé sa Teach sin, cuireann ár bpáirtí fáilte roimh chuid mhór den mhéid atá sa reachtaíocht seo. Ag an am céanna, tá an Bille lochtach ar chuid mhaith ábhair. Ardaíodh ceist an daonlathais, mar shampla, níos luaithe i gcomhthéacs Údarás na Gaeltachta. Is le pobal na Gaeilge Údarás na Gaeltachta. Tá cineál dlúthcheangal eatarthu ós rud é go gcaitheann muintir na Gaeltachta vóta ar son an bhoird. Tá an ceangal sin le scaoileadh anois agus tá quango eile le cruthú. Beidh an Aire Gaeltachta in ann an chuid is mó den bhord a ainmniú. Tiocfaidh an chuid eile ó na comhairlí contae. Ní bheidh na ceantracha beaga

Gaeiltachta in ann ionadaíocht buan ar an mbord a bheith acu. Ní bheidh ach ionadaíocht sealadach acu, agus í a roinnt le ceantair eile le linn an téarma.

Tá fadhb níos doimhne le scrúdú sa chomhthéacs seo. Cé gur ceisteanna iontach móra iad an daonlathas sa bhord agus na daoine cearta a chur ar an mbord, is í ceist na teangan an fadhb millteanach atá le réiteach againn. Tá an teanga ag fáil bháis. Labhair mé go minic anseo faoin staidéar chuimsitheach teangeolaíochta ar úsáid na Gaeilge sa Ghaeltacht. Chosain an staidéar forleathan sin cuid mhór airgead don Stáit. Is dóigh liom gur chosain sé thart ar €500,000 ag an am. Ghlac sé cuid mhór ama leis an staidéar a chur ar fáil. Bhí moltaí faoi leith sa staidéar sin, moltaí radacacha ina measc, a rachadh chun sochair don Ghaeltacht. Sa reachtaíocht atá os ár gcomhair, níl freagra ar bith le fáil ar cuid de na ceisteanna a tháinig as an staidéar sin. Sa mheabhrán míniúcháin agus airgeadais a cuireadh ar fáil leis an mBille, déantar tagairt don téarma ama a luaitear sa staidéar chuimsitheach teangeolaíoch ar usáid na Gaeilge sa Ghaeltacht. Ceann de thorthaí an staidéir nach raibh ag na ceantair Gaeiltachta is láidre sa tír ach saolré idir 15 bliana agus 20 bliain muna dtugaimid aghaidh ar na fadhbanna. Moladh réitithe sa staidéar le aghaidh a thabhairt ar na fadhbanna. Scrióbhadh an staidéar sin cúig bliana ó shin. Má amharcaimid ar an téarma is ísle a luadh ann, 15 bliana, níl fágtha ach deich mbliana ag cuid des na ceantair is láidre. Sin an cineál faidhbe atá againn sa Ghaeltacht.

Ní ró-mhinic a dhéanaimse Aire a mholadh, ach níl dabht ar bith agam ach go bhfuil croí an Aire Stáit istigh sa Ghaeltacht agus sa teanga. Tá sin gan dabht. Ní thioctadh le duine ar bith a bhfuil aithne phearsanta aige ar an Aire Stáit ach sin a rá. Tá sé sé bliana agus an mhí seo a chuaigh thart ó d'fhógair an t-Aire Stáit go raibh sé ag éirí as an bpolaitíocht. Ag an am sin, chuir mé féin preas ráiteas amach ag guí gach rath air agus a leithéid mar sin. Ceann des na rudaí a dúirt mé ná nach bhfuair sé an tseans mar ba cheart. Tá mé ag déanamh go raibh 24 bliana caite aige mar Theachta Dála ag an am sin. B'fhéidir go bhfuil sé ina thriochadú bliain anois. Dúirt mé nach bhfuair sá an tseans a ba chóir dó a fháil a bheith ina Aire, mar gurb iad Fianna Fáil, ar an mhórchuid, a bhí sa Rialtas, ach amháin taobh istigh de dhá bhliain. Táimid anois sé bliana chun tosaigh. D'athraigh an Teachta McGinley a intinn, bhain sé an suíochán agus bhain sé arís é, agus tá sé anois ina Aire Stáit agus cúram na Gaeiltachta air. Níl a fhios agam cé mhéad ama atá sé ag dul a chaitheamh san Oireachtas, má fhaigheann sé tacaíocht an phobail i dTír Chonail, ach seo deis mhillteanach don Aire Stáit, go pearsanta, mar dhuine a bhfuil a chroí istigh sa teanga agus sa Ghaeltacht. Anois, tá sé ag déileáil leis an Bhille is tábhachtaí ariamh, ó thaobh todhchaí na Gaeiltachta de.

Tá mé den bharúil i gcónaí nach bhfuil an freagra ag aon duine amháin ar cheist na Gaeilge. Níl na freagraí uilig ag duine nó ag páirtí ar bith. Níl siad ag an Rialtas nó ag Sinn Féin. Ach an rud is measa ar féidir linn a dhéanamh ná deifir a cur ar an mBille. Tá sé contráilte trí uair a chloig a glacadh leis na leasaithe a bplé. B'fhéidir nár chóir glacadh leis na moltaí atá á gcur chun tosaigh ach, ar a laghad, ba chóir plé agus mion-scansáil agus scrúdú a dhéanamh orthu agus díospóireacht a bheith againn. Beidh na cinnidh atáimid a dhul a dhéanamh amach as an phlé a bheidh againn inniu agus an tseachtain seo chugainn ina bhuntáistí, nó ina míbhuntáistí, ag pobal na Gaeiltachta agus pobal na Gaeilge le blianta fada amach anseo.

Ba mhaith liom a rá go pearsanta agus chomh hionraic agus is féidir liom gur chóir dúinn amharc arís ar an téarma ama atáimid a dhul a thabhairt don Bhille.

Tá go leor atá iontach maith san Bhille. Ar a laghad tá rud éigin ag tarlú. Ar an drochuair, ní théanna an Bille go mion isteach gceist na ceantair a gcur i catagóirí A, B agus C, mar a moladh sa staidéar chuimsitheach teangeolaíoch. Tá a fhios agam go bhfuil deacrachtaí ó thaobh cuid des na ceantair de ach d'fhéadfaí réiteach a fháil orthu sin. Glacann an Bille ceantair móra agus níl an pleanáil teanga le tosú ach i gcuid acu sin ar dtús báire. Ceann des na fadhbanna a bhaineann leis sin nach n-aithnítear an géarchéim atá ann ag an bpointe seo, nuair a cuimhnítear

[Deputy Pearse Doherty.]

nach bhfuil ach idir deich mbliana agus 15 bliana ag na ceantair Gaeltachta is láidre sa tír. Tá ceantair láidre Gaeltacht i dTír Chonail ar nós Gaoth Dóbhair, Machaire Rabhartaigh agus Rann na Feirsde ina bhfuil 80% den daonra ag labhairt Gaeilge go laethúil. De réir an Bhille, tá gach ceantar Gaeltachta go fóill sa Ghaeltacht, agus is ceart go dtarlódh sin agus go mbéadh deis ag gach ceantar ardú céime a dhéanamh nó réiteach eile a fháil ar an bhfadhb. Ach níl deich mbliana nó 15 bliana ag na ceantair sin. Níl acu ach seal beag ama agus b'fhéidir go bhfuil corr cheantar a bhfuil sé ro-mhall dó. Ceann des na lochtanna móra atá sa Bhille nach bhfuil sé láidir go leor agus nach n-aithníonn sé an géarchéim atá againn ag an pointe seo. Sin ceann des na laigí móra atá sa Bhille.

Ag deireadh an lae, is féidir le rialtais agus le polaiteoirí é a dhéanamh níos fusa do thuismitheoirí agus do dhaoine aonair cinnidh a dhéanamh an Gaeilge a labhairt nó a gcuid páistí a thógáil le Gaeilge. Tá ceisteanna móra ansin. Beidh cuid mhór des na bunscóileanna atá thart ar cheantair Gaeltachta Thír Chonail ag cailleadh múinteoirí i mbliana. Beidh seisear muinteoir ar an iomlán á gcailleadh ag scoileanna Loch an Iúir, Machaire Rabhartaigh agus Bun Beag. Sin fadhb ó thaobh oideachais de, ach is fadhb í ó thaobh na Gaeilge de chomh maith. Cuir i gcás go bhfuil scoil ceithre mhúinteoir ag iarraidh tumoideachas a chur ar fáil. Ciallaíonn sé sin nach mbeidh na páistí ag éisteacht le focal Béarla sa rang go dtí go mbeidh siad i rang a haon. Má tá múinteoirí á gcailleadh ag scoileanna beaga ní féidir sin a dhéanamh. Beidh trí rang ins gach seomra ranga, agus na naíonáin sóisir agus sinsir agus rang a haon istigh le chéile. Nuair a bhéas an múinteoir ag teagasc na ndaltaí i rang a haon beidh na naíonáin ag éisteacht leis an mBéarla, mar caithfi Béarla a chur ar an rud is moille. Mar sin, tá fadhbanna ó thaobh tumoideachas a chur ar fáil mar gheall ar na ciorraithe sin.

Caidé an cineál critéir a leagfar síos agus cén cineál measúnachta a déanfar ar na critéir? Tá ceantair Gaeltachta i mo chontae féin, mar shampla, a bhfuil paróistí iontu ina bhfuil scoileanna dara leibhéal nach bhfuil ag teagasc na n-ábhar tré mheán na Gaeilge. An mbeidh na ceantair sin sa Ghaeltacht sna todhchaí má choinníonn na scoileanna ag dul ar an dóigh sin? An mbeidh ceantair Gaeltachta ann sna todhchaí ina rachaidh na páistí go dtí meánscoil ina bhfaigheadh siad a gcuid oideachais tré Bhéarla? Sin ceist mhór. I bPobalscoil Chloch Cheann Fhaola, mar shampla, tá sruth Gaeilge ón chéad bhliain go dtí an tríú bhliain ach níl sruth Gaeilge don árd teistimearach. Leoga, bhí ceist ann i mbliana an mbéadh an sruth Gaeilge ann ón chéad bhliain go dtí an tríú bhliain mar nach bhfuil mórán daltaí ann. Tá an scoil sin ag déanamh freastail ar cheantair iontach láidre Gaeltachta. Tá fadhbanna ansin. Níl réiteach agamsa ar an bhfadhb sin ach seo ceisteanna a gcaithfidimid a bplé. Tá na scoláirí sin ag labhairt Gaeilge ar fad sa bhaile agus sa phobal ach ní féidir leo a gcuid oideachais a dhéanamh i nGaeilge tríd téarma na scoile.

Rinne an t-iar Aire, Mary Coughlan, cinneadh ó thaobh taisteal go dtí na scoileanna. De réir an chinnidh sin, caithfidh dalta dul go dtí an scoil is cóngaraí dó. Caithfidh daltaí i Machaire Rabhartaigh nó i gCaiseal na gCor, mar shampla, dul go dtí Pobalscoil Chloch Cheann Fhaola, áit nach bhfuil sruth Gaeilge chomh fada leis an árd teistimeireacht ar fáil, mór nach bhfuil siad ábalta an bus a fháil go dtí Pobalscoil Ghaoth Dobhair. Tá go leor fadhbanna beaga, agus iontach móra, nach bhfuil soiléir sa Bhille.

Tá ceisteanna ó thaobh aitheantas a thabhairt dos na na bailte agus dos na ceantair úra. Deirtear go mbeidh ról ag Foras na Gaeilge ansin. Tá an Rialtas ag déanamh an bhotúin chéanna a rinne an t-iar Aire, Charlie McCreevy, nuair a d'fhógair sé go raibh Foras na Gaeilge le dílárnú go Gaoth Dóbhair agus go mbéadh na postanna uilig ag dul ansin. Tá a fhios againn, deich mbliana ina dhiaidh sin, nár tharla sin ar chor ar bith. Tháinig postanna úra, ach níl na figúirí iomlána againn go fóill, agus ní bheidh. Níor thuig Charlie McCreevy nach raibh an focal deireannach aige ó thaobh Fhoras na Gaeilge de. Is eagraíocht uile Éireannach é agus tá ról

ag an Aire sna Sé Chontae sa phróiseas fosta. San mBille seo, táimid ag tabhairt cumhachtanna do Fhoras na Gaeilge ó thaobh na mbailtí seirbhíse Gaeltachta de. Beidh ról ag an bhforas ach, de réir mar a thuigim, níl plé ar bith déanta ag an Aire Stáit nó ag duine ar bith sa Roinn leis an Aire ó Thuaidh, ó thaobh na gcumhachtanna seo. Táimid ag tabhairt isteach reachtaíocht i leith bhord uile-Éireannach agus rinne muid dearmad iomlán labhairt leis an Aire ó Thuadh fá dtaobh de.

Má aontaíonn an t-Aire Stáit gur cheart go mbéadh níos mó ama againn beimid ábalta mionphlé mar is ceart a dhéanamh ar na hábhair seo.

Bhí mé féin agus an Aire Stáit ar choiste uile-pháirtí roimhe seo nuair a rinneamar scrúdú ar an straitéis 20 bliain. Chuireamar cuid mhór moltaí chun tosaigh agus glacadh leo d'aon ghuth. An rud is fearr a thiofadh linn a fheiceáil ag teacht amach as an díospóireacht seo ná go mbéadh an Dáil d'aon ghuth faoin mBille. Aithnímid uilig, is cuma cén pháirtí a bhfuilimid ann, go bhfuil fadhb sa Ghaeltacht agus sa Ghaeilge. Aithním go bhfuil teorainn leis an méid airgid agus leis an gcaiteachas gur féidir leis an Stát a chaitheamh, ach tá rudaí nach gcaithfí airgead a chaitheamh orthu agus a dhéanfadh difear millteanach don Ghaeilge agus don Ghaeltacht. Tá rudaí a gcaithfí airgead a chaitheamh orthu ach tá rudaí eile nach gcaithfí ach iad a ath-eagrú, ó thaobh oideachais agus a leithéid mar sin.

Tá eagla orm nach mbeidh an deis cheart againn seo a phlé, agus tá súil agam go rachaidh an t-Aire Stáit ar shiúl as an phlé seo atá againn inniu agus amárach agus go n-amarcaidh sé ar níos mó ama a thabhairt le mion scansáil a dhéanamh ar an reachtaíocht sa dóigh is go dtig linn é a dhéanamh níos láidre. Tá a fhios agam go bhfuil sé féin agus mé féin ar an leathanach céanna, go bhfuilimid ag iarraidh an rud is fearr a dhéanamh ó thaobh na Gaeltachta de. Ní seo an Bille ceart, go fóill, ach tá go leor rudaí maithe ann.

Fuair an t-Aire Stáit an dara rogha ó 2006 agus tá sé sa chathaoir anois. Ar an drochuair, thiofadh leis seo tiontáil iontach salach. Tá an t-Aire Stáit sa Dáil le 30 bliain. D'fhéadfaí cuimhne a bheith ag daoine air mar an Aire a bhain daonlathas amach as an údarás agus nár ghlac an deis le tacaíocht a thabhairt don Ghaeltacht nuair a bhí an Ghaeltacht ar a glúine. Níor mhaith liomsa gur sin an dóigh a mbéadh cuimhne ag daoine ar an Aire Stáit agus níor mhaith leis féin é ach an oiread. D'fhéadfadh sé a bheith ina Aire a bhí mar cheannródaí agus a thug isteach reachtaíocht atá pobal na Gaeltachta a iarraidh. Níl eagraíochtaí na Gaeilge sásta leis an mBille seo agus tá siad ag iarraidh níos mó. Is féidir é sin a dhéanamh má oibrímid le chéile agus níos mó ama a thabhairt don mBille.

Acting Chairman (Deputy Thomas P. Broughan): Tá an Teachta 'Ming' Flanagan ag roinnt a chuid ama leis an Teachta Healy.

Deputy Luke 'Ming' Flanagan: Some people would suggest that Dáil Éireann is not representative of the whole country. While previous speakers have been able to contribute to this debate in Irish I am going to spoil the party and speak in English, which proves this House is not an exact representation of the country. Nowhere in this country, other than in this House, one would come across so many Irish speaking people. I do not know why it is the case. Perhaps Members of the House were better at and could better absorb Irish at school than I could. However, it is a positive thing. I am not being critical, it is brilliant that so many Members of this House can speak Irish. I suppose I am jealous I cannot speak it. However, one would say that is my own fault.

I have listened to the debate on this Bill during the past week and heard the Minister of State speak about it on radio last week. The Minister of State, Deputy McGinley, is, of all Ministers in this Government, 100% genuine in terms of what he is trying to do. He is massively passionate about this subject, which indicates he cares about it. It would be unfair of me to say

[Deputy Luke ‘Ming’ Flanagan.]

to him here that in pushing through this Bill, even though many groups are speaking against it, he does not care about the Irish language. That would be rubbish. The Minister of State obviously cares about the Irish language.

What I have picked up from the debate is that we should focus more on the few small areas where Irish is standard rather than try to over-stretch ourselves. In other words, areas wherein more than two thirds of the people speak it every day. There is no template on the planet on how to restore a language. I am no expert on this issue and as such cannot criticise what is being proposed. I do not know what way to fall in terms of the argument being made. I look forward to listening to the remainder of the debate, following which, hopefully, I can make up my mind.

I see some sense in the argument that we should be protecting those few areas wherein Irish is the main language. I do so based on my experience of having left Ireland to live in Germany and Spain. I got three pass level Ds in languages in my leaving certificate examination, which left me with the impression I was rubbish at languages. I was good at mathematics. However, when I went to live in Germany I was able to learn German because I was immersed in it and needed to understand it to survive. Even though I did not study Spanish in school, when I went to live in Spain, despite my belief that I had no ability to learn languages, after a couple of months I could in Spanish, without fear of making an eejit of myself, order vegetables, bread and so on in a store and a taxi over the phone. I learned enough of both languages to enable me get by in both countries. I may be coming down on the side of those who argued with the Minister of State on the radio this week that we need to concentrate on particular areas because, if they disappear, then people like me, who are not the best at learning from books — this applies to the majority of people with whom I attended school — will never have an opportunity of going to the only places where we can learn the Irish language. I was able to learn Spanish and German in Spain and Germany.

Many years ago, when I was on the dole and there was no prospect of my getting work I decided to move to the Gaeltacht. I moved to An Spidéal, which is a lovely place. However, one did not need to speak Irish to survive there. Being able to speak Irish was not an essential unlike when I went to Spain whereby the only way I could get home was to learn some Spanish. In Spiddal there was always someone available to tell me in English what to do. As such I fell back and did not learn the language. I had a different experience in Carraroe in that there I was immersed in the Irish language, although there “bicycle” and “ashtray” were translated as “wicycle” and “tashtray. For this reason, I fall, perhaps, on the side of the argument that we must protect these areas.

I know how genuine the Minister of State is and I could not imagine him jeopardising this, which leaves me not knowing which side of the argument I should support. The Minister of State wants to preserve the language. I am sure he understands the importance of these areas and would not want them destroyed, which leaves me pretty undecided about where I stand on this. While I welcome the idea of having towns where the language will be developed, I am a little concerned about the removal of democracy provision. Given my experience on county councils I would be concerned that because of this the Minister of State would not get as many people dedicated to the idea of saving the Irish language as he would if people had consciously to run for election.

At the end of the day, regardless of what is done with this, the future of the Irish language rests in how it is taught in schools. The last time I spoke about the Irish language in here, I explained how my eldest daughter, who loved the language at the age of seven because they were playing bingo in Irish and doing other such things, has now at the age of nine grown to hate it. I had always been told that one of the reasons children did not like the Irish language

was that they get negative vibes about it at home, which they definitely do not get in my home because I use the little bit of Irish I have with them. However, still she has grown to hate it and she is not unique because everyone in her class seems to hate it. Hate is a strong word, but they hate using the language and find it boring, irrelevant and tedious. We are discussing how the language could die in 15 to 20 years. In ten years' time all the students in my daughter's class will have left school and if they hate it as much as they do now they will still hate it unless something major changes.

We hear that the Irish language could potentially be finished in 15 years. In addition to this something serious needs to be done with how Irish is taught in schools. I understand that we are moving towards 40% of the State examinations being oral or aural. I believe we should have an examination that is 100% spoken Irish, without the need to explain the symbolism of the poem *An Droimeann Donn Dílis*. It is so much more important to know how to order a loaf of bread or pay into a disco than it is to know about the symbolism of the lost province or whatever it was meant to be about. While that is also important those are different layers adding more texture to the language and we need to get the basics right first.

I am ashamed to say what I am about to say. Out of my class in school — we were the weakest class — half of us did not know what “ní thuigim” meant until a couple of weeks before doing our leaving certificate oral examination. Sometimes something has to become essential before people do anything about it. It became essential for us because we needed the ability in the oral examination to say, “I don't understand.” We learned more Irish in a three-week crash course before the oral examination than we had done in the previous 13 years. That was a massive achievement — a massive negative achievement — and indicates how it could be done so much better.

There are other approaches to immersion than being in a Gaeltacht. I understand Deputy Mattie McGrath has suggested twinning Gaeltachtaí with other areas. When I grew up, my parents could not afford to send me to the Gaeltacht — it was the rich kids who went to the Gaeltacht. Some of them were my friends who probably did not realise they were rich, but they were richer than us. We were excluded. Twinning towns would bring the Gaeltacht to towns.

The most significant development in the Irish language was the introduction of TG4. Until I watched “Wimbledon Beo” last week I did not know what “freastail” meant. While knowing what it meant did not make much difference to my life, watching “Wimbledon Beo” it did. I discovered that freastail means to serve and there was a reason to know it. People need reasons to know it. One would do far more for the Irish language with the Solus bulb because it is there on the package and one cannot miss it. That is how we can make the Irish language survive. I look forward to listening with interest to the rest of the debate. I do not yet know how I will vote on the Bill. I accept that the Minister of State is genuine on the matter and I do not believe he would try to damage the Irish language. We will see how it goes anyway.

Deputy Seamus Healy: Tá áthas orm cupla focal a rá ar an mBille tábhachtach seo. Tá an Gaeilge agus an Gaeltacht faoi bhrú agus ba chóir dúinn san Oireachtas tacaíocht a thabhairt don Ghaeilge agus don Ghaeltacht. I welcome the opportunity to speak in the debate on this important Bill, which should be longer. The Bill is disappointing and should be withdrawn and redrafted. Like other speakers I object to the fact that the Bill is being forced through the Dáil in the coming week which will not allow for sufficient debate. The basis of the Bill conflicts significantly with the recommendation of the comprehensive linguistic study. Many Gaeltacht and Irish language organisations and individuals oppose the Bill. Shortening the debate on the Bill is not helpful.

We are discussing the subject against a background of a considerable reduction in the use of the Irish language as a family and community language in Gaeltacht areas over a number of

[Deputy Seamus Healy.]

years. It is widely acknowledged that we are now at a critical stage regarding the language's continued existence. The comprehensive linguistic study to which I referred has shown that a continuous language shift towards English in the Gaeltacht has taken place and concluded that without urgent remedial action the Irish language may only have a lifespan of 15 to 20 years as a community and household language in Gaeltacht areas. That is a very serious situation for the Irish language and the country. It is obviously very important to get the Bill right and get the policies right in supporting the language and Gaeltacht areas. That is the nub of the difficulties that many people have with the Bill. It defines Gaeltachtaí in the very same terms as they have been defined since 1956 with very minor changes. Many commentators have referred to that. Donncha Ó hÉallaithe recently wrote:

Part of the problem is that the official boundaries, set up by government order in 1956, with a few additions since, do not reflect the current linguistic situation. More than half the population of the Gaeltacht is living in areas in which Irish is no longer used within the community to any significant extent... Analysis of data from Census 2006 shows that of the 95,000 people living within the official Gaeltacht, approximately 17,000 belonged to Category A areas [a reference to the categorisation under the linguistic study], 10,000 to Category B and 17,000 to Category C, leaving about 50,000 in Gaeltacht areas which did not meet the minimum criteria.

The nub of this Bill is the conflict between it and the linguistic study. The linguistic study basically said there should be three categories in Gaeltacht areas. It referred to category A, where more than 67% of the population are daily speakers of Irish, category B where 44% to 66% are daily Irish speakers and category C where less than 44% are daily Irish speakers. The reference to the categorisation is really a reference to where we put the main resources in the future. The suggestion from the study, various organisations and individuals is that the main resources should go primarily to the areas which are strong and have a vitality about the language, which is correct. I hope that as the Bill goes through the House, changes will be made to it. If it is not going to be withdrawn and redrafted, amendments should be made to it in this regard.

I welcome the suggestion in regard to Gaeltacht service towns — bhaile seirbhíse Gaeltachta. An Fál Carrach, An Clochán Liath, An Daingean and Dún Garbhán were listed in the linguistic study. I also welcome the proposal in regard to language networks and language planning. We need a comprehensive approach to the language and to Gaeltacht areas. Gaeltacht service towns and the language networks are welcome in regard to promoting the language in non-Gaeltacht areas.

Another feature of the Bill, which is contrary to the recommendations of the linguistic study and which has been widely referred to, is how *Údarás na Gaeltachta* is being dealt with. While there has been language retreat in the Gaeltacht areas over many years, there now appears to be a retreat from democracy as well. It is a retrograde step that direct elections will not happen in these areas. A directly elected *Údarás na Gaeltachta* will effectively be replaced by a majority of directors who will be appointed by the Minister. Electing other members from Donegal, Mayo, Galway and Kerry through county councils is all very well but it is not a direct election and it also creates difficulties for the others areas, including Cork, Waterford and Meath. In my area, the people of An Rinn and An Seana Phobal are very concerned that they will lose representation on *Údarás na Gaeltachta* as a result of the proposals in this Bill.

I welcome the opportunity to speak on the Bill but the wrong option has been chosen. I would have hoped the recommendations of the linguistic study would have been pursued in

this Bill. I hope the Minister will consider withdrawing and redrafting the Bill or, at the very least, significantly amending it during its passage through the House.

Deputy Clare Daly: Like Deputy Flanagan, I came through our education system — eight years in primary school, secondary school and university — without a word of Irish and I, too, am amazed by the number of Deputies who can speak Irish because it is not a common trait among the rest of the working population in a similar age category. We face a crisis here because all of us, as citizens and Irish people, would like to participate and have an opportunity to debate how we can take steps to preserve the Irish language and promote it among those who do not have the benefit of it. We are the products of a system where Irish is compulsory in school and yet most people cannot speak it, or do not use it in a living sense, once they leave school. As has been said, many people end up hating Irish. Are there steps we can take to improve that situation? That is certainly a debate worth having.

Given that this Bill is the product of much consultation in Gaeltacht areas — in some cases, research of more than 12 years — it is wrong that we would try to condense this debate into the last week before the summer recess. It is not an appropriate way to deal with it because there is a contradiction here. On the one hand, we have surveys which show there is a reduction in the number of people speaking Irish as a main language but, on the other, there is a huge interest in terms of the explosion in the number of gaelscoileanna and so on. How do we marry the objectives of preservation on the one hand and of promotion on the other against a backdrop of limited resources and trying to maximise the use of resources? People better qualified than me have said they believe the Bill, as it stands, will not achieve that and will probably fail native Irish speakers and will not really do enough to preserve Irish and keep it alive as a community language. A number of individuals have said the issue of language equality needs to be examined and that is the way we should look at it.

I refer to a number of definitions in the Bill, including Gaeltacht language planning areas, Gaeltacht service towns, Irish language networks and so on. There is a belief that these definitions are not really binding and that they have been kept a little open. Words like “may” are used in the Bill and they do not take into account definite criteria, such as the number of Irish speakers in an area. There is a belief among some that the Bill is based too much on ministerial discretion rather than on actual data which have been collected in regard to the number of Irish speakers. If we are talking about preserving Irish speaking communities, we need the State to speak the language of those people but it does not do so to a great extent. That really means more definitively identifying Irish speaking areas using proper reliable linguistic data and then providing those communities with the information and services from the State in Irish. That does not really exist. Local people should be able to do their taxes, deal with their social welfare, go to hospital, deal with the gardaí and so on in Irish — in their native language. The Bill does not really provide for that.

As Deputy Healy said, part of the problem which has been identified is the official boundaries of Gaeltacht areas linking up with the Government order of 1956. It does not accurately reflect the current linguistic situation and that needs to be addressed. There were good articles in the newspapers today which showed the anomalies as a result of growth in towns like Galway and areas being categorised as Gaeltacht areas in which people do not speak Irish. Proper Gaeltacht boundaries would save the Government money and would allow resources to be directed to the areas which need the language to be preserved. This is crucial. What I am saying is linked to last week’s debate on the erosion of rural communities and the closure of facilities such as rural post offices and small schools. Language policy has to be linked to an economic policy that gives life to these communities, or else it is a waste of time.

[Deputy Clare Daly.]

The kernel of the issue, which I hope will be addressed by an amendment, is that the Bill makes no distinction between preserving Irish and promoting it. We must prioritise one over the other. My belief is that if Irish is to survive we must prioritise preservation. Promoting Irish among people who primarily speak English in their day-to-day existence is not a realistic policy. We can, maybe, do that through the schools or by other measures, but unless we make an input into the communities that are affected, the Bill will be a failure.

I am glad to have had the opportunity to make those points. It is unfortunate that we are addressing the Bill in such a rushed fashion. If the Irish language is in jeopardy within a decade of two that is a serious cultural issue for every citizen, whether they speak Irish or not. Irish is something people would like to preserve. In that sense, we need to have an input into the Bill, first to ensure that Gaeltacht communities are protected and the language preserved there. Once that is secured we can then look at directing resources to the promotion of Irish and broadening it out to those who do not have as much knowledge of it. The work must start in the Gaeltacht communities.

A fundamental flaw is that the boundaries do not reflect the linguistic status of Gaeltacht areas, on which so much research has been done.

Deputy Joe O'Reilly: Ar dtús, ba mhaith liom mo chomhghairdeas a ghabháil leis an Aire Stáit, an Teachta McGinley, as ucht an Bille chuimsitheach éifeachtach seo a thabhairt os comhair an Tí. Tá an t-Aire Stáit tar éis a shaol a chaitheamh ag obair ar son mhuintir na Gaeltachta agus ar son na Gaeilge mar theanga bheo. Tréaslaím leis as an dea-obair atá déanta aige thar na blianta. Tá sé lán-soléir go bhfuil fíis aige i leith na teanga, na Gaeltachta, oidhreacht na tíre agus ár ndúchais. Molaim an t-Aire Stáit as sin.

Níl mé ag iarraidh a bheith polaitiúil nuair a deirim go bhfuil an iomarca béime á chur ar an méid ama a tugadh don díospóireacht ar an mBille. Cuireann na Teachtaí atá a déanamh an ghearáin seo in iúil nach bhfuil mórán pointí eile acu le cur in éadan in Bhille. Beidh cuid mhaith ama againn amárach agus beidh am againn leasaithe a mholadh más mian linn. Beidh seans ag níos mó daoine labhairt ar an díospóireacht. Bhí rudaí iontach spéisiúil le rá ag na Teachtaí a labhair inniu, ach má fhéachtar go cruinn ar an sceideal feictear nach bhfuil mórán daoine eile ag iarraidh labhairt. Tá an iomarca béime a cur ar cheist an ama. Ní hé an t-am gairid an fhadhb. Tá dualgas orainn an t-am a úsáid go héifeachtúil, leasaithe a mholadh agus pointí a dhéanamh. Níl mé ag iarraidh a bheith polaitiúil faoi seo. Tá mé lán-dáiríre.

Tá sé uafásach agus aisteach agus cuireann sé díomá orm nach bhfuil ach 24% de dhaonra na Gaeltachta ag labhairt na Gaeilge. Cúis díomá í sin dúinn go léir agus tá rud éigin riachtanach le déanamh faoi, gan amhras. Aontaím leis an Teachta Clare Daly nuair a deir sí go gcaithfear béim a leagadh ar an bhfadhb sin. Caithfear rud éigin a dhéanamh. Cuireann an Bille an bhéim san áit cheart. Is fiú béim a cur ar an teanga. Beidh an t-údarás nua ag déileáil go díreach leis an bhfadhb seo, ag pleanáil straitéise don teanga agus ag iarraidh an teanga bheo a coimeád slán. Tá an t-athrú sin riachtanach. Tá sé san mBille agus molaim sin. Is gá dearcadh a dhéanamh ar an gceist seo agus athrú a chur i bhfeidhm. Tá sé riachtanach díriú isteach go géar ar an gceist seo agus plean cuimsitheach don teanga a chur i bhfeidhm a bhéadh oiriúnach dos na paróistí, dos na ceantair agus do gach áit bheag sa Ghaeltacht. Caithfidimid an rud sin a dhéanamh. Molaim go bhfuil an polasaí sin lárnach san mBille. Molaim an t-Aire Stáit agus na daoine a bhíonn ag obair leis dá bharr.

Tá sé spéisiúil a thabhairt faoi deara go bhfuil daoine ar fud na tíre bródúil as an teanga. Ní cloistear an cineál masla a bhíodh á chaitheamh ar an teanga na blianta ó shin. Tá daoine bródúil as an Ghaeilge agus ag iarraidh í a labhairt más féidir leo. Tá bród ar dhaoine a bheith páirteach i ghnóthaí na Gaeilge. Nuair a bhíonn an fleá ceoil againn i gContae an Chabháin

bíonn na slóite ann agus gach duine páirteach sa chóimhrá Gaeilge, ins na ranganna agus i ngach rud mar sin. Tá athrú meoine ar dhaoine. Ag an am a bhfuil an Ghaeltacht ag meath tá feabhas ag teacht ar an tír go léir, ó thaobh na Gaeilge de. I mo bhaile féin, i gContae an Chábháin, tá gaelscoil íontach ag obair go maith. Chomh maith leis sin, tá grúpa mór a thagann le chéile chun Gaeilge a labhairt.

Is fiú go bhfuil sé lárnach sa Bhille go mbeidh ról ag Foras na Gaeilge. Molaim an obair iontach atá á dhéanamh ag Éamonn Ó hArgain, rúnaí Fhoras na Gaeilge, agus ag an fhoras. Is maith an rud go mbeidh an foras ag plé leis an gceist agus ag tabhairt cabhair dos na háiteanna taobh amuigh den Ghaeltacht chun an Ghaeilge a forbairt ins na háiteanna sin. Tá an méid sin oibre ar son na Gaeilge ar siúil i mBaile Chábháin go bhfuil sé riachtanach cabhair a thabhairt dos na daoine atá ag forbairt na Gaeilge ansin agus iad a spreagadh níos mó. Tá an spreagadh agus an fhorbairt sin lárnach sa Bhille agus is fiú é sin. Molaim don t-Aire Stáit béim mhór a cur air sin.

Aontáim leis an eagraíocht nua atá le déanamh ar Údarás na Gaeltachta. Beidh seachtar mball den údarás roghnaithe ag an Aire de bharr cruinn eolas faoi leith a bheith acu agus staidéar a bheith déanta acu ar an teanga, ar a hathbheochain agus ar an nGaeltacht. Mholfaínn don Aire go roghnófar an seachtar sin ó áiteanna éagsúla sa tír. Tá daoine a bhfuil na cáilíochtaí sin acu le fáil i ngach ceantar den tír. Mholfaínn don Aire béim a cur ar na ceantair Gaeltachta óna dtagann baill sealadacha bhord an údaráis faoi láthair.

Mholfaínn don Aire go roghnódh sé daoine ó cheantair éagsúla ar fud na tíre.

Debate adjourned.

Topical Issue Debate

Suicide Prevention

Deputy Dan Neville: I will begin my contribution with the following quote from an editorial in the *Irish Independent* of today:

Suicide remains the great unmentionable in Irish life... The biggest obstacle to reducing the number of deaths from suicide is the taboo most of us still have about discussing our mental health.

We should be extremely concerned about the figures published yesterday by the CSO which reveal an increase of 7% in the rate of suicide. The figures show that 525 people died by suicide in 2011, of whom 439 were men and 86 were women. Some 193 of those who died were under 35 years of age. There were also 65 undetermined deaths in 2011. Combining this figure with the fact that many suicides go unidentified because, for example, they involve single occupancy road crashes suggests that more than 600 people died by suicide last year.

This should be a matter of concern for anybody who values life and understands the trauma experienced by those who feel there is no way out of their crisis other than taking their own lives. They did not wish to die but they did not know how else to deal with their difficulties. The question of what people are thinking when they take their lives deserves much longer debate than is possible in this context. Extensive research is required to understand why suicide rates are so high but we can easily identify two contributory social factors, namely, the neglect of mental health services over many decades and the lack of suicide prevention programmes.

[Deputy Dan Neville.]

Bearing in mind that up to 80% of those who died by suicide suffered from mental health difficulties, the neglect of mental health services is nothing short of scandalous.

The link between suicide and economic recession has also been well-established. Unemployment and the threat of unemployment are the leading predictors of suicide, especially among men. Those who are unemployed are between two and three times more likely to take their lives than those who are in employment. Being out of work has an especially profound effect on the young and the middle-aged.

In the budget, €35 million was allocated to develop mental health services. It is vital that the money is spent as intended because, as the Minister will be aware, in 2006 and 2007 moneys intended for mental health services were spent elsewhere by the HSE. The first step in developing mental health services is establishing community-based multidisciplinary psychiatric services. Recruitment is ongoing for 150 posts in child and adolescent psychiatry. Perhaps the Minister can inform the House when it is planned to have the 150 posts in place. A further 254 new posts are due to be created for adult psychiatry. What is the position on recruitment for these posts, when will they be in place and what is the breakdown between psychiatrists, psychotherapists, psychologists, occupational therapists, family therapists and psychiatric nurses? Perhaps the Department of Health can supply that information. How much progress has been made on the 90 community-based multidisciplinary psychiatric teams promised across the four regions and which areas are being covered? I understand that considerable planning was carried out earlier in the year in regard to how the €35 million will be spent. I am sure these plans are available for discussion.

Minister for Health (Deputy James Reilly): I thank Deputy Neville for raising this important issue. The Deputy is known to be a great champion of the cause of suicide prevention.

The suicide rate in Ireland gradually declined between 2003 and 2007 from 497 to 458. However, this trend has reversed and evidence supports a link between the economic downturn and the increase in the rate of suicide. A recent CSO report indicates an increase of 7% in the number of suicides. Some 525 suicides were registered in 2011, compared with 490 in 2010. The figures also revealed a rise in male suicides, which accounted for 84% of all suicide deaths in 2011. These latest figures for the numbers of people who died by suicide last year are truly disturbing. Suicide is a tragedy that we are constantly working to prevent. We are also working to give more support to the families affected.

Reach Out, our national strategy for action on suicide prevention, sets out a series of specific actions and calls for a multi-sectoral approach to the prevention of suicidal behaviour in order to foster co-operation between health, education, community, voluntary and private sector agencies. Up to 20 voluntary organisations are part funded by the HSE to provide excellent support services, including telephone and web based helplines. The National Office for Suicide Prevention, NOSP, has implemented most of the Reach Out recommendations in a four way strategy of 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 and providing support to families and communities bereaved by suicide. A wide range of awareness and training programmes is also available, including safeTALK and ASIST, which trains participants to become more alert to the possibility of suicide in their communities. The NOSP has also piloted a system of suicide crisis assessment nurses working with emergency departments and GPs which will be rolled out nationally this year.

The special allocation of €35 million for mental health which was announced in budget 2012 will be used primarily to further strengthen community mental health teams in adult and

children's mental health services and initiate the provision of psychological and counselling services in primary care specifically for people with mental health problems. I am pleased to announce that Dr. Stephanie O'Keeffe, former head of the Crisis Pregnancy Agency, has recently been appointed as permanent director of the NOSP. Dealing with the current levels of suicide and deliberate self-harm is a priority for this Government. I am continuing to monitor NOSP initiatives and the activities of voluntary agencies, as well as funding by the HSE and, in particular, progress on our special €35 million package of measures for mental health.

The challenge of suicide prevention is one of the most urgent issues facing society but I am confident that by working collectively policy makers, service providers and service users can and will respond to this challenge. I assure the House of the Government's unwavering commitment to addressing this issue.

Deputy Dan Neville: I welcome the appointment of Dr. Stephanie O'Keeffe as director of the National Office for Suicide Prevention. The permanent position was vacant since last October. I wish her well in the task ahead of her.

I am glad that the Minister recognises this is one of the most urgent issues facing society. He has promised to appoint a director of mental health services. What progress has been made on this vital appointment? Heretofore there has only been an assistant director of mental health services. Mr. Martin Rogan is doing a great job in that position but we need a senior person who will report to the chief executive of the HSE. The Minister has identified the people who collectively should work in this area, but this is a societal issue involving various bodies. Leadership should emanate from Government and those mentioned by the Minister, but the broader society should also take an active part as it has in other countries through various sporting and community organisations as well as clergy and gardaí. In addition, it should be recognised that general practitioners have a role to play.

We wish to promote the rolling out of the applied suicide intervention skills training or ASIST programme and the SafeTALK programme. Last year, the Irish Association of Suicidology provided a short course to over 700 members of the Society of St. Vincent de Paul. In addition, almost 500 gardaí in the Limerick area have been trained by the National Office for Suicide Prevention in a programme, similar to ASIST, under the auspices of the European Union.

A lot of leadership, understanding and discussion are required in dealing with this matter. Until we remove the taboo, people will not seek help in time. The biggest challenge in the area of mental health and suicide is to break down the stigma surrounding it. In that way, people will feel comfortable speaking about their difficulties and will be able to seek assistance without feeling that they are being labelled in any way, as they feel at present.

Amnesty International recently published an excellent survey on mental health, including patients and service users. It outlined the stigma they feel and have experienced as people suffering from a mental health condition. The survey is very revealing although we do not have time to go into it now.

Deputy James Reilly: I thank Deputy Neville for raising this important issue. I recognise, as he does, that the figures we have for suicide could in fact be an awful lot higher if single vehicle accidents were considered. We have seen some tragedies, including one more recently in a foreign clime involving an Irish couple who ended up losing children as a consequence of a man with suicidal intent. I would like to take this opportunity to convey our deepest sympathies to the family concerned.

I agree with Deputy Neville that the response needs to be community-wide and involve the sort of people to whom he has alluded who reach deep into the community at many different

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levels, including gardaí and clergy. The business community is particularly vulnerable in a recession and there is a role for chambers of commerce, parish councils and other community groups. We need to harness all these groups to try to tackle this problem which is of a very serious nature and a real priority for the Government.

I commend the National Office for Suicide Prevention on the ASIST and SafeTALK programmes. I agree with Deputy Neville that we need to destigmatise mental health issues, which are the same as any other health issues. That is why we want all primary care centres to have a mental health facility. People with mental health issues should attend their local primary care centre in the same way as if they had a sore throat or a chest pain.

We must recognise that not just for the last couple of decades, but also for centuries, psychiatry and mental health issues have been the Cinderella of our health services. They do require particular attention and will receive that from this Government.

Acute Hospital Services

Deputy Michelle Mulherin: The acute services at Mayo General Hospital are under considerable pressure and that is why I am bringing the matter to the Minister's attention. I am asking him to intervene to change the situation. In the past year, there has been an increase of nearly 28% of people presenting to the accident and emergency department in that hospital. As a result, there has been an increase of almost 9% in admissions. The Minister might ask whether they are striving for efficiencies to do their business in the way he and the HSE have outlined for hospitals to conduct themselves. I fully support that but this hospital, its management and the HSE team in the area are very much tuned into the Minister's policy and philosophy. In fact, these statistics are no reflection on the hospital's management because last year it boasted health figures placing it as one of the best performing hospitals in the country. The performance included a 64% reduction in people waiting on trolleys, which compared to a national average of 20%. Therefore the hospital management has been listening and has been trying to implement the Minister's guidelines.

Mayo General Hospital has been assessed by the Minister's special delivery unit and was found to be running efficiently, which is a reflection on the sort of work being undertaken there. However, major pressure is being placed on the hospital as a result of the closure of the accident and emergency department at Roscommon Hospital. Following an examination of relevant data, it has been found that many people presenting to Mayo General Hospital have addresses in County Roscommon.

I have cited figures for presentations and admissions at the accident and emergency department in Mayo General Hospital, but figures for the same period in University College Hospital, Galway, showed a 10% reduction in presentations to the accident and emergency department and a reduction of 5% in admissions.

It is significant that another tranche of people presenting to the accident and emergency department in Mayo General Hospital have addresses in north Galway. Anecdotal evidence points to the fact that people from Roscommon are either going to Mayo General Hospital or Sligo Hospital, and are not going to UCHG. Having visited UCHG's accident and emergency department on a number of occasions, I understand there is a problem in accessing it and it is already under pressure. This situation concerns people in counties Galway, Roscommon and Mayo.

When the accident and emergency department was closed in Roscommon Hospital there was no transfer of resources to Mayo General Hospital, notwithstanding the fact that fewer people

were presenting or being admitted in Roscommon. As far as I understand it, the same teams are still there, although dealing with fewer people. That matter needs to be addressed.

Funding from the Minister's special delivery unit should be given to two intermediate care teams, which would take people out of hospital. It would also provide nursing staff, physiotherapy, occupational therapy and health care assistants in order to provide emergency interventions in people's own homes so they would not occupy hospital beds. This in turn would avoid unnecessary admissions to Mayo General Hospital or long-stay residential care, as well as allowing for an earlier discharge of patients from the acute sector.

It would naturally be a better use of the hospital's resources in addition to providing 24-hour nursing care with therapy interventions in the home. Over a maximum 12-week rehabilitation period, that should see patients referring to normal community services afterwards. In the interim, it would keep them well away from Mayo General Hospital, which has an average length of stay of 6.2 days for patients. That compares favourably with other statistics.

The Minister has set aside €28 million to address this issue so that people will not be on trolleys and to target acute services where they are needed. It is an expensive process and costs approximately €1,000 per day to keep someone in Mayo General Hospital. The cost for a step-down facility comes to about €400 or €500 per week. It makes financial sense to keep people out of acute hospital services. Mayo General Hospital is carrying an extra burden and I hope the Minister recognises that. The facts and figures are there to back it up. I am asking the Minister to make an allocation from that fund to the acute services.

Deputy James Reilly: I thank the Deputy for raising this issue.

The Government is committed to ensuring that patients receive the highest standard of care in the appropriate settings be they acute, community or residential. The traditional focus on the institution rather than the patient must be changed. To this end, we support older people to live at home and in their communities for as long as possible. This is realised through a range of community-based services, including mainstream home help, enhanced home care packages, meals-on-wheels and respite or day care. These services are designed to be as flexible as possible to best meet the needs of individual recipients and their families.

In tangible terms, the investment dedicated to services for older people is significant by any standard with, for example, just over €1.4 billion being provided this year for the health sector alone, of which approximately €350 million is for HSE home supports. These services are often delivered on a partnership basis with the not-for-profit and private sectors. We also provide a number of short term care beds nationally, including convalescence, respite, rehabilitation and palliative care beds. In total, there are just under 2,000 short term care beds currently available nationally. Intermediate care is a key component in delivering a continuum of services and particularly in delivering the appropriate care at the lowest level of complexity.

There are currently 160 short term or intermediate care beds available in Mayo General Hospital. I am aware that the hospital made a submission for inclusion in a pilot project on intermediate care being undertaken in my Department by the special delivery unit. The business case suggested the development of two intermediate care teams in Mayo, one in the south of the county and another in the north. The aim of these teams is to avoid unnecessary admissions to hospital or long stay care units, enable a more efficient hospital discharge, provide home care services for those who need help to recover from an illness or injury and to bridge the gap between primary and secondary care. The criteria for admission to this home based service is as follows: clients should be over 65 years of age, clients should have had a recent episode which resulted in a deterioration in their condition, clients have the potential for

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improvement-rehabilitation within a 12 month period and that the client reside in a catchment area. The cost associated with the development of the two teams is estimated to be €907,000.

The special delivery unit is still considering all of the submissions received regarding this initiative. No final decision has been made concerning the areas to be covered or the extent of these initiatives. However, the submission from HSE west in respect of Mayo General Hospital will be considered with all of the other submissions.

Deputy Michelle Mulherin: I thank the Minister for his response. I would welcome a comment from the Minister on the requirement on Mayo General Hospital to cope, without additional resources, with patients who previously would have gone to the accident and emergency department at Roscommon General Hospital.

I understand that €18 million of the €28 million has been allocated to the Dublin and mid-Leinster regions. Can I take it from the Minister's response that the provision of additional funding for Mayo General Hospital is still under consideration by the special delivery unit and that notwithstanding the recent announcement in regard to the €18 million there is more funding in the pipeline for worthy proposals such as this?

Deputy James Reilly: There is no question or doubt but that patients from Roscommon have been for a long time opting to go to Mayo General Hospital, Sligo General Hospital, Portiuncula Hospital and Galway University Hospital. A survey taken a couple of years ago indicated that only 9% of people with an address in Roscommon were attending the hospital in Roscommon, with the remainder attending other hospitals. It is our intention to reverse this trend by ensuring the provision of more safe services at Roscommon General Hospital so that more people from Roscommon and beyond can be treated there.

On the matter of additional funding for Mayo General Hospital, I must advise the Deputy that Portiuncula Hospital, Galway University Hospital and Sligo General Hospital have not received additional funding. The reality is that we are on an extremely tight budget, with the troika in town every three months examining all budgets. We do not, therefore, have the latitude we had in previous years. As I stated, the provision of additional funding remains under consideration. No final decision has yet been made.

Hospital Services

Deputy Éamon Ó Cuív: I thank the Minister for taking this matter, which I accept is at this stage only speculation. However, I believe it is speculation with a basis.

There is speculation that a recommendation will shortly be submitted to the Minister in regard to the withdrawal of oesophageal and stomach cancer services from Galway University Hospital, leaving only two centres in the country providing these services. I understand this arises out of a plan under consideration by the national cancer control programme. If this were to happen, patients from the west of Ireland would be required to travel to Dublin for treatment. I often think people believe everybody in the west of Ireland lives in Galway city. There are people for whom travelling to Galway takes half the time it would take to travel to Dublin. We are speaking, therefore, of many people for whom Dublin is more than four hours away.

Currently, there are four regional units providing this service. I accept that it is not possible to provide every service everywhere. I agree that we need to decide the appropriate level of service for each particular speciality. I have always accepted that. I believe that, as pointed out by the Minister in response to the previous matter, services currently provided centrally will be provided closer to people's homes while other services will be provided in one particular centre. However, I am concerned that despite the intention to provide regional centres of

excellence, taking geography into account, the system — I accept this proposal has not yet come before the Minister — will try to recentralise everything. In terms of the medical issues that arise, there is a need to look beyond medical speciality and to ensure that if all services are to be provided centrally all other back up services will be available, including beds, car parking spaces and so on.

I am asking the Minister to consider this proposal, which no doubt will come before him, in the context of whether it is the right decision taking into account quality of life issues and the fact that it is possible to ensure there is peer review when the service is being provided by only four centres in the country. I hope the Minister can confirm to me today that regardless of what recommendation is made to him he will not be inclined in that way. I hope also that he will take into account that the services in Galway also provide investigative services for non-cancerous conditions such as stomach ulcers and so on.

I hope the Minister's vision of the health service will dictate that where there are good quality regional services available, as in this case, he will resist any proposal to centralise those services at huge inconvenience on a human level for people. I am not a doctor. I do not believe there is any overriding medical reason this should be done. Any case put forward on that basis would have to be considered alongside the case that people have a right to the provision of a top class service within reasonable distance in their region.

Deputy James Reilly: I thank the Deputy for raising this important issue.

The Strategy for Cancer Control in Ireland 2006 recommends that all major cancers, including oesophageal and stomach cancers, be treated in designated centres where patients are managed by multidisciplinary teams, in accordance with the best standards of cancer diagnosis, treatment and care.

The HSE's national cancer control programme, NCCP, recently undertook a quality review of oesophageal cancer surgery in the period 2008 to 2010. This involved an examination of services at four designated cancer centres — St. James's Hospital, Galway University Hospital, University Hospital Cork and Beaumont Hospital. The review examined quality of services against a range of standards of best practice. The outcome of the review was that the overall quality of oesophageal and upper gastrointestinal cancer surgery in Ireland in the four designated centres is within an internationally acceptable range for quality of the procedures, morbidity, mortality and post-operative complications, compatible with the volumes of patients treated in each centre.

In assessing the situation the national cancer control programme was mindful that evidence in international publications indicates that long-term outcomes have been demonstrated to be significantly better in high-volume centres. This necessitates that the programme for managing stomach and oesophageal cancer ensures that it harnesses the strengths of the entire national team of experts in co-ordinating services and monitoring quality in Ireland.

Following the review it has been decided that St. James's Hospital will be designated the national centre for oesophageal and gastric cancer. The national cancer control programme has appointed a clinical lead for upper gastrointestinal cancer. University Hospital Galway, together with Beaumont Hospital and Cork University Hospital will be designated as the three satellite centres for oesophageal and gastric cancer care including radical surgery, radiation therapy and chemotherapy.

The new programme will ensure there is integration within a multidisciplinary service based in each designated cancer centre with access to medical oncology, radiation oncology and specialised upper gastrointestinal surgical expertise; sustainable expert surgical services supported by specialised surgeons, inpatient beds, theatre access and an intensive care unit; sustainable volumes of procedures compatible with maintenance of surgical and nursing skills;

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implementation of video-conferenced national multidisciplinary team meetings to ensure optimal treatment decisions for selected complex patient management; collaboration with the national cancer control programme's national gastrointestinal tumour group in the development and implementation of national clinical practice guidelines; development and regular reporting of key performance indicators which build on the elements of this recent review; and planning of resources to ensure that money follows the patient.

I am confident the arrangements put in place by the NCCP will help to ensure best outcomes for patients.

Deputy Éamon Ó Cuív: The answer is comprehensive and I am very pleased with it. Can I take it that these are the decisions for the medium to long term? Will this be the arrangement to be in place? If it is, it is a very satisfactory outcome, which will give the perfect balance between having all the co-ordination, each one working in tandem with the other. I have no difficulty with one having a lead role in a speciality, which makes sense. If this is as it will be and if this is the decision from the national cancer control programme, it is a very satisfactory answer to the question I raised and it should allay the fears of many people. The surgery, radiation therapy and chemotherapy will be available locally while on the other hand every piece of national information, skill etc. will be available through a linked-up system between the four centres. I ask the Minister to confirm that my reading of the situation is correct.

Deputy James Reilly: The arrangements are as I have stated. That is the plan and those are the arrangements that have been put in place. I welcome the Deputy's comments. We want all citizens with oesophageal cancer and upper gastrointestinal cancer to get the best treatment. Like the Deputy, I believe that where possible we must have the volume of patients going through to maintain the expertise. Transposition of excellence will occur more quickly with IT link up and regular multidisciplinary team meetings in individual hospitals and also in conjunction with the main centre through IT linkage and video-conferencing, which is something we are developing. We acknowledge that for some parts of the country because of our geography and the population spread long distances are involved for people. I am pretty familiar with the road from Clifden and beyond coming into Galway city, which is a considerable journey in itself.

I am pleased the Deputy has accepted the answer that it will allow for the best of both worlds with a spread of the service in the country and yet have the volumes and expertise to keep us at the top of international best practice.

Employment Rights

Deputy Catherine Murphy: I am sure the Minister is delighted with this one.

Deputy Éamon Ó Cuív: He is multitasking tonight.

Deputy Catherine Murphy: I thank the Ceann Comhairle for selecting this matter which straddles a number of Departments. I am particularly interested in the area of employment rights. With the scrapping of the transition pension from January 2014, in effect the pension age is being standardised at 66. Even though we do not have any default age for pensions, many contracts of employment specify 65. Citizens Information states there is no single retirement age for employees, but that very much depends on the person's ability to sustain himself or herself.

The retirement age is usually set in a contract of employment. Some contracts have a mandatory retirement age and where there is a mandatory age it is usually 65. Recently the Employment Appeals Tribunal ruled on a case in which a person was being forced to retire at 65. She

was challenging it under the Minimum Notice and Terms of Employment Act because nothing in her contract stipulated that the age was 65. However, the Employment Appeals Tribunal ruled against her on the basis that it was custom and practice in the company to retire at 65. From 1 January 2014 people who are required to retire at 65 on the basis of their contract will find there will be no transition arrangement until the age of 66, requiring them to apply for a jobseeker's payment. However, this infringes on their rights as employees because they are either being made redundant or let go and they will be required to apply for jobseeker's benefit. While they may have the requisite number of contributions, there is a difficulty with them being required to be available for work to get this payment, which is actually approximately €40 less than the transition payment.

Does this mean the people working in semi-State organisations will be able to work up to 66? Will there be a change in the redundancy arrangement so that somebody being let go at 65 will be able to apply for redundancy? If a person voluntarily leaves work will he or she be entitled to jobseeker's payment? Many anomalies are being thrown up here and while people are starting to ask questions about the changes to pension entitlements, there are knock-on effects on employment rights. Employment rights are the same as property rights or any other kinds of rights. I do not believe the Department of Jobs, Enterprise and Innovation is picking up on that aspect of change that has been made in the Department of Social Protection.

Deputy James Reilly: I am taking this on behalf of the Minister for Social Protection, who is on EU business in Cyprus. Legislation governing employment rights is primarily a matter for the Minister for Jobs, Enterprise and Innovation who advises that in general, the employment rights legislation administered by the Department of Jobs, Enterprise and Innovation does not contain an upper age limit. In particular, no legislation imposes a particular retirement age in the private sector. The upper age limit for bringing claims under the Unfair Dismissals Acts 1977-2007 was removed by a provision in the Equality Act 2004. The effect of that amendment was that a person, aged over 66 when dismissed, may now take a case under the Unfair Dismissals Acts unless he or she has already reached the normal retiring age for employees of the same employer in similar employment, if one exists.

Apart from being included in a contract of employment between an employer and employee, the normal retirement age may be a matter of custom and practice that has developed in a particular sector or workplace. Additionally, the upper age limit of 66 years for receipt of statutory redundancy payments was removed by the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007. The Employment Equality Acts 1998 to 2008, which are administered by my colleague, the Minister for Justice and Equality, aim to protect against discrimination in regard to access to employment on a number of grounds, including age.

The Employment Equality Acts contain a provision permitting the inclusion a specific retirement age in a contract of employment. However, it is noted that rulings of the European Court of Justice under EU employment equality directives in regard to the issue of compulsory retirement ages may have implications in this regard and these will need to be examined. In the absence of a compulsory retirement age being specified in legislation, there is no current impediment from an employment rights legislation perspective to an agreement being reached in the workplace between an employer and an employee to a person continuing on in employment.

In regard to pension reform, I want to take this opportunity to again explain why we are making changes to State pension provision. As Irish society has changed, pensions policy has evolved to reflect these changes. A key focus of the Minister has been to ensure the State pension is sustainable in light of demographic changes and the associated increases in pension costs. This is compounded by the wider need for sustainable public finances. Our primary

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consideration in making the changes we have made to reform pensions has been to ensure the system is on a financially sound and sustainable footing. Ireland is not alone in this; all ageing western societies face a similar challenge.

An Leas-Cheann Comhairle: The Minister has one minute remaining.

Deputy James Reilly: The underlying and fundamental issue is demographic. The OECD put this conundrum well when it stated, “Policy makers are facing the challenge of providing a short-term response to the crisis without losing sight of the longer-term structural reforms needed to put pension on a solid footing in light of population ageing.” Addressing this demographic problem is what lies behind the changes to the age at which people qualify for the state pension. It is also why the Government has asked the OECD to examine current pension policy in light of the economic downturn and to ensure it meets the needs of future generations. The central objective is to reform the system of social protection in order that it is viable into the future.

The pension reform measures under way, including the raising of State pension age which has been already provided for in primary legislation, address some of these issues. While the current State pension age of 66 remains, the State pension which applies for one year for persons aged 65 will cease from 2014. Thereafter, State pension age will increase to 67 in 2021 and 68 in 2028. There is considerably more in the reply, which I will pass on to the Deputy.

An Leas-Cheann Comhairle: It will be circulated.

Deputy Catherine Murphy: The essential point I am making relates to the gap of a year in provision in the case of an employee who has a contract of employment up to the age of 65. I cited a ruling of the Employment Appeals Tribunal which provided that because it was custom and practice to retire at age 65, the person concerned had to retire at that age. A problem will arise in the gap year when no transition pension will be provided.

I understand the provisions of the framework on equality and the European Court of Justice in regard to discrimination on age grounds. It seems the onus is being put on individual employers to renegotiate contracts of employment for employees up to the age of 66, yet the custom and practice in those companies can be challenged at the Employment Appeals Tribunal, although such a challenge would probably not be successful as the tribunal has already ruled against such a challenge. In 2014 employees aged 65 will be let go, they will have to wait a year before they can get their pensions and in that period they will be in receipt of jobseeker's benefit but they will not be genuinely seeking work. This area needs to be examined in terms of people's rights to ensure it will not be left to individual employers to arbitrarily decide an employee can remain at work until they reach the age of 66 because it is custom and practice, while at the same time a person who must retire at the age of 65 will have no means while waiting a year to get his or pension at the age of 66.

Deputy James Reilly: I hear what the Deputy is saying. The core principle of sustainable social protection systems in advanced economies is that citizens receive benefits in proportion to their contributions. This has been always part of our pension system and changes to State pension provision which were announced recently put an increased emphasis on this as the system had not maintained a sufficient link between contributions and payments. We will always continue to provide the normal supports to those who cannot, for whatever reason, continue working or find themselves in financial difficulty. In this regard, the Deputy may wish to note that in 2011, almost half of those who received the contributory State pension were already on a social welfare payment before they reached pension age. For those with an income need, social welfare schemes will continue to be available for those who fulfil the eligibility

criteria. The Government and the Minister for Social Protection are determined to defend and protect our State pension as the cornerstone of a secure and comfortable old age and the changes to State pension provision will go a long way towards this goal.

Ceisteanna — Questions

Priority Questions

An Leas-Cheann Comhairle: As Deputy O'Dea has not arrived, we will move on to Question No. 2.

Job Creation

2. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation in view of the 14.9% unemployment rate for the month of June, the effect this may have on his plans to create 100,000 additional jobs. [34247/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Government is fully committed to its target of achieving a net increase of 100,000 persons at work by 2016 and improving job prospects for those who are out of work. To achieve this target, the Government has put in place two major programmes, the Action Plan for Jobs and Pathways to Work. These programmes are focused on delivery.

This Government is seeking to undertake a huge transformation of our economy to achieve these goals. Huge damage has been done to the fabric of our economy by the property bubble and the flawed policies which underpinned it. Competitiveness was lost, export markets were lost, our banks were crippled and hundreds of thousands of jobs were lost. However, through the Action Plan for Jobs we are bringing about the necessary changes to achieve this transformation. Every Department and more than 35 offices and agencies have contributed practical actions that will be delivered by 2012 to promote employment. At the end of the first quarter of 2012, 96% of the measures due for delivery under the Action Plan for Jobs were implemented on time. I am also commencing consultation on the 2013 Action Plan for Jobs and I welcome all inputs to this process.

As the Deputy is aware, the Action Plan for Jobs contained a significant number of innovations in a number of employment-generating areas. In terms of access to finance, it provided for microfinance and loan guarantee schemes, the development capital fund and the improved seed capital tax relief scheme. Regarding new markets, we have introduced initiatives for first time exporters and focused our diplomatic resources on trade.

To support start-ups and small business, we are reforming supports to small businesses, we have introduced initiatives for community enterprise centres, a clustering programme, the competitive start fund, and we are improving access to public procurement for small and medium sized enterprises. We have also focused on tax incentives and improvements in competitiveness as a means of employment growth.

Employment trends within the agency supported companies are improving in an environment where there has been an export-led economic expansion. A great deal more work has to be done and I am now commencing consultation on the Action Plan for Jobs 2013.

Deputy Peadar Tóibín: We are at a crisis point on this issue. It is the biggest problem facing the State and it is progressively getting worse under the stewardship of the Minister's Government. The human face of this crisis is that 450,000 people are unemployed in this State. It is estimated that another two citizens are usually linked to the unemployed person. The crash in

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income experienced by those unemployed and the negative human experience of unemployment is reaching 1.3 million people directly.

The live register figures we saw recently indicate an unemployment rate of 14.9% but, according to the Census of Population, roughly 19% of the population of the State is unemployed. The real figure is between 15% and 19%. Long-term unemployment figures have increased from 40% to 45%. Nearly 200,000 people in this State are unemployed for as long as this Government has been in office. This is a shocking and startling figure. This is despite 70,000 people emigrating in a year, nine people every single hour. I ask the Minister to imagine if this release valve was not there how much worse these figures would be.

He spoke about the jobs plan but this is ignoring the real issue which is the unemployment crisis. The avalanche of spin is all very well but two key ingredients are missing.

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

Deputy Peadar Tóibín: Money is needed and also proper targets. What targets has the Minister in mind to ensure that the promised 100,000 additional jobs will be achieved? Given the current economic situation, how will those targets be achieved?

Deputy Richard Bruton: The Deputy knows that the Government has set a series of targets of 270 actions to be taken this year to deliver a transformation in our economy. As I said in my reply, many systems are seriously broken. The banking system is not performing to a standard and as a result we have had to introduce numerous measures to support business in getting access to finance. This includes the microfinance initiative, the loan guarantee scheme and the development capital scheme. These are all designed to plug gaps in a system that is not serving business sufficiently. We recognise the need to rebuild our export base and through Enterprise Ireland this is beginning to happen. There was an exceptional 14% growth in exports last year. We have established a first-time exporters division to encourage more exporters.

Any level of unemployment is disappointing but the Deputy needs to consider what is happening in the area of employment creation. The IDA has had its best year in a decade in employment terms, with new jobs created and a lower rate of job loss. Enterprise Ireland has stabilised the numbers in employment after several years of massive job losses. Enterprise Ireland is showing growth in its employment base in the first three months of this year.

Deputy Peadar Tóibín: People will note the Government is listing the number of its action plans when people would prefer the Government to deal with the jobs problem. While the Government's jobs action plan has some good points, the proportion of the problem and the proportion of the proposed solution are not meeting up, unfortunately. Enterprise Ireland created a net number of six new jobs last year. This is a phenomenal figure considering the problems we face.

The Department forecasted an unemployment rate of 14.3% to the end of the year but it is currently 14.9% and there was a collapse in the growth figures for the first quarter of last year. The Government should set out its job creation targets for the future. If the Government cannot measure it cannot manage. We will arrive at 2016 with no targets achieved. It is time the Government realises the necessity for a Government-led multi-billion euro stimulus for the economy. The funds are available in the National Pensions Reserve Fund and a well-disposed private pensions industry and the European Investment Bank.

Deputy Richard Bruton: The Deputy needs to recognise that enterprise will create employment in the economy. The turnaround in the performance of all the export-oriented companies and IDA and Enterprise Ireland is a significant achievement after a number of years of reversal. The Deputy is correct that there are innovative ways to bring new investment into the economy.

The Ministers, Deputies Howlin and Noonan, are working on those initiatives. The recent meeting with the European Investment Bank is very significant. The new approach in Europe is helpful and there has been a new approach from the troika which is a relaxation in the terms on which asset sales can be turned into immediate investments. Those Ministers are putting together a programme for finding innovative ways of stimulating investment which will have a long-term impact. This is the focus of the effort. This is a significant challenge at a time when the State is in a very difficult financial arena. However, there are real signs of progress and we need to build on them.

An Leas-Cheann Comhairle: We will now take Question No. 1 in the name of Deputy Willie O'Dea.

Jobs Initiative

1. **Deputy Willie O'Dea** asked the Minister for Jobs, Enterprise and Innovation if he will prepare and publish an evaluation of the jobs initiative for its effect on jobs; and if he will make a statement on the matter. [34010/12]

Deputy Richard Bruton: The Government's jobs initiative of May 2011 was aimed at restoring confidence in the economy, providing opportunities for re-skilling those who had lost their jobs and assisting people in getting back to work. Key measures in the jobs initiative included halving the rate of employer's PRSI on earnings up to €356 per week, a reduction in the lower rate of VAT on certain goods and services, targeted capital spending on labour-intensive projects and the introduction of the national internship scheme, JobBridge. Additional education and training places were also provided for those who were seeking to upskill. The jobs initiative was a whole-of-Government initiative and any formal evaluation of its effects would have to be conducted on that basis. However, the impact of the measures in the initiative is being seen across a range of sectors. The quarterly national household survey shows a year-on-year increase of 8,700 in the numbers employed in the accommodation and food service sectors. The Sustainable Energy Authority of Ireland has estimated that the additional €30 million allocated to the better energy programme under the jobs initiative supported the creation and retention of an extra 2,000 jobs for the duration of 2011. Over 8,400 interns have commenced placements under the JobBridge programme since it was launched in July of last year. Feedback from the Department of Social Protection indicates that 1,196 of the 3,131 people who have already completed JobBridge have gone directly into employment with the host organisation or elsewhere. Over 3,500 people recently graduated from the first round of Springboard programmes which were put in place in 2011 and the Minister for Education and Skills, Deputy Ruairí Quinn, recently announced a further roll-out of the Springboard initiative with an additional 6,000 places in 2012.

The Government has built on the jobs initiative this year with the action plan for jobs. The action plan has set a target of supporting 100,000 net new jobs in the economy by 2016.

Deputy Willie O'Dea: I apologise for my late arrival in the Chamber. I note the Minister's response but the figures are pretty damning. The recent official statistics which, if anything, understate the case, point to a level of unemployment which is the highest in 20 years. They also indicate that half those people who are now unemployed have been unemployed for a year or more and one third are unemployed for two or more years. In addition, there is plenty of evidence that thousands of young people are hiding out in the education system and the Government has increased the number of people on training schemes — which I welcome but it does tend to massage the unemployment figures. The Minister will be aware of the remarks issued by ISME after the recent CSO figures. ISME described the Government's employment strategy as a shambles. He will be aware of the remarks from ICTU which said it is now time

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for the Government to start tackling the unemployment problem. He will be aware of the remarks of the Chambers of Commerce Ireland which described the situation as a crisis.

We have had the jobs budget, the jobs initiative, the 273 proposals in the jobs action plan but the figures do not lie. In view of the stark situation and in view of the comments from people across the board from one spectrum of society to another who are all uniformly critical of the Government's performance to date, will the Minister accept that his strategies are not working and it is time to try some new ones?

Deputy Richard Bruton: I certainly do not accept anything of the sort. We have inherited an economy in which under the stewardship of the Deputy's party unemployment rose from 4% to 14%, an increase of 10% in a three-year period. A total of 300,000 jobs were lost under that regime. The economy's underlying structure was severely damaged and there is a lot of work to be done to fix it. Nobody ever indicated that this would be fast or sudden. We have a huge amount of work to do in fixing the banking system, the public finances and access to finance, as well as getting small companies back on track, and the Government has confronted that. For the first time, the public service is holding itself to account in every quarter for the delivery of targeted measures to improve the employment area. That is having an impact.

Private sector employment is now growing in this economy after years of decline. The IDA has had a record year and two years of significant employment. Figures for the year to date indicate that it will replicate last year's record performance. Enterprise Ireland is also turning the corner in terms of the expansion not only of exports but also of employment among the companies. We are making headway, but it will be a slow process. The Government always recognised that.

Deputy Willie O'Dea: Everything seems to be turning the corner and going ahead, but the problem is growing. Allied to that, as has been mentioned, approximately 200 people per day are leaving the country. If one takes the statistics for the number of people who were employed in this economy from the time the Minister's party left office in 1997 to when it returned to office last year, a total of 325,000 more people were at work in the Irish economy. However, that is history. If the Minister wishes to have a discussion on history, I will happily engage in it but I am interested in the present and the future.

Can I draw the Minister's attention to a recent statement by the Taoiseach? In that statement he gave a commitment that over the next three years, which is probably the lifetime of this Government given that the average term would bring it to three years from now, he will have put 75,000 people who are now long-term unemployed back to work. Where stands that promise? Does the Minister still stand over that promise?

Deputy Richard Bruton: That is a target in the Pathways to Work programme, which was introduced a number of months ago. It is a target for 2015. It indicates that we have now completely reformed the employment services that were inherited from the previous Government. We now have an employment service that is far more streamlined and is focused on identifying those who are at high risk of entering long-term unemployment and seeking to assist them. A number of programmes have been introduced to support that. They include JobBridge, Springboard, intensive engagement with people who have fallen unemployed, improvements in the Revenue job assist scheme and the promotion of those schemes to get long-term unemployed people back into the workforce. This will be a difficult challenge, but the Government is facing it squarely. Yes, we would love to be doing better in many ways but we recognise that the scale of the disaster inflicted on this economy by a Government of which the Deputy was a member has taken a huge toll. We must fix many of the basic systems that were broken and put them back in working order.

Deputy Willie O’Dea: The Government is making a very poor job of it.

Enterprise Support Services

3. **Deputy Catherine Murphy** asked the Minister for Jobs, Enterprise and Innovation if, in the operation of the microenterprise loan fund scheme, consideration will be given to encouraging viable enterprise in areas of the country currently affected by high levels of unemployment as a priority, or will decisions on grants be based on a demand led approach to viable applications; and if he will make a statement on the matter. [34250/12]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): The microenterprise loan fund will facilitate the growth and expansion of all viable microenterprises from all industry sectors across the country that have been refused access to credit from the banks. It is a key element in our Action Plan for Jobs. The fund has a significant entrepreneurship focus to encourage all would-be entrepreneurs across the country who may be unemployed but who have the potential to generate employment for themselves and others. It will not have geographical quotas but will be of particular help to persons who are unemployed who would have much greater difficulty accessing conventional sources of bank lending. It will be promoted through a range of networks across the country, including local bodies that support business start-up for people with fewer resources, and in areas of high unemployment. It will not be confined to businesses with export potential and will be more within the reach of unemployed persons who target business opportunities within their own local communities. It will form an important complementary element and add value to schemes of support, such as the back to work allowance. Support will be in the form of loans, rather than grants.

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. It will ultimately be for enterprises to apply for the loans so it will be demand-led in that sense. It is envisaged that mentoring will be an important element in the success of the fund. Delivery of business supports including business planning and mentoring to facilitate successful credit applications will be facilitated through the national network of existing bodies and agencies. The county and city enterprise boards are often the first port of call for business support and advice, and they will be actively involved in the promotion of the microfinance fund across the country.

Deputy Catherine Murphy: The Minister answered the question of whether the fund will be targeted. Clearly, it will be down to the banks. They could delay people very significantly, because people must be turned down by the banks before they can apply to the microenterprise loan fund. However, other issues come into play as well if this is going to work. One of them is the provision of incubator units, particularly if something will be manufactured in the enterprise as opposed to something done on the Internet or whatever. I can give the Minister an example. I met somebody recently who is in the hobby sector and is seeking to get onto the back to work allowance scheme. He was going to try to manufacture in a small shed in his back garden, so we went through the detail of what that involved. He did not qualify for a grant because he would have to get planning permission, and he could not get planning permission on that site because it is in a housing estate. All these issues come into play. If he did have planning permission, he was faced with commercial rates and development contributions with the application for planning permission. In the absence of a suite of measures such as a proactive approach to the provision of incubator units this fund might not be capable of being leveraged by people who have viable ideas.

Deputy Sean Sherlock: The scheme is currently being finalised and will be laid before the Houses of the Oireachtas. The Deputy refers to a unique case. There is a code of practice in

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the scheme whereby a decision must be made within two weeks or 15 days — I will have to check the exact timeframe. The core principle of the microenterprise loan fund is that even in good economic circumstances the risk criteria might not be met by a certain coterie of people, such as the person to whom the Deputy referred. They might be credit-worthy but they do not fit within the banking criteria. The fund is designed for people in that position. Given that the local bodies will then feed into that process, one hopes there will be a fit solution for such people so they will not have to incur massive administrative costs to be able to access the fund so they can start their businesses.

Deputy Catherine Murphy: I was using that person as an example. I believe incubator units are required, so perhaps the Minister will consider that. Has the Minister set a time to conduct an evaluation once the scheme is up and running? It will be important to keep an eye on what the banks are doing in the context of this scheme.

Deputy Sean Sherlock: It will be within two years.

Sick Pay Scheme

4. **Deputy Willie O’Dea** asked the Minister for Jobs, Enterprise and Innovation his liaisons with the Department of Social Protection on possible changes to the system of sick pay and employers PRSI; if he considers that any such changes would impact on competitiveness and employment; and if he will make a statement on the matter. [34246/12]

Deputy Richard Bruton: Any proposals for changes in the sick pay scheme or to employer PRSI are budgetary matters which will be considered in due course by the Government. Any such consideration will include a thorough examination of the proposals, having regard to the overall impact of the measures proposed. The Minister for Social Protection initiated a consultation process earlier this year on the feasibility and implications of introducing a scheme of statutory sick pay. Forfás and representatives from my Department attended the consultative seminar held by the Department of Social Protection, along with a number of business representative organisations. I understand that the Minister for Social Protection recently published a report on that consultation seminar.

Proposals for a statutory sick pay scheme would affect competitiveness and employment. The evidence of this impact will need to be weighed against the potential for savings in terms of reduced absence due to sickness. I will therefore carefully scrutinise any proposals which develop from this consultation phase and their impact on jobs and competitiveness and contribute fully to the budgetary process within the Government.

Deputy Willie O’Dea: I take it from the Minister’s reply that his officials attended a presentation on an information campaign organised by the Minister for Social Protection. However, I am inundated with correspondence from small employers who are hanging on by their fingertips and who are extremely worried about proposals emanating from the Department of Social Protection, whose Minister is saying there is a compelling case to increase employer’s PRSI and load more of the sick pay bill onto the backs of employers. This is affecting their planning and business and it is creating an air of uncertainty. Does the Minister agree that, with the current levels of unemployment and emigration, the last kinds of solutions we need are proposals to add to the cost of employing somebody, in view of the fact that the average cost of employing somebody in Ireland is still approximately 20% higher than the average among the 27 EU member states. Does the Minister not agree that increased costs are the last solutions we need and that it would be better if this discussion were not ongoing?

Deputy Richard Bruton: Every proposal needs to be examined carefully. Evidence suggests that small employers manage absence through illness extremely well and that the highest rate of sick leave is in the public sector. We need to look across the board at this issue. The Minister for Social Protection is undoubtedly correct that there has been considerable growth in long-term dependence on welfare owing to sickness. We need to examine the causes. This is the background to this debate. There is no doubt the Deputy's concern, namely, that there will be a disproportionate impact on small business, needs to be examined. The truth is that most small businesses do not have sick pay schemes of the sort operated by larger employers in the public service. There are serious issues to be examined, including the impact on the cost of employment. There is serious concern about the extent of dependence on long-term sickness welfare schemes, and we need to examine ways in which to reduce this.

Deputy Willie O'Dea: I agree with the Minister's last point but the answer is surely not to solve the problem by loading more costs on the backs of employers, which will inevitably create more unemployment and put more pressure on the social insurance fund. The Minister said in reply to question No. 2 that one of the centrepieces of the Government's employment strategy is the halving, in certain instances, of employer's PRSI. If this is the centrepiece of its policy for creating jobs, does any proposal to increase PRSI, for whatever reason, not fly in the face of it?

Deputy Richard Bruton: The Deputy is seeking to have me comment on a number of issues that will be discussed in the context of the budget. The matter will be dealt with by the Government by weighing up the evidence in due course. There is no doubt we ought to be extremely careful about anything that adds to the cost of employment. We must ask whether any proposed measure will be effective in reducing absences and dependence on welfare. There are serious issues to be addressed. As I stated in my reply, I will be contributing very much in this regard and examining carefully and evaluating the potential impact on small business and employment. Any decision will have to be taken in a balanced way, bearing in mind all the issues that arise.

Credit Availability

5. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the steps taken by him to address the issues of credit within the small and medium enterprise sector.
[34248/12]

Deputy Sean Sherlock: I am bringing in a series of targeted initiatives to make it easier for micro-enterprises and small and medium enterprises to access credit. The micro-enterprise loan fund scheme, which is expected to be operational from early autumn, will facilitate up to €40 million in additional lending to micro-enterprises over the next five years. The Government is in the process of introducing the temporary partial loan guarantee scheme for micro-enterprises and small and medium enterprises which, because of a lack of collateral or the sector in which they operate, face difficulties in accessing traditional bank credit.

These initiatives coupled with the recently launched second call under the innovation fund and the development capital scheme will strongly contribute to addressing the credit needs of business and facilitate business modernisation and expansion, in addition to the creation and maintenance of jobs.

Furthermore, the Minister recently met the CEOs of the two pillar banks to impress upon them the importance of keeping their lending practices in tune with the changing needs of Irish companies. Enterprise Ireland is working closely with the banks to develop credit propositions for exporters and technology companies that are suited to different stages of growth — start-ups, early stage and mature companies — and to adopt cash flow lending as opposed to the asset-backed approach that has been the norm in recent years.

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My Department is working closely with the Department of Finance and the Credit Review Office to evaluate evidence on credit availability and ensure the amount of credit flowing to the SME sector is maximised to facilitate sustainable job creation and retention.

My colleague, the Minister of State responsible for small business, Deputy Perry, continues to meet business owners on a regular basis to hear at first hand their views and experiences and to examine further the actions that might be taken to improve access to credit for SMEs.

Deputy Peadar Tóibín: Credit comprises one of the four pillars of a properly functioning enterprise sector, in addition to keeping costs down, ensuring there is not over-regulation and that regulation is fair, and ensuring demand. Demand is extremely important. Credit in this State is dysfunctional, for a number of reasons. The primary reason is that the troika dictates that the banks must have accelerated deleveraging from the market, which means they will reduce their exposure over the longer and shorter term to small businesses. The Government has produced a number of schemes that should help small businesses. We applaud them but there is a major difference between the proportion of the problem and the proportion of the response.

A problem we highlighted at Committee Stage when dealing with legislation in this area concerned many of the schemes of the Government. The interest rate charged to businesses reduces their ability to service loans or to make a profit on loans.

An Leas-Cheann Comhairle: Could the Deputy frame a question, please?

Deputy Peadar Tóibín: The major issue for me is that the European Central Bank reduced its rate to 0.75% this week, yet the lowest rate we could find for businesses was 6%. The previous Government put €64 billion into the banks and is a major shareholder therein. The Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, said he met the banks. Has he asked them to reduce the rate of interest they offer to small businesses?

Deputy Richard Bruton: There is ongoing dialogue between the Government and the banks through the Economic Management Council to ensure there is a flow of credit to entrepreneurs and businesspeople. One can say objectively that, in lending practice, the rate offered to businesses is always above the normal interest rate.

Deputy Peadar Tóibín: I wish to make two key points. The Irish Small and Medium Enterprises Association, ISME, claims that almost 50% of its members still have difficulty getting credit. When the European Central Bank, ECB, started reducing rates for domestic mortgages, there were interesting pictures of an emboldened Taoiseach claiming that the Government had put it up to the banks to get them to reduce the burden on mortgage holders. Has the Minister asked the banks to reduce the rate they charge to small businesses?

Deputy Sean Sherlock: The Deputy referred to ISME's report, but there is also a Mazars report. The Credit Review Office, CRO, is our benchmark, but should not be viewed as a permanent fixture. According to a figure in the Mazars report, a demand survey showed that only 36% of SMEs sought credit in the April-September period. As the domestic economy recovers and SMEs seek to increase working capital, the demand for lending will increase and two factors will point to CRO assistance being required. The ultimate aim is to drive credit through the system.

Deputy Peadar Tóibín: The Minister of State is not answering my question.

Deputy Sean Sherlock: The relatively poor capital and liquidity conditions of some SMEs following three years of a flat-lining domestic economy is one of the factors. Some of the SMEs

that bank with the Irish Bank Resolution Corporation, IBRC, will seek new credit and will need to be moved to new banks. If those banks are unwilling or unable to provide that credit when the upturn arrives, it will be another factor. If the Deputy will bear with me, I am looking for the figures.

Deputy Peadar Tóibín: Has the Minister asked the banks to reduce their interest rates?

Deputy Sean Sherlock: The economic management council, EMC, engages with the banks to ensure that they deliver. The Deputy must acknowledge that they have delivered on their 2011 lending targets. I am struggling to find the figures on the percentages in terms of credit. They were to hand.

Deputy Peadar Tóibín: Another credit question will be taken shortly.

Deputy Sean Sherlock: The report compiled by the accounting firm Mazars showed that 67% of completed credit applications were approved by the banks, representing an increase of 2% on the previous year's report, with the rate of refusals falling by a corresponding amount of approximately 28%. Despite the downturn, the report indicates that some companies are still in a position to protect their finances from potential problems.

It is important that we give ISME, the small business community and its other representative organisations their due regard, but it is also important that we be objective in our interpretation of the figures. If one drills into the figures, one will realise that some of the results in the survey to which the Deputy referred were based on media perceptions of credit. It is important that we assess the qualitative criteria.

Other Questions

County Enterprise Boards

6. **Deputy Sandra McLellan** asked the Minister for Jobs, Enterprise and Innovation if he will provide an update on the review of county enterprise boards being conducted by the Central Coordination Unit within Enterprise Ireland. [33860/12]

13. **Deputy Michael Moynihan** asked the Minister for Jobs, Enterprise and Innovation when he expects to abolish county and city enterprise boards; the expected savings; if he will prepare an impact analysis on jobs of the move; and if he will make a statement on the matter. [34018/12]

23. **Deputy Sandra McLellan** asked the Minister for Jobs, Enterprise and Innovation the consideration given to determining budgets of the new LEO's on the basis of need as measured by unemployment. [33859/12]

Deputy Richard Bruton: I propose to take Questions Nos. 6, 13 and 23 together.

The county and city enterprise boards, CEBs, receive an Exchequer capital allocation each year towards the provision of grants and soft supports to the micro-enterprise sector. Within this, individual capital allocations are made by the CEB central co-ordination unit, CCU, in Enterprise Ireland. A systematic approach is adopted to ensure objectivity and equity of treatment across the CEBs and determinants include local unemployment rates and trends, population, capacity to spend, existing commitments and regional spread.

The mid-year budget review is a routine budgetary exercise carried out by the CCU to monitor expenditure by the CEBs. This review is due for completion by the end of July. Its

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purpose is to identify any potential underspend and ensure that the CEBs' allocated funding is utilised to the maximum extent possible.

To enhance the service to small businesses at local level, the Government has decided to create a new small business unit within Enterprise Ireland. Enterprise Ireland will work with local authorities to establish a new network of local enterprise offices, LEOs, in each local authority to act as a one-stop-shop for micro-enterprise and small business. The service will be provided in local authorities and a formal service level agreement between Enterprise Ireland and the local authorities will be put in place. In time, synergies will be achieved in terms of a more streamlined model for the delivery of enterprise supports and interventions to the micro-enterprise sector. Some savings on current expenditure are envisaged in the medium term, for example, on reduced accommodation and administrative costs.

The aim is to provide a seamless and effective service that is of a high standard, supports local businesses and facilitates job creation. Primary legislation will be required and my Department is in contact with the Attorney General in this regard. An implementation group has been established under the chairmanship of my Department. It will develop an implementation plan with timelines and milestones for delivery of the new structure.

Deputy Peadar Tóibín: This question relates to the experience of CEBs. Today, an individual told me that his CEB had no money when he went to it in April 2011. He did not want to return to it this year because he figured that it would still have no money. When I contacted the CEB recently, it stated that it had money.

There is a great deviation between CEBs' first quarter results. Some have spent 90% of their money and some have spent 50%. What strategic tools are used in the delivery of funds to CEBs? They should base their strategies on demand, population sizes within their areas and levels of unemployment. They need to create demand rather than just respond to it. The CEBs, or LEOs as they will become known, should not be a part of the demand-led experience where enterprise is concerned. They should be used as a tool to awaken and create enterprise. May I contribute again, as a number of questions are being taken together?

An Leas-Cheann Comhairle: Yes.

Deputy Richard Bruton: The allocations are based on a weighting of factors, including unemployment and the capacity of CEBs to deliver new projects. It is a balancing act, which is as it should be, to encourage high performers and so on.

The Deputy is right, in that practices differ between CEBs. Some are in the habit of committing in advance and have high levels of commitment at any stage of the year while others adopt a different policy. The reform is intended to develop a service level agreement with local authorities, one that will go beyond the allocation of funds and consider the quality of mentoring and training to ensure that standards are being met. We will also use the LEO structure as the conduit for many of the micro-finance applications to ensure that they are backed by quality business plans. New policy instruments are in the hands of the LEOs, which are being developed, but we also want local authorities to knuckle down to their responsibilities and make the environment in each county as good as it can be for supporting businesses.

Deputy Willie O'Dea: My question is somewhat different, in that it is more direct. I have spoken to the staff of a number of CEBs and to businesses that have engaged with CEBs previously and intend on doing so again. To be frank, no one has a clue as to what is happening. The Minister stated that he established an implementation group that would devise an implementation plan.

I am trying to ascertain — in a non-political fashion, I hope — on behalf of the people asking me approximately when all of this will be in place.

The Minister mentioned there would be some cost savings but, frankly, I cannot see them. The Minister and his officials have told me on a number of occasions that there will be no reduction in staff and the people in the business development section of the local authorities will join the new people and form a unit that will cover a range of areas. Where will these new one-stop shops be housed? Will everybody move into the local authority building or will there be a separate office? Has the Minister any indication of how this will work in practice and when it will do so?

Deputy Richard Bruton: We have established an implementation group which has had a number of meetings already. Those people are putting together a plan for the implementation which will include timelines, and I expect to have very substantial progress made by the end of the year. There is a legislative requirement which must come before the House, and I do not expect to have that before the start of next year.

The group working on the implementation plan includes representatives of the enterprise boards, the professionals in the field and representatives of the managers of local authorities. Our aim is to gain a “win-win” position from this and enhance the delivery of service locally by supporting those working in local enterprise offices with a centre of excellence in Enterprise Ireland and by developing new tools, setting standards and driving quality. Local authorities will also be embraced to make them part of solving the problem for local business and have a business-friendly system. This is a challenging change and I acknowledge that not everybody would support it. It will none the less deliver a better quality of service for business in local areas, which is the objective.

Deputy Peadar Tóibín: I have made my points on the dangers of having the local authority involved, as it is a cost and regulation centre for small businesses. Therefore, there is a natural antipathy for small businesses. There is also a lack of culture within local authorities towards enterprise, and I agree with Deputy O’Dea’s comment that there is very low morale within county enterprise boards throughout the State. Since the days of the former Minister, Batt O’Keeffe, the people in those organisations have not known, from one day to the next, what will happen to them. It is a limbo-like process for such an important tool.

Local control is very important. Will the Minister ensure the control, development and orientation in each county will not migrate to a regional status through Enterprise Ireland’s control and that there will be an orientation towards the needs, knowledge and experience in the locality? There are a number of partnerships and Leader programmes throughout the State which also fund enterprise. There is sometimes at least a perception that there is an overlapping of activities, so does the Minister have plans in that regard?

The Minister mentioned standardisation and equality of training, which is very important. There is much work going on with the creation of SOLAS, and the VECs also provide training. There must be a system whereby standards can be equalised and raised, and there should be an understanding between VECs and SOLAS, etc.

Deputy Richard Bruton: There is now certainty about the future of county enterprise boards, and it will be to deliver a one-stop shop within local authorities as part of the enterprise family. They will be answerable, through a service level agreement, to Enterprise Ireland, which is establishing a centre of excellence for the support of small business. We have a clear structure that will give people certainty. We will retain local control and there will still be a local evaluation committee. Decisions will still be taken and the evaluation will be done locally, albeit under a service level agreement. We will ensure this is being done in a way that stands up to

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scrutiny, and although we will not interfere in individual decisions, we will want to see that the overall impact produces quality.

I know the Deputy's comments reflect the views of many people that local authorities are a dead hand. My experience with city and county managers is that many have ambition to be part of driving change and enterprise growth in the area. These are dynamic people that we must harness to support the process. The success of this initiative will depend on local county and city managers, along with local authority members, wanting to make their county or city the best place in which to do business and the best environment for supporting small business and start-up companies. We depend on that.

Deputy Willie O'Dea: My experience of city and county managers is somewhat mixed. I have a brief question. I do not want to pre-empt the work of the implementation group but I welcome the information communicated by the Minister that one of the matters it would deal with is the processing of the microenterprise loans at local level through the structure outlined by the Minister. Will the Minister give the House some idea of what other services might be provided? Would they include legal and accountancy advice or help in accessing finance? Does the Minister see it as a vehicle to assist small business in accessing the export market?

Deputy Richard Bruton: Small companies with potential would enter the export market through Enterprise Ireland. It has 31 offices overseas and has expertise and a programme to support exports. It has also put in place a first-time exporters' division.

Deputy Willie O'Dea: It will provide a link.

Deputy Richard Bruton: Exactly. For a small business, there will not be a ceiling that cannot be breached. If a company has export potential and there are only two people involved, they will be able to access the system through Enterprise Ireland.

To be clear, I have not said it will process the microfinance loans, and there will still be a "microfinance Ireland", as it were, that will make decisions on applications. The people who will help applicants put together the business plans will be local. They will not make decisions at a local level on loans or issue them. They do not have the authority. They will be one of the brokers, and others will include the likes of Inner City Enterprise in Dublin. These are people who work with start-up companies in high unemployment areas.

Information Technology

7. **Deputy Brendan Smith** asked the Minister for Jobs, Enterprise and Innovation when the Cloud Computing Implementation Group held its most recent meeting; when he expects to receive proposals from the group for his consideration; and if he will make a statement on the matter. [34004/12]

Deputy Sean Sherlock: The cloud computing implementation group held its last formal meeting in March 2012 and submitted a report on its work on 14 June 2012. I have asked my Department to prepare targets and measurements based on the report's key findings which will allow us to monitor progress to ensure we maximise the potential of this important area of the ICT sector.

In conducting its work, the group examined the opportunities and challenges presented by cloud computing for both business and government from the following perspectives: the cloud as a source for exports, growth and jobs; the adequacy of key infrastructures; the regulatory environment; the opportunities and benefits for indigenous enterprises; the opportunities for

attracting foreign direct investment; and government as a leader and user of the cloud. The group's work was informed by a parallel process of engagement which resulted in the Department convening more than 20 meetings with representative bodies and individual companies in September and October 2011.

Considerable insight and information was gained during the process and this is being examined to assess the best way forward and the practical steps that can be taken to optimise the potential of cloud. In the meantime, a number of other initiatives related to cloud computing are under way, including under the action plan for jobs. These include the €1.2 million initial research programme in the cloud computing technology centre announced in April, which is aimed at helping to make Ireland a world leader in this fast growing area and at making a significant contribution to jobs and economic growth. The initiatives also include the ICT skills action plan, which was launched earlier this year and includes the provision of courses relevant to the skills required for the cloud computing industry. The National Standards Association of Ireland, with the assistance and support of the Irish Internet Association, IIA, has developed the SWiFT 10 guide, which is aimed at businesses of all sizes considering the adoption of cloud computing.

Additional information not given on the floor of the House.

In addition, the Data Protection Commissioner has placed information on its website which will be useful for businesses moving to the cloud, with an obvious emphasis on the data protection issues related to such a move. I understand the public sector strategy on cloud computing is close to finalisation in the Department of Public Expenditure and Reform and will be published shortly.

Deputy Willie O'Dea: I thank the Minister of State for his reply. Do I take it the last meeting of the group was in March and it submitted its report in June?

Deputy Sean Sherlock: Yes.

Deputy Willie O'Dea: So the Government must decide on how to take the matter forward. Is this where we are?

Deputy Sean Sherlock: Yes.

Deputy Willie O'Dea: We are all familiar with the Goodbody report and the potential of cloud computing for employment creation. Will the Minister of State ensure the usefulness of cloud computing as a mechanism to reduce costs in the public sector is fully taken into account? The impact of cloud computing on e-learning in schools is very uneven and depends on the extent to which broadband has reached an area. Will the Minister of State ensure this is taken into account? Given that the programme for Government states it is a policy to make Ireland a world leader in cloud computing, which is a very noble aspiration, can we get on with it as quickly as possible?

Deputy Sean Sherlock: I agree with everything the Deputy has said. The Minister for Public Expenditure and Reform, Deputy Howlin, is engaging on its usefulness for reducing costs in the public sector and there is much concentration on this in the wider public sector. Membership of the group varies from people involved in industry to those in the Department and the Department of Public Expenditure and Reform. We all realise its value and we know who in industry operates in this sphere, for example EMC in my area. There is a strong sense the cloud computing strategy can set new targets for investment in digital media and the Internet when one considers existing opportunities for technology companies and new and emerging areas. We

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will marry with this the potential for data centres and the consideration of Ireland for potential inward investment for these.

Deputy Peadar Tóibín: We welcome the promotion of cloud computing. It has the potential to make savings for businesses throughout the State. Businesses will connect to the cloud through broadband, and we are concerned that at present the State has three broadband speeds, namely, fast, medium and none. We have fallen to 57th place internationally with regard to broadband speeds. The movement towards cloud computing would be great but for the fact it will have the effect of excluding some businesses throughout the State which do not have proper coverage and they will be at a competitive disadvantage. What steps will the Government take to ensure there will be one broadband speed and that instead of being 57th we will be in the top ten internationally?

Deputy Sean Sherlock: The Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, has specific responsibility for this area. I do not know whether the Deputy has engaged with him on this matter, but I suggest he does so because he would get a definitive answer on what we are doing with regard to broadband.

For the purposes of addressing the issue of the potential of cloud computing, I realise certain businesses operating in certain geographical areas will face challenges and there is no question about this. We will spend €1.2 million on an initial research programme and a cloud computing technology centre. With regard to the potential of this area, we are looking at hitting global research targets and pitching Ireland's potential globally. The National Standards Authority of Ireland has adopted the SWiFT 10 guide and I would like to find out how many businesses are aware of this at present. If we can build consciousness about the potential of cloud computing in tandem with meeting the challenges with regard to broadband we will be doing well in terms of meeting global measurements.

Deputy David Stanton: Is the Minister of State aware of concerns in industry that graduate programmes and courses in our third level colleges may not be up to speed with regard to cloud computing and that those teaching the courses may need further training and upgrading?

Deputy Sean Sherlock: If the Deputy is concerned about a specific course I would welcome further information on it and I am happy to speak directly to him on this matter. Cork Institute of Technology, in tandem with industry, has developed a specific course on this. Mr. Bob Savage of EMC is on the governing body of CIT so one is confident this course has large industry buy-in. If the industry has problems with or concerns about courses we need to hear about them.

Industrial Development

8. **Deputy Martin Ferris** asked the Minister for Jobs, Enterprise and Innovation the cost of each of the international offices of the Industrial Development Agency; and the number of jobs generated by each. [33874/12]

Deputy Richard Bruton: The total costs associated with administering the IDA's 18 overseas offices in 2011 was €10.5 million. These offices are located in New York, Boston, Chicago, Atlanta, Irvine and Mountain View in California, London, Paris, Frankfurt, Tokyo, Shanghai, Shenzhen, Singapore, Mumbai, Bangalore, Australia, Russia and Brazil. It is not possible to give a breakdown of the cost of each individual office, but the total costs associated with the six offices in the US are €5.4 million; the three European offices are €2.5 million; and the nine remaining offices in Asia and growth markets are €2.5 million.

The IDA's network of overseas offices is required to underpin the agency's overall strategic plan, Horizon 2020. Its overseas offices are the first point of contact for potential new investors into Ireland and also provide ongoing contact between the agency and its existing clients. The opening of additional offices by the IDA in recent years is part of the Government's worldwide strategy to increase the IDA's international presence in the attraction of foreign direct investment.

By their nature multinational corporations are located in various regions globally. The sourcing of any individual project is a team effort involving negotiations with more than one branch of the multinational corporation. These negotiations take place in overseas locations and in Ireland and are carried out by IDA officials based in headquarters and regional offices in Ireland and in overseas offices. The United States remains a key IDA market, with 72% of foreign direct investment in Ireland originating from the US. Europe is the next biggest market, with Germany leading the way and then the UK and France. As the global economy, and in particular the European economy which is a primary target market for foreign direct investment clients in Ireland, is in a low growth phase, the challenge for the IDA is to continue to win foreign direct investment in this low growth environment.

The IDA has 1,004 client companies which provide full-time employment to more than 130,000 people. Just over 50% of these client companies are based in the United States. The European market accounts for 399 client companies providing employment to 29,000 people while the remaining Asian and growth markets account for 90 client companies employing 5,600 people. To date in 2012, 49 investment announcements have been made with the potential to create almost 5,500 jobs, and 37 of these investments were from US companies.

Deputy Peadar Tóibín: Foreign direct investment is extremely important given the collapse of the domestic market. We are supportive of the successes the Government has achieved with regard to foreign direct investment, but it is not nearly enough considering the major problem we have. We also have problems with the fact foreign direct investment operates in the State as an enclave. I have previously given the example in the House of the fact that 60% of exports comprise chemical and pharmaceutical products and 80% to 90% of their inputs come from abroad. As of yet, we do not significantly integrate foreign direct investment with the State.

We also have a problem with the fact that much of the focus has left the native entrepreneur and gone towards the foreign direct investment sector which is less sustainable. We have made the point previously that we have competing office structures, between the IDA, Enterprise Ireland and Invest NI in the North, and until these structures are merged, there will be cost inefficiencies. It is important to flag the fact that when the North of Ireland gets corporation tax powers of its own and its tax equates with ours, co-operation with this State will end because Northern Ireland will then be a direct competitor for our target FDI market. Therefore, it is important that a merger happens before then.

It should be possible to identify the cost of each office in each region. There is no Irish business operating internationally that could not tell us exactly how much that office costs. Also, do IDA staff who bring in jobs get incentives or bonuses for the jobs created? While those jobs are supported by another office, could they be tracked to just one office?

Deputy Richard Bruton: I would like to take issue with the suggestion that foreign enterprise is some sort of an enclave. Foreign enterprise employs 150,000 people and the agencies supporting indigenous companies employ approximately the same number of people. The global spend of both sectors in the Irish economy is about equal. Foreign-owned export-oriented companies spend as much in the Irish economy as indigenous companies. They spend on services and

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materials, and while there has been a decline in materials, there has been a growth in services. Therefore, the sector is embedded.

As Deputy Sherlock would tell the Deputy, the development of the science clusters we have is crucial now. There are very close relationships between multinational companies and our higher education institutes, which provide research and links, through technology centres, to indigenous companies. We have been successful in creating strong clusters in many areas, such as financial services and medical devices, and these are a mix of indigenous and multinational companies working together. This has given us a competitive edge. Therefore, I refute the notion that we are some sort of enclave. Equally, many Irish people are now in key leadership positions within global companies. Our strategy is not some sort of oasis in the middle of an ocean, but is embedded. I accept we need to make it more embedded and that we need better linkages on all fronts.

On the question of bonuses and the performance of the different offices, the IDA operates the most stringent performance tests for its people. It works individuals hard and has bright and enthusiastic people working on Ireland's behalf overseas, who work to the highest standards. It is not a question of giving them bonuses. They see their job as delivering for Ireland overseas.

Deputy Peadar Tóibín: I have no problem with individuals getting bonuses for good work. That is not the point of my question. The point is that I want this Chamber to be able to review the work of individual offices, because while some offices may be successful, there is no reason we should not be able to measure what is happening in all of the offices. As a parliament, we should encourage such transparency.

Second, the export-to-jobs ratio in the FDI sector is far lower in this State than the domestic export-to-jobs ratio and far lower than the international average. While good work has been done with regard to clusters, FDI is less engaged with the domestic economy than the international average.

Deputy Richard Bruton: That is a different issue. The Deputy suggested it was an enclave. We know that output per person in foreign-owned companies is much higher than output per person in domestic companies. That is the case for all sorts of reasons, such as the sectors involved. The pharmaceutical and biopharma areas, for example, have very low labour contents by and large, and that is true wherever they are located. The fact that these industries are significant in Ireland and that the companies involved are foreign-owned influences the figures.

I am sure we can look with more granularity at the different offices, but one does not need to be Einstein to know, for example, that offices in Mumbai and Bangalore or Shenzhen and Shanghai will not perform to anything like the level of offices in the US if we are talking about the number of jobs they deliver per office. However, these are long-term investments and we need to build long-term relationships in those BRIC countries to build for the future. We can try and get more information, but it cannot be simplistically interpreted. We cannot just look at the jobs delivered per office and decide to close one and develop the other on that basis. We need a long-term strategy to build the overseas opportunities.

Employment Support Services

9. **Deputy Michael Colreavy** asked the Minister for Jobs, Enterprise and Innovation the additional steps taken by him and additional measures he will put in place to promote employment for the 199,249 long term unemployed. [33867/12]

Deputy Sean Sherlock: The Government is tackling unemployment generally through the twin strategies of the action plan for jobs and the Pathways to Work scheme. The aim of the

action plan for jobs is to support the creation of 100,000 net new jobs by 2016, while the objective of Pathways to Work is to provide those who are unemployed with the appropriate training and skills to avail of the job opportunities which will arise as the economy recovers. The long-term unemployed are a priority target group for the measures in Pathways to Work.

While many of the new measures included in the action plan for jobs are not confined to those who are long-term unemployed, they will be of particular relevance to their needs. For example, the microenterprise loan fund will provide funds for people who wish to start businesses in their local economies but have been refused credit by the banks. Other measures such as the Revenue job assist scheme, which is used by employers to take on persons who are long-term unemployed, are being promoted both by extension of the coverage of the schemes in the Finance Bill and through the dissemination of information. The employer job (PRSI) incentive scheme has been simplified and extended. This scheme provides exemption from the payment of employer PRSI contributions for 18 months when a qualifying unemployed person is recruited.

Under Pathways to Work, the Department of Social Protection is committed to supporting over 85,000 job placement, work experience and back to education beneficiaries this year, including through the JobBridge internship programme. The Minister for Social Protection, Deputy Joan Burton, has announced 1,000 additional places on JobBridge this year. The Department of Education and Skills will provide more than 450,000 education and training places this year across the range of provision in the higher education, further education and training sectors, including through the Springboard programme. More than 3,500 people have graduated from the first round of Springboard programmes, which were put in place in 2011, and the Minister for Education and Skills, Deputy Ruairí Quinn, recently announced a further 6,000 new places on the programme for 2012.

Deputy Peadar Tóibín: People cannot eat every section of the jobs action plan, nor will the Pathways to Work scheme pay people's mortgages. What people want to see are real jobs and not some kind of self-created score card the Government can tick off and feel it is succeeding. It is disastrous that we have 200,000 people who are long-term unemployed. At the personal level, this means a significant number of individuals whose confidence and ability to engage with society is reduced. Their feeling of self-worth is reduced and they find it soul-destroying not to be able to engage with the economy. From an economic perspective, the skills and experience of these individuals are not being harnessed. No matter the lengths the Government goes to with its score card, it is failing the people with regard to long-term unemployment.

A figure of 5,000 places was mentioned with regard to the JobBridge programme and it was suggested there will be 1,000 extra places. However, this number — 1,000 — is the same as the number of people who will emigrate between now and next Thursday. The proposals are completely inadequate to deal with the problem. The Government should instead look at the cost base for start-up companies, deal with upward-only rents and consider progressive taxes, targeted reductions of energy costs, reductions in red tape and reductions in insurance costs. It should also look at job activation programmes that have been used in Germany. As I mentioned earlier, it should decide that the banking industry will orient credit around the needs of business, rather than the economy being oriented around the needs of banks. Will the Government come out and indicate that it will introduce a multi-billion euro Government stimulus plan to kick-start the economy?

Deputy Mick Wallace: Based on my experience in business, I support the points made by Deputy Tóibín. There has been a significant focus by the Government and the European Union on reform, deregulation and the flexibility of the labour market, but the biggest challenges are still energy costs, upward-only rents and rates. There was much talk about rents and rates

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before the election but we have not really seen activity and stimulus in that area. Most of the employment in this country is in the domestic market but businesses are struggling. These are three crucial areas which would make such a difference. Energy is so expensive in Ireland. It would be very positive if, in some way, this Government helped businesses with energy costs, aside from the upward only rents, on which obviously the banks were not very keen.

Deputy Sean Sherlock: We all acknowledge that over the past years this country has gone through major restructuring in terms of how the economy works. The Minister already stated that if all the eggs are in one sector and if it fails, it has a monstrous effect on the economy. We are trying to put in place a set of programmes which will allow people to upskill and retrain, so that we have a skillset. I mention the number of construction jobs alone which were lost. The only way we can get people back into the workforce is to upskill and retrain them but that does not happen within one, two or three months. We must allow time for that to take effect.

All sides of the House must acknowledge — let us be apolitical about this — that we have provided incentives on the Revenue side and on the employer side and we have allowed for credit to be made available through the micro-enterprise partial loan guarantee scheme. The Government is actively intervening to try to stimulate the economy and to create the right conditions.

I take the point made about the cost to business and a reduction in the regulatory burden. I would acknowledge that we need to do more on EU targets in terms of the cost of the regulatory burden but I would also say there is a discussion at Cabinet level in regard to local authority funding and the cost to business at local level. Local authorities cannot continue to rely, in the way they have done, on the ratepayers who have been squeezed in terms of funding local government. The Cabinet is discussing this issue. However, one must acknowledge that because of the tidal wave which hit us as a result of the collapse in the construction sector, in particular, which had fuelled the economy, we had to restructure the economy on macroeconomic grounds and put in place these types of programmes which do not bear fruit in the timeframe about which the Deputy spoke. It will take longer.

Written Answers follow Adjournment.

Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Electoral (Amendment) (No. 2) Bill 2012 without amendment.

The Dáil adjourned at 7.35 p.m. until 10.30 a.m. on Friday, 13 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 9, inclusive, answered orally.

Sick Pay Scheme

10. **Deputy Micheál Martin** asked the Minister for Jobs, Enterprise and Innovation if he will publish a Forfas report on the effects of changes to the sick pay regime; and if he will make a statement on the matter. [34026/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I have outlined my position on this matter in previous replies given to this House — most recently in reply to Question No. 9 (Ref. 11539/12) of 29 February last from Deputy Dara Calleary.

As I indicated at that time, the Minister for Social Protection, Deputy Joan Burton, initiated a consultation process earlier this year on the feasibility and implications of introducing a statutory sick pay scheme. This was very much a first step in considering a range of issues that need to be examined in detail before any proposals can be progressed to possible implementation. Any formal proposals for changes in the sick pay scheme would have to be examined by Government as part of the Budgetary process.

However, to assist me in my consideration of these matters generally, I asked Forfás to examine the potential impact on competitiveness and employment of statutory sick pay, if such a scheme were to be introduced in this country. The report provided to me by Forfas forms part of a deliberative process of Government business, and it would not be appropriate for me to publish the report at this stage.

Enterprise Support Services

11. **Deputy Seán Crowe** asked the Minister for Jobs, Enterprise and Innovation the number of seed capital scheme certificates applied for by clients of Enterprise Ireland and the number issued. [33865/12]

16. **Deputy Seán Crowe** asked the Minister for Jobs, Enterprise and Innovation if he will promote the seed capital scheme by Enterprise Ireland. [33866/12]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I propose to take Questions Nos. 11 and 16 together.

In November 2011 the Minister for Finance, Michael Noonan, TD, announced a new Seed Capital Scheme (SCS) to encourage individuals currently or formerly in employment to establish new business ventures. The changes introduced by the Minister for Finance included a widening of the types of companies eligible under the Scheme. This widening of the scope of the scheme removed the requirement for certification by Enterprise Ireland.

The scheme provides for a refund of tax already paid by an individual who sets up and takes employment in a new qualifying business. The scheme, which is operated by the Revenue Commissioners, who have details on their website, allows for promoters of qualifying start-up companies to claim a rebate on investments made in their new enterprise based on the individual's income tax payments for the previous 6 years. The individual claiming relief must be a full time employee or a full time director of the company.

In the past entrepreneurs/investors seeking to avail of this tax relief had to seek certification from the relevant State agency supporting their sector. Enterprise Ireland, along with other Government Departments and bodies, was responsible for the provision of certificates in respect of certain qualifying trading operations.

I understand that since 2003, under the initial Seed Capital Scheme Enterprise Ireland issued approximately 335 Seed Capital Certificates. This corresponds to the number of applications for such certificates made by clients of EI. The issue of a certificate by Enterprise Ireland did not guarantee, and did not imply, that Revenue would approve a rebate under the Scheme.

Communicating information on government and agency supports that are available to companies to foster growth and enable job creation has been at the core of the Action Plan for Jobs agenda. Minister Bruton has, along with his ministerial colleagues, promoted a range of supports for business, including the Seed Capital Scheme at Action Plan for Jobs workshops across the country. Information on the Seed Capital Scheme along with other government supports is available on my Department's website under 'Supports for Business for Job Creation and Productivity'. Similarly, Enterprise Ireland and the County and City Enterprise Boards (CEBS) provide information on this and other Government supports via their websites and through regular engagement with their clients.

Media Mergers

12. **Deputy Mick Wallace** asked the Minister for Jobs, Enterprise and Innovation if he will outline his discussions with the Department of Communications, Energy and Natural Resources as regards the media mergers aspect of the Consumer and Competition Bill; when he plans to publish this legislation; and if he will make a statement on the matter. [33968/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The media mergers group reported in June 2008 and made recommendations for improvement in the legal framework for considering media mergers. Although not recommended by this group, the previous Minister agreed in principle to allocating responsibility for consideration of the public interest in media mergers to the Minister for Communications, Energy and Natural Resources in June 2010, but this was not implemented.

On entering Government I reviewed the issue and agreed with the Minister for Communications, Energy and Natural Resources to incorporate the allocation of this responsibility to him into the Consumer and Competition Bill. I brought the Heads of the Bill to Government in July 2011 and received formal approval for the drafting of the legislation. This is now underway. I plan to publish the Bill later this year.

The legislation contains a number of important commitments from the Programme for Government which I am determined to progress. They include ensuring fair operation of markets by giving full effect to the merger of the National Consumer Agency and the Competition Authority and introducing a legislative base for a code of practice in the grocery sector.

Discussions have taken place between officials in my Department and in the Department of Communications, Energy and Natural Resources whilst I have engaged with my colleague the Minister for Communications, Energy and Natural Resources on the matter. Minister Rabbitte recently proposed extracting the media merger provisions of this Bill and progressing a stand-alone media mergers Bill. I have carefully considered the issue. I am satisfied that we should proceed with the approach which has been approved by Government. All of the elements of the Bill are important and it would not be desirable to downgrade their implementation. Best regulatory practice dictates one should have a consolidated approach to legislation; therefore I am in favour of a single all-encompassing Bill. I have Government's approval for this approach and, having spoken to the Attorney General seeking priority drafting, notwithstanding the pressure of legislative priorities across the whole of Government, I hope to publish the Bill later this year.

I should point out that there are robust provisions in existing legislation for protection of the public interest in media mergers. Under section 23 of the Competition Act 2002, I, as Minister for Jobs, Enterprise and Innovation, have the power to consider media mergers from a public interest perspective. The criteria set out in that Act include consideration of the strength and competitiveness of indigenous media business, the spread of ownership and control of media businesses in the State amongst individuals and corporations, the diversity of views reflected in the media and the market share of media businesses.

Question No. 13 answered with Question No. 6.

Employment Support Services

14. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation if he will provide an update on the progress of the development capital fund scheme. [33858/12]

37. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation when funding will be made available through the development capital fund scheme. [33857/12]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I propose to take Questions Nos. 14 and 37 together.

The Development Capital Scheme as outlined in the Action Plan for Jobs has been developed to complement the existing suite of financial supports offered by Enterprise Ireland. A range of other initiatives are already in place for the provision of capital at the early stage and scaling phases, and a clear market failure was identified in the availability of risk capital for established companies seeking to sustain growth and achieve greater scale.

Longer-term investment capital is currently not readily available to Irish growth focused companies in either the form of debt or equity, and there is very limited private equity funds/debt available to innovative SMEs. This situation has resulted in an equity gap, which is constraining the development of a key cohort of established Irish growth companies. Development Capital can be defined as equity funding for the expansion of established and profitable firms, that is, those that have passed the start-up stage.

The exchequer funding requirement for this scheme is €50m over 10 years. It is proposed that EI will commit €25m each to two funds which will leverage a further €50m each from the private sector. Any fund investments supported by EI under this scheme would be made with

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the State sharing equally in the risks alongside other investors. The proposed scheme will focus on funds that provide equity or quasi debt of between €2m to €10m per investment although it is likely that many investments would be in the €2m to €5m range.

The Scheme was launched on the 12th April 2012 and a call was issued by Enterprise Ireland for ‘*expressions of interest*’, from fund managers, with a closing date of 16th July 2012, for receipt of expressions.

Enterprise Ireland is currently in discussion with a number of fund managers, both local and international, regarding their interest in the scheme. On completion of the call, valid applications will be evaluated based on the published criteria and a recommendation made to the Board of Enterprise Ireland. The final commitment to invest will be made by the Board of Enterprise Ireland. Once the selected fund managers have raised sufficient capital to ‘close’ their fund, funding under the Development Capital Scheme will be available to invest.

Unemployment Levels

15. **Deputy Pearse Doherty** asked the Minister for Jobs, Enterprise and Innovation in view of the fact that regions are suffering from a higher rate of unemployment, the steps he will take to redress this differential. [33854/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Regional differentials in economic development have many causes, reflecting different demographic, physical infrastructure, natural resources and competitive strengths. Enterprise policy can contribute to reducing regional differentials, but alone it cannot provide the solution to these many elements.

The enterprise development agencies under the aegis of my Department focus on nurturing and supporting enterprise from early stage start-up through the various stages of development. The agencies have regional structures in order to best understand and maximise regional opportunities. All companies eligible for support from the agencies have the same access to State services regardless of their location.

Different rates of grant aid are provided under EU state aid rules to reflect the greater level of enterprise support needed in some regions. In respect of IDA Ireland a key target is that 50% of new foreign direct investment projects will be located outside of Dublin and Cork. Central to this strategy is to work with others in the regions to build on existing regional strengths.

This year to date, the IDA has announced the creation of over 5,000 new positions. The regional spread of these projects is encouraging, with Limerick, Galway, Cork, Dublin, Sligo, Dundalk, Kildare and Mayo all benefitting from job announcements.

The new positions announced by IDA alone will translate into a further estimated 1,500 jobs for the construction sector, as well as having positive knock-on effects for local services. Connect Ireland is a new initiative that will promote foreign investment with a broader regional spread.

Employment in indigenous companies supported by the agencies has a much more even regional spread and the aim of agency assistance is to achieve balanced regional growth. A central focus in our Action Plan for Jobs has been to develop policy instruments to help small and indigenous business which has a strong regional spread to establish and grow. New initiatives such as the First Time Exporters and Small Business Division, the Competitive Start Up Fund and my Department’s access to finance initiatives are designed to support entrepreneurship, particularly in areas where support structures might be weaker. The reorganisation of local enterprise support and the appointment of managers to develop the potential of com-

munity enterprise centres will all help support entrepreneurship, including those who are now unemployed, across the country.

Question No. 16 answered with Question No. 11.

Enterprise Support Services

17. **Deputy Seamus Kirk** asked the Minister for Jobs, Enterprise and Innovation the actions he has taken to assist small and medium enterprises increase access export markets; and if he will make a statement on the matter. [34021/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Driving export growth is central to our economic recovery and it is a key focus of the Government's Action Plan for Jobs. Enterprise Ireland (EI) has established a new Potential Exporters Division, a key measure in the Action Plan for Jobs. Its role is to stimulate greater activity within companies across all regions and to reorient those demonstrating real growth potential from the domestic to the international market place.

Enterprise Ireland's 29 overseas offices and international networks have an important role to play in helping EI's client companies to access export markets, through positioning them to meet the needs of the specific international market and guiding them in the right direction regarding market contacts and introductions to potential buyers. Through this network, EI clients have secured 294 new buyers this year, while 316 buyers have been attracted to engage with indigenous companies on international business opportunities.

Another essential support to underpin the export ambitions of SMEs is developing a wider network of EU Free Trade Agreements. Free trade and more open markets for trade and investment are essential to help our exporters sell more and into more diverse markets. We know from our own experience that open markets and free trade generate economic growth and jobs. Improving trade opportunities in key markets, and especially with those with whom we already have strong export links, will be a stimulus for recovery. As 90% of future economic global economic growth is set to be generated outside Europe, it is more important than ever to expand the network of EU bilateral Free Trade Agreements. These agreements increase market access for our exporters by reducing barriers and costs to trade and investment and expanding access to public procurement markets helping exporters to consider exporting to unfamiliar high growth markets with considerable consumer spending power.

Government policy is to build on the strength of our existing markets and diversify into new ones. Ministerial-led Trade Missions are an integral part of this process, particularly in countries where government to government contacts are a prerequisite for doing business and I have first-hand experience of the importance of these Trade Missions for Irish companies seeking to win overseas contracts.

EI client companies achieved record levels of exports of €15.2bn in 2011. This exceeds the pre-recession record levels of 2008 and is the highest ever annual export gain achieved by Enterprise Ireland client companies.

Employment Support Services

18. **Deputy Pádraig Mac Lochlainn** asked the Minister for Jobs, Enterprise and Innovation the targets set for enterprise and jobs bodies to develop jobs for the unemployment blackspots identified by the census. [33856/12]

20. **Deputy Pádraig Mac Lochlainn** asked the Minister for Jobs, Enterprise and Innovation the steps being taken to redress the unemployment blackspots in Counties Limerick, Cork, Waterford, Galway and Donegal as identified by the census. [33855/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 18 and 20 together.

The Government is tackling unemployment generally through the twin strategies of the Action Plan for Jobs and Pathways to Work. The aim of the Action Plan for Jobs is to support the creation of 100,000 net new jobs by 2016, while the objective of Pathways to Work is to provide those who are unemployed with the appropriate training and skills to avail of the job opportunities which will arise as the economy recovers. Both of these strategies are whole of Government, national strategies aimed at creating and sustaining jobs across all regions of the State. It is not possible to set detailed location-specific job targets for the Enterprise Agencies because much of the activity is enterprise led rather than agency led.

Nevertheless, the regional spread of job opportunities is a major concern and in order to improve support for job creation in the regions, I have put the following measures in place:

- 50% of foreign direct investments will be located outside of Dublin and Cork;
- The Succeed in Ireland Initiative has been launched;
- The creation of small business and first time exporters units within EI and reorganisation of the County and City Enterprise Boards;
- New supports are being put in place for SMEs including microfinance and partial loan guarantee schemes;
- The South East Action Plan is being progressed and
- Shannon Development is being restructured.

All of the agencies have regional structures to maximise local opportunities. The CEBs are present in all of the locations mentioned. Both Enterprise Ireland and IDA Ireland have offices in Limerick, Cork, Waterford, Galway and Letterkenny, Co. Donegal. This regional spread allows the agencies to drive take-up of their services and supports such as entrepreneurship programmes focused on identifying new business opportunities, at a local level, thereby maximising take up and impact. In addition, EI has a network of 110 Community Enterprise Centres in operation across the regions. At present, two thirds of employment in Enterprise Ireland client companies, well in excess of 100,000 jobs, is currently located outside of Dublin.

This year to date, the IDA has announced the creation of over 5,000 new positions. The regional spread of these projects is encouraging, with Limerick, Galway, Cork, Dublin, Sligo, Dundalk, Kildare and Mayo all benefitting from job announcements.

EU Funding

19. **Deputy Dessie Ellis** asked the Minister for Jobs, Enterprise and Innovation if he will provide an update on the due diligence process with the European Investment Fund in regard to the micro finance fund. [33869/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): 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 micro-loans, or loan facilities may be availed of to increase lending to micro-enterprises.

Initial engagement has taken place between the Social Finance Foundation, who will administer the Microenterprise Loan Fund on my behalf, 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, later this month. A rigorous due diligence process is required to secure EIF accreditation, and this will take place during the months of August and September, once the legislation is enacted.

Question No. 20 answered with Question No. 18.

Job Creation

21. **Deputy Jonathan O'Brien** asked the Minister for Jobs, Enterprise and Innovation the total cost per job created by each of the enterprise agencies under the direction of his Department. [33876/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): As part of the Forfás Annual Employment Survey, the overall cost per job is calculated each year by reference to the cost of jobs created in companies supported by the Enterprise Development agencies, during and sustained to the end of a seven-year period.

The accepted accounting measure for cost per job is 'Cost per job Sustained'. This is calculated by taking into account all direct agency expenditure on all agency client companies in a seven-year period. Only jobs created during, and sustained at the end of each seven-year period, are represented in the calculations. The cost per job calculation takes the total grants paid to companies to undertake development projects, at both start-up and expansion stages, and the new jobs that arise from these projects.

For 2011 the cost per job created in respect of Enterprise Ireland amounted to €12,024. For IDA Ireland, the cost per job sustained amounted to €14,202 and for Shannon Development, the cost amounted to €16,139.

For the County and City Enterprise Boards, the total average cost per job sustained within the CEB clientele network works out at €6,058.28.

The present Government will continue to champion the cause of companies that can create good jobs in sustainable activities. The Enterprise Development agencies will also play a vital role in contributing to the building of a strong, sustainable and innovative enterprise sector that will lead to the creation of employment and investment opportunities so necessary to our economic recovery.

Credit Guarantee Scheme

22. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation when the credit guarantee scheme will be in place. [33849/12]

24. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation when he believes the first guarantees will be issued to business through the credit guarantee scheme. [33850/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 22 and 24 together.

The Report and Final Stage of the Credit Guarantee Bill 2012 was completed yesterday (Wednesday 11th) in the Dáil. As the proof of the Bill has been passed by Both Houses of the Oireachtas, it must now be submitted by the Bills Office to the President for signature. The President is required to sign the Bill within seven days of receipt.

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Following the enactment of the legislation, I will then be in a position to enter into legal agreements with the participating banks to guarantee qualifying loans. It is envisaged that this process of negotiating and signing legal agreements with the banks may take a number of weeks but will be completed as expeditiously as possible.

Every effort is being made to introduce the Scheme as quickly and as smoothly as possible. In parallel with the legislative process, the Operator for the Credit Guarantee Scheme, Capita, has been conducting workshops with the banks over the past few months to ensure that the banks are prepared for the Scheme to go live as soon as possible after the enactment of the legislation. Furthermore, in accordance with section 6 of the legislation, I will be laying the detailed Scheme before both Houses of the Oireachtas within the next few weeks.

It is envisaged that the banks will roll out the Scheme as soon as possible, following the signing of the bilateral legal agreements.

Question No. 23 answered with Question No. 6.

Question No. 24 answered with Question No. 22.

Job Protection

25. **Deputy Denis Naughten** asked the Minister for Jobs, Enterprise and Innovation the steps he is taking to secure the jobs at the MBNA site in Carrick-on-Shannon, County Leitrim; and if he will make a statement on the matter. [33771/12]

114. **Deputy Tony McLoughlin** asked the Minister for Jobs, Enterprise and Innovation if following the successful sale of its Irish Credit Card business to Apollo if he will confirm if there is any further progress to report in relation to the other 400 jobs currently serving the UK credit card market at Carrick-on-Shannon; and if he will make a statement on the matter. [34327/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 25 and 114 together.

The process regarding the sale of Bank of America's (BOA) Irish and UK credit card businesses is on-going. Negotiations regarding the sale of the MBNA Ireland portfolio have culminated in its recent sale by BOA to Apollo Global Management, a leading global alternative investment manager headquartered in New York. This transaction involves the approximately 250 employees in Carrick-on-Shannon currently supporting the Irish portfolio transferring to Apollo, under Transfer of Undertakings regulations, in 2013 following a transitional period for a number of months commencing in 2012. I understand that Apollo and BOA are currently finalising the sale contract. IDA continues to monitor the situation closely, providing appropriate input into the process as it moves forward. The Agency is in regular contact with Bank of America management in Carrick-on-Shannon and Dublin and at corporate level to monitor developments and is also in contact with Apollo.

BOA has not yet sold the UK MBNA portfolio, which is the other business supported out of Carrick-on-Shannon. The IDA understands that the sale of this part of the business is not as advanced as the MBNA Ireland portfolio. The IDA will seek to maintain its insight into Apollo's strategy for the Carrick-on-Shannon centre and will emphasise both IDA's and the Irish Government's interest in supporting the group to build on the existing capability in Carrick-on-Shannon by adding further business in due course.

Research and Development

26. **Deputy Aengus Ó Snodaigh** asked the Minister for Jobs, Enterprise and Innovation the steps he is taking to ensure that small and medium enterprises will avail of all supports for research and development. [33861/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): A wide range of programmes are being delivered by the Enterprise Agencies — Enterprise Ireland, IDA Ireland and Science Foundation Ireland, to promote research and development and innovation and give Irish enterprise a competitive edge in the global market place.

Enterprise Ireland in particular, has a range of programmes and soft supports focusing on research, and development and innovation to facilitate and support businesses to compete sustainably in international markets. Information on all supports for research and development is available on the websites of Enterprise Ireland, Science Foundation Ireland and the County Enterprise Boards.

Enterprise Ireland are engaged in a number of specific opportunities to assist the SME sector to avail of its support programmes. For example, through the Enterprise Europe Network which includes Enterprise Ireland and the Chambers of Commerce of Cork, Dublin, Galway, Sligo and Waterford, Enterprise Ireland produced a new on-line directory of innovation supports to assist companies and their advisers in sourcing the various forms of support required to promote innovation and R&D. This new directory was promoted through a series of workshops and seminars held in the various regions. The new directory is now available through the internationally co-ordinated Enterprise Europe Network website.

Enterprise Ireland has appointed 19 Advocates whose role will be to assist companies in formulating projects to develop their business through innovation and R&D. This follows on from previous successful Advocate programmes which have assisted companies to identify their best options for development of new products, processes and services.

The Industry Research and Development Group (IRDG) Innovation Network, supported by Enterprise Ireland, has been undertaking a range of successful seminars around the country including seminars on R&D Tax Credits (including a workshop on Audits), an event devoted to Services Innovation in Waterford and promotion of collaboration through the “Supporting Business In The Mid-West” seminar held at the University of Limerick. This seminar was designed to highlight the benefits of collaboration with Higher Education Institutes for businesses in the Mid-West.

The Irish Software Innovation Network (ISIN), funded by Enterprise Ireland and managed by the Irish Software Association (ISA), offers a free matchmaking and knowledge-brokering service to help software companies to identify and engage with relevant third-level research institutes.

As part of the Action Plan for Jobs Enterprise Ireland is actively working with IDA Ireland to attract 100 companies to avail of R&D tax credits for the first time. The preliminary work involves the development of an updated R&D tax credit brochure, which will be jointly issued by the two agencies later this year. The next stage will involve a series of agency workshops which will promote an understanding and use of “R&D tax credits”.

Research and development support programmes and initiatives will continue to be delivered by the enterprise agencies in support of Irish businesses in order to drive growth, sustainability, exports and job creation. My department and its enterprise agencies will continue to promote the application of research and development and innovation to gain competitive advantage and to build on the strengths that have emerged from the investment to date in Science Technology and Innovation.

Proposed Legislation

27. **Deputy Mick Wallace** asked the Minister for Jobs, Enterprise and Innovation if he plans to publish the Consumer and Competition Bill and introduce it to Dáil Éireann before the end of 2012; and if he will make a statement on the matter. [33967/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The draft heads of the Consumer and Competition Bill, approved by Government in July 2011, are currently with the Office of the Parliamentary Counsel for drafting and notwithstanding the pressure of legislative priorities across the whole of Government, I hope to publish the Bill later this year.

Departmental Agencies

28. **Deputy Jonathan O'Brien** asked the Minister for Jobs, Enterprise and Innovation the cost of each of the international offices of the Enterprise Ireland; and the value of trade and investment generated by each. [33875/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Enterprise Ireland (EI) operates a wide geographical network of offices across the globe (currently 29) which are central to serving Irish indigenous industry and delivering on an export led recovery for Ireland. EI's overseas staff are fully integrated into a coherent global view of client companies' business strategy and are part of integrated global sector teams working with clients, including technologists, business advisers, and other EI specialists as required. Staff are deployed within the network on the basis of identified EI client company needs.

EI's overseas network and international team are critical resources which EI is seeking to maintain at its current complement to support Irish companies increase sales from Ireland and to sustain and grow jobs in Ireland. The tabular statement below sets out the regional location of these offices, together with the EI client export sales, the percentage export growth rate in 2011 and the costs associated with each region.

Enterprise Ireland Overseas Offices

Overseas Office Network Region	EI Client Export sales by Network Region 2011	2011 EI Export growth rate	Costs 2011	Individual Office Locations
UK and Northern Europe	€7,692m	+22%	€4.974m	London Glasgow Amsterdam Brussels Paris Stockholm
Southern Europe, Middle East and Africa	€1,706m	+8%	€2.357m	Madrid Milan Dubai Riyadh Johannesburg
Germany, Central and Eastern Europe	€1,599m	+28%	€3.144m	Prague Moscow Budapest Warsaw

Overseas Office Network Region	EI Client Export sales by Network Region 2011	2011 EI Export growth rate	Costs 2011	Individual Office Locations
AsiaPacific	€978m	+17%	€4.492m	Dusseldorf Shanghai Beijing Hong Kong Singapore Tokyo Sydney Seoul
Americas	€1,823m	+77%	€4.076m	New Delhi New York Boston Mountain View, CA Toronto Sao Paulo
Rest of World	€736m	+22%		
Total	€15.2bn		€19.043m	29

Job Creation

29. **Deputy Michael Colreavy** asked the Minister for Jobs, Enterprise and Innovation the steps taken by Enterprise Ireland to promote business start-up for the long term unemployed since coming into office. [33868/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): This Government is fully committed to its role of facilitating employment creation. Since coming into office, we have been working hard to create the improved economic conditions which will support the maintenance of existing jobs and the creation of new ones. Our objective is to put the country back on the road to economic recovery and full employment.

The Action Plan for Jobs, launched in February of this year, contains over 270 actions to be implemented by all 15 Government Departments as well as 36 State agencies, and is intended to improve supports for job-creating businesses and remove barriers to employment-creation across the economy. The Plan aims to deliver on the Taoiseach's commitment to make Ireland the best small country in the world in which to do business, and increase the number of people at work in Ireland by 100,000 — from 1.8m to 1.9m — by 2016. The Action Plan for Jobs has also set the following established ambitions:

- To get Ireland back to a top-five ranking in international competitiveness.
- To build world-class clusters in key sectors of opportunity.
- To build an indigenous engine of growth that drives up the export market share of Irish companies.
- To get the number of people at work in the Irish economy back to 2m by 2020.

Enterprise Ireland has in place a number of supports to assist entrepreneurs, new start-ups, small businesses and microenterprises. Enterprise Ireland assistance to entrepreneurs and busi-

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nesses encompass supports to develop and test business propositions which are at an early stage, ensuring there is a supportive environment including financial support for eligible start-up companies. Anyone interested in these supports should consult the agency's website at www.enterprise-ireland.com.

Labour activation measures specifically targeted at the long term unemployed are a matter for the Minister for Social Protection. That Department operates a number of schemes which are aimed increasing the rate of business start-up and entrepreneurship among the long-term unemployed, such as the Back to Work Enterprise Allowance. This allowance is designed to encourage the long term unemployed to take up self employment opportunities by allowing them to retain a reducing proportion of their social welfare payment plus secondary benefits over two years.

The Office of the Revenue Commissioners also operate tax schemes which are aimed at new start-up businesses, such as a Tax Exemption for New Start-up Companies and the Seed Capital Tax Relief Scheme. Further information on these schemes can be found at www.revenue.ie. Please find appended information regarding Seed Capital Scheme, 3 Year Corporate Tax Exemption and Back to Work Enterprise Allowance.

Seed Capital Scheme.

If you start up and work full-time in your own company, you can claim back the income tax you paid in the previous 6 years to invest equity into a company (subscribed as shares) engaged in a qualifying trade. The amount of relief is restricted to the amount of the investment. Since November 2011, the scheme is open to a much wider range of sectors. The ceiling on recoverable tax can now be up to €100,000 in each of the 6 look back years.

3 Year Corporate Tax Exemption

The scheme provides relief from corporation tax on the trading income and certain gains of new start-up companies in the first 3 years of trading. There will be full relief on income and gains relating to the trade where total corporation tax liability in any of the first 3 accounting periods does not exceed €40,000. There will be marginal relief where the tax liability falls between €40,000 and €60,000. You can earn €120,000 tax free per year for the first 3 years.

Back to Work Enterprise Allowance

If you have been signing on for over 12 months and you would like to become self-employed, the Back to Work Enterprise Allowance (BTWEA) allows you to keep your social welfare payment for 2 years (Year 1: 100%, Year 2: 75%). To qualify, you must be setting up a business that a Local Integrated Development Company or a Facilitator has approved in writing in advance. A short-term Enterprise Allowance can be claimed by anyone who has lost their job and who is eligible for Jobseekers' benefit. It runs until your Benefit payment would have expired.

EU Funding

30. **Deputy Dessie Ellis** asked the Minister for Jobs, Enterprise and Innovation the target date to secure European investment Fund approval for the microfinance guarantee facility.
[33870/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The European Progress Microfinance Facility is a European Investment Fund (EIF) initiative to support entrepreneurship and employment through microfinance activities. Capped guarantees may be pro-

vided to eligible intermediaries partially covering their portfolios of micro-loans, or loan facilities may be availed of to increase lending to micro-enterprises.

Initial engagement has taken place between the Social Finance Foundation, who will administer the Microenterprise Loan Fund on my behalf, 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, later this month. A rigorous due diligence process is required to secure EIF accreditation, and this will take place during the months of August and September, once the legislation is enacted.

Enterprise Support Services

31. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation when the financial support will be available to allow the small and medium enterprises to access cloud computing. [33851/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): There are various supports currently available to businesses which may wish to operate from a cloud computing platform. Enterprise Ireland proactively supports the development of its client companies in meeting the challenges posed by Cloud Computing through the application of a range of existing financial supports including:

- Feasibility study grants to investigate business opportunities;
- R&D grants to support the development of new products and processes;
- Support for LEAN initiatives aimed at productivity improvement and the development of new business models;
- Investment in HPSUs with Cloud based technologies and services (Specifically through the Innovative Start-up, Overseas Entrepreneur, Competitive Start and iGAP programmes); and
- Innovation Vouchers/Partnerships to support Industry/Third Level collaboration.

In addition to this Enterprise Ireland is engaged in a range of activities with client companies to promote Cloud opportunities and advise companies on what they need to know to take advantage of the Cloud, including an awareness campaign and transitional support. Under the Technology Centres programme, EI and IDA have jointly supported a Cloud Technology centre which will conduct research aimed at producing technologies for use by both SME's and larger companies in exploiting Cloud computing opportunities.

A key part of our Action Plan for Jobs is to ensure that we have more businesses establishing, succeeding, investing, expanding, and creating employment. To achieve this, we are implementing a series of targeted initiatives to make it easier for small businesses to access credit. The Microenterprise Loan Fund Scheme, which is expected to be operational from early autumn, will facilitate up to €40million in additional lending to microenterprises over the next five years. I am also in the process of introducing the Temporary Partial Loan Guarantee Scheme for SME's who, because of lack of collateral or because of the sector they operate in, face difficulties in accessing traditional bank credit.

These initiatives coupled with existing actions in respect of the Innovation Fund and the Development Capital Scheme will strongly contribute to addressing the credit needs of business and facilitate business modernisation and expansion, and the creation and maintenance of jobs.

Community Enterprise Centres

32. **Deputy Thomas P. Broughan** asked the Minister for Jobs, Enterprise and Innovation if he will report on the recent announcement of the awarding of funding for business development managers at 37 community enterprise centres across the country; when the funding will be made available in order that local job and business support agencies including a council (details supplied) can appoint a new business development manager; and if he will make a statement on the matter. [33772/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I recognize the importance of a business development function within community enterprise centres and I recently announced funding to support the appointment of Business Development Managers to 37 community enterprise centres as part of a €2m Programme managed by Enterprise Ireland. This announcement follows on from a Government commitment under Action Point 2.5 of the Action Plan for Jobs 2012. This initiative is aimed at protecting and growing businesses in the community.

I understand that the particular Council to which the Deputy is referring has been allocated funding to support the employment of a Business Development Manager and was notified in writing by Enterprise Ireland last month. It is now a matter for the Council concerned to pursue the appointment or the retention in employment of a Business Development Manager as appropriate.

Job Initiatives

33. **Deputy Denis Naughten** asked the Minister for Jobs, Enterprise and Innovation the steps he is taking to support enterprise development in the midland and western regions; and if he will make a statement on the matter. [33770/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Supporting new and existing indigenous and foreign-owned businesses, across all regions, is central to our plans for recovery, growth and jobs. The Action Plan for Jobs contains a number of measures which are aimed specifically at the facilitation and incentivisation of national enterprise development from start-ups to growth companies. It also sets out measures that will enhance linkages between foreign owned multi-national and indigenous Irish companies through for example, enhanced sub-supply opportunities.

The Plan is a whole Government plan with a national focus across all regions. In addition to a continued focus on supporting and growing enterprise, the Action Plan for Jobs sets out an ambitious plan for developing employment initiatives within communities. The range of actions set out in the plan recognises that while it is Government who will create the right operating environment for business growth and job creation, it is the local entrepreneurs who will create the jobs.

The Enterprise Development agencies will be at the forefront of implementing the Action Plan for Jobs across all regions and will ensure that local enterprises can maximise their contribution to economic and jobs growth. In terms of the specific supports delivered, a total of €15m was approved to indigenous companies in the Midland and Western Regions in 2011, supporting more than 18,000 jobs. Additionally, IDA-supported companies employed over 17,500 people between the two regions.

From the beginning of 2011 to date, IDA Ireland has announced the creation of more than 1,200 jobs across the two regions in locations including Galway, Tullamore, Athlone and Castlerea Co. Roscommon. Of the 92 High Potential Start-ups assisted by Enterprise Ireland

throughout the country in 2011, four are based in the Midlands region and eight in the West. In addition, Enterprise Ireland hosted Exporting Awareness Events last March and May in Athlone and Galway respectively, attracting over 160 attendees between them who were either first time or early stage exporters. EI funding for Innovation Partnership and Research Funding to the Third Level Sector in the Midlands Region in 2011 amounted to €854,796 for eight projects.

Live Register

34. **Deputy Pearse Doherty** asked the Minister for Jobs, Enterprise and Innovation in view of the differing levels of unemployment identified in the census and the live register, if he will provide the rate that is used by his Department. [33853/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): In common with other Government Departments, my Department looks to the International Labour Organisation (ILO) measurement of unemployment in the Quarterly National Household Survey (QNHS), as the primary measure of unemployment.

The QNHS uses the International Labour Office (ILO) standards for the measurement of employment and unemployment. These standards establish objective criteria which allow the proper identification of the employment status of individuals based on their activity. By applying these standards, the QNHS allows estimates to be derived which are comparable with other countries. It is also consistent in application over time thereby facilitating a trend analysis which is critical from a policy perspective. This approach is in accordance with international practice whereby estimates based on ILO standards are seen as the preferable source of estimates of unemployment, rather than registered unemployment figures such as those based on the Live Register in Ireland or those derived from the Census.

The Census is different in several respects from the QNHS. The main differences are that the Census uses a subjective question relating to a person's Principal Economic Status (PES), whereas the ILO definition used in the QNHS is a much more strict definition of unemployment, and therefore tends to be lower. To be unemployed under the ILO definition, persons must be without work in the week before the survey and available for work within the next two weeks, and had taken specific steps, in the preceding four weeks, to find work. The ILO definition is internationally recognised and is used for cross country comparisons. In addition, the mode of the survey used in the Census is very different as a responsible adult must provide information for members of the household, while the QNHS is administered by way of a face to face interview. Accordingly, the unemployment information collected on the Census is not comparable to the QNHS. The Live Register is not used to measure unemployment, as it can, for example, include people who are working part-time. It is, however, used as an indicator of changes in the trend in the seasonally adjusted unemployment rate as it is more up-to-date than the QNHS.

Job Creation

35. **Deputy Jerry Buttimer** asked the Minister for Jobs, Enterprise and Innovation if he will provide a detailed breakdown of the types of jobs created in Cork since February 2011; and if he will make a statement on the matter. [33969/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The information compiled by the Enterprise Development agencies does not include details of the types of jobs created in Cork. However, I can provide the Deputy with information regarding jobs in Enterprise Development agency-supported companies based in Cork, which are compiled in

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the Forfás Annual Employment Survey. Because the figures are compiled on an annualised basis, the figures for 2012 will not be available until the early part of 2013. The figures in respect of jobs created, in various sectors, in agency-supported companies in Cork in 2011 are set out in the table accompanying this reply. The Deputy may wish to consult with the Central Statistics Office as regards overall numbers of jobs created in Cork.

Jobs Created in Enterprise Development Agency-Supported Companies in Cork in 2011

Sector	Number of Full Time Equivalent Jobs Created in 2011
Manufacturing	1,751
International Services	1,163
Financial Services	56
Miscellaneous Other Employment	102
Total	3,072

Cross-Border Enterprise Initiatives

36. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation when he will conclude the consideration of the cross border studies report and proposals for a border development zone. [33864/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): In general, the report is an extensive piece of work which identifies current cross-border economic realities and places them in their historical context. Its focus on a possible framework for cross border development is welcome and is an important contribution to both Governments' consideration of the issues involved. However, the question of establishing a border development zone raises considerable challenges, particularly in the current economic climate and against the backdrop of competing policy and institutional priorities.

In the context of regional and all-island economic development, and recognising opportunities to pursue mutually beneficial cross border co-operation on aspects of economic policy and infrastructure/spatial planning, IDA Ireland already cooperates extensively on a number of initiatives with Invest Northern Ireland. Both agencies also share a strategic focus on attracting companies from the targeted sectors of ICT, Financial Services and Clean technologies.

An example of co-operation between IDA Ireland and Invest Northern Ireland is the joint development of the North West Business and Technology Zone Initiative (NWB TZ) (North West NOW). The fundamental aim has been to capitalise on the combined strengths of Letterkenny and Derry City as an economic corridor. The focus has been on developing compatible infrastructure and property solutions, which are now in place, and make the region more attractive for investment.

There is also close co-operation between Invest NI and Enterprise Ireland. The clients of each agency can access the services provided of the others including market services, trade missions, trade fairs, seminars etc. For example, Invest NI clients can participate in Enterprise Ireland management development programmes such as Leadership 4 Growth and International Selling.

Question No. 37 answered with Question No. 14.

Research and Development

38. **Deputy Aengus Ó Snodaigh** asked the Minister for Jobs, Enterprise and Innovation the steps he is taking to streamline the application process and support in respect of research and development across Departments. [33862/12]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): There is a wide range of diverse supports for different types of research and development across a number of Government Departments and State Agencies. There are no plans, at present, to streamline application processes for this diverse range of R&D supports across all research funders. The application criteria for research in, say, medical devices would be very different from the application criteria for an energy project.

However, in line with the recommendations of the Research Prioritisation Steering Group's Report, for the purpose of competitive calls for funding, research funding Agencies will be adapting their application process to the stage-gate process. This means that research funders will consider how to assess relevance to, and impact on, one of the 14 priority areas of opportunity identified as likely to deliver economic and societal impact. While obviously recognising the need to allow sufficient flexibility to accommodate the outcomes required by specific programmes, it is envisaged that Agencies will ensure that relevance to the priority areas is one of the key criteria in assessing applications and in this way will ensure a degree of consistency across agencies. The stage gate model will not apply to in-company R&D funding.

In addition, the Research Prioritisation Steering Group's Report recommended there should be coherence and a consistency of approach between funding programmes to reduce the administration burden on both agencies and applicants and also to allow for system level evaluations. Implementation of this recommendation will be considered by the Prioritisation Action Group in as part of its ongoing sequencing of reforms.

Unemployment Levels

39. **Deputy Martin Ferris** asked the Minister for Jobs, Enterprise and Innovation the way in which unemployment levels are reflected in budget allocations across enterprise agencies. [33873/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The budgetary allocations of the Enterprise Agencies take account of a range of factors, including the anticipated demand for key programmes and services, as well as new policy initiatives by the Government.

The Government's Infrastructural and Capital Investment Programme 2012-2016 which was published on 10 November 2011 has a particular relevance for my Department in terms of supporting job retention and creation. The capital investment programme covers a broad range of critical areas including economic infrastructure, environmental infrastructure and social investment.

In total, €2.334 billion in capital investment is provided to my Department for jobs, enterprise and innovation over the period from 2012 to 2016. There is an increase in the annual allocation for enterprise support from €508 million in 2011 to its highest ever level of €514 million in 2012, reflecting the priority accorded to job creation by the Government. Continued investments in research, technological development and innovation have been and will remain a pivotal element of our enterprise development offering to 2016.

A number of new initiatives will also be funded through my Department's Budget, including a Partial Credit Guarantee Scheme, a Microenterprise Loan Fund, a Development Capital Scheme, Innovation Fund Ireland and the Succeed in Ireland initiative.

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All of the initiatives funded by my Department and its Agencies will support economic growth and job creation, thereby having a positive impact on unemployment levels.

Job Statistics

40. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the number of jobs created on an annual basis in each of the past three years and to date in 2012; the numbers of which were in the manufacturing, services and IT sectors; the number of jobs lost in each category in the same period; the extent if any to which he intends to specifically target particular headings in order to address emerging trends; and if he will make a statement on the matter. [33900/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The figures in respect of jobs in Enterprise Development agency-supported companies and those supported by the County and City Enterprise Boards (CEBs) are compiled in the Forfás Annual Employment Survey and the CEB Annual Employment Survey respectively on an annualised basis. The figures in respect of jobs created and lost in Enterprise Development agency-supported companies in 2011 are set out in the table accompanying this reply. The figures refer to the manufacturing and services sectors. As the figures are compiled on an annualised basis, the figures for 2012 will be available in the early part of 2013.

The Deputy may wish to consult with the Central Statistics Office as regards jobs created and lost in the economy as a whole.

The Action plan for Jobs 2012 contains a number of sectoral-focused initiatives that include the sectors outlined by the Deputy. These include the establishment of a Manufacturing Development Forum, to identify the needs of that sector which is being led by my Department and implementing an action plan to address the skills needs of the ICT sector, which is being led by my colleague the Minister for Education and Skills.

Jobs Created in Agency-assisted companies in the Manufacturing and Services Sectors

Sector	2009	2010	2011
Manufacturing	6,794	8,167	9,042
Services	6,590	11,371	11,191
Total	13,384	19,538	20,233

Jobs Lost in Agency-assisted companies in the Manufacturing and Services Sectors

Sector	2009	2010	2011
Manufacturing	28,711	14,289	9,423
Services	14,711	9,101	6,130
Total	43,422	23,390	15,553

Job Creation

41. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he has identified those parts of his portfolio of jobs, enterprise and innovation which have performed best in terms of job retention and job creation over the past twelve

months with particular reference to making the greater contribution to growth and economic recovery; if he will identify specific areas for improvement which might further enhance growth and economic prospects in the short to medium term; and if he will make a statement on the matter. [33899/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The jobs, enterprise and innovation elements of my Department's portfolio are inextricably linked.

For example, the competitive advantage created by the use of technology and innovation is a key driver in achieving Irish economic recovery and supports job creation. In 2011, over €700m of IDA investment projects were in research, development and innovation; these investments are supporting direct and indirect jobs in the economy. Companies that undertake Research and Development and capitalise on innovation have also shown a greater resilience during the economic crisis. Export and employment levels in indigenous firms engaged in R&D consistently outperform those of firms not engaged in such activities.

My Department's enterprise agencies provide a comprehensive range of assistance to enterprises to support their growth and underpin job creation.

In 2011, IDA Ireland supported the creation of over 11,594 new full time jobs, while 6,950 jobs were lost, giving a net increase of 4,544 jobs in the period.

Enterprise Ireland supported the creation of just over 9,000 new full time jobs last year. While a similar number of jobs were lost, this was a very strong performance after three successive years of job losses far exceeding the number of jobs created. In addition, Enterprise Ireland client companies achieved record levels of exports of €15.2bn in 2011. This exceeds the pre-recession record levels of 2008 and is the highest ever annual export gain achieved by Enterprise Ireland client companies

We will build on all of these positive developments. Up to the end of June this year, there have been 49 new announcements by the IDA, with the potential to create almost 5,500 jobs. Enterprise Ireland has announced details of supports to companies which have the potential to see over 2,000 jobs come on stream. This represents a very strong performance in the face of intense competition for Foreign Direct Investment and a challenging domestic environment.

Enterprise Support Services

42. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation when the support will be available for small and medium enterprises to develop a presence on the internet. [33852/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): As recognised in the Action Plan for Jobs 2012, internet communications is set to be one of the fastest growing sub-markets within ICT, with potential growth rate as high as 20 percent per annum over the next decade. Therefore, small and medium enterprises need to concentrate on developing this resource as a major tool for their day to day business. Already Enterprise Ireland provides a number of supports to help SMEs in this area. Enterprise Ireland formulated and developed a funding support programme called the eBusiness Management Initiative (eBMI) to assist SMEs in developing their online marketing potential. To date 356 client companies have received support under this Initiative and the approved value of this support is €5.4m.

Additionally, Enterprise Ireland has a dedicated resource called the Internet Marketing Unit. The Internet Marketing Unit is focused on helping client companies to exploit the Internet as a route-to-market, and to assist companies develop a strategy that will shape how they do business online. The Unit provides a range of services, including strategic guidance, workshops

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and seminars and funding support. This Unit also runs a number of eMarketing and Social Media events for clients each year. These events have become extremely popular and are always full to capacity. The Unit regularly publishes case-studies and other online marketing collateral through Enterprise Ireland's website.

Another initiative, the Internet Growth Acceleration Programme (iGap), has been launched by Enterprise Ireland in conjunction with the Irish Internet Association (IIA), which is an intensive management development programme aimed exclusively at high potential internet/games companies. This programme has been very successful and is now in its third year. To date, 62 companies (122 promoters) have completed the iGAP programme. The fourth iGAP will be launched in October 2012. iGAP has, over the last 36 months, equipped promoters within the Irish internet/Games industry with the practical tools needed to formulate aggressive international growth plans and scale their businesses. iGAP incorporates practical learning from world-class serial entrepreneurs, it is delivered over six monthly modules and covers fundamental topics integral to building a global internet business. The modules are combined with more intensive support from an implementation coach who supports the participating companies as they complete their programme milestones.

The County and City Enterprise Boards (CEBs) provide a range of grants to eligible micro-enterprises, which can cover all business costs directly attributable to growing and developing a business, as well as training and one-to-one mentoring initiatives to assist individual businesses develop as appropriate to their remit and the needs of the business. In addition, where appropriate opportunities present to offer additional services, the CEBs act in conjunction with other organisations, such as Google in their recent "Getting Business Online" to make additional services and supports available. In 2011 CEBs provided over 100 training seminars in the "Getting Business Online" initiative, resulting in the creation of almost 900 new business websites.

To date in 2012, CEB locally-arranged training includes topics such as: 'ICT Essentials for SMEs', 'Social Media for Your Business', 'Blogging Effectively for Your Business', 'E-Marketing', 'Digital Marketing Strategy and Website Analytics', and 'Getting Irish Business Online' training.

Research and Development

43. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation the target date for the achievement of 3% of gross domestic product spent on research and development in view of recent assessments of growth. [33863/12]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): Under the Europe 2020 Strategy, the European Council adopted a number of headline targets, including improving the conditions for research and development, in particular with the aim of raising combined public and private investment levels to 3% of GDP by 2020. In accordance with the Strategy, Member States have adopted national targets on the basis of these headline targets, as set out in their National Reform Programmes, taking account of their relative starting positions and national circumstances and Ireland's target in relation to R&D is as set out above.

In light of current economic circumstances and participation in the EU/IMF Programme, Ireland's National Reform Programme, transmitted to the European Commission on 29 April 2011, specified that Ireland's target in relation to expenditure on R&D is to improve the conditions for research and development, in particular with the aim of raising combined public

and private investment levels to 2.5% of GNP (approximately equivalent to 2.0% of GDP) by 2020.

Job Initiatives

44. **Deputy Thomas P. Broughan** asked the Minister for Jobs, Enterprise and Innovation if in view of the unemployment figures at unemployment exchanges (details supplied) in Dublin 5 and 13 since 2008 he will outline his plans to address this jobs catastrophe in conjunction with the city and county enterprise boards, the Northside Partnership and the Fingal Leader Partnership; and if he will make a statement on the matter. [33773/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Government is tackling unemployment generally through the twin strategies of the Action Plan for Jobs and Pathways to Work. The aim of the Action Plan for Jobs is to support the creation of 100,000 net new jobs by 2016, while the objective of Pathways to Work is to provide those who are unemployed with the appropriate training and skills to avail of the job opportunities which will arise as the economy recovers. Both of these strategies are whole of Government, national strategies aimed at creating and sustaining jobs across all regions of the State.

I have met with the representatives of small business in North Dublin and recently held a public meeting with small businesses on the Northside to discuss the Action Plan for Jobs. The concerns raised included access to finance, competitiveness of costs and rates, prompt payments, VAT thresholds, enterprise supports, regulatory burdens, employer costs and sectoral opportunities.

The Action Plan for Jobs addresses many of these concerns of small business with specific initiatives. They are currently in the course of implementation and will benefit small businesses on the Northside. A key measure in the Action Plan for Jobs is to facilitate the development by Dublin City University of the vacant former Enterprise Ireland site in Glasnevin into an internationally recognised “Innovation Campus”, involving a partnership of education and research institutions, enterprises and the semi-state sector. Its focus will be on research-active Cleantech firms.

The Agencies under my Department are also rolling out their plans of support for businesses on the Northside. Enterprise Ireland is actively promoting entrepreneurship in Dublin and provides a range of enterprise programmes and other initiatives to approximately 500 companies on the Northside ensure that emerging technologies and business ideas with export potential are supported to become a commercial reality.

There are currently 1,290 Enterprise Ireland client companies in Dublin City and Fingal County, employing over 27,000 people in full time employment and almost 5,600 people in contract or part time jobs. In 2011, Enterprise Ireland paid out €21.5m in funding to client companies in Dublin City and €4.6m to companies in Fingal. To date in 2012, the agency has paid out more than €7m to companies in the areas covered by Dublin City and Fingal.

In February this year, Enterprise Ireland launched a new Community Enterprise Centre (CEC) Programme for the maintenance or establishment of a strong business development function in Community Enterprise Centres funded by the agency. Since the foundation of the first CEC Programme in 1989, Enterprise Ireland has paid out more than €2.4m in funding to six Community Enterprise Centres on the Northside of Dublin, two of which are based in Coolock and Darndale. Dublin City Enterprise Board and Fingal County Enterprise Board support enterprise development and job creation throughout the Northside of Dublin, through the provision of both direct and indirect assistance for small business. Hundreds of companies will benefit from start-up grants, mentoring and management development training.

International Agreements

45. **Deputy Kevin Humphreys** asked the Tánaiste and Minister for Foreign Affairs and Trade if Ireland has been approached about joining the Open Government Partnership; if his attention has been drawn to the fact that many of our EU partners are already members; if he will consider getting Ireland to sign up to this multilateral initiative to make governments better; if he will endeavour to make contact with the Open Government Partnership regarding joining; and if he will make a statement on the matter. [34225/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Open Government Partnership (OGP) is an ad hoc international initiative which was launched in 2011 and which is overseen by a multi-stakeholder International Steering Committee involving Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, Tanzania, the United Kingdom and the United States, as well as civil society representatives. The aim of the organisation is to promote progress by participating states in relation to enhanced transparency and anti-corruption measures. To my knowledge, the Government has not been in receipt of any approach by the OGP to join the organisation and the question of possible participation by Ireland has not yet been examined. It would be necessary as part of any such examination to consider, in conjunction with the other relevant Government Departments, the potential added value of membership as well as the resources implications.

Ireland participates at EU level and within the OSCE, OECD, Council of Europe and United Nations frameworks in efforts to promote cooperation on, and improvement in, transparency and anti-corruption measures. We ratified the UN Convention Against Corruption in 2011 and are also a party to the OECD Anti-Bribery Convention. During the Nineteenth Session of the UN Human Rights Council in March 2012, Ireland co-sponsored a resolution on “The role of good governance in the promotion and protection of human rights”, which was adopted by the Council. This encouraged States to ratify the UN Convention Against Corruption and emphasised the role of good governance in the full realisation of human rights, sustained economic growth, sustainable development and the eradication of poverty and hunger.

Flood Relief

46. **Deputy Ciarán Lynch** asked the Minister for Finance if he intends to establish a fund to assist business owners whose properties were affected by the recent flooding in the Cork region; the amount of money to be allocated to this purpose and the way in which it will be administered; and if he will make a statement on the matter. [34051/12]

Minister for Finance (Deputy Michael Noonan): As Minister for Finance I do not have a role in determining whether or not such a fund should be set up. However, I am in discussion with my Ministerial colleagues with a view to determining what reliefs could be made available.

In addition, the Office of Public Works has been allocated funding for the provision and management of flood alleviation works and for the assessment and planning for flood risk.

My colleague the Minister for Social Protection also has two schemes in place that, subject to certain criteria being satisfied, can assist households who have been the victims of flooding. These schemes are called “Exceptional Needs Payments” and “Urgent Needs Payments”.

Under the Supplementary Welfare Allowance Scheme, the Department of Social Protection can make a single payment to help meet essential, once off, exceptional expenditure, which a person could not reasonably be expected to meet out of their weekly income. These payments are known as “Exceptional Needs Payments”.

In addition to the payment of Exceptional Needs Payments, Supplementary Welfare Allowance legislation provides for assistance in the form of an urgent needs payment. In certain circumstances, this payment can be made to persons who would not normally be entitled to Supplementary Welfare Allowance. Examples of situations where such assistance may be provided would be in the aftermath of flooding or a domestic fire where the immediate needs, such as food, clothing fuel, household goods and perhaps shelter of the people affected may be met by an urgent needs payment in cash or in kind.

Disabled Drivers

47. **Deputy Anthony Lawlor** asked the Minister for Finance the reason a person who is without or lost the use of one leg may be eligible for the disabled drivers tax relief scheme but a person must have lost or be without the use of both arms before they can be deemed eligible; and if he will make a statement on the matter. [34062/12]

Minister for Finance (Deputy Michael Noonan): The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and VRT (up to a certain limit) on the purchase of a car adapted for the transport of a person with specific severe and permanent physical disabilities, to those who meet certain disability criteria. The disability criteria for eligibility for the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 (S.I. 353/1994). To get the Primary Medical Certificate, an applicant must be severely and permanently disabled and satisfy one of the following conditions:

- a) be wholly or almost wholly without the use of both legs;
- b) be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs;
- c) be without both hands or without both arms;
- d) be without one or both legs;
- e) be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;
- f) have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

The scheme began in 1968 as a relief from road tax on motor vehicles for mainly wheelchair users with the initial disability criterion at a) above. After a review of the operation of the scheme in 1989, new Regulations were drawn up and the disability criteria at b), c), d) and f) were included. The disability criterion at e) was included in 1994.

A special Interdepartmental Review Group reviewed the operation of the Disabled Drivers Scheme. The terms of reference of the Group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The Group's Report, published in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The Report also makes a number of recommendations, both immediate and long-term, referring respectively to the operation of the appeals process and options for the future development of the scheme.

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In respect of the long-term recommendations, including the qualifying disability criteria, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided that the Minister for Finance would consider the recommendations contained in the Report of the Interdepartmental Review Group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme. This consideration is undertaken on a regular basis.

Tax Code

48. **Deputy Kevin Humphreys** asked the Minister for Finance the amount received in 2011 from the ending of the exemption from benefit in kind tax for employer provided child care; the amount received to date in 2012; the expected amount for 2012; and if he will make a statement on the matter. [34118/12]

Minister for Finance (Deputy Michael Noonan): The provision of certain free or subsidised child care facilities by employers were exempt from a benefit-in-kind charge on the employees that availed of such facilities. This exemption was abolished in Budget and Finance Act 2011. With a view to keeping the scheme simple and reducing administration on the part of employers, there was no notification procedure for employers involved. Accordingly, the Revenue Commissioners do not have separately identifiable costs or statistics for the scheme. It was estimated at the time of Budget 2011 that its abolition would yield €3 million to the Exchequer in 2011 and €6 million in a full year.

Cost was not the only factor that was taken into account when the decision was taken to abolish the exemption. Indeed, the Commission on Taxation recommended its abolition, citing equity, due to the likelihood that only large employers would have the ability to make the necessary investments.

Notwithstanding the abolition of this relief, a number of other support measures are in place to ease the burden on working parents. These include the Community Childcare Subvention (CCS) programme, which funds community child care services to enable them to charge reduced child care fees to qualifying parents, the Childcare Education and Training Support (CETS) programme which provides free child care places to qualifying FAS and VEC trainees and the Early Childhood Care and Education (ECCE) programme which provides for a free preschool year for children in the year before commencing primary school. Generous entitlements to paid and unpaid maternity leave as well as child benefit payments are also provided.

EU-IMF Agreement

49. **Deputy Kevin Humphreys** asked the Minister for Finance the way he expects to achieve the commitment with the EU and IMF through the Memorandum of Understanding to deliver full year savings of €940 million in tax relief in the broad pension tax relief area in the period to 2014; the measures that have been taken to date to achieve same; the savings that have resulted from those measures; and if he will make a statement on the matter. [34119/12]

Minister for Finance (Deputy Michael Noonan): The agreement reached with the EU/IMF in 2011 included implicit commitments to deliver full year savings of €940m in tax relief in the broad pension area in the period to 2014. Budget and Finance Act 2011 contained measures estimated to deliver about €290m of savings in this area (in full year terms). The measures included: removal of employee PRSI relief and the application of the USC to employee pension contributions; removal of employee PRSI relief and the application of the USC to the public service pension-related deduction; reduction by 50% in employer PRSI relief on employee

pension contributions; reduction in the annual earnings limit for determining maximum allowable pension contributions for pension purposes from €150,000 to €115,000 per annum; reduction in the maximum allowable pension fund on retirement to €2.3 million from 7 December 2010; increase from 3% to 5% in the annual imputed distribution applying to the value of Approved Retirement Fund (ARF) assets; reduction in the lifetime limit of tax-free retirement lump sums to €200,000 with tax applying to amounts in excess of this amount on a staged basis.

Further to these measures, Finance (No. 2) Act 2011 introduced the pension fund levy which raised over €460 million. When taken with the Budget and Finance Act 2011 measures, this represents an overall full year contribution of €750 million from the pensions sector coming into 2012. In addition, in Budget and Finance Act 2012, further changes were made to the tax arrangements in the pensions area (including the removal of the remaining employer PRSI relief on employee pension contributions and an increase from 5% to 6% in the annual imputed distribution from higher value ARFs). These changes are estimated to yield about €95 million in a full year.

In my Budget 2012 speech, I made the point that while the EU/IMF Programme included a commitment to move to standard rate tax relief on pension contributions I did not propose to do this or to make changes to the existing marginal rate relief at this time. I indicated that further reform of the incentive regime for supplementary pension provision will be required to make the system sustainable and more equitable over the long term and that my Department and the Revenue Commissioners would consult with the various stakeholders on this issue. That process is ongoing.

Tax Reliefs

50. **Deputy Kevin Humphreys** asked the Minister for Finance the estimated savings that would accrue to the Exchequer from reducing the tax relief on pension contributions from the marginal rate to either 33% at the marginal rate or of relief was standardised to 20% in a full tax year; and if he will make a statement on the matter. [34123/12]

Minister for Finance (Deputy Michael Noonan): I assume the Deputy is referring to individual pension contributions, the tax relief on which is allowed at the taxpayer's marginal tax rate — the standard or higher rate of income tax as appropriate in each case. A breakdown of the cost of tax relief on employee contributions to occupational pension schemes is not available by income tax rate, as tax returns by employers to the Revenue Commissioners of employee contributions to such schemes are aggregated at employer level. An historical breakdown is available by tax rate of the tax relief claimed on contributions to personal pension plans — retirement annuity contracts and personal retirement savings accounts — by the self-employed and others, to the extent that the contributions have been included in the personal tax returns of those taxpayers.

There is, therefore, no statistical basis for providing definitive figures. However, by making certain assumptions about the available information, it is estimated that the full-year yield to the Exchequer from confining tax relief to the standard rate of 20% in respect of individual contributions to occupational pension schemes, retirement annuity contracts and personal retirement savings accounts would be approximately €470 million.

The estimated full-year yield to the Exchequer from confining tax relief to a rate of 33% for individuals who can obtain relief at the 41% rate in respect of individual contributions to occupational pension schemes, retirement annuity contracts and personal retirement savings accounts would be approximately €180 million. It is assumed that tax relief at the flat rate of

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33% would not be available to claimants who are currently confined to tax relief at the standard rate of 20%.

These estimates do not allow for possible behavioural changes that could arise from changes in the rates of relief.

Post Office Network

51. **Deputy Michael Healy-Rae** asked the Minister for Finance if he will formulate a strategy to ensure that a network of sub post offices serving all of Ireland will be sustained into the future; and if he will make a statement on the matter. [34135/12]

Minister for Finance (Deputy Michael Noonan): I have no role in relation to An Post. The Government's core policy goal for the postal sector is to ensure that Irish customers, both business and residential, enjoy competitively priced, high quality postal services. The Government is committed to a strong and viable An Post and supports its maintenance of the maximum number of economically viable post offices. While I do appreciate the importance of post offices to communities the operation of An Post's post office network is a matter for the board and management of the company and not one in which I, as Minister for Finance, have a statutory function.

Promissory Notes

52. **Deputy Michael McGrath** asked the Minister for Finance the interest expense associated with the promissory note in 2013 as a percentage of the GDP; and if he will make a statement on the matter. [34142/12]

Minister for Finance (Deputy Michael Noonan): A series of promissory notes were issued to Anglo Irish Bank and the Irish Nationwide Building Society in 2010 (prior to both of these bodies being amalgamated to form the Irish Banking Resolution Corporation (IBRC)) totalling €30.6 billion. A further €250 million promissory note was issued to the Educational Building Society. When taken together, the outstanding amount on these promissory notes, following scheduled instalments in 2011 and 2012, currently amounts to €25.3 billion. In 2013, total instalments of €3.1 billion are due to be paid to these financial institutions under the State's promissory note obligations. These instalments are made up of both capital repayments and interest.

From a Government accounting perspective, interest is calculated on an accruals basis. In these terms, post-interest holiday, the interest charge for 2013 is €1.9 billion. Based on current forecasts, this represents 1.2% of GDP for 2013.

National Asset Management Agency

53. **Deputy Michael McGrath** asked the Minister for Finance the approximate loss that the National Assets Management Agency has suffered as a result of developers successfully declaring bankruptcy in the UK, the number of such cases; and if he will make a statement on the matter. [34143/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, for a debtor to avail of bankruptcy in any given jurisdiction he/she must first of all establish that jurisdiction as his/her centre of main interest (COMI). The establishment of COMI is a matter for the relevant authorities in the jurisdiction in which bankruptcy is sought. I am advised by NAMA that as a secured creditor, its debt recovery position has not been impacted by debtors declaring bankruptcy in the UK. I am further advised by NAMA that in the case of debtors directly

managed by the Agency approximately 20 debtors have successfully applied for bankruptcy in the UK.

As previously advised to the House, NAMA in its position as a secured creditor is generally neutral on the locus of bankruptcy proceedings as long as location does not prejudice its potential recoveries from the bankruptee.

NAMA advises that the comparatively shorter duration of bankruptcy in the UK is not a consideration for it as the bankrupt's unsecured assets remain in the control of the bankruptcy trustee long after the bankrupt may have been discharged from bankruptcy and any failure to make full disclosure may result in the period of bankruptcy being extended, in the case of the UK beyond the initial one year period to such time as the bankrupt co-operates with the trustee-in-bankruptcy or the official receiver, which may be several years. NAMA advises that it is currently challenging the release from bankruptcy in Northern Ireland of one debtor in the Courts, due to non-cooperation with the bankruptcy trustee.

NAMA further advises that its position on the locus of bankruptcy proceedings is partially based on positive on-going engagement with several trustees in bankruptcy of NAMA debtors who have been adjudged bankrupt in the UK. The Agency points out that the bankruptcy regime in the UK is well established, sophisticated and that trustees in bankruptcy under the UK system possess extensive powers to compel production of legal and banking information, on a cross-border basis, from the bankrupt. These powers have been used in bankruptcy cases involving NAMA debtors to uncover significant undeclared assets of some debtors.

The position of unsecured creditors is fundamentally different. Unsecured creditors, whose claims are subordinate to that of secured creditors, may seek to bolster their position by pursuing bankruptcy proceedings against a debtor. It is worth noting that bankruptcy proceedings are rarely brought by secured creditors and usually in cases of non or lack of full disclosure.

In summary, NAMA does not see the success of developers declaring bankruptcy in the UK rather than Ireland as significantly prejudicing its potential recoveries from the bankruptees.

Tax Code

54. **Deputy Ann Phelan** asked the Minister for Finance if he will clarify if there is an exemption for full income tax on pension amounts less than €50,000 for persons over the age of 70 years; and if he will make a statement on the matter. [34155/12]

Minister for Finance (Deputy Michael Noonan): The position is that exemptions from income tax are available to individuals aged 65 and over during a year of assessment in accordance with the provisions of section 188 of the Taxes Consolidated Act 1997.

For the years of assessment 2012, in order to qualify for the exemption an individual's income must be less than €18,000 in the case of a single individual or €36,000 in the case of a married couple or civil partners.

In addition, these exemption limits are increased by €575 in respect of each of the first 2 qualifying children and by €830 in respect of each subsequent qualifying child. The section also provides for marginal relief where an individual's total income exceeds the exemption limit applicable to that individual, but does not exceed a sum equal to twice that limit.

Where marginal relief applies the individual is taxed at 40% on all income above the exemption limits to a ceiling of twice the exemption limit. Once the income exceeds twice the exemption limit marginal relief is no longer available and the individual pays tax under the normal tax system. It should be noted, however, that where the individual's income is greater than the

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exemption limit but below twice that limit, the taxpayer is always given the benefit of the more favourable treatment between the use of marginal relief or the normal tax system.

It should be noted that a “qualifying child” is a child, resident with the claimant, who is born in the tax year and who is under 18 years of age at the beginning of the tax year; or, if over 18 at the beginning of the year, is receiving full-time instruction at an educational establishment, or is permanently incapacitated by reason of mental or physical infirmity from maintaining himself or herself and had become so incapacitated before the age of 21 or while receiving full-time instruction at an educational establishment. Further details are available on Revenue information leaflet IT8 — Income Tax Exemption and Marginal Relief — available at www.revenue.ie.

Tax Collection

55. **Deputy Billy Timmins** asked the Minister for Finance the position regarding medical expenses in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [34159/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that the medical expenses claim that was made by the person concerned for 2011 has been reviewed. As the person concerned did not pay any tax for 2011, no refund is due in respect of this medical expenses claim.

56. **Deputy Patrick Nulty** asked the Minister for Finance further to previous replies regarding a potential wealth tax and the possibility of collection of same, if he will confirm if by 2014 the new Central Statistics Office Household Finance and Consumption Survey is expected to contain enough information to introduce a wealth tax in Ireland; if not, if he will confirm the timeframe that it will take to put in place the necessary process to calculate wealth tax liability in Ireland and the changes to the current system that will be required; if he will also consider the possibility of a wealth tax taking into account the global assets of Irish citizens, rather than just the assets held in Ireland, which would be in line with the wealth tax system in France which transcends France’s borders. [34163/12]

Minister for Finance (Deputy Michael Noonan): As previously indicated to the Deputy, in response to question 25411/12 on 23 May last, the Government does not propose at this time to introduce a wealth tax, although all taxes and potential taxation options are constantly reviewed. The data to be collected by the CSO as part of its Household Finance and Consumption Survey is not being collected for the purposes of calculating the potential yield from a wealth tax but to collect general information on the financial situation and behaviour of households.

As regards the tax system taking account of the global assets of Irish citizens, the liability to taxation of individuals in Ireland is determined on the basis of residence, ordinary residence and domicile rather than citizenship. Individuals who are resident, ordinarily resident and domiciled in Ireland for tax purposes are currently liable to Irish Income Tax on worldwide income, Irish Capital Gains Tax on worldwide gains, and Irish Capital Acquisitions Tax on worldwide gifts and inheritances, subject to double taxation relief, where available.

57. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare has any outstanding charges; and if he will make a statement on the matter. [34170/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that the person concerned has an outstanding liability of €278.30 in respect of 2009. A demand notice issued for this amount on the 17th February 2012.

The person concerned has not yet submitted a Return of Income for 2010, which was due last October. A reminder issued on the 10th February 2012, and the Deputy may wish to advise the persons to attend to this matter without further delay.

Flood Relief

58. **Deputy Michael McGrath** asked the Minister for Finance if he has any plans to establish an assistance fund for the victims of the recent flooding in Cork City and county; if he will provide details of the way that the fund will operate, the eligibility criteria for residents and businesses; and if he will make a statement on the matter. [34172/12]

Minister for Finance (Deputy Michael Noonan): As Minister for Finance I do not have a role in this matter. However, I am in discussions with my Ministerial colleagues with a view to determining what reliefs could be made available. At present, assisting households in the immediate aftermath of flooding is a matter for my colleague the Minister for Social Protection.

The Department of Social Protection has two schemes in place that, subject to certain criteria being satisfied, can assist households who have been the victims of flooding. These schemes are called “Exceptional Needs Payments” and “Urgent Needs Payments”.

Under the Supplementary Welfare Allowance Scheme, the Department of Social Protection can make a single payment to help meet essential, once off, exceptional expenditure, which a person could not reasonably be expected to meet out of their weekly income. These payments are known as “Exceptional Needs Payments”.

In addition to the payment of Exceptional Needs Payments, Supplementary Welfare Allowance legislation provides for assistance in the form of an urgent needs payment. In certain circumstances, this payment can be made to persons who would not normally be entitled to Supplementary Welfare Allowance. Examples of situations where such assistance may be provided would be in the aftermath of flooding or a domestic fire where the immediate needs, such as food, clothing fuel, household goods and perhaps shelter of the people affected may be met by an urgent needs payment in cash or in kind.

Tax Code

59. **Deputy Éamon Ó Cuív** asked the Minister for Finance if persons who get married are eligible to be treated as a married couple for income tax purposes in the year of marriage; if not, the reason that this is not permitted; and if he will make a statement on the matter. [34196/12]

Minister for Finance (Deputy Michael Noonan): The position is that in accordance with the provisions of section 1020 of the Taxes Consolidation Act 1997 two individuals continue to be taxed as single persons in their year of marriage. However, if the tax payable as two single persons in that year is greater than the tax which would be payable if the couple had been taxed jointly as a married couple for the year, a refund of the difference may be claimed. Any refund due is only from the date of marriage and will be calculated after the end of the year of marriage following a claim in that respect, which can be made through PAYE Anytime at www.revenue.ie/en/online/payee-anytime.html. Full information on the taxation of married couples is available on Revenue leaflet IT2 at www.revenue.ie.

60. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Finance if he will explain the basis under which Vehicle Registration Tax is not an import tax since all vehicles sold in Ireland are imported; if he will agree that this tax is effectively an import duty in all but name; and if he will make a statement on the matter. [34198/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that Vehicle Registration Tax (VRT) is charged on the first registration of a vehicle in the State. Vehicles may be brought into the State and held unregistered, without payment of VRT, as long as they are stored on premises and by persons authorised by the Revenue Commissioners to do so. Vehicle registration taxation systems are compatible with EU law and are operated by a number of EU Member States.

Banks Recapitalisation

61. **Deputy Michael McGrath** asked the Minister for Finance if he will oppose any requirement that direct recapitalisations of banks be backed up by sovereign guarantees to the European Stability Mechanism in respect of the funds injected; and if he will make a statement on the matter. [34203/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy will be aware, the Euro Area Summit Statement of 29th June affirmed that it is imperative that the vicious circle between banks and sovereigns be broken. The Statement of 29th June also stated that it has been agreed that when an effective single supervisory mechanism is established, involving the ECB, for banks in the euro area, the European Stability Mechanism (ESM) could have the possibility to recapitalise banks directly. This would rely on appropriate conditionality, including compliance with state aid rules, which should be institution specific, sector-specific or economy-wide and would be formalised in a Memorandum of Understanding. It was also agreed that the Eurogroup will examine the situation of the Irish financial sector with the view of further improving the sustainability of the well-performing adjustment programme.

In addition, the Eurogroup Statement of 9th July stated that in order to break the vicious circle between banks and sovereigns, technical discussions on the future ESM direct recapitalisation instrument will start in September.

The government has agreed in principle to the separation of banking debt from sovereign debt and in principle to the possibility of ESM funds being used to directly recapitalise the banks. This is an agreement in principle. While detailed work has begun, it would not be appropriate to prejudge the outcome of that work or any discussions to take place between Eurogroup Finance Ministers in the coming months by making further statements beyond the principle that we are in favour of the separation of banking debt from sovereign debt and that we welcome the development.

Banking Operations

62. **Deputy Michael McGrath** asked the Minister for Finance if in view of reports of market manipulation of rates in the London inter-bank lending market he has asked the regulatory authorities to investigate if similar practices to place in the Dublin inter-bank market; and if he will make a statement on the matter. [34204/12]

Minister for Finance (Deputy Michael Noonan): As stated in my reply to the question (Ref No. 33569/12) put down by the Deputy on 10 July, 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. Euribor-European Banking Federation is the body responsible for Euribor fixings. It

is an international non-profit making association under Belgian law founded in 1999 with the launch of the Euro and based in Brussels. Its members are national banking associations in the Member States of the EU which are involved in the Eurozone.

The choice of banks quoting for Euribor is based on market criteria and geographical spread, to ensure that the diversity of the euro money market is adequately reflected, thereby making Euribor an efficient and representative benchmark. Both AIB Bank and Bank of Ireland currently sit on the list of contributing banks.

A representative panel of 43 banks provide daily quotes of the rate, rounded to three decimal places, that each panel bank believes one prime bank is quoting to another prime bank for interbank term deposits within the Euro zone, for maturity ranging from one week to one year. The published rate is a rounded, truncated mean of the quoted rates: the highest and lowest 15% of quotes are eliminated (the 6 highest and lowest), the remainder are averaged and the result is rounded to 3 decimal places.

In relation to the Dublin Interbank market, upon the Euro's introduction, no such reference rate mechanism exists. The majority of fixings used in the Dublin market are those set by Euribor and Libor set in conjunction with the EBA.

The Central Bank of Ireland has informed me that they have not received any complaints from the regulated banks nor have there been any issues raised with the Bank on this issue. In the course of its normal regulatory engagement with the banks it will raise this topic as appropriate.

Bond Markets

63. **Deputy Michael McGrath** asked the Minister for Finance if he will consider offering investors a range of inflation linked bonds to assist the Government's funding programme; and if he will make a statement on the matter. [34205/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the National Treasury Management Agency (NTMA) that they have decided in principle to issue an inflation-linked bond when market conditions permit and that they are currently working on the technical aspects of such an issue. An announcement on the detailed plans for the issue will be made in due course.

Banking Sector Regulation

64. **Deputy Michael McGrath** asked the Minister for Finance his views on the impact for customers of suggestions that Ulster Bank is moving its regulatory supervision to the Bank of England; and if he will make a statement on the matter. [34206/12]

Minister for Finance (Deputy Michael Noonan): I have been informed by the Central Bank that it has not received any formal application to change the regulatory or legal status of Ulster Bank Ireland Ltd from that of a subsidiary of Royal Bank of Scotland Group. However, there are some informal indications that Ulster Bank Ireland Ltd may change its regulatory status and be subject to regulation by the Bank of England and the UK Financial Services Authority as in the case of its parent, Royal Bank of Scotland.

That option is available for all banking groups in terms of how they operate in jurisdictions under European regulation, whether as subsidiaries or as branches.

The Central Bank has full prudential and conduct of business supervisory control over licenced banking subsidiaries. For banks that would opt to operate as branches, the Central Bank would retain powers over conduct of business regulation and liquidity requirements.

[Deputy Michael Noonan.]

Accordingly, the Central Bank would maintain its full consumer protection remit over all banking entities operating in Ireland irrespective of their regulatory configuration.

Bank Charges

65. **Deputy Michael McGrath** asked the Minister for Finance if he will be meeting with the banks, as he did in November 2011, to discuss their plans to pass on the recent European Central Bank rate reduction; and if he will make a statement on the matter. [34207/12]

Minister for Finance (Deputy Michael Noonan): I do not intend to meet the banks to discuss their plans in relation to the recent interest rate reduction. The lending institutions in Ireland are independent commercial entities. Ultimately the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure.

Neither the Central Bank nor I have any responsibility for the variable mortgage interest rate charged by the financial institutions. I have no powers to compel the institutions to reduce their rates.

Revenue Commissioners Investigations

66. **Deputy Thomas P. Broughan** asked the Minister for Finance the amount of cash seized by the Revenue Commissioners at Dublin Airport and Dublin Port for the years 2009, 2010, 2011 and to date in 2012; the amount of same that has been returned to the Exchequer in each of these years; and if he will make a statement on the matter. [34235/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that the following tables represent the amounts of cash seized by Revenue at Dublin Airport and Port, and the amounts of cash that have been forfeited to the Exchequer under criminal justice legislation. There can often be a significant gap between the date of seizure and the date of forfeiture as detailed investigations are required. Some €2,166,321 of the cash seized in Dublin Airport and Port is still under investigation.

Cash Seizures Table

Year	Airport	Port	Total
	€	€	€
2009	718,348	297,245	€1,015,593
2010	832,552	68,660	901,212
2011	594,385	39,939	634,324
2012	433,325	17,559	450,884
Total	2,578,610	423,403	3,002,013

Cash Forfeitures Table

Year	Airport	Port	Total
	€	€	€
2009	379,623	—	379,623

Year	Airport	Port	Total
	€	€	€
2010	1,919,665	26,775	1,946,440
2011	770,378	223,350	993,728
2012	204,995	48,000	252,995
Total	3,274,661	298,125	3,572,786

Pension Provisions

67. **Deputy Ciarán Lynch** asked the Minister for Education and Skills when pension payments will be granted in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [34033/12]

Minister for Education and Skills (Deputy Ruairí Quinn): An application form was issued last April by officials in the Pension Unit of my Department to the person to whom the Deputy refers. When the completed application form is returned to the Pension Unit, the application will be processed.

Vocational Education Committees

68. **Deputy Sandra McLellan** asked the Minister for Education and Skills if his attention has been drawn to a dispute between two workers and the vocational education committee following the closure of a VEC creche in a school (details supplied) in County Cork; and if he will make a statement on the matter. [34042/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): This issue relates to a crèche operated by County Cork Vocational Education Committee (VEC). Officials in my Department have and continue to liaise with the VEC in relation to the matter. Primarily, this is a matter for the VEC, which operates the crèche and is the employer of the workers in question.

Fóirne Scoile

69. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna an bhfuil athmheas déanta ag an Aire Stáit (sonraí tugtha), mar a gheall sé sa Seanad ar an 28ú lá de Mheitheamh, ar an gcinneadh gan an dara hoide a fhágáil i Scoil Inis Meáin go mórmhór ó tharla go mbeidh ochtar scoláire sa scoil an bhliain seo chugainn, cad é toradh an athmheasa sin; agus an ndéanfaidh sé ráiteas ina thaobh. [34052/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I gCiorclán Bunoidreachais 0007/2012, atá le fáil ar shuíomh gréasáin mo Roinne, leagtar amach na socrúithe foirne do na bunscoileanna go léir, scoileanna oileáin ina measc, don scoilbhliain 2012/13. I measc na socrúithe sin tá soláthar don dara nó don tríú post múinteoireachta príomhshrutha a choinneáil i scoil oileáin, faoi réir ag tairseacha áirithe daltaí, 8 agus 45 faoi seach, agus sa chás amháin gurb í an scoil sin an t-aon bhunscoil amháin atá fágtha ar an oileán. Níl aon athrú déanta ar an bhfoirniú atá beartaithe don scoil dá dtagraíonn an Teachta sna socrúithe atá foilsithe don scoilbhliain 2012/13, faoina ndéantar scoil aon oide den scoil in ionad scoil dhá oide. Ar bhun eolais a chuir an scoil ar fáil maidir leis na reámh-mheastacháin de na rollacháin thar na blianta amach romhainn, beidh an rollachán ag athrú idir 8 agus 4 dalta sa tréimhse idir Meán Fómhair 2012 agus Meán Fómhair 2014.

[Deputy Ruairí Quinn.]

Chun comparáid a dhéanamh, éilítear ar na scoileanna beaga a ndeachaigh an beart buiséid i gcion orthu bheith ag réamh-mheas 17 dalta ar a laghad i mí Mheán Fómhair 2012 chun bheith in ann an dara múinteoir acu a choinneáil go sealadach i scoil dhá oide.

Tá an Rialtas seo tar éis an t-oideachas a chosaint sa mhéid gur féidir leis. Tá laghduithe i bhfad níos mó ná sin á ndéanamh ar an gcaiteachas, agus ar líon na bhfostaithe sa tseirbhís phoiblí, in earnálacha eile, i gcomparáid leo sin atá á ndéanamh i scoileanna. Ach tá teorainneacha leis an leibhéal caiteachais ar an oideachas agus leis an líon post múinteoireachta is acmhainn linn. In aimsir seo na deacrachta geilleagraí, táthar ag iarraidh ar na fostaithe uile sa tseirbhís phoiblí na seirbhísí poiblí againn a sheachadadh le leibhéal laghdaithe acmhainní, agus ní ceart go mbeadh múinteoirí i scoileanna beaga díolmhaithe ón éileamh sin.

School Staffing

70. **Deputy Dominic Hannigan** asked the Minister for Education and Skills if he will consider issuing a circular advising all schools that all new positions in schools, both temporary and permanent, must be advertised openly and fairly to enable all available teachers to apply for the position; and if he will make a statement on the matter. [34060/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The recruitment and appointment of teachers to fill teaching posts is a matter for the individual school authority, subject to procedures published under Section 24(3) of the Education Act 1998.

In May of last year, Circular 31/2011 detailed staged appointment procedures applicable to all posts from September 2011. These require schools at primary and post-primary level to maintain a list of appropriately qualified registered teachers who notify the school that they are available for substitute teaching at short notice.

Where a substitute teacher is needed at short notice and advertising for the position is not feasible, the school must contact a person on the list established by the school or use a national service such as SubSearch or TextaSub.

Vacancies of 24 weeks or more are governed under agreed appointment procedures at primary level (Contained within the “Constitution of Boards and Rules of Procedure” booklet which was last updated and published on 1st December 2011) or at Post Primary level (Circular 20/2012).

At primary level vacancies of 24 weeks or more must be advertised on one of the four listed websites, which include sites run by the Irish Primary Principals Network (IPPN) and the management bodies. Vacancies for the post of principal may also be advertised on *www.publicjobs.ie*.

Circular 20/2012, applicable to the post-primary sector, issued in June 2012 and is removing the requirement to place advertisements in the national print media from 1st January 2013 in favour of internet based advertising of teaching posts. Current arrangements include the use of *www.publicjobs.ie* for Principal and Deputy Principal posts and *www.educationposts.ie* for all other teaching posts.

The selection of sites on which to advertise teaching positions or any changes to the current list of websites are a matter for the management bodies.

Schools Refurbishment

71. **Deputy John Perry** asked the Minister for Education and Skills if he will approve the additional funding to this school (detail supplied) in County Sligo in view of the fact that there

is not adequate space to hold whole school assemblies and the best option is to erect two functional classrooms with sliding sound proof partition between them; and if he will make a statement on the matter. [34066/12]

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'm 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 Curriculum

72. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will respond to a report from the National Competitiveness Council which questions if changes to the maths curriculum will resolve underachievement in maths; and if he will make a statement on the matter. [34071/12]

86. **Deputy Jerry Buttimer** asked the Minister for Education and Skills if there is a timetable for implementing the recommendations contained in the report Maths and National Competitiveness published by the National Competitive Council; and if he will make a statement on the matter. [34219/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 72 and 86 together.

I received the Discussion Document for the National Competitiveness Council (NCC) on "Maths and National Competitiveness". It is a helpful input into the debate on the role of numeracy and in particular mathematics in primary and post-primary education. I welcome the introduction to the Discussion Document which was prepared by the NCC itself. It highlights the many initiatives currently underway to improve the quality of teaching and learning so as to ensure that the outcomes for our students in this curricular area continue to improve over the next number of years.

These initiatives include my publication of the National Literacy and Numeracy Strategy last year, the introduction of Project Maths, the prioritisation of Continuing Professional Development for our Maths teachers, the funding by my Department of a post-graduate Diploma in Maths to upskill out-of-field Maths teachers, the request to schools for greater amount of time for teaching maths both at primary and post primary levels. In addition, I welcome provision of 25 bonus points from Higher Education institutions for Leaving Certificate students who achieve a grade D3 or higher in higher level maths. That measure alone has seen a 25% increase in the number of students who indicated that they were going to sit the Higher Level Maths paper last month. Initial teacher education has increased from 3 to 4 years from this September at primary level and from one to two years at second level. The Teaching Council will be consulting on the minimum entry requirements for Teacher Education.

The Discussion Document is one of many which I have received on mathematics in our primary and post-primary curriculum. It highlights the concerns of this Government and me

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that I have expressed on many occasions. I will continue to prioritise literacy and numeracy in the primary and post-primary sectors. I would agree with the NCC when it highlights, in the introduction to the document, that “mathematical skills are essential for enabling people to fully participate and work in a modern society”.

School Staffing

73. **Deputy Brendan Smith** asked the Minister for Education and Skills the number of resource teacher and learning support posts allocated in each year since 1997 including the number to be allocated for the 2012/2013 school year. [34072/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The information requested by the Deputy is not readily available in my Department. The Statistics Section of my Department’s website contains extensive data at individual school level in county order. The most recent information available relates to the 2010/2011 school year. In the current school year there are circa 6,700 resource and learning support (General Allocation Model) posts in primary schools.

Under the proposed reforms for the coming school year the combined resources available for GAM (General Allocation Model) and language support (currently 4,700 posts) will be used to create a single simplified allocation process to cover both the GAM and language support. Schools will have autonomy on how to deploy the resource between language support and learning support depending on their specific needs. The new GAM arrangements also provide for additional permanent teaching posts (350) to be given to schools with high concentration of pupils that require language support. Further additional temporary EAL support will also be provided, as necessary, to schools that will have high concentrations of pupils that require language support in the 2012/13 school. These allocations will be made on the basis of appeals by any of these schools to the Staffing Appeals Board.

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. The final staffing position for all schools will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and all appeals to the Staffing Appeals Board will have been considered.

Special Educational Needs

74. **Deputy Brendan Smith** asked the Minister for Education and Skills the number of special needs assistants allocated in each year since 1997 including the number to be allocated for the 2012/2013 school year. [34073/12]

75. **Deputy Brendan Smith** asked the Minister for Education and Skills the number of special needs assistants allocated during the 2011/2012 school year compared to what was provided for; and if he will make a statement on the matter. [34074/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 74 and 75 together.

Firstly 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 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.

There are 10,575 Whole Time Equivalent (WTE) SNA posts available for allocation in the 2012/13 school year which is the same number of posts which were available for allocation for the 2011/12 school year. The NCSE is currently notifying schools of their SNA allocation for 2012/13, based on the number of valid applications received and the extent of the care needs of qualifying children. The NCSE allocated a total of 10,324 WTE SNA posts to schools in the 2011/12 school year. Every child who met the criteria for access to SNA support in the 2011/12 school year received this support. Similarly, it is expected that the demand for SNA support in the coming school year can be met within current numbers and that all children who meet the criteria for SNA support will have access to such support.

The specific information requested by the Deputy for 2001 to 2011 is provided in the following table. Accurate information before 2001 is not available but I can advise the Deputy that there were approximately 300 SNAs employed in schools in 1997. Finally, I wish to advise the Deputy that this Government has demonstrated its commitment to protecting services for children with special educational needs by maintaining the overall number of SNA posts which will be available for allocation to schools for the 2012/13 school year, at a time when there has been a requirement to make savings across a range of expenditure areas.

Year	Number of Special Needs Assistants 2001-2009
2001	2,988
2002	4,979
2003	5,367
2004	5,869
2005	7,294
2006	8,390
2007	9,824
2008	10,442
2009	10,342
2010	10,543
2011	10,324

76. **Deputy Brendan Smith** asked the Minister for Education and Skills if he or the National Council for Special Education carries out an analysis or provides estimates of the expected number of children with low incidence special needs that will enter primary school over the coming years and the supports that will need to be in place to meet demand; and if he will make a statement on the matter. [34075/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resources to schools to support

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children with special educational needs (SEN). The NCSE operates within my Department's criteria in allocating such support.

I wish to advise the Deputy that, for children under the age of 5, the NCSE, through its network of SENOs, liaises with Assessment Officers in the Health Service Executive (HSE) in respect of the assessment of need process under the 2005 Disability Act, 2005. The Assessment Officer contacts the relevant SENO when an educational need is identified as part of the assessment process. My Department's Circular 0020/2011 clarifies the roles of the NCSE and the HSE in relation to the assessment of need process, as well as the role of the school in this regard. This Circular is available on my Departments website at www.education.ie.

Separately the NCSE developed estimates on the prevalence of SEN as part of its process to advise the Minister on the implementation of the Education for Persons with Special Educational Needs (EPSEN), Act 2004. The Council estimated at that time that up to 18% of the school going population may have a special educational need, as defined under the EPSEN Act, while a more recent NCSE Report: A Study of the Prevalence of Special Educational Needs (2011) estimates that this figure may be even higher than 18% of the pupil population.

School Guidelines on Mental Health

77. **Deputy Brendan Smith** asked the Minister for Education and Skills the progress made to date in drafting inter departmental guidelines to establish a framework for addressing mental health in the education system, when the guidelines will be published and if he will ensure that these are applied to primary level as well as post primary level; and if he will make a statement on the matter. [34076/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department is aiming to launch the Guidelines on Mental Health for Post-Primary Schools later this year. These guidelines aim to support schools in developing a whole-school approach to mental health promotion and suicide prevention and are of relevance to all members of the school community. In particular, they have been developed to support principals, guidance counsellors, student support teams, and teachers. In addition, boards of management and in-school management teams play a central leadership role in mental health promotion. It is not planned to develop Mental Health Guidelines for Primary Schools, as the Social, Personal and Health Education curriculum provides particular opportunities to foster the personal development, health and well-being of children to help them create and maintain supportive relationships. The SPHE curriculum provides a consistent and comprehensive approach to promoting the health and well-being of children and to the development of responsible behaviour and a range of generic skills, attitudes and values. The implementation of SPHE is also influenced significantly by the ethos and characteristic spirit of the school.

School Curriculum

78. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will consider the introduction of a whole school approach to tackling mental health in education rather than the current curriculum based approach; and if he will make a statement on the matter. [34077/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Social Personal and Health Education (SPHE) is a mandatory part of the curriculum in primary schools and in junior cycle since 2003 and is designed, inter alia, to promote positive mental health. SPHE is supported by comprehensive teacher guidelines and a curriculum support service which provide training

and advice for schools and a resource directory. The SPHE curriculum, at both primary and post primary levels, emphasises that an effective and meaningful SPHE programme provides learning opportunities in a combination of ways including: discrete time, a positive school climate and atmosphere and an intergrated approach across a number of curriculum areas. The curriculum also notes that the SPHE programme is most effective when the approach is consistent and responsibility is shared by parents, teachers, students, boards of management, health professionals and relevant members of the community which is done through the adoption of a whole school approach.

The Department has also issued guidelines to schools on the development of whole-school policies in the areas such as anti-bullying, RSE, substance use, managing critical incidents, whole-school guidance planning etc which are also important in promoting positive mental health. The National Educational Psychological Service (NEPS), operating within the Department, provides a range of services both direct and indirect which support the personal, social and educational development of students in primary and post primary schools. NEPS provides assistance, upon request, to all schools and school communities that experience critical incidents, traumatic events such as the death of a student or staff member which effect the school communities ability to operate. NEPS also responds to queries in relation to individual children from other sections of the Department of Education and Science and from the specialist agencies. 166 Psychologists are employed directly within NEPS and currently the Public Appointments Service is actively pursuing the filling of a further 9 posts in this regard.

Mental Health Services

79. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide the specific actions in Vision for Change relating to education which have been implemented by the Department of Education and Skills since Vision for Change was published; and if he will make a statement on the matter. [34078/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department is fully committed to supporting the social and emotional well-being of all students in line with government policies and good educational principles. These include the implementation of SPHE, RSE, services from NEPS and other national support services. Schools and their management are responsible to support the educational needs and well-being of all young people including those who have particular needs. My Department collaborates and co-operates with other Departments and Agencies in this area.

School Curriculum

80. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will consider an independent review of social personal and health education and its effectiveness in mental health promotion; and if he will make a statement on the matter. [34079/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Social Personal and Health Education (SPHE) in the Primary School composite report presents the findings from a thematic evaluation of SPHE in 40 primary schools. As part of its ongoing evaluation of curriculum implementation, the Inspectorate conducted this thematic evaluation in 2007 in order to gain a clear insight into what was happening in the provision of SPHE. As part of this evaluation relevant school documentation and pupils' work were examined, SPHE lessons were observed and interviews were conducted with teachers, management and pupils. In addition, the responses provided by senior pupils and their parents in SPHE questionnaires were analysed.

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At post-primary level, 63 subject inspections in SPHE were conducted between September 2010 and May 2011. Inspectors visited 301 SPHE lessons taught by 264 different teachers. In each post-primary school evaluated, a questionnaire was administered to a group of third-year students to ascertain their experiences of junior cycle SPHE. A total of 2,634 questionnaires were administered. Inspectors also met with a group of senior cycle students in each school to ascertain their experiences of SPHE with a particular focus on provision for a senior cycle RSE programme as it applied to them. It is planned that a composite report based on the evaluations undertaken on SPHE lessons at post-primary level will be published towards the end of 2012.

Teachers' Remuneration

81. **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. [34156/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As a result of Budget 2012, Circular 70/2011 provides that teachers who had been engaged in a public sector teaching post on or before 4 December 2011 are eligible to retain the qualification allowances they were entitled to be in receipt of on that date. Such teachers will not be paid any additional allowance where they acquire any further qualification on or after 5 December 2011. The position of teachers who, on 5 December 2011, were undertaking courses will be considered in the context of the public service-wide review of allowances being led by the Department of Public Expenditure and Reform. This includes the individual case outlined for response. Teachers who were appointed to teaching for the first time on or after 5 December 2011 but before 1 February 2012 are eligible for allowances on the basis of their qualifications at entry to the profession up to a maximum of the allowance which had been applicable to an honours primary degree.

Pending the outcome of the review of allowances, they are not payable to new beneficiaries from 1 February 2012. The only exceptions to this prohibition are principal and deputy principal allowances and, for a limited period of time, the assistant principal allowance. These decisions were taken due to the upward pressure on the cost of teacher allowances. These provisions are outlined in Circular 70/2011 and Circular 3/2012. These measures are concerned with the sustainability of the public service pay bill and in particular the need to find payroll savings in the education vote. Without immediate action, this upward pressure would have cancelled out the savings made elsewhere in the education system and would bring about even harsher adjustments to schools and services. I am not in a position to comment further until the outcome of the review is known.

Special Educational Needs

82. **Deputy Patrick Nulty** asked the Minister for Education and Skills his views on matters raised in correspondence (details supplied) regarding special needs resource allocation in national schools; if he will address the matters raised; and if he will make a statement on the matter. [34157/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Firstly, I wish to clarify that this Government has maintained funding for resources for children with special educational needs at a time when there is a continued requirement to make expenditure savings across a range of areas. There is no overall reduction in Resource Teaching numbers for the coming school year. Overall, 9,950 posts will be provided for Resource Teaching support for the 2012/13 school year, the same number as that provided for last year and an increase of 350 over that provided for in 2010. 5,500 of these posts are available to the NCSE for allocation for pupils

with assessed low incidence special educational needs. This number cannot be exceeded under the Employment Control Framework (ECF).

For the 2011/12 school year an allocation of 90% of valid identified resource teaching allocations was made to schools by the NCSE to schools in order to provide schools with the majority of their allocation while preserving enough capacity to deal with all applications received and ensure that the Department of Education and Skills remained within ECF obligations. The number of valid applications received by the NCSE for the 2012/2013 school year to date has risen marginally with rising enrolments in schools. Therefore, in order to ensure there are sufficient remaining posts to make allocations for late or emergency applications, while staying within the ECF, the NCSE will initially allocate 85% of assessed needs to schools. This will ensure that there are a sufficient number of posts retained to make allocations for late or emergency applications, while staying within the ECF.

Schools are being asked to make up any time lost through grouping of students and more effective management of teaching time, to ensure that every child who needs support can access support and are treated the same. Schools should monitor and utilise these resources to best support the needs of qualifying pupils, in accordance with my Department's guidance.

Finally, I wish to assure the Deputy that it is my intention that resources available to my Department are utilised to optimum benefit to ensure the best possible outcomes for students with special educational needs. In this regard my Department is seeking advice from the NCSE on policy options for the allocation of these resources in future, with a view to ensuring that the most appropriate and efficient model is in place in the coming years.

School Guidelines on Mental Health

83. **Deputy Aodhán Ó Ríordáin** asked the Minister for Education and Skills in view of the fact that international best practice demonstrates the benefit from early intervention, when will work commence on guidelines for primary schools on mental health; if the whole-school approach will be adopted for these guidelines; the way in which unions and mental health professionals will be consulted on these guidelines; and in light of the child death review, will coordination between Health Service Executive child and adolescent mental health services and child welfare and protection services be mapped out in part through such guidelines. [34175/12]

Minister for Education and Skills (Deputy Ruairí Quinn): It is not planned at this point in time to develop Mental Health Guidelines for Primary Schools. However, my Department is actively considering how greater coordination and linkages can be fostered between Health Service Executive, the child and adolescent mental health services and child welfare and protection services. The Health Promoting School initiative supports such collaborative linkages in primary schools. The Social, Personal and Health Education curriculum which must be implemented in all primary schools provides particular opportunities to foster the personal development, health and well-being of children to help them create and maintain supportive relationships. The SPHE curriculum provides a consistent and comprehensive whole-school approach to promoting the health and well-being of children. Through an SPHE programme children can develop a framework of values, attitudes, understanding and skills that will inform their actions and decisions in these areas of their lives both now and in the future. SPHE aims to foster self-worth and self-confidence and places a particular emphasis on developing a sense of personal responsibility for one's own behaviour and actions. Children can learn how to manage their own behaviour and to set and review personal goals within a safe and supportive environment. Such intrapersonal development will increase the child's sense of self-efficacy

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and help him/her to be more in control of his/her own life. The implementation of SPHE is also influenced significantly by the ethos and characteristic spirit of the school.

Obesity Levels

84. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills with regard to the dangers of obesity in Ireland, his views on whether it would make more sense to educate and train young persons regarding the dangers of eating food which is unhealthy for them throughout their school years rather than waiting until they are finished school and then trying to alert them to the calories contained in food by forcing the providers and sellers of such food to account for the calorie content on menus; and if he will make a statement on the matter. [34178/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Our young people are educated about the dangers of eating food which is unhealthy during their primary and second level education. It is important to realise that school is just one small but influential aspect of their lives.

The Social Personal and Health Education (SPHE) programme is a mandatory part of the curriculum in primary schools and in junior cycle. The overall aim is to help develop students' self confidence and self-esteem, and promote the skills for living, for responsible decision making and for mental, physical and emotional well-being. It is supported by comprehensive teacher guidelines and curriculum support services which provide training and advice for schools and a resource directory.

At primary level, one of the strand units 'Taking care of my body' specifically addresses the need for regular exercise and activity as well as the area of nutrition and food and the need for a balanced diet. This unit is built upon from Infants classes onwards. By Fifth and Sixth classes children are encouraged to realise and accept responsibility for making wise food choices and adopting a healthy, balanced diet, and in that, exploring and examining the food pyramid.

Elements of this strand are supported by "Food Dudes" programme which encourages children to eat more fruit and vegetables both in school and in the home. The programme is managed by Bord Bia and funded by the Department of Agriculture, Food and Fisheries and the EU through the School Fruit Scheme.

Physical Education also forms a mandatory part of the primary curriculum. Aims of the PE curriculum include promoting enjoyment of, and positive attitudes towards, physical activity and its contribution to lifelong health related fitness.

There are many examples of good practices at school level which aim to raise students' awareness of factors that impinge on their health and well-being and that help them to develop desirable lifestyle habits. For example, many primary schools operate healthy eating policies with the support of parents.

At post-primary level, SPHE for Junior Cycle builds on the primary SPHE Curriculum. In this way, all students are provided with the opportunity to develop the skills and competences to enable them to develop a framework for responsible decision-making and to promote their physical, mental and emotional health and well-being. Personal health issues are addressed in a holistic way in the post-primary SPHE curriculum. Nutrition and physical activity are specifically addressed in the SPHE module on "Physical Health". In addition cross-curricular links with other subjects such as Home Economics, PE and Junior Science that deal with SPHE-related topics are encouraged.

In 2009, the Department carried out a Lifeskills Survey to establish policy and practice in relation to nutrition, exercise, health, growing up, bullying and other aspects of the SPHE programme. The results of the survey showed that 97% of the primary schools which responded promote healthy lunches, and have content on a balanced diet, regular exercise and the food pyramid, 95% encourage physical activity in school breaks and 89% have sport outside of school hours, while 85% have a healthy food policy.

At post primary level 97% of the schools which responded have content on a balanced diet and regular exercise, 90% have sport outside of school hours and 88% encourage physical activity in school breaks. The survey re-issued to schools in May of this year and results will be expected later in the year.

Teaching Qualifications

85. **Deputy Jerry Buttimer** asked the Minister for Education and Skills the reason postgraduate degrees are not taken into account by the Teaching Council when assessing the qualifications of teachers; and if he will make a statement on the matter. [34218/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Teaching Council is the statutory body for the recognition of qualifications and the registration of teachers.

Matters in relation to recognition of individual qualifications and registration of teachers are set out in the Teaching Council (Registration) Regulations 2009 which were approved by the Minister for Education and Science in November 2009 and laid before the Houses. They are also available on the Teaching Council's website.

Applications on the basis of qualifications as a primary school teacher are governed by Regulation Two. Applications on the basis of qualifications as post-primary school teacher are governed by Regulation Four. Applications on the basis of qualifications as a Montessori or other suitably qualified teacher are governed by Regulation Three. Applications on the basis of qualifications as a teacher in a recognised school whose qualifications are not comprehended by Regulations 2, 3, or 4 are considered under Regulation 5.

The Council considers relevant postgraduate degrees in conjunction with relevant undergraduate studies in determining eligibility to register.

Question No. 86 answered with Question No. 72.

Pupil-Teacher Ratio

87. **Deputy Marcella Corcoran Kennedy** asked the Minister for Education and Skills if the pupil teacher ratio provided in Budget 2012 will result in a school (details supplied) in County Offaly remaining without a fourth teacher for the academic year 2012 2013; and if he will make a statement on the matter. [34241/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The criteria used for the allocation of teachers to schools is published annually on my Department's website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing arrangements in schools for the 2012/2013 school year can also be affected by changes in their enrolment, the impact of budget measures and the reforms to the teacher allocation process. 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 and is available on my Department's website. The staffing

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of the school referred to by the Deputy is remaining unchanged at three mainstream classroom posts for the coming school year 2012/13.

Public Procurement

88. **Deputy Patrick Nulty** asked the Minister for Public Expenditure and Reform the steps he is taking to ensure that social considerations are incorporated into the public procurement process; if he will undertake an evaluation of public procurement to ascertain the degree to which social considerations form part of the process; in view of the high level of unemployment if he will direct public entities to include prioritisation of social considerations such as job creation and job retention as part of the public procurement process; his views on if it is acceptable that Irish jobs are lost due to a lack of inclusion of social considerations in the public procurement process; and if he will make a statement on the matter. [34108/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The rules on awarding public contracts have provisions which allow the specification of social criteria, such as the requirement for employment of long term unemployed, as a condition in the performance of the contract. Any such provision must be compatible with EU law, i.e. they must be made known to all interested parties and must not restrict participation by contractors from other Member States. Subject to this, contracting authorities have the discretion to apply such conditions, as appropriate.

I understand that the National Procurement Service is currently looking at developing guidance for contracting authorities in relation to the use of such social clauses.

Under the EU Directives on public procurement, public works, supplies and service contracts above certain thresholds must be advertised on the Official Journal of the EU and awarded on the basis of objective and non-restrictive criteria. For contracts below these thresholds, the general requirement is that they be advertised on the national public procurement website www.etenders.gov.ie or, depending on value, awarded on the basis of a competitive process of direct invitation to an adequate number of suitable suppliers.

The aim of the rules is to promote an open, competitive and non-discriminatory public procurement regime which delivers best value for money. It would be a breach of the rules for a public body to favour or discriminate against particular candidates on grounds of nationality and where the EU Directives apply there are legal remedies which may be used against any public body infringing these rules. In this regard, it is worth pointing out that the open market regime also offers opportunities for Irish companies to win business abroad and reliable EU studies indicate that many Irish businesses are successful in this regard.

Departmental Contracts

89. **Deputy Paschal Donohoe** asked the Minister for Public Expenditure and Reform if he will outline in tabular form the numbers of contractors hired by the Office of Public Works to undertake works on various projects across the past five years; the details of length of time for which contractors were hired; the projects for which the contractors were hired; the cost of hiring each of these contractors; the number of hired contractors that have outstanding moneys owed to them by the OPW; and if he will make a statement on the matter. [34252/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works is currently assessing the resources and time required to deal with the Question and will revert to the Deputy in due course regarding how the matter is to be approached.

Coastal Protection

90. **Deputy Tom Fleming** asked the Minister for Public Expenditure and Reform if he will investigate the possibility of funding being made available to carry out coastal protection works in the vicinity of the property of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [34055/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): It is open to Kerry County Council to submit an application to the Office of Public Works under the Minor Flood Mitigation Works and Coastal Protection Scheme for funding to undertake works at the location concerned.

Any application submitted will be assessed under the eligibility criteria for coastal erosion protection measures and having regard to the overall availability of budgetary resources.

Coastal Erosion

91. **Deputy Joan Collins** asked the Minister for Public Expenditure and Reform if he has received an application from Sligo County Council seeking grant aid of €290,000 to finance protection measures to manage coastal erosion at Strandhill, County Sligo; if it has been brought to his attention that there is concern that if remedial action isn't taken soon to protect the dunes south of the promenade at Strandhill that much of the dunes will be lost to the sea; and if he will make a statement on the matter. [34214/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): I am very aware of the situation in Strandhill, having visited the area in April, 2012.

Sligo County Council submitted an application in May, 2012 under the OPW Minor Flood Mitigation Works and Coastal Protection Scheme for funding of €290,000 to undertake works to address the erosion issues at Strandhill. These works were recommended by RPS consultants in a report commissioned by the Council into the issues at Strandhill.

However, the OPW has recently revised the eligibility criteria for coastal erosion applications and consequently, the Council was advised of the need to resubmit the application under the criteria now in place in order to be eligible for consideration.

A revised application is awaited. Any such application received will be assessed in accordance with the current criteria, in particular the benefit to cost ratio, and having regard to the overall availability of financial resources for such works in 2012.

Public Sector Pay

92. **Deputy Joanna Tuffy** asked the Minister for Public Expenditure and Reform if he will provide details of the number of public servants who earn the salaries (details supplied) after 1 March 2012; and if he will make a statement on the matter. [34254/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The data available to my Department will be sent to the Deputy next week. Data which is not yet available will be sent to the Deputy as soon as it is to hand.

Flood Prevention Measures

93. **Deputy Finian McGrath** asked the Minister for Public Expenditure and Reform the position regarding major flooding problems at a location (details supplied) in Dublin 5. [34323/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): I am advised that the River Naniken is conveyed by way of a culvert for a substantial part of its entire length and forms an integral part of the urban storm drainage system. Therefore, the responsibility for addressing flooding problems at the location in question rests with Dublin City Council not with the Office of Public Works.

Departmental Appointments

94. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform if he will report on the establishment of the new economic and evaluation service; the number of economists and accounting and finance professionals that have been recruited to this new unit; their responsibilities; and if he will make a statement on the matter. [30513/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Government decided in March this year to set up the Irish Government Economic and Evaluation Service (IGEES). An Administrative Officer (Economist) competition was run by the Public Appointments Service. To date, 15 staff have been recruited from this competition to the Department of Public Expenditure and Reform. After a period of training and development, some of these recruits will be seconded to other Departments with identified economic analysis needs. A further 5 staff have taken up economist roles to address the needs of the Department of Finance for economic analysis. In addition, economist appointments to other Government Departments are also taking place. Staff working in IGEES will support Departments in evaluating policy and expenditure options; value for money reviews; cost benefit and regulatory impact analyses and competition issues. The staffing requirements within my Department will be kept under regular review and a decision taken regarding future recruitment as the need arises.

Departmental Staff

95. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation the salary package of the head of Science Foundation Ireland. [34133/12]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): The salary sanctioned by the Minister for Public Expenditure and Reform for the Director General of Science Foundation Ireland, Professor Mark Ferguson, is €189,115 gross per annum. This includes a personal pension contribution rate. Professor Ferguson commenced in the post on 16th January 2012.

Enterprise Ireland Investments

96. **Deputy Kevin Humphreys** asked the Minister for Jobs, Enterprise and Innovation if he will provide an itemised list in spreadsheet format of all current investments by Enterprise Ireland; the criteria that applies to making investments; the oversight there is of each decision; the way the investments are audited for value for the tax payer; and if he will make a statement on the matter. [34116/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Due to the significant volume of information requested by the Deputy, my Department has been unable to collate the information within the timeframe given. I will endeavour to provide the information to the Deputy as soon as possible.

97. **Deputy Kevin Humphreys** asked the Minister for Jobs, Enterprise and Innovation the amount Enterprise Ireland has lost on investments since the year 2000 on an annual basis for

companies that have gone into liquidation or receivership; and if he will make a statement on the matter. [34117/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Between 2000 and the end of 2011, Enterprise Ireland incurred losses of €35,548,000 on its investments in companies that have gone into liquidation or receivership. In the same period, Enterprise Ireland earned €329,234,000 from the proceeds of sales of companies in which it had invested. Details for each year are set out in the table:

Investment amounts lost on companies in Liquidation/Receivership and the Sales proceeds earned on investments
2001-2011

Year of Loss	Amount lost €'000	No. of Companies	Sales Proceeds €'000
2000	0	—	100,801
2001	0	—	49,552
2002	2,471	13	12,025
2003	0	—	11,642
2004	4,342	23	13,143
2005	3,684	17	32,874
2006	4,703	11	19,886
2007	4,436	14	18,974
2008	2,134	12	14,531
2009	5,363	23	9,105
2010	3,529	13	14,685
2011	4,886	17	32,016
Total	35,548	143	329,234

Work Permits

98. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation his views on the suggestion of introducing a special technology visa to allow those with specialist skills and experience to take up employment here. [34130/12]

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.

While there are currently no Government plans to introduce a special technology visa it is current Government policy to issue new employment permits in respect of jobs requiring key skills and where there is a recognised scarcity of suitably skilled workers. 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

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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. A report produced by this Group 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 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, Deputy 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 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.

Employment Rights

99. **Deputy Dan Neville** asked the Minister for Jobs, Enterprise and Innovation the advice or assistance available to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [34242/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Information Officers from the Workplace Relations Customer Service (WRCS) phone service provide impartial information on a wide variety of employment rights legislation to both employees and employers by telephone, in writing and by email.

The service is available at 1890 80 80 90, Monday to Friday from 9.30 am to 5 pm (including lunch). However, an advice or advocacy service is not provided.

An extensive range of explanatory leaflets, and a comprehensive Guide to Labour Law, can also be downloaded from the WRCS website at www.workplacerelations.ie.

Where an employee has not been paid, or is owed wages, and whether currently in employment, or if the employment has ended, a complaint concerning the underpayment or non-payment of wages can be taken to the Rights Commissioner Service under the Payment of Wages Act.

A single complaint form is available for complaints to the Rights Commissioners Service. The complaint form, together with details on taking a case, is available from www.workplacerelations.ie or through their Information Service at 1890 80 80 90.

An Information Officer has been in contact with Mr Barrett and provided him with information on his entitlements.

Job Creation

100. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the number of manufacturing jobs created in each of the past five years to date; the extent to which such employment has had a requirement for low, medium or higher skills; the degree, if any, to which comparisons have been made with other jurisdictions in this regard; and if he will make a statement on the matter. [34255/12]

102. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which technology and innovation has been or will be utilised in the retention and creation of jobs in the manufacturing sector over the past five years to date; and if he will make a statement on the matter. [34257/12]

105. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the studies that have been carried out to determine the cause or causes for the relocation of manufacturing or service jobs from this country to other jurisdictions; and if he will make a statement on the matter. [34260/12]

108. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation if he and or his Department have studied the most commonly quoted causes for failure to retain or create new employment in the manufacturing, services or retail sectors; the extent, if any, to which he can put in place measures to address such issues; and if he will make a statement on the matter. [34263/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 100, 102, 105 and 108 together.

Since the 1960s manufacturing has played a strong role in Ireland's economic development and growth. It is a key driver of innovation and technological advance, is an important source of jobs for people at all skills levels and generates many additional secondary jobs. However, there has been a noticeable decline in numbers employed in manufacturing and in the contribution from manufacturing activities to Ireland's employment and exports vis-a-vis services activities over the past decade. This is not necessarily surprising, and it echoes what has been happening in most developed economies.

While there has been a net reduction in overall employment in the past five years, jobs have been created in agency-assisted companies. The number of net new jobs created in manufactur-

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ing has declined since 2006 when 19,497 new jobs were created. The number of new jobs created in manufacturing since then is as follows: 11,553 in 2008, 7,500 in 2009, 9,308 in 2010 and 10,010 in 2011 (*Source: Forfás Annual Employment Survey*). A similar decline has taken place in the sector in most developed economies. For example, a reduction in the manufacturing sectors employment and its contribution to total employment since 2000 has also been experienced in Germany, UK, USA, Netherlands and Korea (*Source: OECD*).

The manufacturing sector in Ireland has experienced considerable structural change over the last decade. Although it is a very challenging and internationally competitive environment, there is considerable potential for the manufacturing sector in Ireland.

The Action Plan for Jobs 2012 set out a number of actions to address particular issues facing the manufacturing sector in Ireland, which include the need to address the costs of production, the issue of scale and absorptive capacity, management development and upskilling, among a number of other issues.

Key initiatives relating to the Manufacturing Sector in Ireland have recently commenced:

1) *The Manufacturing Development Forum*: Chaired by Patrick Miskelly of Cadbury, the Forum comprises senior corporate representatives in manufacturing in Ireland together with enterprise development agency officials. It includes both strong indigenous participation and representatives of the foreign sector. The Forum will, in the immediate term, ensure that manufacturing remains central to current and future industrial policy. The first meeting of the Forum took place on 29 June. The Forum will examine the full range of factors influencing employment levels and growth opportunities in the sector, including technology and innovation capacity.

2) *Forfás Long-term Vision and Strategic Plan*: Forfás has commenced a study to revisit the role of manufacturing in Ireland's economy to assess where it stands today and to set out a strategic vision for 2020 aimed at reversing the current employment trend and enabling a return to growth. This research will set out the policy actions needed to support a sustainable and competitive manufacturing sector to 2020 in the context of global trends, the on-going transformation of the sector and the existing issues facing the sector in Ireland.

3) *Assessment of Manufacturing Skills Needs*: The Expert Group on Future Skills Needs, working alongside Forfás in the development of the Long-term Vision and Strategic Plan, is currently undertaking an in-depth study on the future skills needs of the manufacturing sector in Ireland, building on previous sub-sectoral work and undertaking new firm-level inquiry.

Both the Long-term Vision and Strategic Plan and the Assessment of Manufacturing Skills Needs will be completed by the end of 2012.

Manufacturing has contributed significantly to Ireland's economic development in the past and is a crucial element of Ireland's future economic structure. The combined work of the Manufacturing Development Forum, Forfás and the EGFSN will provide a solid grounding for the achievement of sustainable growth in employment in manufacturing companies in the short term.

Economic Competitiveness

101. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the cost factors most regularly reoccurring in any determination of viability or sustainability in respect of job retention or job creation; and if he will make a statement on the matter.

[34256/12]

103. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation if he has studied the issue of cost as affecting employment in the service sectors; if any particular studies have been done with a view to ensuring that the costs here are in accord with those in more competitive or adjoining jurisdictions; and if he will make a statement on the matter. [34258/12]

104. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation if he is satisfied regarding the competitiveness of the economy; the issues most commonly raised by employers, consumers or investors in this regard; and if he will make a statement on the matter. [34259/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 101, 103 and 104 together.

The National Competitiveness Council (NCC) monitors business cost and competitiveness issues facing the Irish economy and offers recommendations on policy actions required to enhance Ireland's position in these areas. The NCC's "Costs of Doing Business in Ireland" report, last published in June 2011, benchmarks business costs against a range of Ireland's key competitor countries. The report provides an analysis of costs at sectoral level.

The NCC will shortly publish "Ireland's Competitiveness Scorecard 2012" which analyses Ireland's international competitiveness using 127 individual indicators. These range from measures such as economic growth and quality of life, to the policy inputs that will drive future competitiveness, such as the education system and the delivery of infrastructure.

In its recent reports, the NCC has identified an improvement in Ireland's competitiveness. This improvement is reflected in the World Competitiveness Yearbook 2012, published in May by the Institute for Management Development (IMD). Of the 59 countries benchmarked by the IMD for 2012, Ireland ranked 20th overall, up from 24th in 2011, and 8th out of the 24 EU countries featured. Ireland was ranked first in a number of areas, including in relation to investment incentives, skilled labour and attitudes towards globalisation.

However, more must be done to ensure that the improvements we have achieved are structural in nature and sustained in the longer-term. We need to tackle the remaining areas where we can best support a competitive environment which will support viable and sustainable jobs. Areas which have been identified as important in this regard include access to finance, business costs, the alignment of skills with enterprise needs, and the reduction in administrative burdens on business.

The Action Plan for Jobs is addressing these, and other, issues which will support Ireland's competitiveness.

Question No. 102 answered with Question No. 100.

Questions Nos. 103 and 104 answered with Question No. 101.

Question No. 105 answered with Question No. 100.

Job Creation

106. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he and his Department have evaluated the potential for job creation through technology and innovation over the next five years having particular regard to past experiences; and if he will make a statement on the matter. [34261/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): In October 2010 a Research Prioritisation Steering Group was appointed with the task of conducting a comprehensive analysis of Research, Development and Innovation activity in Ireland. Its remit was to identify the areas of greatest opportunity in terms of the fit between our strengths and capacities on one hand and the potential return on investment -economically and socially — and the potential for jobs on the other. The Steering Group was chaired by former General Manager of Intel Ireland and Vice-President of Intel Corporation, Mr. Jim O Hara, and its membership was drawn from enterprise and research strands with expertise from private and public sectors.

The Group presented their Report towards the end of last year and at the end of February this year the Government agreed to implementation of the recommendations of the Report as a whole-of-Government policy goal. This means the alignment of the majority of public investment in science, technology and innovation, over the next 5 years, to the 14 areas of opportunity identified by the Steering Group as most likely to deliver economic and societal impact and ultimately jobs.

Implementation of research prioritisation has been underway since March of this year, under the direction of a Prioritisation Action Group which I personally chair and the Group includes representatives of all key Government Departments and research funders.

Job Retention

107. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation if he has studied the effect of upward only rent reviews on the retention of jobs in retail, manufacturing or services sectors; if any particular reports have been sought or made available to his Department regarding same; and if he will make a statement on the matter. [34262/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Land Conveyancing and Law Reform Act 2009 abolished upward-only rent reviews for all new leases signed on or after 28 February 2010. However, upward-only rent review clauses continue to apply to leases which were entered into prior to that date.

I am aware, from representations which have been made to me by business organisations, of the difficulties this causes for some businesses in the retail, manufacturing and services sectors.

Despite extensive consideration by the Government, it has not proved possible to develop a targeted scheme to tackle upward only rent reviews in existing business leases which would not be vulnerable to a legal challenge or require compensation to be paid to landlords.

While legislative intervention may not be feasible, the Minister for Finance has outlined the role which NAMA can play in dealing with the problems caused by upward only rent reviews which apply to NAMA properties. NAMA has published policy guidance which will inform the approach to be taken where tenants are experiencing difficulties in paying rents in these cases.

Separately, the Department of Justice and Law Reform has continued to progress the recommendations of the Working Group on Transparency in Commercial Rent Reviews since it reported in July 2010. Businesses can make use of the Rent Review Arbitration Code, which was drawn up by the Working Group, to help to resolve rental issues at a lower cost, in considerably less time, and in a less adversarial way for the parties concerned than through formal legal processes.

The Minister for Justice and Equality, Deputy Alan Shatter, also announced on 4th April last that he had signed the first Commencement Order and the Establishment Order under the Property Services (Regulation) Act 2011. Among the responsibilities of the Property Services Regulatory Authority, which is to be established under the Act, is to set and enforce standards

in the provision of property services by auctioneers, letting agents and property management agents and to provide redress mechanisms for consumers of those services. The Authority will also have statutory responsibility for the establishment and maintenance of a Commercial Leases Database which will provide greater transparency in relation to market rental rates for comparable properties.

I believe that these measures will help all rents return to their true market levels.

Question No. 108 answered with Question No. 100.

Job Creation

109. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the degree to which he and his Department have engaged with employers with a view to ascertaining how best to generate new jobs with particular reference to Incentivising job creation by existing employers; and if he will make a statement on the matter. [34264/12]

111. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which all employers have been approached with a view to absorbing by way of job creation a greater number of persons off the live register; if incentivisation will be utilised in this regard; and if he will make a statement on the matter. [34266/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 109 and 111 together.

In my role as Minister for Jobs, Enterprise and Innovation, I have on-going engagement with individual employers and business representative bodies.

In preparing the 2012 Action Plan for Jobs, I consulted with a wide range of stakeholders, including employers, to obtain their views on actions to support employment creation. The Action Plan contains over 270 measures to support the Government's objectives of making Ireland the best small country in which to do business and getting 100,000 extra people back to work by 2016.

I have held a series of regional follow-up meetings on the Action Plan for Jobs, which employers and business interests have been invited to attend to explore what further actions need to be taken to support job creation in the economy. I will also be consulting with employer representative bodies shortly in the context of developing ideas for the 2013 Action Plan for Jobs.

The Government's strategy on Labour Market Activation — Pathways to Work — aims to ensure that, as employment opportunities arise through the Action Plan for Jobs initiative, as many of those jobs as possible will be filled by people from the Live Register. Pathways to Work envisages a more meaningful engagement between the Department of Social Protection and employers to achieve this objective.

The Department of Social Protection has also simplified and extended the Employer Job (PRSI) Incentive Scheme. This scheme provides exemption from the payment of employers' PRSI contributions for 18 months when a qualifying unemployed person is recruited. Other supports and incentives available to employers to take on new employees, such as Revenue Job Assist, are also being actively promoted.

The Minister for Social Protection, Deputy Joan Burton, has, in addition, announced an increase of 1,000 additional places on the JobBridge internship programme this year. JobBridge gives employers the opportunity to provide meaningful work experience to unemployed people

[Deputy Richard Bruton.]

and, as a secondary benefit, gives employers the opportunity to consider the suitability of an individual for a position within the company once they complete their internship.

Work Permits

110. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the number of applications for work permits received by his Department in each of the past three years to date in 2012; the numbers granted and or refused in each of the years in question; and if he will make a statement on the matter. [34265/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I have set out the details sought by the Deputy in a table hereunder:

Year	Received	New	Renewal	Total	Refused	Withdrawn
2012	2,864	1,598	611	2,209	599	56
2011	6,408	3,184	2,016	5,200	1,007	201
2010	8,460	3,394	3,877	7,271	990	199
2009	10,305	4,024	3,938	7,962	1,901	442

The Deputy will note that in 2011, the most recent complete year for which statistics are available, my Department received 6,408 applications for renewals of permits and new employment permits and that permits issued in respect of 5,200, or 81% of these cases. 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. 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.

The Employment Permit structures and procedures have been designed and maintained to protect the Irish labour market while ensuring that key specific skills are available that will enable the Irish economy to expand and develop.

Question No. 111 answered with Question No. 109.

Small and Medium Enterprises

112. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which research has been carried out to identify possible disincentives to job creation in the small and medium sized enterprises; and if he will make a statement on the matter. [34267/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): A number of reports have been published on the topic of small business in Ireland in recent years including the Small Business Forum report “Small Business is Big Business” and the CSO annual report on “Small Business in Ireland”.

The Advisory Group for Small Business was established in June 2011 to focus on the key concerns that face small enterprises in Ireland. The Advisory Group facilitates structured and regular dialogue between its chair, the Minister for Small Business, and representatives of the small business sector on issues of concern to that sector.

The Advisory Group for Small Business is active in identifying impediments to small business. A key focus for the Group is on how to promote the economic development and job potential of the sector having regard to the current constraints on the national finances and to recommend action points that feed into the ‘Action Plan for Jobs.’ The annual Action Plan for Jobs is designed to help create an environment where small and medium sized enterprises can flourish.

The Advisory Group’s Report “The Voice of Small Business” was published in November 2011. The Report identifies issues of concern for small business such as access to finance, labour market costs and access to procurement. The Report sets out the recommendations of stakeholders in the small business sector to address these issues and lists the actions that they consider need to be put in place by Government to assist SMEs to cope with the current economic crisis and to position them for future growth and job creation.

Thirty-four of the Advisory Group’s actions/recommendations were included in the Action Plan for Jobs, published in February.

The first Quarterly Progress Report on the Action Plan for Jobs, covering Quarter 1 of 2012, was published by Government on Friday 20 April 2012. This Progress Report is available on my Department’s website, under the “Publications” link: <http://www.djei.ie/publications/2012APJ—First—Progress—Report.pdf>.

The second Quarterly Progress Report on the Action Plan for Jobs, covering Quarter 2 of 2012, will be published by Government on Friday 13 July 2012.

Job Statistics

113. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the total number of jobs through foreign direct investment created in each of the past three years to date in 2012; the extent to which emerging trends have indicated opportunities for the future; and if he will make a statement on the matter. [34268/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The figures released by the IDA in its Annual Report 2011 show that there are 145,878 people currently working in IDA client companies, this represents a 4.4% increase on the previous year. In the first six months of 2012 alone, in excess of 5,000 new jobs have been announced by IDA client companies with some of the biggest announcements coming from PayPal, Apple and Mylan. Sectors where growth is particularly strong include consumer services, ICT, life sciences and international financial services. The pharmaceutical sector in particular has seen a number of significant announcements in the first half of 2012 from companies including Eli Lilly, Amgen, Allergan and Mylan; these announcements have been made despite the global challenge of patent expiry in the pharmaceutical sector, which demonstrates Ireland’s strong reputation as a hub for the pharmaceutical and bio-pharmaceutical sectors.

The Forfás Annual Employment Survey reports on job gains and losses in companies that are clients of the industrial development agencies. Information is collected annually and aggregated at county level. The survey shows that in the 3 year period 2009 to 2011, there were a total of 25,918 full time jobs created in IDA supported companies. Figures for 2012 will not be available until the end of the year. The attached tabular statement shows the number of jobs created in each of the years 2009 to 2011:

Table showing number of full time new jobs created in IDA Client Companies in the period 2009-2011

	2009	2010	2011
New Jobs created	5,239	9,075	11,594

Question No. 114 answered with Question No. 25.

Job Creation

115. **Deputy Tony McLoughlin** asked the Minister for Jobs, Enterprise and Innovation if considering unemployment numbers in excess of 3,400 people in County Leitrim which has a population of just 32,000 if the relevant agencies such as Enterprise Ireland and the Industrial Development Agency are doing enough to attract inward investment and in particular foreign direct investment to Carrick-on-Shannon which has over 500 people under the age of 25 registered as unemployed at the local exchange office. [34328/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): There are 4 IDA Ireland supported companies in Leitrim employing 903 people. These include Bank of America which is based in Carrick on Shannon, ElastoMetall Ireland, and Valspar Industries Ireland Ltd. Mirror Controls International is the most recent investment to Co. Leitrim following the transfer of its production to the Manorhamilton facility from Montfoort, Holland, resulting in the creation of 50 jobs. IDA is actively engaged with its existing base of companies in Leitrim, highlighting the ongoing importance of upskilling/reskilling and the need to add high value activities in order to ensure sustainability and ongoing development.

As Ireland competes for investments at the highest end of the value chain, the concept of scale is crucial. Leading corporations require a significant population of highly qualified talent, essential physical and digital infrastructure coupled with the availability of sophisticated professional support services. There is intense and continual international competition to win FDI, which is mainly dominated by Metro City Regions with populations in excess of 1 million i.e. London, Manchester, Boston and Los Angeles. Ireland has only one Metro City Region, the Greater Dublin area. In order to achieve regional economic development, IDA Ireland focuses on marketing Gateway locations within each Region and highlights the opportunities provided by Hub locations which are within commuting distances of these Gateways. In addition, IDA Ireland promotes other locations as part of its marketing efforts in response to specific client requirements. It must be remembered, however, that in the final analysis, it is the investor who decides where to locate.

Similarly, Enterprise Ireland is actively focused on the creation of new jobs through supporting entrepreneurs setting up new High Potential Start-Up Companies, the retention and creation of new jobs in existing companies and in enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and third level institutions. Enterprise Ireland also supports the provision of incubation space for new start ups both on college campuses and Community Enterprise Centres.

On the 10th June 2012, a new Competitive Feasibility Fund for the North West was launched. The closing date was the 22nd June 2012. This was aimed at entrepreneurs with a new business proposition to create jobs in Leitrim, Sligo and Donegal. A feasibility grant of up to €25,000 (50% of eligible expenditure) is available to investigate the viability of the idea. 37 applications were received, with a number from Co. Leitrim and these are currently being assessed. To date in 2012, total approvals to Enterprise Ireland clients is €36,930 of which €35,159 has been paid. Since the inception of the Innovation Voucher Scheme in 2007, forty seven companies in Leitrim have availed of these vouchers worth a total of €235,000.

Services for People with Disabilities

116. **Deputy Dominic Hannigan** asked the Minister for Social Protection her plans for the advocacy for persons with disabilities; and if she will make a statement on the matter. [34058/12]

Minister for Social Protection (Deputy Joan Burton): The National Advocacy Service for People with Disabilities (NAS) was established under the Citizens Information Board (CIB) in January 2011. NAS provides an independent, confidential and free, representative advocacy service to vulnerable people with disabilities who cannot self advocate, while supporting others to use mainstream services.

The budget assigned to the National Advocacy Service for People with Disabilities in 2012 is €3.2 million.

During 2011 the service was established in locations across the country. The service is managed by five Citizens Information Services in Dublin (Clondalkin), Westmeath, Offaly, Waterford and Leitrim and staffed by five Managers, 35 advocates (full-time equivalents) and five administrators.

The aim of the National Advocacy Service is to ensure that the voices of people with disabilities are heard and their rights safeguarded. The Service has a particular remit for people with disabilities who are isolated from their community and services, have communication differences, are inappropriately accommodated, live in residential services, attend day services and have limited informal or natural supports.

As a new service NAS has been targeting promotion of the service to residential institutions. In 2011 all five regions conducted an extensive programme of visits and presentations to management, staff and service users in residential services.

The list of advocates, their contact numbers and the counties which they cover can be accessed by following the NAS link on www.citizensinformationboard.ie.

Universal Social Charge

117. **Deputy Ciara Conway** asked the Minister for Social Protection if she will confirm when the Health levy refund will be repaid to those who were overcharged; and if she will make a statement on the matter. [34158/12]

Minister for Social Protection (Deputy Joan Burton): The Department has received a very high level of enquiries in relation to requests for refunds of the Health Contribution over the last year. To clarify the position in relation to eligibility for a refund, a person who earned more than €26,000 in 2008, 2009 and 2010 was liable to pay the Health Contribution and is not due a refund.

A person who earned less than €26,000 and never earned more than €500 in any one week would not have been charged the Health Contribution and is not eligible for a refund.

A person may be entitled to a refund of the Health Contribution if he or she earned less than €26,000 in 2008, 2009 or 2010 and earned more than €500 in any particular week in those years.

The Department of Social Protection refunds the health contribution where it is found that the conditions for refund are met. The Department is currently processing requests for refunds of the health contribution received in mid-January 2012.

The Health Contribution was included in the Universal Social Charge (USC) with effect from 1 January 2011 and no Health Contribution refunds arise after that date.

Back to School Clothing and Footwear Allowance Scheme

118. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection when a decision will be made on a back to school allowance application in respect of a person (details supplied); and if she will make a statement on the matter. [34037/12]

Minister for Social Protection (Deputy Joan Burton): The back to school clothing and footwear allowance (BSCFA) entitlements of some 115,350 families in respect of 205,125 children have now been automatically established with reference to their primary scheme entitlement with no application form required. Letters have issued to the people identified in this way, informing them of their entitlement and notifying them that payment will issue in week commencing 16 July.

Customers who do not receive an automated payment are required to complete an application form which will be processed from a centralised unit in the Department. A text message acknowledging receipt of application forms will issue this year to everyone who submits a claim form.

If the person concerned has not already received a letter from the Department they should now complete a claim form and return it to PO Box 131. I can assure the Deputy that every effort will be made to process applications promptly.

Social Welfare Code

119. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if an increase in one parent family allowance or job seekers allowance is applicable in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [34040/12]

Minister for Social Protection (Deputy Joan Burton): A review of the case is being undertaken and the person concerned will be informed of the outcome once the review is completed.

Employment Support Services

120. **Deputy Ciarán Lynch** asked the Minister for Social Protection if she will review a decision to refuse a place on a jobs bridge scheme to a person (details supplied) in County Cork; if the person is entitled to sign for social welfare credits; and if she will make a statement on the matter. [34046/12]

Minister for Social Protection (Deputy Joan Burton): The National Internship Scheme was launched on 1st July 2011. It provides internship opportunities of either 6 or 9 months for unemployed individuals at all skills levels. The aim of JobBridge is to assist individuals in breaking the cycle where they are unable to get a job without experience. It provides them with an opportunity to gain valuable experience, relevant knowledge and skills within a working environment. The Scheme is open to organisations in the private, public and community or voluntary sectors.

The Scheme has made significant progress to-date. 8,406 internship placements have commenced since the launch of the Scheme in July 2011. There are currently 4,915 interns undertaking internship placements. In addition, there are in excess of 2,100 internship posts currently advertised on the JobBridge website www.jobbridge.ie.

The eligibility to access the National Internship Scheme is based on the overall objective of labour market policy in ensuring a pathway to appropriate employment, training and education opportunities.

For these reasons, it has been proposed as a matter of public policy that eligibility for the scheme be targeted at those in receipt of a Live Claim (Jobseekers Allowance/Jobseekers Benefit/One Parent Family Payment/Disability Allowance /Signing for Credits) for 78 days out of the last 6 months. Time spent of certain government sponsored training may also be taken into account when calculating eligibility. As such, the policy objective is to prioritise scarce resources to those in receipt of a Live Claim or on the Live Register so as to increase their

chances of leaving it thereby ensuring a reduction in Exchequer costs over time. Therefore, the qualifying period is 3 months (78 days) for an individual in receipt of any of the qualifying payments listed above.

The person concerned is currently ineligible for a qualifying payment. I wish to advise that it appears from our records that the person concerned is eligible to sign for credits. In such cases, an individual who is unemployed and does not qualify for an unemployment payment, can sign-on for credits at their local Social Welfare Office. The individual would then get a credit for each full week of proven unemployment; i.e. that they are be available for work, genuinely seeking work and capable of work.

The person concerned could therefore apply at her local Social Welfare Office, Hanover Street provided she is capable of work. A Deciding Officer would then examine the claim and advise her of the outcome as soon as possible. Should the person concerned be successful, she would then become eligible for an internship placement in line with the qualifying period stated above.

Carer's Allowance

121. **Deputy Brendan Griffin** asked the Minister for Social Protection when carer's allowance will issue in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [34053/12]

Minister for Social Protection (Deputy Joan Burton): The person in question has been awarded carer's allowance and received their first payment on 21st June 2012.

Community Employment Schemes

122. **Deputy Dominic Hannigan** asked the Minister for Social Protection her plans for disability services and providers that currently offer places under community employment schemes under the review of community employment schemes; and if she will make a statement on the matter. [34059/12]

Minister for Social Protection (Deputy Joan Burton): Community Employment (CE) provides a range of supports to services in the health and social care related sector in the community. The main sponsors are organisations in the disability sector. The total number of ring-fenced places available to support health services is 2,800 places. Other health and social care places on CE are on non-specific or mixed CE schemes. These schemes are not meant to be stand-alone services but function as an added support to the mainstream statutory or voluntary provider. The Department of Social Protection recognises that CE acts as a resource for communities to identify their own needs and priorities and over the years has become a vital service to communities.

Following the completion of the CE Financial Review, at the June, DSP regions were notified of their revised budget allocation for all CE Schemes, this includes disability services and providers of such services. CE Scheme Sponsors were then notified individually of their budget allocations for materials and training. Under the revised arrangements notified to Sponsors, schemes were provided with a specific level of support aimed at meeting the particular costs necessarily incurred by them, as recommended by the Region, having regard to the overall level of funding available for community employment nationally.

Rent Supplement Scheme

123. **Deputy Bernard J. Durkan** asked the Minister for Social Protection he progress to date

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in the determination of eligibility to rent support in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [34063/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned has been awarded rent supplement from the commencement date of his tenancy. The person concerned is in receipt of his full entitlement to rent supplement based on his household circumstances. All arrears will issue accordingly.

Jobseeker's Allowance

124. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the exact entitlement to jobseeker's allowance in the case of a person (details supplied); the entitlement should the person take up employment of less than 20 hours per week; and if she will make a statement on the matter. [34064/12]

Minister for Social Protection (Deputy Joan Burton): Payment of jobseeker's allowance to the person concerned was disallowed as his weekly means from casual employment were in excess of the statutory limit. If he suffers a reduction in his level of employment he should re-apply for jobseeker's allowance.

Social Welfare Benefits

125. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when arrears will issue on an application in respect of a person (details supplied); and if she will make a statement on the matter. [34065/12]

Minister for Social Protection (Deputy Joan Burton): Arrears due to the person concerned will issue by cheque this week.

Rent Supplement Scheme

126. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding a rent allowance appeal in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [34081/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 15 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 were received in the Social Welfare Appeals Office on 11th May 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.

127. **Deputy Regina Doherty** asked the Minister for Social Protection now that Ashbourne and Ratoath, County Meath, have been moved to be managed to the Fingal Area Office, if the same rent supplement rates will apply to Ashbourne and Ratoath that apply to Finglas, Glasneven and so on, Dublin; and if she will make a statement on the matter. [34086/12]

143. **Deputy Regina Doherty** asked the Minister for Social Protection if a review of the rental markets in Ashbourne and Ratoath, County Meath, was conducted; if she will state the

justification for not raising the rent supplement levels in these towns to the level applying in Finglas, Glasneven and so on; if she will supply in tabular form the rent supplement levels that previously applied and currently applied in each of these towns; and if she will make a statement on the matter. [34199/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 127 and 143 together.

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.

As part of the ongoing streamlining of services following the integration of the community welfare service into the Department, responsibility for the management of this service for Ratoath and Ashbourne has recently transferred to the Dublin North Division. There has been no change to the provision of the community welfare services provided locally in Ratoath and Ashbourne. New maximum rent limits came into force on 1 January 2012 and are in place until June 2013. The emphasis of the rent limit review was to ensure that maximum value for money for tenants and the taxpayer was achieved whilst at the same time ensuring that people on rent supplement are not priced out of the market for private rented accommodation.

For all counties, major urban population centres were tested as part of the rents review to ensure that rent supplement applicants can access temporary housing arrangements whilst seeking employment opportunities. In the case of Meath the following areas were isolated for consideration: Ashbourne; Athboy; Bettystown; Dunshaughlin; Navan; Trim; Ratoath; Kells; Laytown; Enfield; and the rest of Meath county as a whole. Maximum rent limits are set on the basis of geographic location and the County Meath rent limits remain in place for Ashbourne and Ratoath. Current information shows there is accommodation available at the new maximum rent limits in county Meath. It is important to bear in mind that the purpose of the review is to ensure availability of accommodation for rent supplement tenancies and not to provide rent supplement tenants with access to all housing in all areas.

The current and previous maximum rent limits for County Meath are set out in the following table. The Department will continue to monitor rent levels throughout the country but at this stage there are no plans to revise the existing rent limits.

2012 Rent Supplement Rent limits for County Meath

County	Single person in shared accommodation	Couple in shared accommodation	Single person	Couple with no children	Couple or one-parent family with one child	Couple or one-parent family with two children	Couple or one-parent family with three children
County Meath	€200	€260	€390	€450	€550	€610	€675

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2010 Rent Supplement Rent limits for County Meath

County	Single person in shared accommodation	Couple in shared accommodation	Single person	Couple with no children	Couple or one-parent family with one child	Couple or one-parent family with two children	Couple or one-parent family with three children
County Meath	€260	€265	€468	€550	€650	€700	€750

Pension Provisions

128. **Deputy Aodhán Ó Ríordáin** asked the Minister for Social Protection the reason she is unable to provide a forecast service to person's in relation to their future State pension when requested to do so; and if she will make a statement on the matter. [34091/12]

Minister for Social Protection (Deputy Joan Burton): The Department is committed to delivering the best possible service to its customers and to utilising the potential of modern technology and available delivery channels in meeting this objective. To this end, a new application has been developed and launched early in 2011 which allows for the automatic issue of contribution statements where the person's record is in order and does not require investigation. Production of a statement of contributions involves an examination of both the computerised PRSI records from 1979 and, in some cases, the earlier paper-based records from 1953 to 1979. In normal circumstances, where the record is fully in order, statements are issued within two weeks. However, processing of requests can take longer where further information or clarification of work periods, etc. is required.

For administrative reasons, a decision was taken in May 2007 to stop providing the traditional forecast service and to replace this with the provision of a copy of the individual's contribution history along with a booklet entitled "Working it Out". The contribution history record, along with the guide, provides the customer with the information required to decide when to retire and how best to optimise their State Pension entitlement. The change has also enabled the State Pension Section to concentrate on the primary task of processing pension claims and in implementing improvements to the service provided to people on reaching pension age. State Pension claims are now processed in a timely manner, with in excess of 90% of these claims awarded before the customer reaches pension age. The Department has also developed a claim initiation service whereby customers who are known to have an entitlement to State Pension are pro-actively invited to apply.

There are no plans to re-establish a pensions forecasting service as the focus remains on processing pension claims in a timely manner and available resources are prioritised for this purpose. However, the Department will continue to provide the current service (a copy of the person's record along with the information booklet) to enable customers to work out their entitlements and the network of Local Offices and Citizens Information Offices will continue to serve as points of contact to assist people in this regard.

Domiciliary Care Allowance

129. **Deputy John McGuinness** asked the Minister for Social Protection the timeframe for a decision to be taken in the case of a person (details supplied) in County Kilkenny in respect of their application for domiciliary care allowance; if the matter will be expedited in view of the urgency of this case. [34093/12]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance (DCA) was received on the 2nd July 2012. This application has been forwarded to one of the Department's Medical Assessors for their medical opinion. Upon receipt of this opinion, a decision will issue to the customer. Currently, it can take up to 8 weeks to process an application for DCA.

Social Welfare Appeals

130. **Deputy Seán Ó Fearghaíl** asked the Minister for Social Protection if she will consider the concerns raised in correspondence (details supplied) in County Kildare; and if she will make a statement on the matter. [34106/12]

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 4 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 27th April and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Departmental Contracts

131. **Deputy Pearse Doherty** asked the Minister for Social Protection if she will provide details of any existing or planned contracts between her Department and a company (details supplied) for the provision of labour market activation services; and if she will make a statement on the matter. [34111/12]

Minister for Social Protection (Deputy Joan Burton): The Department does not have any existing or planned contracts with the company in question for the provision of labour market activation services.

Homeless Persons

132. **Deputy Thomas P. Broughan** asked the Minister for Social Protection if she will review the supports available for vulnerable young persons leaving the care system at 18 years but who are being forced into emergency homeless accommodation because their income is too low for them to afford to move on into independent living; and if she will make a statement on the matter. [34113/12]

136. **Deputy Clare Daly** asked the Minister for Social Protection if she will award adult rates of social welfare payments to young persons trying to get out of homeless accommodation. [34125/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 132 and 136 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;

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- 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, it may be noted 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.

Rent Supplement Scheme

133. **Deputy Patrick Nulty** asked the Minister for Social Protection the number of households in receipt of rent supplement; and of these households, the number that have been in receipt of same for more than six months; and if she will make a statement on the matter. [34120/12]

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. The Government has provided a sum of €436 million for this scheme in 2012.

There are approximately 92,000 persons in receipt of rent supplement of which 73,300 are in receipt of payment for six months or more.

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.

Mortgage Interest Supplement

134. **Deputy Patrick Nulty** asked the Minister for Social Protection the number of households in receipt of mortgage interest supplement; and of these households, the number that have been in receipt of same for more than six months; and if she will make a statement on the matter. [34121/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of mortgage interest supplement is to provide short-term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The Government has provided approximately €51 million for this scheme in 2012.

There are currently approximately 17,600 mortgage interest supplement recipients of which 15,000 have been in receipt of payment for six months or more. Mortgage interest supplement is not an appropriate long-term support. The Inter-Departmental Mortgage Arrears Working Group recommended the establishment of two schemes, mortgage to rent and mortgage to lease, for eligible households to access social housing supports. Details of the mortgage to rent scheme have been announced recently by the Minister of State for Housing and Planning.

135. **Deputy Clare Daly** asked the Minister for Social Protection the instructions that have been issued to community welfare officers in relation to requesting documentary evidence from financial institutions regarding mortgage distress when processing mortgage interest supplement [34124/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of mortgage interest supplement (MIS) is to provide short-term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only. There are currently 17,600 persons in receipt of mortgage interest supplement, with almost €51m provided in 2012.

From 18 June 2012, applicants for mortgage interest supplement must comply with an alternative payment arrangement agreed with their lender for a cumulative period of not less than 12 months prior to becoming eligible for the scheme. The underlying principle of this legislative

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change is to ensure that mortgage interest supplement eligibility criteria reflect the forbearance arrangements set out in the Mortgage Arrears Resolution Process.

To satisfy this new condition, documentary evidence is required from the lender which will establish—

- Whether the applicant is currently engaged with the lender in addressing his or her mortgage obligations and has complied with the terms of any alternative payment arrangements put in place for a cumulative period of not less than 12 months.
- The details of the terms of any previous and the current alternative payment arrangement(s), and
- The periods for which the alternative payment arrangements have been in place.

The Code of Conduct on Mortgage Arrears provides that lenders must assist borrowers in ensuring that all requests for documentation and information for the purposes of applying for State supports in relation to mortgages are processed within ten business days of receipt.

Question No. 136 was answered with Question No. 132.

Community Employment Schemes

137. **Deputy Maureen O’Sullivan** asked the Minister for Social Protection the way a training programme (details supplied) where participants are trainees, in recovery from addiction, unlike other community employment schemes whose participants have roles as clerical staff, childcare workers, maintenance and so on, will survive a 50% cut to its training grant which is vital for the scheme and its participants, if provisions will be made in order that more flexible arrangements to current funding will be arranged for this vital training service; and if she will make a statement on the matter. [34147/12]

Minister for Social Protection (Deputy Joan Burton): Community Employment is an employment programme which helps long-term unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine. The programme assists them to enhance and develop both their technical and personal skills which can then be used in the workplace.

Reductions in training and material grants were announced as part of Budget 2012. The Department subsequently undertook a financial review of all CE projects, the main objective of which was to identify areas where savings could be achieved so that best use could be made of available funds. As a result of the review, there are now new arrangements in place to ensure best value is obtained on a range of items including insurance, audits etc.

Community Projects have been advised that any underspend on materials can be reallocated to their training budget. In addition to the budget allocation that has been made to all CE projects, there is also a wide range of training available through both FAS and the VEC’s which can be accessed at no cost by CE participants.

The Department recently wrote to the project sponsor concerned to advise it of an improved budgetary allocation following the recent review. An official of the Department has been trying to make contact with the sponsor over the past few days and will be available to meet with the sponsor to discuss any issues, concerns and options.

Rural Social Scheme

138. **Deputy Paul J. Connaughton** asked the Minister for Social Protection if the number of places on rural social schemes in County Galway will be increased as the schemes are proving an invaluable source of employment for many people in the country and great work is being carried out for local communities by participants on the scheme; and if she will make a statement on the matter. [34149/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of the rural social scheme is to provide income support for farmers and fisherpersons who have an entitlement to specified social welfare payments. Persons are engaged for 19½ hours per week to provide certain services of benefit to rural communities. The rural social scheme currently provides work opportunities for around 2,600 participants and 130 supervisory staff. I have no plans to increase the number of places available on this scheme. The funds allocated for 2012 amount to €45.66m, which should enable the scheme to continue as in previous years but does not allow for the recruitment of additional participants above the numbers stated above. These funds meet the pay costs of participants and supervisors, provision of materials, insurance, health and safety, training and related operational costs.

Carer's Allowance

139. **Deputy Pat Breen** asked the Minister for Social Protection when a decision on a carer's allowance will issue in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [34166/12]

Minister for Social Protection (Deputy Joan Burton): The person in question has been awarded carer's allowance. She received her first payment on 28th June 2012.

Question No. 140 was withdrawn.

141. **Deputy Pat Breen** asked the Minister for Social Protection when a decision for carer's allowance will issue in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [34174/12]

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.

Child Benefit

142. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding children's allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [34181/12]

Minister for Social Protection (Deputy Joan Burton): In accordance with Social Welfare Legislation, child benefit is paid up to and including the month of a child's 16th birthday, and continues to the month of the 18th birthday only, provided the child is in full-time education.

In order to continue payment to the person concerned, the school/college that the child is attending must certify the date of completion of education on the application form.

In this case, payment of child benefit was made up to and including June 2012, the end of the academic year, when the child completed the Leaving Certificate.

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As is normal procedure, an application form will automatically issue to the person concerned in August. This should be completed if the child returns to full-time education. Arrears due from July 2012 will then be paid and payment will continue to December 2012, the month of the child's 18th birthday.

Question No. 143 was answered with Question No. 127.

Question No. 144 withdrawn.

Carer's Allowance

145. **Deputy Pat Breen** asked the Minister for Social Protection when a decision on carers allowance will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [34240/12]

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.

Domiciliary Care Allowance

146. **Deputy Pat Breen** asked the Minister for Social Protection when a decision on a domiciliary care allowance appeal will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [34244/12]

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 13 February 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 28th June 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.

Disability Allowance

147. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reasons for refusal of disability allowance in the case of a person (details supplied) who is deemed by their consultant as being unfit for work, if this inquiry will be taken as grounds for appeal and or referral for oral hearing; if an application for invalidity pension is more appropriate in this case; and if she will make a statement on the matter. [34276/12]

Minister for Social Protection (Deputy Joan Burton): Following receipt of the application for disability allowance from the person concerned the medical evidence supplied with his claim was referred to one of the department's medical assessors who was of the opinion, based on the information supplied, that the person was not medically suitable for disability allowance. The deciding officer accepted this opinion and refused the claim and the person was notified in writing of this decision.

Further medical evidence received from the person was referred to another medical assessor who was also of the opinion, based on the information supplied, that the person was not medically suitable for disability allowance. The deciding officer accepted this opinion and the original decision to refuse the claim remained unchanged and the person was notified in writing of this outcome.

When conducting an assessment, the medical assessor does not dispute the existence of the certified cause of incapacity but rather s/he assesses the degree to which the loss of function in work-related activities, resulting from disease or injury, affects the person's ability to perform either their own job or alternative types of work.

The Social Welfare Appeals Office has advised me that any appeal in this case should be made directly to the Chief Appeals Officer, Social Welfare Appeals Office, D'Olier House, D'Olier Street, Dublin 2, by the person concerned, within 21 days of notification that the review of his disability allowance application was unsuccessful.

An application form and information booklet for invalidity pension has been issued directly to the person today. He should complete and return this form in the freepost envelope provided, upon receipt of which, his entitlement will be examined and he will be notified of the outcome in due course.

Jobseeker's Allowance

148. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when job-seeker's allowance will be awarded in the case of a person (details supplied) who was in receipt of disability allowance following surgery; and if she will make a statement on the matter. [34278/12]

Minister for Social Protection (Deputy Joan Burton): According to the records of this Department, the person concerned has not applied for a jobseeker's allowance.

Rent Supplement Scheme

149. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the current position in respect of rent support in the case of a person (details supplied) in County Kildare who submitted the required information as requested arising from review some months ago. [34279/12]

Minister for Social Protection (Deputy Joan Burton): The Department has not received information requested in February 2012 in connection with a review of entitlement to rent supplement of the person concerned. The person concerned has been issued with a reminder subsequent to the initial request to which there has been no response. When the necessary response has been received the Department can then complete the review.

150. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if she will consider a slightly higher than average rent support in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [34280/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned has informed the Department that her landlord has agreed to reduce her rent to €540 per month. Rent supplement will be reinstated and back dated on receipt of verification of the reduction in rent.

Invalidity Pension

151. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the current or

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expect position in regard to the determination of appeal in respect of invalidity pension in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [34281/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an appeal, for the person concerned, has not been received by that office.

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

152. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when eligibility for disability allowance will be determined in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [34282/12]

Minister for Social Protection (Deputy Joan Burton): I confirm that the Department is in receipt of an application for disability allowance from the above named person. On completion of the necessary investigations on all aspects of the claim a decision will be made and the person concerned will be notified directly of the outcome.

Invalidity Pension

153. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on their appeal for invalidity pension. [34297/12]

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 09th 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. When received, the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Question No. 154 withdrawn.

Carer's Allowance

155. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on their appeal for carer's allowance. [34303/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was refused carers allowance on the grounds that the care recipient is not so disabled as to require full time care and attention as prescribed in regulations. He was notified of this decision, the reasons for it and of his right of review or appeal.

The person concerned appealed this decision to the Social Welfare Appeals Office and submitted further medical evidence in support of the appeal. This information has been forwarded to the medical assessor for further consideration.

If the outcome remains unchanged a submission will be prepared and the file and papers will be forwarded to the Social Welfare Appeals Office for determination.

Invalidity Pension

156. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on their appeal for invalidity pension. [34304/12]

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, has allowed the appeal. The person concerned has been notified of the Appeals Officer decision.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Carer's Allowance

157. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on their application for carer's allowance. [34306/12]

Minister for Social Protection (Deputy Joan Burton): The application for carer's allowance from the person in question was refused on the grounds 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.

158. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in Dublin 10 may expect a decision on their application for carer's allowance. [34307/12]

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

159. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on their appeal for invalidity pension. [34310/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that no appeal in respect of Invalidity Pension has been registered for the person concerned.

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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.

Back to School Clothing and Footwear Allowance Scheme

160. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on their application for back to school clothing and footwear allowance. [34311/12]

Minister for Social Protection (Deputy Joan Burton): The back to school clothing and footwear allowance (BSCFA) entitlements of some 115,350 families in respect of 205,125 children have now been automatically established with reference to their primary scheme entitlement with no application form required. Letters have issued to the people identified in this way, informing them of their entitlement and notifying them that payment will issue in week commencing 16 July.

Customers who do not receive an automated payment are required to complete an application form which will be processed from a centralised unit in the Department. A text message acknowledging receipt of application forms will issue this year to everyone who submits a claim form.

If the person concerned has not already received a letter from the Department they should now complete a claim form and return it to PO Box 131. I can assure the Deputy that every effort will be made to process applications promptly.

161. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on their application for back to school clothing and footwear allowance. [34312/12]

Minister for Social Protection (Deputy Joan Burton): The back to school clothing and footwear allowance (BSCFA) entitlements of some 115,350 families in respect of 205,125 children have now been automatically established with reference to their primary scheme entitlement with no application form required. Letters have issued to the people identified in this way, informing them of their entitlement and notifying them that payment will issue in week commencing 16 July.

Customers who do not receive an automated payment are required to complete an application form which will be processed from a centralised unit in the Department. A text message acknowledging receipt of application forms will issue this year to everyone who submits a claim form.

If the person concerned has not already received a letter from the Department they should now complete a claim form and return it to PO Box 131. I can assure the Deputy that every effort will be made to process applications promptly.

Disability Allowance

162. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in Dublin 3 may expect a decision on their appeal for disability allowance. [34316/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence

allowed the appeal of the person concerned by way of summary decision. The person concerned has been notified of the Appeals Officer decision.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Carer's Allowance

163. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on their application for carer's allowance. [34318/12]

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.

Advertising Standards

164. **Deputy Clare Daly** asked the Minister for Communications, Energy and Natural Resources if he will deal with advertising standards and protocol in relation to the highly offensive and inaccurate youth defence advertisements. [34134/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The matter of advertising on billboards does not come within the remit of the Department of Communications, Energy and Natural Resources, and I have no function in the matter.

The Advertising Standards Authority for Ireland (ASAI) is a non-statutory self-regulatory body, independent of Government and set up and financed by the advertising industry. Certain marketing communications that do not have any commercial element do not come within the existing remit of the Code of Standards for Advertising, Promotional and Direct Marketing drawn up by the ASAI.

My Department has informally raised the question of remit with the ASAI and I am informed that they had considered matter at an earlier juncture but decided against any attempt to extend their remit to cover non-commercial advertising on the grounds that any such measure could raise profound constitutional and freedom of expression issues.

I understand that the ASAI intend to review their remit later this year which offers all stakeholders the opportunity to engage with them on this difficult issue.

Broadcasting Services

165. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources his views on the fact that Independent Broadcasters of Ireland, who rely entirely on advertising to fund broadcasting and operational activities, are at an unfair disadvantage to RTE; if a fairer system of financing local radio network will be put in place; and if he will make a statement on the matter. [34138/12]

166. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources his views on whether an Amendment of Section 108 of the 2009 Act to define and limit the commercial mandate of RTE would be in the interest of fairness, in particular to the independent broadcasters of Ireland; and if he will make a statement on the matter. [34139/12]

167. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources his views regarding funding of the BAI from the new household broadcasting charge; and if he will make a statement on the matter. [34140/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I propose to take Question Nos. 165 to 167, inclusive, together.

I fully recognise the contribution of the independent radio sector in bringing diversity to the airwaves, and serving the needs of communities, often at a very local level. As I noted when I addressed the Independent Broadcasters of Ireland (IBI) Annual Conference earlier this year, “Local radio gives a voice and enhances social dialogue for people of all ages ... it provides a forum for local communities; it enhances a local community; it gives confidence to people and indeed is an expression of the community in which the station is broadcast”.

However, it should be clear that these stations were founded as commercial operations with creating a profit for their owners as their primary objective. Station owners sought and accepted licences on clear commercial terms. In many cases, their success in the licence application process was assisted by the voluntary commitments they gave in regard to the provision of public service type content, over and above that required by the relevant legislation. The fact that some of these stations are now undergoing an understandable degree of financial stress does not mean that the State should immediately step in and provide funding — they are and remain commercial companies. Moreover, it should also be noted that their very popularity in the communities they serve is, in many cases, as a distinct result of the local news content and current affairs type programming that they provide and which, in turn, gives them a powerful advertising presence and thus earning potential. As the economy recovers, it is to be expected that this commercial pressure will ease as advertising revenues recover apace.

In practical terms, EU State Aid rules provide a serious and unavoidable obstacle to the IBI proposal. The Principle of Additionality means that State funding can only be provided to companies where, in the absence of such funding, the service would not be delivered. The fact that the commercial broadcasters already provide a range of public service content voluntarily would clearly rule out the provision of any state funds on this basis.

As the Deputy may be aware, the Broadcasting Authority of Ireland (BAI) is presently engaged in the first “5 year review” under Section 124 of the Broadcasting Act 2009. This review, which builds on the single year reviews completed thus far, will examine issues in relation to Section 108 of the Act and the commercial funding of these corporations as well as the impact of further “top slicing” of the available licence fee fund. As such, I expect that it will fully engage with questions around RTÉ’s presence in the advertising market, and the nature of their commercial remit. I will, of course, consider any suggestions or recommendations that may emanate from this around legislative change. Equally, I remain of the view that the existing BAI Levy system is the most appropriate means by which that organisation should be funded, unless of course, a compelling reason is brought forward in this review.

Post Office Network

168. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural Resources his views on the sustainability of the post office network in the country; the options and proposals for the sustainability of the sector; and if he will make a statement on the matter. [34201/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Operational matters and the sustainability of 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 however, I do have a strong concern in relation to the ongoing commercial position of the Company and I regularly liaise with the Company in this regard. An Post has been adversely affected by a significant and ongoing downward trend in its core mail business. In response, it 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, such as its engagement in banking services and its recent involvement with Aviva.

The Government is committed to a strong and viable An Post and supports its maintenance of the maximum number of economically viable post offices. In the context of public sector transformation, 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.

Household Charge

169. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will ensure that all household charges, second home charges and so on may be paid through the post office network; and if he will make a statement on the matter. [34136/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Both the household charge and the charge on non-principal private residences are on a self-assessment basis and it is a matter for an owner of a residential property on the respective liability date to determine if he or she has a liability and, if so, that person is required to declare that liability by completing the relevant declaration form and to pay the charge by the due date.

There is a range of options available for persons to pay both charges. Online systems (www.householdcharge.ie and www.nppr.ie) are in place in the Local Government Management Agency (LGMA) to enable homeowners to pay the charges by credit or debit card. In addition, homeowners can make payment by cheque, postal order, credit or debit card by completing the relevant payment details on the declaration forms and returning them through the post.

Bureaus are in place in the LGMA to administer the charges on a shared service/agency basis for all local authorities. In addition, all county/city councils have been requested to have arrangements in place for persons to attend their principal offices to pay the charges. An Post has assisted in broadening the number of local outlets where the household charge declaration form is available and the form has been made available outside the counter in the network of 1,152 local post offices.

I am satisfied that there is a comprehensive suite of payment options available to persons to pay both the household charge and the charge on non-principal private residences and I have no plans at present to alter these arrangements.

Tidy Towns Committees

170. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government the support or advice he will give to tidy towns committee that are looking to expand in their areas; and if he will make a statement on the matter. [34047/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The guiding principle of Tidy Towns is volunteerism and self-help, using one's own skills and resources to improve one's own environment. Committees are usually comprised of local volunteers representing the local area.

As with any volunteer committee intending to expand in their area, I would advise that they advertise in their local paper, on notice boards, in schools, libraries, community centres, sports

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clubs or on any locally used websites, notify their local radio station, distribute leaflets in their area, invite local people who may be interested to become involved, and include the local school children. TidyTowns promotes inclusivity and most well established TidyTowns committees are very willing to help and advise their fellow committees. The TidyTowns Handbook, available online on *www.TidyTowns.ie*, is invaluable to TidyTowns groups and as well as informing work activities in innovative and environmentally friendly ways, it also advises on group structure, meetings, interaction with the wider community and networking with others.

Housing Grants

171. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government the schemes available to persons who are on low incomes to buy a new home; and if he will make a statement on the matter. [34061/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): There are two types of house purchase loan available from local authorities: standard annuity loans targeted at lower income first time buyers and those under the Home Choice Loan scheme which are available to qualifying middle income first time buyers affected by the “credit crunch”. The terms and conditions governing the operation, including eligibility terms, of annuity mortgages and the Home Choice Loan are set out under the Housing (Local Authority Loans) Regulations 2009 and the Housing (Home Choice Loan) Regulations 2009 respectively. These are available on my Department’s website: *www.environ.ie*.

Non-Principal Private Residence Charge

172. **Deputy John O’Mahony** asked the Minister for the Environment, Community and Local Government the reason penalties are being applied for non principal private residence payment to persons (details supplied); and if he will make a statement on the matter. [34092/12]

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.

The Act places the onus on an owner of a residential property which is situated in the State to assess his or her liability for the charge in the first instance. There is no obligation on local authorities to issue notifications or invoices regarding the charge. However, nationwide advertising has taken place each year since its introduction in 2009 to ensure general awareness of the charge and the liability dates. In tandem, local authorities have undertaken their own advertising campaigns locally. Communications have also issued to persons who paid the charge in respect of previous years reminding them of their possible liability for the charge.

While significant efforts are being made to ensure that property owners are aware of the charge and the liability dates, as the charge is based on self-assessment principles it is ultimately a matter for persons with a liability to pay the charge by the due date to avoid late payment fees.

Social and Affordable Housing

173. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government the amount paid to Homebond in relation to social and affordable housing units constructed on behalf of local authorities in the past ten years; the means by which a

homeowner can ascertain the amount that was paid from their house asking price to Homebond; and if he will make a statement on the matter. [34109/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The amounts paid by building contractors and developers to companies providing structural guarantees, including amounts paid to HomeBond, are a matter between the parties concerned and not one in which the local authority or my Department had any involvement. Accordingly, it is not possible to provide details of the amounts paid by contractors or developers in respect of the structural guarantees on properties acquired by local authorities under my Department's social housing investment programme.

Departmental Reports

174. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if he will make public the report of the pyrite panel, which has been in his possession for a number of weeks and which is long overdue [34128/12]

183. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the progress made to date if any in the resolution of situation arising from houses affected by pyrite; if any progress has been made through possible mutualisation of insurability through the insurance federation or equivalent; and if he will make a statement on the matter. [34286/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 174 and 183 together.

I have recently received the report of the independent pyrite panel and I am currently considering its content and recommendations in relation to providing options for a resolution for homeowners dealing with pyrite problems.

It is my intention to publish the report shortly, following its consideration by Government.

Motor Taxation

175. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his plans to allow persons pay their motor tax through the post office network; and if he will make a statement on the matter. [34137/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): While the operation of the motor tax system is kept under regular review, I have no plans currently to introduce the collection of motor tax through the post office network. Under existing arrangements, motor tax is payable in person or by post via motor tax offices in twenty nine local authorities. It is also payable online at any time, with some 55% of vehicle owners who are eligible to do so now taxing their vehicles online.

Social and Affordable Housing

176. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the guidance if any he has issued to housing authorities in relation to the allocation of social housing; if all such authorities are required to have a scheme of letting priorities; if the RAS scheme is applied when deciding on allocations; if a housing applicant is entitled to know the number of points that have been applied to their application; and if he will make a statement on the matter. [34145/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Under Section 22 of the Housing (Miscellaneous Provisions) Act 2009 all housing authorities are required to make an allocation scheme (in place of a scheme of letting priorities). The making and amendment of such an allocation scheme for social housing is a reserved function of the elected members of each housing authority. The Social Housing Allocation Regulations 2011, which commenced on 1 May 2011, set out the conditions that housing authorities must take into account when making their allocation schemes. Guidance on the making of allocation schemes and the terms of the legislation has issued both from my Department and the Housing Agency. This guidance is updated regularly and is available on the Housing Agency’s website (www.housing.ie).

The 2009 Act gives legislative recognition to rental accommodation availability agreements as a form of social housing support. Therefore, in accordance with the legislation, allocations of RAS accommodation to applicants on the waiting list, who are in receipt of rent supplement, are provided for as part of the allocation scheme adopted by the housing authority. Section 22(7) of the Act allows for a rent supplement tenant/household on the waiting list who is moving directly into RAS to be dealt with outside the normal prioritisation of the allocation scheme. This would generally be the case where the applicant is moving into RAS with their existing private landlord.

As is the case with all social housing supports, allocation schemes also provide a transfer mechanism to tenants, including RAS tenants, where they wish to move from one type of social housing support to another.

It is a matter for the housing authority to communicate effectively with applicants for social housing support, and I would expect such communication to be conducted in a reasonable manner.

Non-Principal Private Residence Charge

177. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if a couple who both owned houses in 2012 and had each lived in their own house for this full year and got married in March 2012 are liable for the non principal private residence charge on one of these houses in 2012; the reason for same; and if he will make a statement on the matter. [34197/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities by introducing a charge on non-principal private residences. The charge is set at €200 and liability for it falls, in the main, on owners of rental, holiday and vacant properties. The Act places the onus on an owner of a residential property which is situated in the State to assess his or her liability for the charge in the first instance, irrespective of where the person is domiciled.

The Act has a starting position of a universal liability for residential property in respect of the charge. It goes on to exempt certain buildings and owners from this liability, the most important exemption being where a property is occupied by the owner as his or her sole or main residence on the liability date.

Under the Act, an owner of a residential property who is not living in that property as his or her sole or main residence on the liability date of 31 March is liable to pay the NPPR charge by 30 June in each year unless otherwise exempt.

Local Authority Funding

178. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if it has been brought to his attention that he was consulted on the terms of reference for the financial appraisal of Sligo County Council; the reason he did not recommend as part of the terms of reference that the consultants examine, review and assess the performance and competence of the management of the county council; his views that the performance of the management of local authorities should be exempted from such investigations; and if he will make a statement on the matter. [34213/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I refer to the replies to Questions Nos. 864 of 18 April 2012, 273 of 8 May 2012 and 99 of 21 June 2012, and Sligo County Council's decision to engage an independent financial consultant to prepare a report on the financial position of the Council. The report is intended to inform and advise the Council members and management on possible ways forward in dealing with the challenging financial circumstances of the Council.

I understand that the report is to be submitted to the Council later this month.

Local Authority Staff

179. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if he will provide a list of courses funded by local authorities for senior executives in local government: the location at which these courses are held; the cost of these courses; and the number of attendees per council each year; and if he will make a statement on the matter. [34220/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Under section 159 of the Local Government Act 2001, each City and County Manager is responsible for staffing and organisational arrangements necessary for carrying out the functions of the local authorities for which he or she is responsible. Accordingly, the detailed information sought is not available in my Department.

Local Authority Management

180. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government when a city or county manager becomes chairperson of the County and City Managers Association and is obliged to spend a number of days each week carrying out the functions and duties as chairperson of that body, if the local authority compensated for the significant period of time the manager is carrying out the functions and duties of chairperson of the CCMA; and if he will make a statement on the matter. [34224/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The County and City Managers' Association (CCMA) is the organisation through which senior managers in local government provide sectoral leadership across business and programme areas. The CCMA works closely with Government Departments and other key stakeholders to engage on and to advance key public service delivery issues. The operation of the CCMA, as such, and duties of its Chairperson, in this context, are a matter for local authorities.

Local Authority Staff

181. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government the number of requests received from Dublin City Council for permission to employ additional staff in the years 2009, 2010, 2011 and to date in 2012; the number of

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these requests that have been approved, pending or refused in each of these years; and if he will make a statement on the matter. [34236/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

The moratorium on recruitment and promotion in the public service was introduced in March 2009 in response to the financial crisis. My Department operates a delegated sanction from the Department of Public Expenditure and Reform for implementation of the moratorium in relation to local authorities, and any exceptions to the moratorium in local authorities require sanction from my Department.

Under section 159 of the Local Government Act 2001, each City and County Manager is responsible for staffing and organisational arrangements necessary for carrying out the functions of the local authorities for which he or she is responsible. In this regard, it is a matter for City and County Managers, in the first instance, to ensure that the moratorium is implemented while the appropriate service levels are maintained.

My Department examines all staffing sanction requests on a case by case basis having due regard to the continued delivery of key services in the context of staffing and budgetary constraints. In considering sanction requests public safety, maintaining key front line services and economic issues are given precedence.

The information requested in respect of Dublin City Council staffing requests is set out in the table below. In the period since December 2008 Dublin City Councils staff numbers have reduced by 1,067.1 (15.4%) WTE from 6,931.5 to 5,864.4.

Dublin City Council Staffing Requests	2009	2010	2011	2012
Received	1	167	59	63
Approved	1	167	53	11
Pending	0	0	0	52
Refused	0	0	5	0
Withdrawn	0	0	1	0

Social and Affordable Housing

182. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which voluntary housing associations to whom responsibilities have been devolved in respect of housing developments provided by the State under the capital allowance or other schemes are subject to regulation and audit; if such schemes have access to funding from the State on an annual basis; the purpose of such funding; the extent to which such organisations hold funds on deposit; if such organisations might be deemed to be in competition with potential first time homebuyers on the housing market; if any specific or new regulations or guidelines are proposed in respect of this sector; and if he will make a statement on the matter. [34285/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): The Government’s Housing Policy Statement, published in June 2011, identifies approved housing bodies (AHBs) as key partners in the delivery of social housing. This recognises both the constrained funding levels available for local authority construction programmes and the capacity and track-record of the voluntary and cooperative housing sector.

The sector is a significant provider of social housing for persons with specific categories of need. The Capital Assistance Scheme (CAS) has provided a significant proportion of the capital for the provision of these units within the overall funding available for my Department's Social Housing Investment Programme.

Section 6 of the Housing (Miscellaneous Provisions) Act, 1992, enables housing authorities to provide assistance to approved housing bodies in respect of the provision of housing. Departmental funding is only available to those bodies that have been granted approved status for the provision of housing. In this context, my Department's Memorandum VHU: 2/02 of May 2002 provides guidance to approved housing bodies in relation to governance procedures and the capital funding schemes.

Under CAS, funding of up to 100% of the approved cost is available to approved housing bodies for the provision of accommodation for older people, people with an intellectual, physical or mental health disability, the homeless, returning emigrants and victims of domestic violence. The administration of the scheme, including the detailed appraisal of new projects and the certification that proposals comply with the terms and conditions of the scheme, is the responsibility of the relevant housing authority.

Funding is allocated to housing authorities on an annual basis under the Social Housing Investment Programme and includes a provision to meet existing commitments for projects that are underway under CAS.

The move from capital funded programmes of construction and acquisition by approved housing bodies to more revenue funded options presents challenges for them. As such, I intend to develop an enabling regulatory framework for the sector that will provide support and assurance both to the sector itself and to its external partners as it takes on the expanded role envisaged for it in the policy statement and to underline its status as a viable and attractive investment opportunity for financial institutions.

I will develop this framework in consultation with the sector but I expect that it will:

- assist approved housing bodies to develop key governance and management structures to facilitate an expanded remit;
- provide independent scrutiny and validation of such bodies' competences; and
- place sustainable housing management policies and practices at the heart of a coordinated approach to the development of the sector.

The development of such a regulatory framework which is both robust and harmonised with the varying capacities of individual AHBs will take some time. In the interim my Department is actively working with the sector on the development of a voluntary code which I expect most bodies will endorse. This code, which should be finalised and agreed in the coming weeks, will serve as a learning opportunity for the sector and for my Department as we develop a longer-term statutory framework that will best support the enhanced role of AHBs.

I expect that the code will set out, inter alia, key basic principles of good governance and financial management and also the range of reporting obligations that currently apply to the sector.

Question No. 183 answered with Question No. 174.

Property Services Regulation

184. **Deputy Ciarán Lynch** asked the Minister for Justice and Equality when the proposed

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modifications to sections 87 and 88 of the Property Services Regulation Act 2011 making the dissemination of false or misleading lease information an offence will be implemented; and if he will make a statement on the matter. [34069/12]

Minister for Justice and Equality (Deputy Alan Shatter): Part 12 of the Property Services (Regulation) Act 2011, which includes Sections 87 and 88, came into operation on 3 April 2012 (S.I. No. 112 of 2012 refers). Section 94 of the Act deals with general offences and, among other matters, specifies that it is an offence to give false or misleading information to the Property Services Regulatory Authority. That provision has been in operation in its entirety since 6 July 2012 (S.I. No. 198 of 2012 refers). I have no proposals to modify sections 87 and 88 of the Act at this time.

Crime Prevention

185. **Deputy Regina Doherty** asked the Minister for Justice and Equality in view of ongoing vandalism and criminal activity if he will consider a review of the regulation of the scrap metal industry; and if he will make a statement on the matter. [34101/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed that An Garda Síochána is very much aware of the increase in the theft of metal and is targeting such crime, and burglaries and theft related crimes generally, through a number of policing initiatives.

The Garda response is also informed by its work with the metal theft forum which draws together a range of key stakeholders affected by this sort of crime. I am informed by the Garda authorities that the drafting of a Metal Theft Crime Prevention and Reduction Plan is at an advanced stage and that this work is proceeding in consultation with the stakeholders represented on the metal theft forum. I look forward to the outcome of this process and will study any Garda recommendations concerning regulation, in conjunction with all stakeholders and relevant Departments.

Consideration of such recommendations will also need to have regard to the issues arising from the report on the Cash for Gold trade which was prepared by my Department. I have requested the Joint Oireachtas Committee on Justice, Equality and Defence to consider the content of that report and that it consider holding hearings on the issues raised and obtains the views of all relevant interested parties.

In addition, I can also inform the Deputy that my colleague the Minister for the Environment, Community and Local Government is examining waste licensing and permitting legislation to ensure all necessary provisions are in place to avoid situations that might be exploited by criminals. In this regard I understand that draft regulations are in preparation in consultation with relevant stakeholders.

The Garda operational response is ongoing and taking place in parallel to the formal development of the Metal Theft Crime Prevention and Reduction plan. I am informed that the plan is expected to be available shortly. I am confident that the Gardaí are doing everything they can to progress this complex matter, in consultation with the other stakeholders, so as to ensure a properly considered and strategic response.

Road Traffic Offences

186. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if the necessary arrangements are now in place in every court to ensure that summonses issued from 16 May 2012 onwards have been amended to advise persons charged with an offence under the Road Traffic Acts to bring their driving licence and a copy of the licence to court with them; if he

will confirm that court clerks are now recording the details of licence and the details of the licence or permit and that the copy of the licence or permit have been produced as is law now since October 2011; if same is not taking place in every court, the deadline for the full closure of this loophole; and if he will make a statement on the matter. [34151/12]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that the Courts Service has confirmed that the necessary arrangements are in place to ensure that summonses issued since 16 May 2012 include wording to advise persons charged with an offence under the Road Traffic Acts to bring their driving licence with them, together with a photocopy of the licence, when they are attending court.

As the Deputy is aware the courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions and the conduct of proceedings within the courtroom is a matter for the presiding judge. However, the Service has confirmed that all judges of the District Court have been asked to facilitate arrangements for the collection and recording of driving licence details where a driving licence or copy thereof is produced to the court. The Service has also indicated that the Court Registrar will record details of the licence to facilitate the application of the appropriate penalty points. Legislation in relation to the Road Traffic Acts is, of course, a matter for my colleague, the Minister for Transport, Tourism and Sport.

Road Traffic Legislation

187. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report on all of the reported administration and technical issues experienced by the courts and the Gardaí including any necessary changes to IT systems in relation to the implementation of section 54 of the 2010 Road Traffic Act; if all of these issues have now been resolved; if so, if he will now commence section 54 of that act; and if he will make a statement on the matter. [34152/12]

Minister for Justice and Equality (Deputy Alan Shatter): As road traffic legislation is the responsibility of my colleague the Minister for Transport, Tourism and Sport, the question of the commencement of section 54 of the Road Traffic Act 2010 is a matter for consideration by him. As with any changes to the fixed charge system, technical and administrative measures have to be addressed to facilitate their introduction. I am informed by an An Garda Síochána that they will work with the Department of Transport, Tourism and Sport and the Courts Service to ensure that appropriate systems and mechanisms are in place to facilitate any planned commencement of section 54 of the Act.

Garda Investigations

188. **Deputy Denis Naughten** asked the Minister for Justice and Equality further to Parliamentary Question No 8 of 20 June 2012, if the Garda Commissioner has received the final report from the gardaí carrying out the examination; if he has received an update from the Commissioner; if he has received a final report on the examination from the Commissioner, and if not, when he expects to receive this report; and if he will make a statement on the matter. [34184/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the review of the case in question is not yet finalised and that a number of matters remain outstanding. I expect to receive an update from the Garda Commissioner when these are finalised. As I indicated in my reply to the Deputy's question on 20 June, I am very aware of the concerns which have been expressed about this case, but feel it is important in the first

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instance that we allow the present Garda examination to proceed to a conclusion. Upon receipt of Commissioner's report I will then review the situation.

Coroners Service

189. **Deputy Joan Collins** asked the Minister for Justice and Equality the sum of money Sligo County Council is required to provide to cover the cost of the operation of morgue and coroner expenses in the current year; and if he will make a statement on the matter. [34189/12]

Minister for Justice and Equality (Deputy Alan Shatter): The procedures for preparing a budget by a local authority are set out in the Local Government Act 2001. I have no function in that process, which is reserved under the Act to members of the local authority concerned. As I explained in my answer to Question No. 31793/12 on 3 July 2012, the relevant Statutory Instrument (No. 155 of 2009) sets out on a statutory basis the various fees and expenses which are payable by a local authority in relation to the coroner service. I understand that the local authority in question is aware of its statutory obligations in relation to this service.

Garda Strength

190. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of gardaí by rank in the Traffic Corps stationed at a location (details supplied) in Dublin 9; the number of marked and unmarked traffic cars, jeeps, motorbikes allocated to the unit; and if he will make a statement on the matter. [34230/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that as of 31 May 2012, the latest date for which figures are readily available, the personnel strength of the Traffic Corps in the Dublin Metropolitan Region North was 20. The Garda Traffic Corps is a Divisional Unit and not a Station Unit.

The information in relation to the number of marked and unmarked traffic cars, jeeps, motorbikes allocated to DMR North Traffic Unit is as shown in the following table:

Cars		Motorbikes	4x4	Total
Marked	Unmarked	Marked	Marked	
1	2	4	2	9

While Garda vehicles may be designated as Traffic Corps vehicles by reason of their livery, all Garda vehicles are required to engage in traffic policing as part of their routine duties. Similarly, Traffic Corps vehicles are also engaged in policing duties rather than being exclusively reserved for traffic duties.

The allocation of Garda vehicles is monitored and reviewed on a continual basis. The responsibility for the efficient deployment of all official Garda vehicles in each Division is assigned to the Divisional Officer, who may allocate vehicles between Stations as required by operational circumstances.

Garda Transport

191. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of marked and unmarked Garda cars and vans allocated to each station in the Dublin region; and if he will make a statement on the matter. [34231/12]

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 and stations in the light of operational requirements.

I am informed by the Garda authorities that, on the basis of the information readily available, the number of Garda vehicles assigned to the Districts in the Dublin Region on 1st July 2012 was as set out in the table below:

DMR	CARS		VANS		TOTAL
DISTRICT	MARKED	UNMARKED	MARKED	UNMARKED	
BALBRIGGAN	4	4	2	0	10
BALLYMUN	7	24	13	5	49
BLACKROCK	9	9	1	1	20
BLANCHARDSTOWN	11	34	4	1	50
BRIDEWELL	2	6	3	0	11
CLONDALKIN	6	15	2	3	26
COOLOCK	6	20	3	0	29
CRUMLIN	4	16	3	3	26
DMR TRAFFIC	11	10	2	2	25
DONNYBROOK	4	6	2	3	15
DUNLAOGHAIRE	6	9	6	2	23
FITZGIBBON ST	4	16	4	0	24
KEVIN STREET	7	10	3	1	21
LUCAN	5	13	5	2	25
PEARSE STREET	6	18	2	1	27
RAHENY	4	12	2	0	18
STORE STREET	4	18	3	1	26
TALLAGHT	8	15	4	1	28
TERENURE	3	10	1	0	14

Garda Resources

192. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the additional resources being allocated to Dublin city centre to deal with the increase in the number of serious assaults on persons over the past few months; and if he will make a statement on the matter. [34232/12]

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.

In this regard, I am informed by the Garda authorities that policing measures are in place to address the concerns raised by the Deputy. These include the designation of certain areas

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as hotspots for criminality and additional high visibility patrols being directed by local Garda management. In particular, a high visibility policing initiative has recently been reintroduced by Assistant Commissioner Dublin Metropolitan Region, including within the Dublin city catchment area. Dedicated high visibility patrols are conducted in key thoroughfares at strategic times, as dictated by crime trends and foot fall for these areas. These measures will be subject to close monitoring by local Garda management and will be continually reviewed to ensure they target prevailing trends.

The Gardaí also make effective use of CCTV in the city centre, with 44 CCTV cameras, monitored by Garda personnel from the Garda Camera Office on O'Connell Street, and a further 33 CCTV cameras monitored from Pearse Street Garda Station on a 24 hour basis. CCTV systems have proved to be of significant assistance in the prevention and detection of incidents of crime since their initial introduction.

I am further informed that situation is being kept under ongoing review and I can assure the Deputy that I am in regular contact with the Garda Commissioner with a view to ensuring that our streets are safe for all our citizens.

Naturalisation Applications

193. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of eligibility for naturalisation in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [34269/12]

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 December, 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.

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.

194. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the remaining procedure to be followed in respect of an application for naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [34270/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that applications for a certificate of naturalisation were received from the persons referred to by the Deputy in October, 2010.

Section 15 of the Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister may, in his absolute discretion, grant a certificate of naturalisation provided certain statutory conditions are fulfilled. One such condition is that the applicant intends in good faith to continue to reside in the State after naturalisation.

As the persons referred to by the Deputy swore on their application forms that they did not intend to reside in the State after naturalisation, it was considered that they did not comply with this condition. Consequently, the applications were deemed ineligible.

Further applications were submitted by the persons referred to in April 2012. As the required application fees were not included with the application forms, they were returned in their entirety to the applicants. To date no new applications have been received from any of the persons referred to.

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195. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current position and progress made to date and further requirement if any in the determination of eligibility of naturalisation in the case of a person (details supplied) in Dublin 18; and if he will make a statement on the matter. [34271/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received from the person referred to by the Deputy in April, 2011.

The application is now at an advanced stage of processing and the applicant will be informed of my decision as soon 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.

196. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if consideration might be given for the review of application for naturalisation in the case of persons (details supplied) who were deemed to have been four days short of Stamp 4 approved residency which occurred during house-moving, and a further ten days short of qualification which was due to delay in obtaining national passports, both events over which the applications had no control and who were at all times resident within the state and compliant with all regulations [34272/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that on examination of the applications submitted it was determined that the persons in question did not meet the statutory residency requirements as set out in the Irish Nationality and Citizenship Act 1956, as amended. The persons concerned were informed of this in letters issued to them on 5 June, 2012.

Applicants for a certificate of naturalisation are required to provide evidence that they were resident for the periods of time set out in the Act and that they had the permission of the Minister to remain in the State for the prescribed period. Periods of residence for which an applicant does not have permission of the Minister are not reckonable for the purpose of satisfying the residency requirements.

Applicants for naturalisation must fill in the prescribed application form and swear in their statutory declaration that the particulars in the application form are true. One section of the application form relates to residency permissions. In that section of the form, the statutory residency requirements are clearly set out and applicants are referred to the online residency checker before the applicants are required to set out their residence permissions in tabular format on the form itself.

It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956 as amended. The on-line Naturalisation Residency Calculator available on the INIS web-site at www.inis.gov.ie can be used as a guide to whether an individual satisfies the naturalisation residency conditions and, if not, give an indication of how long they should wait before making an application.

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.

Residency Permits

197. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate notwithstanding his replies to previous Parliamentary Questions, if he has had sight of further and detailed submissions made in the past three months by persons (details supplied) in County Kildare wherein they set out a new case for temporary extension of residency while awaiting decision in regard to permanency thereby greatly alleviating the serious anxiety and suffering caused by the family's vulnerability at present; if he will use his absolute discretion to grant the facility on immediate humanitarian grounds; and if he will make a statement on the matter. [34273/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Irish Naturalisation and Immigration Service (INIS) that the position is unchanged since the Deputy's pre-

vious Parliamentary Questions. The Deputy should note that the persons concerned cases are actively under consideration. All representations submitted by the persons concerned 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 persons 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.

Naturalisation Applications

198. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected position in the determination of naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [34274/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's question.

It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956 as amended. The on-line Naturalisation Residency Calculator available on the INIS web-site at www.inis.gov.ie can be used as a guide to whether an individual satisfies the naturalisation residency conditions and, if not, give an indication of how long they should wait before making an application.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

199. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date and the expected outcome in the determination of naturalisation in the case of a person (details supplied) in County Kildare whose spouse has already been granted citizenship; and if he will make a statement on the matter. [34368/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in August, 2010.

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.

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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.

Air Ambulance Service

200. **Deputy Nicky McFadden** asked the Minister for Defence if the emergency air ambulance service, originally operating from Custume Barracks, Athlone, County Westmeath will return to the barracks; and if he will make a statement on the matter. [34039/12]

201. **Deputy Denis Naughten** asked the Minister for Defence further to the topical issue of 20 June 2012 if he has received a report regarding the cause of the accident the implications, if any, for the operation of the service; the reason the interim service is operating out of Baldonnell aerodrome and when it is planned to re-establish the service in Athlone, County Westmeath; and if he will make a statement on the matter. [34183/12]

Minister for Defence (Deputy Alan Shatter): I propose to take Questions Nos. 200 and 201 together.

A heavy landing incident involving the Emergency Aeromedical Service (EAS) helicopter occurred on 19th June 2012. The Air Accident Investigation Unit in the Department of Transport, Tourism and Sport is leading an investigation into the incident and this investigation is ongoing.

On 3 July 2012, the Air Corps resumed the EAS service using an AW 139 aircraft operating out of Casement Aerodrome, Baldonnell. At this stage, it is not possible to say when the service will resume from Custume Barracks, Athlone. The Air Corps will keep the situation under review having regard to its operational commitments.

Defence Forces Allowances

202. **Deputy Sean Fleming** asked the Minister for Defence if the Border duty allowance is still in existence; the number of persons currently in receipt of this; the rate of the allowance; the estimated cost for 2012; and if he will make a statement on the matter. [34227/12]

Minister for Defence (Deputy Alan Shatter): Border Duty Allowance was introduced in January 1972 and is still in existence. It is payable at the rate of €96.23 per week to Enlisted Personnel and €111.97 per week to Officers. The Department sought to cease payment of this allowance under the modernisation agenda contained in the "Towards 2016" Defence Sector Action Plan. Following disagreement between the Department and the Representative Associations this issue went to third party Adjudication. The Adjudicator found in favour of the Association and ruled that the allowance should be retained on a personal to holder basis for those who were in receipt of it on the 3rd February 2009. There have been no new recipients since this date and the allowance is being phased out as current holders retire or leave the Defence Forces. There are currently 796 personnel in receipt of Border Duty Allowance (763

Enlisted Personnel and 33 Officers). Based on current recipients the cost of Border Duty Allowance for 2012 is estimated at €4 million. As the Deputy is aware the Department of Public Expenditure and Reform is undertaking a review of allowances and premium payments across the public sector. I understand that Minister Howlin will bring proposals to Government shortly on this issue.

Single Payment Scheme

203. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a 1% single farm payment penalty in respect of a person (details supplied) in County Kerry will be reconsidered in view of the financial difficulty that this will cause the person and the relatively minor nature of the non compliance issue; and if he will make a statement on the matter. [34085/12]

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 14th of April 2010.

This application was selected for a Cross Compliance/Ground Eligibility inspection.

During the course of the Cross Compliance inspection breaches were recorded relating to a bovine herd register, bovine passport, incomplete flock register and missing sheep dispatch dockets that resulted in an overall Cross Compliance penalty of 1% being recorded.

During the course of the Eligibility inspection, deductions due to scrub and ineligible areas led to a claimed area of 75.51ha being reduced to a payable area of 73.72ha. As the difference between the area found and the area claimed was 1.79ha no further penalty would apply.

The person named was informed of this decision and of his right to seek a review. Such a request was submitted and the review of the Eligibility inspection resulted in the payable area being increased to 74.98ha. Any monies owing to the person named as a result of this decision will be processed as soon as possible. The 1% Cross Compliance penalty was also reviewed and the decision was that the original penalty be upheld. The person named was informed of this decision and of his right to appeal the outcome of to the Independent Agriculture Appeals office, to date no such appeal has been lodged.

Severe Weather Events

204. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine in view of the crisis in the farming community due to the high level of rainfall during the summer months that has resulted in only 1/3 of the silage harvest cut and saved his contingency plans or proposals to assist the farming sector at this difficult time; and if he will make a statement on the matter. [34141/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am fully aware of the impact of the very difficult weather conditions of recent weeks on farmers and of the potential impact on farm incomes. I have sought EU approval for the advance payment of the 2012 Single Payment Scheme. If approved, this will enable payment to issue immediately following 15 October and will represent early payment of substantial funding to farmers. The submission has already issued to the Commission and my aim is to obtain an early response.

I also fully appreciate the value and importance of the other scheme payments to farmers and I remain committed to ensuring that the maximum numbers are paid at the earliest possible date, mindful, of course, of the over-riding necessity to ensure compliance with the governing EU requirements. REPS payments in respect of 2011 are up to date and AEOS payments are

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well advanced and continue to issue as quickly as possible. My intention is to ensure that payments in respect of 2012 which are due later in the year are brought forward to the earliest possible date.

Insofar as farm inspections are concerned, the number of such inspections is prescribed in EU regulations. The Department's inspection staff are trained to ensure all scheme requirements and obligations are met by the applicants inspected and will take into consideration the difficult management conditions on the ground, provided the applicant is making every effort to keep damage liability to a minimum as a result of the continuous high rainfall over the last number of weeks. Finally, I am aware that Teagasc held clinics in all their local offices on Friday 6 July, for farmers seeking individual advice on addressing problems created by the current adverse weather conditions.

Ferry Services

205. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine in view of the fact that the cable car providing a link to the Dursey Island in West Cork, no longer takes animal livestock in the interest of health and safety and the ferry service is not a reliable and practical option, farmers are now in the situation of not being able to ferry their animals over and back at a time that they wish, his plans to provide financial assistance to alleviate this problem; and if he will make a statement on the matter. [34179/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): All matters associated with the operation of the cable car to Dursey Island are the responsibility of Cork County Council. Cork County Council engaged consulting engineers to carry out studies on the cable following which the transportation of all animals by cable car to and from Dursey Island ceased from 30th January 2012. I have no plans to provide financial assistance for the transport of animals to and from Dursey Island.

Severe Weather Events

206. **Deputy Jerry Buttimer** asked the Minister for Agriculture, Food and the Marine in view of one of the wettest summers on record, leading to crop failure, poor grazing conditions and reduced milk production, the measures being taken by his Department to assist farmers; and if he will make a statement on the matter. [34215/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am fully aware of the impact of the very difficult weather conditions of recent weeks on farmers and of the potential impact on farm incomes. I have sought EU approval for the advance payment of the 2012 Single Payment Scheme. If approved, this will enable payment to issue immediately following 15 October and will represent early payment of substantial funding to farmers. The submission has already issued to the Commission and my aim is to obtain an early response.

I also fully appreciate the value and importance of the other scheme payments to farmers and I remain committed to ensuring that the maximum numbers are paid at the earliest possible date, mindful, of course, of the over-riding necessity to ensure compliance with the governing EU requirements. REPS payments in respect of 2011 are up to date and AEOS payments are well advanced and continue to issue as quickly as possible. My intention is to ensure that payments in respect of 2012 which are due later in the year are brought forward to the earliest possible date.

Insofar as farm inspections are concerned, the number of such inspections is prescribed in EU regulations. The Department's inspection staff are trained to ensure all scheme require-

ments and obligations are met by the applicants inspected and will take into consideration the difficult management conditions on the ground, provided the applicant is making every effort to keep damage liability to a minimum as a result of the continuous high rainfall over the last number of weeks. Finally, I am aware that Teagasc held clinics in all their local offices on Friday 6 July, for farmers seeking individual advice on addressing problems created by the current adverse weather conditions.

Agri-Environment Options Scheme

207. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the position regarding payment under the agri environment options scheme in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [34287/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The applicant was approved for participation in the Agri-Environment Options Scheme with effect from the 1st September 2010 and full payment totalling €482.65 issued in respect of 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.

Payment in respect of the 2011 scheme year is subject to an administrative checking process which includes verification of capital investment claims through checks on receipts. A claim for reimbursement for non-productive capital investment was received by my Department and there are a number of issues which need to be addressed before the claim can be processed further. My Department issued a letter on 10th July 2012 to the person named with regard to these issues. Upon receipt of a satisfactory response to the issues the application will be processed further.

208. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which agri environment options scheme payments have been made to date and are likely to continue in the future in view of the high dependability on such payments in the farming sectors; and if he will make a statement on the matter. [34288/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Under the EU Regulations governing the Agri-environment Options Scheme (AEOS) 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. Payments for the AEOS 2010 scheme in respect of 2010 are nearly completed. A total of €6.756m has been paid to date. A further €22,039m has been paid out in respect of the 2011 scheme year. All applications which have cleared the administrative checking process have been paid. The majority of issues arising on unpaid cases relate to invalid capital investment claim details submitted by applicants. Officials in my Department are clearing outstanding queries on an ongoing basis and payments will continue as outstanding queries are resolved.

Payments under the AEOS 2011 scheme are also subject to the comprehensive administrative checks. This process has now been completed and I expect payments to commence shortly. Every effort is being made to ensure that participants receive their initial payments under the scheme as quickly as possible. In the event of any queries arising from these checks my Department will be in direct contact with the applicants concerned as soon as possible. I am, of course, conscious of the importance of such payments to the farming sector and accordingly I have

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allocated additional resources to ensuring that outstanding payments issue as soon as possible. Payment in respect of the 2012 scheme years will commence later in the year.

Agri-Environment Options Scheme Conditions

209. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if he is hopeful that he can achieve an improvement in the agri environment options 3 scheme having particular regard to the extent to which the farming community must continue to rely on such a scheme; and if he will make a statement on the matter. [34289/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am aware of the importance of agri environment payments to the agriculture sector and am actively considering the possibility of re-opening the Agri-Environment Options Scheme (AEOS) to allow for the submission of applications either on an amended basis from the existing scheme and/or on a limited scale, including the possibility of re-opening for applications later in the year. The full year cost of any new scheme will have to be met in 2013 and any decision to re-open AEOS will be taken in the context of consideration of the resources available and the need to remain within the agreed expenditure ceiling for my Department in 2013. I will make an announcement as soon as I have reached a decision on the situation.

Rural Environment Protection Scheme

210. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the difficulty created by down-sizing of the REP scheme having particular regard to the fact that many farmers has made medium term budgetary plans which have now fallen into disorder; if he will examine the full extent of the cohort of farmers in this category with a view to resolution; and if he will make a statement on the matter. [34290/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Rural Environment Protection Scheme covers a five year contract period and annual payments continue to be made to approximately 30,000 participants who remain in the Scheme. I am, of course, conscious of the importance of agri environment payments to farmers and I re-opened the Agri-environment Options Scheme (AEOS) 2011 despite the serious budgetary pressures and constraints facing my Department. I am actively considering the possibility of re-opening AEOS this year to allow for the submission of applications either on an amended basis from the existing scheme and/or on a limited scale. The full year cost of any new scheme will have to be met in 2013 and any decision to re-open AEOS will be taken in the context of consideration of the resources available and the need to remain within the agreed expenditure ceiling for my Department in 2013. I will make an announcement as soon as I have reached a decision on the situation.

Agri-Environment Options Scheme Conditions

211. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if he has received submissions from the Irish Farmers' Association regarding alternative proposals in respect of improvements in the agri environment options 3 scheme; if he has examined the potential and possible benefit to the economy in the context of these proposals with a view to implementation; and if he will make a statement on the matter. [34291/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I have received a number of representation regarding the reopening of the Agri-Environment Options Scheme (AEOS) in 2012 including submissions from the Irish Farmers Association. My own and the

Government's on-going commitment to agri-environmental schemes are evident in the funding of €243m which has been provided to meet commitments under Rural Environment Protection Scheme (REPS) and AEOS in 2012. The commitment is also clear from the fact that despite serious budgetary pressures, I re-opened the AEOS to new entrants last year. Due to the on-going situation in the national finances, strict budgetary constraints remain in place and, as a result, management of the limited resources represents a very challenging situation involving difficult choices.

Nevertheless, I have examined the various submissions submitted to me and I am actively considering the possibility of re-opening AEOS to allow for the submission of applications either on an amended basis from the existing scheme and/or on a limited scale, including the possibility of re-opening for applications later in the year. I will make an announcement as soon as I have made my decision.

Animal Welfare Issues

212. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if he has had any discussions with the banking sector in respect of finance and the local authorities in respect of development arising from animal welfare legislation coming into force in January 2013 which imposes extra costs on producers; if he has been in a position to obtain agreement to the effect that adequate funding will be made available from the lending sectors to meet such requirements and that the building extensions requirements remain reasonable in terms of timescale and levy impositions in difficult economic times when the national economy has become more dependent on the agricultural sector; and if he will make a statement on the matter. [34292/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The pig sector remains the third largest individual component of the agri-food sector, with production, prices and exports all growing significantly during 2011. This growth has continued during 2012 with prices for example, over 6% ahead year-on-year. The industry faces a number of challenges in the short and medium term and my Department will continue to assist the sector to resolve these issues.

New EU Animal Welfare rules set down new standards in relation to the housing of sows and these are due to come into force on 1st January 2013. A significant number of producers have undertaken the necessary work required in order to upgrade their facilities in order to comply with the new rules. In March 2012, Teagasc estimated that approximately 36% of pig units, housing some 44% of the sow population are presently compliant with the provisions. I have been clear in my view that a fully compliant pig sector is an essential regulatory and competitive requirement with effect from 1st January 2013.

My Department is in regular contact with banking representatives and has highlighted the particular needs of the pig sector, both for investment finance, in order to meet the new sow housing requirements, and for working capital. One of the main banks has recently launched a €250 million agri investment programme and I am hopeful of similar initiatives from other lenders in the near future. It is of course important that those seeking credit present a suitable business case with detailed cash flow projections. In this context the Department also facilitated contacts between Teagasc and the Banking sector to encourage seminars and training in relation to credit application. Any farming enterprises that feel they have not been treated fairly in relation to access to credit also have recourse to the Credit Review Office, who will review their case.

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In relation to planning it is a matter for each local authority to consider applications for sow housing developments on a case by case basis. I understand that planning authorities are processing such applications and are aware of the 1st January, 2013 deadline.

Finally, I have recently announced a number of enhancements to the Sow Welfare Scheme which will assist farmers in completing necessary investment works, and in negotiating investment finance with banks. The investment ceiling has been increased to €500,000 per pig producer for the first sow house. In addition, an investment ceiling of €300,000 will now be available for each of the next three houses. The maximum grant rate of 40% of investment remains unchanged. I have provided a total of €13 million for this scheme with €4 million already committed and I welcome applications from pig producers for this funding. The closing date for applications is 31st October 2012.

Food Industry

213. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if he is confident that he can ensure the continued economic environment in the agri food producing sector with particular reference to the need to meet the requirements of the 2020 proposals; and if he will make a statement on the matter. [34293/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Food Harvest 2020 (FH2020) is the high-level strategic policy document for the development of the agriculture, food, fisheries and forestry sector for the next decade. Its implementation, as well as the parallel negotiations at EU level to ensure an appropriate CAP policy and EU Budget framework post 2013 are the steps which I am pursuing to ensure the continued economic environment of the agri-food sector.

I oversee the coordination of the state contribution to FH 2020 in conjunction with representatives from Bord Bia, Teagasc, Bord Iascaigh Mhara, Enterprise Ireland, the Environmental Protection Agency, the Department of Public Expenditure and Reform and my own Department. There is also regular engagement with various private sector groups which have a key role in developing the sector. Details of progress made on FH2020 are contained in the Food Harvest 2020 Milestones for Success report, see web link following. I anticipate that the 2nd progress report will be available next month. <http://www.agriculture.gov.ie/media/migration/publications/2011/FoodHarvestProgressReport260711.pdf>.

At European level, the future shape of the Common Agricultural Policy will be a key driver for the continued viability of family farms. In this respect I am pleased that the EU Commission's proposals for reform of the CAP are predicated on the principles of ensuring viable food production, sustainable management of natural resources and climate action as well as balanced territorial development. There is good support among my colleagues in the EU Council of Agriculture Ministers for these objectives and I would be confident that, notwithstanding differences about the details, future EU agricultural policy will recognise and reward the important contribution of the agri-food sector to economic recovery and growth and to sustainable development.

Departmental Expenditure

214. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if he will indicate notwithstanding financial restraints imposed on his Department due to economic circumstances on an annual basis in each of the past four years to date in 2012; if he will retain sufficient budget support and structures in place in 2013 in view of the degree to which

the agri food sector has become the focus in economic revival; and if he will make a statement on the matter. [34294/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): All Departments have been allocated expenditure ceilings for the period 2012-2014 under Medium-Term Expenditure Framework which was introduced by the Government in the Comprehensive Expenditure Report. The report outlines the Government's plan for a return to sustainable growth in the economy and sets out in some detail the measures that will be taken to put the national finances in order including annual public expenditure and revenue targets for the period.

Against this background and the on-going difficulties in the public finances, it is my intention that the Exchequer resources available to my Department will be managed over the next few years to provide the optimum benefit to economic activity in the agricultural, food, fisheries and forestry sectors and to realising the potential which clearly exists for the sectors to contribute to the national economic recovery. In addition to the normal annual Voted Exchequer resources, my Department is responsible for the payment of approximately €1.3 billion of EU funds, most of which relates to the Single Payment Scheme which represents a major injection of funding into the rural economy. Regardless of the current financial pressures, I am also committed to ensuring the most effective and efficient service delivery by my Department and to realising value for money for the substantial funding which is provided in support the sectors.

Departmental Reports

215. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if any study has been carried out by his Department into farm operational costs with particular reference to the need to ensure maximum cost effectiveness in the on going economic situation; and if he will make a statement on the matter. [34295/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department does not conduct studies into farm operational costs. However, as part of its National Farm Survey programme, Teagasc conducts an annual survey, using a nationally representative sample on over 1,000 farms, to monitor farm outputs, costs and incomes. The results of the 2010 survey are shown in the attached link, while the output from the 2011 survey will be available later this year: <http://www.teagasc.ie/publications/2011/1016/NFS10.pdf>. In addition, Teagasc operate Profit Monitors to help farmers measure the profitability of their farming enterprise and to analyse the financial performance of the farming business. These tools allow farmers to easily identify input costs that are higher than average or output sales that are below average and to take the necessary corrective action.

Agrifood Sector

216. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if he is satisfied regarding the future viability of existing farm enterprises including the need to retain supports through the common agricultural policy in order to preserve the integrity and independence of the agri food sector in this country and throughout Europe particularly in the present economic climate; and if he will make a statement on the matter. [34296/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The CAP remains of crucial importance to preserve the integrity of the agri-food sector in Ireland and throughout the EU. It provides the framework within which the sustainable development of a competitive and efficient agricultural sector is pursued, as well as the resources to assist in its achievement. In this way the CAP makes a vital contribution to economic growth in the EU and to global food security.

[Deputy Simon Coveney.]

The OECD-FAO Agricultural Outlook 2011-2020 highlighted the significant challenges to addressing global food insecurity and the major opportunities for food and agricultural producers arising from the higher average prices projected over the coming decade. It noted that public and private sector investments are required in agricultural research and development, institutions and infrastructure to increase the productivity of the sector and to improve the ability to deal with climate change and resource scarcity. In recognising that volatility will remain a feature of agricultural markets, it said that coherent policies are required to both reduce volatility where possible and to limit its negative impacts. The CAP is such a coherent policy. It has underpinned the ongoing modernisation of the European agriculture sector. In recent years it has become increasingly market-orientated, and increasingly focused on the sustainable development of the agricultural economy. It has also responded to the evolving demands of consumers in relation to the environment and the need to adapt to climate change. In this way the CAP has helped the agriculture sector to become more productive, more competitive and more sustainable while maximising its contribution to the economy.

Foreign Adoptions

217. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the progress made to date regarding the signing of a bilateral agreement between Russia and Ireland to enable adoptions from Russia to recommence; and if she will make a statement on the matter. [34054/12]

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 bilateral 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 Correspondence

218. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 137 of 2 May 2012 when a reply will issue from the Health Service Executive; and if she will make a statement on the matter. [34188/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department will be in correspondence with the Deputy regarding his question this week.

National Lottery Funding

219. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs if he will support an organisation (details supplied) as a matter of priority [34324/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department has no specific funding allocation to provide for bodies such as that referred to by the Deputy. However it is open to organisations working with or providing services to children and young people to apply to my Department for lottery funding. The criteria for lottery funding and the application form are available on my Department's website, *www.dcy.a.ie*.

Hospital Services

220. **Deputy Tom Hayes** asked the Minister for Health when a person (details supplied) in County Tipperary will receive an appointment in Waterford Regional Hospital. [34083/12]

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.

Health Service Allowances

221. **Deputy John O'Mahony** asked the Minister for Health when a decision will be made on an appeal application for a mobility allowance in respect of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [34031/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Health Services

222. **Deputy Ciarán Lynch** asked the Minister for Health when a home care package, already approved, will be provided in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [34032/12]

229. **Deputy Ciarán Lynch** asked the Minister for Health when a home care package, already approved, will be provided for a person (details supplied) in County Cork; and if he will make a statement on the matter. [34088/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 222 and 229 together.

As these are service matters they have been referred to the Health Service Executive for direct reply.

Medical Cards

223. **Deputy Brendan Griffin** asked the Minister for Health if a medical card application will be granted in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [34034/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Service Expenditure

224. **Deputy Tom Fleming** asked the Minister for Health if he will confirm that the €500 million overspend in the health budget will not have an impact on frontline services and patient care; and if he will make a statement on the matter. [34038/12]

240. **Deputy Tom Fleming** asked the Minister for Health if he will confirm that the €500 million overspend in the health budget will not result in further bed closures; and if he will make a statement on the matter. [34176/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 224 and 240 together.

Based on the existing drawdown on its Vote, the Health Service Executive is forecasting a shortfall in Vote terms of €450-€500m, with the Executive indicating that hospital activity, expenditure in the Primary Care Reimbursement Service and higher than planned superannuation costs being the significant factors.

Given the extent of the projected overrun, further cost containment measures will have to be introduced over the course of the rest of the year. My Department has been working closely with the HSE to identify the measures necessary to ensure that it balances its budget and achieves a balanced vote. Following intensive discussions with my Department, HSE senior management has instructed regional management this week that hospital activity must be brought back in line with service plan targets. In addition the HSE must deliver on its other service plan targets at national and regional levels, with a renewed focus on reducing absenteeism, agency costs and overtime. The HSE will also begin putting probity measures in place to achieve more cost-effective and clinically appropriate usage of approved drugs. Management has also instructed the regions to ensure that patient safety and quality issues are addressed when activity levels in hospitals are being aligned to service plan targets.

The HSE will also seek to reduce and eliminate budget deficits while minimising the impact on front line services by fast tracking new, innovative and more efficient ways of using reducing resources. New models of care will be introduced across all services, which will treat patients at the lowest level of complexity and provide quality services at the least possible cost. The roll-out of the National Clinical Care Programmes and Special Delivery Unit initiatives will also deliver greater productivity.

At the beginning of this year, I informed the House that 2012 would be a very challenging year for the health services. The HSE's Service Plan was framed so as to protect frontline services to the greatest extent possible within the resources allocated to it. I believe that if the

HSE successfully addresses the issues I have outlined, the objective of the National Service Plan will be achieved.

Medical Cards

225. **Deputy Heather Humphreys** asked the Minister for Health when a person (details supplied) in County Monaghan will receive their medical card; and if he will make a statement on the matter. [34041/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

226. **Deputy Patrick Nulty** asked the Minister for Health when a child (details supplied) in Dublin 15 will receive speech and language therapy: the reason for the delay in same; and if he will make a statement on the matter. [34056/12]

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.

Services for People with Disabilities

227. **Deputy Dominic Hannigan** asked the Minister for Health if he will consult with end users of disability services before decisions are taken regarding new budgetary decisions that are due to be taken in the next budget; his plans for the PA programme over the next five years; and if he will make a statement on the matter. [34057/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): Pending completion of the national estimates, budgetary and service planning process for 2013 it is not possible to predict the service levels to be provided next year. Personal assistant services are an integral part of the specialist disability services provided by the Health Service Executive. The National Service Plan for this year includes provision for 1.64 million personal assistant/home support hours for over 11,500 people with a disability.

Health Service Allowances

228. **Deputy Kevin Humphreys** asked the Minister for Health when he will revise the mobility allowance in order to render it compliant with the Equal Status Act, in view of the fact that those over 66 cannot currently access this allowance, when will they be able to access this mobility allowance; and if he will make a statement on the matter. [34084/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Department of Health has accepted the Ombudsman's recommendation to review and revise the mobility allowance so as to render it compliant with the Equal Status Acts. The Department also notes that the Ombudsman, in a footnote to her recommendation, expresses no view as to the terms of the revision of the mobility allowance other than the revised scheme should be compliant with the Equal Status Acts. The Department accepts that the mobility allowance cannot continue to operate on the current basis. The Department has pointed out to the Ombudsman that there are a range of potential policy options that need to be considered. Final policy decisions in this regard have yet to be taken.

Question No. 229 answered with Question No. 222.

Nursing Homes Support Scheme

230. **Deputy Willie Penrose** asked the Minister for Health if he will provide an update in relation to the review that has taken place concerning the fair deal scheme; when same will be finalised; and if he will make a statement on the matter. [34095/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): A public consultation process to inform the review of the Nursing Homes Support Scheme commenced on the 14th June. A call for submissions was made in national newspapers and a notice was placed on the Department of Health website. The closing date for receipt of submissions is the 16th July.

When the public consultation process has concluded, the Department of Health will be seeking tenders through the public procurement process for the carrying out of the review. This process takes approximately 4 months. It is anticipated that the review itself will take approximately three months to complete. It is expected that the review will commence in the last quarter of this year and be completed in early 2013.

It is not possible to be more specific about the exact timelines involved at this point. The timeframe for the Request for Tenders being published will be dependent on how many submissions are received and how long it takes to analyse them. Thereafter, the awarding of a contract for the review will depend on how many tenders are received. The more tenders that are received, the longer it will take to evaluate them.

The Terms of Reference for the review of the Nursing Homes Support Scheme are:

Taking account of Government policy, demographic trends and the fiscal situation—

1. To examine the on-going sustainability of the Nursing Homes Support Scheme,
2. To examine the overall cost of long-term residential care in public and private nursing homes and the effectiveness of the current methods of negotiating/setting prices,
3. Having regard to 1. and 2. above, to consider the balance of funding between long-term residential care and community based services,
4. To consider the extension of the scheme to community based services and to other sectors (Disability and Mental Health), and
5. To make recommendations for the future operation and management of the scheme.

As the Scheme is statutory based, the implementation of any recommendations arising from the review may require significant amendments to the Nursing Homes Support Scheme Act 2009.

Medical Cards

231. **Deputy Jack Wall** asked the Minister for Health if a person who has been refused a medical card on appeal can, having now received confirmation from their doctor and consultant of further medical problems seek a review of the appeal decision; if so, if their medical card will still be valid in such circumstances; and if he will make a statement on the matter. [34098/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I have asked the Health Service Executive for a report on the issue raised by the Deputy. I will revert to the Deputy on the matter as soon as possible.

Health Service Allowances

232. **Deputy Bernard J. Durkan** asked the Minister for Health if the full home care package

will be granted in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [34107/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards

233. **Deputy Thomas P. Broughan** asked the Minister for Health the number of medical card applications awaiting a decision on their application; the number that have been waiting for more than two, three, four, five and six months or longer; and if he will make a statement on the matter. [34114/12]

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.

234. **Deputy Thomas P. Broughan** asked the Minister for Health the number of medical card appeal applicants awaiting a decision on their appeals; the number that have been waiting for more than two, three, four, five, six, seven, eight and nine months or longer; and if he will make a statement on the matter. [34115/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

235. **Deputy Clare Daly** asked the Minister for Health if she will address the registration of creative arts therapists to ensure that creative arts therapies are included in the list of professions covered by the Health and Social Care Professionals Act 2005. [34126/12]

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:

[Deputy James Reilly.]

- (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.

Hospital Waiting Lists

236. **Deputy Colm Keaveney** asked the Minister for Health when a person (details supplied) in County Galway will receive a pain clinic appointment in view of the chronic pain this person suffers [34144/12]

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 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 urgent appointment, he/she would be in the best position to take the matter up with the consultant and hospital involved. The GP may also wish to consider referring the patient to the pain clinic in Galway University Hospital.

Ambulance Service

237. **Deputy Paul J. Connaughton** asked the Minister for Health when the ambulance centre in a town (details supplied) in County Galway will open; what the recruitment process will be for the centre; and if he will make a statement on the matter. [34148/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Calorie Posting on Menus

238. **Deputy Michael Healy-Rae** asked the Minister for Health his views on whether the proposal to bring in compulsory accounting of the number of calories in each item of food in hotels, restaurants and so on, at a time when these businesses are struggling to keep their doors open and persons in employment, will add an unbearable financial burden on them as it will

be time consuming, complicated and another layer of bureaucracy and rules for persons to have to abide by; and if he will make a statement on the matter. [34164/12]

Minister for Health (Deputy James Reilly): As Minister for Health I established the Special Action Group on Obesity to advise me on priority actions to tackle overweight and obesity. This Group identified putting calorie information on menus of fast food establishments, restaurants, bars and coffee shops, as one of a range of measures.

Therefore, I have prioritised calorie posting on menus as a key initiative that will have a positive impact in addressing the problem of our rising levels of overweight and obesity, and as a means of educating the general public on the calorie content of food portions. It is a simple concept that will provide consumers with information on calories and facilitate them in make healthier choices, eat smaller portions and enjoy food without over-eating. 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 our obesity crisis and I strongly believe that calorie menu labelling is of a range of actions that offers this potential.

I recognise that the scheme needs to be operated on a voluntary basis initially to allow a period of time for the development of a system, including technical tools, to support the food service sector.

Last week I launched the Food Safety Authority of Ireland's report on their national consultation. I was very encouraged to find that there was an overwhelming demand by consumers (96%) for calorie menu labelling in food outlets, with 89% saying that calories should be displayed beside the price of food and drink items on the menu. I was also encouraged to see that when asked whether calorie labelling should apply to outlets serving alcoholic drinks, 84% of consumers said calorie labelling of alcoholic beverages should apply in these outlets.

The report also indicated that food service businesses themselves were in favour of calorie menu labelling, with nearly three in four food service businesses in favour of calorie menu labelling in food establishments.

However, there is a clear message from the FSAI report and from food business delegations that I have met with, that food service outlets, especially small independent restaurants, need technical support to implement such a scheme in terms of calculating calorie content of the food they sell. I am aware that the potential cost and the time involved in implementing calorie menu labelling are also a concern. Taking these concerns into account, I am considering how best food service businesses can be provided with some assistance in implementing the scheme.

Hospital Services

239. **Deputy Patrick Nulty** asked the Minister for Health if he or the Health Service Executive have received any request from the Neurosurgical Department in Beaumont Hospital, Dublin, to increase bed capacity at any stage within the past five years; his policy in this regard; and if he will make a statement on the matter. [34165/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Question No. 240 answered with Question No. 224.

241. **Deputy Michael Healy-Rae** asked the Minister for Health with regard to the dangers of obesity in Ireland, his views on whether it would make more sense to educate and train young persons regarding the dangers of eating food which is unhealthy for them throughout their school years rather than waiting until they are finished schools and then trying to alert them

[Deputy Michael Healy-Rae.]

to the calories contained in food by forcing the providers and sellers of such food to account for the calorie content on menus; and if he will make a statement on the matter. [34177/12]

Minister for Health (Deputy James Reilly): As Minister for Health I established the Special Action Group on Obesity to advise me on priority actions to tackle overweight and obesity. This Group identified putting calorie information on menus of fast food establishments, restaurants, bars and coffee shops, as one of a range of measures. Therefore, I have prioritised calorie posting on menus as a key initiative that will have a positive impact in addressing the problem of our rising levels of overweight and obesity, and as a means of educating the general public on the calorie content of food portions. It is a simple concept that will provide consumers with information on calories and facilitate them in make healthier choices, eat smaller portions and enjoy food without over-eating.

The Food Safety Authority of Ireland's report on their national consultation, which I launched last week, showed that there was an overwhelming demand by consumers (96%) for calorie menu labelling in food outlets. With regard to schools, my Department already has Food and Nutrition Guidelines for Preschools and Primary Schools which are being implemented in liaison with Health promotion teams in HSE areas and similar Guidelines for Post Primary Schools to facilitate them in drawing up a Healthy School Food Policy are at an advanced stage.

Ambulance Service

242. **Deputy Denis Naughten** asked the Minister for Health further to Parliamentary Question No. 662 of 22 May 2012 the progress made to date on establishing a new ambulance service in West Roscommon; if he will confirm that the service will be operational before 1 August 2012; and if he will make a statement on the matter. [34185/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Patient Statistics

243. **Deputy Denis Naughten** asked the Minister for Health further to Parliamentary Question No 155 of 19 June 2012 if he will confirm the date for the publication of the report on mortality rates at acute hospitals; and if he will make a statement on the matter. [34186/12]

Minister for Health (Deputy James Reilly): The Chief Medical Officer of my Department is finalising a report examining the potential of hospital discharge data in measuring the quality of health care. This includes the measure of recorded 30 day in-hospital mortality rates following heart attack. It is expected that the report will be finalised and published in the near future.

Health Reports

244. **Deputy Denis Naughten** asked the Minister for Health the current status of the report of the national emergency medicine programme; his plans, if any, to act on the report; and if he will make a statement on the matter. [34187/12]

Minister for Health (Deputy James Reilly): The Emergency Medicine Programme report, which I launched on 19 June this year, sets out a vision for the development and delivery of emergency medical services in the State. The programme document will be hugely valuable. It is clinically led and is one of the key clinical programme documents. As for the other clinical programmes, it is a policy document, and there are areas still for discussion and improvement, but it will inform the development of government policy in this area.

Tobacco Control Measures

245. **Deputy Paschal Donohoe** asked the Minister for Health if he has conducted or commissioned any studies, reports or focus groups on plain or generic packaging of tobacco products; if he will outline the results of any such studies, reports or focus groups; if he is considering following the example of the UK and Australia in proposing plain packaging legislation as a means of reducing the number of young people taking up smoking; and if he will make a statement on the matter. [34194/12]

Minister for Health (Deputy James Reilly): My Department has not conducted or commissioned studies specifically relating to plain or generic packaging of tobacco products. It is recognised that in an environment of increasing prohibition of tobacco advertising and sponsorship worldwide, the cigarette pack has become a key marketing tool for the tobacco industry to promote their products.

I am aware that before the UK make any decision regarding standardised or plain packaging for tobacco products a consultation process is being conducted with a closing date for submissions of 10th August, 2012. I am also aware that the Australian legislation which introduces plain packaging for tobacco products is being challenged in its High Court and that a judgment in this regard is pending. Plain packaging is one of the issues being considered in the context of the revision of the Tobacco Products Directive by the European Commission in consultation with Member States. I understand that the legislative proposal in relation to this is due to be published later this year.

In recent discussions with representatives of the European Commission I have indicated my wish that the proposal for a revision of the Directive be published as soon as possible in order for Ireland to significantly progress it during the Irish Presidency in January 2013. The introduction of plain packaging is also being considered by the Tobacco Policy Review Group, which is expected to report shortly. My Department will continue to monitor developments in Australia and the UK in this regard and these developments together with the forthcoming revision of the EU Tobacco Products Directive will inform policy in this area. I will continue to support any international developments in relation to plain or standardised packaging for tobacco products.

Health Services

246. **Deputy John McGuinness** asked the Minister for Health further to Parliamentary Question No. 445 of 17 January 2012, if he will arrange an urgent appointment for at the ear, nose and throat clinic, Waterford Regional Hospital (details supplied) in County Waterford [34200/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospitals Building Programme

247. **Deputy Joe McHugh** asked the Minister for Health if he will update Dáil Éireann on the contract that was awarded by the Health Service Executive to a company (details supplied) for the development of a new wing of Letterkenny General Hospital, County Donegal; if that company's application met all the criteria that was set out in the tender; if he will comment specifically on its qualification for criteria around bond requirements; and if he will make a statement on the matter. [34208/12]

Minister for Health (Deputy James Reilly): The management and delivery of the health capital programme is a service matter. Therefore your question has been referred to the Health Service Executive for direct reply

Medical Cards

248. **Deputy Seán Ó Fearghaíl** asked the Minister for Health the position regarding the approval of a medical card renewal application in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [34211/12]

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

249. **Deputy Jerry Buttimer** asked the Minister for Health his plans to regulate the cosmetic surgery industry; and if he will make a statement on the matter. [34217/12]

Minister for Health (Deputy James Reilly): Health care professionals, including doctors, nurses, physiotherapists, pharmacists etc. employed by Cosmetic Surgery Clinics in Ireland are required to be registered with their relevant professional regulatory body. Much of the legislation governing healthcare professionals has been extensively updated and amended in recent years with the publication of a number of relevant Acts including the Health and Social Care Professionals Act 2005, the Medical Practitioners Act 2007, the Pharmacy Act 2007 and the Nurses and Midwives Act 2011. In addition, my Department is in the process of preparing legislation to make it mandatory for all medical practitioners engaged in clinical practice to have adequate clinical indemnity insurance.

Cosmetic surgery is one of the priority areas which has been identified to be addressed by a new system of licensing. Officials of my Department are currently working on the Licensing of Health Facilities Bill which will provide for a mandatory system of licensing for public and private health service providers. The legislative proposals are being prepared broadly in line with recommendations made in the Report of the Commission on Patient Safety and Quality Insurance and are designed to improve patient safety by ensuring that healthcare providers do not operate below core standards which are applied in a consistent and systematic way. The intention is to have a proportionate system which has the confidence of the public. Standards and other requirements will be enforceable through inspection and imposition of sanctions as necessary. Licensing will be targeted at areas which are not currently subject to regulation. It is expected that outline proposals for the new system of licensing should be finalised by year end.

General Practitioner Services

250. **Deputy Billy Kelleher** asked the Minister for Health the number of long term illness patients who qualify for free general practitioner care, the number in receipt of same in December 2011, the number in receipt now, when legislation introducing the scheme will be published, when it will be enacted; and if he will make a statement on the matter. [34221/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Programme for Government commits to reforming the current public health system by introducing Universal Health Insurance with equal access to care for all. As part of this, the Government is committed to introducing, on a phased basis, GP care without fees within its first term of office. Primary legislation is required to give effect to Government commitment to introduce a universal GP

service without fees. Legislation to allow the Minister for Health to make regulations to extend access to GP services without fees to persons with prescribed illnesses is currently being drafted by the Attorney General's office and will be published shortly. Implementation dates and application details will be announced in due course.

251. **Deputy Billy Kelleher** asked the Minister for Health the number of meetings he has held with the Irish Medical Organisation regarding extending the free general practitioner care to those with long term illnesses; and if he will make a statement on the matter. [34222/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I have met with the Irish Medical Organisation and the Irish College of General Practitioners to outline the Government's intentions and further discussions will be arranged shortly once the legislation is finalised.

Hospital Charges

252. **Deputy Thomas P. Broughan** asked the Minister for Health the amount generated through the €100 accident and emergency charge for the years 2009, 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [34234/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Medicinal Products

253. **Deputy Billy Kelleher** asked the Minister for Health the approximate value assigned that every quality adjusted life year is assigned by the National Centre for Pharmacoeconomics when determining the cost effectiveness of new drugs; if this has changed since the start of the year; and if he will make a statement on the matter. [34239/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The National Centre for Pharmacoeconomics (NCPE) plays an important role in the assessment process of the cost effectiveness of new medicines. The NCPE report is an input into decision making in the HSE regarding the appropriateness of reimbursing medicines and determining price. A pharmaceutical manufacturer submits an economic dossier to the NCPE for assessment. This dossier relates the added cost (expressed in euro) to the added benefit (expressed in additional life years gained) or expressed in quality adjusted life years (QALY) for the medicine in question. Since 2009 the NCPE has assessed medicines using cost-effectiveness thresholds of €20,000 and €45,000 per quality added life year (QALY). There has been no change to the range of values employed by the NCPE since the start of this year.

Medical Cards

254. **Deputy Bernard J. Durkan** asked the Minister for Health if and when a medical card will be renewed in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [34283/12]

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.

255. **Deputy Bernard J. Durkan** asked the Minister for Health if he will indicate notwithstanding his replies to previous Parliamentary Questions, if his attention has been drawn to the fact that information requested in respect of the determination of eligibility for medical card

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was supplied and to the extent of sworn affidavits; if the information submitted might be collated with a view to further evaluation of entitlement to a medical card in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [34284/12]

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.

256. **Deputy Barry Cowen** asked the Minister for Health if he will provide an update on a case (details supplied); and when the person concerned can expect a decision on a review of medical card application [34319/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

257. **Deputy Barry Cowen** asked the Minister for Health if he will provide an update on a case (details supplied) in County Westmeath; when the person may expect an appointment at Midlands Regional Hospital, County Offaly [34320/12]

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.

Medical Cards

258. **Deputy Barry Cowen** asked the Minister for Health if he will provide an update on a case (details supplied); when the person may expect a decision on a review of medical card [34321/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

259. **Deputy Barry Cowen** asked the Minister for Health if he will provide an update on a case (details supplied in County Offaly); when the person may expect an appointment for ultra sound in the Midlands Regional Hospital, County Offaly [34322/12]

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.

The next priority for the SDU is access to diagnostics. This programme of work has commenced in terms of access to GI endoscopy and will later in 2012 examine access to radiology services.

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.

Cycle Facilities

260. **Deputy Regina Doherty** asked the Minister for Transport, Tourism and Sport the position regarding funding Phase 1 of the Boyneside Trail, cycle/walkway along the River Boyne; and if he will make a statement on the matter. [34044/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): Meath Co. Co. submitted a proposal under the National Cycle Network Funding Scheme for delivery of a 3 km cycle route from Drogheda Ramparts to the entrance of Oldbridge. This was identified as Phase 1 of a potential route linking Drogheda, Slane, Navan and Trim. Funding for the Drogheda Ramparts to Oldbridge route was announced on 7th June. The route will be delivered by Meath Co. Co., and their application outlines the need for detailed consultation, planning and route design, and in this context it identifies an expected completion date of February 2014.

Pilot Training Courses

261. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport the assistance that he intends to provide to the young trainee pilots and their families impacted by the breakdown in the commercial relationship between The Pilot Training College in Waterford and the Florida Institute of Technology considering the PTCW received €18,000 in support from Enterprise Ireland in 2008 and in 2010 the State agency took a significant stake in the form of €400,000 worth of repayable preference shares. [34067/12]

262. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport if he will intervene with Enterprise Ireland to ensure a satisfactory outcome for students left abandoned by PTC Ireland, whose contract has been terminated by the Florida Institute of Technology, to enable them to complete their studies. [34132/12]

268. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport if he will assist students caught up in the PTC crisis in Florida, in view of the fact that the Irish Aviation Authority licensed this course, and that the State failed to ensure appropriate regulation. [34131/12]

274. **Deputy Joanna Tuffy** asked the Minister for Transport, Tourism and Sport the action he is taking to assist 80 Irish trainee pilots currently stranded in Florida after their courses

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were cancelled due to a dispute between the Pilot Training College in County Waterford and the Florida Institute of Technology; and if he will make a statement on the matter. [34251/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 261, 262, 268 and 274 together.

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 in relation to their functions in this regard. However, I would like to note that I have agreed with the IAA that the IAA will fund the flight costs of those self-financing students in Florida who have an existing contract with PTCW and who wish to leave the USA. I will also give consideration to a bonding /insurance scheme in future to provide financial protection for students of flight training organisations; however, such a scheme would most likely be on a voluntary basis.

The IAA is also endeavouring to ensure that the students affected will be able to avail of alternative training arrangements. It has also indicated that it will strive to facilitate the crediting of all flight and ground training carried out to date in Florida towards the students' final qualifications.

I am not in a position to comment on Enterprise Ireland's investment in the company as the role of the agency is not within my remit.

Road Maintenance

263. **Deputy Gerald Nash** asked the Minister for Transport, Tourism and Sport in view of the current difficult economic conditions, where households are trying to cope with increased pressures, if he will consider relaxing the requirements for residents living on 50/50 roads to contribute 50% to the cost of repairing these roads, if the allocation to the local authorities for the upkeep of these roads, is not matched by a 50 per cent contribution by the residents, the allocation will remain unused and returned to the central fund; and if he will make a statement on the matter. [34202/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The improvement and maintenance of regional and local roads, in its area, is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act 1993. Works on such roads are a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the local authority.

As regards State road grants for public roads, paragraph 3.9 of my Department's "*Memorandum on Grants for Regional and Local Roads*" (revised in April 2012 and available in the Oireachtas Library) outlines the arrangements governing community involvement in eligible road works. The Memorandum provides that a portion of a local authority's discretionary grant allocation may be reserved for community involvement schemes. In addition up to 7.5% of a local authority's Restoration Programme can be used for such schemes in cases where local contributions (in money or kind) meet not less than 25% of the total cost of a project. Within the parameters set in the Memorandum the detailed arrangements for the community contributions is a matter for the local authority concerned.

Córas Iompar Éireann Annual Report

264. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the reason

Córas Iompar Éireann requested an extension for the publication of their Annual Report and Accounts for 2011 to 30 September 2012, and his reasons for granting this request; and if he will make a statement on the matter. [34043/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The CIE Board has in recent months been engaged in an extensive process of cost-reduction negotiations with its unions and is also engaging with financial institutions on its future funding requirements. To facilitate this, the Board requested an extension of the publication of the Annual Report and Accounts for 2011 to 30th September 2012. I consented to the request for an extension as an exceptional measure.

Search and Rescue Service

265. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport if he will assure the people of the North West of Ireland that he will not accept the proposal to wind down Malin Head Marine Rescue Sub Centre in the report compiled by Fisher Associates, Irish Coast Guard: Value for Money Review and the level of State investment undertaken in the ongoing refurbishment the Malin Head Marine Rescue Sub Centre. [34070/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Fisher reports identified a number of key issues which need to be addressed in Ireland's maritime transport sector and marine emergency response regimes. These include enhancing Ireland's pollution preparedness and response capability and Coast Guard volunteer training and management. I have informed the Government that my Department will consider the matters raised in the reports and an action plan to address the deficiencies will be prepared, which I will present to Government in October.

I wish to make it clear that I do not propose to accept or reject any of the recommendations proposed by the Fisher reports at this stage and no decisions have been taken in relation to any of the issues involved.

In preparing the response each recommendation will be assessed and actions will be prioritised to address the deficiencies. This process also represents an opportunity to create more efficient and effective maritime safety regulatory arrangements and emergency response services. In particular, we now have an opportunity to address serious deficiencies in Ireland's ability to address a major pollution incident, and to improve the management and training of Coast Guard teams around Ireland. It will be crucial too for the development of shipping, trade and employment, which have a key role to play in Ireland's economic recovery.

New communications systems are currently being installed in the Malin Head station, which has been closed since May, as part of a general upgrading of communications infrastructure in the Coast Guard. It is expected that the upgrade work will be complete next month and the Malin station will reopen at that time.

Work on communications architecture and associated preparatory work in Malin to enable the equipment to be installed, including refurbishment and a general clean up of the centre will cost in the region of €100,000.

The work on enhancing the communications infrastructure in the three Coast Guard rescue co-ordination stations is essential for the on-going operation and maintenance of the service. Very old equipment that has passed its operating life has to be replaced now irrespective of any decisions that might be taken in the future regarding the operation of any of the station.

Commemorative Plaques

266. **Deputy Peter Mathews** asked the Minister for Transport, Tourism and Sport his plans (details supplied) regarding the Luas line in Dundrum; and if he will make a statement on the matter. [34100/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I understand from the Railway Procurement Agency (RPA) that a plaque was erected on the 19th July 2004 on the bridge in Dundrum to commemorate William Dargan. Fr. Daniel Dargan S.J., a direct descendant of William Dargan and the then Minister for Transport, the late Mr. Seamus Brennan, were present on the occasion.

Sporting Organisations

267. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if he will raise the issue of the salaries of CEOs of voluntary sporting bodies, receiving significant State support, with those bodies and the Irish Sports Council in view of the current economic circumstances and that he is operating within a severely reduced budget for the support and promotion of sporting activities and infrastructure throughout the country; his views if any such CEO should receive a multiple of the Taoiseach's salary; and if he will make a statement on the matter. [34112/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I have no official function in relation to the remuneration of personnel within the sporting organisations in question which are independent, autonomous bodies. Government funding for National Governing Bodies of sports is provided through the Irish Sports Council. The funding for the three main field sports (GAA, FAI and IRFU) is ring-fenced for the non-professional elements of the sport and is mainly focused on programmes aimed at increasing participation.

Question No. 268 answered with Question No. 261.

Penalty Points System

269. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if he has asked the Joint Oireachtas Committee on Transport and Communications in their review of the Irish penalty points system to comment on the one point penalty allocation under the 2010 Act for learner drivers who have been found to be driving unaccompanied; and if he will make a statement on the matter. [34154/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I recently published the Review of the Irish Penalty Points System, which was conducted by my Department. The Review, in the main, deals with the level of points for road traffic offences currently within the penalty points system and contains recommendations for the adjustment in the level of points for certain offences. I have asked the Joint Oireachtas Committee on Transport and Communications to examine the Review and provide me with comments on its recommendations.

The provision for adding “unaccompanied learner permit holders” to the list of penalty point offences is contained in the Road Traffic Act 2010. The relevant section has not yet been commenced and once I have received the Committee's input I will consider the adjustment of penalty points further.

Sports Capital Programme

270. **Deputy Joan Collins** asked the Minister for Transport, Tourism and Sport the number

of applications received from Sligo Borough Council and Sligo County Council for funding under the Sports Capital Programme 2012; the details of projects for which grant aid has been sought; and when the grant allocations will be made; and if he will make a statement on the matter. [34212/12]

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 the Department had received more than 2,150 applications.

Sligo Borough Council made one application to develop a sand based soccer pitch and tarmac MUGA at Cleveragh Regional Park. Three applications were received from Sligo County Council. These applications were for (i) a replacement roof on an existing sports storage shed/club house at Rosses Point, (ii) the provision of outdoor gym equipment/fitness trail at Carrowhubbock South, and (iii) the provision of a cluster of outdoor gym equipment at Union, Ballygawley. I expect to announce allocations in late Autumn/early Winter 2012.

Road Signage

271. **Deputy Jerry Buttimer** asked the Minister for Transport, Tourism and Sport his plans to increase signage on motorway on ramps reminding drivers to yield to traffic already on the main carriageway; and if he will make a statement on the matter. [34216/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual national roads, including the provision of signage, are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting this, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

Road Maintenance

272. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport the amount spent by the National Roads Authority on the maintenance of the M50 for the years 2010 2011 and to date in 2012; the works that were carried out in each project; and if he will make a statement on the matter. [34233/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The construction, improvement and maintenance of individual national roads, including repair and maintenance works on the M50, are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007. Noting this I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

Airline Licences

273. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport when he will grant a licence to a company (details supplied); and if he will make a statement on the matter. [34237/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As the licencing of airlines and the safety oversight of airline operations are the responsibility of the Commission for

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Aviation Regulation and the Irish Aviation Authority respectively, I have forwarded the question to both Authorities for direct reply. I would ask the Deputy to contact my office if he has not received a reply within ten working days.

Question No. 274 answered with Question No. 261.

Driving Licences

275. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport his views on correspondence (details supplied) regarding photo ID. [34326/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Road Safety Authority (RSA) is responsible for the introduction of the new plastic card driving licence and will also, from January 2013, be the national driver licensing authority. The new system of driver licensing will require the RSA to tender for customer interface services. I understand from the RSA that they intend to ask tenderers for this service to offer their own proposals for the capture of photo ID.