

## Written Answers.

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

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*Questions Nos. 1 to 9, inclusive, answered orally.*

### Corporation Tax Regime

10. **Deputy Michael McGrath** asked the Minister for Finance the position regarding the formal investigation being undertaken by the European Commission into Ireland's corporation tax arrangements with a company (details supplied); if the Irish authorities have co-operated fully with the investigation; the investigation will be concluded; and if he will make a statement on the matter. [4669/15]

**Minister for Finance (Deputy Michael Noonan):** Last year, the Competition Directorate of the European Commission announced their intention to open formal state aid investigations into tax rulings provided to a number of companies in various Member States of the European Union.

This announcement is part of a much wider review of tax ruling practice that is currently being undertaken by the European Commission and recently the Commission announced that it was broadening its enquiries to include all Member States.

As the Commission have acknowledged, Ireland has co-operated fully with the process to date and will continue to do so.

I would like to emphasise that, while the Commission has opened a formal investigation in relation to one particular case involving Ireland, it has not made a final determination in the matter. For state aid to exist in this case, less tax must have been charged to the company than should have been applied under our domestic legislation, and this must have distorted competition within the single market.

As part of this formal investigation, the Commission wrote to Ireland to ask for our response to their concerns in relation to the particular case. Ireland has responded to this letter, comprehensively addressing the Commission's concerns and making it clear that the appropriate amount of Irish tax was charged in accordance with the relevant legislation, that no selective advantage was given and that there was no state aid. This is a confidential matter between Ireland and the Commission and I am not in a position to comment on the specific details of our response as the matter is subject to a formal process of investigation and relates to a specific taxpayer.

While it would not be appropriate to speculate on the outcome at this stage, I remain confident that there was no breach of State aid rules in this case and that the legislative provisions were correctly applied. The Commission have indicated publicly that they expect to make their final decision on this issue in the first half of 2015.

After an investigation such as this, the Commission may decide that there is no state aid

after a Member State provides the additional information and clarification.

However, in the event that the Commission forms the view that there was state aid, Ireland is entitled to challenge this decision in the European Courts. As I and my colleagues in Government have already indicated, we will take that course of action, if necessary, to continue to vigorously defend the Irish position.

### **Real Estate Investment Trusts**

11. **Deputy Paul Murphy** asked the Minister for Finance the cost each year of tax exemptions for real estate investment trusts; and if he will report on the impact of REITs on the housing market. [4697/15]

**Minister for Finance (Deputy Michael Noonan):** The tax framework for Real Estate Investment Trust companies was introduced into law in Finance Act 2013. My officials have been advised by the Revenue Commissioners that there is no tax return data available yet in relation to the three REITs that have been established:

- The first REIT to be listed on the Irish Stock Exchange was the Green REIT plc in July 2013 but my understanding is that this REIT did not make its first property investment until November 2013.

- The second Irish REIT, Hibernia REIT plc, listed in December 2013 and did not make its first acquisition of property until the early months of 2014.

- The third Irish REIT, Irish Residential Properties REIT plc, listed in April 2014 with an existing portfolio of over 300 residential units and commenced to make further property acquisitions shortly thereafter.

The first REIT corporation tax returns and accounts are not expected before the end of the first quarter of 2015 and it should be noted that such returns and accounts will be of somewhat limited value in attempting to ascertain tax costs associated with REITs. The function of the REIT framework is not to provide an overall tax exemption, but rather to facilitate collective investment in rental property by removing a double layer of taxation which would otherwise apply to property investment via a corporate vehicle.

As such, the estimated cost attached to REITs relates not to an exemption from tax, but rather to the move from direct taxation of rental income in the hands of investors, to the taxation of dividends distributed to investors from REIT profits arising from that rental income. The REIT legislation requires that 85% of all property income profits be distributed annually to shareholders.

As regards the taxation of the REIT itself, REITs are investment vehicles that are specifically designed to hold rental investment property. They are focused on long-term holding of income-producing property. They are not designed to undertake development activities, or as a vehicle for short-term speculative gains.

A REIT is allowed to do a very limited amount of development of its rental assets up to 30% of the value of any property without impairing its REIT status. This is allowed in order that a REIT may finish out a nearly-complete property, or carry out periodic refurbishments.

If the REIT exceeds these limits and does not subsequently hold the completed property for at least three years as a rental asset, any gain on the sale of the developed property will not

qualify for the REIT exemption and will be subject to tax under the normal rules.

With regard to the housing market, the Deputy will be aware that Construction 2020 Strategy: A Strategy for A Renewed Construction Sector sets out the Government's strategy to address a number of issues being faced in the property and construction market and remove blockages from the system in order to get the market moving and increase supply. Some 75 time-bound actions are included in the Strategy, my Department is party to a range of actions which, among other issues, focus on:

- housing supply, with particular attention directed at planning issues and appropriate and sustainable development financing;

- transparent and sustainable mortgage lending;

- the application of the tax code to the construction and property sectors; and

addressing legacy issues associated with the property bubble.

This includes facilitating the sustainable and professional development of the private rented sector. Historically the private rented sector in Ireland has been characterised by small-scale landlords. Attracting large scale investment in professionally managed residential property, for example using Real Estate Investment Trusts and other options for long-term investment, can have an important role to play in helping to deliver the professional high-standard sector that tenants deserve.

I have introduced a number of targeted initiatives in various budgets since 2011 to aid in revitalising the property and construction sectors and to help increase the supply of suitable residential housing stock in certain urban areas where supply limitations are most pronounced, including the introduction of the REIT tax framework in Budget 2013.

The acquisition and management of properties by professional REITs is part of a more sustainable, long-term property rental market for both investors and property tenants. While commercial property investment has been a key focus for some of the REITs launched to date in Ireland, residential property also forms part of the sector's interest and exposure. For example, since its launch in April 2014, Irish Residential Properties REIT, the first Irish REIT with a primarily residential property investment focus, has built up a portfolio of high quality Dublin residential properties. It recently reported that as of September 2014 it had acquired 1,204 residential units which it was professionally operating with an occupancy rate of c. 99%.

We must remember that the REIT regime is in its relative infancy in Ireland. We expect the sector to continue to develop over time and in so doing to increase the supply of professionally managed, good quality, secure and affordable rented accommodation.

### **Home Repossession**

12. **Deputy Pearse Doherty** asked the Minister for Finance the measures he will bring forward to prevent banks moving to repossess family home before all other solutions have been exhausted; and if he will make a statement on the matter. [4655/15]

**Minister for Finance (Deputy Michael Noonan):** This Government is tackling the issue of mortgage arrears head on. We overhauled the structures to support customers in arrears to find solutions. The Deputy will be aware that the Government's Strategy to address the problem of mortgage arrears was formulated in response to the recommendations of the Keane Report

(2011) and the main elements of it are:

- Engagement with the banks to develop appropriate measures for their customers in mortgage arrears;
- Personal insolvency law reform and implementation;
- Mortgage to rent; and
- A Mortgage Advisory function

The strong view of the Government is that, in respect of co-operating borrowers under the Mortgage Arrears Resolution Process, repossession of a person's primary home should only be considered as a last resort and that every effort should be made to agree a sustainable arrangement as an alternative to repossession. Even after the commencement of the legal process, it will be possible for lenders and borrowers to re-engage and it will be in the best interest of all parties if that happens.

The Deputy will be aware of the Code of Conduct on Mortgage Arrears (CCMA), issued under Section 117 of the Central Bank Act, 1989. This Code provides that a lender may only commence legal proceedings for repossession where the lender has made every reasonable effort to agree an alternative repayment arrangement with the borrower or his/her nominated representative and the specific timeframes set out in the Code have adhered to or the borrower has been classified as not co-operating. In the case of not co-operating borrowers, before classifying a borrower as such, a lender must write to the borrower to notify them that they may be classified as not co-operating and explain the steps for the borrower to take to avoid that classification.

The Deputy may also wish to note that the Central Bank commenced a themed inspection of compliance with the CCMA in Quarter 4 of 2014. The themed inspection includes onsite inspections of a number of regulated mortgage lenders to examine the processes in place around certain provisions of the CCMA and the controls lenders have in place to ensure compliance with those processes and the CCMA.

Overall, the CCMA provides a strong consumer protection framework to ensure that borrowers are treated in a fair and transparent manner by their lender and that long-term resolution is sought.

### **EU Meetings**

13. **Deputy Paul Murphy** asked the Minister for Finance if he will report on the most recent ECOFIN meeting. [4693/15]

**Minister for Finance (Deputy Michael Noonan):** The Ecofin Council met on 27th January 2015. It was the first Ecofin meeting held under the Latvian Presidency of the Council.

I represented Ireland at the meeting which was attended by representatives of the other 27 EU Member States along with representatives of the European Commission; the European Central Bank; the European Investment Bank; the Economic and Financial Committee of the Council and the Economic Policy Committee of the Council.

For the information of the House, I will briefly outline the main agenda items that were discussed.

At the Ecofin Breakfast discussions, the President of the Eurogroup, as is common practice, briefed the Council on the previous day's Eurogroup. Ministers also discussed the economic situation, the provision of further macrofinancial assistance to Ukraine and measures to stop the financing of terrorist organisations.

Turning to the formal Agenda, a number of items were approved under the 'A' lists procedure (i.e. without debate) including, the final compromise text of the Anti-Money Laundering Directive and the Regulation on Information which Accompanies Transfer of Funds; on the taxation side, the anti-abuse clause to the Parent/Subsidiaries Directive was adopted; and a recommendation for a regulation amending Regulation (EC) No 2532/98 concerning the powers of the European Central Bank to impose sanctions was adopted.

Ministers discussed the Commission proposal Investment Plan for Europe: European Fund for Strategic Investments Proposal for a Regulation of the European Parliament and of the Council on the European Fund for Strategic Investment and amending Regulations (EU) No 1291/2013 and (EU) 1316/2013. This involves the establishment of a European Fund for strategic investments. Ministers had a preliminary exchange of views with the Presidency stating that it was its objective to reach agreement on the proposal in March 2015.

ECOFIN noted a Presidency report - Current legislative proposals - on the state of play in negotiations on current financial services legislative proposals.

Ministers were given presentations by the Presidency and Commission respectively on the agenda items - Presentation of the Presidency Work Programme and the Commission Work Programme 2015. Ministers also discussed two items under the heading of Economic Governance Commission Communications. The first one related to the Six Pack and Two Pack review.

The second related to Flexibility within the existing rules of the Stability and Growth Pact Flexibility - Communication from the Commission to the European Parliament, the Council, the European Central Bank, the Economic and Social Committee, the Committee of the Regions and the European Investment Bank making the best use of the flexibility within the existing rules of the Stability and Growth Pact.

The Commission presented both communications together and there was a broad ranging discussion and all parties agreed that progress had been made in these issues. The Council will come back to these in due course as the Semester process unfolds.

Finally, Ministers adopted the Terms of Reference under the agenda item: Preparation of G20 Meeting of Finance Ministers and Central Bank Governors on 9-10 February 2015 in Istanbul.

As part of the Government's engagement with the Oireachtas on European matters, Minister of State Harris will appear before the Joint Committee on Finance and Public Expenditure on Tuesday, 10 February to discuss the outcome of the January ECOFIN Council and the agenda items for the forthcoming February ECOFIN Council.

## **Bank Restructuring**

14. **Deputy Sean Fleming** asked the Minister for Finance when the European Commission will deliver its response to the restructuring proposals for Permanent TSB; when the bank will raise the capital it requires under the stress tests; the progress that has been made to date in ensuring Permanent TSB plays a positive role in the Irish banking market; and if he will make a statement on the matter. [4677/15]

**Minister for Finance (Deputy Michael Noonan):** A way forward for Permanent TSB was agreed with the Troika in April 2012 which envisaged it playing an important role in the future of Irish retail banking, being a more focused retail bank bringing competition to the market-place which has consolidated significantly since 2008. In this regard Permanent TSB prepared a Restructuring Plan, which was submitted to the European Commission (“the Commission”) in June 2012. As requested by the Commission, an updated version of the plan was submitted in August 2013 which incorporated improvements in performance over the intervening period.

The Permanent TSB restructuring plan submitted in autumn 2013 is now outdated and has been updated for both recent positive financial and operational performance in 2014 and the results of the Comprehensive Assessment. My officials have been in detailed discussions with the Commission over recent months in relation to the plan, details of which are confidential between the parties and commercially sensitive at the present time. However, I expect the restructuring plan to be agreed in advance of the capital raise.

As the Deputy is aware Permanent TSB is an important bank in a highly concentrated Irish market. While no restructuring plan has been approved, it has not prevented Permanent TSB from making significant progress in delivering key elements of the Restructuring Plan submitted over the last year and the business is being managed structurally in the way envisaged in the plan. Permanent TSB has made steady progress on returning to operating profitability, has significantly de-risked its balance sheet through a sale of a tranche of its UK mortgage portfolio and the sale of Springboard Mortgages and has made positive progress on arrears reductions, with 90 day + arrears in Homeloans c. 33% below peak levels at end 2014. I expect that the bank’s full year 2014 annual results, which will be issued on 11 March 2015 will confirm this.

With regards to the Capital Raise, the Comprehensive Assessment Adverse Stress Test result identified a shortfall of €855 million. As a consequence the bank has submitted a Capital Plan to the SSM, which outlines how the bank intends to meet the capital shortfall. Much of the shortfall has been met through performance in 2014 and deleverage of assets in 2014. The remaining shortfall will require the bank to raise capital, including equity capital, from private sources in 2015, diluting the State’s shareholding. Details of the capital raise will be finalised shortly. While there are no current plans to sell shares held by the State during the process I will keep this under review as it could be required to ensure a successful capital raise process for the State and other shareholders.

I am of the view that the best way to protect the value of the State’s shareholding is to ensure Permanent TSB is well prepared, that it conducts a comprehensive and competitive exercise to raise the capital with appropriate legal and financial advice, and that the State has meaningful oversight and involvement in the process. Officials from my Shareholding Management Unit and our financial advisers, JP Morgan Cazenove, are well placed to fulfil this role.

## **Tax Code**

15. **Deputy Mick Wallace** asked the Minister for Finance further to Parliamentary Question No. 25 of 3 December 2014, the progress made since the beginning of 2015 on the public consultation on the introduction of a tax on vacant sites, as outlined in his budget speech in view of rising property prices and a shortage of supply; and if he will make a statement on the matter. [4705/15]

**Minister for Finance (Deputy Michael Noonan):** In Budget 2015 I announced my intention to launch a public consultation on the issue of unused zoned and serviced land with a view to examining what taxation measures might be taken to penalise land owners who do not

develop such land. I expect to launch this consultation shortly.

The aim of the public consultation will be to assess the extent to which the taxation system - through penal measures can be utilised to encourage the development of such zoned and serviced land to assist with the shortage of residential properties in certain areas. Any existing levies will be considered as part of the consultation process and any taxation measures that may be introduced as a result of the consultation will take account of any existing levies in place.

The Government's Construction 2020 Strategy published in May 2014 outlined a range of actions aimed at incentivising increased housing construction activity and supply. These actions are being progressed as a matter of urgency, including measures incorporated in the forthcoming Planning and Development No. 1 Bill, for example the revision of the Part V social housing obligations on developers, retrospective application of reduced development contributions, the introduction of the vacant site levy and "use it or lose it" arrangements in relation to planning permissions.

In addition, further to the Construction 2020 Strategy, a Dublin Housing Supply Co-ordination Task Force was established in June 2014 to examine the issue of housing supply in the Dublin area. It has reported that there are currently sufficient planning permissions, with no insurmountable infrastructural deficits, to deliver over 20,000 housing units in four Dublin local authority areas while a further 25,000 new homes are considered permissible on existing lands zoned for residential use if landowners and developers wished to seek those permissions. The objective of the Government now is to facilitate the activation of such permissions with a view to delivering on the associated housing supply to meet demand. The possible introduction of tax measures to incentivise the development of zoned and serviced land will be considered in this overall context.

## **Tax Exemptions**

16. **Deputy Ruth Coppinger** asked the Minister for Finance her views on ending the artist tax exemption for artists who are already in receipt of large incomes and funding. [46868/14]

**Minister for Finance (Deputy Michael Noonan):** The most recent year for which data is currently available in respect of levels of income from all sources, including exempt artistic income, of those who claimed the Artists' Exemption is 2012. In that year, approximately 44% of claimants had incomes of between €0 and €20,000, while almost 20% of claimants had incomes of between €20,000 and €40,000. 27% had incomes of between €40,000 and €100,000, while under 10% had incomes in excess of €100,000.

These figures show that for 2012, approximately 64% of individuals who availed of the Artists' Exemption had incomes that in total fell below the current €50,000 limit for the exemption.

In relation to other sources of funding provided by the State, that would primarily be a matter for the Minister for Arts, Heritage and the Gaeltacht. However, I understand that artists can receive direct support through certain Arts Council's awards programmes:

1. The Bursary Award supports artists in the development of their artistic practice. In 2013, the Arts Council distributed over €1.2 million to 137 individual artists across all art forms and arts practices.

2. The Project Awards support the creation of new work and audience engagement. The Arts Council disbursed over €3 million to 106 recipients in 2013.

3. The Dance and Theatre Residency schemes saw the Council disburse €256,342 to 15 recipients in 2013.

4. Means-tested grants to 161 Aosdána members totalling €2.7m in 2013.

I would point out that the Artists' Exemption is a specified relief for the purposes of the high earners' restriction. This limits the amount of reliefs that an individual can claim in any one tax year to €80,000 before the restriction begins to apply.

As the Deputy may be aware, my officials will be carrying out a review of the Artists' Exemption in advance of Budget 2016. The terms of this review have not yet been finalised but I expect it to commence shortly.

### **Strategic Banking Corporation of Ireland**

17. **Deputy Dara Calleary** asked the Minister for Finance his views on the performance of the Strategic Banking Corporation of Ireland to date; and if he will make a statement on the matter. [4674/15]

**Minister for Finance (Deputy Michael Noonan):** The Strategic Banking Corporation of Ireland (SBCI) is built on the foundation stone that was laid by the Taoiseach and Chancellor Merkel when they agreed that the German promotional bank Kreditanstalt für Wiederaufbau (KfW) would help finance the Irish SME sector when Ireland was exiting the EU/IMF programme in late 2013.

I asked my Department and the National Treasury Management Agency to create the necessary mechanisms to construct the SBCI. Building on the initial funding offer from the KfW, the Government added funding from the European Investment Bank (EIB) and the Ireland Strategic Investment Fund (the new fund to which the assets of the National Pensions Reserve Fund were transferred). The Government approved this approach and legislation enabling the establishment of the SBCI was passed by the Oireachtas in July 2014.

The SBCI was incorporated in August 2014 and since then the SBCI has made considerable progress in building relations with lending partners and in constructing the complex operational capability required to bring products to market. These include establishing operational capability with funders and lending partners, building internal systems and business processes, and establishing a team to safely and effectively manage the funding provided on behalf of the State. In that regard, it is worth pointing out that both the CEO of KfW and the President of the European Investment Bank have complimented the Government's work on the establishment of the SBCI noting that the project from concept to establishment was achieved much more promptly than similar initiatives in other countries.

The SBCI drew down €200m of its funding from the European Investment Bank during December 2014 so that funds could be borrowed by its lending partners to be distributed to SMEs.

The SBCI is preparing for a nationwide launch of its products shortly. The Government's aim for the SBCI is to change the range and profile of SME finance providers in Ireland. The SBCI are achieving this by working with existing and new providers to develop enhanced products, and by supporting new entrants to the SME lending market.

The Deputy may wish to be aware that I am seeking suitable applicants who consider they possess the skills and experience necessary to join the expanded board of SBCI. People who wish to contribute to the development of the SBCI and who possess a range of experience in

SME finance and SME development can apply using the new state appointments process on [www.stateboards.ie](http://www.stateboards.ie). The closing date for applications is 6 February 2015.

### **European Central Bank**

18. **Deputy Pearse Doherty** asked the Minister for Finance the way the ECB's quantitative easing programme will be implemented by the Central Bank of Ireland and the ECB; and if he will make a statement on the matter. [4653/15]

**Minister for Finance (Deputy Michael Noonan):** As widely anticipated, the ECB, announced an expanded asset purchase programme on January 22nd to include bonds issued by euro area central governments, agencies and European institutions. Under this expanded programme, the combined monthly purchases of public and private sector debt securities will amount to €60 billion. These monthly purchases are intended to be carried out from March until end-September 2016 and will, in any case, be conducted until inflation moves onto a path consistent with price stability, in line with the mandate of the ECB. In principle, this would see the ECB balance sheet expand to over €1 trillion.

Many details in terms of the implementation of the expanded asset purchase programme are not, as yet, publically available and these are, of course, an internal matter for the ECB and the National Central Banks. The ECB has, however, indicated that its asset purchase programme in relation to sovereign bonds will be restricted to bonds with a remaining maturity of greater than 2 but less than 30 years. It has also indicated limits on the Eurosystem's holdings of any one issuer's bonds, taking into account existing holdings. These limits refer to the same 2 to 30 year maturity window.

To be precise, holdings within the 2 to 30 year remaining maturity window will not exceed 33 per cent of an issuers' tradable bonds within the same window. The majority of the bonds acquired by the Central Bank of Ireland (CBI) in exchange for the Promissory Notes have more than 30 years remaining. Currently, this is the case for €19 billion out of the original €25 billion nominal issuance. Therefore, the holding of these bonds by the CBI will, in practice, have no impact on the amounts that can be purchased by the CBI. While other bonds within the 2-30 year maturity window that are already held by the CBI and other National Central Banks will be taken into account for the purposes of calculating the amounts that can be purchased, I understand that this still leaves ample room for participation by the CBI in the asset purchase programme.

### **Fuel Laundering**

19. **Deputy Denis Naughten** asked the Minister for Finance the progress made to date in investigations into petrol stretching; and if he will make a statement on the matter. [4607/15]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners, who are responsible for tackling fuel fraud, that they are very aware of the risks posed to consumers' vehicles, legitimate businesses and the Exchequer by all forms of fuel fraud.

Over the past number of months the Revenue Commissioners have received reports from a variety of locations around the country of problems relating to petrol quality, with suggestions that these problems are attributable to petrol stretching. Petrol stretching involves the illegal addition of a low tax commodity to petrol to defraud motorists and the State. Revenue has received 134 complaints to date, the majority of which originated from the counties covered by

Revenue's Border Midland West Region.

Every filling station about which a complaint was made has been visited by Revenue enforcement officers and fuel samples taken from them were sent for analysis by the State Laboratory. To date, samples have been taken from over 50 filling stations nationwide and 300 samples, from them and from other sources, have been referred to the State Laboratory.

The scientific analysis required is complex and time-consuming and the State Laboratory has conducted an extensive series of tests on the samples. Despite this extensive testing, evidence of the presence of prohibited stretching agents has been found in only two samples from one location. The conclusive results received from those two samples have resulted in the seizure of the product and files are being prepared with a view to prosecution.

Following a series of further tests conducted by the State Laboratory, results were received which indicate the presence of traces of road diesel in several samples taken from a variety of locations. This could indicate that petrol was contaminated with road diesel at some point in time. There is no rational economic reason or fraudulent incentive for anyone to deliberately mix normal road diesel with petrol. If the problems that have come to light were caused by an unintended contamination as a result of diesel being inadvertently mixed into petrol at some point along the supply chain, there would be no Revenue offence involved. However, the Deputy can be assured that the Revenue Commissioners are vigorously investigating the possibility of tax fraud being associated with the identified problems. In any instances where the analysis of petrol samples by the State Laboratory indicates the presence of illegal stretching agents, Revenue will take speedy and determined action and pursue prosecutions against offenders where possible.

Revenue have been working closely with An Garda Síochána in this investigation, sharing information and intelligence, and will continue to do so. I am also advised by Revenue that they undertake, on an ongoing basis, an extensive programme of compliance and enforcement actions to ensure adherence to the legal requirements governing the supply and sale of mineral oil and to allow action to be taken against fraud. This involves, among other things, carrying out analysis of the monthly oil movement returns that oil traders are required to make, and of other supply chain data. In addition, Revenue officers conduct control or compliance visits to mineral oil traders, during which they examine transport and movement documentation and take samples of fuel for analysis.

I am satisfied that the Revenue Commissioners are taking all possible actions to identify the problem and challenge any instances of identified fuel fraud, including, where possible, pursuing prosecutions against offenders.

### **Tax Code**

20. **Deputy Michelle Mulherin** asked the Minister for Finance if he will review the tax code which provides for the singling out of the self-employed for payment of a higher rate of universal social charge and its potential to adversely affect business investment, growth and potentially job creation and retention in small and medium enterprises; and if he will make a statement on the matter. [4610/15]

**Minister for Finance (Deputy Michael Noonan):** First of all, I would point out to the Deputy that the USC surcharge only impacts on a small proportion of the high earning self-employed. In 2012, the latest year for which definitive figures are available, just over 11,000 taxpayers paid the 3% USC surcharge. This represents approximately 6% of taxpayers whose

primary income is not subject to PAYE, or half of one per cent of all income earners.

The introduction of USC in 2011 was accompanied by a series of other reform measures designed to simplify the tax system and widen the tax base. As part of these the PRSI ceiling on income over €75,000 was removed for all employees. This meant that those employees on incomes in excess of €75,000 would now be liable to an additional 4% charge on that portion of their income. At the same time the PRSI rates for self-assessed income earners was increased from 3% to 4%.

At that time, a 3% USC surcharge, in addition to the 7% rate on that portion of self-assessed income over €100,000, was introduced. The alternative would have seen self-assessed high income earners benefit when compared to their PAYE counterparts from the tax package introduced in 2011. On the basis of fairness, this could not have been countenanced at the time.

It was necessary to maintain the 3% in Budget 2015 in order to ensure that the self-assessed on high incomes did not benefit disproportionately from the Income Tax package and that the maximum benefit is capped for all taxpayers at €14 per week.

To allow large increases for the self-assessed on high incomes would be difficult to justify, or indeed would not be fiscally prudent, at a time when the country is only beginning to emerge from a prolonged economic downturn.

Far from being anti-enterprise, a fair, efficient and competitive income tax system is essential for economic growth and job creation. The Statement of Priorities issued by the Government in July 2014 included a commitment for an income tax reform plan to be delivered over a number of budgets, to reduce the 52% marginal tax rate on low and middle-income earners, including the self-employed, in a manner that maintains the highly progressive nature of the Irish tax system.

It is important to note that the self-assessed were subject to a marginal tax rate of 55% on incomes in excess of €100,000 in 2014, and they will continue to face the same rate on such income in 2015.

### **Mortgage Arrears Rate**

21. **Deputy Paul Murphy** asked the Minister for Finance his views on the level of mortgage arrears and on the increased rate of repossessions; and if he will make a statement on the matter. [4694/15]

**Minister for Finance (Deputy Michael Noonan):** This Government tackled the issue of mortgage arrears head on. We overhauled the systems and structures to support customers in arrears to find solutions.

The Deputy will be aware that the Government's Strategy to address the problem of mortgage was formulated in response to the recommendations of the Keane Report (2011) and the main elements of it are:

- Engagement with the banks to develop appropriate measures for their customers in mortgage arrears;
- Personal insolvency law reform and implementation;
- Mortgage to rent; and

- A Mortgage Advisory function

The Strategy is working, as evidenced by the monthly improvements in the mortgage restructures data collected by my Department officials. The situation at end November shows that total mortgage accounts in arrears (all arrears 1 day past due) now stand at 91,963. The number of Principal Dwelling Home accounts in arrears of greater than 90 days and not restructured has fallen by almost 27% at end of November 2014 when compared to the state of play at end of August 2013. During November 2014 there was an increase of 2,551 permanent mortgage restructures over the previous month. The number of mortgage accounts in arrears of greater than 90 days continues to fall, decreasing by 1,879 to 64,196 accounts at the end of November 2014.

The strong view of the Government is that, in respect of co-operating borrowers under the Mortgage Arrears Resolution Process, repossession of a person's primary home should only be considered as a last resort and that every effort should be made to agree a sustainable arrangement as an alternative to repossession. Even after the commencement of the legal process, it will be possible for lenders and borrowers to re-engage and it will be in the best interest of many parties if that can and does happen.

There is no doubt that the issue of longer terms arrears remains the biggest challenge. Many customers are finding solutions when they engage with their lender. Data published by the Central Bank in December shows that just under 110,000 principal dwelling home mortgages (PDH) were classified as restructured at the end of quarter 3 in 2014. Of these restructured accounts, 83% were deemed to be meeting the terms of their current restructure arrangement.

This Government has put in place a number of initiatives to assist homeowners in difficulty. Borrowers in difficulty must engage with their lender as early as possible in order to identify the best solution to their debt situation. This will afford them the protection of the Code of Conduct on Mortgage Arrears (CCMA) and ensure that the resolution arrangement that is finally agreed is both affordable and sustainable. Of course, the Central Bank is also working to ensure that banks are fully complying with the codes of conduct.

In addition, the Money Advice and Budgeting Service (MABS) provides independent advice and practical assistance to those in debt and I would advise anybody who is struggling with unsustainable debt to contact them as soon as possible.

The Insolvency Service of Ireland (ISI) also has a role in restoring citizens who are insolvent to solvency in a fair, transparent and equitable way and will help people to address their problems. It is essential that the banks and customers engage with each other.

### **Credit Unions Restructuring**

22. **Deputy Michael McGrath** asked the Minister for Finance if he is satisfied with the pace of restructuring in the credit union sector; his views that the lending restrictions are having a detrimental impact on the ability of credit unions to lend to their members; and if he will make a statement on the matter. [4672/15]

**Minister for Finance (Deputy Michael Noonan):** The Credit Union Restructuring Board (ReBo) is actively involved with 147 credit unions in 68 different projects. Of these, 8 credit union mergers involving 20 credit unions have been completed to date; 4 proposals involving 12 credit unions are at approval stage and are due to complete shortly; 30 proposals, involving 69 credit unions are at an advanced stage of development and the remainder are at a more initial stage of development. ReBo expects that a significant percentage of these will be involved in successful completed mergers by the end of its remit.

In line with the Commission on Credit Unions recommendation, restructuring is being carried out on a voluntary, incentivised and timebound basis. I am satisfied that ReBo continues to work to the timetable set out in the Commission on Credit Unions Report and is expected to complete its work by the end of December 2015.

Credit unions have an important role to play in providing credit in local communities around the country and I am supportive of safe and responsible lending by credit unions.

Acting as the independent regulator, the Registrar of Credit Unions at the Central Bank has applied lending restrictions to some credit unions. I have been informed that these restrictions are viewed as short term in the majority of cases and are imposed as a means of allowing a credit union to address identified concerns as quickly as possible. These restrictions are reviewed on a regular basis.

With regard to the impact of lending restrictions on the ability of credit unions to lend, I have been further informed by the Registrar of Credit Unions that data available to the Central Bank shows that there is no material difference between the average loan-to-asset ratio of credit unions with and without restrictions. Also, where individual lending restrictions are imposed, this data also shows that the majority of credit unions are not lending up to the lending restriction amount, with the majority of loans granted being at lower loan levels.

Reviews of individual lending restrictions are included within the planned 2015 supervisory work programme of the Registry of Credit Unions. Where credit unions can evidence improvements in their credit management practices, and systems and controls which support prudent lending, the Registrar is open to removal of restrictions.

I am satisfied that the safety of members savings and the security of the credit union sector as a whole are central to any actions taken by the Registrar of Credit Unions.

## **Economic Growth**

23. **Deputy Richard Boyd Barrett** asked the Minister for Finance if he discussed with Christine Lagarde at their recent meeting in Dublin, economic stagnation in Europe and the IMF's downgrading of growth prospects for Europe; and if he will make a statement on the matter. [3377/15]

**Minister for Finance (Deputy Michael Noonan):** Growth prospects in Europe were discussed by Madame Lagarde and all participants, including myself, during the panel discussion at a conference in Dublin Castle entitled Ireland Lessons from Its Recovery from the Bank-Sovereign Loop. These discussions were streamed live by the event organisers and are available at: <http://www.imf.org/external/np/seminars/eng/2014/ireland/index.htm>.

The latest economic developments in the euro area have been disappointing with low growth, low inflation and an unemployment rate which is still unacceptably high. Growth in the third quarter of 2014 was weak, at 0.2 per cent on a quarterly basis.

In terms of this year, economic activity in the euro area will be supported by lower oil prices, supportive monetary policies and a depreciation of the euro. Notwithstanding these positive developments, other factors acting in the opposite direction - such as weaker investment - mean the IMF has revised down its forecast for the euro area by about a quarter of a per cent this year and next. The forecast for the UK was left broadly unchanged.

Reviving economic growth in the euro area will require a combination of monetary, fis-

cal and structural reform policies. In relation to the fiscal stance, a differentiated approach is needed, whereby those with fiscal space should use it. On the monetary side, I welcome the recent policy announcement that the ECB is to expand its balance sheet through large scale asset purchases, including the purchase of sovereign debt in the secondary market (quantitative easing). Finally, structural reforms are needed to unlock the growth potential in large parts of the euro area.

### **Debt Conference**

24. **Deputy Richard Boyd Barrett** asked the Minister for Finance if he discussed with Christine Lagarde at their recent meeting in Dublin, the suggestion of Syriza in Greece that a debt conference should be held to discuss the debt burden affecting Greece, Ireland, Spain, Italy and Portugal; and if he will make a statement on the matter. [3376/15]

**Minister for Finance (Deputy Michael Noonan):** The issue of a debt conference was discussed by Madame Lagarde and all participants, including myself, during the panel discussion at a conference in Dublin Castle entitled Ireland Lessons from Its Recovery from the Bank-Sovereign Loop. These discussions were streamed live by the event organisers and are available at: <http://www.imf.org/external/np/seminars/eng/2014/ireland/index.htm>.

As you will see from the recording, Madame Lagarde stated the view from the 188 countries in the IMF that debt should continue to be governed by contractual relationships between the creditors and the debtors. Madame Lagarde continued that, while the IMF had tried in the past - without much success - to establish a Sovereign Debt Restructuring Mechanism, she would refrain from prescribed general collective approaches.

As I have stated on a number of occasion, including in the Press Conference following my meeting with Madame Lagarde and Minister Howlin, my view is that negotiation is better than conflict and unilateral action. The Eurogroup and Ecofin, where every country in the euro area and in the European Union, respectively, are represented are the appropriate fora for resolving outstanding issues.

### **Debt Conference**

25. **Deputy Mick Wallace** asked the Minister for Finance if he will support Syriza's call for a European debt conference; his views on offering Ireland as a venue for such a conference; and if he will make a statement on the matter. [4704/15]

**Minister for Finance (Deputy Michael Noonan):** My view is that when countries encounter difficulties, a process of negotiation is always better than one of conflict.

Specifically in the case of euro area Member States, all programme negotiations have been conducted within the Eurogroup and Ecofin, with IMF involvement as appropriate. My view is that these are the appropriate fora for resolving outstanding issues.

### **Water Conservation Grant**

26. **Deputy Pearse Doherty** asked the Minister for Finance his views on whether the European Commission water conservation grant amounts to an Exchequer transfer to Irish Water and the implications a similar finding from EUROSTAT would have on his budgetary plans.

[4651/15]

**Minister for Finance (Deputy Michael Noonan):** To promote sustainable use of water and to enhance water conservation in households, the Government decided to introduce a €100 water conservation grant for all households (principal private dwellings) that complete a valid response to Irish Water's customer registration process. The grant of €100 per annum will be available to all households, irrespective of the manner in which their water is provided and is not tied to expenditure on any particular aspect of water provision. It is my Department's opinion that the grant has the characteristics of a transfer to households and is not a transfer to the water provider. However, it will be the responsibility of the Central Statistics Office and Eurostat to classify this transfer for the purposes of returns required under the Maastricht Treaty.

As a transfer from government, the conservation grant will be considered government expenditure. PQ 42850/14, which I answered on the 11th of November last, described the market test criteria that Irish Water and other semi-State companies must meet in order for their costs not to be included in the general Government accounts. The impact on the deficit if Irish Water is included in general government, which has been covered previously in PQ No. 68 (45572/14) of the 27th of November 2014, is estimated to be in the region of €524 million in 2015.

### NAMA Assets Sale

27. **Deputy Michael McGrath** asked the Minister for Finance if he has had direct discussions with US private equity funds which have purchased circa. 90% of the assets sold by the National Asset Management Agency, with regard to their intentions for their investments in view of the important influence they now have on the Irish economy; and if he will make a statement on the matter. [4673/15]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, a significant consequence of the financial crises in Ireland has been the deleveraging of our financial services system, which includes the individual bank asset sales programmes which are now largely complete, the liquidation of IBRC and the ongoing disposal of NAMA's assets.

A key objective in each of these deleveraging processes has been to achieve the best possible financial return for the State. With asset disposal processes occurring and set to continue in both Ireland and across Europe, Irish institutions have and will continue to face competition for investment capital as they seek to achieve the best possible financial return.

Ireland is a small open economy and as such we do not discriminate between domestic and international investment capital. The vast majority of Irish assets sold in the wake of the financial crisis have been openly marketed for sale to ensure that the best price available in the market is achieved. This approach allows both Irish and non-Irish buyers to compete for all assets. It would not be in the interest of the State to favour any class of buyer or impose restrictions or curtailments on these transactions.

As part of our broader efforts to attract much needed capital to Ireland in the wake of the financial crises and generally encourage inward investment into Ireland, stakeholders across the Irish system, including the banks, NAMA, IBRC, the IDA, the NTMA as well as my officials and occasionally myself, do meet with investors interested in investing in Ireland including through the acquisition of loan or property assets and the establishment of business enterprises in Ireland.

This has included occasional meetings with representatives of private equity funds who have purchased or may be interested in purchasing significant amounts of loans and assets from

NAMA and other Irish sellers. Such discussions do not involve the discussion of specific sales processes or specific assets but rather provide these investors with the opportunity to communicate their broader interests in and investment proposition regarding Ireland, their plans for further investment and potential for local business development and job creation. They also provide myself and the other Irish institutions with increased visibility regarding Ireland's relative attractiveness as destination for foreign capital investment.

### **Tax Code**

28. **Deputy Pearse Doherty** asked the Minister for Finance the way the planned tax cuts in 2016 announced by him will be in line with the expenditure benchmark and the Stability and Growth Pact. [4652/15]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, the Statement of Priorities issued by the Government in July 2014 included a commitment for an income tax reform plan to be delivered over a number of budgets, to reduce the 52% marginal tax rate on low and middle-income earners, in a manner that maintains the highly progressive nature of the Irish tax system.

The first stage of the plan was given effect in Budget 2015 when the marginal rate of income tax was reduced from 41% to 40% and the standard rate band was extended by €1,000 to €33,800 for a single individual, which is above the average industrial wage. The standard rate band was also extended by €1,000 to €42,800 for jointly assessed married one earner couples and by €2,000 to €67,600 for married two earner couples. In addition, the Budget also contained USC measures which provided tax relief for those on lower incomes, as well as limiting the benefits that could accrue to those on higher incomes.

I have stated many times in the House that I intend to further reduce the marginal rates of income tax in a similar manner to last year's changes. This would be subject to having the required fiscal space available or through a refocus of the tax system. However, decisions on specific taxation measures will be considered in the context of the annual budgetary process.

### **VAT Rate Application**

29. **Deputy Seán Kyne** asked the Minister for Finance if in his position as a member of the Economic and Financial Affairs Council the issue of an examination and review of the VAT directives will be raised with respect but not limited to the ongoing effects of the application of national rules which existed prior to 1991 including such measures as the charging of VAT for safety equipment; and if he will make a statement on the matter. [4701/15]

**Minister for Finance (Deputy Michael Noonan):** In relation to safety equipment, Article 110 of the EU VAT Directive law provides that it is only possible to apply a zero rate to goods and services where a Member State applied a zero rate to that specific good or service on and from 1st January 1991. Zero-rating is an historical derogation from the normal VAT rules, where the intention is that such VAT treatment is temporary, and should be removed over time. In addition, only a small number of Member States apply zero-rated VAT treatment and the EU Commission has actively been trying to simplify the VAT rating system to improve the efficiency of the Single Market. This is a sensitive area for Ireland given our use of zero rates for social reasons in areas such as children's clothes and shoes, food, oral medicines, etc. Accordingly, I do not consider that a proposal to seek a review of the application of national rules which existed prior to 1991 would succeed.

## **IBRC Operations**

30. **Deputy Catherine Murphy** asked the Minister for Finance further to Parliamentary Question No. 220 of 16 December 2014, if he will indicate if, notwithstanding the commercial independence of Irish Bank Resolution Corporation at the time, his Department endeavoured to query the reason such a large loss to the State, amounting to over €100 million, was permitted to happen in the sale of the company concerned (details supplied); if not, the reason his Department was not concerned that such a large loss had occurred when the clear objective of IBRC was to maximise the return to the State; and if he will make a statement on the matter. [4700/15]

**Minister for Finance (Deputy Michael Noonan):** For clarity's sake, the sale of Siteserv occurred prior to the Special Liquidation of IBRC, under the previous board and management of IBRC.

As already indicated to the Deputy in Parliamentary Question No. 220 of 16 December 2014, notwithstanding the State's ownership of the bank at the time, it was a matter for the board and management of IBRC to determine and implement all commercial decisions in their organisation.

As set out in the Relationship Framework, which governed the relationship between the State and IBRC at the time, the State did not intervene in the day to day operations of the bank or its management decisions regarding commercial matters which were a matter for the board and management. For the avoidance of doubt, the Relationship Framework ensured that IBRC continued to operate as an independent operator in the market, albeit on a work-out basis only.

Under the Relationship Framework, IBRC were obliged to consult with the State in respect of any proposed decision that was within the ordinary course of business but which met certain financial thresholds; the sale of Siteserv did not meet these financial thresholds, therefore it was solely a matter for the board and management of IBRC at the time. Notwithstanding this position, my officials did take an active interest in the running of the bank through their interaction with the management of the bank at the time.

I am aware that KPMG Corporate Finance and Davy Corporate Finance were engaged by Siteserv to run a joint sales process to sell Siteserv which was in severe financial difficulties and was unable to service or pay back its loans to IBRC. The sales process was initiated by Siteserv and overseen by a subcommittee of the Siteserv Board. The sales process involved two stages and IBRC was briefed after each stage.

The Board of Siteserv, as advised by KPMG Corporate Finance and Davy Corporate Finance, recommended the successful bid as representing the best return for IBRC. I am advised that the Board of IBRC at that time were satisfied that this was the case.

## **Banking Sector Staff**

31. **Deputy Paul Murphy** asked the Minister for Finance the consultations he or his Department has had with AIB management concerning the recently announced intention to outsource jobs and other industrial relations issues notably reform of the pension scheme and upcoming pay discussions; his views on the industrial relations climate in the AIB group; and if he will make a statement on the matter. [4696/15]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware under the

Relationship Frameworks the State does not intervene in the day to day operations of the banks or their management decisions regarding commercial matters and hence any discussions around outsourcing, pension reform etc. are a matter for the bank, the staff and their union representatives. Notwithstanding this position, my officials do obviously take an active interest in how the bank's cost base evolves to ensure that the State's interest as shareholder are protected and to ensure that the Government's remuneration policy is enforced.

The bank has previously indicated that as part of its restructuring plan to reduce costs and increase efficiencies, outsourcing of certain functions would be considered in consultation with unions and affected staff. I have also been informed by the bank that there have been no compulsory redundancies as a result of its recent outsourcing activities. Any staff who transfer under outsourcing arrangements transfer under the TUPE regulations.

As regards the current industrial relations climate in AIB, I hold no particular views on the matter though would reiterate that I am pleased with the progress that the bank has made in returning to profitability which is down to the good work performed by both the staff and management in recent times. As always I would encourage both sides to work together to resolve any difficulties that might arise, such that AIB can continue to prosper and repay the taxpayer for their substantial support.

### **Banking Sector**

32. **Deputy Denis Naughten** asked the Minister for Finance the discussions he has held within international banking sector regarding the possibility of expanding operations to Carrick-on-Shannon, County Leitrim; and if he will make a statement on the matter. [4608/15]

**Minister for Finance (Deputy Michael Noonan):** As I am sure the Deputy will be aware, I have been informed by Minister of State Harris that he met with Cathaoirleach and CEO of Leitrim County Council in November regarding the MBNA closure, there were also EI and IDA representatives present.

Minister of State Harris, in his role regarding international banking, is currently developing an International Financial Services Strategy. A key feature of this revised Strategy will be the focus on building employment in regions outside of Dublin and the Minister of State will continue to work closely with the state agencies, EI and the IDA, to support their initiatives.

### **NAMA Social Housing Provision**

33. **Deputy Sean Fleming** asked the Minister for Finance his views on whether the National Asset Management Agency is providing adequate support for the provision of social housing; and if he will make a statement on the matter. [4676/15]

**Minister for Finance (Deputy Michael Noonan):** NAMA has made significant numbers of housing units available through the Housing Agency to local authorities and approved housing bodies for social housing. As the Deputy is aware, NAMA was established primarily in order to acquire property and related loans from five financial institutions so as to remove this systemic risk to the Irish banking system and secondly, to obtain the best achievable financial return to the State from these acquired loans. It is not, as such, part of NAMA's statutory remit to supply housing. However, consistent with its overall commercial objectives, NAMA is making a very significant contribution in facilitating the delivery of social housing. It has made 5,753 houses and apartments available to local authorities and approved housing bodies for social housing

and has invested over €20m to date in delivering homes for social housing in those cases where local authorities have confirmed demand.

The Deputy may not appreciate that NAMA has no role in terms of determining the take-up of properties that it has made available for social housing as this is a matter for local authorities. Local authorities, through the auspices of the Housing Agency, have confirmed demand for 2,214 of the properties made available by NAMA. The remaining properties made available by NAMA were ultimately deemed unsuitable by local authorities based on criteria such as their location and on wider planning and housing policy considerations or they were sold or rented by their owners or appointed receivers during the time taken by local authorities to assess and confirm their suitability.

Of the 2,214 properties for which demand has been confirmed, 1,068 have already been delivered for social housing through a combination of purchase and long-term leasing arrangements. NAMA expects that the other units for which demand has been confirmed will be delivered in 2015 on the basis that local authorities and approved housing bodies contract to purchase or lease the properties.

For the Deputy's information, once demand is confirmed by local authorities through the Housing Agency and contracts have been entered into by local authorities or approved housing bodies, NAMA immediately makes the properties available. This often involves significant investment by NAMA to complete building works and to carry out other work in order to resolve compliance issues in relation to planning conditions, regulatory standards and multi-unit Development requirements. NAMA is facilitating the delivery of homes for individuals and families through this very welcome initiative.

The Deputy may also be aware that NAMA has established a special purpose vehicle, National Asset Residential Property Services Ltd. (NARPS), to expedite the delivery of social housing under this initiative. Through NARPS, NAMA acquires houses and apartments from debtors and receivers and directly leases them to approved housing bodies under long-term leasing arrangements. In conjunction with the establishment of NARPS, NAMA has introduced standardised leasing terms to further streamline the process.

NARPS has proven to be a very effective method of delivery and NAMA recently announced its intention to provide future Part V housing on NAMA-funded residential developments through this mechanism. This is a very important initiative, which will mean that NAMA will bear the upfront capital cost of delivering Part V housing on estates that it funds and that such housing will be delivered on site in line with Government policy aimed at ensuring greater integration in housing.

I am confident that NAMA, within the context of its overriding commercial objective, has done everything it can do to facilitate the delivery of social housing to Local Authorities and approved housing bodies through the existing residential stock securing its loans and it has clearly signalled its commitment to doing likewise through its funding for new residential development.

### **Mortgage Repayments**

34. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he can influence lending institutions particularly those that have acquired loan books from original lenders to give particular preferential and sympathetic treatment to family home owners, especially those who continue to make payments to the best of their ability during the economic

downturn and keeping in mind the fact that such institutions have acquired the said loan books at a considerable reduction of face value; and if he will make a statement on the matter. [4664/15]

**Minister for Finance (Deputy Michael Noonan):** The lending institutions, including those which have acquired loan books, are independent commercial entities. However, the Deputy will be aware that Second Stage of the Consumer Protection (Regulation of Credit Servicing Firms) Bill 2015 will be taken in the Dáil today and tomorrow (4th and 5th February).

The purpose of this legislation is to protect consumers whose loans are sold by regulated financial service providers to unregulated firms. It will address concerns surrounding the continued applicability of the Central Bank's codes and access for borrowers to the Financial Services Ombudsman after loan books are sold.

This legislation will ensure that borrowers retain their existing protections when their loan is sold. A key element of this is the protection of distressed borrowers. The Code of Conduct on Mortgage Arrears (CCMA) was revised in 2013 to strengthen consumer protections, where necessary, and to ensure that the Code is facilitating the resolution of each case in a fair, sustainable and transparent manner.

The CCMA is a statutory Code issued under Section 117 of the Central Bank Act 1989. The CCMA's consumer protection framework ensures that borrowers struggling to keep up mortgage repayments are treated in a fair and transparent manner by their lender, and that long term resolution is sought by lenders with each of their borrowers. Under the CCMA, borrowers have the right to appeal to the lender's Appeals Board if they are not happy with the alternative repayment arrangement offered or where a lender declines to offer an alternative repayment arrangement, or if they believe they have been wrongly classified as not co-operating. The CCMA provides that such an appeal must be considered by personnel who have not been previously involved in the case.

### **Bank Branch Closures**

35. **Deputy Peadar Tóibín** asked the Minister for Finance the action he will take to offset the negative impact of Ulster Bank branch and sub-office closures on the local banking system here. [4692/15]

**Minister for Finance (Deputy Michael Noonan):** The Deputy will be aware that the issue of branch closures by Ulster Bank was raised in the Dáil on Thursday 22nd January. The full text of the debate is available on the Oireachtas website.

As I said then, this is a commercial and operational matter for the Ulster Bank, a wholly-owned subsidiary of the Royal Bank of Scotland group, and it would not be appropriate for me as Minister for Finance to become directly involved in the number of branches that the bank may decide to close or the selection of which branches are to close.

However I would welcome further exploration by Ulster Bank of ways to offset the impact on the local banking system, including a possible arrangement with An Post to provide alternative services for the people in towns from which it is withdrawing banking services.

### **Property Tax Exemptions**

36. **Deputy Clare Daly** asked the Minister for Finance the discussions he has had with the Department of the Environment, Community and Local Government in relation to simplifying

the criteria for the way a home owner can acquire an exemption to the local property tax as a result of having significant pyritic damage, a commitment which he gave during discussions on the Finance Bill 2014. [4698/15]

**Minister for Finance (Deputy Michael Noonan):** As I previously advised the Deputy, officials of my Department, together with officials of the Department of Environment, Community & Local Government, are examining the alternatives other than testing that may be available in order to confirm entitlement to a Local Property Tax (LPT) exemption.

My officials continue to examine this issue and how it can be resolved satisfactorily. That may necessitate a change in the relevant provisions of the Finance (Local Property Tax) Act 2012 (as amended) and/or the Finance (Local Property Tax) (Pyrite Exemption) Regulations. When I have made my decision I will communicate it to the Deputy immediately. If it is the case that legislative change is required, I will examine with the Revenue Commissioners the possibilities for applying any changes on an administrative basis, in advance of such legislative changes.

I am conscious that the issue to which the Deputy refers needs to be addressed. I want to reassure her, and homeowners affected, that the situation is receiving attention, and I thank her for bringing the issue to my attention again.

### **Tax Code**

37. **Deputy Ruth Coppinger** asked the Minister for Finance the position regarding the extension of the artist tax exemption to non-resident artists; and if he will make a statement on the matter. [47011/14]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware, in the recent Budget I announced the extension of the artists' exemption to artists who are resident or ordinarily resident and domiciled in one or more EU Member States, or in another EEA state, and not resident elsewhere.

The EU Commission had raised concerns that, without this inclusion, the scheme could be in contravention of the Treaty on the Functioning of the European Union by restricting the freedom of establishment of an individual. The Commission were of the belief that the requirement of the exemption that a claimant be resident solely in Ireland discriminated against residents in other Member States. As a result, I decided to amend the scheme to ensure that it is compatible with EU law. It is anticipated that this amendment is likely to have little or no impact on the cost of the scheme to the Exchequer.

Artists who are resident in other EU Member States and who have produced works within one of the qualifying categories set out in the Guidelines on the operation of the scheme, will be able to apply to the Revenue Commissioners for the exemption and, providing their work meets the criteria for the scheme, will be eligible for the exemption. However, the exemption will only be of benefit to those artists who are liable to income tax in Ireland. The exemption will not apply in their home country.

### **IBRC Liquidation**

38. **Deputy Michael McGrath** asked the Minister for Finance if he will provide an update in relation to the special liquidation of Irish Bank Resolution Corporation; when the special

liquidation process will be fully completed; if he will provide an estimate, based on currently available information and any return to the State from the special liquidation; and if he will make a statement on the matter. [4671/15]

**Minister for Finance (Deputy Michael Noonan):** The Special Liquidators continue to implement the orderly and efficient wind down of Irish Bank Resolution Corporation Limited (in Special Liquidation) in accordance with the provisions of the IBRC Act and the instructions issued by the Minister for Finance under the IBRC Act 2013.

As the Deputy is aware, for operational reasons, the loan assets of IBRC were divided into six portfolios: Evergreen, Sand, Rock, Salt, Stone and Pebble. In total, there were 15,734 Borrower Groups comprising 24,632 loans for sale across the 6 portfolios.

In April 2014, the Special Liquidators announced that this initial loan sales process had concluded. The sales process of the IBRC loan assets, including their segmentation to meet demand from international buyers, delivered a very positive result with over 90% of the loan assets (with a par value of €21.7bn) being sold.

As it became apparent that the expected proceeds to be raised from the sale of the IBRC loan assets were to be sufficient to fully repay the IBRC debt to NAMA, I, as Minister for Finance, instructed that NAMA were no longer obliged to purchase the unsold IBRC assets at their independent valuation as previously envisaged.

Since that instruction, the Special Liquidators have undertaken further sales processes in respect of unsold assets so as to maximise the return to all remaining creditors of IBRC, including the State.

Following representations received from borrowers and the independent advice received, the final loan assets were split into two portfolios: Pearl (into two tranches) and Quartz (initially split into six tranches, but subsequently consolidated into five tranches). Pearl comprised the unsold residential mortgage loan assets and Quartz comprised mostly commercial real estate loan assets.

The sale of the Pearl portfolio was contracted prior to 31st December 2014. The sale of tranche 1 of Pearl has since completed with the sale of tranche 2 of Pearl to complete before 28th February 2015. The five tranches of the Quartz portfolio were contracted for sale prior to 31st December 2014 with the sale of four of these tranches now complete. The sale of the final tranche is due to complete this Friday, 6th February 2015.

The Special Liquidators have published advertisements and written to those known creditors in order to finalise their claims in the liquidation. Creditors in the UK and Ireland have until 31st March 2015 to submit their claims and those creditors in the US have until 31st May 2015. Once all claims have been submitted, they will be reviewed in detail and adjudicated on by the Special Liquidators. In order to finalise this process, further information may be sought from some creditors in order to validate their claim.

It will be some time before the Special Liquidators will be in a position to advise on the likely dividends to be payable to creditors (including the State) given:

1. The early stage in the creditor adjudication process;
2. The other contingent liabilities that may crystallise from litigation; and
3. The future receipts from the sale of the remaining assets.

## Banking Sector Staff

39. **Deputy Paul Murphy** asked the Minister for Finance his views on the failure of AIB to honour an agreement on pensions with EBS staff; and if he will make a statement on the matter. [4695/15]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware under the Relationship Frameworks the State does not intervene in the day to day operations of the banks or their management decisions regarding commercial matters and hence any discussions around pensions and other staff related issues are a matter for the bank, the staff and their union representatives.

I have been informed that the bank is not aware of any current issue with their pension agreements. I understand that following negotiations last year a future funding plan was put in place for the EBS staff pension and this was agreed with the scheme trustees. The plan brings the EBS pension scheme in line with the main AIB scheme and ensures future funding.

## Mortgage Arrears Proposals

40. **Deputy Peadar Tóibín** asked the Minister for Finance the actions he will take to ensure that mortgage holders who are in distress who are proactively engaging with banks to resolve their problems receive a fair outcome. [4691/15]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank's Code of Conduct on Mortgage Arrears (the CCMA) is a statutory Code issued under Section 117 of the Central Bank Act 1989 and lenders are required to comply with the CCMA as a matter of law.

The CCMA sets out requirements for mortgage lenders dealing with borrowers facing or in arrears on a mortgage which is secured on a primary home and provides a strong consumer protection framework to ensure that borrowers struggling to keep up mortgage repayments are treated in a fair and transparent manner by their lender, and that long term resolution is sought by lenders with each of their borrowers.

The CCMA sets out the framework that lenders must use when dealing with borrowers in mortgage arrears or in pre-arrears. This framework is known as the Mortgage Arrears Resolution Process (MARP) which sets set out the steps which lenders must follow:

- Step 1: Communicate with borrower;
- Step 2: Gather financial information;
- Step 3: Assess the borrower's circumstances; and
- Step 4: Propose a resolution.

The CCMA provides an integrated and cohesive package of consumer protection measures and it seeks to deliver on the following principles, to:

- ensure appropriate resolution of each borrower's arrears situation;
- ensure that lenders deal with borrowers in a fair and transparent manner;
- support and facilitate meaningful engagement between lenders and borrowers; and
- ensure borrower awareness of the benefits of co-operating with their lender, and the con-

sequences of not co-operating.

The Central Bank has advised that, where a borrower believes that their lender has not complied with or in any way disregarded the Code of Conduct on Mortgage Arrears, he/she may make a complaint to their lender. The lender must seek to resolve the borrower's complaint in line with the complaints handling process set out in provisions 10.7 to 10.12 of the Central Bank's Consumer Protection Code.

Each lender must also have an appeals process in place to enable a borrower to appeal in relation to a decision of the lender, including:

1. Where an alternative repayment arrangement is offered by a lender and the borrower is not willing to enter into the alternative repayment arrangement;
2. Where a lender declines to offer an alternative repayment arrangement to a borrower; and
3. Where a lender classifies a borrower as not co-operating.

For this purpose, each lender must establish an Appeals Board to consider and determine any such appeals submitted by borrowers.

If the borrower remains dissatisfied following the outcome from the complaints or appeals process, he/she may then refer the matter to the Financial Services Ombudsman who deals independently with unresolved complaints from consumers about their individual dealings with all financial service providers.

### **Economic Growth**

41. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he expects the economy in this country to be affected by a change in economic priorities in Greece or knock-on effect in other eurozone countries; if he is satisfied that this country has made sufficient economic progress to withstand any likely changes; and if he will make a statement on the matter. [4663/15]

**Minister for Finance (Deputy Michael Noonan):** The new Greek Government has only just assumed office and is therefore still formulating its policies.

So there remains some uncertainty regarding the likely path that the new Government will take. This uncertainty has been associated with financial market volatility in Greece, with a decline in equity prices and a sharp spike in bond yields.

Having said that, markets appear to be treating Greece as an outlier rather than a source of contagion. The reforms implemented during the crisis including economic governance reform, progress towards banking union and the establishment of the European Stability Mechanism appear to have reduced the likelihood that turmoil in Greece will spread to other peripheral economies.

In terms of the exchange rate, while the euro has depreciated significantly against the dollar, this is largely the result of the easing of monetary policy in the euro area (quantitative easing) as well as expectations of a gradual tightening of monetary policy in the US this year.

So, at this stage, the investment community sees Greece as an outlier, which suggests that the enhanced European architecture is working.

In terms of Ireland, we have made significant progress in recent years. We have successfully exited the EU/IMF programme and we have the fastest growing economy in Europe, with an increase of around 85,000 in the total number at work since the low point.

Our debt-to-GDP ratio is now on a declining path. Indeed, our net debt level - at 91 per cent of GDP at the end of last year - means that we are in a relatively healthy position, which is evident from the fact that we can borrow at record low interest rates.

In the most recent Budget we were in a position to invest in public services and to reduce the tax burden on individuals for the first time since the crisis began. So we are making real progress.

The Irish people have made major sacrifices to achieve this economic and financial stability and this must not be taken for granted. This Government will continue to act prudently to ensure this remains the case.

### **Tax Code**

42. **Deputy Thomas P. Broughan** asked the Minister for Finance if he will report on the Revenue Commissioners' compliance programme regarding the transfer of pensions funds off-shore; and if an audit of overseas pension transfers has taken place at banks in majority or minority public ownership. [4609/15]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that their legal obligation not to divulge taxpayer information precludes them from providing the specific details the Deputy has requested.

However, the Revenue Commissioners inform me that they are engaged in a compliance program that involves visits to pension providers, pension administrators and pension trustees in relation to the transfer of pension funds off-shore. The purpose of this program is to ensure that the consequences of any transfer of pension funds off shore do not contravene tax legislation. This compliance program is ongoing.

I am further informed by the Revenue Commissioners that moving pension funds off-shore in an effort to circumvent the requirements of Irish tax legislation may fall foul of the conditions under which the pension scheme was approved by the Revenue Commissioners as an exempt approved scheme or the conditions under which a PRSA product received Revenue approval. This could result in the withdrawal of the approval of an occupational pension scheme in accordance with the provisions of section 772(5) of the Taxes Consolidation Act (TCA) 1997 or the withdrawal of the approval of the PRSA product under section 787K (3) and (4) TCA 1997. Any such withdrawal of approval could trigger significant tax liabilities on the sums moved off shore and the withdrawal or claw back of tax reliefs. Moreover, in such cases and depending on the circumstances and the motivation of the individual concerned the possibility also arises that such transactions may also fall foul of the legislation designed to counter tax avoidance transactions.

### **NAMA Operations**

43. **Deputy Terence Flanagan** asked the Minister for Finance his plans for winding down the National Asset Management Agency and for making it more accountable; and if he will make a statement on the matter. [4703/15]

**Minister for Finance (Deputy Michael Noonan):** I am advised that the NAMA Chief Executive, in his opening address to the Public Accounts Committee on 18 December 2014, stated that NAMA is aiming to redeem a cumulative 80% (€24 billion) of its senior debt by the end of 2016 and that it hopes that it will have redeemed all of it by the end of 2018. He stated that those targets were predicated on conditions in the Irish market remaining favourable and on NAMA being in a position to retain sufficient specialist staff to enable it to generate the optimal financial return from the realisation of its residual loan portfolio.

The Deputy may be aware that the NAMA Board has also undertaken to facilitate the timely and coherent delivery of key Grade A office space, retail and residential space within the Dublin Docklands strategic development zone and Dublin's Central Business District and to maximise the delivery of residential housing units in areas of most need. Given that these commitments were agreed with NAMA only in July 2014, it is too early to speculate as what date in the future NAMA will have made sufficient progress on its objectives as to warrant consideration of its dissolution.

As regards accountability, it is important to point out that NAMA is already subject to a high level of public accountability compared to other commercial bodies, including commercial bodies in the State sector.

Its Annual Report and Financial Statements are laid before the Houses of the Oireachtas. In addition, NAMA is also required to submit to me an Annual Statement by 30 September each year setting out its proposed objectives for the following financial year, the scope of activities to be undertaken, its strategies and policies and its proposed use of resources.

NAMA is also required to report to me on a quarterly basis giving detailed information about its loans, its financing arrangements and its income and expenditure. These reports, which also include other information specified under Section 55 of the NAMA Act, track progress on a quarterly basis. I am obliged to lay such reports before the Oireachtas and I endeavour to do so on a timely basis.

The Chairman and Chief Executive are also accountable to the Committee of Public Accounts (PAC) and other Oireachtas committees and to give evidence to those committees whenever required to do so. Furthermore, there have been numerous Parliamentary Questions addressed to me on NAMA-related issues and the associated replies are on the Oireachtas record.

NAMA's accounts are comprehensively audited by the Comptroller and Auditor General, who has a permanent team of officers based in the Agency with unrestricted access to all its records and files. If there is concern about a specific aspect of NAMA's work, it is within the power of the Comptroller and Auditor General to scrutinise any aspect of it. The Comptroller and Auditor General has already produced three special reports on NAMA's activities and they have been broadly positive in their assessment of how NAMA is managing its complex business.

Against this backdrop, I do not accept that there is a need to make NAMA more accountable than is already the case.

### **European Council Meetings**

44. **Deputy Micheál Martin** asked the Minister for Finance the position regarding the decision made at the EU Council meeting in December 2014 regarding the €500 million disbursement to Ukraine; and if he will make a statement on the matter. [4303/15]

**Minister for Finance (Deputy Michael Noonan):** On 3 December 2014, €500 million was disbursed to Ukraine as the final part of the EU's €1 billion Macro-Financial Assistance programme (MFA II). The first package (MFA I) amounted to €610 million.

On 18 December 2014, the European Council stated that “the Union and its Member States stand ready to further facilitate and support Ukraine’s reform process, together with other donors and in line with IMF conditionality”.

On foot of a request for further financial assistance made in the latter part of last year and the economic situation in Ukraine, the Commission put forward a proposal on 8th January this year for a third MFA programme of up to €1.8 billion to be disbursed over this year and next in the form of medium-term loans. This proposal, which is for co-decision with the European Parliament, is currently being considered by the Council.

### Ministerial Meetings

45. **Deputy Gerry Adams** asked the Minister for Finance if he will report on his meeting with the managing director of the IMF, Christine Lagarde; and if he will make a statement on the matter. [4298/15]

**Minister for Finance (Deputy Michael Noonan):** The Managing Director of the IMF, Christine Lagarde, visited Dublin on 19 January to attend a conference organised by the IMF together with the Central Bank of Ireland and the Centre for Economic Policy Research on Ireland lessons learned from its Recovery from the Bank Sovereign Loop.

I participated in a high level discussion panel at the conference along with Ms Christine Lagarde, Mr. Valdis Dombrovskis, Vice President of the European Commission and Mr. Benoît Coeuré, a member of the Executive Board of the ECB. The panel discussion was open to the media and live-streamed.

Minister Howlin and I also met with Ms Lagarde earlier in the day. We gave a joint press conference after the meeting. The meeting did not have a formal agenda. However, we used the opportunity to brief her on developments in the Irish economy and the outlook for the period ahead. Our discussions also touched on EU and international economic and financial developments.

### Community Employment Schemes Data

46. **Deputy Charlie McConalogue** asked the Tánaiste and Minister for Social Protection if she is introducing a new community employment health care training and development programme for community employment participants in the health sector; when this new scheme will commence; if all those participants who are currently employed on a community employment scheme within this sector will have the opportunity to apply for a place on the new scheme; and if she will make a statement on the matter. [5040/15]

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):** The Department will begin the process of rolling out a new Health and Social Care Programme for CE participants during the course of this year. The programme will ensure that participants have adequate access to qualifications in the health and social care sector in order to take up employment opportunities in this area and to support local service delivery. The Department has been consulting with key stakeholders and service providers in this sector in preparation for

the roll-out of the programme, and this will continue. On-going support will be provided to the CE Sponsoring Organisations who manage these schemes throughout the process.

The main consideration in determining this approach is to ensure that all CE participants who are working directly with service users in the health and social care sector are adequately trained and receive the appropriate supervision that pertains to this sector.

### **Carer's Allowance Appeals**

47. **Deputy Michael Healy-Rae** asked the Tánaiste and Minister for Social Protection the position regarding a carer's allowance appeal in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [5071/15]

**Tánaiste and 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 28th January 2015. 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.

### **Social Welfare Code**

48. **Deputy Michael McGrath** asked the Tánaiste and Minister for Social Protection the position regarding self-employed persons who wish to employ their spouse and pay the normal class A PRSI; and if she will make a statement on the matter. [5144/15]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** Under social welfare legislation, the social insurance status of spouses working in a family business can vary.

Spouses who are engaged in a business partnership are treated as individual self-employed contributors who are each liable to pay social insurance contributions. In addition spouses, who assist in the business of their self-employed spouse/civil partner performing the same or ancillary tasks and are not a business partner or an employee, can be regarded as a self-employed contributor in their own right.

Alternatively, where a family business is incorporated as a limited company, spouses involved in the business pay PRSI contributions either as employees or as self-employed contributors depending on whether a contract of service exists. In addition where a person is an employee of a partnership in which their spouse/civil partner is a partner, he/she pays PRSI contributions as an employee.

Otherwise, a person employed directly by his/her spouse is not liable to pay PRSI, as this is regarded as an "excepted employment" under social welfare legislation which recognises the practical difficulties in establishing the existence of a genuine employment relationship in such circumstances.

## **Domiciliary Care Allowance Payments**

49. **Deputy John O'Mahony** asked the Tánaiste and Minister for Social Protection when a person (details supplied) in County Mayo will receive their domiciliary care allowance; and if she will make a statement on the matter. [5153/15]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The person concerned was notified on 2nd February 2015 that her domiciliary care allowance application was successful and that the allowance has been awarded from 1 December 2014. The first payment of the allowance, along with arrears due, will issue on 17th February 2015.

## **State Pension (Contributory) Eligibility**

50. **Deputy Michael Creed** asked the Tánaiste and Minister for Social Protection the position regarding entitlement to payment of pro-rata contributory pensions where the applicant does not meet the full 520 contribution requirement; and if she will make a statement on the matter. [5165/15]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The State pension contributory is a very valuable benefit and is the bedrock of the Irish pension system. Therefore, it is important to ensure that those qualifying have made a sustained contribution to the Social Insurance Fund over their working lives. To ensure that the individual can maximise their entitlement to a State pension, all contributions paid over their working life from when they first enter insurable employment until pension age are taken into account when assessing their entitlement and the level of that entitlement.

To qualify for a state pension (contributory) a person must –

\* have at least 520 paid contributions and

\* satisfy a yearly average condition (a yearly average of 48 contributions paid or credited is required for a full rate State pension (contributory), and reduced rates of payment may be payable for pensioners with lower averages).

Once over 16 years of age, the date a person enters into insurable employment is the date used for averaging purposes.

A mixed insurance *pro rata* State pension is one of a number of qualifying methods introduced to ensure that as many people as possible qualify for a State pension contributory. This was introduced in 1991 and was designed to ensure that people who have contributed to the social insurance system at different rates receive a pension which reflects the proportion of full rate contributions which exists in their overall insurance record.

This pension is calculated by taking the total number of contributions (modified and full rate) a person has paid over their working life and applying the average contributions test to arrive at the rate which would be paid if all contributions were at the full rate. The actual rate to be paid is determined by the proportion of full rate contributions in the overall record. A similar arrangement applies when calculating pensions due under EU regulations or bilateral social security agreements.

For those with insufficient contributions to meet the requirements for a State pension (contributory), they may qualify for a means tested State pension (non-contributory), the maximum personal rate for which is €219.

## **Pensions Levy**

51. **Deputy Willie O’Dea** asked the Minister for Finance his views on whether the assertion of the Pensions Ombudsman to the Joint Committee on Finance, Public Expenditure and Reform that the imposition of a 0.6% levy on private sector pension schemes in 2011 was legal but not necessarily fair; and that Government statements at the time of the levy’s introduction, to the effect that employers could be requested or required by trustees to meet the costs of the charge, were never going to be right; and if he will make a statement on the matter. [5062/15]

54. **Deputy Micheál Martin** asked the Minister for Finance his response to the statement of the Pensions Ombudsman given to the Joint Oireachtas Committee on Finance and Public Expenditure that the imposition of a 0.6% levy on private sector pension schemes in 2011 was legal but not necessarily fair; and that Government statements at the time of the levy’s introduction, to the effect that employers could be requested or required by trustees to meet the costs of the charge, were never going to be right; that most trustees of pension funds felt that they had no choice but to reduce the pensions already in payment to pensioners as, otherwise, the full brunt of the levy would be borne by future pensioners, either active members or those with deferred or preserved benefits, and that in most cases, the effect of the reduction in payment would last for the lifetime of the pensioner; and if he will make a statement on the matter. [5061/15]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 51 and 54 together.

The pension fund levy is not a levy on pensions but is a stamp duty charge that applies to the market value, on the valuation date, of assets under management in pension funds and pension plans approved under Irish tax legislation. The levy was introduced in 2011 to fund the Jobs Initiative and has applied at a rate of 0.6% for the years 2011 to 2013, at an aggregate rate of 0.75% for 2014 and will apply at a reduced rate of 0.15% for this year. In accordance with the provisions in section 125B of the Stamp Duties Consolidation Act 1999 (SDCA), the stamp duty levy on pension fund assets will end after 2015.

The chargeable persons for the levy are the trustees or other persons (including insurance companies) responsible for the management of the assets of the pension schemes or plans. The payment of the levy is treated as a necessary expense of a pension scheme and the trustees or insurer, as appropriate, are entitled where needed to adjust current or prospective benefits payable under a scheme to take account of the levy. It is up to the trustees to decide whether and how the levy should be passed on and who should be impacted and to what extent, given the particular circumstances of the pension schemes for which they are responsible.

While I would expect that, in carrying out their responsibilities in this matter, pension scheme trustees would examine all the options open to them regarding how to deal with the impact of the levy, including an approach to the employer sponsors of the scheme, neither I or the Government made any statement to the effect that employers would be required to meet the cost of the levy.

I have no detailed information on the decisions made by pension fund trustees or others in relation to the passing on of the full or a partial impact of the levy to the current, deferred or former (retired) members of pension schemes. I am aware, however, that in certain cases where trustees have made the decision to pass on the impact or part of the impact of the levy to pensioners, that a smaller reduction in pension payments over the lifetime of the pension have been made in preference to a larger reduction over a shorter period.

The pension fund legislation includes safeguards aimed at ensuring that benefits payable,

either currently or prospectively to any member, are adjusted in such a way that the reduction in value of those benefits shall not exceed the relevant percentage (0.6%, 0.75% or 0.15%, as appropriate) of the market value of the assets accounting for the scheme's liabilities to that member.

The Revenue Commissioners are afforded oversight authority to review, where they consider it appropriate, instances where benefits are adjusted as a result of the payment of the levy to ensure that any such adjustment is in keeping with the requirements of the levy legislation. In undertaking any such review Revenue may consult with appropriate experts as they see fit. However, before Revenue could act in that regard, instances of concern on foot of actual adjustments would first have to be brought formally to its attention.

Finally, while I am very conscious of the sacrifices that Irish taxpayers, generally, have been required to make over the past number of years, the fact is that without the pension fund levy there would not have been the Job Initiative measures such as the reduced VAT rate of 9% and other measures which have been very successful in helping to create employment and protect employment in this economy.

### **Tax Credits**

52. **Deputy Clare Daly** asked the Minister for Finance his views regarding whether it is appropriate that the Revenue Commissioners would deduct the tax credits of a person (details supplied) in County Dublin because the person did not pay enough tax in 1998, despite the fact that they had got balancing statements for all of the subsequent years. [5057/15]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that following direct engagement from the person concerned and having regard to all of the circumstances, an amended certificate of tax credits issued to him on 30th January 2015 reflecting the full tax credits to which he is entitled.

### **Pensions Levy Yield**

53. **Deputy Michael McGrath** asked the Minister for Finance the final yield from the 0.75% pension fund levy in 2014; the way this compared to the projected yield at budget time; and if he will make a statement on the matter. [5059/15]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that final receipts in 2014 from the Stamp Duty levy on pension fund assets, introduced in the Finance (No.2) Act 2011, are €743 million. The forecast yield for 2014 was €675 million.

*Question No. 54 answered with Question No. 51.*

### **NAMA Operations**

55. **Deputy Michael McGrath** asked the Minister for Finance if the National Asset Management Agency has a finder's fee arrangement in place with certain debtors who are in control of retail or office units for securing new tenants; if the agency provides any incentive to such debtors for identifying or securing new tenants for their vacant units; if so, the way this incentive works; the number of cases where such an incentive has been extended; the total monetary amount of any such incentive; if he will provide any other relevant information; and if he will

make a statement on the matter. [5135/15]

**Minister for Finance (Deputy Michael Noonan):** I am advised by NAMA that there are no such finder fee arrangements in place. In order to meet their obligations to NAMA, debtors are required to actively manage assets which form part of NAMA's security so as to optimise their realised value.

This includes the collection of rents and service charges, arrangements for letting of vacant units and the operation of rent reviews to ensure that rental and occupancy is maximised.

### **Tax Collection**

56. **Deputy Sean Fleming** asked the Minister for Finance if an arrangement for the repayment of arrears of tax in respect of a person (details supplied) in County Laois will be continued to allow the business to continue to operate; and if he will make a statement on the matter. [5163/15]

**Minister for Finance (Deputy Michael Noonan):** I am advised by Revenue that, where possible, it always seeks to work with businesses that are experiencing temporary cash-flow difficulties in preference to deploying debt collection/enforcement measures to secure outstanding taxes. However, such discussions require open and committed engagement to identify mutually acceptable solutions and are predicated on a business being viable and capable of meeting future tax obligations in a timely manner.

The business to which the Deputy refers has been afforded numerous chances over the last number of years to regularise its tax affairs but has consistently failed to meet the agreed terms of the various arrangements and continues to have a very poor tax compliance record.

The most recent phased payment plan was agreed with the business in October 2014 and Revenue has assured me that it has not cancelled the arrangement.

Revenue has in fact tried to maintain the arrangement even though the terms of the agreement have again not been adhered to by the business. In this regard, Revenue has confirmed to me that to date it has not deployed any enforcement sanctions against the business.

If the business now wishes to further discuss the issues with Revenue, it should immediately contact Jane O'Brien at telephone number 061 488270 or email [jobrie01@revenue.ie](mailto:jobrie01@revenue.ie).

### **Economic Competitiveness**

57. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which this economy continues to remain competitive when compared to other competing jurisdictions within the EU and without; and if he will make a statement on the matter. [5166/15]

**Minister for Finance (Deputy Michael Noonan):** Substantial progress has been made in terms of improving Ireland's competitiveness in recent years.

There has been a significant improvement in Ireland's economy-wide cost competitiveness. The European Commission in its autumn forecasts estimated that real unit labour costs in Ireland fell by 4.3 per cent annually in 2014, which is the largest decline across all EU Member States and compares with a fall of 1.2 per cent in the UK, and increases of 0.1 per cent in the EU, 0.2 per cent in the US and 0.3 per cent in the euro over the same time period. Competitive-

ness has been achieved through wage moderation as compared with our trading partners as well as productivity improvements.

Relatively low consumer price inflation over the last five years has meant that Irish price levels have fallen considerably relative to our euro area peers. For instance, annual HICP inflation in Ireland has been below that of the euro area average for every year since 2009. HICP inflation turned negative in December, largely due to a fall in oil prices, nonetheless core inflation (which excludes energy and unprocessed food) was also weak.

In this regard, the ECB's recent quantitative easing announcement is to be welcomed. The Irish economy should benefit through a number of channels. For example, the economy should benefit directly through improved financing conditions for households and firms. In addition, the euro area is Ireland's single largest export destination; therefore, by supporting real economic activity and raising inflation in the euro area this will underpin export growth in Ireland.

Monetary policy also works through the exchange rate channel the recent depreciation of the euro will provide a boost to Irish exports.

### **Mortgage Arrears Rate**

58. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he and his Department continues to monitor the situation in regard to mortgage arrears, with particular reference to the need to ensure that home owners who have fallen into arrears, through no fault of their own, are not unfairly treated; and if he will make a statement on the matter. [5167/15]

**Minister for Finance (Deputy Michael Noonan):** The Government's Strategy to address the problem of mortgage arrears is overseen by the Construction 2020, Housing Planning and Mortgage Arrears Cabinet sub-committee, chaired by the Taoiseach. The strategy was formulated in response to the recommendations of the Keane Report (2011) and the main elements of it are:

- Engagement with the banks to develop appropriate measures for their customers in mortgage arrears;
- Personal insolvency law reform and implementation;
- Mortgage to rent; and
- A Mortgage Advisory function.

The Strategy is working as evidenced by the monthly improvements in the mortgage restructures data collected by my Department officials. The situation at end November shows that total mortgage accounts in arrears (all arrears 1 day past due) now stand at 91,963. The number of Principal Dwelling Home accounts in arrears of greater than 90 days and not restructured has fallen by almost 27% at end of November 2014 when compared to the state of play at end of August 2013. During November 2014 there was an increase of 2,551 permanent mortgage restructures over the previous month. The number of mortgage accounts in arrears of greater than 90 days continues to fall, decreasing by 1,879 to 64,196 accounts at the end of November 2014.

Additionally, the Central Bank's Code of Conduct on Mortgage Arrears (CCMA) sets out requirements for mortgage lenders dealing with borrowers facing or in mortgage arrears on their primary residence. The CCMA provides a strong consumer protection framework to en-

sure that borrowers struggling to keep up mortgage repayments are treated in a fair and transparent manner by their lender, and that long term resolution is sought by lenders with each of their borrowers. The CCMA includes an appeals process which enables a dissatisfied borrower to request that their case be examined by senior personnel who were not previously involved in the case.

Monitoring compliance with the CCMA continues to be an important part of the Central Bank's work programme and I have been informed that the Central Bank commenced a themed inspection of compliance with the CCMA in Q4 2014. The scope of the themed inspection includes on-site inspections of a number of regulated mortgage lenders to examine the processes and controls relating to compliance with certain provisions of the CCMA.

### Bank Charges

59. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he and his Department continue to monitor the levels of bank charges being imposed by various banks; the basis for such charges, nationally and internationally; and if he will make a statement on the matter. [5168/15]

**Minister for Finance (Deputy Michael Noonan):** All credit institutions in Ireland are independent commercial entities. I have no statutory role in relation to the charges applied by credit institutions. Section 149 of the Consumer Credit Act 1995 requires that credit institutions, prescribed credit institutions and bureaux de change must make a submission to the Central Bank if they wish to introduce any new customer charges or increase any existing customer charges in respect of certain services. Section 149 does not cover interest rates rather it applies to fees and commissions only. The Central Bank may direct the institution not to impose the new or increased charge or it may approve the charge, or approve it at a lower level than requested by the institution. Once approved, the bank is entitled to impose the charge.

My Department published a report on the review of the regulation of bank fees and charges in December 2013. This contains a detailed description of the process by which the Central Bank makes decisions on whether or not to approve proposed charges. It is available on my Department's website at [www.finance.gov.ie](http://www.finance.gov.ie). Among the key findings of the review was that while fee and commission income has become a more important source of income to the banks in recent years, net fee and commission income in Irish banks was well below the average of their European peers.

The European Communities (Payment Services) Regulations 2009 (the Payment Services Regulations) include requirements for banks and other payment institutions to provide information to the consumer about charges, interest and exchange rates on the accounts and these are reflected in the Central Bank's Consumer Protection Code 2012, which contains requirements in relation to the provision of information on charges to consumers. The website of the Competition and Consumer Protection Commission (CCPC) also lists the various charges imposed by the various financial institutions in Ireland for different types of transactions - [www.consumerhelp.ie](http://www.consumerhelp.ie).

Irish financial institutions have varying models for charges and have different regimes and conditions under which they are willing to grant transaction free banking. Individuals use of their bank account will be specific to each individual and I would strongly encourage people to look at this comparison site with their specific circumstances in mind in order to decide which institution offers the best product for their pattern of account usage.

## **Loan Books Purchasers**

60. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which his Department monitors the activities of unregulated purchasers of loan books; if he is satisfied that such third parties are operating in accordance with best practice; and if he will make a statement on the matter. [5169/15]

**Minister for Finance (Deputy Michael Noonan):** I understand that most purchasers of loan books have stated they are voluntarily complying with the Codes. Of course voluntary compliance is not enforceable. In order to ensure that consumers maintain these protections, the Government committed in March 2014 to bringing forward legislation to protect consumers whose loans are sold to unregulated entities.

The Consumer Protection (Regulation of Credit Servicing Firms) Bill 2015 was published in January and is scheduled for second stage in the Dail today and tomorrow (4 and 5 February). The Bill was prepared following a public consultation process in July and August of last year which sought the views of interested parties. In total nineteen submissions were received from a range of respondents including the financial services industry, consumer groups, public representatives, individuals and other stakeholders.

This important piece of legislation will ensure that borrowers whose loans are sold by a regulated entity to a currently unregulated entity maintain the same protections as they had prior to the sale. This includes the various Central Bank Codes, such as the Code of Conduct on Mortgage Arrears. Subject to the legislative programme, it is expected that the Bill will go through the Houses of the Oireachtas in the early part of 2015.

## **Economic Growth**

61. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he remains satisfied that all economic indicators remain positive and if so the likely benefit arising therefrom now and in the future; and if he will make a statement on the matter. [5170/15]

**Minister for Finance (Deputy Michael Noonan):** Following the successful conclusion of the EU-IMF programme, the Irish economy has emerged from the crisis and economic recovery is now well established. The latest available data for 2014 show that GDP growth for the first three quarters of the year is broadly in line with my Department's forecast at Budget time.

According to recent figures published by the European Commission, it expects Ireland to be the fastest growing economy in Europe in 2014 and 2015. Importantly, domestic demand is making a positive contribution to growth for the first time since the crisis began. Consumer spending has been strong in 2014 with retail sales up over 6 per cent compared with 2013. Core sales (excluding motor trades) were up close to 4 per cent in 2014. Investment in building and construction as well as in machinery and equipment spending are on a rising path.

Exports rose by 15.5 per cent in the year to the third quarter of 2014. This was the fastest rate of expansion since 2001. Recovery is perhaps most clearly evident in the labour market with employment having increased in each of the last eight quarters to the third quarter 2014, representing an increase of over 80,000 jobs since the low-point in mid-2012. In line with this, the standardised unemployment rate stood at 10.6 per cent in December, having fallen from a peak of 15.1 per cent in early 2012.

Macroeconomic forecasts for the years 2014 to 2018 were presented by my Department on

Budget Day, last October. These forecasts see GDP growth of 4.7 per cent in 2014 and 3.9 per cent this year. This growth is driven by a positive contribution from net exports on the back of growth in Ireland's trading partners. Domestic demand is set to contribute to growth as well, with growing employment and rising household incomes resulting in an increase in private consumption over the period. Over the medium term, GDP growth of about 3½ per cent a year is anticipated.

Notwithstanding the current improvement, risks to the outlook remain. These relate to the low inflation observed in many advanced economies, geo-political tensions as well as the underperformance of the euro area economy.

In terms of the public finances, policy measures implemented by the Government have resulted in a decline in the deficit in recent years. This decline has been in a phased manner, consistent with the dual needs of supporting domestic activity as well as repairing the public finances. All of the interim deficit ceilings under the Excessive Deficit Procedure have been met and Ireland is firmly on track to achieve a deficit of below 3 per cent this year. This has been important in restoring Ireland's credibility in the international markets, and bond yields have fallen substantially since the highs of mid-2011. The debt ratio has peaked and is now on a downward path. After 2015, fiscal policy will be set in line with the requirement to move towards Ireland's medium-term budgetary objective, which is for a balanced budget in structural terms.

### **House Prices**

62. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which his Department monitors house property prices, with particular reference to the need to ensure that such prices do not become a major governing economic influence as in the past; and if he will make a statement on the matter. [5171/15]

**Minister for Finance (Deputy Michael Noonan):** As is the case with other economic indicators, my Department monitors trends in house prices on an ongoing basis. According to the Central Statistics Office, national residential property prices increased by 16.3% in the 12 months to December. Prices in Dublin rose by 22.3% while price growth nationally excluding Dublin stood at 10.2% over the same period.

Under Construction 2020, the Government has set out a strategy for addressing issues in the property and construction sectors. The strategy involves addressing any critical bottlenecks that might impede the sector in meeting residential and non-residential demand. It incorporates 75 time-bound actions encompassing the development of an overall strategic approach to housing supply, identifying and implementing further improvements in the planning process to facilitate appropriate development, and seeking to improve financing options for development and mortgage provision.

To further underpin a whole-of-government approach to these issues, in July last the Minister of State at the Department of the Environment, Community and Local Government, Minister of State Paudie Coffey TD, was given responsibility for driving construction work forward.

In summary, I wish to assure the Deputy that my Department continues to monitor price developments in both the purchase and rental property markets. As set out in the Construction 2020 Strategy, the Government will continue to work on addressing remaining challenges in the property and construction sectors.

## Economic Growth

63. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he and his EU colleagues have evaluated the economic benefit of a drop in oil prices, with particular reference to the extent to which this may positively affect the economic cost base; and if he will make a statement on the matter. [5172/15]

**Minister for Finance (Deputy Michael Noonan):** I regularly discuss the evolving economic situation with my counterparts at the monthly ECOFIN meetings, taking into account important developments such as oil price movements. In this regard, it is worth noting that the European Commission will release its Winter Forecasts later this week in which it is expected that it will address the impact of falling oil prices.

From an Irish perspective, the price of Brent crude oil has fallen by about 45% in euro terms (nearly 50% in US dollar terms) since the end of last September, when the macroeconomic projections that underpin Budget 2015 were finalised. For the most part, this is a positive development which is likely to have a favourable impact on real economic activity in Ireland.

Ireland is a net energy importer and, as such, falls in oil prices have a positive impact in the short term. Lower energy prices reduce firms' input costs, thereby improving profitability and competitiveness. At the household level, lower energy prices are likely to lead to an increase in real disposable incomes (i.e. through lower inflation), which can be used to reduce indebtedness or increase consumption on other goods and services.

In terms of quantifying the impact, a reasonable rule of thumb is that, everything else being equal, each sustained €10 per barrel reduction in the price of oil boosts the level of real GDP by somewhere in the region of 0.1 to 0.2 percentage points.

## Banks Recapitalisation

64. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent of any further relief in respect of legacy debt through the aegis of the EU-IMF or otherwise; and if he will make a statement on the matter. [5173/15]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, the Euro-area Heads of State or Government (HoSG) agreed in June 2012 that "it is imperative to break the vicious circle between banks and sovereigns" and that when a Single Supervisory Mechanism, involving the ECB, is in place and operational, the European Stability Mechanism (ESM) could recapitalize banks directly.

On 8 December 2014, the ESM's Board of Governors approved the creation of the Direct Recapitalisation Instrument (DRI) in accordance with Article 19 of the ESM Treaty. The operational framework for the DRI, approved on the same date, includes a specific provision in relation to the retroactive application of the instrument. The guideline states that the potential application of the instrument for this purpose should be decided on a case-by-case basis and by mutual agreement.

However, unlike back in 2012, the ESM is no longer the only option open to us to recover the money provided to recapitalise our banks. Investors are now willing to support Irish banks again and the market value of our investments has improved accordingly.

My overall objective in relation to the State's investment in the banks is to maximise the return to the Irish taxpayer over time. In line with this objective my Department is working

with AIB, the institution where €20.8 billion has been invested, on reconfiguring the capital structure. I have also appointed Goldman Sachs International to provide financial advice. The focus will be on ensuring that the best decisions are made regarding potential capital restructuring options and sequencing in order to maximise the return of cash to the State from our AIB investments over time. While this is just the start of the process, it is an essential first step on the road to recovering value for the taxpayer.

I can assure you that all realistic options remain on the table and I must emphasise that it is too early to specify what steps will be taken next or indeed to put a timeline on decisions.

### **Credit Availability**

**65. Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which his Department monitors credit needs throughout all aspects of the business sector without exception; if he is satisfied that these needs are being met fully in line with economic requirements; and if he will make a statement on the matter. [5174/15]

**67. Deputy Bernard J. Durkan** asked the Minister for Finance if he will provide, on a monthly basis, the extent to which the borrowing needs of small and medium sized enterprises continue to be met in full by the financial institutions; and if he will make a statement on the matter. [5176/15]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 65 and 67 together.

As the Deputy is aware, my Department commissions biannual surveys to ascertain the demand for credit by SMEs. This survey series, currently being conducted by Red C on behalf of my Department, is the most comprehensive survey of SME credit demand in Ireland, covering 1,500 respondents and involving over 6,000 direct telephone calls to SMEs. SMEs of all sizes trading in all sectors, excluding property development and speculative activities, are included. The survey covers demand for credit from both bank and non-bank sources.

The most recent survey, covering the period April-September 2014, shows that 86% of SMEs had their credit applications approved by the banks. This is an increase of 16% on the same period in 2011. The survey also showed positive trends in terms of trading performance, profitability and employment. The results of this survey feed into the deliberations of the SME State Bodies Group and consequently assist in shaping the commitments contained in the “Finance for Growth” chapter of Action Plan for Jobs 2015.

As I have stated previously, since the beginning of 2014 the policy focus has shifted towards the collation and examination, on a monthly basis, of more granular data on the funding of the activities of SMEs from both AIB and Bank of Ireland, the wider banking sector and increasingly the non-bank funding sector. Having completed a process of deleveraging, both AIB and Bank of Ireland are now concentrating on growing their balance sheets. In this context, both banks recognise the need to increase business lending in the period up to 2016, particularly lending to the domestic market, and have put on record their commitment to the SME sector. Both banks have recently reported increased year on year sanctioning activity for lending to the SME sector.

My Department and the Credit Review Office monitor the data received monthly from AIB and Bank of Ireland on a regional and sectoral basis but this is commercially sensitive information and I am not in a position to release it.

## **Mortgage Lending**

66. **Deputy Bernard J. Durkan** asked the Minister for Finance if he is satisfied regarding the extent to which lending agencies are meeting the borrowing requirements of home owners; the extent to which such loan applicants are capable of competing with the investment sector; and if he will make a statement on the matter. [5175/15]

68. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which the various lending institutions are currently meeting or intend to meet the mortgage requirements of first-time home buyers; the way the requirement in this regard has been met in the course of the past 12 months in comparison with lending to the investment sector for house property; and if he will make a statement on the matter. [5177/15]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 66 and 68 together.

The latest data on new mortgage lending issued by the Banking and Payments Federation shows that, albeit coming off a low base, mortgage lending continues to increase. In the third quarter of 2014 (the latest quarter for which information is available) new mortgage lending surpassed the €1bn mark in a quarter for the first time since 2010. In the year to end September 2014, some €2.5bn in residential mortgage loans was drawn down which compared to *circa* €1.6bn in the same period in 2013. Furthermore almost 93% of all new mortgage lending in the third quarter of 2014 was to first time buyers or to those moving property in respect of an owner occupied property.

As the Deputy will be aware, the Central Bank of Ireland has recently announced new macro prudential regulations for residential mortgage lending. First time buyers will be subject to a maximum mortgage LTV of 90% for a property valued up to €220,000, and subject to an 80% LTV on any excess value above that amount. For non first time buyers, a mortgage will be limited to 80% of the value of a principal dwelling house.

However, investors who wish to purchase a buy to let property will have to meet a higher deposit threshold when borrowing from a bank to fund the purchase. Such borrowers will be subject to a loan to value ratio of 70% meaning that they will have to have 30% deposit in order to obtain a mortgage on a buy to let property.

*Question No. 67 answered with Question No. 65.*

*Question No. 68 answered with Question No. 66.*

## **Pension Provisions**

69. **Deputy Seán Kyne** asked the Minister for Public Expenditure and Reform if, in relation to the deadline of 30 June 2015 for the provision under the Financial Emergency Measures in the Public Interest Act 2013 relating to what is known as the grace period for retirement for those affected by the pay reductions under the Act, this deadline is fixed; or if there are plans or flexibility on extending it. [5179/15]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Under the Financial Emergency Measures in the Public Interest Act 2013, the current 'grace period' is due to expire at the end of June 2015. This remains the position.

As the deputy will be aware, the effect of the 'grace period' is that persons who retire during

it have their gross superannuation benefits calculated on the basis of the pre-pay cut pay rates, which were reduced on July 2013 by 5.5% or more. Pensions are then subject to a reduction under the same legislation of between 2 and 5%, reducing the immediate benefit to the individual.

Section 9(1)(b)(ii) of the legislation empowers me to extend the 'grace period' provided for under the Act, taking into account such legal, superannuation and personnel management issues affecting public service bodies as I consider appropriate. I am currently considering making a further order under this provision and will make a decision in the coming weeks.

## **Government Expenditure**

70. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform further to Parliamentary Question No. 224 of 27th January 2015, if there is a section in his Department that retains data relating to all capital expenditure by the State. [5042/15]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Further to its responsibility in relation to the allocation and overall management of voted expenditure, including the Exchequer capital programme, my Department has data in relation to all voted capital allocations for, and capital expenditure by each Vote within Central Government. The data is available at Vote, programme and subhead level. This data is regularly published by my Department throughout the year, and is readily available in the annual Budget Estimates, the annual Revised Estimates for Public Services, and the monthly Exchequer returns which show year-to-date spending against profile and budget for each Vote Group. All of these publications are available on my Department's website (<http://www.per.gov.ie>). Detailed data in relation to allocations and spending by each Vote over several years is available on our detailed databank website (<http://databank.per.gov.ie/>). Performance information in relation to particular areas of Government - showing both resources used and outcomes achieved - is also contained on the Ireland stat website (<http://www.irelandstat.gov.ie/>).

My Department also hold some data in relation to certain non-voted capital spending - e.g. investment by State agencies and commercial semi-State bodies funded from own resources or borrowings - and this is published as part of the Public Capital Programme data in the annual Revised Estimates.

As outlined, my Department's data principally relates to Vote and sub-Vote level information. The Department does not hold data in relation to each capital project or contract awarded by all contracting authorities under the State. As explained in my reply to the Deputy last week, each contracting authority is responsible for maintaining such data in relation to its own projects. This is consistent with delegated sanction arrangements as set out in the Public Spending Code. Information about individual projects or contracts can be obtained from the relevant line Departments.

The Deputy will recollect from my previous answer that it is the responsibility of individual contracting authorities to publish contract award notices following the signing of a contract. This process is facilitated through the national eProcurement portal [www.etenders.gov.ie](http://www.etenders.gov.ie), which is managed by the Office of Government Procurement. The information requested by the Deputy is being collated and will be issued directly to the Deputy.

## **Action Plan for Jobs**

71. **Deputy Billy Timmins** asked the Minister for Jobs, Enterprise and Innovation the num-

ber of action plans for jobs launched by this Government since taking office; if he will provide details of their locations and a breakdown of cost by location; if he will provide a list, by location, of the Ministers who attended; and if he will make a statement on the matter. [5027/15]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Action Plan for Jobs launch events have all been hosted in business or corporate locations which has removed any costs associated with venue hire or hospitality. In addition, the OPW have facilitated the launch of each of the four APJ launches since 2012. This has included elements such as staging, technical support, support staff and so on. It has not been possible in the time required, to disaggregate the costs borne by the OPW and any residual third party costs covered by DJEI. I will be happy to forward this breakdown when it is available.

### **Action Plan for Jobs**

72. **Deputy Billy Timmins** asked the Minister for Jobs, Enterprise and Innovation the measures he has implemented since March 2011 to date in 2015 to assist in the creation of jobs; and if he will make a statement on the matter. [5028/15]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Government's Action Plan for Jobs, which is co-ordinated and developed by my Department since 2012, has set out a comprehensive set of measures to assist in the creation of jobs in all parts of the country. The 2015 Action Plan for Jobs was launched on January 29th in ICON Plc. The Action Plan process is working. Almost 80,000 more people are at work since the launch of the first Action Plan for Jobs in 2012. Indigenous exports and foreign direct investment are at all-time record levels. Our competitiveness ranking internationally has climbed to 15 according to the IMD. The rate of unemployment has declined from a peak of 15.1 per cent at the start of 2012 to below 10.6 per cent at end 2014. Each of the Ireland's regions have recorded some increase in employment since the start of 2012 with the largest increases recorded in Dublin (+35,000); South-East (-21,300) and Border region (-16,200).

In 2014, client companies of Enterprise Ireland and IDA Ireland created 8,476 and 7,131 net new jobs respectively; this represents the highest levels of net new job creation by agency client companies in over a decade. Total employment at IDA client companies now stands at 174,488 people and total employment in Enterprise Ireland client companies stands at 180,072; this is the highest level of employment recorded in the history of both agencies.

In 2012, 2013 and 2014, on a quarterly basis we have reported in detail on the implementation of measures in the Action Plan for Jobs to support the transformation of the economy, with a success rate of over 90 per cent. Over 1,000 actions have been implemented to date and a further 380 actions are set out in the 2015 Action Plan and the details of progress are available in the quarterly reports.

The many areas where my Department has delivered reform include:

- in the areas of entrepreneurship, the launch of the Local Enterprise Offices and launch of "Ireland's Best Young Entrepreneur" competition;

- making Ireland the most attractive location in the world for ICT talent through the ICT Skills Action Plan which aims to increase the level of highly skilled professionals domestically, ensuring that three quarters of job openings can be filled from the Irish education system by 2018.

- new staff in EI and IDA Ireland overseas offices in high growth and emerging markets;

- establishing a Health Innovation Hub, with the Department of Health, to position Ireland as a leading location for medtech and healthcare companies;
- implementation of major strategic initiatives in key sectors to grow jobs and exports in the food and beverage sector through Enterprise Ireland as part of the Food Harvest 2020 strategy; and
- the establishment of a Retail Forum and other sectors.

The Action Plan for Jobs 2015 will be a further step along the way in meeting this medium-term goal for Ireland. The themes in this year's Action Plan for Jobs build on the reforms of previous years in the areas of competitiveness, innovation and entrepreneurship and in fostering new sources of growth for the economy, the conditions to achieve the target of 100,000 extra people at work by 2016 and contribute to our longer-term goal of restoring the country to have 2.1 million at work in 2018.

### **Industrial Relations**

73. **Deputy Michael McGrath** asked the Minister for Jobs, Enterprise and Innovation the options open to a person to ensure that a decision of the Rights Commissioner under the auspices of the Labour Relations Commissioner is enforced in respect of an award made by the Commissioner and which is not being honoured by the respondent in the case; and if he will make a statement on the matter. [5164/15]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Rights Commissioner Service which is operated by the Labour Relations Commission (LRC) is independent in the exercise of its quasi-judicial function and I have no direct involvement in the day to day exercise of its functions. When a decision or recommendation issues, it is accompanied by an "Appeal Information sheet" which sets out the relevant information regarding appeal/implementation, having regard to the specific piece of legislation under which the claim was submitted. Either party may appeal a decision or recommendation from the Rights Commissioner Service. This should be done in writing and submitted within the appropriate time period, which is dependent on the legislation under which the claim was made.

Where an employer has not implemented the decision, and no appeal has been lodged within the specified time, the claimant or their representative, may then bring the decision to the Employment Appeals Tribunal, Labour Court, District Court or Circuit Court, or where appropriate, the Minister for Jobs, Enterprise and Innovation for implementation or enforcement, having regard to the particular requirements of the legislation, under which the claim was made.

As a general rule the party to whom an award is made may pursue the matter of enforcement of an unpaid award directly with the courts service. However, in cases other than those covered by the Payment of Wages Act, where an award made by a body remains outstanding, and where an employee is not in a position to go to the Circuit Court, the matter can be referred to the National Employment Rights Authority (NERA) Enforcement Services Unit, which may, in certain circumstances make an application to the Courts for an order on his/her behalf.

In deciding whether or not to intervene in the Minister's name, NERA has regard to the amount of the award, the potential for achieving a favourable outcome for the claimant and the scale of the costs likely to be incurred in doing so. The NERA enforcement unit can be contacted directly on 059 9178890.

The collection of any money outstanding in respect of a Circuit Court order is the responsi-

bility of the relevant County Sheriff.

Where a person's former employer was a limited company, the company must be in liquidation or receivership in order for the person to be eligible to claim for payment of an award under the insolvency payments scheme. The purpose of the insolvency payments scheme, which operates under the Protection of Employees (Employers' Insolvency) Act, 1984, is to protect certain outstanding pay-related entitlements due to employees in the event of the insolvency of their employer. These entitlements include wages, holiday pay, sick pay, payment in lieu of minimum notice due under the Minimum Notice & Terms of Employment Acts, 1973-2001, and certain pension contributions. Various other statutory awards made by the Employment Appeals Tribunal, Rights Commissioners, etc., are also covered by the scheme. There are statutory limitations on the amount payable. An Tánaiste and Minister for Social Protection, Joan Burton, has responsibility for the administration of the payments from the insolvency payments scheme.

As the Deputy will be aware, the programme to reform the State's employment rights and industrial relations structures is at an advanced stage. This reform programme will result in the establishment of a new two-tier Workplace Relations structure comprising two statutorily independent bodies replacing the current five.

Provision has been made in the Workplace Relations Bill 2014 for a range of enhanced compliance measures, including the use of Compliance Notices and Fixed Payment Notices. The Bill also makes provision for the introduction of a more effective and streamlined system for the enforcement of awards from WRC Adjudicators and/or the Labour Court under employment rights legislation via the District Court. These new compliance and enforcement measures will provide for more proportionate, efficient and effective enforcement of employment law.

### **Beef Data Programme**

74. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding a beef data scheme 2014 in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [5034/15]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person registered thirteen animals under the 2014 Beef Data Programme/Beef Genomics Scheme. Payments under the 2014 Beef Data Programme will commence in June 2015 subject to verification of compliance with the Terms and Conditions of the Programme. The application under the 2014 Beef Genomics Scheme has been finalised and payment will shortly issue to the nominated bank account of the person named.

### **Agri-Environment Options Scheme Payments**

75. **Deputy Michael Ring** asked the Minister for Agriculture, Food and the Marine when persons (details supplied) in County Mayo will receive their agri-environment options scheme payments; the reason for the delay in payment; and if he will make a statement on the matter. [5043/15]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the 2011 Agri Environment Options Scheme (AEOS 2) with effect from 1 September 2011 and full entitlements have issued in respect of the 2011, 2012 and 2013 Scheme years. Under the EU Regulations governing the Scheme and other area-

based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System (L.P.I.S.), must be completed before any payment can issue. The LPIS review identified an over claim on the Natura action which resulted in penalties being incurred.

Officials are now processing the application on this basis with the intention of issuing payment in respect of 2014, less penalties, at the earliest opportunity.

### **GLAS Eligibility**

76. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Food and the Marine when a decision will be made on the eligibility of agricultural qualifications for green low-carbon environment scheme planners, following the BSc in management and in agriculture and environmental management; if his attention has been drawn to the fact that a review is essential before the GLAS scheme; and if he will make a statement on the matter. [5066/15]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** EU Regulations governing the Direct Payment Schemes requires my Department to operate a Farm Advisory System (FAS) to provide advice to farmers on a range of issues relating to land and farm management. The regulations require that advisors are suitably qualified and regularly trained. In addition, in order to be approved as a GLAS Advisor, an advisor must also be an approved FAS advisor. In determining the level of educational qualifications required to be a FAS/GLAS advisor, my Department must ensure that such qualifications are of an appropriate standard to meet the objectives and the requirements of the various schemes, and the associated governing legislation, on which advice is being provided. Advisors must be qualified to interpret soil tests, understand the requirements of all schemes and understand constraints of land management imposed by various land designations. Furthermore, advisors must be in a position to translate this knowledge into detailed management plans and also advice for farmers not only on the schemes requirements but also on their farm operations.

In order to ensure that advisors meet the requirements outlined above, my Department requires that all advisors must have attained a HETAC Level 8 Bachelor Degree in Agricultural Science/Land Management in Agriculture and must have taken soil science and an animal or crop production subject to a level 8 (NFQ) degree standard.

My Department recently carried out a review of the educational qualification requirements for FAS/GLAS advisors following the receipt of appeal from Mountbellew Agricultural College/GMIT in relation to the BSc in Agriculture and Environment Management with the add-on BSc in Rural Enterprise and Environment, which had been deemed as not meeting the required standard. This review was undertaken by an officer independent of the original decision making process.

This review, which incorporated a detailed examination of all documentation submitted as part of the appeal, identified that the course did not meet the standard of educational qualifications required as some of core subjects of soil science and animal and crop production were assessed only as part of the level 7 degree. The required standard to be approved as an FAS/GLAS advisor is that these core subjects must be taken/assessed as part of a level 8 degree programme.

I am currently considering these issues further.

## Rural Environment Protection Scheme Payments

77. **Deputy Michael Ring** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a rural environment protection scheme payment. [5087/15]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in July 2009 and received payments for the first five years of their contract. REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before any payments can issue. This process has now been completed and the 2014 75% payment amounting to €7,240.58 issued for payment on 29th January 2015. The remaining 25% balancing payment will issue shortly.

## Single Payment Scheme Appeals

78. **Deputy Seán Kyne** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) has not been paid their single payment scheme moneys for 2012, 2013 and 2014; the basis it is stated overpayment have been made; the way these overpayments occurred; if the overpayment is now cleared; and if he will make a statement on the matter. [5122/15]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2012 Single Payment Scheme was received in my Department from the person named on 25th April 2012. One of the conditions of the above Scheme requires that any lands declared 'be used and managed by the applicant'. As the person named confirmed to my Department, by phone call, on 25th October 2012 that he was not farming any of the land parcels declared, no payment was due to him under the 2012 Scheme. A review of this decision will be undertaken and an official from my Department will contact the person named directly to discuss the matter. An application under the 2013 Single Payment Scheme was received from the person named on 14th May 2013. A review of the land parcels declared revealed that a number of the land parcels declared contained ineligible features resulting in an over-declaration of greater than 20% meaning no payment was due in respect of 2013.

Following an appeal from the person named, a visit by a Department official to verify the position was necessary to progress the matter. This check resulted in the application of a significantly lower penalty of 15.94% which will result in a double the difference penalty being applied to the 2013 payment of the person named. The person named was notified of the outcome of the inspection in a letter dated 18th December 2014 and advised of the right of a further appeal to the independently-chaired LPIS Appeals Committee. No such appeal has been received and the results of the verification visit have now been processed and payment due for 2013 Single Payment will issue to the person named as soon as possible.

An application under the 2014 Single Payment Scheme was received from the person named on 8th May 2014. Full advance and balancing payments under the Single Payment Scheme issued on 16th October and 1st December respectively to the nominated bank account.

## Agri-Environment Options Scheme Appeals

79. **Deputy Seán Kyne** asked the Minister for Agriculture, Food and the Marine when the

relevant file in respect of a person (details supplied) in County Galway will be sent by his Department to the agricultural appeals office to allow that office proceed with the person's appeal; and the reason there has been a delay in sending this file. [5123/15]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the 2011 Agri Environment Options Scheme (AEOS 2) with effect from 1 September 2011 and payment has issued in respect of the 2011, 2012 and 2013 Scheme years. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. The application was selected for a ground inspection which took place on 8 August 2014. During this inspection an issue arose in respect of the non-declaration of Natura on the AEOS 2 application form. The person named appealed the Inspector's decision to the independent Agriculture Appeals Office (AAO). The appeal could not be processed by that Office until an internal Department review of the initial decision had first taken place. This review is now complete and the file will be sent to the AAO directly.

### **Overseas Missions**

80. **Deputy Seán Crowe** asked the Minister for Defence if his attention has been drawn to the fact that a Spanish soldier on UN peacekeeping duty was killed during Israeli shelling of southern Lebanon; if Irish soldiers on UN peacekeeping duty in the region have been affected by the recent attacks in southern Lebanon and the Golan Heights; and if new security measures are being put in place to ensure their safety. [5127/15]

**Minister for Defence (Deputy Simon Coveney):** I am aware of the events of 28th January 2015, where a member of the Spanish Armed Forces who was serving in Sector East with the United Nations Interim Force in Lebanon (UNIFIL) was killed near Ghajar on the border with Israel. I understand that the precise cause of the peacekeeper's death remains undetermined. UNIFIL has launched an investigation to determine the facts and circumstances of the incident. Irish personnel deployed with UNIFIL serve in Sector West and were not involved in the incident. Following news of the fatality, I extended my condolences to the Spanish Government, the Spanish Armed Forces, and the family of the UN peacekeeper on the tragic loss of life.

In addition to the incident in Lebanon, there were violations of the 1974 Disengagement Agreement between Israel and Syria on 27th January, with the launch of rockets from the area of limitation on the Syrian side of the Golan Heights across the ceasefire line. The Israeli Defence Forces responded to this assault with artillery fire and an airstrike. Fortunately, no Irish personnel were involved in this incident.

I have been assured that all necessary Force Protection Measures are being implemented by the Defence Forces contingent in the UNIFIL and UNDOF missions in accordance with Standard Operating Procedures. While I am fully aware that peacekeeping operations are not without risk, the safety of our troops is my priority. The Defence Forces continue to actively monitor developments in the region.

### **Defence Forces Records**

81. **Deputy Thomas P. Broughan** asked the Minister for Defence his plans to have a recruitment drive for the Army. [5152/15]

**Minister for Defence (Deputy Simon Coveney):** The Government is committed to maintaining the stabilised strength of the Permanent Defence Force at 9,500 personnel, comprising of 7,520 Army, 886 Air Corps and 1,094 Naval Service. Targeted recruitment has taken place so as to maintain the level of 9,500 personnel and to ensure the operational capacity of the Defence Forces. As the Permanent Defence Force is currently below the agreed stabilised strength of 9,500, it is intended that targeted recruitment will continue within the resource envelope allocated to Defence.

It is too early to say when a new Army Recruitment campaign will take place. When a new recruitment campaign is launched, details will be made available on the Defence Forces website *www.military.ie*.

With the support of the Chief of Staff and within the resources available, I intend to retain the capacity of the Defence Forces to operate effectively across all roles and to undertake the tasks laid down by Government both at home and overseas.

### **Garda Vetting Applications**

82. **Deputy Brendan Griffin** asked the Minister for Justice and Equality her views on correspondence (details supplied) regarding Garda vetting; and if she will make a statement on the matter. [5041/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I refer further to Parliamentary Question No. 146 of 21 January 2015.

In my reply I outlined the position that the primary consideration in any vetting process is to ensuring the safety of children and vulnerable adults.

There is no arrangement in place whereby vetting reports are valid for fixed periods of time. Full vetting checks are conducted by the Garda Central Vetting Unit (GCVU) for each new vetting application received to ensure that the most recent data available is taken into account.

I would again repeat the point that there are also data protection issues arising from vetting subjects, where any sensitive personal information which employers use in regard to their employees must be current, accurate and up to date in order to avoid being exposed to public liability if they knowingly recruited staff based on out of date information.

Last year the Garda Central Vetting Unit processed over 318,000 applications and this year to date it has processed in excess of 8,000. The majority of these applications were dealt in a four week processing time.

Given the necessity to ensure the protection of the most vulnerable people in society, the current vetting systems and processing times offer an effective and efficient service to registered organisations and their employees.

### **Commissions of Inquiry**

83. **Deputy Fergus O'Dowd** asked the Minister for Justice and Equality the position regarding the proposed commission of inquiry into the death of a person (details supplied) in 1976 as recommended by the Joint Committee on Justice, Defence and Equality; and if she will make a statement on the matter. [5055/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I refer the Deputy to my reply to Question No. 300 of 27 January 2015 on this matter. The position is unchanged.

*I met with family members of the victim in the case to which the Deputy refers and their legal representative to hear directly from them of their concerns surrounding the case and their call for an inquiry. The Deputy will be aware that this tragic case of murder was one which was inquired into previously by the late Judge Henry Barron. I am currently finalising a review of material which was provided to me subsequently by the family's legal representative and related material to do with this case. I anticipate that process will be concluded shortly and when it is concluded I will communicate directly with the family.*

### Magdalen Laundries

84. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the number of women who have received the maximum amount of compensation afforded under the restorative justice scheme for the survivors of the Magdalen laundries. [5096/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy will be aware, under the Scheme the women are eligible for a lump sum payment of between €11,500 and €100,000 depending on length of stay in a relevant institution.

Of the 498 applicants who have received their lump sums paid so far, 72 will receive the maximum amount of €100,000. As recommended by Judge Quirke, these women receive a maximum initial lump sum payment of €50,000 and the balance of their lump sum in excess of €50,000 is paid by weekly instalments in order to provide an income spread over a longer period.

### Magdalen Laundries

85. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the number of women who have accepted lesser amounts than they applied for under the restorative justice scheme for the survivors of the Magdalen laundries. [5097/15]

86. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the number of applicants under the restorative justice scheme for the survivors of the Magdalen laundries who have received lesser amounts than they applied for because of inaccurate and-or missing records. [5098/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 85 and 86 together.

If an applicant receives a lump sum payment she has agreed with the assessment made by my officials and has signed an acceptance form to that effect. I can also advise the deputy that in the vast majority of cases the applicants are availing of independent legal advice with regard to accepting the offer and my department is facilitating this by providing a payment of up to €500 - VAT towards the cost of obtaining legal advice.

The processing of all applications starts off on the premise that the testimony of the applicant is correct and the officers processing the application then seek to verify the application by checking appropriate records. If there are records and they are consistent with the application, then an offer is made. If there is a discrepancy, or in cases where the religious congregations have incomplete or no record for an applicant my officials must carry out a thorough examina-

tion, checking whatever records are available from other departments, agencies and institutions to support the application. The records of the religious congregations are not regarded as decisive, they are just one factor that is taken into consideration.

In some instances, applicants will have a very clear recollection and records will be found to confirm their recollection.

In other instances applicants may have difficulty in recollecting details and may be mistaken about the institution they were in and also about the period of time they were there. This is not surprising as we could be talking about events that happened 50, 60 or 70 years ago.

The Deputy will also be aware that for cases where there is insufficient documentary evidence to make a determination as to whether an applicant was in a relevant institution and for what period of time my officials have commenced a process whereby those women are given the opportunity to meet with my officials and provide oral testimony about their time in an institution. These meetings are proving to be informative and productive.

Each application is assessed on an individual basis taking into account any available records or documents as well as the applicant's testimony. The Deputy will also be aware that if the applicant disagrees with this assessment she can avail of an internal review process and also an independent appeal process which involves a review by Ombudsman's Office.

### **Magdalen Laundries**

87. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the number of applications made under the restorative justice scheme for the survivors of the Magdalen laundries that have been rejected. [5099/15]

88. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the number of applications made under the restorative justice scheme for the survivors of the Magdalen laundries that have been rejected because of inaccurate and-or missing records. [5100/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 87 and 88 together.

Some 94 applications have been refused as they were not in one of the 12 specified institutions.

If there is a discrepancy with regard to a record, or in cases where the religious congregations have incomplete or no record for an applicant my officials must carry out a thorough examination, checking whatever records are available from other departments, agencies and institutions to support the application. For cases where there are missing records or no records available my officials have commenced a process whereby those women are given the opportunity to meet with my officials and provide oral testimony about their time in an institution. These meetings are proving to be informative and productive.

### **Magdalen Laundries**

89. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if the restorative justice scheme for the survivors of the Magdalen laundries has been advertised in Ireland's Own magazine, as promised by her. [5101/15]

90. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if her Department has alerted Irish embassies to the existence of the restorative justice scheme for the survivors of the Magdalen laundries. [5102/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 89 and 90 together.

The Deputy will be aware that the Scheme attracted world wide media coverage. In addition, at my request the Department of Foreign Affairs and Trade circulated an information note on the Scheme through their embassies around the world to the local Irish communities in late October 2014.

My officials contacted the Ireland's Own publication in October 2014 and asked them to consider publishing an article about the Scheme. A follow-up request was sent to the publication and the editor has advised that they plan to publish an article providing information on the scheme in the very near future.

The Deputy will also be interested to note that the Irish Women Survivors Support Network in the UK has also circulated thousands of newsletters to the wider Irish community informing them of the Scheme and they continue to raise awareness and assist clients in this regard.

### **Magdalen Laundries**

91. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if, following her communications with the Minister for Health and her officials' communications with the Health Service Executive, she will unequivocally confirm that survivors of the Magdalen laundries will be provided with a physical card, either a HAA card or a RWRCI card, under the Redress for Women Resident in Certain Institutions Act 2015, once it is passed into law. [5105/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** It will be a matter, for the Health Service Executive to decide on the practical arrangements, such as a type of card, to be put in place in order to ensure that the women can easily demonstrate their eligibility for services under this legislation. One operational possibility is that an RWRCI card, based on the name of the legislation, may be issued to the qualifying women. Final decisions will be made when the legislation is enacted.

### **Alcohol Sales**

92. **Deputy Seán Kenny** asked the Minister for Justice and Equality the position regarding the sale of alcohol on Good Friday; the reasons for the continued prohibition of the sale of alcohol on this day; her plans to permit the sale of alcohol on Good Friday; and if she will make a statement on the matter. [5141/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The statutory provisions restricting the sale of alcohol on Good Friday, which have historical origins, will be examined in the context of the forthcoming Sale of Alcohol Bill. This Bill will update the law relating to the sale, supply and consumption of alcohol in licensed premises and will provide an opportunity for reviewing statutory restrictions on alcohol sales. The Bill will repeal the Licensing Acts 1833 to 2011, and the Registration of Clubs Acts 1904 to 2008, and replace them with streamlined and updated provisions.

## Probation and Welfare Service

93. **Deputy Joan Collins** asked the Minister for Justice and Equality under the provisions of the employment control framework, the specific minimum and maximum numbers of positions in each grade for the Probation and Welfare Service of probation officers, senior probation officers, assistant principal probation officers-regional managers and clerical officers. [5145/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Employment Control Framework or ECF is a tool used to monitor staff numbers across the Civil Service. The ECF is set for each Vote. The Probation Service is part of the Department's Vote. I am advised the current serving staff by grade in the Probation Service in full time equivalent terms at the end of November 2014 is outlined in the table.

Grade	Full Time Equivalent
Director	1
Deputy Director	4
Assistant Principal Regional Manager	5
Senior Probation Officer	48
Professional Accountant	1
Assistant Principal Officer	2
Higher Executive Officer	4
Probation Officer	217
Locum Probation Officer	4
Executive Officer	11
Clerical Officer	56
Service Officer	3
Community Service Supervisors	42
Total	398

In 2014, promotions were made to the grades of Deputy Director and Senior Probation Officer and a panel from which locum probation officers can be appointed was also established.

## Garda Operations

94. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if she will report on Garda operation, Acer; the number of persons arrested and charged to date under this operation; the number of successful convictions obtained to date under this operation; and if she will provide extra resources to this vital operation. [5147/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** As part of the measures which are coordinated under Operation Fiacla, burglary related operations have been put in place in each Garda region. Operation Acer is the regional operation applying to the Dublin Metropolitan Region (DMR) and is an intelligence driven operation which includes analysis led checkpoints and patrols to target specific areas and case manage targeted offenders.

Operation Fiacla, and its regional components including Operation Acer, is targeting in particular mobile gangs involved in burglary and other property crime. Operation Fiacla adopts a focused, targeted and coordinated approach to investigating mobile and organised criminal groups throughout the jurisdiction. It is primarily an intelligence led operation with local, regional and national units all playing a key role. The operation has had many successes in terms

of disrupting those involved in this type of criminality and, as of 31 December 2014, has led to the arrest of 11,688 persons with charges being brought against 6,711 persons.

Operation Acer commenced in the Dublin Metropolitan Region (DMR) in early 2012. I am advised by the Garda authorities that since it commenced there has been 5,389 arrests, 2,746 charges and 1,087 convictions for burglary and related offences in the DMR to date. Figures provided are provisional, operation, and liable to change.

Burglary Response Units attached to each Division take the lead in Operation Acer and are assisted by other units as required. In addition, a further and related operation, Operation Creeper, assists in the surveillance of Acer targets by monitoring their movements and this Operation has been tasked solely with targeting burglary suspects resulting in the arrest of several Acer targets. Operation Acer also operates alongside ongoing community policing measures, including problem solving with local communities and ongoing liaison with businesses and households in providing crime prevention advice and assistance to victims of burglary.

The Deputy will be aware that the Garda Commissioner is responsible for the deployment of Garda resources. I am advised that Garda management keep the distribution of resources under continuing review in the context of security assessments, crime trends and policing priorities. I am also advised that the arrangements in relation to Operation Acer are kept under review to ensure that appropriate adjustments are made to maintain the effective focus of the operation.

### Garda Deployment

95. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if she will provide, in tabular form, the number of gardaí allocated to the Garda traffic corps in the years 2011, 2012, 2013, 2014 and to date in 2015. [5148/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy will appreciate, the Garda Commissioner is responsible for the distribution of resources among the Garda Regions, Divisions, and Districts. Garda management keep this distribution under continuing review in the context of crime trends and policing priorities so as to ensure that the best possible use is made of these resources.

I have however been informed by the Garda Commissioner that the personnel strength of the Garda Traffic Corps on 31 December 2011 to 2014, the latest date for which figures are readily available, was as set out in the following table.

#### Garda Traffic Corps

Year	Total Allocation
2011	947
2012	877
2013	811
2014	749

### Garda Transport Data

96. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if she will provide, in tabular form, the number of marked and unmarked Garda cars, marked and unmarked vans, and marked motorcycles that were assigned to the Garda traffic corps in the years

2011, 2012, 2013, 2014 and to date in 2015. [5149/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will be aware that decisions in relation to the provision and allocation of Garda vehicles are a matter for the Garda Commissioner in the light of her identified operational demands and the availability of resources.

In that context, I am advised by the Garda authorities that information requested by the Deputy is outlined in the following table.

YEAR	CARS	CARS	VANS	VANS	MOTORCYCLES
-	MARKED	UNMARKED	MARKED	UNMARKED	-
2011	125	37	7	10	137
2012	79	29	7	10	113
2013	95	26	6	9	94
2014	109	28	4	15	95
2015 (To date)	106	30	4	15	91

### Ministerial Correspondence

97. **Deputy Finian McGrath** asked the Minister for Justice and Equality her views on correspondence (details supplied) regarding a murder case; and if she will make a statement on the matter. [5160/15]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The correspondence supplied by the Deputy contains a request by a third party to have the particular case reviewed under the Independent Review Mechanism set up to consider allegations of Garda misconduct and inadequacies in the investigation of such allegations.

As the Deputy is aware, the Independent Review Mechanism was set up for the specific purpose of considering matters of, or relating to, Garda misconduct. The concerns raised in the material provided do not, on the face of it, appear to raise any issues of Garda misconduct but refer to matters which occurred during the course of a trial.

While I appreciate the difficulties and distress that people engaged in court proceedings can experience, the position is that the courts are subject only to the Constitution and the law, independent in the exercise of their judicial functions. The conduct of any court case is a matter entirely for the presiding judge. As the Deputy is aware, I cannot comment or intervene in any way in relation to how particular proceedings are conducted or on the outcome of those proceedings.

A copy of the correspondence was also forwarded directly to my Department by e-mail on 26 January 2015 and a reply will issue to the writer in due course.

### Adoption Authority of Ireland

98. **Deputy Michael McGrath** asked the Minister for Children and Youth Affairs the accountability and reporting obligations of the Adoption Authority of Ireland; and if he will make a statement on the matter. [5143/15]

**Minister for Children and Youth Affairs (Deputy James Reilly):** The Adoption Authority of Ireland was established in November 2010 and is the independent statutory body charged

with implementing the Adoption Act, 2010. The Authority has responsibility for the direct operational implementation of legislation and Government policy relating to adoption. It has a quasi-judicial role and is independent in its decision-making functions. Part 12 of the Adoption Act, 2010 provides for the establishment of the Authority and outlines its functions, accountability and reporting requirements.

### **Child Protection**

99. **Deputy Michael McGrath** asked the Minister for Children and Youth Affairs if he will arrange for a detailed response to be issued by the Health Service Executive to a letter sent to child protection services by a person (details supplied) in County Cork in November 2014 in view of the seriousness of the matters raised. [5136/15]

**Minister for Children and Youth Affairs (Deputy James Reilly):** As the Deputy may appreciate, it would not be appropriate for me to comment on an individual case. I would ask if the Deputy could forward any correspondence he may have to the Chief Operations Officer, Mr. Fred McBride, in the Child and Family Agency. In the interim, I have referred the information provided by the Deputy to the Child and Family Agency for immediate attention.

### **School Completion Programme**

100. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs if funding for school completion programmes will be ring-fenced for 2015; and if he will make a statement on the matter. [5072/15]

101. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs the total funding allocation for 2015 for school completion programmes; and if he will make a statement on the matter. [5073/15]

102. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs if the same level of funding or a greater level of funding will be provided for school completion programmes in 2015; and if he will make a statement on the matter. [5074/15]

**Minister for Children and Youth Affairs (Deputy James Reilly):** I propose to take Questions Nos. 100 to 102, inclusive, together.

The School Completion Programme aims to retain young people in the formal education system to completion of senior cycle and to generally improve the school attendance, participation and retention of young people who are risk of educational disadvantage. The Programme is a targeted intervention aimed at school communities identified through the Department of Education and Skills' DEIS Action Plan for Educational Inclusion. It provides targeted supports annually to approximately 36,000 children.

Since 1st January 2014, the Child and Family Agency has operational responsibility for the School Completion Programme, including the allocation of funds to local projects. In 2014, an allocation of €24.756 million has been provided for the School Completion Programme. The Agency has approved local projects' school retention plans for the 2014/2015 academic year. The first instalment of 2014/15 funding issued to local projects last September. Further payments totalling approximately €9.5m have issued over the past month, with a third instalment planned for payment in May 2015.

The estimate for the Child and Family Agency for 2015 is €631 million, a 4.3% increase on

its 2014 allocation. My Department has recently issued a Performance Statement to the Agency under Section 45 of the Child and Family Agency Act, 2013. This includes my priorities for consideration in the development of the Agency's 2015 Business Plan. The Business Plan will set out the Agency's proposed activities, programmes and priorities for 2015, including provision for the School Completion Programme, in the light of the monies available.

A review of the School Completion Programme has commenced. It is being carried out by the ESRI following a procurement process managed by the Agency. The programme has been in operation since 2002 and I believe that it is timely that a review be carried out. The Review is an important initiative to plan for the future development of this Programme. It is envisaged that the review will be completed during the 2014/2015 academic year.

### **Child and Family Agency**

103. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs when the Child and Family Agency will publish its 2015 business plan; the reason the 2015 business plan has not been published yet; and if he will make a statement on the matter. [5075/15]

**Minister for Children and Youth Affairs (Deputy James Reilly):** Section 44 of the Child and Family Agency Act, 2013, provides that the Minister for Children and Youth Affairs shall develop an annual Performance Statement for issue to the Child and Family Agency. The Performance Statement is designed to provide the Agency with specific policy guidance, direction, prioritisation and resource parameters to inform the preparation of its annual Business Plan. The Performance Statement issued to the Agency in December last.

I am advised by Tusla that the Business Plan for 2015 was approved in principle by its Board last week and I expect to receive the Plan very shortly.

The Agency is in receipt of exchequer funding of €643.401 million in 2015, including €12.386 million in capital funding. This compares favourably with the 2014 provision of €609.124 million.

### **School Completion Programme**

104. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs when the review of the school completion programme will be published; the progress of the review to date; and if he will make a statement on the matter. [5076/15]

**Minister for Children and Youth Affairs (Deputy James Reilly):** The planned programme review of the School Completion Programme, indicated in the Comprehensive Review of Expenditure 2012 - 2014 is under way. The objectives of the review are to examine the programme's structures, clarify roles and responsibilities, to analyse the interventions and supports provided and identify best practice for young people at risk of early school leaving and make recommendations for the future of the programme.

The plan for the review includes arrangements to capture the views of a range of stakeholders, including staff and all those involved in the organisation and administration of the School Completion Programme. It includes a survey to gather the views of project coordinators and chairpersons of the 124 local school completion programme projects throughout the country, case studies of projects involving staff and participating schools and interviews with national stakeholders who have a direct interest in the programme.

The review of the School Completion Programme is an important initiative in planning for the future development of the programme. It will assist in identifying the reforms necessary to consolidate the programme on a sustainable footing for the future. Preliminary information gathered in the review indicates that the School Completion Programme encompasses a broad and diverse range of measures and interventions that have been developed by local projects over the years. The intention is to learn more about the most successful of these, share the learning across the programme and ensure that available funds are targeted to those services that provide the greatest contribution to good educational outcomes for children and young people at risk of educational disadvantage.

Work is at an advanced stage and it is anticipated that the review will be completed during this current academic year.

### **Magdalen Laundries**

105. **Deputy Mary Lou McDonald** asked the Minister for Health the progress that has been made to date on the mechanism to deal with health care for survivors of the Magdalen laundries who live overseas, as referred to by her on 24 September 2014. [5103/15]

107. **Deputy Mary Lou McDonald** asked the Minister for Health if private general practitioner services will be made available to survivors of the Magdalen laundries under the provisions of the Redress for Women Resident in Certain Institutions Bill 2014. [5106/15]

108. **Deputy Mary Lou McDonald** asked the Minister for Health if any and all prescribed drugs including high-tech drugs, medicines, aids and appliances, will be made available to survivors of the Magdalen laundries under the provisions of the Redress for Women Resident in Certain Institutions Bill 2014, or if provision of drugs, medicines, aids and appliances will be restricted to the reimbursement list within the meaning of the Health (Pricing and Supply of Medical Goods) Act 2013, as stated in the Bill as originally published; and if the latter is the case, the types of drugs, medicines, aids and appliances that will consequently not be made available to these women. [5107/15]

109. **Deputy Mary Lou McDonald** asked the Minister for Health if any and all chiropody and podiatry services from any qualified chiropodist or podiatrist, including those in private practice, will be made available to survivors of the Magdalen laundries under the provisions of the Redress for Women Resident in Certain Institutions Bill 2014 without the need for a general practitioner's referral. [5108/15]

110. **Deputy Mary Lou McDonald** asked the Minister for Health if complementary therapies, including massage, reflexology, acupuncture, aroma therapy or hydrotherapy, once referred by a general practitioner, will be made available to survivors of the Magdalen laundries under the provisions of the Redress for Women Resident in Certain Institutions Bill 2014; if not, if in making this decision, she has considered the international medical evidence in relation to massage therapy and acupuncture in particular; and if consideration has been provided to the international scientific evidence in relation to the use of aroma therapy specifically in the counselling treatment of survivors of physical and-or sexual abuse. [5109/15]

111. **Deputy Mary Lou McDonald** asked the Minister for Health if counselling, including psychological and psychotherapy services, from any professionally accredited counsellor will be made available to survivors of the Magdalen laundries and their immediate relatives under the provisions of the Redress for Women Resident In Certain Institutions Bill 2014, without restriction or limit on the number of sessions attended and without the need for general practi-

tioner referral. [5110/15]

112. **Deputy Mary Lou McDonald** asked the Minister for Health if comprehensive dental care, including access to private dentists not within the dental treatment services scheme available to medical card holders, will be made available to survivors of the Magdalen laundries under the provisions of the Redress for Women Resident In Certain Institutions Bill 2014. [5111/15]

113. **Deputy Mary Lou McDonald** asked the Minister for Health if, where necessary services are not available within the public health service, audiology services from private practitioners will be made available to survivors of the Magdalen laundries under the provisions of the Redress for Women Resident In Certain Institutions Bill 2014. [5112/15]

114. **Deputy Mary Lou McDonald** asked the Minister for Health if dedicated liaison officers, such as those available to HAA cardholders to help obtain optimum home nursing and home support services, will be made available to survivors of the Magdalen laundries under the provisions of the Redress for Women Resident In Certain Institutions Bill 2014. [5113/15]

115. **Deputy Mary Lou McDonald** asked the Minister for Health if enhanced ophthalmic services provided to HAA cardholders, will be made available to survivors of the Magdalen laundries under the provisions of the Redress for Women Resident In Certain Institutions Bill 2014, or if these survivor will be restricted to those ophthalmic services already available to medical card holders. [5114/15]

116. **Deputy Mary Lou McDonald** asked the Minister for Health if private physiotherapy services will be made available to survivors of the Magdalen laundries under the provisions of the Redress for Women Resident In Certain Institutions Bill 2014. [5115/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 105 and 105 to 116, inclusive, together.

As the Deputy will be aware, the Redress for Women Resident in Certain Institutions Bill 2014, which was published by the Minister for Justice, completed Second Stage in the Dáil last week. The Committee Stage of the debate is scheduled to commence today.

It is anticipated that the Bill, which provides, inter alia, for health services to be made available without charge to participants in the redress scheme, will continue its passage through both Houses over the coming weeks. The final provisions of the Bill will be determined in the course of the Oireachtas debate.

It will be a matter for the HSE to decide on the practical arrangements to be put in place for access to health services for participants living in the State and abroad when the legislation is in place. These arrangements are currently being considered by the HSE.

### **HSE Reports**

106. **Deputy Mary Lou McDonald** asked the Minister for Health if the breaches outlined in the Health Service Executive internal audit of the Positive Action group were attributed to expenses incurred under the HAA cards in the possession of hepatitis C survivors. [5104/15]

**Minister for Health (Deputy Leo Varadkar):** The HSE provided funding to Positive Action from 2005 to March 2014 under section 39 of the Health Act 2004. An internal audit of Positive Action was commenced in October 2013 as part of the HSE's audit plan for that year.

The audit related to the period 1 January 2009 to 31 August 2013. It examined Positive Action's financial records, systems of internal controls, corporate governance procedures and processes and compliance with the provisions of Service Level Agreements/Funding Agreements/Grant Aid Agreements linked to the expenditure incurred by the organisation and its board of Directors. The audit concluded in July 2014 and the HSE ceased funding the organisation in March 2014.

A Health (Amendment) Act (HAA) Card is provided to men, women and children who contracted Hepatitis C from the administration within the State of contaminated blood or blood products. This card entitles the holder to a range of healthcare services including GP services, all prescribed drugs, medicines and appliances, dental and ophthalmic services, home support, home nursing, counselling services and other services without charge. Positive Action did not have any role in the administration of services to HAA cardholders.

*Questions Nos. 107 to 116, inclusive, answered with Question No. 105.*

### **Grant Payments**

117. **Deputy Terence Flanagan** asked the Minister for Health his views on correspondence (details supplied) regarding a grant; and if he will make a statement on the matter. [5025/15]

**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 (HSE) for direct reply to the Deputy. If the Deputy has not received a reply from the HSE within 15 working days, he can contact my Private Office and they will follow the matter up with the HSE.

### **Mental Health Services Provision**

118. **Deputy Billy Timmins** asked the Minister for Health the facilities available in counties Carlow and Wicklow for persons under 18 years of age who may be suffering from mental health difficulties; the way to access these services; and if he will make a statement on the matter. [5036/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service issue this question has been referred to the HSE for direct reply. If you have not received a reply from the HSE within 15 working days please contact my Private Office and they will follow up the matter with them.

### **Cancer Screening Programmes**

119. **Deputy Brendan Griffin** asked the Minister for Health his views on a matter (details supplied) regarding mammography; and if he will make a statement on the matter. [5039/15]

**Minister for Health (Deputy Leo Varadkar):** BreastCheck provides cancer screening for women aged 50-64 years. BreastCheck utilises digital mammography as it is the most advanced method available, giving enhanced image quality and significant reductions in the radiation dose associated with screening examinations. The improved images lead to higher detection rates for cancer which is seen as a positive. This facilitates earlier treatment of known

cancers. Digital mammography does not play any part in causing these cancers.

The National Cancer Registry (NCR) is the statutory body with responsibility for the collection and analysis of information relating to the incidence of cancer and related tumours in Ireland.

The interval cancer figures referred to were included in a 2012 report from the Registry: 'Breast Cancer Incidence, Mortality, Treatment and Survival in Ireland: 1994-2009'. This data refers to the number of interval cancers diagnosed in the period 2000-2009 for women aged 50-64 screened in the period 2000-2007. It should be noted that BreastCheck did not commence national roll-out until late 2007.

Breast cancer survival in Ireland has improved significantly in recent years due to a combined approach of screening, symptomatic detection and improved treatment. Breast cancer five year survival is estimated at 81% for people diagnosed between 2006-2011, which represents an increase from 72% for the diagnosis between 1994-1999.

Quality assurance processes and measurements are a vital aspect of the BreastCheck programme and their 'Guidelines for Quality Assurance in Mammography Screening' are consistent with those of the European Reference Organisation for Quality Assured Breast Screening and Diagnostic Services which is the EU standard.

The overall benefits of breast screening are clear. Breast screening helps to diagnose breast cancer at an early stage when it is easier to treat, thus exposing the women involved to less extensive surgical treatment and giving them better chances of good recoveries and improved quality of life.

### **Hospital Waiting Lists**

120. **Deputy James Bannon** asked the Minister for Health when a medical operation will take place in respect of a person (details supplied) from County Longford; and if he will make a statement on the matter. [5045/15]

**Minister for Health (Deputy Leo Varadkar):** In relation to the particular patient query raised by you, as this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

### **Departmental Functions**

121. **Deputy Mattie McGrath** asked the Minister for Health if there is assistance for medical card holders who have experienced a chimney fire to help with fire brigade charges; and if he will make a statement on the matter. [5048/15]

**Minister for Health (Deputy Leo Varadkar):** Unfortunately, the matter the Deputy has raised is not a matter for me or my Department.

### **Orthodontic Service Waiting Lists**

122. **Deputy Robert Troy** asked the Minister for Health if he will ensure a person (details

supplied) receives an appointment for orthodontic care without further delay as that person has been waiting for over two years for this care. [5049/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

### **Hospital Waiting Lists**

123. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding a hospital appointment in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [5063/15]

**Minister for Health (Deputy Leo Varadkar):** The scheduling of appointments for patients is a matter for the hospital to which the patient has been referred. Should a patient's general practitioner consider that the patient's condition warrants an earlier appointment, he or she would be in the best position to take the matter up with the consultant and hospital involved. In relation to the particular query raised, as this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up with them.

### **Audiology Services Provision**

124. **Deputy Marcella Corcoran Kennedy** asked the Minister for Health when a person (details supplied) in County Offaly who has been on an audiology waiting list for over a year will be called for treatment; and if he will make a statement on the matter. [5086/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

### **Nursing Home Services**

125. **Deputy Terence Flanagan** asked the Minister for Health if he will address a matter (details supplied) regarding nursing homes; and if he will make a statement on the matter. [5093/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Health Information and Quality Authority is the independent authority established under the Health Act 2007 to drive continuous improvement and to monitor safety and quality in Ireland's health and personal social care services. Since 2009 all designated centres for older people, i.e. public, private and voluntary nursing homes, have been registered and inspected by HIQA.

There are 566 designated centres for older persons. In 2014 HIQA completed 762 inspections. At least one inspection took place in 97% of the total number of registered centres. Inspections may be announced or unannounced and are planned as part of HIQA's annual schedule of monitoring and registration renewal. In 2014 58% of inspections of older person's centres were unannounced.

The majority of announced inspections related to the registration renewal programme where the announcing of the inspection enables greater participation of residents and relatives as they are aware in advance of when inspectors will be in the centre.

### **HSE Reports**

126. **Deputy Róisín Shortall** asked the Minister for Health further to Parliamentary Question No. 705 of 4th November 2014, if the Health Service Executive has provided him with a report on this matter as requested; and, if so, if he will provide a copy of same. [5094/15]

**Minister for Health (Deputy Leo Varadkar):** I am in touch with the Health Service Executive in relation to this particular case and will write to the Deputy when I have all the details available to me.

### **Health Services**

127. **Deputy Róisín Shortall** asked the Minister for Health if he will ensure that interim support is provided in respect of a child (details supplied) in Dublin 11 who was referred to the early intervention team in June 2014, and yet is still awaiting a commencement date. [5095/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the issue raised by the Deputy relates to an individual case, this is a service matter for the Health Service Executive. I have asked the HSE to look into the particular matter raised and to reply directly to the Deputy. If you have not received a reply from the HSE within 15 working days please contact my Private Office and they will follow up the matter with them.

### **Health Services**

128. **Deputy Tom Fleming** asked the Minister for Health if he will expedite a referral in respect of a person (details supplied) in County Kerry. [5116/15]

**Minister for Health (Deputy Leo Varadkar):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up with them.

### **Services for People with Disabilities**

129. **Deputy Michael McCarthy** asked the Minister for Health the amount of funding that was provided for Network First domiciliary service (details supplied) in 2011, 2012, 2013 and 2014; and if he will make a statement on the matter. [5117/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I am informed by the Health Service Executive (HSE) that Network First Domiciliary Service is service-user focused, community based, value for money, personalised & quality in-home support service.

It is available to families that have members with moderate to profound Intellectual Disabilities, living in and/or attending services in the Co. Louth and south Co. Monaghan catchment area.

It operates by encouraging families to use their local support networks in adapting to and coping with the needs of rearing children and caring for adults with specialist needs.

The funding provided by the HSE to Network First for the years 2011-2014 is as follows:

Year	Network First Funding
2011	€105,087.50
2012	€ 92,164.50
2013	€ 80,800.00
2014	€ 78,699.78

### Medical Card Applications

130. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding a medical card in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [5124/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** 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.

If the Deputy has not received a reply from the HSE within 15 working days, please contact my Private Office who will follow up the matter with them.

### Hospice Services

131. **Deputy Billy Timmins** asked the Minister for Health the position regarding the provision of a hospice in County Wicklow; the status of the application; if it has received approval; the location of same; and if he will make a statement on the matter. [5125/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** This is a matter in the first instance for the Health Service Executive. However, very recently, accompanied by a HSE representative, Minister Varadkar met with a delegation from the Wicklow Hospice Foundation to discuss this project. On that occasion Minister Varadkar agreed to do all that he can to facilitate the projects completion, and the HSE representative was able to clarify the conditions that must be met from the Executive's perspective (these are in line with what has been applied to other similar projects). Minister Varadkar and I believe that there is now a clear road map in place for the project to progress.

### Hospital Waiting Lists

132. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will provide, in tabular form, the details of patients on waiting lists in Waterford University Hospital, for outpatient appointments, inpatient procedures and other lists, who have been waiting for six months,

12 months, one year, two years and more than two years, broken down by specialty; and if he will make a statement on the matter. [5128/15]

**Minister for Health (Deputy Leo Varadkar):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

### **Nursing Homes Support Scheme Review**

133. **Deputy Denis Naughten** asked the Minister for Health the reason for the ongoing delay in publishing the review of the nursing home support scheme; if his attention has been drawn to the fact that those making oral submissions were informed that it would be completed by the end of January 2015; if his Department has received a copy of the review; and if he will make a statement on the matter. [5134/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** When the Nursing Homes Support Scheme commenced, a commitment was made that it would be reviewed after three years. The reason for allowing this period to elapse was to ensure that the Scheme had bedded in and that established trends would be available in order to inform the work of the Review. The Review is being carried out by my Department in collaboration with the HSE, with analysis and recommendations provided by an external service provider on specific issues which required specialised expertise.

A call for written submissions to inform the review was made on the 16 June 2012. In total 61 submissions were received from a broad range of individuals, nursing homes, statutory bodies, groups representing the interest of older people, private/commercial bodies and organisations in the community and voluntary sector. A summary report of the submissions was published on the Department's website in December 2012.

The Terms of Reference for the Review are:

Taking account of Government policy, demographic trends and the fiscal situation:

1. To examine the on-going sustainability of the Nursing Homes Support Scheme;
2. To examine the overall cost of long-term residential care in public and private nursing homes and the effectiveness of the current methods of negotiating/setting prices;
3. Having regard to 1. and 2. above, to consider the balance of funding between long-term residential care and community based services;
4. To consider the extension of the scheme to community based services and to other sectors (Disability and Mental Health); and
5. To make recommendations for the future operation and management of the scheme.

The elements of the Review that relate to the Nursing Homes Support Scheme itself are well-defined, but an effective assessment of the Scheme for the future requires consideration of where it fits within the spectrum of services and supports for older people, and of how the make-up of and balances within this spectrum may change over time. This exercise is much broader than was first envisaged and the time needed was therefore also somewhat longer. However work is well advanced and it is expected that the Review will be completed by the end of this quarter.

## **Hospital Waiting Lists**

134. **Deputy Thomas P. Broughan** asked the Minister for Health if he will provide, in tabular form, the number of persons currently on the waiting list to see a consultant cardiologist at Beaumont Hospital, Dublin 9; the average waiting time to see the consultant; and the steps being taken to reduce the waiting time. [5150/15]

**Minister for Health (Deputy Leo Varadkar):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

## **Hospital Appointment Status**

135. **Deputy Thomas P. Broughan** asked the Minister for Health if he will provide, in tabular form, the number of patients who failed to turn up for appointments, or alert hospitals of their inability to attend in public hospitals in 2013, 2014 and to date in 2015; and the international comparison rates for this phenomenon in health systems, for example, the National Health Service in the United Kingdom. [5151/15]

**Minister for Health (Deputy Leo Varadkar):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

## **Medicinal Products Availability**

136. **Deputy Billy Kelleher** asked the Minister for Health if he will confirm that Sativex has been sanctioned for use on the Irish market; the date it will become available on the medical card; and if he will make a statement on the matter. [5178/15]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** On the 18th July 2014 the Health Products Regulatory Authority granted a marketing authorisation for cannabis based medicinal product Sativex® to be marketed in Ireland. The remaining timeframe for making the product available for prescribing in Ireland is the responsibility of the holder of the product authorisation, GW Pharmaceuticals PLC and their European partner Almirall.

The HSE has statutory responsibility for decisions on pricing and reimbursement of medicinal products under the GMS and community drug schemes in accordance with the provisions of the Health (Pricing and Supply of Medical Goods) Act 2013. Decisions on which medicines are reimbursed by the taxpayer are made on objective, scientific and economic grounds by the HSE on the advice of the National Centre for Pharmacoeconomics. They are not political or ministerial decisions.

The HSE received an application for inclusion of Sativex® under the Community Drugs Schemes High Tech Arrangements in early September 2014. Sativex® is indicated for the relief of symptoms of spasticity for people with multiple sclerosis where other conservative treatments have failed to provide adequate benefits.

A Health Technology Assessment on Sativex® has been completed by the National Centre for Pharmacoeconomics which did not recommend reimbursement of Sativex® at the submitted price.

The Report by the National Centre for Pharmacoeconomics is an important input to assist the HSE in its decision making process and informs further discussions between the HSE and the supplier. No further comment can be provided at this time as the assessment process is on-going.

### **Hospital Procedures**

137. **Deputy Billy Kelleher** asked the Minister for Health when a person (details supplied) in County Waterford will receive treatment for Dupuytren's contracture, having waited four and a half year for assessment; the format this treatment will entail, that is, injection or surgery; and if he will make a statement on the matter. [5181/15]

**Minister for Health (Deputy Leo Varadkar):** In relation to the particular patient query raised by you, as this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

### **UN Conventions**

138. **Deputy Derek Nolan** asked the Minister for Foreign Affairs and Trade when Ireland will ratify the optional protocol to the International Covenant on Economic, Social and Cultural Rights; and if he will make a statement on the matter. [5132/15]

**Minister for Foreign Affairs and Trade (Deputy Charles Flanagan):** The UN Optional Protocol to the International Covenant on Economic, Social and Cultural Rights opened for signature by UN Member States in New York in September 2009. To date, forty-five States have signed the Optional Protocol, including eleven of the twenty-eight European Union member States. Seventeen States have ratified the Optional Protocol: Argentina, Belgium, Bolivia, Bosnia and Herzegovina, Cabo Verde, Costa Rica, Ecuador, El Salvador, Finland, Gabon, Mongolia, Montenegro, Niger, Portugal, Slovakia, Spain and Uruguay. The Optional Protocol came into force on 5 May 2013, three months after the deposit with the United Nations Secretary General of the tenth instrument of ratification or accession. Ireland's signature of the Optional Protocol took place on 23 March 2012. Ratification of the Optional Protocol is a separate step which requires a thorough screening of the obligations to be assumed, extensive consultation with all Departments involved, and consideration by the Government in due course.

### **Visa Applications**

139. **Deputy Michael Creed** asked the Minister for Foreign Affairs and Trade the position regarding visa requirements for residents in the Dominican Republic who wish to enter Ireland for holiday purposes; the Irish embassy which processes these applications; and if he will make a statement on the matter. [5158/15]

**Minister for Foreign Affairs and Trade (Deputy Charles Flanagan):** Dominican Republic passport holders require a visa to enter Ireland. The Embassy in Washington processes visa applications from the Dominican Republic on behalf of the Irish Naturalisation and Immigration Service. Detailed information on the online visa application process and documentary requirements are available on the Embassy website, [www.dfa.ie/irish-embassy/usa/our-services/visas](http://www.dfa.ie/irish-embassy/usa/our-services/visas). Visa applications should be submitted 8 weeks before the planned date of travel.

### **School Staffing**

140. **Deputy Charlie McConalogue** asked the Minister for Education and Skills when a decision will issue on an appeal in respect of a school (details supplied) in County Waterford to have its concessionary post retained; and if she will make a statement on the matter. [5026/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** Budget 2012 provided for the phased withdrawal of approximately 428 posts allocated to some schools under disadvantage programmes prior to the introduction of DEIS in 2005. Due to conflicting reports of posts being lost in these schools, my Department produced a report on the impact of the withdrawal of these legacy posts from DEIS Band 1 and Band 2 Schools. Following the Government’s decision of 21 February 2012 in the matter, a number of schools continued to retain disadvantaged legacy posts from previous disadvantage schemes on a year to year basis and only where warranted, based on the enrolment of the previous 30th September. The criteria used for the allocation of teachers to primary schools is published annually on the website of the Department of Education and Skills. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing arrangements for the 2014/15 school year (Circular 0007/2014) were published in January 2014.

A range of factors contribute to determining the staffing requirement for individual schools including changes to enrolment and the reforms to the teacher allocation process introduced in 2012. As the teaching allocation to schools, including disadvantage legacy posts, are enrolment based, this determines whether schools gain or lose posts from year to year.

As the school referred to by the Deputy saw an increase in enrolment on 30th September 2013, the post was subsumed into the mainstream staffing of the school for the 2014/15 school year.

The school submitted a staffing appeal to the February 2014 meeting of the Primary Staffing Appeals Board. The Appeals Board determined that the application did not satisfy all of the published criteria as set out in Circular 0007/2014. The Appeals Board operates independently of the Department and its decision is final.

### **Student Grant Scheme Eligibility**

141. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills the reason a Student Universal Support Ireland grant was refused in respect of a person (details supplied); and if she will make a statement on the matter. [5033/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** As part of a comprehensive customer service and communications strategy provided by Student Universal Support Ireland (SUSI), to ensure that all necessary avenues are open to applicants to receive the information they need, a dedicated email and phone line service is provided by SUSI for Oireachtas members. This was established to meet an identified need for applicants who choose to engage the assistance of their public representatives in making enquiries about their grant applications. This service compliments the established channels provided by SUSI which include online application tracking, a dedicated website, a telephone helpdesk, email and social media, including Facebook and Twitter.

Enquiries may be emailed direct to SUSI at [oireachtas@susi.ie](mailto:oireachtas@susi.ie). SUSI are responding to email queries within a matter of days.

## **Student Grant Scheme Eligibility**

142. **Deputy Brendan Griffin** asked the Minister for Education and Skills the reason a student (details supplied) in County Kerry is not entitled to free fees and registration; and if she will make a statement on the matter. [5035/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** As part of a comprehensive customer service and communications strategy provided by Student Universal Support Ireland (SUSI), to ensure that all necessary avenues are open to applicants to receive the information they need, a dedicated email and phone line service is provided by SUSI for Oireachtas members. This was established to meet an identified need for applicants who choose to engage the assistance of their public representatives in making enquiries about their grant applications. This service compliments the established channels provided by SUSI which include online application tracking, a dedicated website, a telephone helpdesk, email and social media, including Facebook and Twitter.

Enquiries may be emailed direct to SUSI at oireachtas@susi.ie. SUSI are responding to email queries within a matter of days.

## **Third Level Institutions**

143. **Deputy Ciarán Lynch** asked the Minister for Education and Skills further to Parliamentary Question No. 797 of 14 January 2015, if, now that the study into payscales at the Tyndall Institute in University College Cork has been completed, she will consider the payment of salaries, as recommended by the Labour Court; and if she will make a statement on the matter. [5044/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** The parties agreed that the conclusions of the Tyndall job evaluation exercise could be appealed to an independent Appeals Officer. When this process is completed the parties will engage in relation to the implementation of the final outcome of the job evaluation exercise.

## **Special Educational Needs Service Provision**

144. **Deputy Dominic Hannigan** asked the Minister for Education and Skills if her Department will support the creation of an autism spectrum disorder unit in a school (details supplied) in County Meath; and if she will make a statement on the matter. [5053/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** As the Deputy is aware, a major building project for the school concerned is at planning permission stage and the project, when completed, will consume a substantial amount of the school’s very limited site area. My Department understands that the school is not therefore in a position to consider the establishment of an ASD unit.

I wish to advise the Deputy that there is already ASD provision in a number of existing schools and additional ASD units are proposed in other post-primary schools in County Meath.

## **School Closures**

145. **Deputy Michael Creed** asked the Minister for Education and Skills if she will provide

in tabular form the number of school closures in County Cork since 2005; and if she will make a statement on the matter. [5064/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** The information sought by the Deputy regarding the number of school closures in County Cork in the period 2005 to 2014 is contained in the following tables.

**Cork Primary School Closures (2005 to 2014)**

County	Number	Year
Cork	1	2014
Cork	2	2013
Cork	1	2010
Cork	3	2009
Cork	1	2007
Cork	3	2006
Cork	1	2005

**Cork Post Primary School Closures (2005 to 2014)**

County	Number	Year
Cork	1	2006

**Primary Online Database**

146. **Deputy Terence Flanagan** asked the Minister for Education and Skills if she will address concerns regarding the new primary online database in respect of a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [5068/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** POD will collect information such as PPSN name, address date of birth, nationality, learning support status, Irish exemption status, standard and class, and also two optional pieces of sensitive personal data, ethnic or cultural background and religion, which require written consent. Individualised student information is already collected centrally at pre-primary, post-primary and third level education. The development of an individualised primary online database has been widely recognised for many years as being a key requirement to provide vital information on the educational welfare and progress of our primary school children. The current system of record keeping and data collection means that information provided to the Department from primary schools is quite out of date by the time it is eventually processed and passed to areas that need it such as the Inspectorate, School Governance, Forward Planning and various grant payment and teacher allocations areas. POD will allow the Department to have access to timely and relevant information about the stocks and flows of pupils in our primary schools, which will aid us tremendously in carrying out our functions and providing the best possible service to schools and pupils. Moving to an electronic system will also help to streamline administration at school level and reduce form filling, red tape, and the duplication of information requests, allowing school staff to focus more on their primary objective of educating our children. From the point of view of retaining the data up to the age of 30, the Department understands that there are concerns from a data protection and privacy point of view. The Department is considering these concerns but also needs to consider the fact that in the future POD will serve as the official record of primary school enrolment for everybody, and as such it forms part of an individual’s personal history. While

some people might prefer for their record to be deleted as soon as possible, others may prefer to have their record accessible should they want or need to get it in the future. The Department will consider its retention policy bearing in mind these issues, as well as all the legal obligations on us in the areas of data protection and records management. Individuals also have the right under data protection legislation to request in writing to any public body that their records held by that body be removed or amended and their reasons for the request, and the public body must consider and respond to such requests within 40 days.

The Department takes the protection of pupil's data very seriously. Pupil data is stored securely in the Department's Oracle database. This database is hosted on the Department's servers which are located in the Revenue Commissioners data-centre in St. Johns' Road. Access to the servers is protected by both Revenue and Government firewalls. Staff of the Revenue Commissioners do not have access to the data in the database. POD application roles have been developed which limit school staff to viewing and maintaining their own pupil records. Access within the Department to POD data is limited to the POD team which is currently less than 15 people. No agency or other Government Department will have direct access to the Primary Online Database.

The "Notes" area is for schools' use only, it will only be accessible to the school where the child is currently enrolled, and will not be transferrable from one school to the next if the child is moving school.

Schools have the option to enter data directly into POD. In general Schools have found the system user friendly. The encryption process is in place for data security reasons. A facility is also currently being rolled out which will allow schools to securely upload the data directly to the Department, so schools will have the option to use that if they are finding the encryption process difficult.

The Department has repeatedly advised parents and schools who have contacted us that if a parent does not wish to put their child's details on POD that they should inform their school of this in writing. We have not in any way advised schools to transfer data against the parent's wishes.

While this is a new system coming into place at primary level, it is already very common practice in many other areas of the public sector and indeed elsewhere in the education system for somebody accessing a public service to be asked to provide a certain amount of information about themselves in order to receive the service, including their PPS number. In the education system, for example, in order to access the ECCE scheme parents must give a certain amount of information on their children to the pre-school in order to validate their eligibility, or in order to apply for and receive a student grant students must give information about themselves to the Department. POD will also allow the Department to ensure that it makes payments on the basis of each pupil only once, with the best will in the world duplicate enrolments can inadvertently occur in the system.

Apart from the need to ensure that going forward payments and allocations to schools are made on the basis of validated information, from an administrative point of view, it would be unworkable to operate any kind of grant payments, allocation system or even to compile vital statistics if we have a system where some pupils are on POD and then there needs to be some alternate method of collecting information on pupils who do not provide their details to POD. It's difficult to see how any such system could function in practice, either from the school's or Department's point of view.

### **Capitation Grants**

147. **Deputy Charlie McConalogue** asked the Minister for Education and Skills her plans to withdraw capitation grants to schools for children whose parents object to their information being entered and stored on the primary online database; if so, the statutory basis for that action; and if she will make a statement on the matter. [5077/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** From the 2016/2017 academic year, it is intended that teacher allocations and capitation grants will be made on the basis of POD data, and the previous basis for allocations, the National Annual School Census will cease operation from that point. There is no mechanism for separate payment and allocation to schools for pupils that are not on POD, and from a practical point of view it is difficult to see how much a system could work in practice.

Under Section 12 of the Education Act 1998, the Minister of Education shall determine and publish the criteria in each school year by which funding shall be provided to schools in the following academic year. Over 3 billion euro of taxpayers money is spent annually on funding our primary school system. The vast majority of this funding is allocated to schools on the basis of reported pupil numbers. It is more than prudent from an audit and financial accountability point of view that we validate the data underlying these payments and ensure that payment is made only once in relation to each pupil.

### **Primary Online Database**

148. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if she received express approval from the Data Protection Commissioner for the retention of all the details that are being collected and stored on the primary online database; and if there is a written agreement to this effect between her Department and the Data Protection Commissioner. [5078/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** The Department has previously met with and discussed the fair processing and retention of data on POD with the Data Protection Commissioners office. The material in Circular 0017/2014 formed the basis for the discussion and the Department received advice and commentary from the DPC office on this material which was incorporated into the circular. No further concerns were raised at that time.

My Department is now again in contact with the Data Protection Commissioners Office in relation to the retention period for POD data, and will continue to closely consult with and seek the advice of the Commissioners office while reviewing the policy for retaining POD data going forward.

### **Primary Online Database**

149. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the number of staff in her Department who have been designated with administrator rights in relation to the primary online database system. [5079/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** Four members of staff in my Department have administrator rights on the primary online database.

### **Primary Online Database**

150. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the amount of money that has been spent on the primary online database project since its inception. [5080/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** The software development costs of the POD project to date are approximately €230K. A POD Implementation Grant was issued to every primary school in December 2014. The total cost of the grant was €830,518.

### **Primary Online Database**

151. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if her Department has hired external experts-consultants to advise them on how best to develop the primary online database; and if so, if she will provide, in tabular form, the details of same and the expenditure incurred. [5081/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** My Department did not hire external experts/ consultants to advise them on how best to develop the primary online database.

### **Primary Online Database**

152. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if her Department has instructed schools to collect and submit pupils’ details onto the primary online database, even where parents have objected to having their children’s details entered onto the database or have not provided express consent to have their children’s details entered onto the database. [5082/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** The Department has repeatedly advised parents and schools who have contacted us that if a parent does not wish to put their child’s details on POD that they should inform their school of this in writing. We have not in any way advised schools to transfer data against the parent’s wishes.

### **Third Level Fees**

153. **Deputy Michael McCarthy** asked the Minister for Education and Skills if Irish students who moved outside of the European Union for a number of years and completed their primary and secondary education abroad will be classified as foreign students if they return to Ireland for third level education; if they will be required to pay student fees and registration fees; and if she will make a statement on the matter. [5083/15]

154. **Deputy Michael McCarthy** asked the Minister for Education and Skills her views on the position of emigrants hoping to return home to enter into full-time third level education; her further views on a policy that will accommodate their needs; and if she will make a statement on the matter. [5084/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 153 and 154 together.

As the Deputy is aware the Exchequer funds tuition fees costs in respect of eligible students

who are pursuing full-time undergraduate courses of study under my Department's Free Fees Initiative. The main conditions of the scheme are that students must be first-time undergraduates, hold *inter alia* EU/EEA/Swiss nationality in their own right, and have been ordinarily resident in an EU/EEA/Swiss state for at least three of the five years preceding their entry to an approved third level course.

Where full-time undergraduate students do not qualify for free fees they must pay the appropriate fee as determined by their third level institution.

In the case of students who do not meet the residency clause, higher education institutions have been requested to charge the more moderate EU fee to EU/EEA/Swiss nationals who have completed at least five academic years of study (Primary or Post-Primary level) in the EU/EEA or Switzerland.

### **Special Educational Needs Service Provision**

155. **Deputy Catherine Murphy** asked the Minister for Education and Skills the reason a child (details supplied) in County Kildare cannot be facilitated in an appropriate second level school closer than 50 km from that child's home; and if she will make a statement on the matter. [5088/15]

**Minister for Education and Skills (Deputy Jan O'Sullivan):** My Department's policy focuses on ensuring that all children with special educational needs can have access to an education appropriate to their needs and abilities.

A range of placement options for pupils with special educational needs is provided, in order to ensure that all pupils can receive a school placement. Many pupils with special educational needs will be able to attend a local mainstream school, whereas for pupils who have needs which require more specialist interventions, special class and special school placements are provided for.

The National Council for Special Education (NCSE), through its network of local Special Educational Needs Organisers (SENOs), is responsible for establishing special classes in various geographical areas as required. The NCSE operates within my Department's criteria in allocating such support.

SENOs engage with schools annually in order to plan for, and to open, new special classes each year, in order to ensure there are sufficient special class placements available at primary and post primary school level to meet demand in a given area.

In the case referred to by the Deputy the NCSE is actively engaging with the parent in question on the issue of a post primary placement for September 2015. I have forwarded the Deputy's question to the NCSE for their direct attention and reply.

### **Schools Building Projects Expenditure**

156. **Deputy Jim Daly** asked the Minister for Education and Skills the amount of capital invested in the construction of new school facilities at Bandon town, County Cork, for each of the past four years; and if she will make a statement on the matter. [5091/15]

**Minister for Education and Skills (Deputy Jan O'Sullivan):** The capital funding issued to schools in the primary and post-primary sectors in County Cork in the years 2011 to 2014 is

as follows:

PRIMARY

2011 - €24.8m

2012 - €23.8m

2013 - €31.1m

2014 - €37.4m

POST-PRIMARY

2011 - €6.4m

2012 - €7m

2013 - €14.2m

2014 - €16.2m

It is not possible to provide data in respect of a region within a county. However, if the Deputy wishes to nominate a specific school, I would be happy to provide the level of capital funding issued in such an instance.

### Child Safety

157. **Deputy Seán Crowe** asked the Minister for Education and Skills if her attention has been drawn to any schools using prone restraints on pupils who have autism and other complex needs; if her attention has been further drawn to the potential risks to pupils upon whom prone restraints are used; and if her Department will suggest the use of other viable and safer forms of behaviour support and management, as an alternative to prone restraint, that does not place the child or others at risk from injury. [5121/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** I wish to advise the Deputy that the well-being and safety of children should be at the centre of all policy and practices in schools. The Board of Management of each school is responsible for the care and safety of all of the pupils in their school and is required to prepare a code of behaviour in accordance with Section 23 of the Education (Welfare) Act 2000.

Section 23 (4) of the Act states that the Principal of a recognised school shall, before registering a child as a student at that school, provide the parents of such child with a copy of the school’s code of behaviour.

Schools may seek advice from their local National Educational Psychological Service (NEPS) psychologist, from their NCSE Special Educational Needs Organiser, or from the National Behavioural Support Services, as to how children with behavioural needs can best be supported in school.

Published guidelines which are available to schools include Supporting Students with Behavioural, Emotional, and Social difficulties, which is available on the Department’s website [www.education.ie](http://www.education.ie); the National Educational Welfare Board (NEWB) guidelines for schools on Developing a Code of Behaviour and the National Educational Psychological Services document Behavioural Emotional and Social Difficulties - a Continuum of Support: Guidelines for

Teachers.

Finally, I wish to advise the Deputy that my Department, through the Special Education Support Service (SESS), provides continuing professional development (CPD) for teachers working with students with special educational needs, including training for teachers in the area of Challenging Behaviour and Autism.

### **Schools Building Projects Status**

158. **Deputy Derek Nolan** asked the Minister for Education and Skills her plans for a new building in respect of a school (details supplied) in County Galway; when planning was granted for the building; the schedule of accommodation that was agreed for the building; the number of students it will cater for; the facilities it will have; the timeframe for the project; when it will be completed; and if she will make a statement on the matter. [5133/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** I wish to advise the Deputy that the development for the school in question will consist of the construction of a new 2 storey Primary School building comprising of 24 general classrooms, General Purpose Hall with servery area, Staff room, Library & Resource Room, Special Education Tuition rooms and ancillary accommodation with a total floor area of 3982 m.sq. An application for planning permission was lodged on 23 January 2015 and the decision of the Local Authority is awaited. When the final grant of planning permission is received, the project will then be progressed to construction. A construction period of 9 months from commencement on site to handover is envisaged. It is anticipated that the new building will be ready for occupation by the start of the 2016/17 school year.

### **Special Educational Needs Service Provision**

159. **Deputy Seán Kyne** asked the Minister for Education and Skills if her attention has been drawn to the substantial concerns from teachers regarding the implementation of a new system for the allocation of special and additional teaching hours; the level and frequency of consultation with teachers and representative bodies; if her Department and the associated National Council for Special Education will engage in further consultation in order that we can ensure that the proposed system is agreeable to all involved and, most important, beneficial to pupils; and if she will make a statement on the matter. [5146/15]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** I wish to advise the Deputy that, the National Council for Special Education published its Report on a Proposed New Model for Allocating Teachers for Students with Special Educational Needs on 18 June 2014. This Report was prepared by a Working Group, appointed by the NCSE and Chaired by Mr. Eamon Stack, which included representatives from disability organisations and also parent representative bodies.

An extensive consultation process was undertaken by the Working Group with stakeholders to inform the development of its report. Consultation meetings were held with the Health Service Executive, teachers, principals, union officials, parents, school management bodies, National Educational Psychological Services, advocacy groups, the Inspectorate, and Special Educational Needs Organisers.

Subsequent to the publication of the NCSE working group report, my Department invited education partners, stakeholders, and parent representative groups to make written submissions

in relation to the NCSE report. 29 such written submissions have been received to date.

In October last year, officials at my Department held consultations with primary and post primary management bodies, teacher organisations, groups representing those with disabilities and parents' representatives.

Officials again met with representatives from these groups on 20, 22 and 30 of January last in order to further consult with these bodies.

I can confirm that officials have advised all stakeholders that there will be ongoing consultation with them as the work on the development of the model progresses.

### **Departmental Expenditure**

160. **Deputy Billy Timmins** asked the Minister for Education and Skills the amount of funding spent on the reading recovery programme in primary schools for each year from 2010 to 2014; the amount of funding available for 2015; and if she will make a statement on the matter. [5180/15]

**Minister for Education and Skills (Deputy Jan O'Sullivan):** Reading Recovery is a licensed programme which has been made available to primary schools through the Professional Development Service for Teachers (PDST). Since 2004 over 20,000 students have benefited from the Reading Recovery Programme together with a range of other literacy supports.

My Department has spent over €4million in the years 2010-2014 on the Reading Recovery programme including salaries.

The budget for 2015 is not yet finalised but is estimated to be in the region of €760,000.

The budgets for the previous years referred to are as follows:

2010 - €733,000

2011 - €821,000

2012 - €800,000

2013 - €798,577

2014 - €855,994

### **Litter Pollution**

161. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will support a matter (details supplied) regarding dog fouling; and if he will make a statement on the matter. [5159/15]

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** The Litter Pollution Acts 1997 to 2009 provide the statutory framework to combat littering and include provisions relating to dog fouling. Under the Acts, the primary management and enforcement response to littering (including dog fouling) is a matter for local authorities. It is a matter for each local authority to determine the most appropriate course of action to tackle litter pollution locally within the legislation provided, including the most appropriate public aware-

ness, enforcement and clean-up actions in relation to litter and dog fouling, taking account of its own local circumstances and priorities.

Section 16 of the Control of Dogs Acts 1986 and 1992 set out the powers of dog wardens. In addition, section 28 of the Litter Pollution Acts provides that a dog warden, within the meaning of the Control of Dogs Act 1986, may issue a notice or on-the-spot fine to an individual believed of committing a prescribed offence under the Act. It is also open to a member of An Garda Síochána or a litter warden under the Litter Pollution Acts 1997-2009 to issue a notice where an offence is believed to have been committed. Local Authority Performance Indicators, including those pertaining to litter enforcement, are available at: <http://www.lgma.ie/en/search/node/service%20indicators>. However, there is no breakdown available that provides the level of detail sought. I am of the view that there are sufficient penalties in place and that the powers are conferred on appropriate personnel to deal with the issue of dog fouling when enforced under the Litter Pollution Acts and I have no plans to introduce further legislation at this time. I believe that raising awareness of the litter problem and educating our young people is key to effecting a long-term change in society's attitudes towards litter disposal but, ultimately, it is the responsibility of each individual to ensure that they play their part in preserving the environment for others through the responsible disposal of their litter, including in relation to dog fouling.

### **Water Conservation Grant**

162. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government the arrangements to be put in place for the administration and the payment of the new conservation grant; the timeframe involved; if application forms will be posted out to houses or if applicants will be able to apply online; if applicants will be required to give their PPS numbers; if persons who have not paid their local property tax will receive this grant; the contact his Department will have with the Revenue Commissioners to verify payments and PPS numbers, where appropriate; the additional information his Department will require to process the applications for the conservation grant; and if he will make a statement on the matter. [5162/15]

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** To promote sustainable use of water and to enhance water conservation in households, the Department of Social Protection will administer, on behalf of my Department, a €100 water conservation grant for households (principal private dwellings) that complete a valid response to Irish Water's customer registration process. This requirement to respond to the Irish Water registration process is set out in the Water Services Act 2014, which also provides for the making of regulations that will set out the terms, conditions and eligibility criteria applying to the scheme, including the date by which a response to Irish Water's customer registration process will be required in order to be eligible for the grant. I will be making these regulations in due course. It is intended that the Department of Social Protection will manage the grant application process through an online interface. It is proposed that the grant will be paid in one instalment to all eligible households in September 2015 and on an annual basis thereafter.

The water conservation grant replaces the tax rebate and social protection measures previously announced, as it is a more straightforward means of addressing water issues for all households on equal terms and will reduce households' outlay on water services both now and in the future.

As the Department of Social Protection will administer the grant the process is streamlined and clearer for householders. It is also important that all households have an equal chance to reduce their water consumption in their principal private dwellings. This approach has a num-

ber of policy advantages as it makes water charges more affordable for lower income groups; conservation ensures a better use of our water resources and avoids unnecessary or premature expansion of water treatment plants; and it is environmentally sustainable and protects our water environment which is to the benefit of all citizens.

### **Social and Affordable Housing Provision**

163. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government if he will provide information on plans by his Department to initiate a social housing building programme in County Louth on land banks reserved for social housing which are currently costing Louth County Council upwards of €3 million per year in interest only payments which are deducted from the council's annual budget; if he will refer to the plans, timeframe and number of units on same lands at Ballymakenny Road in Drogheda, Mount Avenue and the Point Road in Dundalk and lands in Dunleer, County Louth; and if he will make a statement on the matter. [5054/15]

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** The provision of social housing services is a matter for each local authority as the housing authority for its area. Each authority has responsibility for identifying their area's social housing need and responding as required, including planning and undertaking new social housing developments to meet this need. My Department is currently engaging with all local authorities in respect of their individual plans for social housing developments, and in the case of Louth County Council, I expect that they will have regard to the suitability and availability of land banks when making proposals.

### **Building Regulations**

164. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Community and Local Government in relation to the building of a domestic extension for a family member and two small children who were made homeless and are on the housing waiting list for a private family home, if there is an exemption for the requirement of a design-and-assign certifier which involves a costly fee of €3,000 to oversee the works of the builder of the extension, which is under 60 sq. m; and if he will make a statement on the matter. [5056/15]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** In accordance with the Building Control Regulations 1997 to 2014, an extension to a dwelling involving a floor area greater than 40 square metres and which does not constitute exempted development for planning purposes, requires statutory certification by a registered professional for building control purposes. The fee for the professional services is determined by market forces and consumers are advised to shop around to get most favourable quote having regard to quality of service and cost. I have indicated that I am receptive to addressing concerns regarding the cost burden of the building control regulations in the case of one-off dwellings and extensions to dwellings. I have instructed my Department to review this aspect as a matter of priority and I expect to receive the outcome of this review this month.

### **Development Contributions**

165. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Lo-

cal Government if local authority development contribution schemes for residential extensions should make provision, that is exemption, for that area of the house that has been demolished before construction of the extension, for example in a development totalling 200 sq. m, of which 50 sq. m are existing development, contributions should only be levied on the additional 150 sq. m. [5090/15]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** The charging of development contributions is intended to allow local authorities to recoup some of the costs to public funds of servicing land for private development. Without such contributions, this servicing would not proceed or the full cost would have to be borne by the taxpayer. Under the Planning and Development Act 2000, as amended, income from development levies must be ring-fenced to pay for facilities servicing new development, for example, for roads, footpaths, public lighting and open spaces. Development contributions are levied by planning authorities on the basis of a development contribution scheme approved by the elected members which sets out how contributions are to be applied in their respective functional areas. The level of contribution, and the types of development to which development contributions should apply, is therefore determined at local authority level in accordance with the powers vested in elected members in this connection.

My Department issued statutory guidelines on development contributions to all planning authorities in January 2013. These guidelines emphasise the importance of promoting development through the application, where feasible, of reduced development contributions to facilitate development and promote economic activity and job creation in local areas. With regard to small-scale redevelopment-type projects, the guidelines specifically require that planning authorities should include in their development contribution schemes provision that charges should only be applied on net additional development e.g. in respect of a redevelopment totalling 200 sq. m of which 150 sq. m is replacing existing development, a development contribution charge should only be levied on the additional 50 sq. m.

As Minister, I have a statutory role as consultee in the preparation of development contribution schemes under section 48 of the Planning Act. My Department monitors the implementation of these guidelines, including the waiver mentioned above. Where a proposed development contribution scheme of a planning authority is not in accordance with the guidelines, my Department has issued observations to the relevant planning authority and, under the terms of section 48(7) of the Act, the elected members are obliged to have regard to my recommendations in finalising their development contribution scheme.

### **Housing Adaptation Grant Funding**

166. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government if he will provide details of funding to Dún Laoghaire-Rathdown County Council for the adaptation of council homes for tenants with disabilities; and his views on whether the funding is adequate, considering a tenant who applied for a walk-in shower, with all supporting occupational therapy documentation in July 2014, cannot be put on the works-list until 2016, at the earliest. [5130/15]

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** My Department allocates funding to local authorities towards the cost of adaptations and extensions to social housing to meet needs of tenants with a disability or to address serious overcrowding. Funding from my Department meets 90% of costs, with each local authority providing the remaining 10%. In 2014, funding of €373,599 was provided to Dún Laoghaire-Rathdown County Council under this programme. My Department is currently awaiting in-

formation from local authorities in relation to requirements for 2015 ahead of new allocations being made. All aspects of the administration of this funding locally is a matter for each local authority, including decisions in relation to the projects to be implemented.

### **Broadband Service Provision**

167. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources his views on correspondence (details supplied) regarding broadband. [5060/15]

**Minister for Communications, Energy and Natural Resources (Deputy Alex White):** The National Broadband Scheme (“NBS”) was designed to provide access to basic broadband in parts of rural Ireland where no broadband services were available. In accordance with the EU State Aid clearance for the Scheme, the NBS contract was for a 5 year period and it expired in August 2014. The expiry of the NBS contract has not resulted in any switch-off of services and there are now commercial options, in terms of access to basic broadband, available to consumers in NBS areas. The Government is now focused on the provision of high-speed broadband services in rural parts of the country where commercial operators are unlikely to invest due to poor commercial returns. The National Broadband Plan (NBP) aims to ensure that every citizen and business, regardless of location, has access to a high quality, high speed broadband service.

The commercial telecommunications sector is currently investing approximately €2.5 billion in network upgrades. Approximately 1.6 million of the 2.3 million premises in Ireland are expected to have access to commercial high speed broadband services over the next two years. These very significant investments represent a step-change in the quality of broadband services available.

On the 24th November last, a public consultation on a national high speed coverage map 2016 was launched. This consultation will close on the 12th February next. The map can be accessed at [www.broadband.gov.ie](http://www.broadband.gov.ie). The areas marked BLUE represent those areas that will have access to commercial high speed broadband services by end 2016. The AMBER areas show the target areas for the State intervention. This includes Dring, Co Longford.

The map allows all members of the public, be they business or residential, to see whether their premises or home will have access to commercial high speed broadband services by end 2016 or whether they will be included in the Government’s proposed intervention. It also provides detailed information on over 50,000 townlands throughout the entire country.

It is anticipated that speeds of at least 30 Mbps will be also delivered through the Government’s intervention and the network will be designed to cater for future increased demand from consumers and business.

In tandem with the mapping consultation, intensive design and planning work is underway in my Department to produce a detailed intervention strategy. The strategy will address a range of issues in relation to the intervention including the optimum procurement model, ownership model for the infrastructure, intervention cost and likely market impact.

Following the public consultation, towards the end of this year a detailed procurement process will be undertaken in order to select a preferred bidder or bidders. The Department will design a tender in a way that maximises efficiencies and keeps the cost of the network build as low as possible. I anticipate that the first homes and businesses will be connected in 2016 and connections will continue thereafter, with the intention of having all premises connected within a 5 year period.

This complex and ambitious project is a key priority for Government. It aims to conclusively address current connectivity challenges in Ireland.

### **Broadband Service Provision**

168. **Deputy Jim Daly** asked the Minister for Communications, Energy and Natural Resources further to correspondence between his office and Cork County Council if his Department will facilitate a request to have broadband infrastructure laid through the town of Bandon, County Cork, during the upcoming works on flood and drainage schemes and if so, the assistance his Department will offer; and if he will make a statement on the matter. [5118/15]

**Minister for Communications, Energy and Natural Resources (Deputy Alex White):** The Government recognises the need for access to high speed broadband to be provided on a nationwide basis. The National Broadband Plan (NBP) aims to ensure that every citizen and business, regardless of location, has access to a high quality, high speed broadband service. This will be achieved through a combination of commercial investments and a State led intervention in areas where commercial services will not be provided. The commercial telecommunications sector is currently investing approximately €2.5 billion in network upgrades. Approximately 1.6 million of the 2.3 million premises in Ireland are expected to have access to commercial high speed broadband services over the next two years. These very significant investments represent a step-change in the quality of broadband services available.

On the 24th November last, a public consultation on a national high speed coverage map 2016 was launched. The map can be accessed at [www.broadband.gov.ie](http://www.broadband.gov.ie). The areas on the map marked Blue will all have access to high speed broadband services of at least 30 mbps from the commercial sector by end of 2016, and this includes Bandon, Co Cork, where at least one operator is already advertising the availability of high speed broadband services. The areas marked Amber will require the intervention of the State. It is anticipated that speeds of at least 30 Mbps will also be delivered through the Government's intervention.

The map allows all members of the public, be they business or residential, to see whether their premises/home will have access to commercial high speed broadband services by end 2016 or whether they will be included in the Government's proposed intervention. It also provides detailed information on over 50,000 townlands in every county in Ireland.

The decision on whether or not ducts would be laid in conjunction with the major works on flood prevention and sewerage schemes which are due to recommence in Bandon in March 2015 is a matter for Cork County Council. My Department is not in a position to fund broadband works of this nature and such funding, if it was available, would be subject to State Aid rules.

In terms of the roll out of infrastructure under the NBP, the intervention strategy that is currently being developed will ensure that any infrastructure build is done in the most cost efficient manner utilising existing infrastructure to the greatest extent possible. This could include any duct or infrastructure which Cork County Council chooses to install.

### **Wind Energy Guidelines**

169. **Deputy Michael Creed** asked the Minister for Communications, Energy and Natural Resources when the revised guidelines on wind farms will be completed; and if he will make a statement on the matter. [5138/15]

**Minister for Communications, Energy and Natural Resources (Deputy Alex White):**

Work is being advanced by the Department of the Environment, Community and Local Government, in conjunction with my Department and the Sustainable Energy Authority of Ireland, on the review of the 2006 Wind Energy Guidelines in relation to noise, proximity and shadow flicker. It is proposed to update the relevant sections of the existing Guidelines on these specific issues. It is intended that the revisions to the 2006 Wind Energy Development Guidelines will be finalised as soon as possible.

### **Wind Energy Generation**

170. **Deputy Michael Creed** asked the Minister for Communications, Energy and Natural Resources in view of the established technologies now associated with the generation of electricity from wind energy, his views on redirecting supports to other technologies in the renewable area; and if he will make a statement on the matter. [5140/15]

**Minister for Communications, Energy and Natural Resources (Deputy Alex White):**

The overarching objective of the Government's energy policy is to ensure secure and sustainable supplies of competitively priced energy to all consumers. The 2009 EU Renewable Energy Directive set Ireland a legally binding target of meeting 16% of our energy requirements from renewable sources by 2020. In order to meet this target, Ireland is committed to meeting 40% of electricity demand, 12% of its heat, and 10% of its transport, from renewable sources. Figures for 2013 show that 20.9% of electricity demand was met from renewables.

Ireland is regarded as a stable and favourable investment environment for renewable energy production, supported by a variety of policy initiatives including the Renewable Energy Feed-In-Tariff (REFIT) scheme. The existing feed-in tariff is a very cost effective tool to support renewable energy production, as outlined in a report published by the Council of European Energy Regulators in January.

To date onshore wind energy has been the most cost effective renewable technology in the Irish electricity market, contributing most towards the achievement of the 2020 target. There is also potential to diversify our renewable electricity generation portfolio in the period to 2020 and beyond by realising the potential of our indigenous resources such as ocean, bioenergy and potentially solar energy.

The cost effectiveness of support for renewables is a key consideration in the work now underway in my Department to consider the appropriateness and design of any new support scheme for renewable electricity. Any scheme would be subject to EU rules on State Aid. The commercial success of onshore wind means that we are now at the point where a gradual move to a more market based support for the technology is appropriate. Taking account of developments in EU electricity market integration, my Department will be engaging with stakeholders in this work, a key component of which will be consideration of the available technologies, their cost effectiveness and the level of any support required.

### **Energy Prices**

171. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he has had discussions with his EU colleagues regarding the need for the reduced cost of oil on world markets to be passed on to the energy sector to energy users, including those in this country; if overtures have been made to the relevant stakeholders at national or European level in this regard; and if he will make a statement on the matter. [5155/15]

**Minister for Communications, Energy and Natural Resources (Deputy Alex White):** Oil in Ireland is primarily used in the transport sector and the heating sector. Oil use in electricity generation is negligible at less than 1%. The oil market in Ireland is completely liberalised, privatised and deregulated. The Competition and Consumer Protection Commission monitors the oil market to ensure that the market is functioning well and that consumers are not being disadvantaged. Both crude oil and refined oil products are very much globally traded commodities. The EU's main role with regard to oil price developments is one of market monitoring. There has been no major discussion at EU level about the fall in the price of oil being passed on to consumers. The European Commission maintains a Statistics and Market Observatory, which publishes a weekly Oil Bulletin with consumer prices of petroleum products in EU Member States, including Ireland. The Oil Bulletin is designed to improve transparency and strengthen the internal market. It contains tables with consumer prices in all 28 Member States, as well as separate euro-area and non-euro area tables and information on prices with and without taxes.

It is evident from the EU's Oil Bulletin that prices are falling. As of 26 January 2015, the price of petrol in Ireland was €1.25 per litre including taxes and duties, while the price of diesel was €1.19 per litre including taxes and duties. In the same period last year, the price of petrol was €1.53 per litre and the price of diesel was €1.47 per litre.

### **Telecommunications Services Provision**

172. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which his Department monitors the efficacy of the telecommunications sector in its entirety in ensuring that all aspects of the telecommunications sector here are in keeping with best practice internationally in terms of range, cover, quality and accessibility; and if he will make a statement on the matter. [5157/15]

**Minister for Communications, Energy and Natural Resources (Deputy Alex White):** The provision of electronic communications networks and services occurs within a fully liberalised market, regulated by the Commission for Communications Regulation (ComReg). ComReg regulates in accordance with an EU regulatory framework establishing a competitive internal EU electronic communications market. It is allowed to intervene in the competitive market to ensure at least one telecommunications services provider meets all reasonable requests from the public for basic telephony services, including voice telephony, fax and internet access, as basic EU universal public access rights. This obligation is currently assigned to eircom. The provision of additional or higher value communications networks and services by eircom and others is a commercial decision for each competing network or services provider. Neither my Department nor ComReg, the independent market regulator, can compel any commercial operator to provide such networks or the associated services.

Ireland continues to benefit from significant commercial investment in broadband infrastructure and services across all technology platforms. In addition, the Government's National Broadband Plan commits to ensuring access to high-quality broadband services in those parts of the country that will not benefit from the aforementioned commercial investment.

### **State Bodies Code of Conduct**

173. **Deputy Jim Daly** asked the Minister for Transport, Tourism and Sport if he will confirm that the revised Code of Practice for the Governance of State Bodies 2009 was adhered to when the Government agency Fáilte Ireland decided to dispose of a property in west Cork.

[5050/15]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** I understand that, in its follow-up response to a previous question from the Deputy in relation to the disposal of a property in West Cork, Fáilte Ireland mistakenly quoted from an earlier Code of Practice for the Governance of State Bodies.

However, having made further enquiries on this matter, I am assured that Fáilte Ireland did in fact comply with the requirements of the revised 2009 Code of Practice, including Section 18 of the Code which relates specifically to the disposal and acquisition of assets.

As the acquisition and disposal of the property are operational matters for the Board and management of Fáilte Ireland, I have referred the Deputy's question to them asking that they clarify this position in a direct reply to the Deputy and provide further information on the specifics of this case. Please advise my private office if you do not receive a reply from Fáilte Ireland within ten working days.

### **National Car Test**

174. **Deputy Róisín Shortall** asked the Minister for Transport, Tourism and Sport the position regarding persons who booked their national car test well in advance on its renewal date but were unable to secure an appointment until after this date; if such persons are entitled to continue using their vehicle while awaiting their NCT; and if he will make a statement on the matter. [5131/15]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006), the Road Safety Authority (RSA) has overall responsibility for the operation, oversight, development, quality assurance and delivery of the National Car Testing Service (NCTS).

As the Deputy may be aware, the NCT can be undertaken up to 90 days in advance of the test due date without affecting the expiry date of the new certificate. This system is to ensure that owners have ample time to have their vehicle tested before their current NCT certificate expires. I understand from the RSA that the majority of persons who fall into the category referred to by the Deputy, namely those who book a test well in advance of their test due date, will be offered a test date prior to the expiry of their current NCT certificate. The RSA advise that any such customers who may find themselves with a test appointment beyond their test due date should contact the NCTS and request an earlier appointment and I am sure they will be accommodated.

I also understand from the RSA that customers who require an early test are likely to receive an NCT appointment within 28 days. While it may be necessary to hold such a request on a waiting list until a suitable slot is found, in the majority of cases such customers are given a slot within the required timescale.

Enforcement of the relevant legislation is a matter for An Garda Síochána. If a person's NCT test date is imminent, it will be a matter for the Gardaí to use their discretion. However, responsibility rests with owners and users of vehicles to ensure their vehicles are in compliance with the law.

### **Ports Development**

175. **Deputy John Lyons** asked the Minister for Transport, Tourism and Sport further to Parliamentary Question No. 1129 of 4th November 2014, to outline details of the spending made by the Drogheda Port Company on the Bremore project since publication of accounts in December 2012; and if he will make a statement on the matter. [5046/15]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** Further to my answer to the Deputy of 4th November 2014, the position in relation to the Bremore project remains the same.

Drogheda Port Company's 2013 accounts are publicly available and provide a figure for capitalised expenditure on investment in the Bremore project. The port have confirmed that in 2013 expenditure of approximately €9,000 was incurred in addressing legacy administrative issues in relation to the project. The audited accounts for 2014 are not yet available. Expenditure incurred by the company on any project is a matter for the Board.

Since the publication of the National Ports Policy 2013, which specifies that large scale infrastructure projects will be led by ports of national significance, no further investment has been made by Drogheda in this regard.

### Ports Development

176. **Deputy John Lyons** asked the Minister for Transport, Tourism and Sport if the Drogheda Port Company acted outside its geographical limits, as laid out in the Harbour Acts, through expenditure on Bremore project over several years; and if he will make a statement on the matter. [5047/15]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** It is a statutory objective of each port company, *inter alia*, to take all proper measures for the development of its harbour, to promote investment in its harbour and to engage in any business activity either alone or with others, to develop its harbour. The Bremore proposal emerged from Drogheda Port Company's consideration of its statutory remit. There is no issue *per se* with the fact that the physical location of what was the Bremore proposal lay outside the statutory harbour limits of Drogheda Port Company. The Company spent a number of years engaged in the necessary feasibility and planning work which one would expect of a project of this scale.

However, in the intervening years since this proposal was first mooted, the economic and policy perspective has changed significantly. It is important that, in the State commercial ports sector, bodies bringing forward significant port capacity developments have the resources required to ensure the State's and the public's interest is protected and enhanced. National Ports Policy, published in 2013, outlines the Government's position that nationally significant port infrastructure projects should be led by the Ports of National Significance (Tier 1 and Tier 2) and that shareholder support for major port capacity developments will only be considered within that policy framework.

### Penalty Points System

177. **Deputy Robert Dowds** asked the Minister for Transport, Tourism and Sport his plans to amend the penalty point regulations to make the traffic offence of breach of weight restrictions traffic management an offence for which penalty points will be imposed, and if so, when he plans to make this amendment. [5052/15]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** The offence that Deputy Dowds mentions has recently become a Fixed Charge Notice and penalty point offence. It is an offence under Article 9 of the Road Traffic (Traffic and Parking) (Amendment) (No. 2) Regulations 2012 (S.I. No. 332 of 2012), for the driver of a vehicle, the weight of which exceeds the weight displayed on traffic sign RUS 053, to proceed beyond the sign. Traffic sign RUS 053 is a maximum design gross vehicle weight (safety) sign.

This offence became a Fixed Charge Notice penalty point offence on the 8 December 2014. The offence carries three penalty points on conviction in court, or one penalty point if the €60 Fixed Charge amount is paid within 28 days or €90 within 56 days.

### Road Projects

178. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport if he will include the M20 Cork to Limerick motorway scheme in the statutory planning approval process, as his attention has been drawn to the fact that the scheme was withdrawn from the process in 2011 by the then transport Minister; and if he will make a statement on the matter. [5065/15]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** 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. Given the national financial position, there have been very large reductions in roads expenditure over the past number of years. The reality is that the available funds do not match the amount of work which could be undertaken. For this reason it has not been possible to progress a range of worthwhile projects and the main focus has to be on the maintenance and repair of roads and this will remain the position in the coming years. The scope for progressing new major road improvement projects will be very much dependent on the availability of funding in the future as the economy recovers further.

In 2011 my predecessor indicated to the NRA that it should withdraw its application to An Bord Pleanála for the M20 Cork to Limerick route. I understand Minister Varadkar was concerned that to proceed any further with the scheme to build the M20 would have exposed the NRA to significant costs arising from a consequent requirement to purchase the CPO'd land within a limited timeframe. This would have had to be done without the reasonable prospect of proceeding to the construction stage quickly.

Given continuing budget constraints and the need to focus on road maintenance and renewal, I do not currently plan to review this decision.

### Taxi Regulations

179. **Deputy Richard Boyd Barrett** asked the Minister for Transport, Tourism and Sport if the 547 submissions made to the National Transport Authority as part of the public consultation on the taxi fare increase, known as the taxi fare review, are publicly available; if he will provide same; and if he will make a statement on the matter. [5069/15]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** The regulation of the small public service vehicle (SPSV) industry, including the recent Fare Review, is a matter for the National Transport Authority (NTA) under the provisions of the Taxi Regulation Act

2013. I have referred your question to the NTA for direct reply to you. Please advise my private office if you do not receive a response within 10 working days.

### **Cycling Facilities Funding**

180. **Deputy Fergus O'Dowd** asked the Minister for Transport, Tourism and Sport if he has received an application for funding from a group (details supplied) for €100,000 for a cycle path; and if he will make a statement on the matter. [5126/15]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** No formal application has been received from the group in question. However officials from my Department are meeting with proponents of the scheme today. All funding under both the National Cycle Network Funding Programme 2014-2016 and the Government Stimulus Package for the development of greenways is now fully committed.

However, it is possible, given the popularity and success of greenways already delivered, that funding may become available from other sources over the coming years. The EU Structural Funds Programme 2014-2020 is currently being finalised and there may be significant opportunities for cycle infrastructure development under Interreg and the Rural Development Programmes. I understand that a number of local authorities have positioned themselves to benefit from such opportunities and I would encourage all local authorities and community groups to progress work on any potential Greenways in their locality should such funding come available.

### **Waterways Issues**

181. **Deputy Martin Heydon** asked the Minister for Arts, Heritage and the Gaeltacht if her attention has been drawn to concerns regarding the lack of dredging on the lateral canals of the River Barrow and overgrown vegetation which is making navigation difficult; her plans to improve this situation; and if she will make a statement on the matter. [5137/15]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys):** I am advised by Waterways Ireland that, as the Barrow Navigation is wholly situated within the River Barrow and River Nore Special Area of Conservation (SAC) due regard must be given to the provisions of the EC (Birds and Natural Habitats) Regulations 2011. These require a rigorous assessment to be carried out to assess the impacts of any work on the protected species and habitats, prior to any works being undertaken. If the impacts cannot be screened out and a Stage II assessment is required, a full planning application must be made. In addition, the Fisheries Consolidation Act 1959 (as amended) prohibits any in-stream works, such as dredging, during the spawning season from October to June. I am informed by Waterways Ireland that dredging on the lateral canals of the Barrow Navigation was historically done during the winter months but that this is not now possible. However, Waterways Ireland is working with Inland Fisheries Ireland to formulate procedures which would allow work to be carried out in accordance with the relevant legislation. In addition, Waterways Ireland is continuing to work with all relevant agencies to ensure that as much work as possible is carried out on the Barrow within the time constraints which exist.

I have been assured by Waterways Ireland that it remains fully committed to the development of the Barrow Navigation in line with its statutory remit.