

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.

Social Welfare Fraud Investigations

10. **Deputy Denis Naughten** asked the Minister for Social Protection her plans to review the monitoring mechanisms employed to reduce fraudulent payment of child benefit; and if she will make a statement on the matter. [50609/13]

Minister for Social Protection (Deputy Joan Burton): The control strategy in operation on the child benefit scheme ensures that payment is only made in respect of children where there is an ongoing entitlement. The Department carried out a Fraud and Error survey on child benefit in 2012 which confirmed the Department's view that the child benefit scheme is a low risk scheme in terms of fraud and error and that the existing control policy is effective.

Child benefit is a universal monthly payment made to the parents/guardians of children that assists families with the cost associated with raising children. Child benefit is paid to around 606,000 families in respect of some 1.15 million children with an estimated expenditure of around €1.9 billion in 2013. I am very conscious of the requirement to safeguard the Child Benefit budget and, in this regard, my Department has taken a proactive approach to ensuring that it is only paid to eligible families. A control strategy has been adopted and operated by the Department which includes risk assessment, surveys of the levels of fraud and error, scheme specific review policies, data matching initiatives with both external and internal parties and investigation of anonymous reports. These control tools ensure that review activity is targeted in the most effective manner and the results are monitored.

One of the main features of the child benefit control programme is the issue of continuing eligibility certificates to customers. Another key measure, for customers who are paid at their local post office, is the monthly check carried out where the customer must certify that they qualify for the payment. The Department has also begun the phased roll out of the Public Service Card which features photographic identification of the customer. The Department commenced the issue of eligibility certificates to parents in 2008 and the control policy for the child benefit scheme was again reviewed in 2010. The percentage of savings arising from the eligibility certificates has been falling year on year proving the effectiveness of the control programme. The child benefit control programme is kept under regular review based on the outcomes achieved.

Rent Supplement Scheme Administration

11. **Deputy Joan Collins** asked the Minister for Social Protection her views on the increase

in rents, particularly in the Dublin area, which is pushing beyond the reach of those in receipt of rent supplement from social welfare access to private rented accommodation. [50841/13]

12. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the extent to which adequate funds remain available to her Department to meet the requirements of rent support for those families on local authority housing lists and currently renting from the private sector in view of the increased housing demand likely to lead to higher rents; and if she will make a statement on the matter. [50787/13]

31. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection her plans to review the rent allowance caps again in view of the recent reports of rent increases in the urban centres around the country; if not, the advice she would give to the thousands of housing applicants and homeless persons who cannot find suitable accommodation; and if she will make a statement on the matter. [50742/13]

36. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection the advice she would give to housing applicants and persons facing homelessness across the country particularly in urban areas such as Dublin where rents are increasing dramatically and where little if any private rented accommodation is available within the Department's rent allowance caps; and if she will make a statement on the matter. [50741/13]

39. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if she will provide update on plans to transfer responsibility for rent supplement to a new housing assistance payment; the steps she will take in the interim to address the situation whereby rent supplement recipients are being priced out of the rental market in Dublin where rents have been rising steeply. [50774/13]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 11, 12, 31, 36 and 39 together.

There are currently approximately 81,000 persons in receipt of rent supplement for which the Government has provided €403 million in 2013. Revised rent limits under the rent supplement scheme came into effect from Monday 17 June 2013 and will be in place until 31 December 2014. The new rent limits have been determined following an extensive review of the private rental market based on the most up-to-date data available. There have been increases in the maximum rent limits in Dublin and Galway and some reductions across a number of counties, reflecting the market conditions in those areas.

The cost of the rent limit review for 2013 is some €7 million which can be met from within the overall provision for the scheme. The Department continues to monitor rent levels throughout the country and officials dealing with rent supplement tenants will continue to ensure that their accommodation needs are met. I have no plans to further revise the rent limits at this time. The Department's strategic policy direction is to return rent supplement to its original purpose of a short term income support. In July 2013 the Government approved the introduction of the Housing Assistance Payment (HAP). Under HAP, responsibility for recipients of rent supplement with a long-term housing need will transfer from the Department of Social Protection to local authorities. Officials in the Department are working with those in the Department of Environment, Community and Local Government, who are leading the project, in developing the necessary legal, policy and operational requirements to give effect to this transfer. The Department is advised that following the enactment of the relevant legislation, HAP testing will be carried out in selected local authorities during 2014.

Community Welfare Services

13. **Deputy Joan Collins** asked the Minister for Social Protection if she will consider opening a new community welfare office in Crumlin. [50844/13]

Minister for Social Protection (Deputy Joan Burton): The Department is in the process of major organisational change following the transfer of responsibility for the Community Welfare Services and FÁS employment and community employment services. The Department is committed to developing and implementing a case management approach, across the full range of its services, with a focus on working with the person rather than administering a range of benefits. In implementing this challenging programme of change, the objective is to ensure that all services provided are co-ordinated and support customers through the development of improved processes and the concentration of staff and resources in integrated units. Skilled and knowledgeable case managers will work with individuals in need, to ensure that they not only receive the appropriate income supports but are also helped to find a way in which they can participate to the fullest extent possible in their community, economy and workforce. A case management approach with a focus on the individual, and the development of a tailored plan for each person will produce better outcomes than the traditional transaction focused delivery of scheme services.

It is in this context that the delivery of Community Welfare Services in Dublin 12 has changed. The Department is progressing a number of elements to integrate services and to deliver a more efficient and effective service. Rationalisation and reorganisation in Dublin 12 has occurred over the past 6 months and continues to be under review. Rent and Mortgage Supplements are now dealt with centrally through a phone and postal service. An integrated decision making process has been introduced in Bishop's Square Intreo Office, where people applying for primary payments such as jobseeker's allowance, jobseeker's benefit and one parent family payment now no longer need to present to a local Community Welfare Officer for an interim payment.

The remainder of the Community Welfare Service for Dublin 12 is now being delivered through the formation of a Hub (team based approach). This Hub was to be permanently located in Parnell Road Health Centre but preparatory works uncovered a number of structural flaws in the building. It therefore became necessary to move this service to Castle Street in order to ensure continuity of service. Cashel Road Health Centre had already been designated by the Health Service Executive for closure.

Notwithstanding these changes the full range of Community Welfare Services continues to be delivered to Dublin 12. It also remains the intention of the Department to return this service in some form locally to Dublin 12 and options are being explored in order to facilitate this. The service offered from Castle Street includes public opening hours as follows: Monday, Tuesday, and Thursday 2.15pm-3.30pm, and Friday 2.15pm-3.00pm. An outreach clinic by appointment is operating from Dublin City Council offices in Crumlin Village. These services are also supplemented by home visits and by the phone and postal service. The staff and service will be operated in a flexible manner so as to accommodate people experiencing difficulties in accessing Castle Street whether this is for mobility reasons or other personal circumstance.

Employment Support Services

14. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the extent to which adequate FÁS, JobBridge, retraining or up-skilling courses remain available to her Department with particular reference to the need to address the issues of long-term and youth unemployment; the numbers currently seeking to avail of such courses; and if she will make a statement on the matter. [50788/13]

Minister for Social Protection (Deputy Joan Burton): The Government's Pathways to Work 2013 strategy prioritises the allocation of available resources to the long-term unemployed and to the young unemployed. The goal in Strand 2 of Pathways to Work is: "To provide unemployed people, in particular people who are long-term unemployed and young unemployed people, with opportunities to enhance their job prospects through value-adding work experience, education and training activities."

A breakdown of likely available places for 2014 is presented in the table below. The programmes where being long-term unemployed is an eligibility requirement are indicated, as are the latest estimates for uptake by young people. For JobsPlus, it is proposed to amend the eligibility requirements to allow young people to access the scheme at lower unemployment duration.

Programme	Approximated Number of Places (new participants)	Aimed at LTU?	Expected estimated inflow of young people
Youthreach/Community Training Centres	3,300		3,300
JobBridge	13,300		5,000
Tús	7,500	Yes	1,000
JobsPlus	2,000	Yes	1,500
Momentum	6,500	Yes	2,000
Back to Education Allowance (excl. Momentum)	9,300		3,300
Back to Work Enterprise Allowance	5,500	Yes	200
Vocational Training Opportunity Scheme	2,800		500
Solas (former FÁS training)	25,000	40% target	9,500
Micro Finance Ireland for young people	150		150
International Work Experience and Training	250		250
Gateway	3,000	Yes	400
Community Employment	12,700	Yes	500
Total	91,300		27,600

Mortgage Interest Supplement Abolition

15. **Deputy Mick Wallace** asked the Minister for Social Protection the reason she has abolished mortgage interest supplement in budget 2014; and if she will make a statement on the matter. [50849/13]

Minister for Social Protection (Deputy Joan Burton): The original purpose of the mortgage interest supplement scheme was to provide short term 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 approximately 10,500 people in receipt of mortgage interest supplement. The Government has provided €41.8 million for the scheme in 2013. The Government wants to provide an environment where mortgage holders can pay for and stay in their home but, where people have a genuine difficulty in meeting their financial commitments, they will have a framework to address and resolve that difficulty in an appropriate and fair way having regard to the particular circumstances of the case.

The Government's strategy to assist those in mortgage difficulty is built around the following measures, as recommended in the 2011 Interdepartmental Mortgage Arrears Working Group (Keane Group), in four main distinct areas:

- Lenders providing sustainable and durable resolution options to their borrowers.
- A social housing response (Mortgage to Rent).
- Comprehensive advice to borrowers.
- Personal Insolvency Reform.

In the context of the overall strategy, the continued payment of mortgage interest supplement does little to assist recipients in improving the long term difficulty in addressing their mortgage problem and provides little incentive for the lender to provide sustainable solutions. The Keane Group's over-arching theme was that the mortgage interest supplement scheme is not an appropriate long term support and should become a time bound payment with an appropriate exit strategy to be formulated for the recipient.

As part of the fiscal adjustment required for Budget 2014, provision was made for the discontinuation of entitlement to mortgage interest supplement for all new applicants from 1 January 2014. Existing customers are not affected by this measure and may retain entitlement to the scheme over the next four year period. However, it would be expected that during this four year period, existing customers would no longer require this support through sustainable solutions being put in place, securing employment or exit strategies sponsored by the Department of Environment, Community and Local Government, namely the Mortgage to Rent scheme.

Under the Code of Conduct on Mortgage Arrears, lenders are obliged to put in place Arrears Support Units to deal with borrowers under the MARP. The most appropriate way in which customers experiencing short term mortgage difficulties can be supported is through engagement with their lender under this process. Lenders must explore all options for repayment arrangements in order to determine which options are viable for each particular case. These options include interest only arrangements and deferring payment of all or part of the instalment repayment for a period.

Budget 2012 provided an amendment to the scheme that from mid June 2012 mortgage interest supplement is not payable until applicants have agreed with their lender and complied with an alternative payment arrangement for a cumulative period of not less than 12 months. The numbers on the scheme has continued to reduce since the introduction of this condition which indicates that the MARP process has succeeded in addressing customers' short term financial difficulties.

I am satisfied that the range of supports implemented by this Government, including the range of information and guidance resources available, are appropriate in assisting those facing mortgage difficulties following the discontinuance of the mortgage interest supplement scheme.

Question No. 16 answered with Question No. 9.

Anti-Poverty Strategy

17. **Deputy Willie O'Dea** asked the Minister for Social Protection if she is concerned by recent reports of food shortages from charities in Dublin; if she is concerned by rising food poverty here; and if she will make a statement on the matter. [50828/13]

Minister for Social Protection (Deputy Joan Burton): Food poverty refers to an inability to access a nutritionally adequate diet due to issues of affordability of, and access to, food, and that has related impacts on health and social participation. Inadequate food consumption is central to the understanding of poverty as exclusion from everyday life due to lack of resources. In recent years, there is specific focus on food poverty as a policy issue for two reasons: the structural constraints facing households in accessing food; and the links between food and nutrition and health problems, such as obesity, cancer.

The World Health Organisation last month published the Review of social determinants and the health divide in the WHO European Region: final report, which states that “Social protection policies are critically important in shielding populations from the health effects of poverty and financial insecurity”. The Irish social protection system is highly effective in reducing the at-risk-of-poverty rate by 62 per cent (SILC 2011), as compared a 49 per cent reduction in 2004. The improved impact of social transfers reflects concerted and sustained State investment in social protection during this period, including the economic crisis.

The Department supports a number of interventions which address food poverty. The school meals programme is a targeted intervention for children at risk of food poverty and educational disadvantage. In 2013, the Department provided €37 million to fund direct food provision to almost 200,000 disadvantaged school-children, in over 1,300 schools or organisations. The Department also supports financially Healthy Food for All, a national charitable organisation which works to increase access and availability of affordable healthy food by low-income groups, including the development of community food initiatives.

Finally, a new initiative that the Department has started work on is the programming of the new Fund of European Aid for the most Deprived persons (FEAD). This will provide around €3m of EU funds annually to support efforts to allow charities dealing with the most marginalised people to buy food and consumables. My objective is to have this new measure fully operational in 2014.

Illness Benefit Reform

18. **Deputy Willie O’Dea** asked the Minister for Social Protection the number of persons that will be affected by the budgetary changes to illness/injury benefit; if she will outline the future of PRSI based benefits and her strategy to retain or improve them; and if she will make a statement on the matter. [50830/13]

Minister for Social Protection (Deputy Joan Burton): The social insurance system, funded by the Social Insurance Fund (SIF), is core to Ireland’s system of social protection and I am determined that it be protected for current and future generations. However the Fund is not in a healthy financial position. The third Actuarial Review of the Social Insurance Fund was completed by consultants KPMG in 2012. A key finding of that Review is that the Fund has a significant shortfall in 2011 of €1.5bn given expenditure of €9.0bn but income of only €7.5bn. In the absence of any action to tackle this shortfall, the 2011 deficit of €1.5bn will double to €3.0bn by 2019 and will have increased to €25.7bn by 2066. These figures refer to the projected annual deficit in the particular year in question.

The change in the number of “waiting days” from 3 to 6 before payment of illness benefit will apply from January next and it is estimated that approx. 220,000 claims a year will be affected.

The Social Insurance Fund operates on a “pay as you go” basis, with the Exchequer acting as residual financier of the Fund when there is a shortfall between contributions received and benefits paid. Following many years of surplus, the fund has operated in deficit over the last

number of years. In a difficult economic environment the choices facing Government in order to ensure the sustainability of the Fund are to either increase contributions or reduce benefits. It is in this context that the decision was made to make this relatively modest adjustment to illness benefit.

Live Register Numbers

19. **Deputy Willie O’Dea** asked the Minister for Social Protection her views on the fact that the Central Statistics Office figures relating to the live register have been published in national daily newspapers in advance of their official publication by the CSO; her views on whether this is acceptable; and if she will make a statement on the matter. [50827/13]

Minister for Social Protection (Deputy Joan Burton): The value of the Live Register as an early indicator of unemployment trends is proven over the economic cycle. As an early indicator of a key metric of economic performance, it is important that the public and market analysts can have confidence in accuracy and independence of the Live Register data. I note that on occasion over the years some data, which form part of the monthly Live Register report from the Central Statistics Office, have been published in the media in advance of their official publication by the CSO. While the publication of these data does not invalidate or in any way undermine the value or integrity of the CSO official statistics, the Department takes all steps possible to prevent early release of these data.

Anti-Poverty Strategy

20. **Deputy Billy Kelleher** asked the Minister for Social Protection her views on whether the official measurements of poverty give sufficient consideration of the extra costs of having a disability; and if she will make a statement on the matter. [50611/13]

Minister for Social Protection (Deputy Joan Burton): The *Social Inclusion Monitor*, published by the Department, sets out the official indicators of poverty in Ireland as based on the CSO’s Survey of Income and Living Conditions. The main indicator is ‘consistent poverty’. It is measured by the overlap of two measures: those who are at-risk-of-poverty (below the threshold of 60 per cent of the median equivalised household income) *and* are suffering basic deprivation (an enforced lack, i.e. inability to afford, two or more items from an eleven item list of basic goods and services). Consistent poverty is the basis for the national social target for poverty reduction, which is to reduce consistent poverty to 4 per cent by 2016 and to 2 per cent or less by 2020, from a 2010 baseline rate of 6.3 per cent. In 2011, using the CSO SILC definition for people with a disability, the rate of consistent poverty for this group was 6.9 per cent, which was the same as the rate for the total population. The at-risk-of-poverty measure only focuses on income (financial poverty) and does not take into account the costs of living or the extra costs of disability. The basic deprivation measure, however, measures actual living standards. Thus, if people are facing higher costs due to disability, the impact of these costs will be captured through the basic deprivation measure due to the inability to afford basic necessities.

In 2011, the Department published a *Social Portrait of People with Disabilities*, as one of the lifecycle groups identified in the *National Action Plan for Social Inclusion 2007-2016* (NAPinclusion). This report works from a model that understands disability in terms of how the individual interacts with their physical and social environment. The impact of a disability is therefore mediated by the resources people have, the services they can access, the environment in which they live and the attitudes they encounter. The national poverty target and high level goals pertaining to income support, employment and access to services in NAPinclusion are relevant to people with disabilities across the life course.

NAPinclusion has a specific goal in relation to addressing the barriers to employment for

people with disabilities. Of particular concern to the Department is how the social welfare system can support and assist people in receipt of disability payments to access the labour market. While as a society we face strong economic and financial challenges, it is important that we continue to address the barriers to the social and economic participation of people with disabilities. In turn, this will enable people with disabilities to make their contribution to national recovery and to underpin future progress.

Social Welfare Code

21. **Deputy Jonathan O'Brien** asked the Minister for Social Protection her plans to expand the back-to-education allowance for all postgraduate courses. [50107/13]

Minister for Social Protection (Deputy Joan Burton): The back to education allowance (BTEA) scheme is designed to support second chance education. It enables eligible persons to pursue approved education courses that leads to a higher qualification than that already held and to continue to receive income support equivalent to the value of their prior social protection payment for the duration of a course of study, subject to conditions. BTEA covers full-time second level courses and third level courses to higher diploma level (level 8 in the national framework of qualifications) including the professional diploma in education (primary and secondary teaching). The BTEA does not provide income support for students pursuing other postgraduate qualifications, masters or doctorates. My Department conducted a review of employment supports schemes, including BTEA, in 2012 and published the report in January 2013. The recommendations of that review, including those relating to BTEA are being considered.

Maternity Benefit

22. **Deputy Lucinda Creighton** asked the Minister for Social Protection if she is concerned that the changes to maternity benefit will further discourage women into the labour force in view of the ongoing rise in the number of women on the live register while the number of men is falling; and if she will make a statement on the matter. [50848/13]

Minister for Social Protection (Deputy Joan Burton): Maternity benefit is an income maintenance payment awarded to eligible women for a 26-week period on foot of a confinement. Entitlement to this benefit for employees is contingent on entitlement to statutory maternity leave. In 2013 my Department will spend €297.4 million on maternity benefit and adoptive benefit, in respect of a weekly average of 21,800 recipients. Budget 2014 provided that, from January 2014, a standard weekly rate of €230 will be paid to persons qualifying for maternity benefit. It is estimated that the number of persons who will be affected in 2014 as result of the Budget 2014 change will be a weekly average of 16,500. Persons currently in receipt and those receiving benefit before 6 January 2014 will not be affected by the change - they will continue to receive between €217.80 and €262 per week for the duration of their leave.

Ireland provides generous maternity leave entitlements of over 42 weeks currently - 26 week paid leave and a further 16 weeks unpaid. This is reflected by one of the highest birth rates in Europe and high participation by women in the labour force. The 26 week duration of the payment was preserved under Budget 2014 because I realise how important this time is for families and their children. This level is substantially in excess of the 14 weeks required under EU legislation. I therefore do not believe that the changes to maternity benefit announced in Budget 2014 will act as a disincentive for women from entering the labour force.

Defined Benefit Pension Schemes

23. **Deputy Thomas Pringle** asked the Minister for Social Protection the number of defined pension schemes that are currently in deficit; and if she will make a statement on the matter.

[50840/13]

30. **Deputy Thomas Pringle** asked the Minister for Social Protection the number of pensioners on defined pension schemes of less than €12,000 per annum, between €12,000 and €60,000 per annum; and the number of pensioners on defined pension schemes over €60,000 per annum. [50839/13]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 23 and 30 together.

The Pensions Act provides for a Funding Standard which applies to funded defined benefit pension schemes. This Standard requires defined benefit pension schemes to maintain sufficient resources to meet the liabilities of the scheme in the event of the wind up of the schemes. Where a scheme fails to satisfy the Funding Standard the trustees are required to submit a funding proposal to the Pensions Board outlining plans to restore scheme funding.

At the moment there are 820 schemes that are subject to the requirements of the Funding Standard and of these schemes, 50% approximately are in deficit. The majority of the schemes in deficit have submitted funding proposals to the Pensions Board to restore scheme funding. The Pensions Board is in contact with all schemes to ensure compliance with the Funding Standard. Where schemes that are in deficit have failed to submit a funding proposal the Pensions Board is assessing on a case by case basis whether to make use of its powers under the Pensions Act. These powers include prosecution of the trustees of the scheme for non-compliance, issuing unilateral direction under section 50 of the Pensions Act to restructure scheme benefits or ultimately directing the trustees to wind up the scheme.

I am not in a position to provide the full information you are seeking in relation to occupational pensions in the private sector. However, an analysis of sample data in relation to these schemes shows that 56% of pensions in payment are under €12,000, 40% are between €12,000 and €60,000 and 4% are over €100,000.

Rent Supplement Scheme Administration

24. **Deputy Clare Daly** asked the Minister for Social Protection if her attention has been drawn to the fact that many social welfare recipients are having to subsidise their rent by paying a substantial proportion of their income to make up the difference between the rent supplement and the rent due, as a result of the gap between increasing rents in many areas and unrealistic ceilings set by her Department; and the way she proposes to deal with same. [50612/13]

Minister for Social Protection (Deputy Joan Burton): There are currently approximately 81,000 persons in receipt of rent supplement for which the Government has provided €403 million in 2013. The purpose of rent supplement is to provide short term income assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer. Revised rent limits under the rent supplement scheme have come into force with effect from Monday 17 June 2013 and will be in place until 31 December 2014. The new rent limits have been determined following an extensive review of the private rental market based on the most up-to-date data available. There have been increases in the maximum rent limits in Dublin and Galway while there have been some reductions across a number of counties, reflecting the conditions in the rental markets in those counties. The Department continues to monitor rent levels throughout the country and officials dealing with rent supplement tenants will continue to ensure that their accommodation needs are met. Rent supplement is calculated to ensure that the person, after payment of rent, has an income equal to the basic supplementary welfare allowance rate, less a specified weekly minimum contribution which recipients are required to pay from their own resources.

The “top up” payments referred to fall into two specific categories. Where a person has an additional income above the rate of supplementary welfare allowance they are, in certain circumstances, allowed to top up their rent as they will still have sufficient income to meet their basic needs after paying their rent.

The second type of top-up payment can occur where the application to the Department declares a rent lower than that actually being charged by the landlord. There has been no evidence presented to the Department showing widespread or systemic ‘false declarations’ of rent supplement through the use of illegal top-ups. The tenant, landlord or landlord’s agent must complete the rent supplement application form, which includes the amount of rent, and declare that the information provided is correct and accurate. The Department’s form clearly states that making a false statement or withholding information may lead to prosecution.

The Department, in June 2012, introduced powers of enquiry (Section 14 of the Social Welfare and Pensions Act 2012) for staff to formally request and oblige landlords to provide information in respect of rent supplement tenants, principally to verify the agreed rent and existence of the tenancy. This measure improves both the governance and oversight arrangements in place.

Social Insurance Rates

25. **Deputy Lucinda Creighton** asked the Minister for Social Protection her views on whether the introduction of the PRSI rate of 4.25% on lower paid workers as part of the jobs initiative increased the total number of employees on the national minimum wage during the period of its existence; if she is concerned that a return to the higher rate in 2014 may slow this employment growth for persons in this income bracket; and if she will make a statement on the matter. [50847/13]

Minister for Social Protection (Deputy Joan Burton): Employer PRSI is payable on earnings at the rate of 10.75% in respect of weekly earnings in excess of €356 and, from 1 January 2014, at 8.5% on weekly earnings of €356 or less. As part of the 2011 Jobs Initiative, the Minister for Finance announced the halving of the 8.5% rate of employer PRSI to 4.25%, as a means of helping job creation and improving labour cost competitiveness, particularly in the tourism and other employment-rich areas of the economy. The measure was implemented in July on a 2½ year time limited basis to apply from 1 July 2011 until 31 December 2013. The 4.25% employer PRSI rate will therefore revert to the original 8.5% rate from 1 January 2014.

Retaining the 4.25% rate of employer PRSI in 2014 would reduce the expected PRSI yield to the Social Insurance Fund by €195 million in a full year. As the reversion of the employer rate to 8.5% is provided for in legislation, it has already been built into the PRSI income base for 2014 and subsequent years. The level of wages paid to employees is a function of a number of critical factors including the prevailing economic environment. There is no information available to indicate that this measure impacted, or will have an impact, on the number of employees on the national minimum wage.

Labour Activation Projects

26. **Deputy Willie O’Dea** asked the Minister for Social Protection the way in which she has responded to the criticism from the OECD, European Commission and IMF regarding the lack of action relating to labour activation measures here; the number of persons that have been placed in full-time employment as a result of these measures; and if she will make a statement on the matter. [50829/13]

Minister for Social Protection (Deputy Joan Burton): All of the bodies referred to are

supportive of the labour market activation measures and institutional reforms being undertaken by Ireland. Moreover, while they have on occasions raised questions about the pace at which reforms are being enacted, the most recent troika review has acknowledged that the main reforms - the roll-out of INTREO, the P300 project to reallocate 300 staff of the Department to casework duties, and the preparations for contracting out of certain employment services - are being implemented as rapidly as possible. Given the wide range of measures involved - ranging across training, education, employment and work experience programmes as well as the reform of employment service and welfare delivery, it is not possible to identify the number of people placed in full time employment as a result. Information can however be given in relation to certain of the targets set for activation measures under Pathways to Work.

For example, a target was set that, of the 180,800 people who were on the live register and fully unemployed for over a year at the beginning of 2012, 75,000 of these would move into employment by the end of 2015. By the end of June 2013, 30,600 of this group were known to have moved into employment. Of these, 21,900 had entered full-time employment and left the live register, and 8,800 had entered part-time employment. As there can be some time lag in the reporting of new entries to employment by the relevant employers, it is likely that these figures will increase retrospectively as further records become available. Equally, the Deputy will be aware of the success of certain programmes in helping participants find jobs. For example, evaluation results indicate that 61% of leavers from JobBridge find employment within 5 months of leaving their internship.

Question No. 27 answered with Question No. 9.

Official Languages Act 2003 Compliance

28. **Deputy Seán Kyne** asked the Minister for Social Protection if her Department has an Irish language service plan; if not, the steps being taken to ensure that her Department can meet its public service delivery objectives through the first official language; and if she will make a statement on the matter. [50837/13]

Minister for Social Protection (Deputy Joan Burton): The Department of Social Protection is committed to providing a quality customer service in both Irish and English. Since 2007, an Irish Language Scheme for the Department, as required under the Official Languages Act 2003, has been in place. A new Irish Language Scheme is currently being drafted and there have been on-going discussions with the Department of Arts, Heritage and the Gaeltacht in relation to this. Since 2007, this Department's organisation and structure has changed in a very fundamental way with the transfer of staff and services from a number of other organisations including the Health Service Executive and FÁS. In preparation for the new Scheme, there has been a detailed examination of the level of service available through Irish in the Department (as it is now constituted). An invitation for submissions, from interested parties, on how a better service through Irish might be provided to customers was recently advertised. Consideration will be given to submissions received in the drafting of the new Scheme.

Civil Registration Legislation

29. **Deputy Noel Harrington** asked the Minister for Social Protection if she will consider legislation to mandate the civil registration service section of the Health Service Executive to notify all relevant Departments, local authorities, and agencies of all deaths registered with it; and if she will make a statement on the matter. [47949/13]

Minister for Social Protection (Deputy Joan Burton): The General Register Office (GRO) currently supplies details of all deaths registered by them to the Death Event Publication Service (DEPS) which is the responsibility of the Minister for Public Expenditure and

Reform. The DEPS is a 'publish and subscribe' service where notifications of all the approximately 30,000 deaths registered annually by the GRO are published. Relevant information on each death is made available electronically, to all subscribing public sector agencies. All public sector agencies may subscribe to the DEPS. In the circumstances, it is not planned to review legislation with regard to this matter.

Question No. 30 answered with Question No. 23.

Question No. 31 answered with Question No. 11.

Farm Assist Scheme Payments

32. **Deputy Charlie McConalogue** asked the Minister for Social Protection if she has carried out an analysis of the impact her changes to farm assist with respect to income disregards have had on farmers; and if she will make a statement on the matter. [50845/13]

33. **Deputy Charlie McConalogue** asked the Minister for Social Protection if she will consider reversing the changes she made to farm assist in view of the fact that they have had a serious negative effect on the income levels of already struggling farming families; if she has carried out an analysis of the impact of the changes for those families; and if she will make a statement on the matter. [50846/13]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 32 and 33 together.

The farm assist scheme is based on jobseeker's allowance. It was introduced in 1999 to replace 'Smallholders Unemployment Assistance' for low income farmers, without the requirement to be available for and genuinely seeking work. Farm assist recipients retain all the advantages of the jobseeker's allowance scheme such as retention of secondary benefits and access to activation programmes. Recent changes to the scheme have brought it into closer alignment with the jobseeker's allowance scheme's treatment of self-employed persons.

Farm assist is a flexible payment and any farmer experiencing lower levels of income or cash-flow issues can ask his/her local social welfare/Intreo office to review the level of means applying to their claim. The assessment of means for the purpose of qualifying for farm assist is designed to reflect the actual net income and looks at gross income, less any expenses necessarily incurred, from farming. Income and expenditure figures for the preceding year are generally used as an indicator of the expected position in the following year. However, account is taken of any exceptional circumstances so as to ensure that the assessment accurately reflects the current situation. In the case of new entrants or persons changing from one type of farming to another the assessment looks at all expected annual income and is based on normal output and costs appropriate to items such as normal stock levels, capacity, and market trends.

As part of the normal budget process, all potential budget measures, including any changes to the farm assist scheme are assessed in terms of the impact they would have if introduced. Since the introduction of the changes to the farm assist scheme over recent budgets, no formal analysis of the impact of these changes has been carried out. However, the scheme is kept under review. In addition, the Department regularly discusses the scheme with the Irish Farmers Association. There are no plans to change the current scheme criteria.

Civil Registration Legislation

34. **Deputy Denis Naughten** asked the Minister for Social Protection her plans to amend the Civil Registration Act 2004; and if she will make a statement on the matter. [50608/13]

Minister for Social Protection (Deputy Joan Burton): On 19 July, 2013, the Cabinet approved the drafting of the Civil Registration (Amendment) Bill 2013. I brought this proposal for legislation to the Cabinet as there are a number of important policy issues that I want to see implemented through amendments to the 2004 Act. Two of the principal ones are as follows: the introduction of measures to combat marriages of convenience by making such marriages far more difficult to contract in the future; the establishment of a birth registration process which will make it an obligation to include the father's particulars on a birth certificate so as to ensure that the child will have a record of their father.

The Bill will also provide for a wide range of issues relating to the registration of life events in the State. Representations and recommendations have been made by various groups and organisations since the enactment of the Civil Registration Act 2004 and this Bill seeks to address these issues. The General Register Office, which administers the Civil Registration Service, has identified areas where legislative amendments are required to streamline the service to the general public. The Department is currently working with the Office of the Parliamentary Counsel to the Government on the drafting of the heads of a Bill and I hope to introduce legislation early next year.

It should also be noted that the Civil Registration Act 2004 will be further amended through gender recognition legislation which I intend to introduce early next year. I published the General Scheme of the Gender Recognition Bill 2013 on 17 July 2013, following Cabinet approval. The Bill provides for the recognition of the acquired gender of transgender people aged 18 and over and who are not married or in a civil partnership. The General Scheme of the Bill was discussed at hearings of the Joint Oireachtas Committee on Education and Social Protection last month. Officials from the Department of Social Protection, representative groups and legal and medical experts participated in the hearings. The 2004 Act will be amended to provide for a gender recognition register.

Social Welfare Code

35. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the implications for her Department and the social welfare appeals office of the recent High Court ruling directing an appeals officer to reconsider the application by the mother of a ten year old girl for domiciliary care allowance in the context of new evidence; and if she will issue guidance on the matter to staff. [50775/13]

Minister for Social Protection (Deputy Joan Burton): I will be proposing a Committee Stage amendment to the Social Welfare and Pensions (No. 2) Bill 2013, which is currently before the Seanad, in relation to some aspects of this Judgment. The question of what guidance should be provided to front-line staff on this issue is still under consideration in the Department.

Question No. 36 answered with Question No. 11.

Social Welfare Benefits

37. **Deputy Mick Wallace** asked the Minister for Social Protection if she has made provision in her budget for the potential knock-on effects of reductions in maintenance payments owing to the abolition of the one parent family tax credit and the increased reliance on social welfare payments this might entail; and if she will make a statement on the matter. [50850/13]

Minister for Social Protection (Deputy Joan Burton): My colleague, the Minister for Finance, announced in Budget 2014 the replacement, from 1 January next, of the one-parent family tax credit by new single person child carer tax credit. The Finance Bill (No. 2), 2013, currently before the Dáil, provides for the new credit which will have the same value as the current tax credit and will be available to the primary carer of a child. The Minister for Finance also informed the Dáil during the second stage debate on the current Finance Bill that he will be bringing forward an amendment at the committee stage of that Bill, which will allow the credit to be used by a non-primary carer in situations where the primary carer has no tax liability.

The current arrangements in relation to the assessment of maintenance payments made to a recipient of one parent family payment are designed to encourage the payment of maintenance. Where a recipient of one parent family payment is in receipt of maintenance payments, half of the value of these payments is assessed as means and the rate of payment is adjusted accordingly. In addition, where a recipient has rent or mortgage payments up to a maximum of €95.23 per week, these costs can be fully offset against any maintenance paid and no reduction occurs in the rate of one-parent family payment where the maintenance received does not exceed housing costs (subject to a maximum of such costs of €95.23 per week). Where the maintenance received does exceed this level then any amount over €95.23 per week is assessed at a rate of 50% and deducted from the one-parent family payment. Accordingly, the impact of the current welfare arrangements means that, in many cases, any reduction or increase in the level of maintenance paid can have no effect or relatively minimal effect on the rate of one parent family payment payable.

It is not possible, at this stage, to quantify the number of one parent family payment recipients currently benefiting from maintenance payments whose welfare payment rates may be indirectly affected by any potential behavioural changes consequent on the proposed tax measure and, accordingly, no adjustment has been made to the estimate for that payment in 2014. I will ask my officials to monitor any potential impacts during 2014.

Fuel Allowance Eligibility

38. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if she will amend the rules of the fuel allowance scheme to ensure that payment is not lost by the qualified adult in the event of family breakdown. [50773/13]

Minister for Social Protection (Deputy Joan Burton): Some 410,000 customers will receive the fuel allowance of €20 per week for 26 weeks from October to April, at a cost of €223 million. The fuel allowance is paid to those in receipt of long-term jobseekers, one-parent family payment, disability allowance, invalidity pension and some people in receipt of the State pension. The allowance is subject to a means test and is paid only to those who live alone or with certain exempted people. Full details on the criteria for the scheme are available on the Department's website www.welfare.ie. All social welfare schemes, including the fuel allowance, are operated on the basis of publically available guidelines, which ensure fairness and consistency in determining eligibility. I have no plans to change the conditions of this scheme.

If a couple have separated and each member of the couple are now living separately then the qualified adult is entitled to claim a social welfare payment in his or her own right and this includes an application for fuel allowance subject to satisfying the criteria for the scheme.

Question No. 39 answered with Question No. 11.

Social Welfare Code

40. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if she will review and amend the record of mutual commitments form to achieve a greater balance between the promises of each side. [50772/13]

Minister for Social Protection (Deputy Joan Burton): The record of mutual commitment, introduced in line with the Government's Pathways to Work policy, includes requirements for jobseekers and for the Department of Social Protection. The Department of Social Protection is committed to providing comprehensive employment support and income supports to jobseekers. The Department's goal is to help our clients in two ways; first by providing income support during periods of unemployment, and second by helping clients to find work either directing or by further education/upskilling. In return jobseekers are required to work with the Department as the Department works to help them. There are no plans to review the current record of mutual commitment.

State Pension (Contributory) Eligibility

41. **Deputy Clare Daly** asked the Minister for Social Protection if she will specify in relation to outstanding liabilities of self-employed persons to access a State contributory pension, if it is outstanding PRSI contributions only that must be paid to qualify, or PRSI and income tax liabilities, or PRSI and income tax and any other tax liabilities, as many citizens have received contradictory letters from her Department and the Revenue Commissioners on this matter and clarity is required. [50613/13]

Minister for Social Protection (Deputy Joan Burton): The Revenue Commissioners are the primary collection agents in relation to income tax and outstanding PRSI for the self-employer. Income tax and PRSI payable by a self-employed contributor is treated as one aggregate sum in accordance with the provisions of Section 23(4) of the 2005 Social Welfare Consolidation Act. For that reason, it is not possible to separate payments to Revenue between tax and PRSI liabilities or to front-load the discharge of the PRSI element of the overall tax liability. Section 110(1), Social Welfare (Consolidation) Act, 2005 provides that a self-employed contributor shall not be regarded as satisfying the qualifying conditions for state pension (contributory) unless all outstanding self-employment contributions are paid. Section 110 was amended in the Social Welfare and Pensions (No. 2) Act 2009 to provide that where unpaid self-employment contributions are paid subsequent to the claimant's 66th birthday, a state pension (contributory) will only be payable from the date on which the liabilities are fully discharged. While my Department does on occasion advise customers of their PRSI liability, the Department cannot advise on any other liabilities (e.g. taxation) as these are a matter for the Revenue Commissioners. Collection of any outstanding PRSI remains a matter for Revenue and for the reasons set out above, any communication from Revenue is likely to set out the full outstanding liabilities (PRSI, Tax etc.).

Northern Ireland Issues

42. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has had any recent discussions with the Secretary of State for Northern Ireland or with Members of the Northern Ireland Executive on the proposed bill of rights; and if he will make a statement on the matter. [51235/13]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Good Friday Agreement recognizes the need to define rights, supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland. A Bill of Rights for Northern Ireland would ensure that these rights are given a legislative base. I have made my views on this clear to the Secretary of State for Northern Ireland and

will continue to raise the question of a Bill of Rights in my discussions with her and with the First Minister and deputy First Minister. We all have important roles to play if we are to build a permanent and lasting peace and reconciliation in Northern Ireland. The Irish Government recognizes this and remains committed to this process, and to the full implementation of all Agreements which set out the principles and framework for peace and reconciliation.

Northern Ireland Issues

43. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has conveyed to the Secretary of State for Northern Ireland and to Members of the Northern Ireland Executive his concerns on the recent comments of the Attorney General for Northern Ireland on historical crimes; if he will state clearly that such an amnesty would not be acceptable; and if he will make a statement on the matter. [51236/13]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): It is clear that the Legacy of the Past needs to be dealt with to allow Northern Ireland to move on to a truly peaceful and reconciled society. Efforts to address the legacy should be motivated, above all, by a commitment to making progress towards reconciliation and a cohesive society. The ongoing Panel of Parties Talks have stimulated a welcome discussion on these issues with the engagement of a wide-range of stakeholders. The Government's position is that it is essential to acknowledge and to take account of the very real needs of victims in any process dealing with the legacy of the past. It is clear also that dealing with the legacy of the past will require a broad and considered range of measures and that an amnesty for all historical crimes does not answer that need.

The Government is in regular contact with all the parties in the Northern Ireland Executive and with the Secretary of State for Northern Ireland. We continue to urge all participants in the Panel of Parties Talks to grasp the opportunity offered by the current process to address the legacy of the past as well as disputes regarding flags and parades. The Government remains fully committed, as co-guarantor of the Agreements, to supporting further progress towards reconciliation, both in the context of the current talks process and in the longer term.

Northern Ireland Issues

44. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will ensure that in any discussions with the Haass talks that the interests of victims and survivors are dealt with comprehensively; his views on whether such talks must be victim centred and that the search for justice for victims and their families will not be abandoned; and if he will make a statement on the matter. [51265/13]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): We are regularly reminded of the devastation that the conflict wrought on families and communities. Most recently, allegations of collusion and the murders described in Anne Cadwallader's book *Lethal Allies*, the BBC and RTÉ documentary on 'The Disappeared', allegations of shoot-to-kill by the undercover Military Reaction Force and the anniversaries of the Shankill and Greysteel bombs have reverberated through society, North and South. The Government believes that addressing the legacy of the past is central to allowing Northern Ireland to make progress towards reconciliation and a cohesive society.

Richard Haass and Meghan O'Sullivan have undertaken extensive consultations with a wide range of stakeholders and representative groups in Northern Ireland, including many who speak on behalf of victims and survivors. I have also held discussions with Dr. Haass, in New York in September and in Dublin in October, and I know that he is well briefed on the legacy of the past including the broad range of views of victims and survivors. The Government will

continue its engagement with Dr. Haass and his team as their work intensifies over the coming period. The Government urges all participants in the talks to seize the opportunity presented by the Panel of Parties process to address issues such as the legacy, including the concerns of victims and survivors. We remain fully committed to supporting the process in any way we can and to finding a way forward on all the issues within the remit of the Panel of Parties talks.

Property Taxation Administration

45. **Deputy Michael McCarthy** asked the Minister for Finance if his attention has been drawn to the difficulties being experienced by householders who have not received their local property tax return form and who do not have internet access; the efforts being made to ensure that all householders making an effort to pay and who do not have access to the internet are not put under undue pressure where they have not received the form; the position regarding liability for local property tax in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [51115/13]

Minister for Finance (Deputy Michael Noonan): I am advised by Revenue that in the case referred to by the Deputy, the Local Property Tax (LPT) payment notification for 2014 issued to the person in question at an address previously used in respect of other taxes. A request to change the address was received by Revenue in April 2013 and was updated to the person's tax record. However, the change did not transfer across to the Property Register due to a data matching error and for that reason the LPT notification issued to the old address.

Revenue has informed me that the Property Register address has now been amended to reflect the correct address. Revenue has also informed me that the person's 2014 payment notification details have been input to the record on foot of correspondence from the individual assisting the person in question and no further action is required. Revenue has confirmed these facts to the individual who is assisting the person in question.

On the Deputy's comments about the LPT Helpline, Revenue has advised me that the introduction of LPT has represented a very great administrative challenge. For example, Revenue has successfully answered in excess of 750,000 telephone calls and replied to in excess of 210,000 letters or emails since March 2013. The requirement to provide customer support to such a large volume of taxpayers did lead to some delays, particularly leading up to the peak 2014 paper filing deadline.

Revenue responded to the delays by ensuring the deployment of significant extra resources to the LPT Helpline, which is operated by an external service provider. Revenue also deployed additional resources to its internal telephone support service and put contingency plans in place to facilitate the rapid deployment of further resources should they be needed. At this point there are 310 agents operating the combined Helpline.

Revenue also extended the paper filing deadline by one week, to 14 November 2013 and extended the opening hours of the LPT Helpline from 9am to 5pm to 8am to 8pm for the peak periods. Additionally, Revenue commenced a call-back service where people can leave their contact details in preference to queuing for service. People availing of this service receive a call-back from Revenue off peak period. These changes have significantly reduced the call waiting times for customers accessing the Helpline, with current waiting times running at approximately between five and nine minutes. The Deputy mentioned the person was cut-off when waiting for access to LPT Branch; this occurred due to a temporary technical issue on the telephony system which was quickly identified and resolved.

The Deputy's stated that e-filing is not practical for some property owners. Section 36 of the Finance (Local Property Tax) Act 2012 (as amended) provides that a return may be prepared and delivered by a person acting under the authority of the liable person, which is how the specific case referred to by the Deputy was managed. In addition to the legislative provisions, Revenue has made further arrangements to assist any property owner who may have difficulties meeting their obligations via the online system. For example, property owners can file and pay via the LPT Helpline (1890 200 255) providing they have their Property ID, PIN and payment details to hand. People can also contact their local tax office and make an appointment to meet an official who will be more than happy to assist them in meeting their obligations.

Finally, I am very happy with the initiatives that Revenue has implemented to provide an efficient and user friendly service in regard to the overall administration of LPT and I commend them for the success of the project.

Property Taxation Application

46. **Deputy Michael Ring** asked the Minister for Finance if the Revenue Commissioners will assist a homeowner who wishes to pay local property tax liability for 2013 but the PIN number provided was incorrect for this property and the home owner has contacted the Revenue offices in Limerick and Ennis to try to resolve this, but to no avail. [51110/13]

Minister for Finance (Deputy Michael Noonan): I am advised by Revenue that multiple property owners are issued with a single PIN number and Property ID to enable them to submit Local Property Tax (LPT) returns and payments through the online system for all of their properties. On the specific case to which the Minister of State refers, Revenue has indicated that the correct PIN number and Property ID codes issued to the person in question for the purpose of filing his 2013 LPT Returns and operated properly in that regard. The codes were again activated by the person to file his 2014 payments and again operated correctly.

Revenue has also confirmed to me that the codes can continue to be used by the person to access his LPT record for both of his properties and will allow him to pay the arrears for 2013. It is unclear from the information provided why the issues raised were not resolved to the person's satisfaction in his contact with the Ennis and Limerick offices. Revenue has assured me that a member of the LPT team will make direct contact with the person in the coming days to ensure he is fully aware of how to access his records by using his PIN number and Property ID.

Tax Credits

47. **Deputy Michael Creed** asked the Minister for Finance the way the Revenue Commissioners police entitlement to the one parent family tax credit; and if he will make a statement on the matter. [51163/13]

Minister for Finance (Deputy Michael Noonan): The One-Parent Family Tax Credit is a tax credit that is available to a single parent, or a single person who has custody of and maintains a qualifying child who is living with him or her for the whole or part of a year. The parent or person must not be married, civil partner or co-habiting. A qualifying child is someone who is under eighteen years of age at the start of the tax year, or if over eighteen years of age, is receiving full time education or is permanently incapacitated either physically or mentally from maintaining himself or herself. The value of the tax credit is currently €1,650 per annum.

I am advised by the Revenue Commissioners that the qualifying conditions provided for in the legislation are very broad and make it difficult to ensure the proper administration of the One-Parent Family Credit. For example "part of a year" is not defined and there can be, in

certain cases, multiple claims in respect of the same child by different individuals. Revenue operates on the basis of a 'presumption of honesty' which is set out in its Customer Service Charter and most applications for tax credits, including the One-Parent Family Tax Credit, are processed based on the information provided by the claimant on the application form.

The Revenue Commissioners have advised me that applications will be queried if there is information on Revenue's records that does not entirely support the information provided by the claimant. In particular, Revenue's real-time risk framework was developed to identify cases where claims for the tax credit should be challenged before they are granted. Revenue has regularly run nationwide projects specifically to validate One-Parent Family Tax Credit claims and to ensure that the claimants continue to satisfy all the criteria for entitlement to the credit. For example, one such project in the South West region in recent years yielded over €4 million for the Exchequer.

I am further advised that the Revenue Commissioners have been working collaboratively with the Department of Social Protection to ensure that the Commissioners have the most up-to-date information in relation to the claimant and the qualifying child. Such information would include whether the claimant is entitled to child benefit in respect of the qualifying child as well as details of the child's date of birth.

As the Deputy is aware, the One-Parent Family Tax Credit (OPFTC) is being replaced with a new Single Person Child Carer Tax Credit from 1 January 2014. The Single Person Child Carer Tax Credit will be of the same value, i.e. €1,650, as the existing OPFTC and will also carry the same entitlement to the extended standard rate tax band of €36,800 per annum. The proposed new credit, should the changes be approved by the Oireachtas, will operate differently from the One-Parent Family Credit, such that the credit will be available in the first instance, to the primary carer, that is, the single individual with whom the child resides for the greater part of the year. In addition I have brought forward a Committee Stage Amendment to allow the primary carer to relinquish the credit such that a non-primary carer can claim it in certain circumstances. The qualifying criteria for the proposed Single Person Child Carer Tax Credit should also help to ensure that the credit can be administered in accordance with the intentions of the Oireachtas.

National Treasury Management Agency Deposits

48. **Deputy Colm Keaveney** asked the Minister for Finance the annual cost of carrying on the existing cash balances held by the National Treasury Management Agency; and if he will make a statement on the matter. [51166/13]

Minister for Finance (Deputy Michael Noonan): The proceeds of all borrowings by the Exchequer, including borrowing under the EU/IMF programme, as well as tax revenues, non-tax revenues and other receipts, are lodged to the Exchequer account at the Central Bank of Ireland to fund on-going Government expenditure. There are constant flows into and out of the Exchequer account and all moneys within it are fungible. The Government must ensure through its management of expenditure, tax and non-tax receipts and borrowings that there are prudent and adequate balances available to the Exchequer at all times. This also helps to provide investors with the assurance they require that they will be repaid upon the maturity of debt. For small open economies such as Ireland, budgetary aggregates are generally more susceptible to the negative effects of external and internal shocks. In general terms the overall level of cash reserves maintained depends on the amount of liabilities falling due for payment in the short term and the State's risk appetite in relation to such shocks over the longer term. Particular factors which arise in that context include the international economic situation, the State's debt maturity profile and the projected pattern of Exchequer receipts and expenditure.

The National Treasury Management Agency (NTMA) manages the national debt in order to ensure liquidity for the Exchequer. Decisions regarding the appropriate level of cash and related assets to be maintained take account of various factors in addition to the cost of maintaining such reserves. These factors include the potential risks of not maintaining an adequate and prudent cash balance, including the risk that the Exchequer would be unable to meet its obligations and that market funding rates for Ireland would therefore be higher than would otherwise be the case due to the perception that the State had a precarious liquidity position.

As Ireland returns to funding itself through the debt markets while still running a large though declining budget deficit, the need to hold appropriate cash balances as we emerge from the EU/IMF programme is paramount. The NTMA plans accordingly to have cash on hand as at the end of the programme in December 2013 to cover the Exchequer's full needs for the calendar year 2014 and the early part of 2015. The State earns a return on its cash balances and related assets which the NTMA manages in a prudent manner consistent with minimising risk and always having sufficient cash on hand to cover any volatility which might arise.

Due to the fungibility of the various cash streams flowing into the Exchequer, it is not possible to provide a precise measure of the total cost of maintaining the cash balances. However, the NTMA has estimated that the difference between the average rate of interest payable on long-term borrowing and the average rate receivable on cash and related assets is 2.7 percentage points in 2013 to date. The inputs to the cost of long-term borrowing include EU/IMF programme funds and the bond issuance done by the NTMA.

The NTMA continues to keep the quantum, maturity and timing of market funding under review based on its assessment of what is required to regain full market access and the overall level of cash balances that it is prudent to maintain. It is the intention to run lower cash balances in the coming years and this has been reflected in the Budget 2014 projections.

Property Taxation Collection

49. **Deputy Michael McGrath** asked the Minister for Finance if he will arrange for the Revenue Commissioners to correct a matter regarding the local property tax in respect of a person (details supplied) in County Cork. [51190/13]

Minister for Finance (Deputy Michael Noonan): I am advised by Revenue that it received no communication from either the person in question or his legal representatives in regard to a change of ownership in respect of the particular property. Revenue has also confirmed it has now investigated the ownership of the property and is satisfied that the person in question is no longer the liable person. On that basis Revenue has updated the Property Register to reflect the change in ownership and has removed the person's 2014 liability from the record.

Primary Medical Certificates Applications

50. **Deputy Michael McCarthy** asked the Minister for Finance the position regarding an application for a review of a primary medical certificate application in respect of a person (details supplied) in County Cork. [51195/13]

Minister for Finance (Deputy Michael Noonan): The disability criteria for eligibility for tax concessions under the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 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 initial application for a Primary Medical Certificate under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994, is made to the Senior Medical Officer of the relevant local Health Service Executive administrative area. If the Primary Medical Certificate is refused, the person may appeal the refusal to the Disabled Drivers Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin.

I understand the person appealed the decision of the Senior Medical Officer not to grant a Primary Medical Certificate and a date was offered for an appeal hearing but that the applicant was unable to attend the appointment. I would point out that the Medical Board of Appeal is independent in the exercise of its functions.

Property Taxation Administration

51. **Deputy Tom Fleming** asked the Minister for Finance if he will address the loophole in the legislation whereby persons who no longer own a property in 2013 are liable for the local property tax on this property in 2014; his views on whether this is totally unfair, unjust and unreasonable; and if he will make a statement on the matter. [51215/13]

Minister for Finance (Deputy Michael Noonan): In accordance with the Finance (Local Property Tax) Act 2012 (as amended), liability for Local Property Tax (LPT) will arise where a person owns a residential property on the liability date, which was 1 May 2013 for 2013, and, for subsequent years, 1 November in the preceding year. The liability date of 1 November 2013, which applies for 2014, is settled and was approved by the Oireachtas in passing the LPT legislation. I have responded to Parliamentary Questions on the liability date on several previous occasions. In reply to Question No. 110 on 27 March last, I specifically stated that where a liable person sells their residential property between 2 November 2013 and 31 December 2013, provided that they owned the property on 1 November 2013, they will be liable to pay LPT on that property for 2014.

I also informed the House in my replies to Questions Nos. 221 (49518/13) and 223 (49556/13) on 19 November 2013 that having a liability date before the year commences is preferable as there is certainty about who the liable person is for the coming year, that person has a reasonable amount of time to make the necessary provisions and they have access to the widest possible range of options for paying the tax.

For a tax such as LPT to function properly, legislation must specify a liability date for the tax to have application for a particular year. Whatever date is prescribed, the question of liability when there is a change of ownership has to be managed, and I expect that the LPT liability

involved is likely to be factored in during negotiations between the parties on the sale price and the closing date of a particular contract. As there are a number of LPT issues to be considered when buying or selling a house, detailed guidance on LPT issues arising in the context of the sale or transfer of a residential property was prepared by the Revenue Commissioners in consultation with the Law Society and is available since last August on the Revenue website at <http://www.revenue.ie/en/tax/lpt/sale-transfer-property.html> and on the Law Society's website.

An individual selling a property will often be purchasing another property at around the same time. While a vendor who owns a property on 1 November 2013 is liable for the 2014 LPT on that property, if s/he does not purchase another property before 1 November 2013 s/he will not be liable for the 2014 LPT on that "replacement" property - whoever is the owner as of 1 November 2013 will be liable. I have no plans to amend the legislation governing the liability date for LPT.

Banks Recapitalisation

52. **Deputy Seamus Healy** asked the Minister for Finance if the preference shares held in Bank of Ireland by the State are callable at the discretion of BOI; if there are any restrictions on this discretion; if the State is compelled to sell the preference shares to Bank Of Ireland should the bank seek to buy them at any time; if the preference shares are convertible to ordinary shares; if so, whether the State has the option of such conversion; and if he will make a statement on the matter. [51237/13]

Minister for Finance (Deputy Michael Noonan): I can confirm for the Deputy that the Bank of Ireland Preference Shares held by the State can be redeemed at the sole discretion of the Bank at any time, subject to the approval of the Central Bank of Ireland. Any approval of the Central Bank of Ireland would take into account the regulatory capital position of the Bank at the time of such a proposal to redeem. Aside from the callable price being a minimum of par, there are no other restrictions which would prevent the Bank from redeeming the Preference Shares. As a separate consideration, any option to sell the Preference Shares to 3rd party investors would be a decision for the State.

I can also confirm for the Deputy that the terms of the Preference Shares do not include any provision relating to the conversion of the Preference Shares to ordinary shares.

Tobacco Industry Lobbying

53. **Deputy Michael McGrath** asked the Minister for Finance the number of meetings of officials from his Department have had with the tobacco industry or representatives on its behalf in 2013; and if he will make a statement on the matter. [51272/13]

Minister for Finance (Deputy Michael Noonan): Officials from my Department have had a total of 4 meetings with representatives of the tobacco industry in 2013. Representatives of Imperial Tobacco, Philip Morris, PJ Carroll and the Irish Tobacco Manufacturers Advisory Committee were each met once during the year.

Tax Code

54. **Deputy Michael McGrath** asked the Minister for Finance if he has considered the report of the Forum on philanthropy and fundraising in relation to the number of days a non-tax

resident person may stay in Ireland and when he expects to respond to the report; and if he will make a statement on the matter. [51273/13]

Minister for Finance (Deputy Michael Noonan): The Report of the Forum on Philanthropy and Fundraising was published in May 2012. I understand that Recommendation IV of the report calls for the establishment of a “social innovation fund” to “support the establishment and growth of social innovations with the potential for transformative impact on critical social issues facing Ireland, including unemployment and the environment”. The report itself makes no mention of changes to the residence rules. However, I have received a separate proposal, developed jointly by the Forum and the Worldwide Ireland Funds, to set up a “jobs and social cohesion initiative”. The proposal involves modifying the residence rules to allow certain individuals to be in the State for up to 182 days in a year without becoming resident for tax purposes if they paid an upfront fee and an annual levy for ten years, with the money paid linked to the creation of jobs. The proposal also suggested the re-introduction of the “Cinderella rule” for participants in the scheme - that is, participants would only be treated as present in the State on a day for tax residence purposes if they were in the State at midnight on that day.

I asked the Joint Oireachtas Committee on Finance and Public Expenditure Reform to examine these proposals. The Committee has indicated that it thought the proposal had some merit but that certain issues warranted further scrutiny. While I am always open to constructive proposals, I have no plans to change the day counting rules at present.

Exchequer Revenue

55. **Deputy Michael McGrath** asked the Minister for Finance the use to which the proceeds of the sale of the State’s holding of Bank of Ireland convertible capital was put; and if he will make a statement on the matter. [51274/13]

Minister for Finance (Deputy Michael Noonan): I can confirm for the Deputy that proceeds from the sale of the Bank of Ireland convertible capital were deposited in the Exchequer. Funds in the Exchequer come from a number of different sources such as tax revenue, non-tax revenue including the sale of State Assets, and borrowings by the State from the market and under the EU/IMF Programme. As these funds are used in the day-to-day running of the State, it is not possible to quantify which specific funds are used for which purpose.

Vacancies on State Boards

56. **Deputy Michael McGrath** asked the Minister for Finance the current number of vacancies at board level in agencies under the remit of his Department; and if he will make a statement on the matter. [51275/13]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy’s question the following table give details of the number of current vacancies on bodies under the remit my Department.

Board Vacancies

Name of Body	No of current vacancies
National Treasury Management Agency Advisory Committee	2
National Pensions Reserve Fund Commission	1

Name of Body	No of current vacancies
State Claims Agency Policy Committee (* It is proposed that this vacancy will be filled by a Department of Health nominee - A Department of Health representative has, by convention, been appointed to the SCA policy advisory committee)	1*
National Development Agency	3
National Asset Management Agency	1

Non-Tax Revenue Collection

57. **Deputy Michael McGrath** asked the Minister for Finance if logistical planning or consideration has been given to the Revenue Commissioners taking responsibility for collection of the new broadcasting charge or other payments including Health Service Executive charges, commercial rates, local government charges and court fines; and if he will make a statement on the matter. [51276/13]

Minister for Finance (Deputy Michael Noonan): I understand that a Debt Management Review project is underway, under the auspices of the Department of Public Expenditure and Reform, to consider issues in relation to the collection of non-tax revenue. This review includes many of the items listed by the Deputy. Revenue is a member of the Project Team and is contributing its expertise to the project. A report of findings will be presented for consideration by Government in due course.

Irish Fiscal Advisory Council Reports

58. **Deputy Michael McGrath** asked the Minister for Finance if he plans to issue a formal response to the Irish Fiscal Advisory Council's recent assessment of Government policy decisions; and if he will make a statement on the matter. [51277/13]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, the most recent Fiscal Assessment Report from the Irish Fiscal Advisory Council was published last week. This report is currently being analysed by my Department and I intend to respond to the Irish Fiscal Advisory Council directly, in due course. As per commitments I have made before, there will be a comprehensive response to any Fiscal Assessment Report published by the Fiscal Council in either the Budget or the Stability Programme Update.

Tax Collection

59. **Deputy Michael McGrath** asked the Minister for Finance if he is still considering changing the pay and file deadline from 2015 for self-assessed taxpayers; and if he will make a statement on the matter. [51278/13]

Minister for Finance (Deputy Michael Noonan): The Deputy will be aware that, following a consultation process in relation to changes required to the Pay & File dates, I have decided not to introduce any changes for 2014. However it remains my intention to bring the annual Pay & File dates forward. This is required in order to provide increased certainty around the annual tax take and forecasting process following the move to an earlier Budget Day necessitated by the adoption of the Two-Pack.

As I have previously noted, the scope for unanticipated events which would lead to either a higher or lower than projected outturn is considerably increased in the context of an October Budget. In addition the ability to project future yield is compromised. Consequently, measures which would result in improvements in the availability of information or increases in the proportion of total yield already available prior to the Budget have to be considered. In this regard,

I would refer to the following comments from the recently published Fiscal Assessment Report of the Irish Fiscal Advisory Council:

“In summary, the movement of the Budget to October increases the risk that tax-forecasting and fiscal-deficit errors will be larger. This might warrant extra caution in setting the fiscal stance so as to ensure budgetary targets are met and fiscal rules are complied with. Moreover, this analysis takes no account of additional difficulties associated with preparing macroeconomic forecasts with two months fewer data. Recognising the issues arising from the existing structure of the Irish tax system, the Department of Finance has initiated a consultation process to bring forward the payment of taxes currently due in November.”

However, given the results of the consultation process, I believe that it would be more appropriate to make any necessary changes next year, i.e. by means of Finance Bill 2014. These would then take effect, at the earliest, from 2015.

Carbon Tax Yield

60. **Deputy Michael McGrath** asked the Minister for Finance if he will set out in tabular form the yield from the carbon tax levy in each year since its inception; if he will break down the annual yield by category of fossil fuel; and if he will make a statement on the matter. [51279/13]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that the yield from the Carbon Tax levy in each year since its inception is shown in the following table. It should be noted that the receipts shown for Carbon Tax for 2013 are provisional and subject to revision.

Carbon Tax	2010 (€m)	2011 (€m)	2012 (€m)	2013 (€m) - to end October
Auto Diesel	98.41	97.53	130.78	113.05
Petrol	65.09	60.11	74.62	58.03
Aviation Gasoline	0.04	0.04	0.05	0.02
Kerosene	16.99	40.52	40.41	36.26
MGO	27.03	48.95	54.72	51.20
Fuel Oil	1.57	2.33	2.32	1.85
LPG (other)	2.59	5.43	6.52	6.30
Auto LPG	0.04	0.20	0.03	0.05
Natural Gas	11.32	43.13	44.51	51.37
Coal*	-	-	-	3.03
Peat*	-	-	-	0.49
Total	223.08	298.23	353.95	321.65

*commenced 1 May 2013

IBRC Liquidation

61. **Deputy Michael McGrath** asked the Minister for Finance when he will be in a position to confirm if a payment by the State to the National Asset Management Agency is required on foot of the liquidation of Irish Bank Resolution Corporation; and if he will make a statement on the matter. [51280/13]

Minister for Finance (Deputy Michael Noonan): The requirement for a payment from the State to NAMA, if any, will only be known once the liquidation process is completed. I have

been informed by the Special Liquidators that they fully expect to comply with the time lines set out by me, as Minister, namely that the valuation of IBRC's loan assets be completed by 30 November 2013 and that the sale of IBRC assets is agreed or completed by 31 December 2013 or as soon as practicable thereafter. In October 2013, I approved the on-going redemptions of NAMA Senior Notes issued to Central Bank of Ireland to provide consideration for the acquisition of bank assets from the Central Bank of Ireland in accordance with the Irish Bank Resolution Corporation Act 2013. To the 15 November 2013, €425m had been redeemed.

Banking Sector

62. **Deputy Michael McGrath** asked the Minister for Finance if he is continuing to pursue with European authorities specific funding measures to address the impact of loss-making tracker mortgages on Irish banks; and if he will make a statement on the matter. [51281/13]

Minister for Finance (Deputy Michael Noonan): As the Deputy will be aware, during recent Review Missions of the Troika the Irish authorities have discussed the issues relating to the high cost of funding banks' tracker mortgage books and the related impact of the negative carry, relative to the interest rate received on the mortgages, on net interest margin and profitability. We are continuing to explore all possible options in lowering the funding costs associated with these assets. It should be pointed out that the impact of low yielding trackers has reduced considerably as a result of the tighter market spreads now being achieved by the Irish Banks when accessing the funding markets.

Property Taxation Assessments

63. **Deputy Michael McGrath** asked the Minister for Finance if Revenue has made an assessment of declared values under the local property tax compared to the estimated value placed by the Revenue Commissioners; and if he will make a statement on the matter. [51282/13]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that yield and compliance data for the Local Property Tax (LPT) for 2013 are compiled on the basis of the number of properties and broken down by city and county councils nationally. The most up to date figures are published on the Revenue Commissioners website at: <http://www.revenue.ie/en/tax/lpt/lpt-stats-11-2013.pdf>. LPT Returns for 2013 are still being filed and work is on-going to refine the LPT Register. More detailed data and analysis, including analysis in relation to a comparison of the Revenue Estimates with self-assessed valuations, will be published in due course. The Deputy will be aware that the Pay and File campaign for LPT 2014 is underway and this is Revenue's current priority in relation to LPT.

Student Grant Scheme Eligibility

64. **Deputy Pat Breen** asked the Minister for Education and Skills the reason a person (details supplied) has not been facilitated with a third level grant; if he will arrange to have the case reviewed; and if he will make a statement on the matter. [51180/13]

Minister for Education and Skills (Deputy Ruairí Quinn): Officials in my Department have confirmed with Student Universal Support Ireland (SUSI) that the student referred to by the Deputy was assessed as a dependent mature student and that the reckonable income, including parent(s)' income exceeded the upper limit of €31,500 for a postgraduate fee grant. Where

an individual applicant considers that she has been unjustly refused a student grant, or that the rate of grant awarded is not the correct one, she may appeal, in the first instance, to SUSI. Where an individual applicant has had an appeal turned down, in writing, by SUSI, and remains of the view that SUSI has not interpreted the scheme correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to the Student Grants Appeals Board. The relevant appeal form is available to download from http://www.studentfinance.ie/downloads/1375344221/2013_SGAB_appeal_form.pdf.

Students in third-level institutions experiencing exceptional financial need can apply for support under the Student Assistance Fund. This Fund assists students, in a sensitive and compassionate manner, who might otherwise be unable to continue their third level studies due to their financial circumstances. Information on the fund is available through the Access Officer in the third level institution attended. The fund is administered on a confidential, discretionary basis. In addition to the student grant, tax relief at the standard rate of tax may be claimed in respect of tuition fees paid for approved courses at approved colleges of higher education. Further information on this tax relief is available from the Revenue Commissioners on www.revenue.ie.

Haddington Road Agreement Implementation

65. **Deputy Catherine Murphy** asked the Minister for Education and Skills the reason he took the decision to treat teachers who are not members of a trade union as if they were; if his attention has been drawn to the fact that the practical result of this decision is that teachers who work in union-designated schools and who are not members of unions have their pay altered as if they were members of the predominant union in that school; if there are any legal implications in de facto designating them as though they were union members; and if he will make a statement on the matter. [51192/13]

Minister for Education and Skills (Deputy Ruairí Quinn): The Haddington Road Agreement is being implemented in line with the general approach taken in the public service. Where only one union has members in a sector the Agreement is either applied or not applied to everyone, depending on whether or not a collective agreement is reached with that union. In ETB schools, where TUI is regarded as the representative union, the HRA applies to all teachers. In Voluntary Secondary schools, where ASTI is regarded as the representative union, the FEMPI Act 2013 applies to all teachers. My Department is considering the position of TUI members in Voluntary Secondary schools. The HRA applies to teachers who are TUI members in schools with dual union representation, such as Community & Comprehensive schools and Designated Community Colleges. The FEMPI Act 2013 applies to other teachers in Community & Comprehensive schools and Designated Community Colleges. My Department is considering the position of non-unionised teachers in these schools.

Student Grant Scheme Applications

66. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will expedite a mature student grant application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [51216/13]

Minister for Education and Skills (Deputy Ruairí Quinn): Officials in my Department have confirmed with Student Universal Support Ireland (SUSI) that the student referred to by the Deputy applied as a mature independent student and supporting documents are still awaited to show that she was living independently. When this information is received and considered, the student will be notified directly of the outcome.

Schools Establishment

67. **Deputy David Stanton** asked the Minister for Education and Skills the progress made on the provision of a new primary and a new second level school in Carrigtwohill, County Cork; and if he will make a statement on the matter. [51241/13]

Minister for Education and Skills (Deputy Ruairí Quinn): On 26 September 2013 I announced my decisions regarding the patronage of new primary schools due to open in 2014. That announcement advised the deferral of the establishment of the proposed new primary school for Midleton/Carrigtwohill in Cork pending further reviews of the demographics of the area by my Department. Further to my announcement today in relation to my decisions regarding the patronage of the new post-primary schools set to open in 2015 and 2016, I can confirm that the patron of the new post-primary school for the Midleton/Carrigtwohill area will be the Cork Education and Training Board with the involvement of the Catholic Bishop of Cloyne. The new school is expected to commence operation in the 2016/17 school year.

Teaching Council of Ireland

68. **Deputy Pearse Doherty** asked the Minister for Education and Skills the total salary of the chair of the Teaching Council; if he receives more than one salary for the role, that is, from the Department of Education and Skills and the Teaching Council. [51271/13]

Minister for Education and Skills (Deputy Ruairí Quinn): The current Chairperson of the Teaching Council is a retired teacher and is an elected member of the Council. No fees or salary are payable by my Department or by the Teaching Council for the role of Chairperson. Council members are entitled to be reimbursed for out of pocket expenses in line with public sector rates.

Public Sector Staff Sick Leave

69. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he has received representations on concerns regarding the retrospective application of the public sector sick pay scheme; and if he will make a statement on the matter. [51111/13]

70. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform if he or his Department has calculated the number of staff who had serious illnesses in the past three years and who, from 1 January, will either be placed on half pay or pension-related pay in the event of becoming ill in 2014; and if he will make a statement on the matter. [51141/13]

71. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if there have been any changes to the public sector sick pay scheme and the way it will be applied since the Haddington Road agreement was finalised; and if he will make a statement on the matter. [51161/13]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 69 to 71, inclusive, together.

As the Deputies will be aware, in July 2012 sick leave arrangements for all public service employees were the subject of a Labour Court Recommendation relating to the introduction of a reformed Sick Leave Scheme. The rationale for the new scheme was the need to reduce the unsustainable cost of sick leave for the public service overall which is to be achieved through a substantial reduction in the period of time for which paid sick leave will be available from one year at present (comprising six months at full pay and six months at half pay – subject to certain

conditions) to six months (i.e. three months full pay and three months half pay). Under the Labour Court recommendation special arrangements were to be put in place, through the development of a Critical Illness Protocol, under which staff with serious illnesses of specified severity might be able to benefit from extended paid sick leave on an exceptional basis. The finalisation of this protocol was recently the subject of conciliation at the Labour Relations Commission which aimed at securing agreement on it as soon as possible to facilitate the introduction of the new sick leave arrangements from 1 January 2014.

The issue of transitional arrangements and specifically how employees who are on sick leave at the time of commencement of the new scheme as well as the approach taken to employees' prior sick leave record was addressed by the Labour Court in its recommendations. It was recommended by the Labour Court that anyone who is on sick leave at the time of the introduction of the new scheme will continue to avail of the current sick leave scheme and will be provided with access to six months full pay and six months half pay (over a four year rolling period) for the duration of that particular illness.

In relation to the issue of retrospection it was agreed by the Labour Court that an employee's sick leave records over the last four years will, as is currently the case, be used to determine whether an individual has access to sick pay or not. In the case of a non-critical illness there will, however, be a reduction in the number of days sick leave absences in the preceding four year period above which there will be no entitlement to paid sick leave - other than Temporary Rehabilitation Pay - from 365 days to 183 days. The changes in sick leave arrangements clearly represent a significant change in the terms and conditions of staff. It was, therefore, decided that the introduction of the scheme should take place in 2014 to provide all public service employees with sufficient advance notice of the sick leave scheme.

Sick leave statistics in the public service are calculated on the basis of certified and non-certified sick leave. Statistics for serious illness are not collected on the basis that there is not at the present time a consistent or agreed definition of serious illness. However, the significant lead in time to introducing changes in the sick leave scheme was intended to provide staff with extended time to understand the impact of the revised scheme on their own circumstances. The new sick leave arrangements were agreed under the Croke Park Agreement and did not form part of the Haddington Road Agreement. The parameters of the new sick leave scheme are contained in the Labour Court Recommendation and the scheme will be implemented in accordance with this recommendation.

Flood Relief Schemes Funding

72. **Deputy Jim Daly** asked the Minister for Public Expenditure and Reform the position regarding the funding and construction of a new flood relief scheme for a town (details supplied) in County Cork; and if he will make a statement on the matter. [51196/13]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Under the South West Catchment Flood Risk Assessment and Management (CFRAM) Study currently being undertaken by the Office of Public Works (OPW) in partnership with Cork County Council, Clonakilty was identified as a significant flood risk area for further assessment. Following severe flooding in Clonakilty in June 2012, the CFRAM work for the town was accelerated to assess the risk and develop a potentially viable flood relief scheme as a matter of priority. In July 2013, the outcomes of the accelerated work, namely flood maps and a preferred Scheme option, were presented to the public. The preferred Scheme option for Clonakilty includes:

- Flood-water storage in an embanked storage area upstream of Clonakilty to reduce fluvial flood risk, and,
- On-land flood defences to reduce coastal flood risk.

The OPW is currently in the process of procuring consultants to develop the design and assist with the implementation of a Scheme for the town. Tenders are due in shortly on this and it is expected that consultants will be appointed early in 2014. Stage one of the consultant's contract will be to further assess the outcome of the CFRAM Study and to bring a viable, cost-effective and sustainable scheme forward to public exhibition later in the year. Subject to such a scheme being acceptable after this public consultation stage it will then be taken forward to detailed design and construction.

Provision for funding the design and development work on the Scheme and the construction works has been made in the OPW's multi-annual capital works programme.

Redundancy Rebates

73. **Deputy Michael McGrath** asked the Minister for Social Protection if she has any concerns regarding the abolition of the redundancy rebate to employers, in particular, regarding the impact of its abolition on employers who themselves are considering retiring and closing their business but who will then face a very substantial redundancy bill; and if she will make a statement on the matter. [51170/13]

Minister for Social Protection (Deputy Joan Burton): The purpose of the redundancy payments scheme is to compensate workers, under the Redundancy Payments Acts, for the loss of their jobs by reason of redundancy. Compensation is based on the worker's length of reckonable service and reckonable weekly remuneration, subject to a ceiling of €600 per week. It is the responsibility of the employer to pay statutory redundancy to all their eligible employees.

Where an employer can prove that he/she cannot afford to pay a statutory redundancy payment, the State makes a lump sum payment, from the Social Insurance Fund (SIF), directly to the individual. Some of the employers to which the Deputy refers may fall into this category. Where the State makes a statutory redundancy payment directly to an individual a debt is raised against the employer which the State will endeavour to recover.

Employers who pay statutory redundancy payments to their employees are entitled to a rebate of a portion of that payment from the State if the date of dismissal by reason of redundancy is before 1 January 2013. In Budget 2012 the level of the rebate was reduced from 60% to 15% and in Budget 2013 the Government decided to remove the redundancy rebate to employers in respect of redundancies where the date of dismissal is on or after 1 January 2013. Rebates to employers are also paid from the SIF.

One of the factors which influenced the Government's decision to reduce the level of the rebate initially and to remove it in Budget 2013 was the significant cost of rebates in recent years. Expenditure in this regard was €373.2 million in 2010; €185.3 million in 2011; and €167.4 million in 2012. While the SIF is constituted primarily from employer contributions, the taxpayers' contribution is also significant.

I am very concerned about the deficit in the SIF and I do not see why this country should continue to borrow money to plug the hole in the SIF in order to compensate often profitable companies for the cost of making their employees redundant in Ireland and, in some cases, transferring their employment abroad. The continuation of the rebate payment was not sustain-

able in the current economic climate. While this may cause difficulties for employers it should be noted that redundancy rebate payments to employers are not common in many EU and other jurisdictions. The current arrangements bring Ireland more closely into line with practice in other countries and it is not proposed to review the matter.

Public Employment Services

74. **Deputy Willie O’Dea** asked the Minister for Social Protection her Department’s strategy relating to the advertising of jobs in foreign jurisdictions to jobseekers here; the number of persons that have been targeted by this strategy; if she will provide figures on those who have taken up employment as a result of this strategy; and if she will make a statement on the matter. [50877/13]

Minister for Social Protection (Deputy Joan Burton): Following the integration of certain FÁS services within the Department of Social Protection, the Department has assumed responsibility for public employment services in Ireland. This service includes EURES (European Employment Service) which is a European wide network of all the public employment services in the European Union and the European Economic Area. Under EU regulations, public employment services are obliged to use EURES to advertise employment vacancies throughout Europe and, when requested by another European Public Employment Service, to source applicants for such vacancies. This is considered an important enabler of the single market for labour in Europe.

As part of the EURES network the Department informs jobseekers in Ireland of job opportunities in the wider European labour market which may be of interest to them. At any one time, there are over 1 million vacancies displayed on the EURES website and people are entitled to apply for these jobs as they wish. It is an opportunity for jobseekers in Ireland to seek work in the wider European market. It also provides a system whereby Irish employers can advertise vacancies free of charge throughout Europe in situations where such vacancies cannot be filled by jobseekers in Ireland. A number of large employers have used these services to recruit people with specialist language skills and in so doing have secured the future of their mainly Irish workforce.

From time to time the Department, via EURES, is also asked to assist State or Public employment Services in countries outside of the EU/EEA, typically Canada, Australia and the USA, to advertise and fill vacancies. Depending on the nature of the posts to be advertised the Department will respond positively to such requests on a reciprocal basis. In the past the State and Public Employment Services in these countries facilitated Ireland in advertising vacancies and matching candidates for these vacancies. As part of these reciprocal arrangements the country advertising the posts typically provides assistance in securing employment visas and accommodation for jobseekers.

To date in 2013, approximately 4,000 letters have issued to jobseekers in respect of jobs in Spain, Norway, France and the UK for a range of positions including English teachers, plumbers, sales & hospitality, mechanics and electricians. As jobseekers apply for these vacancies through the EURES portal, it is not possible to know how many people applied for and secured employment using the service.

It is important to note that there is no obligation on unemployed jobseekers in receipt of income supports to apply for overseas vacancies. In notifying jobseekers of such vacancies the Department is simply drawing jobseekers attention to vacancies that exist and that are simultaneously being brought to the attention of jobseekers in other countries. The Department would

be failing in its duties if it did not offer Irish jobseekers an equal opportunity to compete for such vacancies if they so wish.

Question No. 75 withdrawn.

Back to Education Allowance Eligibility

76. **Deputy Jonathan O'Brien** asked the Minister for Social Protection the date on which she will make the back-to-education allowance scheme available to all postgraduate courses. [51118/13]

Minister for Social Protection (Deputy Joan Burton): The back to education allowance (BTEA) scheme is designed to support second chance education. It enables eligible persons to pursue approved education courses that leads to a higher qualification than that already held and to continue to receive income support equivalent to the value of their prior social protection payment for the duration of a course of study, subject to conditions. BTEA covers full-time second level courses and third level courses to higher diploma level (level 8 in the national framework of qualifications) including the professional diploma in education (primary and secondary teaching). The BTEA does not provide income support for students pursuing other postgraduate qualifications, masters or doctorates.

My Department conducted a review of employment supports schemes, including BTEA, in 2012 and published the report in January 2013. The recommendations of that review are being implemented to better support Government policy on activation as set out in Pathways to Work. Discussions on the future focus of BTEA and the range of courses that will be supported are on-going, including consideration on broadening the scope of support to selected postgraduate courses linked to skill shortages in the economy and the possible impact on existing supports provided by BTEA at second and third level. I have no immediate proposals to use scarce resources as suggested by the Deputy.

Budget 2013 Impact

77. **Deputy Joan Collins** asked the Minister for Social Protection if she has received the equality budgeting check that was promised when she introduced the budget proposals; if she will present them; if she has received same, and if not, when she expects to receive same. [51120/13]

Minister for Social Protection (Deputy Joan Burton): My Department is currently preparing an analysis of the Budget 2014 tax and welfare packages. This Social Impact Assessment will include an analysis of the distributive and poverty impacts of these changes on different family types as well as the impact on at risk of poverty levels. Social impact assessment is an evidence-based methodology which uses a tax/welfare simulation model developed by the Economic and Social Research Institute (ESRI) to estimate the likely distributive effects of budgetary measures on income and social inequalities.

I understand that my officials are liaising with the ESRI at present in relation to some technical modelling issues in order to ensure that the analysis captures as many of the main taxation measures announced in the recent Budget as is feasible. I will be examining the analysis when it is finalised and I will publish it in due course.

Social Welfare Benefits

78. **Deputy Jack Wall** asked the Minister for Social Protection further to Parliamentary Question No. 99 of 21 November 2013, if the request for a breakdown of the payments indicating the overpayment will be supplied, as the person contends that all payments due were recouped by her Department on each occasion that they absented themselves from their employment; and if she will make a statement on the matter. [51122/13]

Minister for Social Protection (Deputy Joan Burton): The detail requested by the Deputy cannot be prepared in the time available. It will be provided directly to the officer concerned in due course.

Social Welfare Code

79. **Deputy John Halligan** asked the Minister for Social Protection when local government employees reach the age of 65 and are required to retire and make application to her Department for jobseeker's allowance, if the obligation to make themselves available for work will be strictly imposed; if these persons will be means tested as per the usual procedure after the allotted nine months or so on the payment; her views on whether this is an economic use of funding; and if she will make a statement on the matter. [51151/13]

Minister for Social Protection (Deputy Joan Burton): Where individuals exit the workforce prior to pension age they may seek the support of either the jobseeker's benefit or jobseeker's allowance schemes. Jobseeker's benefit is a weekly payment to people out of work and covered by social insurance. If a person does not qualify for jobseeker's benefit they may qualify for means tested jobseeker's allowance. The Revised Estimates for my Department provides for expenditure on the jobseeker's schemes of €3.66 billion in 2013.

Legislation provides that a person must satisfy the conditions of being available for and genuinely seeking work in order to be entitled to jobseeker's benefit or jobseeker's allowance. Any person who fails to satisfy these conditions is not entitled to a jobseeker's payment. In most circumstances persons leaving local Government employment at age 65 will claim jobseeker's benefit. It is provided that, subject to the person having paid 156 or more qualifying contributions and satisfying the general scheme conditions, a person whose jobseeker's benefit expires in their 65th year will continue to be paid benefit up until the age of 66. On this basis, workers who suffer a substantial loss of employment at age 65 will generally be able to claim jobseeker's benefit for the full year to age 66 provided they have paid at least 156 qualifying contributions.

In addition, people in receipt of a jobseeker's payment must engage with the Department's activation measures and can face sanctions if they fail to do so. From January 2014, these criteria will be eased for people aged 62 and over. They will still be able to avail voluntarily of an array of supports, which are available from the Department if they wish to return to work, training or education. However, sanctions will not be applied to this cohort, should they decide they do not wish to engage with the activation process.

Special arrangements will also be made so that the majority of older people in receipt of a jobseeker's payment will have to register with their local office only once a year and their payments will be paid directly into their bank accounts. These provisions will enable these individuals to ease their transition into one of the jobseeker's schemes until they become eligible for a State pension on their 66th birthday. Issues relating to the terms of employment of local Government employees are matters for my colleagues the Minister for Environment, Commu-

nity and Local Government and the Minister for Public Expenditure in the first instance.

Education and Training Provision

80. **Deputy Jerry Buttimer** asked the Minister for Social Protection the position regarding accommodating the re-training needs of a person (details supplied) in County Cork; and if she will make a statement on the matter. [51168/13]

Minister for Social Protection (Deputy Joan Burton): The Department of Social Protection together with the Department of Education and Skills provides a range of supports to enable jobseekers to pursue educational, training and development opportunities. Of the measures open to the Department of Social Protection, the Training & Education Support Grant and the Technical Assistance Training Scheme provide cash resources to a jobseeker to pursue local opportunities. The value of grants under these schemes does not exceed €1,000 per customer annually. Funding of the level sought is not provided for under these grant schemes. While training opportunities may be availed of abroad, concerns arise around the maintenance of underlying eligibility for jobseekers payment.

Social Welfare Benefits Eligibility

81. **Deputy Denis Naughten** asked the Minister for Social Protection the reason a notice of assessment is not sufficient to assess a person's entitlement to full-rate qualified adult allowance; and if she will make a statement on the matter. [51172/13]

Minister for Social Protection (Deputy Joan Burton): In order to consider the award of a qualified adult allowance a deciding officer must satisfy themselves as to the current income of that person. Where the qualified adult is self-employed, a notice of assessment for a previous year is considered as part of the overall assessment of current income. While the income from the previous 12 months is a useful indicator to estimate the likely future income, it is not assumed that the same level of income will be generated in the succeeding year.

Further information may be required in addition to a notice of assessment, such as statements for any accounts held by the applicant and their spouse/civil partner/co-habitant in any financial institution. An individual's particular situation and the prevailing economic environment can change from one year to the next and account is taken of the potential for significant downward or upward variations in income.

Question No. 82 withdrawn.

Rent Supplement Scheme Eligibility

83. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection if rent supplement is payable to a person in receipt of the back to work self employment allowance; and if not, the reason for same; and if she will make a statement on the matter. [51177/13]

Minister for Social Protection (Deputy Joan Burton): The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The overall aim is to provide short term assistance, and not to act as an alternative to the other social housing schemes operated by

the Exchequer. There are currently approximately 81,000 persons in receipt of rent supplement for which the Government has provided over €403 million in 2013. Where a person commences full-time employment, they normally no longer qualify for a rent supplement. However, if a person is participating on the Back to Work Enterprise Allowance scheme, they may continue to retain entitlement to rent supplement, subject to the means test, if they are deemed as eligible for the Rental Accommodation Scheme (RAS). The RAS 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.

Social Welfare Fraud Data

84. **Deputy Patrick O'Donovan** asked the Minister for Social Protection further to Parliamentary Question No. 112 of 21 November 2013, if she will confirm the total amount of fraud detected as a result of the detections at State airports; if the money in question has been returned to her Department; if there are plans to extend the inspections to the other airports and passenger port terminals and other entry points to the State; and if she will make a statement on the matter. [51182/13]

Minister for Social Protection (Deputy Joan Burton): As the Deputy is aware, provision was made in the Social Welfare & Pension Act 2012 to allow for Social Welfare Inspectors to exercise certain functions at ports and airports for the purpose of ensuring compliance with the Act. The powers came into effect on 7th June 2012. Since then, 122 cases have been detected at airports. The total amount of control savings resulting from these detections amounts to €1.35 m. In all of these cases, on-going payments will have been stopped without further Exchequer loss. Control savings estimate the future expenditure that would have been incurred but for this control work. Where there is evidence that an overpayment has arisen, the Department will actively pursue the recovery of such monies.

Resulting from the operation of these powers, there have been five cases prosecuted under Criminal Justice Legislation. All of these cases have been concluded before the courts and a total of €54,000 in respect of these cases was refunded to the Department. The Department adjusts its approach to control activity and fraud investigations in light of operational experience and all such activities are kept under on-going review, including its activity in airports. In this regard, access for additional officers to attend and operate in airports has been sought and, in the medium-term, it is intended to increase this activity.

Disability Allowance Appeals

85. **Deputy Heather Humphreys** asked the Minister for Social Protection the number of disability allowance claims which were awarded following an appeal to the appeals office in the years 2008 to 2012, inclusive, and to date in 2013; and if she will make a statement on the matter. [51183/13]

Minister for Social Protection (Deputy Joan Burton): The information requested by the Deputy in respect of disability allowance appeals from 2008 to 2012 and to date in 2013 is contained in the table below. A total of 5,151 disability allowance appeals were processed during 2012. 2,939 (57.06%) of these appeals had a successful outcome for the appellant. 730 (24.84%) of the successful appeals were in fact revised decisions made by statutorily appointed deciding officers of my Department who reviewed the claim following the initial disallow-

ance. These revised decisions arose as a result, in many cases, of new facts or fresh evidence produced by the claimant after the original decision on his /her claim. In such cases an Appeals Officer decision was not necessary.

A total of 6,508 disability allowance appeals have been processed to date in 2013 (to 31st October 2013). 60.93% of these (3,965) had a successful outcome for the appellant. 770 (19.42%) of the successful appeals were in fact revised decisions made by statutorily appointed deciding officers of my Department who reviewed the claim following the initial disallowance.

Outcome of Disability Allowance Appeals 2008-2013

-	-	Decided by Appeals Officers	Decided by Appeals Officers	Decided by Appeals Officers
-	Deciding Officers' Decisions	Appeals Allowed	Appeals Partly Allowed	Appeals Disallowed Revised
2008	1,103	658	27	744
2009	995	719	43	784
2010	972	935	44	1,556
2011	627	1,699	131	2,928
2012	730	2,114	95	2,101
2013 (to 31/10/2013)	770	3,128	67	2,418

Carer's Allowance Appeals

86. **Deputy Noel Coonan** asked the Minister for Social Protection when an appeal for carer's allowance will be finalised in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [51210/13]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all of the available evidence, has decided to disallow the appeal of the person concerned by way of a summary decision. The person concerned has been notified of the Appeals Officer's 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 in relation to social welfare entitlements.

Question No. 87 withdrawn.

Carer's Allowance Applications

88. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when the application for carer's allowance will be reviewed in the case of a person (details supplied) in Dublin 15; and if she will make a statement on the matter. [51227/13]

Minister for Social Protection (Deputy Joan Burton): Carer's allowance was stopped with effect from 11 December 2013 in respect of the person in question as, following a review, it was decided that the medical criteria were no longer satisfied. In order for a child under 16 years to be deemed eligible for carer's allowance, domiciliary care allowance must be in payment for that child. In those circumstances, the child is deemed to be automatically medically eligible for carer's allowance. Once the child reaches 16 years and is no longer entitled to domiciliary care allowance, a review of the continuing entitlement to carer's allowance is car-

ried out. A letter issued to the person in question on 15 November 2013 notifying her of the decision to stop payment and the reason(s) for it. If the person in question is not satisfied with the decision to stop her carer's allowance, she may request a review or may submit an appeal to the independent Social Welfare Appeals Office.

Jobseeker's Allowance Applications

89. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the entitlement to basic social welfare payment or jobseeker's allowance in the case of a person (details supplied) in County Carlow; and if she will make a statement on the matter. [51229/13]

Minister for Social Protection (Deputy Joan Burton): The person concerned applied for jobseeker's allowance on 11 October 2013. Her application was disallowed on the grounds that she was not habitually resident in the State. She was advised of the decision in writing on 25 October 2013 and of her right to appeal within 21 days. No appeal has been received. There is no record of an application for basic supplementary welfare allowance from the person concerned, which is also subject to the habitual residency condition.

Rent Supplement Scheme Applications

90. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when rent support will be approved in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [51230/13]

Minister for Social Protection (Deputy Joan Burton): The client made an application for rent supplement on 24 October 2013. Additional documentation was requested from the client which has not to date been received. The Department will make an assessment on the client's application when all outstanding documentation has been provided.

State Pension (Contributory) Applications

91. **Deputy Bernard J. Durkan** asked the Minister for Social Protection further to Parliamentary Question No. 49610/13 of 19 November 2013, if arrears are payable retrospectively in respect of the person and their spouse; if any further arrears are outstanding in this case; and if she will make a statement on the matter. [51231/13]

Minister for Social Protection (Deputy Joan Burton): The person concerned applied for State pension (contributory), including an increase for a qualified adult in respect of his spouse. His application was disallowed as he had insufficient contributions to qualify under Irish legislation. His entitlement to State pension (contributory) under EU Regulations is currently being examined and he has been awarded a pro-rata State pension (contributory) on a provisional basis, payable from a current date only. He has been requested to supply additional information, and, when this information is received, his claim will be reviewed and finalised without delay, and any arrears due will be paid.

Social Welfare Benefits

92. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the entitlement to basic social welfare payment and/or jobseeker's allowance-adult dependant allowance in the case of a person (details supplied) in Dublin 24; and if she will make a statement on the matter. [51232/13]

Minister for Social Protection (Deputy Joan Burton): The person concerned is currently in receipt of a weekly payment of supplementary welfare allowance for herself and her dependant children as she has insufficient contributions to qualify for an illness benefit payment. She

does not satisfy the conditions for a jobseeker's allowance payment while she is ill and unable to seek employment. She will continue to receive a supplementary welfare allowance payment while she continues to be certified as ill and no changes in her circumstances occur which affect her entitlement.

Carer's Allowance Appeals

93. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding a carer's allowance appeal in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [51267/13]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 27 August 2013. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When these papers have been received from the Department, the case in question 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 appeal 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 in relation to social welfare entitlements.

Carer's Allowance Appeals

94. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding a carer's allowance appeal in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [51283/13]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was received in that office on 17 September 2013. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When these papers have been received from the Department, the case in question 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 appeal 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 in relation to social welfare entitlements.

Turf Cutting Compensation Scheme Payments

95. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage and the Gaeltacht when compensation payment under the Twelve Bens-Maam Turk complex scheme will be paid to a person (details supplied) in County Galway; the reason for the delay in issuing this payment; and if he will make a statement on the matter. [51176/13]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department has received and processed the application form for the individual referred to by the Deputy and payment should issue to the person in the next two weeks.

Departmental Funding

96. **Deputy Terence Flanagan** asked the Minister for Arts, Heritage and the Gaeltacht if funding is available to establish a garden (details supplied) in Dublin 3; and if he will make a statement on the matter. [51164/13]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I welcome the active consideration by community groups of initiatives of the nature referred to by the Deputy and I am aware that several community-based projects have been completed in recent years through voluntary action and local fund-raising, providing gardens or other memorials as monuments that will endure for years to come. In some cases, local authorities were able to contribute sites or services towards the developments. There is, however, no available funding at this time for projects of this nature.

Local Authority Staff

97. **Deputy John Halligan** asked the Minister for the Environment, Community and Local Government the rationale behind imposing an obligation on local government employees to retire at the age of 65 without the option of working on until they reach the pensionable age of 66; his views that it is an extraordinary situation where these people are being forced to retire, leaving an already stretched local government with an even greater staffing shortage as under the moratorium these positions will not be filled while at the same time adding additional obligations onto the Department of Social Protection as these people will be forced to make applications for jobseeker's allowance; if he will commit to looking into the possibility of permitting those affected to extend their service up to the age of 66 and allow them to make a valid contribution; and if he will make a statement on the matter. [51152/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Under current Local Government Superannuation Scheme rules, most employees appointed prior to 1 April 2004 must retire by the age of 65. There are no plans to extend this retirement age. The minimum retirement age for employees appointed between 1 April 2004 and 31 December 2012 is 65 but they may work beyond that date. Employees appointed since 1 January 2013 are members of the Single Public Service Pension Scheme and for most members their minimum pension age is linked to the State Pension age.

Tenant Purchase Scheme Administration

98. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government the present status of the provision to allow the sale of local authority flats to their tenants as provided for in the Housing (Miscellaneous Provisions) Act 2009; the progress that has been made by local authorities in implementing the provisions of the Act; if it is planned to modify the Act in any way; and if he will make a statement on the matter. [51165/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I have no proposals to make substantive amendments to Part 4 of the Housing (Miscellaneous Provisions) Act 2009 relating to the tenant purchase of local authority apartments, which, with the exception of section 64(9)(a), came into operation on 1 January 2012. I also made the Housing (Tenant Purchase of Apartments) Regulations 2011 under Part 4 of the 2009 Act, which came into operation on the same date. In the coming months I will prescribe the form of, and the terms and conditions to be specified in, the transfer

orders and charging order for use by housing authorities in operating the new scheme. I will also be issuing to housing authorities models of the memorandum and articles of association for the management company to be established in each complex designated for tenant purchase and related guidance.

It is a matter for individual housing authorities to apply the new scheme in their own areas and my Department understands that some authorities have begun the process of identifying complexes in their housing stock that might be suitable for tenant purchase designation.

Planning Issues

99. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if planning permission is needed for use of a playing pitch as a helicopter pad for a nearby hospital. [51187/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): Where works - for example, the laying of concrete, asphalt, etc. - are required for the purpose of facilitating helicopters to land in a specific location, this is development for the purposes of the Planning and Development Act 2000, and is not exempted development. Accordingly planning permission is required. The question of whether the use of land for the take-off and landing of helicopters, without any associated works, is development in any particular case is a matter to be decided by the relevant planning authority in the first instance and by An Bord Pleanála in the event of a referral to the Board under section 5 of the Planning and Development Act 2000. The planning authority or Board will make its decision in any case on the basis of the facts pertaining, taking into account all relevant matters, for example the location of the landing area and the frequency of landings and take-offs.

Social and Affordable Housing Provision

100. **Deputy Willie O'Dea** asked the Minister for the Environment, Community and Local Government if he will make emergency funding available to North Tipperary County Council to purchase housing in the Ashbury development in Roscrea which is urgently required for the provision of social housing in the area; and if he will make a statement on the matter. [51209/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): This year my Department has allocated in excess of €3 million to North Tipperary County Council in respect of the measures included in the Social Housing Investment Programme for 2013. This includes €273,000 for the purchase of houses in Nenagh and Roscrea. Having regard to the high level of commitments under the housing programme at this time my Department is not in a position to approve further funding for the purchase of houses in Ashbury, Roscrea.

Local Authorities Management

101. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government If he will meet with County Kerry Oireachtas Members and members of Killarney Town Council at an early date to discuss the case Killarney has to make in respect of retaining its mayor from 2014 onwards; and if he will make a statement on the matter. [51211/13]

Minister for the Environment, Community and Local Government (Deputy Phil Ho-

gan): I refer to the replies to Questions Nos. 141 of 21 November 2013 and 275 of 12 November 2013.

Local Development Companies Funding

102. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on correspondence (details supplied) regarding funding; and if he will make a statement on the matter. [51222/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): During 2011, the European Commission approved a change in the maximum co-funding rate from 55% to 85% in relation to LEADER. This had the effect of reducing the available funding under the Programme from €427 million to an estimated €370 million. It was therefore necessary to carry out a comprehensive review of the level of commitments and expenditure across the Programme in order to apportion the remaining funds among the Local Development Companies (LDCs), taking into account the level of commitments already entered into. The redistribution of funding was conducted in as fair and equitable a manner as was possible.

On 20 May 2013, North East Kerry Development (NEKD) were awarded a revised allocation of RDP funding of €8,937,452 which includes €483,183 ring-fenced for Gaeltacht areas. My Department is keeping the funding position under constant review. I expect that there will be a small amount of uncommitted LEADER Programme funding available for re-distribution to LDCs before year end; I will review the options available for distributing these funds and make allocations in the coming weeks.

Water Services Funding

103. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he will provide full details of the service level agreements which have been undertaken between Irish Water and individual local authorities; the way these agreements will determine the funding to be provided to local authorities for the provision of water services in 2014 in each case; the amount expected to be required in each case; the dates on which such moneys will be transferred; and if he will make a statement on the matter. [51239/13]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): The Water Services Act 2013 provided for the establishment of Irish Water as a subsidiary of Bórd Gáis Éireann, to be formed and registered under the Companies Act. Further proposed comprehensive legislation will transfer statutory responsibility for water services to Irish Water and will provide for local authorities to act as agents for Irish Water, with this relationship being expressed through Service Level Agreements. These agreements are at present being developed between Irish Water and the local authorities with a view to their being in place for 1 January 2014. The final agreements will be signed on behalf of each authority and Irish Water following enactment of the legislation, and they will include the necessary operational budget provision for 2014.

Irish Water will be responsible for the recoupment of costs to local authorities in line with agreed budgets and the Service Level Agreements.

Legislative Measures

104. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government if he will consider reviewing section 42 of the Planning and Development Act and Article 45 of the Planning and Development Regulations 2000-2013 with a view to making amendments to allow planning authorities to request further information to be sought on substantive planning issues and to allow conditions to be imposed on the extended permission to address planning inadequacies in the original permission, so as to facilitate a situation where grants of permission can be extended, particularly in circumstances where financial difficulties prevent a person from availing of the permission; and if he will make a statement on the matter. [51263/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): Under section 42 of the Planning and Development Act 2000 an extension of permission is automatically given on application in a case where substantial works have been carried out within the original duration (subject only to the condition that an application complying with the relevant Regulations was made before the expiration of the initial period). In 2010, section 42 was amended and a new provision was introduced whereby the duration of a permission may be extended where substantial works have not been done, or where the development has not even commenced, in cases where the planning authority is satisfied that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against either the commencement of development or the carrying out of substantial works, pursuant to the original planning permission (again provided that an application complying with the relevant Regulations was made before the expiration of the initial period).

This latter provision is, however, subject to the following qualifications:

- that the planning authority is satisfied that there have been no significant changes in the development objectives in the development plan or in regional development objectives in the Regional Planning Guidelines for the area of the planning authority since the date of the permission such that the development would no longer be consistent with the proper planning and sustainable development of the area,

- that the planning authority is satisfied that the development would not be inconsistent with the proper planning and sustainable development of the area, having regard to any guidelines issued by the Minister under section 28, notwithstanding that they were so issued after the date of the grant of permission in relation to which an application is made under this section, and/or

- that the planning authority is satisfied where the development has not commenced, that an environmental impact assessment, or an appropriate assessment, or both of those assessments, if required, was or were carried out before the permission was granted.

Any changes to the current legislation will be further considered in the context of the next Planning Bill review, which I expect to undertake in 2014.

Anti-Social Behaviour

105. **Deputy Martin Heydon** asked the Minister for the Environment, Community and Local Government the options available to those who are living near vacant buildings which are not classed as derelict but are empty and causing a rise in anti-social behaviour in these areas; and if he will make a statement on the matter. [51266/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): Issues of anti-social behaviour should be directed in the

first instance to An Garda Síochána. Public representatives may also wish to raise such issues with Garda management through engagement at meetings of Joint Policing Committees and local Policing Fora.

Water Services Provision

106. **Deputy Martin Heydon** asked the Minister for the Environment, Community and Local Government the investment his Department is making to water services around the country; the way future water charges will be spent to improve our current water system; and if he will make a statement on the matter. [51286/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The overall strategy of investment in water services to date has been to ensure that the timing and scale of investment facilitates economic and other development, achieves compliance with statutory requirements and promotes environmental sustainability objectives, including meeting the requirements of relevant EU Directives. The main vehicle for achieving these objectives for public domestic water supplies is the multi-annual Water Services Investment Programme (WSIP). The current Programme runs to the end of 2013 and includes contracts to address deficiencies in the quality of supply, to improve the overall capacity of the system and an accelerated programme of mains rehabilitation.

From 1 January 2014 Irish Water will be responsible for the delivery of water services capital infrastructure and is currently preparing a Capital Investment Plan for 2014-2015. This Plan will include taking account of the transition of projects that are included in the current WSIP.

The Exchequer proposes a direct equity investment of €240m towards the capital funding of Irish Water in 2014. This will support projects to be included in Irish Water's Capital Investment Plan and will ensure that the entity is in a position to take on the water services investment programmes of the 34 water services authorities, including some 80 projects currently in progress. Irish Water will also finance some of its costs and the liabilities transferred from local authorities through borrowings in 2014.

Naturalisation Applications

107. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress to date in determination 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. [51105/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that an application for a certificate of naturalisation has been received in respect of the minor referred to by the Deputy. The application is being processed with a view to establishing whether the statutory conditions for the granting of naturalisation are met and will be submitted to me for decision as expeditiously as possible.

The Deputy may wish to note that 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 established specifically 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.

Courts Service

108. **Deputy Michael McGrath** asked the Minister for Justice and Equality when the provisions in the Courts and Civil Law (Miscellaneous Provisions) Act 2013 regarding the new €15,000 monetary jurisdiction limit for civil matters in the District Court will come into effect; and if he will make a statement on the matter. [51117/13]

Minister for Justice and Equality (Deputy Alan Shatter): Part 3 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 provides for the revised monetary jurisdictional thresholds. Prior to the implementation of Part 3, the District Court Rules Committee decided to undertake a comprehensive revision of District Court civil procedure. I am awaiting the draft rules which, I understand, were recently approved by the Committee and are now being finalised before they will be formally submitted to me for concurrence. I intend to commence the provisions in time for the commencement of the new legal term in January 2014.

Child Abduction

109. **Deputy Niall Collins** asked the Minister for Justice and Equality the position regarding an application which is being dealt with by the international child abduction section of his Department (details supplied); and if he will make a statement on the matter. [51119/13]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will appreciate, it would not be appropriate for me to comment on individual cases that may be or have been the subject of an application under the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Such applications are facilitated by the Irish Central Authority for International Child Abduction which is part of my Department but the decision on the outcome of such applications rest with the Courts of the relevant jurisdiction. I understand that the Irish Central Authority is in contact with the applicant and will continue to keep them informed as the matter progresses.

Deportation Orders

110. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding residency status or eligibility for application for naturalisation in the case of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [51125/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is the subject of a Deportation Order, made on 15th October, 2009, following a comprehensive examination of her asylum and subsidiary protection claims and the detailed examination of the representations she submitted for consideration under Section 3(6) of the Immigration Act 1999 (as amended).

Further representations were received from the person concerned requesting that her Deportation Order be revoked, in accordance with the provisions of Section 3(11) of the Immigration Act 1999 (as amended). The person concerned has also sought a right of residency in the State, accompanied by a right to work, based on the principles set out in the Zambrano Judgment. As a result of these submissions, the case of the person concerned is under review at present. In the event that the person concerned meets the criteria set out in the Zambrano Judgment then, all other things being equal, her Deportation Order will be revoked and permission to remain will be granted. However, in the event that the criteria set out in the Zambrano Judgment are

not met, the Deportation Order will remain in place. In either event, once a decision has been made, this decision, and the consequences of the decision, will be conveyed in writing to the person concerned.

The Deputy should note that as the person concerned has no current right of residency in the State, she would not be in a position to meet the lawful residency criteria applicable to persons applying to my Department for a Certificate of Naturalisation.

Queries in relation to the status of individual immigration cases may be made directly to the INIS of my Department 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.

Residency Permits

111. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding residency in the case of a person (details supplied) in County Kerry; and their eligibility to make an application for naturalisation; and if he will make a statement on the matter. [51126/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is the subject of a Deportation Order, made on 5th November, 2007, following a comprehensive examination of her asylum and subsidiary protection claims and the detailed examination of the representations she submitted for consideration under Section 3(6) of the Immigration Act 1999 (as amended). On 27th December, 2012, the person concerned applied for a right of residency in the State, accompanied by a right to work, based on the principles set out in the Zambrano Judgment. This application is under consideration at present. Once a decision has been made in this application, this decision, and the consequences of the decision, will be conveyed in writing to the person concerned. The Deputy should note that as the person concerned has no current right of residency in the State, she would not be in a position to meet the lawful residency criteria applicable to persons applying to my Department for a Certificate of Naturalisation.

Queries in relation to the status of individual immigration cases may be made directly to the INIS of my Department 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.

Immigration Policy

112. **Deputy Aodhán Ó Ríordáin** asked the Minister for Justice and Equality if his Department has considered putting in place an earned regularisation scheme for undocumented workers as outlined by the Migrant Rights Centre of Ireland; and if he will make a statement on the matter. [51128/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am familiar with the proposals put forward by the Migrant Rights Centre in this area but at present I have no plans to introduce any form of earned regularisation scheme. It remains the responsibility of all non-

EEA nationals who are resident in the State to ensure that they have an appropriate permission from the Minister for Justice and Equality and the great majority of migrants comply with this condition.

If a person is undocumented his /her case can be considered on its merits by officials in the Irish Naturalisation and Immigration Service of my Department. Sometimes this consideration will result in a positive outcome for the applicant. In other cases, the decision by the Irish authorities, subject to the oversight of our Courts, would be that the person has to go home. That decision should be respected.

Broad regularisation programmes are problematic. They could give rise to unpredictable and potentially very costly impacts across the full range of public and social services. At EU Level, the Member States, in agreeing the European Pact on Immigration and Asylum at the European Council in October 2008 made specific commitments “to use only case-by-case regularisation, rather than generalised regularisation, under national law, for humanitarian or economic reasons”. While the Pact is not legally binding, the political commitment among Member States, then and now, is clearly against any form of process that would in any way legitimise the status of those unlawfully present without first examining the merits of their individual cases. In our case there are also significant considerations based on maintaining the integrity of the Common Travel Area with the UK which must be taken into account.

Public Sector Staff Sick Leave

113. **Deputy Niall Collins** asked the Minister for Justice and Equality if the Garda Commissioner is drawing up a report on the implications of the new sick pay scheme and the way it applies to the Garda Síochána; when he hopes to receive the report; and if he will make a statement on the matter. [51145/13]

114. **Deputy Niall Collins** asked the Minister for Justice and Equality if he has any concerns regarding the implications of the proposed new sick pay scheme for the Garda Síochána in view of the nature of its job; and if he will make a statement on the matter. [51146/13]

115. **Deputy Niall Collins** asked the Minister for Justice and Equality if he or his Department has considered exempting An Garda Síochána from the proposals on the sick pay scheme from 1 January 2014; and if he will make a statement on the matter. [51147/13]

116. **Deputy Niall Collins** asked the Minister for Justice and Equality the reason An Garda Síochána will be in receipt of half the sick pay entitlements from 1 January 2014 of their colleagues in the PSNI; and if he will make a statement on the matter. [51148/13]

117. **Deputy Niall Collins** asked the Minister for Justice and Equality the reason Labour Court recommendation (details supplied) is being applied to An Garda Síochána when gardaí have no access to the Labour Court; and if he will make a statement on the matter. [51149/13]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 113 to 117, inclusive, together.

My Department is currently in discussion with the Department of Public Expenditure and Reform on proposals for revised sick leave measures, including the application of these measures to the Garda Síochána, which are to be included in the Public Service Management (Recruitment and Appointments) Amendment Bill 2013. These measures will, I understand, be provided for in amendments to the Bill which will be considered in the normal way.

Crime Data

118. **Deputy John Halligan** asked the Minister for Justice and Equality the number of persons that were put off the road for drunk driving offences under the Intoxicating Liquor Act over the past five years, 2008 to 2012, inclusive; the number of these persons that have since re-offended and have once again been put off the road for similar offences; and if he will make a statement on the matter. [51150/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office (CSO), as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the relevant available statistics directly to the Deputy.

Road Traffic Offences

119. **Deputy Finian McGrath** asked the Minister for Justice and Equality the reason he refused to meet the mother of a hit and run victim (details supplied) as there are serious questions regarding this case in relation to the workings of our justice system. [51169/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am deeply conscious of the continuing impact of the particular circumstances of the tragic case in question. The Deputy will be aware that my Department has been in correspondence with the individual concerned on a number of occasions in relation to the issues raised. The Deputy will also be aware that I wrote to the person referred to on 1 October setting out my position as Minister with respect to the request for a meeting.

Constitutional Amendments

120. **Deputy Áine Collins** asked the Minister for Justice and Equality his views on the need to hold a referendum in relation to legislation to allow same sex marriage. [51173/13]

Minister for Justice and Equality (Deputy Alan Shatter): The clear position arising from case law in Ireland - and there is ample case law to this effect - is that marriage is understood as being between one man and one woman, ideally for life. The Government considers that it would be constitutionally unsound to legislate for marriage between same-sex couples in the absence of a constitutional amendment. On this basis, Government referred the issue of same-sex marriage to the Convention on the Constitution for consideration. The Convention also believed that amendment was necessary, and recommended that a constitutional referendum be held on the issue. Government has accepted the recommendation and intends to hold the necessary referendum in the first half of 2015.

Judicial Council Legislation

121. **Deputy Finian McGrath** asked the Minister for Justice and Equality his plans for the publication of the proposed Judicial Council Bill. [51188/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Programme for Government undertakes to “legislate to establish a Judicial Council, with lay representation, to provide

an effective mechanism for dealing with complaints against judges” and this commitment is being given expression in the form of the proposed Judicial Council Bill. As well as providing for the establishment of a Judicial Council and Board that will promote excellence and high standards of conduct by judges, the proposed Bill is aimed at providing a means of investigating allegations of judicial misconduct supported by the establishment of a Judicial Conduct Committee which will have lay representation. Having considered the Bill in light of the considered views of the judiciary and in relation to current Government policy, I am happy to confirm that work on the drafting of the new Bill continues in conjunction with the Offices of the Attorney General and of Parliamentary Counsel. While it had been hoped to publish the Bill this year, in light of the Government’s heavy legislative programme I would now expect this to take place in the New Year.

Residency Permits

122. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the procedure to be followed to regularise residency status in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [51249/13]

Minister for Justice and Equality (Deputy Alan Shatter): The persons concerned are a husband and wife who entered the State on visit/short stay visas. The Deputy might wish to note that the maximum stay on a visit/short stay visa is 90 days. The first named person concerned entered the State in 2006 and was granted permission to remain for an initial 90 days. He was granted further permission to remain from 8th July, 2011 to 8th September, 2011. The second named person concerned entered the State in 2007 and was granted permission to remain for 90 days. They have both remained in the State without permission since those times.

Consequently, in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the persons concerned were notified, by separate letters dated 21st October, 2013, that the Minister proposed to make deportation orders in respect of them. They were each given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making written representations to the Minister setting out the reasons why they should not have deportation orders made against them. Representations have been submitted on behalf of the persons concerned.

The position in the State of the persons concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before final decisions are made. Once decisions have been made, these decisions, and the consequences of the decisions, 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 of my Department 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

123. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current

residency status in the case of a person (details supplied) in County Dublin, their spouse and family; if the family satisfies eligibility for consideration for naturalisation; and if he will make a statement on the matter. [51250/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned and his spouse were granted temporary permission to remain in the State in 2001 under the arrangements then applicable to the non-EEA national parents of Irish born citizen children. His permission was renewed on a regular basis with the latest permission due to expire on 4 March, 2014. I am informed that the spouse of the person concerned has been naturalised. A valid application for a certificate of naturalisation has been received from the person concerned.

As the Deputy will appreciate, the granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process. The application is now at an advanced stage of processing and they will be informed of my decision in due course.

Queries in relation to general immigration matters may be made directly to Irish Naturalisation and Immigration Service (INIS) of my Department 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

124. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which the residency status in the case of persons (details supplied) in County Monaghan has been determined to date; if temporary residency status will be awarded in view of the vulnerability of the family including two children; and if he will make a statement on the matter. [51251/13]

Minister for Justice and Equality (Deputy Alan Shatter): As conveyed to the Deputy in a previous Parliamentary Question Number 108 of 14th March 2013 the person concerned is the subject of a Deportation Order signed on 17 January, 2013. The Deportation Order was signed following a comprehensive and thorough examination of his asylum application in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), and Section 5 of the Refugee Act 1996, (as amended) on the prohibition of refoulement.

I have been informed by the Irish Naturalisation and Immigration Service of my Department that representations were received from the person's legal representative requesting that the Deportation Order be revoked in accordance with the provisions of Section 3(11) of the Immigration Act, 1999 (as amended). This application is being considered. The effect of Deportation Orders is that the persons concerned must leave the state and remain thereafter outside the State. The enforcement of Deportation Orders is an operational matter for the Garda National Immigration Bureau.

Queries in relation in relation to the status of individual immigration cases may be made directly to the INIS of my Department 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.

Residency Permits

125. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding residency status and/or eligibility for consideration for naturalisation in the context of the Zambrano decision in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [51252/13]

Minister for Justice and Equality (Deputy Alan Shatter): In February, 2008, the person concerned made an application for residency in the State on the basis of being the spouse of an EU National who was exercising her EU Treaty Rights in this State. This application was approved and the person concerned was notified to this effect by letter dated 1st September, 2008. The person concerned completed the registration formalities to the extent that his permission to remain was valid to 1st September, 2013.

Given that the person concerned was no longer residing with his EU national spouse, he was not in a position to apply for the renewal of his permission to remain on the basis of being the spouse of an EU national. He has, however, sought a right of residency in the State, accompanied by a right to work, based on the principles of the European Court of Justice Judgment in the Zambrano case. This application is under consideration at present. Once a decision has been made in this application, this decision, and the consequences of the decision, will be conveyed in writing to the person concerned.

There is no record of an application for a Certificate of Naturalisation having been received from the person concerned. However, it will be open to him to apply to the Citizenship Division of my Department for a Certificate of Naturalisation when he is in a position to meet the lawful residency criteria applicable to the lodgement of such applications. Details on the criteria to be met by persons lodging such applications are available from the Irish Naturalisation and Immigration Service Website (www.inis.gov.ie).

Queries in relation to the status of individual immigration cases may be made directly to the INIS of my Department 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

126. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the residency status in the case of a person (details supplied) in County Kerry; the procedure to be followed, if any, to update and regularise their position and that of their spouse and family; if they have an entitlement to consideration for naturalisation; and if he will make a statement on the matter. [51253/13]

Minister for Justice and Equality (Deputy Alan Shatter): The question of residency status or entitlement to consideration for naturalisation does not arise at this time in the case of the persons whose details were supplied. Should the option to apply for permission to remain in the State arise in the future the persons concerned will be advised accordingly.

Naturalisation Applications

127. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the residency status and eligibility for consideration for naturalisation in the case of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [51254/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that a valid application for a certificate of naturalisation has been received from the person referred to by the Deputy. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The Deputy may wish to note that 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 established specifically 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.

Naturalisation Applications

128. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the residency status and eligibility for naturalisation in the case of persons (details supplied) in County Carlow; and if he will make a statement on the matter. [51255/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service (INIS) of my Department, that the first named person was granted Long Term Residency on 4th January, 2011. This person registered their permission to remain in the State with the Garda National Immigration Bureau (GNIB) until 31st August, 2013. The second named person had permission to remain in the State on work permit conditions until 10th May, 2010. As the permission to remain for both persons has now expired, they are advised to contact their local Immigration Officer as soon as possible to regularise their status in the State.

Officials in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) inform me that there is no record of an application for a certificate of naturalisation from either of the persons referred to in the Deputy's question. Section 15 of the Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must:

- be of full age
- be of good character
- have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- intend in good faith to continue to reside in the State after naturalisation
- have, before a judge of the District Court in open court, in a citizenship ceremony or in

such manner as the Minister, for special reasons, allows—

(i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and

(ii) undertaken to faithfully observe the laws of the State and to respect its democratic values.

A foreign national who is married to, or is the Civil Partner of, an Irish citizen for at least three years may apply for naturalisation under section 15A of the Irish Naturalisation and Citizenship Act 1956, as amended, where they have been continuously resident in the island of Ireland for the year immediately prior to the date of their application and for two out of the four years prior to that year. The marriage or civil partnership must be subsisting and recognised under Irish law. Section 15A provides that the Minister may waive certain conditions for naturalisation if satisfied that the applicant would suffer serious consequences in respect of his or her bodily integrity or liberty if not granted Irish citizenship.

Section 16 of the Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister may, in his absolute discretion, waive some or all of the statutory conditions in certain circumstances i.e. where an applicant is of Irish descent or of Irish associations; where an applicant is a person who is a refugee within the meaning of the United Nations Convention relating to the Status of Refugees; or where an applicant is a Stateless person within the meaning of the United Nations Convention relating to the Status of Stateless persons.

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 Deputy may wish to note that 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 established specifically 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.

Naturalisation Applications

129. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the residency status and eligibility for consideration for naturalisation-family reunification in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [51256/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is a sibling of an Irish born citizen child of non-EEA parents born in the State prior to 1 January, 2005. The person concerned was granted permission to remain in the State in 2007. This permission was subsequently renewed on several occasions and is currently valid until 29 August, 2014.

A valid application for a certificate of naturalisation has been received from the person concerned. As the Deputy will appreciate, the granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process. The application is now at an advanced stage of processing and they will be informed of my decision in due course.

Queries in relation to general immigration matters may be made directly to Irish Naturalisation and Immigration Service (INIS) of my Department 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.

Naturalisation Applications

130. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will set out the reckonable period of residency in the case of a person (details supplied) in County Kildare in view of their legal residency here in the period 2002 to date; if he will set out the current residency status; the requirements to update same; if they are eligible for consideration for naturalisation on the basis of their residency to date; and if he will make a statement on the matter. [51257/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service (INIS) of my Department that the person concerned is currently registered in the State under Stamp 4 conditions on the basis of his marriage to an Irish national. This permission is valid until 9 June, 2014 and is renewable directly with their local immigration officer shortly before its expiry date. An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of INIS in August, 2010.

On examination of the application submitted it was determined that the person in question did not meet the statutory residency requirements as set out in the Irish Nationality and Citizenship Act 1956, as amended. The person concerned was informed of this in a letter issued to him on 24 September, 2010.

It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the prescribed statutory requirements. The on-line Naturalisation Residency Calculator 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 general immigration matters may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Naturalisation Applications

131. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the residency status and eligibility for consideration for naturalisation in the case of a person (details supplied) in Dublin 24, whose spouse is an Irish citizen; and if he will make a statement on the matter. [51258/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned was the subject of a Deportation Order, made on 19th February, 2009, following a comprehensive examination of his asylum and subsidiary protection claims and the detailed examination of the representations he submitted for consideration under Section 3(6) of the Immigration Act

1999 (as amended). Further representations were received from the person concerned earlier this year requesting that his Deportation Order be revoked, in accordance with the provisions of Section 3(11) of the Immigration Act, 1999 (as amended). Following consideration of the information submitted, the Deportation Order was formally revoked on 6th September, 2013.

The person concerned has sought a right of residency in the State, accompanied by a right to work, based on the principles of the European Court of Justice Judgment in the Zambrano case. This application is under consideration at present. Once a decision has been made in this application, this decision, and the consequences of the decision, will be conveyed in writing to the person concerned. The Deputy should note that as the person concerned has no current right of residency in the State, he would not be in a position to meet the lawful residency criteria applicable to persons applying to my Department for a Certificate of Naturalisation.

Queries in relation to the status of individual immigration cases may be made directly to the INIS of my Department 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.

Data Protection

132. **Deputy Catherine Murphy** asked the Minister for Justice and Equality his plans to make changes to the law in respect of information seized as a by-product of the seizure of a computer; if data protection responsibility continues to be positioned with the data collector but the computer has been seized and, therefore, not under their control; the way they can give effect to that responsibility; in the event of the computer being sold, the efforts that are made to wipe the data; if third party data are retained on the computer, the way the data collector is protected; and if he will make a statement on the matter. [51264/13]

Minister for Justice and Equality (Deputy Alan Shatter): As I indicated in my reply to Question No. 162 of 21 November, the Data Protection Acts 1988 and 2003 apply to the Revenue Sheriff. This means, inter alia, that appropriate security measures must be taken against unauthorised access to, or unauthorised alteration, disclosure or destruction of personal data coming into his or her possession. Such personal data may not be retained for longer than is necessary for any specific and legitimate purpose for which they were collected or processed. Where computer equipment containing personal data has been seized by the Revenue Sheriff, such personal data should be returned under secure conditions to the person from whom the equipment was seized unless there is a legitimate reason for non-return of the data. On return of the personal data, relevant provisions of the Data Protection Acts will apply to the data.

In January 2012, the European Commission published proposals for a General Data Protection Regulation to update the current data protection framework. The negotiations on the proposed Regulation are ongoing at EU level. In the circumstances, I have no plans to amend the law at this time.

Fishery Harbour Centres

133. **Deputy Terence Flanagan** asked the Minister for Agriculture, Food and the Marine if he is available to meet with a group (details supplied) regarding the introduction of pay parking in Howth; and if he will make a statement on the matter. [51123/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Deputy should advise the officers of the group in question to contact my office where their request for a meeting can be more properly assessed against other competing pressures on my diary.

Pension Provisions

134. **Deputy Dan Neville** asked the Minister for Agriculture, Food and the Marine his views on correspondence (details supplied) regarding farm retirement pension. [51144/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department has been advised by the Department of Social Protection that the person named was awarded a State Pension Transition backdated to 22 December, 2012. State Pension Transition is deductible from Early Retirement Scheme payments from age 65. Where an applicant qualifies for the Early Retirement Scheme under joint management the pension shall be reduced by the amount of any national retirement pension paid to the participant and their spouse/partner in the joint management arrangement. As a result, an overpayment has occurred in respect of the ERS pension of the above named and a letter issued to them on 1 May 2013 to this effect.

Disadvantaged Areas Scheme Payments

135. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the number of farmers in County Sligo who are currently awaiting disadvantaged areas payments for 2013. [51153/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Payments under the 2013 Disadvantaged Areas Scheme commenced, on schedule, on 25 September and, to date, payments worth €185.1 million have issued nationally, to some 87,713 applicants, with payments continuing to issue on a twice weekly basis, with individual cases being paid as they are confirmed eligible. The details in respect of payments which have issued to farmers in County Sligo to date are set out in the table.

County Sligo

-	Numbers applied*	Number paid	Value of payments
2013	4,150	3,443	€7,307,350

* A number of these applicants will be not be eligible for payment as they will not meet the minimum stocking density requirements of the Disadvantaged Areas Scheme.

Single Payment Scheme Payments

136. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the number of farmers in County Sligo who are currently awaiting single farm payments for 2013. [51154/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): There were 3,876 applications under the Single Payment Scheme in Sligo of which 3,696 have already received payment. There are 180 cases still to be paid. All unpaid cases are currently being progressed as quickly as possible with a view to payment as soon as all the requirements under the Single Payment Scheme have been met.

Disadvantaged Areas Scheme Payments

137. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the number of farmers in County Donegal who are currently awaiting disadvantaged areas payments for 2013. [51155/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Payments under the 2013 Disadvantaged Areas Scheme commenced, on schedule, on 25 September and, to date, payments worth €185.1 million have issued nationally, to some 87,713 applicants, with payments continuing to issue on a twice weekly basis, with individual cases being paid as they are confirmed eligible. The details in respect of payments which have issued to farmers in County Donegal to date are set out in the table.

County Donegal

-	Numbers applied*	Number paid	Value of payments
2013	8,707	6,959	€15,918,735

* A number of these applicants will be not be eligible for payment as they will not meet the minimum stocking density requirements of the Disadvantaged Areas Scheme.

Single Payment Scheme Payments

138. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the number of farmers in County Donegal who are currently awaiting single farm payments for 2013. [51156/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): There were 7,950 applications under the Single Payment Scheme in Donegal of which 7,497 have already received payment. There are 453 cases still to be paid. All unpaid cases are currently being progressed as quickly as possible with a view to payment as soon as all the requirements under the Single Payment Scheme have been met.

Single Payment Scheme Payments

139. **Deputy Dan Neville** asked the Minister for Agriculture, Food and the Marine when single farm payments will issue in respect of a person (details supplied) in County Limerick. [51160/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named submitted a Single Farm Payment/Disadvantaged Areas Scheme application on 8 May 2013. EU Regulations governing the administration of these schemes require that full and comprehensive administrative checks, including in some cases on-farm inspections, be completed before any payments issue. The application of the person named was selected for a ground eligibility/cross compliance inspection. This inspection has been completed and the results are now being finalised with the intention of issuing any payment due as soon as possible. In the event that any queries arise officials in my Department will shortly be in contact with the person named.

Disadvantaged Areas Scheme Payments

140. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when 2013 payment under the disadvantaged areas based payment will issue to a person (details supplied) in County Galway; the reason for the delay in issuing this payment; and if he will make a statement on the matter. [51178/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): As processing of the application of the person named under the 2013 Disadvantaged Area Scheme is now completed, payment under this Scheme is due to issue shortly, directly to the nominated bank account of the person named.

Animal Slaughtering Standards

141. **Deputy Heather Humphreys** asked the Minister for Agriculture, Food and the Marine the number of licensed operators available for the on-farm slaughter of casualty animals; if his attention has been drawn to the fact that delays in attending to these animals mean that they cannot enter the food chain which causes unnecessary financial loss to the farmer; if he will consider increasing the number of licensed operators to cope with any surge in demand; and if he will make a statement on the matter. [51184/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Emergency slaughter of an otherwise healthy animal usually happens when the animal has suffered an injury that prevented its transport to the slaughterhouse for welfare reasons. In cases where the animal must be slaughtered on-farm, it must be carried out humanely in accordance with the European Communities (Welfare of Farmed Animals) Regulations 2008 (S.I. No. 14 of 2008) either by a registered veterinary practitioner or by a slaughterman licensed by the Local Authority under the Slaughter of Animals Act 1935. In July 2009 the Farm Animal Welfare Advisory Council published “Guidelines for Veterinary Practitioners and Farmers on managing acutely injured livestock on Farm”, aimed at assisting veterinary practitioners and farmers in arriving at an informed decision on the method of dealing with such animals, having regard to both animal welfare and public health.

Procedures for dealing with such animals in slaughter plants are set out in the protocols of my Department’s Veterinary Public Health Inspection Service and the Local Authority Veterinary Service. There is no obligation on any slaughter plant to accept such animals. Where an animal of this type is accepted, it is subject to the intake checks at the slaughter plant, as well as any additional examinations deemed necessary by the official veterinarian. My Department is of the view that the number of service providers in this area is adequate as in addition to licensed units operating within the commercial sector, there are currently in excess of 2,400 registered veterinary practitioners in the State.

Disadvantaged Areas Scheme Payments

142. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding payments in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [51185/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Payment under the 2013 Disadvantaged Areas Scheme has not yet issued to the person named as their holding has not yet satisfied the Scheme minimum stocking density requirements. As soon as their holding is confirmed as having met these requirements, the case will be further processed with a view to payment issuing at the earliest possible date thereafter. An official of my Department

has been in direct contact with the person named regarding this issue.

Forestry Grants

143. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a decision has been made on an application for a forest road grant in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [51193/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The application by the person named has only recently been received in the Department and it is currently being processed. The application must be referred for public consultation through the local press and may also include referral to a number of consultation bodies. A decision on the application will issue as soon as this process is completed and the application has been examined in full.

Animal Welfare

144. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine his plans to introduce a scrappage scheme for horses which are registered and have a passport; if he will consider €150 per horse as appropriate payment for the work that has been done to date by his Department in developing such a scheme; and if he will make a statement on the matter. [51197/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department is keeping the horse welfare situation under review and, in particular, the need for additional welfare measures. There is no evidence of a significant problem in relation to the welfare of horses due to the relatively high level of horse slaughtering for the human food chain this year and the very good weather during the Summer and well into the Autumn, which has created a very favourable fodder situation. In addition, the continuing work being undertaken by local authorities in conjunction with the Department via the Control of Horses Act 1996 has reduced the numbers of abandoned horses throughout the country particularly in urban areas.

My Department also continues to stress that it is the responsibility of horse owners to ensure the welfare of horses in their ownership and/or their care and to dispose of them. In this context, horse owners are reminded of the advice of the Farm Animal Welfare Advisory Council that, where an owner can no longer adequately provide for their horse or where the horse can no longer fulfil the purpose for which it was bred, he or she should be proactive in seeking to dispose of the animal, including consideration of the option of humane disposal. The Department is, of course, continuing to deal with any animal welfare issues relating to horses through its existing mechanisms and has indicated that it is in position to provide emergency funding to assist horse owners who cannot afford to pay for their humane disposal. Farmers who are facing a critical horse welfare issue over coming months can contact the Department helpline for assistance.

Agri-Environment Options Scheme Payments

145. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a 2013 agri-environment options scheme payment will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [51205/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person

named was approved for participation in the Agri-Environment Options Scheme with effect from 1 November 2010 and full payments have issued in respect of the 2010, 2011 and 2012 Scheme years. Under the EU Regulations governing the Scheme, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. The Department is currently processing the application of the person named and I expect that payment in respect of 2013 will issue shortly.

Agriculture Schemes Administration

146. **Deputy Heather Humphreys** asked the Minister for Agriculture, Food and the Marine the number of land eligibility inspections carried out for single farm payments in the years 2010, 2011, 2012, and to date in 2013; and if he will make a statement on the matter. [51220/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department, in the context of delivering the Single Payment Scheme, Disadvantaged Areas Scheme and other area related schemes, is required to carry out an annual round of inspections covering both the eligibility of the land declared to draw down payments and also cross compliance aspects, to ensure adherence with EU regulatory requirements in the areas of public, animal and plant health, environment and animal welfare and ensuring that the farm is maintained in good agricultural and environmental condition. The basis for these inspections is governed by EU legislation and there are certain minimum number and types of inspections that must be conducted each year.

Land eligibility inspections must be carried out on at least 5% of applicants. These checks are carried out to verify that the actual area claimed in the application form corresponds to the area farmed by the farmer and to ensure that any ineligible land or features are not included for aid purposes. My Department has made every effort to respond to concerns about the impact of on-the-ground inspections on farmers and arising from this around 75% of these inspections are carried out in the first instance without the need for a farm visit, as the information needed is acquired using the technique of remote sensing via satellite. The following table details the number of holdings subject to land eligibility inspections in the years 2010, 2011, 2012 and 2013 (to-date).

Year	No. of Holdings subject to Land Eligibility Inspections
2010	7,759
2011	8,022
2012	7,602
2013 (to-date)	7,874

Processing of 2013 inspections to finalisation is ongoing, with the intention of issuing any payments due as soon as possible.

Fodder Crisis

147. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine if all applications from Counties Cavan and Monaghan under his Department's aid scheme towards the costs of transporting fodder have been finalised; if all payments have been made; the number of applications received; the number fully paid to date; and if he will make a statement on the matter. [51270/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In light of the difficulties experienced by farmers in sourcing fodder supplies, earlier this year I announced the allocation of funding for an imported fodder transport scheme, designed to reduce the cost to farmers of imported forage (hay, silage, haylage) from outside the island of Ireland. The aid substantially covered the cost of transport into the country, thus reducing the cost to farmers of a bale of hay by approximately one third. While the Scheme operated through the co-operatives, marts and other approved agencies, the actual beneficiaries are the individual farmers and primary producers who needed urgent supplies of feed. Operating the scheme in this manner was the quickest and most effective way of getting the fodder to those who needed it.

Of the 78 different concerns which participated in the Scheme, to date, 70 have submitted claims, of which 26 have been fully processed and paid in full, with a further 29 having received an advance payment of 75%, the balancing payment will issue to these concerns once all outstanding issues are resolved. These concerns have been contacted directly and are working with my Department to resolve the outstanding issues. Of the remaining 23 cases, 15 are currently in progress, with documentation remaining outstanding from 8 concerns. To date, payments worth some €2.2 million have issued, with total expenditure expected to be in the region of €2.8 million.

Adoption Records Issues

148. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs if there are plans by the Adoption Authority of Ireland to carry out an extensive audit of its own files and of all accredited body files for evidence of illegal adoptions; if so, the time frame for same; and if she will make a statement on the matter. [51108/13]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Records in relation to adoptions as well as illegal birth registrations are currently held by a number of agencies, including the HSE, the Adoption Authority of Ireland and also by private adoption agencies, maternity hospitals, private individuals and other sources. Information held by the Adoption Authority is primarily in relation to adoptions which took place since the Adoption Act 1952. If no adoption took place the Authority would not have an adoption file. Where no adoption took place, if records exist they may be held by a number of sources including hospitals, GPs, Mother and Baby Homes, religious orders and other sources. A large number of these files are being transferred to the HSE.

The HSE provides an Information and Tracing Service throughout the country to birth mothers, adopted persons and their families. The Adoption Act 2010, requirement that agencies providing Information and Tracing services would gain accreditation resulted in a number of religious orders deciding not to apply for accreditation and transferring files from their Mother and Baby Homes and Adoption Societies to the HSE. Approximately 25,000 files have been transferred to the HSE Regional Adoption Service in Cork, from the Sacred Heart Adoption Society, which had responsibility for Bessboro, Co Cork; Sean Ross Abbey, Roscrea, Co Tipperary; and Castlepollard, Co Westmeath. Work by the HSE on the organising and storage of these files has taken place and the HSE is anxious to preserve the integrity of these records. The HSE has sought the advice of the National Archives in relation to the proper storage of these files, which are of great significance.

The HSE also has records that include those for St. Anne's Adoption Society; St Mary's Adoption Society, Kerry; Ard Mhuire, Dunboyne, Co Meath; Limerick Catholic Adoption Society; St Patrick's Mother and Baby Home Navan Road, Dublin; St Louise's Adoption Society Dublin; Dublin Health Authority Board of Assistance; Rotunda Girls Aid Society; the Ossory

Kilkenny Adoption Society; St Kevin's and St Johns Adoption Societies. The HSE is also in negotiation regarding files from Holles Street, St Brigid's, and St Patrick Guild. Furthermore PACT, who are an agency accredited under the Act, have records of various Protestant organisations. A comprehensive list of records held, and their locations, is available on the HSE website.

The HSE Information and Tracing Service recognises the importance attached to this area of service provision and has put in place a plan to redistribute records from individual institutions in their entirety, to the various adoption teams around the country, in a concerted effort to reduce waiting times. The HSE is in the process of reorganising the information and tracing system to allocate social work resources country wide in a way that will allow for reduced waiting times across the country. The HSE has advised me that, in the first instance, any person seeking information on adoption, or an illegal registration of a birth, should contact the Adoption Authority of Ireland or the HSE Community Services who will assist in directing them to the personnel dealing with their particular records. The HSE is working to provide a more streamlined service and to ensure that enquiries in regard to information and tracing are handled as quickly as possible.

The National Adoption Contact Register which is operated by the Adoption Authority was established in 2005 to assist adopted people and their natural families to make contact with each other, exchange information or state their contact preferences. They decide, through a range of information and contact options, how they wish to proceed. The Authority, the Health Service Executive and accredited adoption services routinely inform enquirers about the existence of the register and encourage anyone interested in tracing or gaining information to sign up. I am conscious of recent media coverage of the issue of information and tracing and I would hope that this will encourage more birth mothers in particular to access the Contact Preference Register and where possible to consent to the release of information. I have no plans to initiate an audit of all files in this regard.

Children and Family Services

149. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs her plans for improved children's services in the Clondalkin, Dublin 22 area. [51199/13]

150. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs her plans for improved children's services in the Lucan, County Dublin area. [51200/13]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 149 and 150 together.

The commitment to improve the quality of early childhood care and education nationally for all children has been a key priority for me since becoming Minister for Children and Youth Affairs. This is why my Department and I have been progressing work on Ireland's first-ever Early Years Strategy and working on a comprehensive Pre-School Quality Agenda which aims to improve quality standards in pre-school services in Ireland. I have identified a number of key areas which I consider to require reform, and legislation to underpin these reforms is expected to be enacted before the end of the year. This legislation will provide a statutory basis for registration of pre-school services and will introduce a range of new enforcement powers for Inspectors at pre-prosecution level. Inspectors will be empowered to specify improvement conditions that a service must comply with and the threat of removal of registration will be available.

The HSE is currently recruiting a number of pre-school inspectors to strengthen the inspec-

tion framework and a further €0.5 million in funding will be allocated in 2014 towards the cost of further increasing staffing levels in the pre-school inspectorate. I have decided to increase the minimum qualification requirement of Level 5 for pre-school leaders delivering the pre-school year to Level 6 and to increase the qualification requirement for all other staff working with children in the sector to a minimum qualification at Level 5. These new requirements will apply from September 2014 for new services, and from September 2015 for existing services. During 2014/2015 I will be implementing a new national training programme for which I have secured additional funding of €3m. This programme will support the existing childcare workforce in meeting the new qualifications requirement.

The implementation of the Síolta and Aistear Practice Frameworks, developed to support quality early childhood care and education in Ireland, is an important initiative in the development of quality childcare services. I announced in Budget 2014 the introduction of a new quality support service which will work directly with services to improve quality and support the implementation of the Síolta Framework and Aistear Curriculum. €2.5 million is being made available for this service in 2014.

The Children and Young People's Policy Framework is currently being developed by my Department. The Framework will set out the overall principles, vision and outcomes for children and young people and will guide actions across Government over the period 2014 to 2018. I expect to circulate the Framework to other Ministers in December. Following approval by Government the Framework will be published early in the New Year for discussion at a Government meeting in January.

The Early Years Strategy, which is one of a number of more detailed strategies under the Children and Young People's Policy Framework, is currently being developed by my Department. The Strategy, which is expected to be published early next year, will address a range of issues affecting children in the first years of their life such as child health and well-being, parenting and family support, learning and development, play and recreation and early childhood care and education.

Significant investment totalling in excess of €260 million is provided annually by my Department to provide for the free pre-school provision through the Early Childhood Care and Education programme, and for support for disadvantage and low come families through the Community Childcare Subvention programme. The funding also supports the Childcare Education and Training Support programme which assists Solas trainees and Education and Training Board (ETB) students with the cost of childcare. I have been successful in maintaining these programmes, despite the ongoing need to reduce Government expenditure, and I am pleased that in the region of 100,000 children in the country benefit each year from these supports.

This week I also announced that the Clondalkin Blue Skies Initiative has been selected as one of 13 projects to be funded through the Government's new ABC (Area Based Childhood) Programme.

Data Protection

151. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the position regarding personal files relating to the previous residents of Rath na nÓg high-support unit in Castleblayney since its closure in October; the steps that have been taken to ensure that all documentation containing information pertaining to the children and young persons has been contained in a secure setting; the posts or positions of officials who have access to these documents; and if she will make a statement on the matter. [51285/13]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I have been advised by the HSE that all documentation pertaining to the young people who were resident in Rath na nOg has been individually coded by HSE staff, signed off and sealed by the Unit Management. These files have been archived and placed in storage in a HSE approved facility. The process has been quality assured by the Centre Manager. There are named and approved management who have access to these documents.

Hospital Waiting Lists

152. **Deputy Nicky McFadden** asked the Minister for Health the measures being taken by the Health Service Executive and hospital management to improve waiting times for public patients seeking hip and knee operations in hospitals in the midlands; and if he will make a statement on the matter. [51104/13]

Minister for Health (Deputy James Reilly): The National Waiting List Management Policy, *A standardised approach to managing scheduled care treatment for in-patient, day case and planned procedures, January 2013*, has been developed to ensure that all administrative, managerial and clinical staff follow an agreed national minimum standard for the management and administration of waiting lists for scheduled care. This policy, which has been adopted by the HSE, sets out the processes that hospitals are to implement to manage waiting lists.

While waiting list numbers tend to increase in the first few months of any year, the increase in 2013 was much greater than expected, with a 16% increase in total numbers waiting. However, through the sustained intervention of the SDU, this trend is now reversed, with a 5% reduction in total numbers waiting and a 42% reduction in number waiting 8+ months. In relation to this particular query raised by the Deputy, I have asked the Health Service Executive to investigate the situation and respond directly to the Deputy in this matter.

Public Sector Staff Sick Leave

153. **Deputy Sean Fleming** asked the Minister for Health if his Department have received representations on concerns regarding the retrospective application of the public sector sick pay scheme; and if he will make a statement on the matter. [51112/13]

Minister for Health (Deputy James Reilly): No representations have been received to date.

Medical Card Eligibility

154. **Deputy Aengus Ó Snodaigh** asked the Minister for Health the reason a person (details supplied) in Dublin 8 has been refused a medical card. [51113/13]

Minister of State at the Department of Health (Deputy Alex White): The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible. The Health Service Executive operates the General Medical Services scheme, which includes medical cards and GP visit cards, under the Health Act 1970, as amended. It has established a dedicated contact service for members of the Oireachtas specifically for queries relating to medical cards and GP visit cards, which the Deputy may wish to use for an earlier response. Contact information has issued to Oireachtas members.

Medical Card Eligibility

155. **Deputy Aengus Ó Snodaigh** asked the Minister for Health if his attention has been drawn to the fact that a person (details supplied) in Dublin 8 with A. M. leukaemia has been refused a medical card on the grounds that they did not have an income although they explained that their jobseeker's allowance was stopped because they were ill and had applied for illness benefit on which a decision has yet to be made. [51114/13]

Minister of State at the Department of Health (Deputy Alex White): The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible. The Health Service Executive operates the General Medical Services scheme, which includes medical cards and GP visit cards, under the Health Act 1970, as amended. It has established a dedicated contact service for members of the Oireachtas specifically for queries relating to medical cards and GP visit cards, which the Deputy may wish to use for an earlier response. Contact information has issued to Oireachtas members.

Long-Term Illness Scheme Eligibility

156. **Deputy Bernard J. Durkan** asked the Minister for Health the eligibility and procedure to be followed to make an application for the long-term illness scheme in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [51157/13]

Minister of State at the Department of Health (Deputy Alex White): The HSE is responsible for the administration of the Long Term Illness Scheme, therefore, the matter has been referred to the HSE for attention and direct reply to the Deputy.

Medical Card Applications

157. **Deputy Anne Ferris** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Wicklow; if he will expedite a decision; and if he will make a statement on the matter. [51159/13]

Minister of State at the Department of Health (Deputy Alex White): The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible. The Health Service Executive operates the General Medical Services scheme, which includes medical cards and GP visit cards, under the Health Act 1970, as amended. It has established a dedicated contact service for members of the Oireachtas specifically for queries relating to medical cards and GP visit cards, which the Deputy may wish to use for an earlier response. Contact information has issued to Oireachtas members.

Medical Aids and Appliances Provision

158. **Deputy Patrick O'Donovan** asked the Minister for Health if he will provide in tabular form the different locations at which specialised beds, that is, hospital beds for use in a person's home, are stored and the quantities in each. [51162/13]

Minister of State at the Department of Health (Deputy Alex White): As this is an operational matter it has been referred to the HSE for attention and direct reply to the Deputy.

Health Services Provision

159. **Deputy Ciarán Lynch** asked the Minister for Health when a step down bed will be provided for a person (details supplied) in County Cork; and if he will make a statement on the matter. [51171/13]

Minister for Health (Deputy James Reilly): As this is a service matter, I have asked the HSE to respond directly to the Deputy.

Medical Card Applications

160. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will approve an application for a medical card in respect of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [51175/13]

Minister of State at the Department of Health (Deputy Alex White): The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible. The Health Service Executive operates the General Medical Services scheme, which includes medical cards and GP visit cards, under the Health Act 1970, as amended. It has established a dedicated contact service for members of the Oireachtas specifically for queries relating to medical cards and GP visit cards, which the Deputy may wish to use for an earlier response. Contact information has issued to Oireachtas members.

Vaccination Programme

161. **Deputy Bernard J. Durkan** asked the Minister for Health the extent to which the case of the child of a person (details supplied) in County Mayo who suffers from unique narcolepsy disorder will be re-examined; the extent to which the submission presented by Sound has been studied; when existence of the condition first became known to his Department and/or the Health Service Executive; the total number of persons affected by the condition arising from the particular vaccine; if a co-ordinated support service will be put in place to assist families who have been affected; and if he will make a statement on the matter. [51181/13]

Minister for Health (Deputy James Reilly): My priority as Minister for Health is to ensure that those diagnosed with narcolepsy following pandemic vaccination are provided with a wide range of services and supports to meet their health needs. Both the Health Service Executive and the Department of Education and Skills, at my request, are ensuring that those affected receive tailored assistance to address their individual requirements.

The health supports include discretionary medical cards to allow unlimited access to GP care and any prescribed medication and the reimbursement on an ex-gratia basis of vouched expenses incurred in relation to diagnoses and treatment. With regard to education, the Department of Education and Skills provide supports to students on a needs basis, including home tuition, supplemental learning support/resource teaching supports and the provision of Special Needs Assistance (SNA) support if required.

The Deputy has raised a query regarding an individual case. The HSE has responsibility for the administration of treatment and delivery of services in this case. The matter has therefore been referred to the HSE for direct reply to the Deputy.

Treatment Abroad Scheme

162. **Deputy Finian McGrath** asked the Minister for Health if a person (details supplied) in Dublin 9 was refused treatment abroad [51189/13]

Minister for Health (Deputy James Reilly): The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible.

HSE Expenditure

163. **Deputy Robert Dowds** asked the Minister for Health if he will request of the Health Service Executive a list of all the bodies that receive section 39 funding in the current year and the amounts that they receive [51198/13]

Minister for Health (Deputy James Reilly): I have referred this question to the HSE for direct response to the Deputy.

Orthodontic Service Provision

164. **Deputy Denis Naughten** asked the Minister for Health the steps that have been taken to investigate the sale and reuse of Health Service Executive braces by a dentist employed in the Galway orthodontic department; if the children who received these braces have been traced; the steps being taken to recover the funds; the disciplinary action to be taken; and if he will make a statement on the matter. [51201/13]

Minister of State at the Department of Health (Deputy Alex White): The HSE became aware of this matter in 2009. It was investigated at that time and the practices referred to by the Deputy ceased. The Deputy will appreciate that it is not appropriate for me to comment further in relation to an individual member of staff. I have asked the HSE to advise me if there are any outstanding issues that may need to be addressed.

Community Care

165. **Deputy Joanna Tuffy** asked the Minister for Health if he will provide an update on the community first responder scheme; and if he will make a statement on the matter. [51203/13]

Minister for Health (Deputy James Reilly): In relation to the specific query raised by the Deputy, as this is a service matter it has been referred to the HSE for direct reply.

Primary Care Centre Provision

166. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will make a copy of the review of provision of primary care team services for older persons resident in long-term residential units available to this Deputy; and if he will make a statement on the matter. [51207/13]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The report referred to by the Deputy was commissioned by, and remains the property of, the HSE. Consequently, I am referring the Deputy's query to the HSE for direct reply.

Hospital Procedures

167. **Deputy Tom Fleming** asked the Minister for Health further to Parliamentary Question No. 617 of 1 October 2013, the current waiting list and estimate of costs for medical and surgical appliances in County Kerry; if he will itemise the various categories and the approximate waiting time for the various items; the total amount of funding available for 2013 for these appliances; and if he will make a statement on the matter. [51212/13]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I understand that a reply issued to the Deputy from the Health Service Executive on 27th November 2013.

Dental Services Provision

168. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will provide a detailed report outlining the dental check-up services provided to children in each Health Service Executive clinic here; and the efforts he will make to ensure an improved and consistent service across all centres. [51217/13]

Minister of State at the Department of Health (Deputy Alex White): The Public Dental Service of the HSE provides dental services for children up to 16 years of age and persons with special needs through its dental clinics. All HSE dental clinics prioritise emergency care for children up to 16 years of age, treatment for special needs patients and screening of children aged from 11 to 13 years, including referral for orthodontic services where necessary. Other services, including screening of children 6 to 8 years, are provided but may be deferred in clinics where there is pressure on resources. The HSE Public Dental Service has recently been re-structured. It is intended that the new arrangements will facilitate standardisation of services available nationally.

Illicit Trade in Tobacco

169. **Deputy Michael Healy-Rae** asked the Minister for Health his views on correspondence (details supplied) regarding the illicit trade in cigarettes; and if he will make a statement on the matter. [51221/13]

Minister for Health (Deputy James Reilly): As the Deputy will be aware, Government approval was received on 19 November, 2013 for the publication of the General Scheme of a new Public Health (Standardised Packaging of Tobacco) Bill 2013 and to proceed with the drafting of the legislation based on this General Scheme. While I am not in a position to comment on the Australian report referred to by the Deputy, I can assure him that tackling the illicit trade in cigarettes and tobacco products is a high priority for the Office of the Revenue Commissioners, which is responsible for the area. Revenue's work in recent years has been guided in recent years by its *Strategy on Combating the Illicit Tobacco Trade 2011-2013*. The intention is that a further strategy will be put in place when the current one comes to an end, to act as the strategic focus for the ongoing extensive work against the smuggling and sale of illicit products.

With regard to tobacco packaging, it is important to note that the Revenue Commissioners have advised that the tax stamp, which contains a range of sophisticated security features, is a key means for them to distinguish between legal and illegal products, irrespective of the way in which the cigarettes are packaged. In addition, Ireland is party to legally binding agreements between the EU and three major tobacco companies which aim to strengthen anti-smuggling

measures. The Protocol to Eliminate the Illicit Trade in Tobacco Products was agreed at the FCTC Conference of the Parties in November 2012, and Ireland will sign and ratify that protocol.

Services for People with Disabilities

170. **Deputy Michael Healy-Rae** asked the Minister for Health his views on correspondence (details supplied) regarding funding; and if he will make a statement on the matter. [51223/13]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Government is fully committed to ensuring the on-going delivery of vital services and supports to people with disabilities within available resources. The Health Service Executive (HSE) has been provided with funding in the order of €1.4 billion this year to fund its 2013 disability services programme for children and adults with disabilities. This represents approximately 11.5% of overall health expenditure this year. The majority of this funding is distributed through non-statutory agencies who deliver over 80% of all disability services. There are in the region of 300 such agencies at present across the country that provide a significant and broad range of services for children and adults with disabilities in partnership with and on behalf of the HSE. It is important to note that many children and adults with a disability can be very effectively supported within mainstream child and adult health services.

Dyspraxia is a developmental co-ordination disorder that affects movement and co-ordination. For some children, dyspraxia can affect their learning capacity. For this reason they may require additional supports in the school setting to keep up with their classmates. A comprehensive range of supports is in place in our school system to support these children.

From a health perspective, there are a number of therapies that can make it easier for people with dyspraxia to cope. These include speech and language therapy, to improve speech and communication skills, and occupational therapy to find ways to remain independent and complete everyday tasks. Such therapy services do not necessarily have to be delivered through specialist disability providers and are frequently accessed through Primary Care Teams and community therapy services.

The Dyspraxia Association is just one of a range of organisations around the country at present providing supports to specific diagnostic groups who do not receive HSE funding. Funding of these types of organisations is an issue that is under active and on-going consideration by the HSE. Pending approval of the HSE's National Service Plan for 2014, it is not possible to predict the service levels and funding to be provided next year for the disability sector.

HSE Funding

171. **Deputy Róisín Shortall** asked the Minister for Health if he will provide details of the level of funding that has been provided to the Gheel service in each of the past five years; and if he will commit to funding the necessary staff to enable the new facility in Fairview to be opened in view of the long waiting list for residential places. [51233/13]

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.

EU Directives

172. **Deputy Anthony Lawlor** asked the Minister for Health when the cross-border health care directive will be transposed into Irish law, taking into account that it should have entered into force throughout the EU on 25 October; the reasons for the delay in transposing this EU directive; and if he will make a statement on the matter. [51240/13]

Minister for Health (Deputy James Reilly): The Directive on Patients' Rights in Cross Border Healthcare provides rules for the reimbursement to patients' of the cost of receiving treatment abroad, where the patient would be entitled to such treatment in their home Member State (Member State of Affiliation) and supplements the rights that patients already have at EU level through the legislation on the coordination of social security schemes (regulation 883/04). The Directive seeks to ensure a clear and transparent framework for the provision of cross-border healthcare within the EU, for those occasions where the care patients seek is provided in another Member State rather than in their home country. However, it should be emphasised that the vast majority of EU patients receive healthcare in their own country and prefer to do so.

The Department of Health is continuing to work on the necessary statutory provisions to fully implement the Directive. Nevertheless, there are arrangements in place in respect of the key provision of the Directive in relation to a national contact point (NCP), which has been set up within the HSE - the email address is crossborderdirective@hse.ie.

The principal function of the NCP is to facilitate exchange of information for patients concerning their rights and entitlements relating to receiving healthcare in another Member State, in particular the terms and conditions for reimbursement of cost, the procedures for accessing and determining those entitlements. The NCP also has a responsibility to ensure that all enquirers are informed of the rights, if any, that they may have through the legislation on the coordination of social security schemes (regulation 883/04) and which may be more beneficial to them. The NCP will be able to inform patients what the cost of their treatments would be in Ireland to allow them make a comparison with the costs they are being quoted for comparable treatment in another Member State.

While it has been possible to have these aspects of the NCP up and running by 25 October on an administrative basis, it has not been possible to have prior authorisation or reimbursement operating on a statutory basis. The Department is working on the legal arrangements to put in place the statutory provisions for these systems and will be implementing them as soon as possible. Further information on the Ireland's implementation of the Directive is available on the NCP's webpage: <http://hse.ie/eng/services/list/1/schemes/cbd/CBD.html>.

Hospital Waiting Lists

173. **Deputy Willie Penrose** asked the Minister for Health if he will take steps to expedite a cataract operation in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [51246/13]

Minister for Health (Deputy James Reilly): The National Waiting List Management Policy, *A standardised approach to managing scheduled care treatment for in-patient, day case and planned procedures, January 2013*, has been developed to ensure that all administrative, managerial and clinical staff follow an agreed national minimum standard for the management and administration of waiting lists for scheduled care. This policy, which has been adopted by the Health Service Executive, sets out the processes that hospitals are to implement to manage waiting lists. In relation to this particular query raised by the Deputy, I have asked the HSE to

respond directly to the Deputy in this matter.

Medical Card Appeals

174. **Deputy Bernard J. Durkan** asked the Minister for Health if and when a full review-appeal will be concluded in respect of an application for a medical card in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [51259/13]

Minister of State at the Department of Health (Deputy Alex White): The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible. The Health Service Executive operates the General Medical Services scheme, which includes medical cards and GP visit cards, under the Health Act 1970, as amended. It has established a dedicated contact service for members of the Oireachtas specifically for queries relating to medical cards and GP visit cards, which the Deputy may wish to use for an earlier response. Contact information has issued to Oireachtas members.

Medical Card Applications

175. **Deputy Bernard J. Durkan** asked the Minister for Health if and when a medical card will be awarded in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [51260/13]

Minister of State at the Department of Health (Deputy Alex White): The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible. The Health Service Executive operates the General Medical Services scheme, which includes medical cards and GP visit cards, under the Health Act 1970, as amended. It has established a dedicated contact service for members of the Oireachtas specifically for queries relating to medical cards and GP visit cards, which the Deputy may wish to use for an earlier response. Contact information has issued to Oireachtas members.

Medical Card Appeals

176. **Deputy Bernard J. Durkan** asked the Minister for Health if he will arrange for reconsideration of the refusal of a medical card in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [51261/13]

Minister of State at the Department of Health (Deputy Alex White): The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible. The Health Service Executive operates the General Medical Services scheme, which includes medical cards and GP visit cards, under the Health Act 1970, as amended. It has established a dedicated contact service for members of the Oireachtas specifically for queries relating to medical cards and GP visit cards, which the Deputy may wish to use for an earlier response. Contact information has issued to Oireachtas members.

Hospital Waiting Lists

177. **Deputy Martin Heydon** asked the Minister for Health the reason there is such a long waiting time for children to have an endoscopy procedure carried out; the reason children are waiting a lot longer than the 13 week target set by the Health Service Executive; and if he will make a statement on the matter. [51268/13]

Minister for Health (Deputy James Reilly): The HSE have confirmed that none of the

paediatric hospitals in Dublin (Crumlin, Tallaght and Temple St.) are in breach of the SDU targets in relation to GI scopes. What this means is that no child is waiting longer than 13 weeks for a scope. All three hospitals have been working with the HSE and SDU to actively manage their waiting lists and it is anticipated there will continue to be no breaches in GI scopes by the end of the year.

Health Insurance Prices

178. **Deputy Martin Heydon** asked the Minister for Health if he will address the concerns that many persons have regarding recent changes to the private health insurance market (details supplied) which will cause increases in the private health insurance premia; and if he will make a statement on the matter. [51284/13]

Minister for Health (Deputy James Reilly): I am determined to address rising unsustainable costs in the sector in the interests of consumers. I want insurers to address the base cost of each element of claims which they pay and have made it clear to private health insurers that I believe significant savings can be made, ultimately reducing the impact of rising health costs on health insurance premiums for the consumer. Earlier this year, I appointed Mr. Pat McLoughlin to prepare an independent report on how best to achieve real cost reductions in the private health insurance market, having full regard to competition law. I expect to receive an initial report from the Chair very shortly.

Risk equalisation compensates for the costs of insuring older customers and I am committed to progressively increasing the extent of this compensation. The Health Insurance (Amendment) Bill 2013, currently progressing through the Oireachtas, sets out revised risk equalisation credits and the corresponding stamp duties that will apply under the Risk Equalisation Scheme from 1 March 2014. Different risk equalisation credits will apply to ‘advanced’ and ‘non-advanced’ health insurance policies. There will be no change to the stamp duty payable on lower cost ‘non-advanced’ health insurance, which will help to ensure that the option of lower cost health insurance remains available. The stamp duty for health insurance products providing ‘advanced’ cover will increase from €350 to €399 per adult and from €120 to €135 per child.

It is important to note that the stamp duty, or levy the Deputy refers to is collected from all health insurers and is in respect of the number of lives insured by them, and is not placed on individual policy holders. The money collected is used to fund RE credits for older people with private health insurance who, if under a risk rated model of insurance, would be charged a higher premium for health insurance than younger people, given their higher risk profile. Funding the RE credit for older people ensures that everyone is charged the same premium for a particular health insurance plan, irrespective of age, gender and the current or likely future state of their health. It is a matter for the insurance companies as to the extent, if any, they pass the stamp duty on to their customers.

The Health (Amendment) Act, 2013 (No. 31 of 2013) provides for the introduction of a revised private in-patient charge for all private patients in public hospitals, including those accommodated in public beds. All persons ordinarily resident in Ireland are entitled to use a public hospital. However, some people choose to be treated privately, in which case they have chosen to pay the consultant and the hospital. The Government believes that users of private services should pay for the costs of providing those services. The Comptroller and Auditor General has reported that 45% of in-patients treated privately by their consultants were not charged for their maintenance costs because they were not occupying private-designated beds. This situation represents a significant loss of income to the public hospital system and an indirect subsidy to private insurance companies, who cover most private patients. I believe that this situation cannot continue and that the new charge makes sense.

From 16 October 2013, tax relief for medical insurance premiums has been restricted to the first €1,000 per adult and the first €500 per child insured. Any portion of premium paid in excess of these ceilings will no longer qualify for tax relief. The new ceilings will ensure some continuing support via the tax system for those who purchase private medical insurance policies, while reducing Exchequer exposure to more expensive policies. This will affect some consumers, depending on the cost of the policies that they purchase. While individuals can of course opt for less expensive policies and therefore avoid the impact of this measure entirely, it is important that they fully understand the level of cover their policy provides.

Many consumers can make savings on their health insurance premiums by reviewing the level of cover to ensure that their needs are being met, without being over-insured. The Health Insurance Authority provides information to consumers regarding their rights and also on health insurance plans and benefits. The HIA's web-site, www.hia.ie, has a useful plan comparison tool which assists in finding suitable and competitive health insurance plans.

The Government remains committed to keeping down the cost of private health insurance, so that it is affordable for as many people as possible as part of measures to ensure the sustainability of the private health insurance market in the transition to Universal Health Insurance.

Dental Services Provision

179. **Deputy Brendan Smith** asked the Minister for Health his plans to restore dental services at Virginia Health Centre, County Cavan which services a large number of primary schools in that area; and if he will make a statement on the matter. [51287/13]

Minister of State at the Department of Health (Deputy Alex White): The public health system currently provides a dental service to schoolchildren aged up to 16 years. The service is targeted at children in key classes at key stages in their development. Children are given dental examinations and any follow up treatment required at these stages. When required, emergency dental treatment is available to all children up to 16 years. In delivering the school dental programme it may be necessary to consolidate the services in locations where the highest standards may best be maintained. This allows the HSE Public Dental Service to target and treat the maximum number of children and to maintain essential services to patients with special needs.

The Health Service Executive has been asked to reply directly to the Deputy regarding the provision of dental services in Virginia, Co. Cavan.

Nursing Home Subventions

180. **Deputy Bernard J. Durkan** asked the Minister for Health the position regarding determination of eligibility for nursing home subvention in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [51288/13]

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.

Road Safety

181. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the reason the section regarding the Civil Liabilities Act 1961 was never brought into law; what makes local

authorities liable for road conditions; and if he will make a statement on the matter. [51106/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The law as it stands is that, as a road authority, a local authority is not liable for a failure to maintain a public road (non-feasance) but is liable for any injury resulting from the negligent repair or maintenance of a public road (mis-feasance). There can also be certain circumstances where a local authority may become liable if made aware of hazardous conditions. Ireland has a uniquely extensive road network. There is approximately 99,000 kilometres of road in the network which represents two and a half times the EU average in terms of kilometres per head of population. The maintenance and improvement of this extensive network of roads places a substantial financial burden on local authorities and on the Exchequer. Accordingly, the consequences of commencing Section 60(1) of the Civil Liability Act 1961 would need very careful consideration and to date no Government has decided to do so.

I would welcome the Deputy's views on the matter, whether he believes we should commence the relevant sections and if so, how we will ensure that the local authorities and the Exchequer are in a position to address the additional financial burden.

Road Safety Strategy

182. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport if he will change the 120 km per hour speed limit on motorways to 130 km per hour. [51124/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I have no proposals to increase the current maximum speed limit on motorways. Section 9 of the Road Traffic Act 2004 sets maximum default speed limits for varying classes of roads in Ireland. Under that legislation, the maximum speed limit on motorways is set at 120 km/h, except where amended by a special speed limits order made by the relevant road authority.

Trans European Transport Network Programme

183. **Deputy Pearse Doherty** asked the Minister for Transport, Tourism and Sport the cross-Border corridors he is lobbying to have included on the Trans-European Transport Networks, TEN-T, comprehensive network; the cross-Border planning in which he has engaged with his counterpart in the Six Counties to secure maximum funding from TEN-T; and if he will make a statement on the matter. [51158/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The TEN-T network has been agreed between Member States, the European Commission and the European Parliament. The Comprehensive network under TEN-T on both sides of the border includes road and rail links as well as ports and airports including the cross border M2N2/A4 Dublin Derry road, N16/A4 Sligo to Northern Ireland road and N13/N14 Donegal to Derry road. The regulation provides for defined corridors in the Core Network which is a subset of the Comprehensive Network. In Ireland's case the corridor includes the A1/M1 Belfast - Dublin road link, the rail link from Dublin to Belfast, Dublin Airport, and Belfast and Greater Dublin area Ports. My Department has liaised with both the Department for Regional Development and the UK Department for Transport with regard to both the Core and Comprehensive Networks and this liaison is ongoing.

National Car Test

184. **Deputy Brendan Ryan** asked the Minister for Transport, Tourism and Sport if the rules of the NCT scheme can be examined in order that a vehicle which passes an NCT after initially failing has the new NCT certificate awarded from the date the car is roadworthy and not from the date the previous NCT disc expired; and if he will make a statement on the matter. [51204/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the delivery of the National Car Test. The RSA has overall responsibility for the operation, oversight, development, quality assurance and delivery of vehicle testing arrangements. In accordance with EU Directive 2009/40/EC, the minimum requirement for roadworthiness testing of passenger cars is that a roadworthiness test is undertaken when the vehicles are four years old and every two years thereafter from the date of first registration of the vehicle. Additionally, Ireland requires that vehicles in excess of ten years old be tested annually.

Under the *Road Traffic (National Car Test) Regulations 2009, S.I. No. 567 of 2009*, and in accordance with the Directive, the test due date is calculated by reference to the date of first registration of the vehicle. Where an NCT inspection does not occur on the original test due date, the NCT certificate is valid from the date of the original test due date to the next test due date. This can result in a certificate of less than 1 or 2 years duration, depending on when the car was presented for a test. No provision exists to permit an extension of the period covered by an NCT certificate beyond the next test due date. There is a 30 day time period for a re-test which is deemed to provide customers with a reasonable amount of time to address the fail items identified and arrange a retest, while minimising the risk that additional fail items may develop in the intervening period.

It is a road safety imperative that all vehicles are adequately maintained and fit for use on a public road and I have no proposal to amend the current periods of validity of certificates of roadworthiness.

Sports Capital Programme Applications

185. **Deputy Tom Fleming** asked the Minister for Transport, Tourism and Sport if he will allocate a sports capital grant to a club (details supplied) in County Kerry, to allow for the development of its new playing pitches and facilities; if he will take into consideration the error that was made with this application and provide funding to this club at an early date; and if he will make a statement on the matter. [51208/13]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): All of the funding available under the 2012 Sports Capital Programme was allocated last year. The initial assessment of this submission was deemed invalid. It was subsequently declared by the Department to be valid - but this was after the local projects from Kerry were reviewed and allocations made. This project was then considered with applicants for regional projects and was unsuccessful. €26 million was allocated to 615 sports clubs and organisations. €5 million was allocated for 32 regional projects.

Unfortunately, with over €7.50 sought for every €1 available under the 2012 Programme it was not possible to fund every valid project. Almost 500 valid applications were in the same position as this club and were not funded. Submitting a valid application does not in any way guarantee funding. Any sports organisation with a suitable project may apply for funding under the next round of the Sports Capital Programme under the terms and conditions that will apply. I hope to make an announcement on the next round of the Programme before the end of the year.

Road Improvement Schemes

186. **Deputy Brendan Smith** asked the Minister for Transport, Tourism and Sport if funding will be provided in 2014 towards the final stage and completion of improvement works along the N2 to Emyvale village, County Monaghan; and if he will make a statement on the matter. [51234/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism & Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

Air Services Provision

187. **Deputy Paudie Coffey** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the introduction of any direct flights between Ireland and Silicon Valley; and if he will make a statement on the matter. [51262/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Aer Lingus announced last July that it will commence direct services from Dublin to San Francisco on 2nd April 2014. A direct service to the West Coast of the US was identified as a key action point in the Government's Action Plan for Jobs and I am delighted that this need is being fulfilled by an Irish airline. The IDA has been advocating the return of the service ever since it was discontinued by Aer Lingus at the height of the recession back in 2009 and the Minister has raised the matter regularly in his meetings with Aer Lingus.

The importance of this route is demonstrated by the fact that it is estimated that over 40% of Ireland's total foreign direct investment comes from Silicon Valley based companies alone. Many Silicon Valley companies such as Intel, PayPal, eBay, Facebook, Google and Apple have their European Headquarters in Ireland. The direct air access being provided by Aer Lingus will help to sustain this investment and attract further investment.

Enhanced air access to key business and tourism markets around the world has been a key element of this Government's policy and the success of that policy to date is evidenced by the significant increased capacity that has been made available on transatlantic routes - over 26% in summer 2013 season and a number of other new services to the US and Canada have already been announced for next year. The zero rate travel tax initiative in Budget 2013 will come into effect from April 2014 and is part of a process aimed at generating new airline routes into Ireland. There has been a positive response to the initiative from airlines so far with Ryanair and Aer Lingus Regional both announcing details of new routes and increased services from Dublin, Shannon, Cork and Knock. The elimination of the air travel tax coupled with the decision to maintain the tourism and hospitality VAT rate at 6% is a clear indication of the Government's support for air travel and Irish tourism generally.

Tourism Ireland works closely with carriers, airports and agencies to make the case for the introduction of new services or extended capacity. The DAA also has attractive incentive packages available for the introduction of new routes. In Summer 2013, total available seat capacity was +3% higher than Summer 2012. I will launch Tourism Ireland's Marketing Plans for 2014 to the industry on Monday, 2nd December and I expect that cooperative promotion will

continue to be a major focus of their programme in the year ahead.

Public Transport Provision

188. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport, Tourism and Sport the public bus transport facilities for residents of Stamullen, County Meath, to and from Dublin, Drogheda and Balbriggan; his plans to increase public transport access to this growing town; and if he will make a statement on the matter. [51269/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The National Transport Authority (NTA) has responsibility for securing the provision of public passenger land transport services, including the provision of subvented PSO bus services and the licensing of public bus passenger services. I have forwarded the Deputy's question to the NTA for direct reply. Please advise my private office if you do not receive a reply within ten working days.