

## **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 3, inclusive, answered orally.*

### **Public Procurement Contracts**

4. **Deputy Eamon Ryan** asked the Minister for Public Expenditure and Reform his plans to implement sustainability clauses within the public procurement process in order to incentivise companies engaged in public contracts to act in as sustainable and environmentally friendly manner as possible; and if he will make a statement on the matter. [3625/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Public Procurement is governed by the EU Treaty, EU Directives, Regulations and national guidelines. These set down rules whereby contracting authorities must award contracts under procedures designed to achieve value for public money in an open, transparent and non discriminatory competitive process.

The appropriateness of including sustainability clauses in public procurement projects will vary from contract to contract and is a matter for individual contracting authorities. Comprehensive guidance is available to public authorities assist them in this regard in the “Action Plan on Green Public Procurement”, published in 2012, and “Green Procurement Guidance for the Public Sector”, published in 2014. These documents identify eight priority areas of procurement activity which are most suitable for inclusion of sustainability clauses including; construction; energy; transport; food and catering services; cleaning products and services; paper; clothing and textiles; information and communications technology. Core criteria and comprehensive criteria are identified across the priority areas for use throughout the procurement process from specification, through to selection and award stages, and through to the contract management stage.

As the Deputy is aware, new EU Directives on Procurement were transposed into Irish Law in May of 2016 and these also provide greater scope and legal clarity in relation to the use of sustainability clauses, including for example on the use of life-cycle costing. The recently published framework for rapid housing for Fingal County Council for example included a provision for whole life costs in the design solutions and proposed a range of sustainability measures including renewable technologies.

Reform of the public procurement function is, and remains, driven by the need to obtain maximum value for public money in procuring works, supplies and services. However, the Government recognises that public procurement provides an important mechanism for moving the market in favour of the provision of more eco-efficient, less environmentally-harmful goods and services. The Irish public sector needs to play an exemplary role in promoting

environmental measures throughout its spending. This can also be a driver for innovation and competitiveness in the industrial sector as it promotes the development of new technologies and can provide a competitive advantage for emerging companies in the SME sector.

*Question No. 5 answered orally.*

### **Flood Relief Schemes**

6. **Deputy Jim Daly** asked the Minister for Public Expenditure and Reform the status of the proposed construction of Clonakilty flood relief scheme.

[3268/17]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney) (Deputy Seán Canney):** I am advised by the Commissioners of Public Works that the Clonakilty Flood Relief Scheme is currently out to tender for the civil works contract with tenders due for return on 14 February 2017.

The Scheme will be submitted to the Minister for Public Expenditure and Reform for formal Confirmation under the Arterial Drainage Acts in the first quarter of 2017 with works proposed to start on site in summer 2017.

The OPW has provided for the estimated cost of the scheme in its multi-annual profiles of expenditure up to 2020.

*Questions Nos. 7 to 11, inclusive, answered orally.*

### **Public Sector Staff Remuneration**

12. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform if his Department is committed to equal pay for equal work; and if he will make a statement on the matter. [3275/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The 10% reductions in starting pay for certain new entrants were introduced by the then Government in January 2011 as part of the National Recovery Plan in order to reduce the Public Service Pay Bill. Terms and conditions of employment for public servants are also set by reference to legislation including the Financial Emergency Measures in the Public Interest Acts and through negotiation and agreement under collective agreements such as the Haddington Road Agreement (HRA) and the Lansdowne Road Agreement (LRA).

The issue of addressing the difference in incremental salary scales between those public servants, who entered public service employment since 2011 and those who entered before that date was addressed with the relevant union interests under the provisions of the Haddington Road Agreement.

Flexibility provided for within the LRA has allowed particular sectoral issues to be addressed such as the restoration of supervision and substitution payments and new entrant payments in the Education Sector and the restoration of rent allowances to new entrant firefighters and members of An Garda Síochána and this shows the potential of a collective approach in dealing successfully with such issues.

*Question No. 13 answered orally.*

### **Construction Contracts**

14. **Deputy Mick Barry** asked the Minister for Public Expenditure and Reform if he will instruct all Departments to ensure that when tendering for construction projects that they favour bids that are based on direct employment of labour and observance of agreed sectorial rates of pay; and if he will make a statement on the matter. [3424/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Modern manufacturing involves a significant supply chain contributing to a single product. The construction industry is no different in this regard and the procurement of a construction project assumes a significant element of subcontracting. The award of a main contract on the basis of direct employees would indirectly impose conditions on the construction sector that do not apply to the rest of the manufacturing sector requiring a significant change to the practice of project delivery.

The 2014 EU directive permits contracting authorities to ask tenderers to identify the percentage of the contract they intend to subcontract and includes a requirement for contractors to identify their subcontractors after the award of the contract.

The 2015 amendments to the Industrial Relations Act introduced the Sectoral Employment Order (SEO) to replace the system of registration of employment agreements struck down by the Supreme Court in 2013 as unconstitutional. An application for an SEO to govern construction sector pay is currently under consideration by the Labour Court. Until the SEO is registered in accordance with the legislation, it may not be enforced by the relevant authorities.

In seeking to ensure that public construction contracts are undertaken by businesses who are compliant with relevant employment law, the public works contracts contain conditions that require the main contractor to:

- post a notice on the site setting out the employment rights of the workers;
- submit a certificate with each payment application stating that they are compliant with these conditions of contract;
- maintain records of payments to all those engaged on the site;
- permit union representatives who are party to any employment agreement access to the contractor's management on matters related to their members who are employed on the site;
- on a weekly basis to provide a list of all those engaged on the site and their hours worked.

Where a contractor fails to comply with these provisions, the contracting authority may withhold monies from payments due until the situation is rectified and advise the relevant enforcement authorities.

Employment law and matters relating to sectorial rates of pay are matters for my colleague, the Minister for Jobs, Enterprise and Innovation. The Workplace Relations Commission is the body tasked with establishing compliance with employment law.

*Question No. 15 answered orally.*

## Flood Prevention Measures

16. **Deputy Brendan Smith** asked the Minister for Public Expenditure and Reform the specific measures that will be undertaken by the Office of Public Works in 2017 to alleviate flooding caused by the River Erne in County Cavan; and if he will make a statement on the matter. [3270/17]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney) (Deputy Seán Canney):** The core strategy for addressing areas at potentially significant risk from flooding, is the Office of Public Work's Catchment Flood Risk Assessment and Management (CFRAM) Programme. 300 locations nationwide are being assessed under the Programme, which is being undertaken by engineering consultants on behalf of the OPW working in partnership with the local authorities.

The Erne Catchment is being assessed under the Office of Public Work's in close co-operation with Northern Ireland's River Agency. This co-operation is part of our respective implementation of the EU Floods Directive and therefore the Erne Catchment in both Ireland and Northern Ireland has been fully assessed as part of the CFRAM Study.

In relation to the Erne Catchment system in County Cavan; CFRAM's Preliminary Flood Risk Assessment (PFRA) study, carried out in 2011, identified Cavan Town and Ballyconnell as Areas of Further Assessment (AFA) and are being assessed as part of the North Western-Neagh Bann CFRAM Study. In the AFA of Cavan Town there are structural options proposed in the draft Flood Risk Management Plan. In the AFA of Ballyconnell, the detailed CFRAM analysis has determined that there is currently a very low level of flood risk from rivers and/or the sea in this area.

Those parts of the Erne Catchment which affect these AFAs have been modelled, mapped and assessed for options to manage flood risk. Public consultation events were held in Spring 2015 on the draft flood maps, in Spring 2016 on the preliminary options and Autumn 2016 on the draft plans.

Following this public consultation process, the draft plans are being finalised taking on board the comments received. The finalised plans will include a prioritised list of measures, both structural and non-structural, that can address flood risk in an environmentally sustainable and cost effective manner. Among the feasible measures that may form part of a flood defence scheme, as part of the implementation of the FRMPs will be; structural defences built through the OPW's Arterial Drainage (Amendment) Act, 1995; Local Authorities own powers; and/or the Minor Flood Mitigation Works & Coastal Protection Scheme.

The OPW is on track to finalise the Flood Risk Management Plans, in Spring 2017, for approval by the Minister for Public Expenditure and Reform.

## Public Sector Staff Remuneration

17. **Deputy Mick Barry** asked the Minister for Public Expenditure and Reform if the Garda Representative Association claim that the €1,000 raise being given to other public sector workers will be extended to their members; and if he will make a statement on the matter. [3423/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The issue referred to by the Deputy arises in the context of an anomaly created by Labour Court recommendations CD/16/321 and CD/16/322 of 3 November 2016 which made payment awards ex-

clusively in respect of members of the Garda Representative Associations and Garda Sergeants and Inspectors.

In acknowledgement of this anomaly and within the relevant provisions of the Lansdowne Road Agreement for addressing such matters the Government agreed in consultation with relevant union interests to an increase in annualised salaries of €1,000 for the period 1 April 2017 to August 2017 inclusive for public servants:

- who are on annualised salaries up to €65,000
- who are parties to the Lansdowne Road Agreement and
- who did not stand to benefit from the Labour Court recommendations in awarded in respect of GRA and AGSI Garda members.

Accordingly, the payment referred to by the Deputy is not due to be awarded to the Garda members.

*Questions Nos. 18 and 19 answered orally.*

### **Brexit Issues**

20. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform if there are expenditure plans in order meet the challenges and avail of the opportunities in view of the fact that the UK is leaving the Single Market and in all likelihood the customs union; and if he will make a statement on the matter. [3429/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** While the specific impact of Brexit will be determined by the nature of the new relationship between the EU and the UK, I am confident that the economy is resilient and that appropriate fiscal policies are now in place. My objective is to protect and consolidate the progress of recent years which has seen economic growth become more firmly established, and the public finances now on the path to sustainability.

Against that background, the Minister for Finance and I were able to deliver a Budget for 2017 setting out our approach to Brexit and to build a national economic response. For the third year in succession it has been possible to increase resources for public services and infrastructure. The gross voted expenditure allocation of €58.1 billion in 2017 will be over 3 per cent higher than the 2016 allocation.

On the expenditure side, resources have been allocated towards areas that may be significantly impacted by Brexit, in particular in our regional and rural communities.

The Department of Agriculture, Food and the Marine will see an increase in its allocation of almost 9%, with, as outlined in the Expenditure Report 2017, funding for the Rural Development Programme set to rise to €601 million in 2017.

The increased allocation to the Department of Agriculture, Food and the Marine also allows for continued investment in Foodwise 2025 to aid the development of Ireland's agrifood sector.

Funding provided to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs will help fund the Action Plan on Rural Development.

Based on the objective to grow the number of jobs supported by the enterprise agencies, ad-

ditional resources have been provided for Enterprise Ireland and the IDA specifically to help enterprises to deal with the impact of Brexit.

As the Deputy will be aware, the Government has adopted a whole-of-Government approach to the challenges posed by Brexit, led by the Cabinet Committee on Brexit which the Taoiseach chairs and of which I am a member. In addition, the expenditure implications of Brexit will form part of the considerations in the forthcoming Spending Review and the Mid-Term Review of the Capital Plan.

## Coastal Erosion

21. **Deputy Timmy Dooley** asked the Minister for Public Expenditure and Reform the way in which he plans to address the issue of coastal erosion; and the steps he will be taking to protect homes and infrastructure from coastal erosion. [38593/16]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney) (Deputy Seán Canney):** Coastal erosion is a natural and ongoing process which takes place around the entire coastline. Coastal erosion may threaten human life, infrastructure such as roads, and may undermine and cause damage to properties. However, it should also be recognised that coastal erosion also has beneficial effects to the local environment, such as providing natural nourishment and supply of sediment to adjacent beaches.

The primary objective of Government policy on coastal protection is to ensure that in areas identified as being at greatest risk of damage or loss of economic assets through coastal erosion or flooding, appropriate and sustainable measures are identified by Local Authorities to protect those assets and, where such measures are economically justified on cost benefit grounds and compatible with all required environmental and other statutory requirements, they are implemented subject to the availability of resources.

The OPW has undertaken a national assessment of coastal erosion (including erosion rates) under the Irish Coastal Protection Strategy Study (ICPSS) and the results of this study have been published on the OPW website. The relevant reports and associated predictive erosion hazard mapping (to 2050) may be viewed at [www.opw.ie/en/floodriskmanagement/floodanderosionmapping](http://www.opw.ie/en/floodriskmanagement/floodanderosionmapping).

This Study has surveyed and assessed the coastal erosion risk along the entire national coastline and this information is available to all Local Authorities to enable them to develop appropriate plans and strategies for the sustainable management of the coastline in their counties including the identification, prioritisation and, subject to the availability of resources, the implementation of coastal protection works both of a structural and non-structural nature.

The Local Authorities may carry out coastal protection works using their own resources. If necessary, they may also put forward proposals to the relevant central Government Departments for funding of appropriate measures depending on the infrastructure or assets under threat.

Because intervention within a coastal area may cause problems further along the coast, any proposed intervention measures are best developed in conjunction with a formal coastal erosion risk management study which has carefully investigated the problem and explored the full range of management options.

The Office of Public Works (OPW) operates the Minor Flood Mitigation Works and Coastal Protection Scheme, under which applications for funding from local authorities are considered for measures costing up to €500,000 in each instance. Funding for coastal erosion risk manage-

ment studies may also be applied for under this scheme. Funding of up to 90% of the cost is available for projects which meet the eligibility criteria including a requirement that the proposed measures are cost beneficial.

The OPW has published guidelines for coastal erosion risk management measures and funding applications under the Minor Works Scheme, available on the OPW website and at [www.opw.ie/en/media/Final/Guidelines/Schedules.pdf](http://www.opw.ie/en/media/Final/Guidelines/Schedules.pdf).

## **State Properties**

22. **Deputy Mick Wallace** asked the Minister for Public Expenditure and Reform further to Parliamentary Question No. 713 of 17 January 2017, the details of the types of future State use being considered by his Department for the vacant State owned properties on the list; if there are plans to repurpose any of the buildings for social housing or emergency accommodation usage; and if he will make a statement on the matter. [3421/17]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney) (Deputy Seán Canney):** The OPW has a clearly defined policy relating to vacant State properties that are identified as surplus to requirements. The policy with regard to non-operational (vacant) State properties and sites including former Garda stations is to:

1. Identify if the property is required/suitable for alternative State use by Government departments or the wider public sector.

2. If there is no other State use identified for a property, the OPW will then consider disposing of the property on the open market if and when conditions prevail, in order to generate revenue for the Exchequer.

3. If no State requirement is identified or if a decision is taken not to dispose of a particular property the OPW may consider community involvement subject to detailed written submission which would indicate that the community/voluntary group has the means to insure, maintain and manage the property and that there are no ongoing costs for the Exchequer.

The Commissioners of Public Works have engaged with key Local Authority stakeholders to ensure that property is not disposed of when it might be deemed suitable for alternative use such as to address the needs of homeless persons.

The Office of Public Works (OPW) is currently in discussion with local authorities in Dublin, Limerick, Cork, Tipperary and Kilkenny regarding properties that might be suitable for housing or emergency accommodation. The Office also has ongoing discussions with the Fr. Peter McVerry Trust regarding its needs.

The majority of the properties currently listed as vacant are closed Garda stations that are located in rural areas and would require significant investment and adaptation to suit the needs of homeless individuals and families. Many of these properties are not suited for such adaptation.

It should be noted that when the OPW does dispose of any properties on the open market the receipts from those transactions are returned to the central exchequer thus enabling the funds to be used for social housing or related projects as deemed appropriate.

## **Public Procurement Contracts**

23. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the measures in place to enable Irish SMEs to compete fairly for public procurement contracts; and if he will make a statement on the matter. [3428/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Public Procurement is governed by EU and National rules. The aim of these rules is to promote an open, competitive and non-discriminatory public procurement regime which delivers best value for money.

The EU Procurement Directives, transposed into Irish law in May 2016, are intended to make it easier for SMEs to tender for public procurement contracts. Specific measures aimed at facilitating SME participation include the following:

- there is explicit provision for prior discussion with suppliers and independent experts, with safeguards against distorting competition or violating transparency and non-discrimination principles;
- financial capacity criterion is less demanding and generally limited to twice the contract value;
- there is discretion to divide public contracts into lots;
- there is a provision for “consortia bidding” to encourage SME involvement; and
- there are reductions in the time limits for receipt of tenders;

The Government had accelerated a number of these measures into policy in Ireland by way of Circular 10/14, which issued in April 2014.

My colleague, Minister of State Eoghan Murphy, chairs an SME Advisory Group which meets quarterly and seeks to enhance the measures already in place to support SME access. This group comprises of SME industry representative bodies (IBEC, ISME, SFA, Chambers Ireland, and CIF) as well as the Office of Government Procurement (OGP), the Department of Jobs, Enterprise and Innovation, InterTrade Ireland and Enterprise Ireland (EI).

Some of the measures aimed at facilitating SME access to public procurement include events organised by InterTrade Ireland and supported by the OGP and EI. In 2016, for example, there were thirteen “Go-2-Tender” workshops attended by 179 businesses. There were also two “Meet the Buyer” events, in Belfast in June and a new Regional/Opportunity driven approach was piloted in Cork in October, attended by over 900 businesses and buyers from across the public sector, North and South. Similar events are planned for 2017.

In conclusion, the reform of public procurement across the public service is on-going and will continue to provide opportunities to the SME sector to win business. The OGP will continue to work with industry to ensure that winning government business is done in a fair, transparent and accessible way and to ensure that government procurement policies are business friendly.

### **Public Service Pay Commission**

24. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform if he will report on the Public Service Pay Commission; when he expects to have the first report from the commission; if the commission advised him on recently announced partial restoration in pay for public sector employees earning up to €65,000; if he has a timeframe for the full res-



toration of FEMPI reductions; and if he will make a statement on the matter. [3282/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** As the Deputy is no doubt aware, in October of last year I appointed the following members of the Public Service Pay Commission:

- Mr. Kevin Duffy (Chair)
- Ms Marian Corcoran
- Mr Ultan Courtney
- Ms Ruth Curran
- Mr Noel Dowling
- Dr Seán Lyons
- Mr Peter McLoone

These individuals bring a wealth of industrial relations and economic experience.

Following Labour Court Recommendations (CD/16/321 & CD/16/322) I announced a two-phased approach to securing the future of collective pay agreements: Phase 1 to address anomalies arising from the recommendations; and Phase 2 to negotiate a successor to the Lansdowne Road Agreement.

The Public Service Pay Commission did not provide advice on the measures taken last week under Phase 1 to support the continued viability of the Lansdowne Road Agreement in 2017. These were solely to correct anomalies arising from the Labour Court Recommendation.

Preparatory work for Phase 2 has commenced, with parties making submissions to the Public Service Pay Commission. An initial report from the Commission is expected in Q2 2017. This report will provide inputs on how the unwinding of FEMPI legislation can be best managed in light of:

- The evolution of pay trends in the public and private sectors based on published data;
- A comparison of pay rates for identifiable groups within the public service with prevailing non-public sector market rates
- International rates and comparisons where possible;
- The state of the national finances

Once this report is available, the Government intends to initiate negotiations on a successor to the Lansdowne Road Agreement ahead of Budget 2018 considerations.

### **Flood Relief Schemes Funding**

25. **Deputy Brendan Smith** asked the Minister for Public Expenditure and Reform the level of funding that will be provided by the Office of Public Works to Cavan and Monaghan county councils in 2017 to deal with flooding problems; and if he will make a statement on the matter. [3271/17]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Seán**

**Canney):** The core strategy for addressing areas at potentially significant risk from flooding, is the Office of Public Work's Catchment Flood Risk Assessment and Management (CFRAM) Programme. 300 locations nationwide are being assessed under the Programme, which is being undertaken by engineering consultants on behalf of the OPW working in partnership with the local authorities.

CFRAM's Preliminary Flood Risk Assessment (PFRA) study, carried out in 2011, identified; Cavan Town and Ballyconnell, in County Cavan, and Ballybay, Carrickmacross, Iniskeen and Monaghan Town in County Monaghan, as Areas of Further Assessment (AFA) and are being assessed as part of the North Western-Neagh Bann CFRAM Study. These AFAs have been modelled, mapped and assessed for options to manage flood risk. Public consultation events were held in Spring 2015 on the draft flood maps, in Spring 2016 on the preliminary options and Autumn 2016 on the draft plans.

Following this public consultation process, the draft plans are being finalised taking on board the comments received. The finalised plans will include a prioritised list of measures, both structural and non-structural, that can address flood risk in an environmentally sustainable and cost effective manner. Amongst the feasible measures that may form part of a flood defence scheme, as part of the implementation of the FRMPs will be; structural defences built through the OPW's Arterial Drainage (Amendment) Act, 1995; Local Authorities own powers; and/or the Minor Flood Mitigation Works & Coastal Protection Scheme. The plans, when finalised in Spring 2017, will be sent to the Minister for Public Expenditure and Reform for approval.

The Minister for Public Expenditure and Reform in September 2015 announced details of a €430 million 6 year programme of capital investment on flood defence measures as part of the Government's overall Capital Investment Plan 2016 – 2021. During this time, the annual allocation for flood defence schemes will more than double to €100m.

The flood protection capital programme 2016 – 2021 will build on the very significant investment that has already been undertaken in flood relief works throughout the country over the last 20 years. It will provide the means to provide feasible protection to homes and businesses in major urban areas together with investment in many minor works projects to address more localised flooding problems.

In August 2016, I contacted the CEOs of all local authorities to acknowledge the significant work of and contribution made by the City and County Councils in addressing flooding problems throughout the country. In addition, I also reminded the local authorities of the availability of the Minor Works Scheme and to make the best possible use of the scheme to deal with localised fluvial and coastal flooding problems that may be eligible for funding under the scheme.

Under the scheme, applications are considered for projects that are estimated to cost not more than €500,000 in each instance. Funding of up to 90% of the cost is available for approved projects. Applications are assessed by the OPW having regard to the specific economic, social and environmental criteria of the scheme, including a minimum cost benefit ratio of 1.5:1.

On a national level, close on €38m has been approved for over 600 projects since the scheme was introduced in 2009, with over 400 projects already completed providing protection to 5,000 properties.

*Question No. 26 answered with Question No. 7.*

## **Public Procurement Contracts**

27. **Deputy Clare Daly** asked the Minister for Public Expenditure and Reform his views on the decision of the Education Procurement Service to issue a tender (details supplied) for the national supply of library books and audio visual material, which includes a requirement to use software currently not available here and thereby discriminated against Irish companies in the tender requirements. [3264/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The provision of public library services, including the procurement of books, is a matter for each local authority in its capacity as a library authority under the Local Government Act 2001. Local Authorities are under the remit of the Department of Housing, Planning, Community and Local Government and as such my Department has no role in these matters.

I am informed that a national tender for book stock procurement is being progressed by the Local Government Management Agency (LGMA) on behalf of local authorities. The Request for Tender was published on the 'e-Tenders' website in October 2016 and the process is expected to conclude shortly. The LGMA has confirmed that the process was conducted in a fair and transparent manner and in full compliance with all regulations, policies and guidelines governing public procurement in Ireland. There was no discrimination against any supplier. Indeed, the publication of the tender in six lots sought to ensure equality of opportunity for all suppliers.

I also understand that the tender process is ongoing it would be inappropriate for me to comment further on the process or the outcome at this time.

### **Programme for Government Implementation**

28. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform if he will report on the provision he has made for inflation in expenditure targets of 2017; if those targets include the provision of all new services promised under the programme for Government to be delivered in 2017; and if he will make a statement on the matter. [3283/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The Revised Estimates Volume (REV) 2017 outlines Gross Voted Expenditure for 2017 of €58,072 million. The increase in the 2017 Estimate over the 2016 Estimate, including Supplementary Estimates, is €1.7 billion or 3.1 per cent.

The Mid-Year Expenditure Report, published in July 2016, set out the pre-Budget Ministerial expenditure ceilings that reflected certain expenditure pressures in Health, Education and Social Protection arising from demographics and the projected carry over impact of certain Budget 2016 measures including additional pay costs arising under the Lansdowne Road Agreement.

As set out in the Programme for a Partnership Government (PfPG), the Government is committed to tackling the most pressing challenges Ireland faces, in areas such as housing and health, while continuing to focus on increasing employment across the country. The additional expenditure announced on Budget day, and allocated in the REV 2017, provides funding towards progressing a number of key commitments in these areas.

The REV allocates some €1.2 billion for the Housing programme in the Department of Housing, Planning, Community and Local Government, an increase of €0.4 billion or 50 per cent over the amount allocated to that programme in 2016. This will support delivery of the commitments outlined in the Action Plan for Housing.

As outlined in the PfPG, increases of an average of more than 3 per cent per annum, com-

lined with an ongoing reform agenda, are needed to make real improvements in the Health service. The REV allocates €14.6 billion to Health in 2017, an increase of almost €0.5 billion or 3.5 per cent on the 2016 allocation.

Social Protection is allocated €19.9 billion in 2017. This allocation will provide for increases of €5 per week, starting in March, for all weekly social welfare payments.

Higher quality and more affordable childcare benefits children, families and the economy. There is an increase of 15 per cent in the allocation for the Department of Children and Youth Affairs.

These increases demonstrate the Government's commitment to improvements in public services in line with the PfPG by delivering sustainable growth in public spending.

*Question No. 29 answered with Question No. 7.*

### **Garda Stations**

30. **Deputy Niamh Smyth** asked the Minister for Public Expenditure and Reform the status of a site for Bailieborough Garda station; and if he will make a statement on the matter. [3278/17]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney):** The OPW is progressing the legal matters relating to the acquisition of the site as a matter of high priority. This process will be completed as soon as possible.

### **Regulation of Lobbying**

31. **Deputy Mick Wallace** asked the Minister for Public Expenditure and Reform if he has satisfied himself with the legislative measures undertaken or in motion by his Department to improve standards and transparency in public office, for example, the Regulation of Lobbying Act 2015 and the Public Sector Standards Bill 2015; if his attention has been drawn to the continuing concerns of advocacy groups such as TASC regarding ethics codes, the arguably permissive approach to gifts and ongoing difficulties in ensuring adherence to the transparency code; and if he will make a statement on the matter. [3422/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The Government Reform programme was undertaken to facilitate more open, transparent, responsible and responsive public governance. A very substantial programme of legislative reforms has been delivered including the Ombudsman (amendment) Act 2012, the Oireachtas (Inquiries Privileges and Procedures) Act 2013, the Protected Disclosures Act 2014, the Freedom of Information Act 2014, the Regulation of Lobbying Act 2015 and three Statute Law Revision Acts. In addition, the Public Sector Standards Bill was published and drafting of the Data Sharing and Governance Bill is underway. I am satisfied with the legislative measures undertaken to date and currently underway.

In relation to the Regulation of Lobbying Act 2015, while responsibility for implementation rests with the Standards in Public Office Commission (SIPOC), work undertaken by my Department and the SIPOC in building awareness and understanding of the Act has been effective and I am confident that this momentum will be maintained. The first four reporting deadlines for those who have lobbied designated public officials have now passed and I am very pleased with the level of compliance achieved. There are currently more than 1,500 organisations and

individuals who have registered, and almost 11,000 returns have been submitted to the Register.

Regarding the Transparency Code, the Act provides for an exemption from registration requirements for communications between members of certain types of working groups, task forces, committees, etc. where the group in question complies with this Code. All Departments have been made aware of the Code by both my Department and SIPOC. The first review of the operation of the Act is underway and any issues raised regarding the Code will be fully considered as part of this review.

In relation to the Public Sector Standards Bill 2015, I expect that it will recommence at Committee Stage in the Dáil towards the end of February with a view to enactment before the summer.

I can confirm also that officials from my Department have recently had a very productive meeting with a representative from TASC regarding this Bill, and subsequent to this meeting I received a letter on the subject from TASC. I have asked my officials to consider the matters raised in this letter with a view to making recommendations to me on legislative amendments, if any, that may be required.

*Question No. 32 answered with Question No. 7.*

*Question No. 33 answered with Question No. 18.*

### **Flood Relief Schemes Status**

34. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the schedule for the river Shannon dredging works which were announced prior to Christmas 2016; and if he will make a statement on the matter. [3427/17]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney):** In January 2016, the Government took decisive action to support the existing plans in place to address flooding on the Shannon and established the Shannon Flood Risk State Agency Co-ordination Working Group to enhance ongoing co-operation of all State agencies involved with the River Shannon.

The Group is focused on ensuring the best possible level of co-ordination between all statutory bodies involved in flood risk management on the Shannon. It is solutions focused and designed to deliver the highest level of efficiencies to add value to the Catchment Flood Risk Assessment and Management (CFRAM) Programme.

The Group, which is chaired by the OPW, has taken a decision to develop a plan for strategic maintenance works on the River Shannon. Over the years there have been many calls for a maintenance programme to be put in place for the Shannon. A planned maintenance programme to halt the deterioration of the River Shannon would complement the Group's existing Work Programme and the specific measures that are identified for the areas at risk in the Draft Shannon Flood Risk Management Plan.

In order to progress work on this initiative, significant background work must be undertaken to firstly look at all of the issues associated with such a proposal and then to develop a project plan to bring the initiative forward.

A sub-committee of the Group is currently being established to review and assess all the issues involved including financial, environmental and legal issues. The sub-committee will

determine the scope of the project as part of their deliberations including the potential targeting and phasing of works. The resources required will evolve as the various strands of the project are identified, reviewed, assessed and ultimately agreed on.

It is important to state that there are a range of activities that can be considered when carrying out river channel maintenance, of which dredging is only one such potential activity. The maintenance required may involve work on the river bed or the river bank and may range from the removal of silt deposits to the cutting back of vegetation. The sub-committee will consider the full range of activities as part of their deliberations.

### **Equality Legislation**

35. **Deputy David Cullinane** asked the Tánaiste and Minister for Justice and Equality the present legislation regarding employment discrimination by age; if it is legal for a company to dismiss an employee on the grounds of age if that person has not reached retirement age; and if she will make a statement on the matter. [3553/17]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** In my role in the Department of Justice and Equality, I have responsibility for equality legislation, which provides for retirement ages in line with the relevant EU Directive provision that differences of treatment on the grounds of age are permissible if, within the context of national law, they are objectively and reasonably justified by a legitimate aim including legitimate employment policy, labour market and vocational training objectives, and if the means of achieving that aim are appropriate and necessary.

I have no Ministerial responsibility for retirement age issues generally either in the public sector (where mandatory retirement ages are a feature of public sector employment law) or the private sector (where there is no statutory retirement age).

I am unable, in the context of an answer to a Parliamentary Question or otherwise, to offer legal advice or an interpretation of legislation for which I hold Ministerial responsibility in relation to a complaint or a potential complaint. Depending on the particular circumstances involved in a situation such as that outlined by the Deputy, an individual who feels that his or her rights have been transgressed may seek advice and assistance from the Irish Human Rights and Equality Commission and/or the Workplace Relations Commission.

### **Visa Agreements**

36. **Deputy Eoin Ó Broin** asked the Tánaiste and Minister for Justice and Equality the length of time on a tourist visa for a person (details supplied) whose passport was stamped on entry to Ireland on 15 December 2016 with an expiry date of 3 February 2017 but who understood that the tourist visa was for 90 days. [3604/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** A non-national person arriving by air or sea is required to present to an Immigration Officer for permission to enter and be in the State. Permission is granted on the basis of the person's purpose of stay in the State. In the case of a person who is visiting this may be for a maximum period of 90 days. However, the duration of the permission granted is determined by the Immigration Officer to whom the person presents based on the information provided by the person concerned and the assessment of the Immigration Officer to whom he or she presented.

A non-national may not remain in the State without the permission of the Minister for Justice and Equality and the person concerned should make an application for further permission to remain if he seeks to extend his stay in the State beyond his current period.

### **UN Conventions Ratification**

37. **Deputy Brendan Smith** asked the Tánaiste and Minister for Justice and Equality the proposals there are to ratify the UN Convention of Rights for Persons with Disabilities; and if she will make a statement on the matter. [3619/17]

**Minister of State at the Department of Justice and Equality (Deputy Finian McGrath):** Ireland signed the Convention on the Rights of Persons with Disabilities in 2007 and since then, successive Governments have emphasised Ireland's strong commitment to proceed to ratification as quickly as possible, taking into account the need to ensure all necessary legislative and administrative requirements under the Convention are met. This Government remains committed to ratification of the Convention.

It is essential that the State is in a position to meet the obligations it assumes under the terms of an international agreement from the moment of its entry into force for Ireland. Before the State can ratify the Convention on the Rights of Persons with Disabilities, enactment of new legislation and amendment of existing legislation is required to ensure obligations will be met upon entry into force for Ireland. Ratification of a Convention before we have amended domestic legislation that contradicts it makes no sense and does nothing to ensure compliance or to actually protect the people for whose benefit the Convention exists. The previous Government published a Roadmap in October 2015, which sets out the legislative measures needed to meet those requirements, along with declarations and reservations to be entered by Ireland on ratification.

Considerable progress has already been made to overcome the remaining legislative barriers to Ireland's ratification of the Convention. The Assisted Decision-Making (Capacity) Act 2015 was signed into law on 30 December 2015 and is a comprehensive reform of the law on decision-making capacity. The Criminal Law (Sexual Offences) Bill 2015 completed Committee Stage in the Dáil on 7 December 2016. When enacted, the Bill will reform Section 5 of the Criminal Law (Sexual Offences) Act 1993 to facilitate the full participation in family life of persons with intellectual disabilities and the full expression of their human rights. Achieving the necessary balance between those rights and ensuring appropriate protection is crucial.

The Disability (Miscellaneous Provisions) Bill 2016 was published immediately prior to Christmas. The primary purpose of the Bill is to address the remaining legislative barriers to Ireland's ratification of the UN Convention on the Rights of Persons with Disabilities (UN-CRPD).

Work is ongoing on all the other issues set out in the previous Government's Roadmap for Ratification published in October 2015 and these will be progressed as Committee Stage amendments. The Bill will be progressed to enactment at an early date to facilitate ratification of the UN Convention as soon as possible.

The precise timing of ratification now depends on how long it takes for the Bill to progress through the enactment process and on issues in relation to commencement of the Deprivation of Liberty provisions, which will be included in the Committee Stage amendments, and of the the Assisted Decision Making (Capacity) Act 2015.

## Naturalisation Applications

38. **Deputy Eugene Murphy** asked the Tánaiste and Minister for Justice and Equality the status of an application for naturalisation status in respect of a person (details supplied). [3548/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the processing of the application for a certificate of naturalisation from the person referred to by the Deputy is under consideration and has not yet reached a conclusion.

As the Deputy will appreciate, the granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. While most cases are now generally processed within six months, the nature of the naturalisation process is such that, for a broad range of reasons, some cases will take longer than others to process. In some instances, completing the necessary checks can take a considerable period of time.

The Deputy may wish to note that queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been established specifically for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

## Garda Investigations

39. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Justice and Equality further to the historical abuse inquiry in Northern Ireland and the reference to the Finglas episode, the precise nature of the investigation under way in this regard as reported in the media; the terms of reference of this investigation; and the person carrying it out. [3658/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Garda authorities that an in-depth examination of Garda files and records has been put in train with a view to establishing what information was known by An Garda Síochána in the 1970's and any relevant actions that may have been taken in relation to the matters referred to. This work is being carried out under the auspices of Garda Special Crime Operations with a team from the the Garda National Protective Services Bureau. I am further informed that the Report of the Historical Institutional Abuse Inquiry in Northern Ireland will also be examined to assist with these enquiries.

## Courts Service Remit

40. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Justice and Equality further to parliamentary Question No. 210 of 17 January 2017, if she will clarify the legal requirement under EU law for county registrars to establish on their own motion whether an application for repossession is unfair; if county registrars have been advised in this regard; and the steps she is



taking to make defendants in repossession cases aware of their rights [3659/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I wish to advise the Deputy that this matter is currently being examined by my Department in consultation with the Office of the Attorney General and the matter will be kept under review in terms of any definitive additional obligations arising.

In relation to making defendants in repossession cases aware of their rights, as the Deputy is aware, under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service which is independent in exercising its functions, which include the provision of information on the courts system. However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that they have developed a Guide to Possession in the Circuit Court which is available on [www.courts.ie](http://www.courts.ie). This guide is intended for people who are facing the possibility of having their property possessed by a lender in the Circuit Court and outlines what possession is, the options and supports available and what to expect will happen during the court process.

The Deputy will be aware that the Government is committed to keeping families in their homes and avoiding repossessions in so far as possible. It launched the new national mortgage arrears resolution service, Abhaile, last October and it is advisable that people who are at risk of losing their home avail of the free legal and financial advice services on offer. The Abhaile service provides access to free independent expert financial and legal advice and assistance which includes the presence of court mentors provided by the Money Advice and Budgeting Service (MABS) at all Circuit Court repossession hearings across the country. There are also in-house dedicated Mortgage Arrears advisers in MABS offices across the country, specifically to assist and negotiate on behalf of borrowers in mortgage arrears.

### **Garda Complaints Procedures**

41. **Deputy Clare Daly** asked the Tánaiste and Minister for Justice and Equality if she will publish the O'Neill report without further delay; the reason she has not done so before now; the course of action that will be taken to deal with the very serious allegations against the Garda Commissioner; and if she will make a statement on the matter. [3664/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy is referring to a report which I have received from Mr. Justice Iarfhlaith O'Neill of his review relating to two protected disclosures which I received from members of An Garda Síochána in early October last year. I received Mr. Justice O'Neill's Report on 7th December 2016.

Mr Justice O'Neill was asked to review the allegations of wrongdoing contained in the disclosures, to make any inquiries with persons or bodies that he considered appropriate in relation to the review and to report to me on the conclusion of the review, including any recommendations which he may consider necessary in relation to any further action which may be appropriate and warranted to address the allegations.

The Report set out in detail the allegations contained in the protected disclosures. In view of the nature of those allegations, and the fact that third parties are mentioned, the Report was referred to the Attorney General for her advice on how to proceed, including the question of what material might properly be put in the public domain, having regard to the rights of all concerned. Advices were received from the Attorney General's Office which raised further issues and which necessitated further consultation between my Department and that Office.

I expect that I will be in a position to bring proposals to Government on this matter in the

very near future. These proposals will obviously be guided by the conclusions and recommendations of Mr. Justice Iarfhlaith O'Neill as regards what further action might be necessary, and will deal with the issue of putting those conclusions and recommendations into the public domain.

### **Residency Permits**

42. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the current and expected residency status in the case of a person (details supplied); and if she will make a statement on the matter. [3683/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the person concerned was granted permission to remain in the State based on their parentage of an Irish born child, on a stamp 4 basis, on 19 September, 2001. This permission was subsequently renewed and registered by the person at their local immigration office up to 6 February, 2015. Further permission was granted by INIS until 6 February, 2016. However, the person concerned failed to register this permission with the Garda National Immigration Bureau (GNIB).

I am further informed by the INIS of my Department that there is no record of a pending application for renewal of this permission from the person concerned.

The Deputy will be aware that queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### **Residency Permits**

43. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the procedure to be followed to regularise the residency position in the case of a person (details supplied); and if she will make a statement on the matter. [3684/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the persons concerned have not made contact with INIS Residence Division in respect of their position in the State and there are no applications pending with INIS.

INIS also inform me that the last records maintained for both named persons show that the first person was refused leave to land at Dublin airport on 5 October 2014 and was escorted onto an exit flight on the same day. Regarding the second person named, INIS inform me that this person was also refused leave to land on 3 March 2014.

The persons concerned appear to never have had permission to remain in the State and they should be aware that it is illegal for them, under the Immigration Act 2004, to remain in the State without permission from the Minister for Justice and Equality. A person found guilty of such an offence is liable, under section 13 of the Immigration Act 2004, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 12 months or to both. In addition, it is apparent that the persons concerned has failed to meet the requirements of Section 9 of the

Immigration Act 2004, which sets out the obligations of non-nationals in respect of registration.

If there are any relevant exceptional circumstances which would justify granting the persons concerned permission to remain in the State, they will be taken into account if the persons concerned are issued with an intention to deport letters under Section 3 of the Immigration Act 1999 (as amended).

Might I remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Residency Permits**

44. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the current and expected position in respect of residency status and eligibility for naturalisation in the case of persons (details supplied); and if she will make a statement on the matter. [3686/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that, in response to a notification pursuant to the provisions of Section 3 of the Immigration Act 1999 (as amended), written representations have been submitted on behalf of the persons concerned.

These representations, together with all other information and documentation on file, will be fully considered, under Section 3 (6) of the Immigration Act 1999 (as amended) and all other applicable legislation, in advance of a final decision being made.

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

Queries in relation to the status of individual immigration cases may be made directly to the INIS of my Department by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### **Irish Naturalisation and Immigration Service Administration**

45. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality further to Parliamentary Question No. 177 of 1 December 2016, if the INIS letter which issued in the case of a person (details supplied) will be reinstated with a view to a satisfactory resolution; and if she will make a statement on the matter. [3689/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that it would appear that the person in question was outside the State when INIS issued its decision letter of 16 April, 2016 by registered post, to the applicant's last known address.

In my response to earlier Parliamentary Questions from the Deputy on 30 June, 2016 and on 01 December 2016, I advised the Deputy that the person in question should write to Unit 2, Residence Division, INIS and submit a full copy of their passport and that INIS would respond to them accordingly. However to date, INIS inform me that they have not received any correspondence from the person in question.

The Deputy may wish to note that queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of Parliamentary Question process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Naturalisation Applications**

46. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the progress to date in the determination of an application for naturalisation in the case of a person (details supplied); and if she will make a statement on the matter. [3690/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the processing of the application for a certificate of naturalisation from the person referred to by the Deputy is under consideration and has not yet reached a conclusion.

As the Deputy will appreciate, the granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. While most cases are now generally processed within six months, the nature of the naturalisation process is such that, for a broad range of reasons, some cases will take longer than others to process. In some instances, completing the necessary checks can take a considerable period of time.

The Deputy may wish to note that queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been established specifically for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Residency Permits**

47. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied); and if she will make a statement on the matter. [3691/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy was granted permission to enter and reside in the State in September 2011 pursuant

to an application for family reunification made on her behalf by the person's family member who is a recognised refugee in the State. Family members are granted family reunification for the purpose of entering the State and residing with the refugee. The permission granted is, in accordance with the provisions of the Refugee Act 1996, as amended, in line with the refugee's permission and the subject of the family reunification application must be accompanied by the refugee when registering their permission to reside in the State with the Burgh Quay Registrations Office, INIS, 13-14 Burgh Quay, Dublin 2 or, should the person reside outside of Dublin, with the Immigration Officer at his/her local Garda station.

In circumstances where the refugee is no longer resident in the State, the permission granted to family members pursuant to an application for Family Reunification would have to be reconsidered as the conditions under which the permission was granted no longer exist.

The Deputy may wish to note that queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been established specifically for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Residency Permits**

48. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the progress to date in the determination of residency status in the case of a person (details supplied); and if she will make a statement on the matter. [3693/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) of my Department that this person arrived in the State on 22 January 2007. They registered as a student in the State on 1 February 2007 and their final student permission in the State was granted on 31 January 2014.

This person was granted Stamp 1 for four months, commencing on 22 October 2014. This afforded them the opportunity to apply for an Employment Permit to the Department of Jobs, Enterprise and Innovation. This person never registered this permission with the Garda National Immigration Bureau.

On 23 March 2016, the person applied for a further permission to remain in the State. This request was refused on 8 June 2016 on the basis that the person had completed their 7 years on the Student Pathways. Further correspondence was received on 12 August 2016 and 10 October 2016 and will be examined in due course.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of Parliamentary Question process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Residency Permits**

49. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the progress to date in the determination of eligibility for update of a residency card in the case of a person (details supplied); and if she will make a statement on the matter. [3696/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) of my Department that this person arrived in the State on 7 November 2008 and registered as a student on 21 November 2008. Their Stamp 2 permission expired on 28 February 2016. They were subsequently granted the Irish Graduate Scheme, Stamp 1G permission until 30 August 2016. The purpose of this permission is to enable the persons concerned to apply for a work permit. A person may only avail of the Irish Graduate Scheme once.

I have also been informed that the person concerned subsequently made a separate application in 2016 for permission to remain in this State. This application does not fall under the Irish Third Level Graduate Scheme. I understand that this distinct application is under consideration and INIS will be in contact in due course.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of Parliamentary Question process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Asylum Applications**

50. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the current or expected residency status and eligibility for naturalisation in the case of a person (details supplied); and if she will make a statement on the matter. [3697/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** If the person whose details were supplied has made an application for asylum or subsidiary protection in the State, the Deputy will be aware that it is not the practice to comment on such applications until they have fully completed the protection process. This is in accordance with Section 26 of the International Protection Act 2015.

The International Protection Act 2015, which repealed the Refugee Act, 1996, was commenced on 31 December 2016 and introduced new arrangements for the investigation and determination of applications for International Protection (refugee status and subsidiary protection) and cases involving permission to remain in the State. Such applications will now be processed as part of a single application procedure by the International Protection Office.

As the Deputy may be aware, the Irish Naturalisation and Immigration Service (INIS) wrote to all applicants in December 2016 to advise them that, insofar as it is required under the transitional requirement in the 2015 Act, they (INIS) would be in touch with them in January 2017 if the new procedures in the 2015 Act applied to their existing application or appeal. Applicants were also advised that they might be asked at that time to provide additional information to assist in the processing of their application.

Applicants for international protection are issued with a temporary residence certificate pending determination of their application.

The question of naturalisation does not currently arise in respect of the person whose details

were supplied.

### Economic Growth

51. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which pay demands in the public and private sectors are likely to impact on the growing economy to a negative or positive extent in the future; and if he will make a statement on the matter. [3706/17]

**Minister for Finance (Deputy Michael Noonan):** Projections published by my Department in Budget 2017 anticipate growth in the overall pay bill (both private and public combined) of 4.9 per cent in 2017. This comprises growth in average pay of 2.7 per cent and employment growth of 2.1 per cent. Pay bill growth is projected to average 5.4 per cent per annum in each year thereafter, with average pay expected to grow at just over 3 per cent per annum. This outlook is consistent with the industrial relations commitments made under the Lansdowne Road Agreement.

To the extent that wage pressures exceed these projections, this could be expected to boost consumption and overall price levels in the near term. However, to the extent that such higher pay rates result in a loss of competitiveness, any positive impact will be offset by lower overall economic activity and lower numbers employed.

Work published previously by my Department titled ‘Quantification of the economic impacts of selected structural reform in Ireland’, (<http://www.finance.gov.ie/what-we-do/economic-policy/publications/reports-research/previous-years/quantification-economic>) indicates that a 1 percentage point wage shock which is not offset by a corresponding rise in productivity, could be expected to reduce the level of real output (GDP) by 1/4 percentage point (pp) within 7 years, add 1pp to the rate of unemployment, and reduce the number of people employed by some 0.4 percentage points.

Given downside risks within the international context, it is imperative that wage developments should be commensurate with trends in productivity (output per person employed) over the coming years, in order to avoid a deterioration in Ireland’s competitiveness.

May I remind the Deputy that public sector pay is primarily a matter for the Minister of Public Expenditure and Reform.

### Brexit Issues

52. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which his Department monitors the impact of Brexit on the public and private sectors here with a view to addressing any issues; and if he will make a statement on the matter. [3707/17]

**Minister for Finance (Deputy Michael Noonan):** My Department has been assessing and preparing for the impact of Brexit since well before the referendum on 23 June 2016. Work was carried out in my Department to assess the potential economic implications arising, including through the ESRI-Department of Finance research programme study published in November 2015 titled ‘Scoping the Possible Economic Implications of Brexit on Ireland’.

Since the referendum, my Department has been closely monitoring developments at both the macro and sectoral level. Early macroeconomic indicators suggest that the immediate impact from the UK decision is more muted than initially anticipated. In particular, third quarter national accounts data provide clear evidence of continued momentum in the economy with

GDP increasing by 6.9 per cent year-on-year.

In relation to the public finances, the recent end-year Exchequer data would also indicate that we remain on course to record a deficit of 0.9 per cent of GDP for 2016.

However, it is important to note that the impact of the UK decision is likely to materialise with a lag. As a result, my Department lowered its Budget 2017 GDP growth forecast for this year by approximately ½ percentage point reflecting the outcome of the referendum.

My Department will continue to closely monitor developments and will publish updated macroeconomic and fiscal forecasts as part of the Stability Programme Update, in April this year.

In addition, my Department published detailed analysis of sectoral exposure to Brexit across the economy. This showed that the sectors most impacted by Brexit are generally small scale indigenous enterprises, with high levels of regional employment, relatively low profit levels, that are highly linked to the rest of the economy. In terms of indigenous sectors Food and Beverage and Traditional Manufacturing are highly dependent on the UK both as a source of exports and for overall turnover.

Ireland's exposure to the UK is not isolated to the indigenous sectors, with, for example, pharmaceutical manufacturing, financial and ICT services having a substantial export relationship with the UK. Certain other services sectors such as the indigenous Tourism and Hospitality sector (which is heavily dependent on UK tourists) will be equally exposed to the competitiveness challenges posed by the recent appreciation of the euro-sterling bilateral rate.

On the basis of all the analysis a number of measures were announced in Budget 2017 with a view to making Ireland Brexit ready.

It is important to stress that the best and most immediate policy under the Government's control to counter the likely negative economic impacts of Brexit is to prudently manage the public finances in order to ensure that Ireland's economy continues to remain competitive in the face of future economic headwinds.

In this context, Budget 2017 signalled a lower debt target of 45 per cent of GDP for the mid-to-late 2020s. This will help to provide an additional fiscal 'shock absorber' capacity to the public finances to help withstand any shock including the impact of Brexit. This will complement the contingency or 'rainy day' fund to be established following the achievement of a balanced budget in 2018 which will help provide a further counter-cyclical buffer.

### **Pension Provisions**

53. **Deputy David Cullinane** asked the Minister for Finance if there is a statutory obligation on an insurance company to insist on the signature of a person who is in the advanced stages of Alzheimer's disease to a form in relation to the Finance Act 2016 even when the person is not in a situation to sign the form; and if he will make a statement on the matter. [3552/17]

**Minister for Finance (Deputy Michael Noonan):** I understand that this question relates to aspects of section 14 of the Finance Act 2016, which made a number of amendments to the pension-related provisions of the Taxes Consolidation Act (TCA) 1997. I introduced these changes in order to close off certain tax-planning opportunities involving the use of Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs).



In providing very generous tax relief on contributions to private pension arrangements, the *quid pro quo* is that when benefits are paid from the arrangements they are, generally, taxed at the owner's marginal rate. The tax planning that was taking place involved the RAC or PRSA owner never maturing or vesting the contracts involved so that the pension benefits were never paid out. The RAC or PRSA could pass to the owner's spouse or civil partner on death in a tax-free manner and, as no benefits had been drawn down, no benefit crystallisation event (BCE) arose which could give rise to a tax known as chargeable excess tax if the owner's overall retirement benefits exceeded the life-time Standard Fund Threshold (SFT) limit of €2 million or a higher Personal Fund Threshold (PFT) limit if the individual had one.

The changes made in the Finance Act 2016 ensure that all RAC and PRSA contracts will, in future, be deemed to vest no later than the owner's 75th birthday. The amendments also include transitional arrangements to provide that, in situations where the RAC or PRSA owner had attained the age of 75 years before the date on which the Finance Act 2016 passed into law i.e. 25 December 2016, their RAC or PRSA is deemed to vest on that date.

A key feature in ensuring that these anti-avoidance provisions work is that the administrator of the RAC or PRSA pension arrangement in question must have the necessary information to determine if the deemed vesting of the arrangement brings the value of the individual's lifetime pension benefits over the SFT or PFT limit, so that any chargeable excess tax arising can be determined and paid over to Revenue. To that end, the legislation (section 787R(5A)(b) TCA 1997) requires all RAC or PRSA owners whose arrangements are deemed to vest on their 75 birthday or 25 December 2016, as appropriate, to provide a declaration to their pension fund administrator setting out the value of any prior pension benefits taken by the individual from other pension arrangements. The declaration has to be provided within 30 days of the deemed vesting of the RAC or PRSA. Where a declaration is not made, the legislation requires the administrator to assume that the individual has already "used up" their SFT or PFT limit, as appropriate, and to subject the entire value of the RAC or PRSA to chargeable excess tax at 40%. It should be noted that the legislation provides that Revenue will make any necessary adjustments where it subsequently transpires that some or all of the value of the pension arrangement should not have been charged to tax.

While the onus is on the individual RAC or PRSA owner to provide the declaration to their pension fund administrator, regardless of whether the administrator requests them to do so, I understand that administrators have taken the initiative to identify and contact clients who may come within the deeming provisions of the legislation, requesting them to provide the necessary declaration. It may be in this context, that the Deputy's constituent has been approached by the Insurance Company concerned seeking a signed declaration.

I am pleased to advise the Deputy that officials from my Department and Revenue met with representatives of Insurance Ireland during the passage of Finance Act 2016 to consider aspects of the new legislation including concerns regarding older vulnerable clients who might not be in a position to meet their obligations due, for example, to ill health. I understand that it was agreed that Revenue would address any such difficulties, brought to their attention by member companies, on a case by case basis. I am informed that this position was subsequently communicated by Insurance Ireland to its members.

In the circumstances, therefore, I would suggest that the Deputy arrange to have the relevant details relating to this case communicated to Revenue at Financial Services (Pensions), Large Cases Division, Office of the Revenue Commissioners, Ballaugh House, 73-79 Lower Mount Street, Dublin 2, D02 PX37, email [lcdretirebens@revenue.ie](mailto:lcdretirebens@revenue.ie), so that Revenue can address the issue directly with the insurance company concerned.

## Departmental Legal Costs

54. **Deputy Pearse Doherty** asked the Minister for Finance the expenses occurred to date, and to whom the fees, etc., were paid, as a result of the decision to appeal the EU ruling on a case (details supplied), including any expenses incurred as a result of advice sought regarding the decision to appeal the decision, in tabular form; and if he will make a statement on the matter. [3555/17]

**Minister for Finance (Deputy Michael Noonan):** In August 2016, the European Commission announced that they had reached a negative decision in the Apple State Aid investigation. This Final Decision was later published in December 2016.

The Government disagrees profoundly with the Commission's analysis and will now challenge the Commission's decision before the European Courts. This is necessary to defend the integrity of our tax system; to provide tax certainty to business; and to challenge the encroachment of EU state aid rules into the sovereign Member State competence of taxation.

This issue is a priority matter for the State and the Irish authorities engaged fully with the Commission throughout the process. This has involved a significant degree of legal and technical complexity, and additional expertise has been engaged where required.

During the investigation, detailed and comprehensive responses were provided to the Commission to demonstrate 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 has continued in 2016 with the annulment application that has now been lodged in the General Court of the European. Expertise has also been engaged in respect of the recovery process.

Over the past three years approximately €1.85 million has been paid in total, including VAT. This includes all legal costs, consultancy fees and other associated costs. These have been paid by the Department of Finance, the Revenue Commissioners, the Attorney General's Office and the Chief State Solicitor's Office.

The following table provides an outline of the total fees paid to each advisor (inclusive of VAT), on a yearly basis, since 2013.

**Table 1.1**

Advisor	2013	2014	2015	2016	2017	Total
Eurotext	-	€1,249.68	€7,782.38	€31,874.91	-	€40,906.97
Philip Baker QC	-	€49,183.43	€151,761.23	€66,525.76	-	€267,470.42
Mary Walsh	-	€3,075.00			-	€3,075.00
Aoife Goodman BL	-	€23,763.00	€55,052.34	€29,761.08	-	€108,576.42
Maurice Collins SC	-	€25,461.00	€89,184.23	€45,003.73	-	€159,648.96
Hogan Lovells	-	€3,936.00	-		-	€3,936.00
James Byrne BL	-	-	-	€961.24	-	€961.24
Word Perfect Translations	-	-	-	€4,273.46	-	€4,273.46
William Fry	-	-	-	€206,667.81	-	€206,667.81
Ciaran Ó hÓgar-taigh	-	-	-	€3,874.00	-	€3,874.00
Conor Quigley QC	-	-	-	€58,537.93	-	€58,537.93

Questions - Written Answers

Advisor	2013	2014	2015	2016	2017	Total
Denis McDonald SC	-	€9,332.26	€27,822.60	€53,920.74	-	€91,075.60
Barry Doherty BL	€4,113.12	€66,060.15	€1,230.00	€141,656.34	-	€213,059.61
John Cooke SC	-	-	-	€5,060.00	-	€5,060.00
PWC Belgium	-	-	€327,057.00	€268,343.38	-	€595,400.38
Brian Murray SC	-	-	-	€36,469.50	-	€36,469.50
Benedict O'Floinn BL	-	-	-	€49,193.85	-	€49,193.85
Total	€4,113.12	€182,060.52	€659,889.78	€1,002,123.73	-	€1,848,187.15

### NAMA Portfolio

55. **Deputy John Brady** asked the Minister for Finance the number of vacant NAMA commercial buildings in the State with a county breakdown as well as the length of time each building has been vacant; and if he will make a statement on the matter. [3559/17]

**Minister for Finance (Deputy Michael Noonan):** I am advised by NAMA that its debtors and receivers control 14 commercial office properties which are currently vacant. The properties concerned are either on the market for sale or are in the planning system with a view to increasing their ultimate disposal value. I am advised that two of the 14 office properties have been vacant for less than three months, five have been vacant for a period of between three and twelve months and the other seven have been vacant for longer than twelve months.

The Deputy will be aware that commercial properties, by their nature, are subject to voids on a regular basis. For instance, one or more floors of an office building may be vacant for a period between tenancies. Likewise, units in shopping centres are subject to frictional vacancy as certain businesses cease and others replace them. In addition, some buildings become obsolete and can no longer be occupied due to safety reasons. The day-to-day management of the commercial properties concerned is a matter for debtors and receivers. However, as the Deputy will be aware, it is NAMA's policy to ensure all vacant properties that are fit for purpose and meet the required safety standards are occupied and income-producing, and in many instances this involves NAMA providing funding to complete partially finished properties to ensure they are available to potential purchasers or tenants as soon as practicable.

The breakdown sought by the Deputy is set out in the following table.

#### Temporarily vacant NAMA-related commercial office property, by County

County	Total
Cork	1
Dublin	8
Galway	3
Waterford	1
Wexford	1
Total	14

### NAMA Portfolio

56. **Deputy John Brady** asked the Minister for Finance the number of undeveloped land portfolios owned by NAMA in the State, by county; the length of time the land has been held

by NAMA; and if he will make a statement on the matter. [3560/17]

**Minister for Finance (Deputy Michael Noonan):** As indicated in my reply to Parliamentary Question 90 of 19 January 2017, apart from properties acquired by NARPS, NAMA holds 11 other properties on its balance sheet. I am advised that the majority of these were taken onto NAMA's balance sheet arising from legal and insolvency agreements. Nine of these assets are land and development assets, of which two are located abroad. The remaining seven land and development assets are located in Dublin. Six are located in the Docklands SDZ area and current asset management activity is geared towards enhancing their ultimate disposal value. The other land and development asset is also located in Dublin and is the subject of litigation. These assets were taken onto NAMA's balance sheet in the period since 2012.

### NAMA Portfolio

57. **Deputy John Brady** asked the Minister for Finance if he will provide a breakdown of the length of time NAMA residential properties have been vacant; and if he will make a statement on the matter. [3561/17]

**Minister for Finance (Deputy Michael Noonan):** As indicated in my reply to Parliamentary Question 255 of 17 January 2017, NAMA debtors and receivers currently have exposure to 173 residential properties which are temporarily vacant. The majority of these properties are currently on the market for sale, with many already sale agreed, or are being prepared for sale, are undergoing remediation works, or are between tenancies.

I am advised, by NAMA, that 37 of the properties have been vacant for less than six months, that another 54 properties have been vacant for a period between six and fifteen months and that 82 properties have been vacant for more than fifteen months. The Deputy will be aware that it is NAMA's policy to ensure that all vacant properties that are fit for purpose and meet the required safety standards are occupied and income-producing and, in many instances, this involves NAMA providing funding to complete partially-finished properties to ensure they are made available to potential purchasers or tenants as soon as practicable.

### Banking Sector Regulation

58. **Deputy Sean Fleming** asked the Minister for Finance further to Parliamentary Question No. 256 of 17 January 2017 (details supplied), the person or body that deals with new allegations against these institutions made after 4 November 2014, whereby enforcement and sanctions proceedings were not being conducted prior to 4 November 2014 but the new allegations relate to events prior to 4 November 2014; the person or body responsible for examining these alleged breaches; and if he will make a statement on the matter. [3596/17]

**Minister for Finance (Deputy Michael Noonan):** As I have previously stated, the European Central Bank (ECB) has responsibility for the direct prudential supervision of significant credit institutions (Significant Institutions) within participating member states whose currency is the euro. The ECB is competent to take direct sanctioning proceedings against Significant Institutions, under the framework set down by the Single Supervisory Mechanism Framework Regulation (EU) No 468/2014 (SSMFR) and Single Supervisory Mechanism Council Regulation (EU) No 1024/2013 (SSMR), in respect of breaches of directly applicable EU law, including relevant breaches committed prior to 4 November 2014.

The ECB may also instruct the Central Bank to open proceedings against Significant Insti-

tutions, pursuant to Article 18(5) of the SSMR, including relevant breaches committed prior to 4 November 2014. Where a change in competence between the ECB and the Central Bank is to take place (e.g. where a Less Significant Institution is reclassified as a Significant Institution) Article 48 of the SSMFR provides for the manner in which pending procedures (including the imposition of administrative pecuniary penalties) are to be dealt with.

The Central Bank retains responsibility for the supervision activities defined in the SSMR as non-core (e.g. anti-money laundering, consumer protection).

### **Revenue Commissioners Investigations**

59. **Deputy David Cullinane** asked the Minister for Finance the number of cases of bogus employment contracts the Revenue Commissioners have investigated in each of the years 2008 to 2016, in tabular form; and if he will make a statement on the matter. [3605/17]

**Minister for Finance (Deputy Michael Noonan):** I am informed by Revenue that it carries out a range of tax and duty compliance interventions including interventions to ensure the correct operation by employers of the PAYE system.

When carrying out compliance interventions, Revenue is mindful of the possibility of the incorrect classification of a person as self-employed in any engagement between two parties and the non-operation of the PAYE system arising from that. This is particularly the case during Revenue interventions in certain sectors where the practice of engaging people to work on contract is prevalent, like the construction sector or in professional services like engineering and IT.

However, in addition to employers erroneously treating employees as self-employed contractors, non-operation of the PAYE system can arise in a number of other scenarios. For example, it arises in “off the books” arrangements wherein employers pay wages or part of wages in cash without PAYE deductions and it arises where employers erroneously treat wages as tax free expenses. Where non-operation of the PAYE system is uncovered, Revenue will seek to recover from employers the unpaid PAYE tax, interest on late payment of that tax and will, as appropriate, pursue penalties. However, non-operation of the PAYE system may be only part of the evasion uncovered in a compliance intervention as, in some instances, a business may also have undeclared its business profits or not operated VAT correctly. It is not unusual to find that a tax settlement with Revenue may, for example, cover outstanding liabilities in respect of corporation tax, VAT and PAYE tax.

I am further informed by Revenue that while they capture the various constituents of yield tax or duty, interest on late payment and penalties their records do not capture each of the separate or specific types of contraventions of law uncovered. On that basis, the information sought by the Deputy is not available.

The Deputy should also be aware that work is ongoing between officials from my Department, the Department of Social Protection and Revenue following a public consultation last year where submissions were sought from interested parties on the “Use of Intermediary-Type Structures and Self-employment Arrangements” and their impact on tax and PRSI. The consultation document is available at <http://www.finance.gov.ie/what-we-do/tax-policy/consultations/consultation-use-intermediary-type-structures-and-self>.

### **European Banking Sector**

60. **Deputy Catherine Murphy** asked the Minister for Finance his views on the European Central Bank relying on the secrecy rules of Article 28, Council Regulation (EU) No 1024/2013, to dismiss a potential criminal investigation into whether a bank (details supplied) has kept proper books of account and the over-valuing collateral while borrowing funds from the ECB; his further views on whether Article 28 should be used in this manner; and if he will make a statement on the matter. [3634/17]

**Minister for Finance (Deputy Michael Noonan):** As the deputy is aware, the SSM has ultimate responsibility for supervision of the banking sector. The SSM is comprised of the ECB and the national competent authorities (NCAs) of participating Member States. The Irish national competent authority is the Central Bank of Ireland. Since the 4th of November 2014, the SSM has been responsible for the prudential supervision of all credit institutions in the participating Member States, which includes Ireland. The Council Regulation article that the deputy refers to gives some details of supervisory activities to be carried out at an ECB level and activities that rest with the national competent authorities.

The SSM has wide-ranging supervisory and enforcement powers in relation to credit institutions. It is solely a matter for the SSM as to how these powers are exercised. If the deputy has information that these powers may have been exercised improperly or suspects a breach of relevant European Union law, these should be reported to the Central Bank of Ireland as the national competent authority. Further information can be found here: <http://www.centralbank.ie/regulation/industry-sectors/credit-institutions/Pages/default.aspx>.

Such a breach, so long as it does not relate to consumer protection or the implementation of anti-money laundering rules, can also be reported to the European Central Bank. Further information on reporting a breach can be found here: <https://www.bankingsupervision.europa.eu/banking/breach/html/index.en.html>.

*Question No. 61 withdrawn.*

## House Prices

62. **Deputy Clare Daly** asked the Minister for Finance if his plans for the housing sector are to increase demand in order to increase prices; and if so, the level of house prices he envisages for the Dublin area. [3682/17]

**Minister for Finance (Deputy Michael Noonan):** As regards house price developments, national residential property prices reached a trough in 2013, having contracted by 54 per cent. In Dublin house prices began to decline earlier than the rest of the country reaching a trough in 2012. Since then the recovery in the economy, the sustained growth in employment and demographic changes have underpinned the 50 per cent increase in national house prices (66 per cent increase in Dublin). The growth in house prices reflects the as yet insufficient supply response to meet the demand for housing. For example, in the 12 months to November 2016, 14,728 units were constructed and while this represents an 18 per cent increase over the same period in 2015, it remains significantly below estimated demographic demand of 25,000-30,000 units per annum.

As the Deputy is aware, the Government has adopted Rebuilding Ireland, Action Plan for Housing and Homelessness. This Plan constitutes a whole of government approach and aims, through some 84 actionable measures, to address the underlying structural constraints which continue to inhibit new housing supply. The implementation of the Action Plan will lead to the increased provision of social housing, the streamlining of the planning system and the removal

of infrastructural constraints. Many of these actions will improve the viability of construction particularly in urban regions.

In recognition of the particular challenges faced by first time buyers in accessing the housing market, I introduced the Help-to-Buy initiative as part of Budget 2017. The initiative complements Rebuilding Ireland by providing immediate, targeted and time bound support to first time buyers as the measures announced in the Action Plan are rolled out but before they start to yield results.

## **EU Funding**

63. **Deputy Niall Collins** asked the Minister for Finance if he will provide a list of Irish projects which the Government has identified for drawing down funding from the European Commission's European Fund for Strategic Investments, which fund promotes job creation, long-term growth and competitiveness; and if he will make a statement on the matter. [3728/17]

64. **Deputy Niall Collins** asked the Minister for Finance the number of project applications entered by the State under the European Fund for Strategic Investments, per annum, in tabular form; the number of successful agreements to date; the estimated total expected drawdown of funds; and if he will make a statement on the matter. [3729/17]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 63 and 64 together.

The purpose of the European Fund for Strategic Investments (EFSI) is to support both public and private sector investment projects through loan facilities, which must be repaid, and guarantees to facilitate projects which otherwise might not proceed. EFSI's ability to deliver in a particular Member State is dependent on there being suitable public and private projects under its two funding windows - the Infrastructure and Innovation Window (IIW) and the SME Window.

EFSI provides an important additional funding mechanism to support investment in the pursuit of employment and growth. It should be considered alongside the other suite of investment mechanisms including the (European Investment Bank) EIB's normal lending activities. For the private sector there are also the commercially available financing options. In the case of the public sector, the State's capital investment programme is sufficiently funded via the state's borrowings through the NTMA, while other mechanisms such as PPPs and off-balance sheet vehicles are additional potential options for funding investment.

Since inception, Ireland has seen the main potential beneficiaries of EFSI as being in the private sector including entities such as PPP companies and I am pleased that the primary health care centres PPP has successfully drawn down EFSI funds. It should be remembered that each EFSI loan entered into by the State pre-commits funding for the repayment of such loans, and has to be considered in the context of the expenditure benchmark under the EU's fiscal rules.

The European Union's Financial Instruments are important for the implementation of the Government's commitment to supporting the financing needs of SMEs and ensuring that there is an adequate supply of affordable and appropriate credit to meet their needs. Such European Financial Instruments include the COSME and InnovFin Guarantee Programmes, both of which are made available under the EFSI SME Window. In 2016, the Strategic Banking Corporation of Ireland (SBCI) successfully applied for a €100 million guarantee facility under the COSME programme, and will use this facility to support the delivery of the Agri Cash Flow Support Loan Fund for Farmers as announced in Budget 2017, on behalf of Department of Ag-

riculture, Food and the Marine. The SBCI has also submitted an application for the InnovFin counter guarantee to the European Investment Fund (EIF) and, if the application is successful, intends to use that counter guarantee to create a pilot program to offer a guaranteed loan product through partner bank(s).

As indicated, EFSI represents an additional funding option open to Government Departments, Agencies and commercial semi-State companies. As such, it is a matter for each of these entities to consider the potential eligibility of their projects for EFSI funding. Generally, Departments would have existing relationships with the European Investment Bank, which has responsibility for the management and operation of EFSI. Government Departments would, in the process of appraising their funding options for a particular project, engage with the EIB to consider the eligibility of their project for EFSI funding. My officials are currently compiling a list, through the EIB, of projects that have been approved for EFSI support in the State and I will forward the list to the Deputy in due course. However, this list may not be complete as it is possible that Irish private sector projects may receive funding from EFSI supported funds in other jurisdictions.

In addition, as the Deputy will be aware, the Minister for Public Expenditure and Reform has responsibility for capital expenditure and, in this context, engages with each line Department on an ongoing basis to consider and assess projects and the full range of available funding options.

### **European Investment Bank Loans**

65. **Deputy Niall Collins** asked the Minister for Finance the total number of project applications entered by the State under the European Investment Bank for investment and infrastructural projects, per annum in each of the years 2010 to 2016, in tabular form; the number of successful agreements to date; the estimated total expected drawdown of funds; and if he will make a statement on the matter. [3730/17]

66. **Deputy Niall Collins** asked the Minister for Finance the total number of project applications entered by the State under the European Investment Bank for investment and infrastructural projects, in 2017 in tabular form; the estimated total expected drawdown of funds; and if he will make a statement on the matter. [3731/17]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 65 and 66 together.

The European Investment Bank (EIB) is the long-term financing institution of the European Union. Its mission is to help implement the EU's policy objectives by providing financing to projects that address these objectives. The EIB may lend to Governments, public sector bodies, commercial semi-state bodies or private sector entities.

The Deputy will find in the table a breakdown of both private and public sector (including commercial semi-state) projects in Ireland to which the European Investment Bank (EIB) has provided financing. The table sets out the project name, the sector involved, the date of contract signature and amount for each project for the period 2010-2016.

The Deputy should note that the figures set out in the table refer to the contract amount. The schedule for finance drawdown from EIB for each project is determined within individual financing contracts and is confidential between the EIB and the project promoter.

The Deputy may also wish to be aware that information on the projects signed between the



EIB and project promoters in Ireland is also publicly available on the EIB website. A link to the relevant section of the site is available here: <http://www.eib.org/projects/loans/index.htm>.

No contracts, according to the EIB website, have been signed to date in 2017 with project promoters in Ireland. I am not in a position to indicate how many contracts will be signed by the EIB and Irish entities (whether in the public or private sector) in 2017 as there are a range of factors that determine whether a finance contract will ultimately be signed for any project proposal in any given year. Such factors may include project proposal maturity, agreement between EIB and the project promoter on financing terms and the availability of matching or alternative finance.

Project	Sector	Signature Date of contract	Amount (€m) Signed*
2016			
Coillte Sustainable Forestry	Agriculture, Fisheries, Forestry	22-Dec-16	90
HFA Irish Social Housing	Urban Development	21-Dec-16	200
Davos Fund II Co-Investment Forestry	Agriculture, Fisheries, Forestry	12-Dec-16	28.5
RCSI Campus Development	Education	09-Dec-16	50
Amryt Pharma	Industry	01-Dec-16	10
Irish Schools Programme III	Education	17-Oct-16	200
University College Cork Campus Development	Education	19-July-16	100
Malin Corporation Life Sciences Investments	Services	22-June-16	40
Fineos	Industry	22-June-16	15
Primary Care Centres PPP	Health	25-May-16	70
N25 New Ross Bypass PPP	Transport	26-Jan-16	21.806
		Total	825.306
2015			
DCU Campus Development	Education	21-Dec-15	76
Dublin Port	Transport	21-Dec-15	100
Irish Flood Prevention Programme	Water	17-Dec-15	200
Strategic Bank Corporation Ireland (SBCI)	SMEs	22-Oct-15	200
M11 Gorey to Enniscorthy Motorway PPP	Transport	14-Oct-15	109.105

Project	Sector	Signature Date of contract	Amount (€m) Signed*
Trinity College Dublin	Education	25-Jun-15	70
		Total	755.105
2014			
Open Access (GFI)	Broadband	19-Dec-14	12
HFA - Irish Social Housing Development Programme	Urban Development	18-Dec-14	150
NUI Maynooth	Education	17-Dec-14	76.765
ESB Network - Renewable Connection	Energy	30-Oct-14	100
Irish Water Investment Programme	Water	29-Oct-14	100
Strategic Bank Corporation Ireland (SBCI)	SMEs	28-Oct-14	200
N17-N18 Gort to Tuam PPP Motorway	Transport	30-Apr-14	143.034
Dublin Luas Cross City	Transport	03-Mar-14	150
		Total	931.799
2013			
ESB Renewable Connection	Energy	09-Dec-13	100
Vodafone Mobile Limited	Corporate	27-Nov-13	117.619
University of Limerick	Education	26-Nov-13	100
Irish School Programme II	Education	19-Jun-13	100
N11/N7 Motorway PPP	Infrastructure	30-Apr-13	72.156
AIB Loan for SMEs and Midcaps	SMEs	26-Apr-13	100
Bord Gáis Onshore Wind Programme	Energy	23-Apr-13	90
		Total	679.775
2012			
AIB Loan for SMEs and Midcaps	SMEs	21-Dec-12	100
Bord Gáis Onshore Wind Programme	Energy	28-Nov-12	155
Irish Water Investment Programme	Energy	28-Nov-12	100

Project	Sector	Signature Date of contract	Amount (€m) Signed*
Irish Schools Investment Programme (PPP)	Education	09-Nov-12	49.990
Irish School Programme	Education	06-Jul-12	100
		Total	504.990
2011			
AIB Loan for SMEs II	SMEs	21-Dec-11	150
University College Dublin	Education	17-Nov-11	90
ESB Network and E-Cars Infrastructure	Energy	17-Nov-11	235
		Total	475
2010			
Car Efficiency and Safety RDI RSFF	Industry	01-Oct-10	15
Bord Gais Whitegate CCGT	Education	02-July-10	197
Irish Schools Investment Programme	Education	02-June-10	44.173
		Total	256.173

\* Please note that the figures are rounded to 3 decimal places where appropriate.

### VAT Yield

67. **Deputy Niall Collins** asked the Minister for Finance the total amount of VAT receipts taken in by the Exchequer for non-alcoholic beer beverages in each of the years 2014 to 2016 per year, in tabular form; and to give the current VAT rate. [3735/17]

**Minister for Finance (Deputy Michael Noonan):** The standard rate of VAT (currently 23%) is applicable to the sale of non-alcoholic beer beverages.

However it is not possible to furnish precise figures on the amount of VAT taken from the sale of non-alcoholic beer beverages as outlined in the Deputy's question. This is due to the fact that the information provided to Revenue on a VAT return does not require the yield from individual products or activities to be identified. In addition the volume of non-alcoholic beer beverages released for consumption in not reported to Revenue as excise duty is not applicable on the sale of beverages where the alcoholic content is below 1.2% by volume. While Revenue on occasion uses detailed Central Statistics Office figures on consumption and expenditure for VAT estimates, neither is sufficiently detailed for the purpose requested by the Deputy.

### Financial Services Regulation

68. **Deputy Michael McGrath** asked the Minister for Finance his views on the potential roll-back of financial regulation in the United States and other jurisdictions; the extent to which

this will impact financial regulation and the financial sector here; and if he will make a statement on the matter. [3737/17]

**Minister for Finance (Deputy Michael Noonan):** I am not going to comment on any speculation around the potential roll back of financial regulation in the United States or any other jurisdiction as it would be inappropriate for me to do so.

The stability of financial markets has been a central priority for the European Union since the financial crisis and in the interim we have seen the introduction of reformed oversight and resolution regimes to address any emerging vulnerabilities or instabilities in the European Banking Sector.

These reformed oversight and resolution regimes include new European institutions; strengthened regulations; a more intrusive supervisory approach; and a new focus on macro-prudential requirements.

The Single Supervisory Mechanism (SSM) is now responsible for the prudential supervision framework for euro area banks. The central piece of the SSM supervisory process is the Supervisory Review and Evaluation Process (SREP) under which ECB led joint supervisory teams inspect business models, internal governance, profitability and banking risks.

All of these new regulations and institutional arrangements have been designed to address the challenges of banking oversight and resolution at a European level and provide for a proactive approach towards systemic and emergent risks. Besides the introduction of new European and national regulations, the Central Bank too has increased its resources and has become more pro-active in addressing systemic risk. This entire new framework is designed to secure a safe, responsible, and growth enhancing financial sector in Europe, while protecting consumers and the economy.

Financial regulation developments in other jurisdictions warrant ongoing attention by the EU and by the Central Bank, and let me assure the Deputy that both my Department and the Central Bank are continually monitoring international developments in collaboration with our EU colleagues.

### **Disabled Drivers and Passengers Scheme**

69. **Deputy Michael McGrath** asked the Minister for Finance the cost of extending the disabled drivers and disabled passenger scheme to visually impaired persons that are unable to obtain a driving licence; and if he will make a statement on the matter. [3738/17]

**Minister for Finance (Deputy Michael Noonan):** The Drivers and Passengers with Disabilities (Tax Concessions) Scheme provides relief from VAT and VRT (up to a certain limit) on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities, assistance with fuel costs, and an exemption from Motor Tax.

As the Deputy will be aware, to qualify for the Scheme, an applicant must have a permanent and severe physical disability within the terms of the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations (S.I. 353 of 1994) and satisfy one of the following six qualifying criteria:

- be wholly or almost wholly without the use of both legs;
- be wholly without the use of one leg and almost wholly without the use of the other leg

such that the applicant is severely restricted as to movement of the lower limbs;

- be without both hands or without both arms;
- be without one or both legs;
- be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;
- have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

The Scheme represents a significant tax expenditure. Between the Vehicle Registration Tax and VAT foregone, and the repayment of excise on fuel used by members of the Scheme, the Scheme represented a cost of €50.3 million to the Exchequer in 2015, an increase from €48.6 million in 2014. These figures do not include the revenue foregone to the Local Government Fund in the respect of the relief from Motor Tax provided to members of the Scheme.

I regularly receive correspondence from individuals with disabilities that do not meet the criteria but who believe they would benefit from the Scheme. The Scheme and qualifying criteria were designed specifically for those with severe physical disabilities and are, therefore, necessarily precise.

While I have sympathy with those who do not qualify for Scheme, I cannot, given the scale and scope of the Scheme, expand it further within the current context of constrained resources.

Furthermore, it is not possible to cost the extension of the scheme in the way the Deputy has requested.

### **Brexit Issues**

70. **Deputy Michael McGrath** asked the Minister for Finance if he will be fully publishing his Department's current assessment of the economic impacts on the Irish economy of a hard Brexit (details supplied); and if he will make a statement on the matter. [3739/17]

**Minister for Finance (Deputy Michael Noonan):** My Department has been to the fore in producing and funding a number of economic assessments on Brexit, both before and after the referendum. Outputs include:

- A scoping study in November 2015 under the Department of Finance-ESRI joint research programme,
- Initial short-term estimates published in the Summer Economic Statement 2016,
- An in-depth analysis of the possible sectoral and regional impacts of Brexit arising from Ireland's trade relationship with the UK, published with Budget 2017; and,
- A joint research paper with the ESRI that modelled the medium to long term macroeconomic impact of Brexit under a number of scenarios, including a hard Brexit.

All of these outputs have been made public.

In particular, the medium to long term economic impacts of a "hard Brexit" are set out in the November 2016 joint paper with the ESRI - this was the analysis which my officials were referring to.

The paper, which used the new ESRI COSMO macroeconomic model, highlights that the impact on the Irish economy will be significant. Looking at the effect ten years after a UK exit, a hard Brexit scenario results in the level of GDP being almost 4 per cent below what it otherwise would have been in a no-Brexit scenario; with most of impact coming in the first five years. The level of employment is expected to be 2 per cent below what it would otherwise have been; in other words, employment growth will be slower than would otherwise be the case. On the public finances side, the deficit and debt ratios would be 1 and 10 percentage points higher.

The Deputy will also be aware that the impacts of a hard Brexit were also considered by the ESRI in a separate analysis in November 2017 that looked at the impact of WTO trade tariffs. The findings in that paper, in broad orders of magnitude, are consistent with those in the joint research my Department published with the ESRI that same month.

I would stress that all of these results are based on a no policy change assumption. To this extent, the measures that I announced in Budget 2017 are a first step in what will be an ongoing process of getting Ireland Brexit ready.

### **Brexit Issues**

71. **Deputy Michael McGrath** asked the Minister for Finance if World Trade Organisation rules will apply between the EU and the UK in the event that a trade deal between the UK and the EU is not completed by the end of the Article 50 process; and if he will make a statement on the matter. [3740/17]

**Minister for Finance (Deputy Michael Noonan):** The responsibility for the development of Ireland's international trade policies is in the first instance a matter for the Minister for Jobs, Enterprise and Innovation.

Across Government the headline priorities for the Article 50 negotiation process remain clear. These are to protect the economy and trade, the Northern Ireland Peace Process, the Common Travel Area and the future of the European Union itself. The Government will defend our national interests and priorities fully within the established legal and political framework for the negotiations.

Across all sections of Government we have been working intensively in preparing for all eventualities.

My Department has worked with the ESRI on the publication entitled 'Modelling the potential macroeconomic Impact of Brexit on Ireland' which was published in November 2016. Within the paper, and in line with existing international analysis, three scenarios were considered. This includes a scenario where the UK and EU do not conclude a bilateral trade agreement and, instead, the UK exercises its rights under the Most Favoured Nation (MFN) clause of the World Trade Organisation (WTO). (In practice any proposed UK WTO schedule would have to be agreed by all WTO members.) Our contingency work, rightly, is examining all scenarios. However, we are at the start of a process within which there is expected to be a number of phases. Ireland will participate fully in all of the structures of the EU 27 in preparing for and conducting the negotiations.

Ireland will continue working with both our EU partners and with the UK to maintain a positive, constructive and orderly approach to these negotiations. It is not helpful at this stage to try to pre-empt the outcome of negotiations.

*Questions - Written Answers*  
**Schools Building Projects**

72. **Deputy Willie Penrose** asked the Minister for Education and Skills the position regarding the provision of a secondary school (details supplied) in County Kildare; and if he will make a statement on the matter. [3633/17]

**Minister for Education and Skills (Deputy Richard Bruton):** The major building project referred to by the Deputy is at an advanced stage of architectural planning - Stage 2(b) - Detailed Design, which includes the applications for Planning Permission, Fire Certificate and Disability Access Certificate and the preparation of Tender Documents.

All Statutory Approvals have been applied for and are currently awaiting approval. When secured, the Design Team will finalise the Stage 2(b) - Detailed Design submission which will be submitted to my Department for review. Following receipt and consideration of that report my Department will revert to the school with regard to the further progression of the project at that time.

**Higher Education Institutions**

73. **Deputy Michael McGrath** asked the Minister for Education and Skills the total number of students in the first year intake for each university here offering medicine as an undergraduate degree in respect of each first year intake into medicine since the 2010-2011 academic year, in tabular form; the breakdown of that number between the number of places made available in the normal CAO system and the number of places made available to international, non-EU students; and if he will make a statement on the matter. [3680/17]

**Minister for Education and Skills (Deputy Richard Bruton):** The total number of first year enrolments on the undergraduate degree medicine courses in higher education institutions in Ireland since the 2010/2011 academic year is contained in the following table. I have also included data on first year enrolments to the graduate entry to medicine programmes, which are undergraduate medical courses specifically designed for graduate students. The information is categorised based on the student's domicile of origin on entry to the course as follows: Irish Students; Students from the European Union; Students from outside the European Union.

Undergraduate

-	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	Grand Total
National University of Ireland, Galway	225	303	298	258	274	291	1649
(Other) EU	13	10	10	9	6	10	58
Ireland (inc Northern Ireland)	157	271	204	183	244	180	1239
Non-EU	55	22	84	66	24	101	352
Royal College of Surgeons	485	523	511	543	512	494	3068
(Other) EU	25	19	8	12	7	21	92

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-	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	Grand Total
Ireland (inc Northern Ireland)	257	263	82	49	55	146	852
Non-EU	203	240	420	482	450	327	2122
Unknown		1	1				2
Trinity College Dublin	161	172	185	184	175	181	1058
(Other) EU	8	5	10	11	11	14	59
Ireland (inc Northern Ireland)	108	120	121	121	110	111	691
Non-EU	45	47	54	52	54	56	308
University College Cork	119	168	174	129	132	135	857
(Other) EU	1	1		2	5	3	12
Ireland (inc Northern Ireland)	99	92	91	89	87	91	549
Non-EU	19	75	83	38	40	41	296
University College Dublin	327	315	293	294	293	289	1811
(Other) EU	9	2	1	2	3	3	20
Ireland (inc Northern Ireland)	220	201	173	168	169	176	1107
Non-EU	98	112	119	124	121	110	684
Grand Total	1317	1481	1461	1408	1386	1390	8443
(Other) EU	56	37	29	36	32	51	241
Ireland (inc Northern Ireland)	841	947	671	610	665	704	4438
Non-EU	420	496	760	762	689	635	3762
Unknown	0	1	1	0	0	0	2

### GRADUATE ENTRY Courses

	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	Grand Total
Royal College of Surgeons	66	65	62	66	63	72	394
(Other) EU	4	3	5	9	7	5	33
Ireland (inc Northern Ireland)	24	24	25	25	21	23	142
Non-EU	38	38	32	32	35	44	219
University College Cork	51	68	69	74	74	71	407
(Other) EU	2	2	2	3	4	8	21



*Questions - Written Answers*

	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	Grand Total
Ireland (inc Northern Ireland)	25	38	34	36	35	29	197
Non-EU	24	28	33	35	35	34	189
University College Dublin	81	99	95	100	109	101	585
(Other) EU	5	1	5	6	11	11	39
Ireland (inc Northern Ireland)	49	76	69	69	68	64	395
Non-EU	27	22	21	25	30	26	151
University of Limerick	101	124	140	145	156	152	818
(Other) EU	4	1	13	14	14	19	65
Ireland (inc Northern Ireland)	65	91	83	85	87	83	494
Non-EU	32	32	44	46	55	50	259
Grand Total	299	356	366	385	402	396	2204
(Other) EU	15	7	25	32	36	43	158
Ireland (inc Northern Ireland)	163	229	211	215	211	199	1228
Non-EU	121	120	130	138	155	154	818

### Higher Education Institutions

74. **Deputy Michael McGrath** asked the Minister for Education and Skills the fee charged to international non-EU students, for each year studying medicine, for each university here offering medicine as an undergraduate degree and for each academic year since 2010-2011, in tabular form; the total fees collected by the university in respect of such international, non-EU students studying medicine in that university; and if he will make a statement on the matter. [3681/17]

**Minister for Education and Skills (Deputy Richard Bruton):** The details sought by the Deputy are not readily available in my Department. Officials of my Department have requested the Higher Education Authority to seek to collate the information and I will arrange for it to be forwarded to the Deputy as soon as it is available.

### Student Grant Scheme

75. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills if special provision will be made in the case of a person (details supplied); and if he will make a statement on the matter. [3698/17]

**Minister for Education and Skills (Deputy Richard Bruton):** The main support available to students is the statutory based Student Grant Scheme. To qualify for grant support, a student has to meet various criteria such as means, residency, nationality and progression.

The nationality requirements for the student grant scheme are set out in section 14 of the Student Support Act 2011 and regulation 5 of the Student Support Regulations 2016. To qualify for a student grant, the applicant must meet the nationality or prescribed immigration status requirements in his/her own right. The onus is on the grant applicant to provide the necessary

documentary evidence as proof of his nationality or immigration status.

I understand that the student referred to by the Deputy made an application to SUSI and received the awarding authority's decision not to award a grant on 02/08/16. The student appealed this decision to an appeals officer and a decision upholding the original decision of the awarding authority was issued on 18/08/16. The student had the option of appealing that decision to the statutory independent Student Grants Appeals Board but failed to do so within the specified time period of 30 days.

There is no provision under the means tested student grant scheme to award a grant based on academic performance.

The individual concerned may wish to review the criteria for the various scholarship and bursary schemes supported by my Department, to determine if she might be eligible for support in 2017/18. Information on these schemes can be accessed at the following link: <http://www.education.ie/en/Learners/Services/Scholarships/>

Other possible options include the Student Assistance Fund and tax relief on fees.

Students in third-level institutions experiencing exceptional financial need can apply for support under the Student Assistance Fund. This Fund assists students, in a sensitive and compassionate manner, who might otherwise be unable to continue their third level studies due to their financial circumstances. Information on the fund is available through the Access Office in the third level institution attended. This fund is administered on a confidential, discretionary basis.

Tax relief at the standard rate of tax may be claimed in respect of tuition fees paid for approved courses at approved colleges of higher education including approved undergraduate and postgraduate courses in EU Member States and in non-EU countries. Further information on this tax relief is available from the Revenue Commissioners on [www.revenue.ie](http://www.revenue.ie).

### **Junior Cycle Reform**

76. **Deputy Carol Nolan** asked the Minister for Education and Skills if the junior cycle profile of achievement will be different to the junior certificate; if they will be issued to students at the same time; and if he will make a statement on the matter. [3710/17]

**Minister for Education and Skills (Deputy Richard Bruton):** A phased implementation of the new Junior Cycle Programme commenced in schools in September 2014. One subject was introduced in 2014 - English. Two further subjects commenced in September 2016 - Business Studies and Science. The 'Framework for Junior Cycle 2015', published by my Department in August 2015, sets out the key changes under the new programme which includes a new award for students - the Junior Cycle Profile of Achievement (JCPA). During the years when students are studying subjects for which new specifications have been provided alongside existing Junior Certificate subjects, the results of the latter will be included in the JCPA. The format of the JCPA will evolve as the various phases of junior cycle reform are rolled out. The Junior Certificate will no longer be issued by the State Examinations Commission (SEC). However, the SEC will continue to issue provisional examination results to each examination student in September as in previous years.

Arrangements for 2017 and thereafter

Students who commenced first year in September 2014 (and thereafter) and who complete

their Junior Cycle Programme in 2017 (and thereafter), will receive a Junior Cycle Profile of Achievement (JCPA) following completion of the Junior Cycle Programme.

The JCPA will differ from the Junior Certificate in a number of ways:

### **Junior Cycle Reform**

77. **Deputy Carol Nolan** asked the Minister for Education and Skills the measures he has put in place to ensure that junior certificate English students will not be disadvantaged should the ASTI vote to reject the proposals resulting from talks with his Department in 2016; and if he will make a statement on the matter. [3711/17]

**Minister for Education and Skills (Deputy Richard Bruton):** Teachers of English who are members of ASTI have been directed by their union that, while they are to teach the new Junior Cycle subject specification, they are not to undertake Classroom Based Assessments (CBAs) with their students. CBAs form a key element of the new Junior Cycle. Therefore, students who are taught by a teacher who is a member of the ASTI will not receive a grade for their CBAs and also since the written Assessment Task which is to be completed by students is linked to the second CBA, which is worth 10% of the marks for the final examination, these students cannot complete the Assessment Task, or gain marks for this examination component. Candidates for Junior Cycle English in 2017 who do not complete the assessment task can only be marked and graded based on a maximum of 90% of the available marks.

My Department requested the ASTI to provide an immediate derogation from their directive regarding the CBAs for current teachers of English in order that some current third year English students are no longer unfairly and unjustifiably disadvantaged.

Following talks with the teacher unions in late 2016, facilitated by the Chair of the Teachers Conciliation Council, it was provided that, on a once-off basis, the NCCA and SEC would communicate arrangements in respect of a second calendar window in the 2016/17 school year to allow for the completion and submission of the Junior Cycle English Assessment Task by students who were prevented from meeting the initial deadline. These arrangements were notified to schools in the week beginning 19th December 2016.

This second window was agreed as a result of an acknowledgement by the parties that a significant number of students were not in a position to meet the timing requirement of completion between 5th and 9th December 2016, as a result of industrial action taken by the ASTI.

I welcome the decision of the ASTI to give its members a say on the overall offer now available following the recently concluded talks under the Chair of the Teachers Conciliation Council. In addition to the elements relating to Junior Cycle, the proposals involve immediate pay increases and other benefits for ASTI members. While the ASTI's leadership has recommended rejection, a decision on whether to accept the proposals or to reject them and engage again in industrial action will now be taken by the wider membership at ballot. The ASTI is currently conducting its ballot of members and it is important to respect the democratic process that is now underway.

### **School Management**

78. **Deputy Carol Nolan** asked the Minister for Education and Skills the reason his Department has refused a school (details supplied) permission to establish a third stream in view of the

clear demand for same; and if he will make a statement on the matter. [3712/17]

**Minister for Education and Skills (Deputy Richard Bruton):** The Department recently met with representatives of the school referred to by the Deputy and it was agreed that a further meeting would be convened within the coming weeks.

It was agreed also that this would allow adequate time for updated demographic data, taking into account overall current and projected pupil numbers in the Kilcock area, and the enrolment position in the case of the Scoil Ui Riada and other schools in Kilcock; the various factors that contribute to the compilation and operation of any waiting lists; the impact of expansion of school capacity in the case of Scoil Ui Riada on other schools in an area to be clarified and assessed. As part of this process, this further information was supplied by the school to the Department last week. The information is currently being considered and the Department expects to be in further contact with the school authority and Patron in relation to the data assessment process.

### **School Transport Review**

79. **Deputy Carol Nolan** asked the Minister for Education and Skills if a review of the implementation of the value for money for school transport recommendations has ever been carried out; if his Department intends to modify these in any way; and if he will make a statement on the matter. [3713/17]

**Minister of State at the Department of Education and Skills (Deputy John Halligan):** School transport is a significant operation managed by Bus Éireann on behalf of the Department.

Currently in the region of 114,000 children, including some 10,000 children with special educational needs, are being transported in over 4,000 vehicles on a daily basis to primary and post-primary schools throughout the country covering over 100 million kilometres annually.

No comprehensive review of the implementation of the recommendations arising from the value for money review of the school transport scheme has been undertaken.

The Deputy will be aware that in December 2016 I published a review of the concessionary charges and rules element of the School Transport Scheme and I have decided upon consideration of the review to continue with the current position regarding school transport on a concessionary basis.

In addition the Programme for Government commits to a review of the criteria and guidelines for the School Transport Appeals Board.

### **School Transport Data**

80. **Deputy Carol Nolan** asked the Minister for Education and Skills the total number of students, other than those with special educational needs who avail of school transport either on concessionary or non-concessionary basis over each of the past ten years, by county in tabular form; and if he will make a statement on the matter. [3714/17]

**Minister of State at the Department of Education and Skills (Deputy John Halligan):** School transport is a significant operation managed by Bus Éireann on behalf of the Department.

Currently in the region of 114,000 children, including some 10,000 children with special educational needs, are being transported in over 4,000 vehicles on a daily basis to primary and post-primary schools throughout the country covering over 100 million kilometres annually.

Bus Éireann has been requested to forward the information directly to the Deputy.

### **School Transport Data**

81. **Deputy Carol Nolan** asked the Minister for Education and Skills the number of school transport bus routes that are in operation, other than those for children with special educational needs and those availed of under the remote area grant, over each of the past ten years in tabular form; and if he will make a statement on the matter. [3715/17]

**Minister of State at the Department of Education and Skills (Deputy John Halligan):** School transport is a significant operation managed by Bus Éireann on behalf of the Department.

Currently in the region of 114,000 children, including some 10,000 children with special educational needs, are being transported in over 4,000 vehicles on a daily basis to primary and post-primary schools throughout the country covering over 100 million kilometres annually.

Bus Éireann has been requested to forward the information directly to the Deputy.

### **School Transport Data**

82. **Deputy Carol Nolan** asked the Minister for Education and Skills the number of school bus routes which have been eliminated or reduced due to lower numbers of eligible pupils, resulting in the loss of school transport for concessionary students previously availing of the service over each of the past ten years by county in tabular form; and if he will make a statement on the matter. [3716/17]

**Minister of State at the Department of Education and Skills (Deputy John Halligan):** School transport is a significant operation managed by Bus Éireann on behalf of the Department.

Currently in the region of 114,000 children, including some 10,000 children with special educational needs, are being transported in over 4,000 vehicles on a daily basis to primary and post-primary schools throughout the country covering over 100 million kilometres annually. Overall, the number of school transport bus routes has risen from 5,001 in 2011 to 5,256 in 2016.

Families of eligible children, for whom a school transport service was withdrawn as it fell below the minimum number, are eligible for the remote area grant towards the cost of making private transport arrangements.

The level of detailed information requested by the Deputy is not available for each of the past ten years. The following table shows the number of services withdrawn by county over the last eight years and the overall number of children affected by these withdrawals, total figures are not available for all of the years. It is important to note that these are gross and not net figures. Additional routes have also been added, which are not reflected in these numbers.

County	2009	2010	2011	2012	2013	2014	2015	2016
Carlow	1	1						1
Cavan			1			2	3	2
Clare	1		2				1	2
Cork	4	1	11	2	1	6	3	7
Donegal	1		3		1			
Dublin			4		1		1	1
Galway			5	2	1	6	3	6
Kerry	3	2	6		1	1	3	2
Kildare			2	1	1		1	2
Kilkenny			3				2	
Laois			1			3	1	1
Leitrim			4					
Limerick	1		3		2	1	5	3
Longford						1	1	
Louth						2	1	
Mayo	1	1	5		1		1	
Meath			5	1	1		2	
Monaghan				1				3
Offaly			3		3	1		
R'common			7		2		3	1
Sligo	1	1	4	1	1			
Tipperary			2	1	2		1	6
Waterford			1			3		
W'meath						1	1	
Wexford			2	1		1		
Wicklow	1	1	2	1	2		3	
Total	14	7	76	11	20	28	36	37
No of Children Affected by withdrawal of service								
Eligible	n/a	n/a	n/a	81	162	191	166	206
C'ssionary	n/a	n/a	n/a	6	29	40	113	129

### School Transport Data

83. **Deputy Carol Nolan** asked the Minister for Education and Skills the number of school bus routes which have been downsized as a result of normal operations over each of the past ten years; and if he will make a statement on the matter. [3717/17]

**Minister of State at the Department of Education and Skills (Deputy John Halligan):** School transport is a significant operation managed by Bus Éireann on behalf of the Department.

Currently in the region of 114,000 children, including some 10,000 children with special educational needs, are being transported in over 4,000 vehicles on a daily basis to primary and post-primary schools throughout the country covering over 100 million kilometres annually.

Bus Éireann has advised that routes are organised annually to cater for the children who are eligible for school transport in advance of the new school year, also taking into account the

number of children who are finished in school.

The vehicle used to operate a particular route may be changed, for example a route may be combined with another, but the capacity of the vehicle used would continue to be sufficient to cater for the number of children who are eligible for school transport.

I understand Bus Éireann do not retain the details of vehicle changes and/or circumstances where the number of seats available have been reduced. Therefore the information requested by the Deputy is not available.

### **Teaching Council of Ireland**

84. **Deputy Carol Nolan** asked the Minister for Education and Skills the number of resource teachers who are currently on restricted probation as a result of the directive by the INTO; his plans to address this issue; the number of resource teachers that are currently teaching in schools without full probation; the steps taken by his Department to date to resolve the issue; and if he will make a statement on the matter. [3718/17]

**Minister for Education and Skills (Deputy Richard Bruton):** The Teaching Council is the statutory body with responsibility for professional standards at all stages of the teaching career. It has established standards for post-qualification professional practice, as set out in Droichead, the new model of induction and probation for newly qualified primary and post-primary teachers. The Droichead programme was the subject of a three-year pilot before it was approved by the Council in March 2016. The programme is being introduced on a phased basis since last September.

During the growth and development phase of Droichead, teachers employed in a special education or restricted setting must avail of the Droichead programme to achieve full registration with the Council. While a new policy on teacher probation was adopted by the Teaching Council last December, this does not change the requirement for teachers in a special education setting to avail of Droichead.

The INTO issued a directive to its members not to cooperate with or participate in Droichead from 1 July 2016. This directive has prevented newly qualified teachers employed in special education settings from participating in Droichead since September and thereby closed off the registration pathway. I hope the INTO will review its approach.

My Department is considering the impact of the changes to the Droichead policy.

The Teaching Council has confirmed that there are 4,868 teachers who currently have the condition of probation/Droichead attached to their teacher registration. This is the number of individuals registered with the Teaching Council and should not be taken as an indicator of employment status in schools (e.g. teaching in mainstream, teaching in SEN settings (resource and/or learning support), teaching outside the state and those not currently teaching).

### **National Training Fund**

85. **Deputy Carol Nolan** asked the Minister for Education and Skills the projected revenue and expenditure of the national training fund over the next three years; and if he will make a statement on the matter. [3719/17]

**Minister of State at the Department of Education and Skills (Deputy John Halligan):**

The National Training Fund (NTF) is funded mainly by the imposition of a levy on employers. The levy is 0.7% of reckonable earnings in respect of employees in Class A and Class H employments, which represents approximately 75% of all insured employees. The levy is collected through the PAYE/PRSI system and funds are transferred monthly to my Department by the Department of Social Protection. NTF income also includes European Social Fund refunds and European Globalisation Funds.

The level of receipts from the employment levy over the next three years is expected to be as follows: €405 million in 2017, €426 million in 2018 and €444 million in 2019. The actual amount collected will depend on the numbers in employment each year.

The level of expenditure from the NTF will depend on the demand for services. The overall level of investment in training is in line with previous years but there has been a rebalancing of funding from training for employment to training those in employment to take account of the improved employment situation.

A total of €366.3 million has been allocated this year from the NTF. It should be noted that NTF funding forms part of the Department's annual overall expenditure ceiling and, unless the rate of the levy changes, fiscal rules mean that any increase in NTF expenditure would have to be offset by reductions in expenditure elsewhere.

### **Public Sector Pay**

86. **Deputy Michael Fitzmaurice** asked the Minister for Housing, Planning, Community and Local Government if retained firefighters, who even though they voted on the Lansdowne Road agreement were not included in the 2016 pay increases and most likely will also be left out of this pay increase, will receive increases due; if, with regard to reviewing FEMPI, he will revisit the dual employment clause; and if he will make a statement on the matter. [3568/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** Rates of pay for Retained Fire Service Personnel throughout all local authorities have a historic relationship for pay purposes with local authority craft workers' rate of pay. The application of pay adjustments and related measures in accordance with the Financial Emergency Measures in the Public Interest Act, 2015 and the Public Services Stability Agreement 2013-2018 (the Lansdowne Road Agreement) to the rate of pay of craft workers, apply automatically to the rates of pay of retained firefighters.

As the annualised rate of pay for craft workers is above the upper threshold for pay increases i.e. €32,000, as set out in the Lansdowne Road Agreement, there was no adjustment in their rate of pay in 2016.

From 01 April 2017, all staff on annualised salaries up to €65,000 will receive an increase in gross pay of €1,000, including craft workers, with an associated pro rata increase for retained firefighters.

With regard to the matter of dual employment this is a matter which has been the subject of significant discussion between Unions representing retained firefighters and the Local Government Management Agency, representing the employers, and as such it would not be appropriate to comment on this matter.

### **Nitrates Action Programme Implementation**



87. **Deputy Charlie McConalogue** asked the Minister for Housing, Planning, Community and Local Government the progress on the review of the nitrates action programme with the European Commission; and if he will make a statement on the matter. [3644/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014, as amended, give legal effect in Ireland to the Nitrates Directive and to our Nitrates Action Programme (NAP). The objective of the Regulations is to protect ground and surface waters, including drinking water sources, primarily through the management of livestock manures and other fertilisers.

My Department, in conjunction with the Department of Agriculture, Food and the Marine, has commenced the process of review of the Nitrates Action Programme and is currently preparing to commence formal engagement with the European Commission in the coming weeks with a view to having a new Nitrates Action Programme in place by 2018, to run up to 2021. A request for a new nitrates derogation will be submitted to the Commission as part of the review process. A full consultation process will be carried out in early 2017 as part of this review and any issues raised by stakeholders will be considered as part of that process.

### **UN Conferences**

88. **Deputy Eamon Ryan** asked the Minister for Housing, Planning, Community and Local Government if he or his Department attended or were represented at the United Nations Conference on Housing and Sustainable Urban Development commonly referred to as Habitat III that took place in Quito, Ecuador from 17 to 21 October 2016 (details supplied). [3540/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** Neither I nor my Department were in a position to attend the 3rd United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in Quito, Ecuador last October. However, my Department inputted to the development of the EU Position Paper presented at the Conference for the purposes of the negotiations on the adoption of the New Urban Agenda as a universal framework of actions for housing and sustainable urban development. It is intended to engage further with the UN Secretariat in relation to the mechanisms for implementation of the New Urban Agenda as they are progressed.

### **Planning Issues**

89. **Deputy Eamon Ryan** asked the Minister for Housing, Planning, Community and Local Government the terms of reference of the committee appointed to carry out the root and branch review of the planning system proposed in the programme for Government; the details of the membership of the committee and their qualifications to carry out this task; and if he will make a statement on the matter. [3541/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** The detailed arrangements in relation to the undertaking of an overall review of the planning system, as proposed in the Programme for a Partnership Government and aimed at reducing the uncertainty and length of planning processes, have not yet been finalised. However, the Deputy may wish to note that, in advance of such a review being undertaken, considerable progress has already been made in a number of areas identified by Government as forming part of such a review.

In this connection, the Programme for a Partnership Government indicated that a review of the resources and structures required by An Bord Pleanála to meet its statutory objective of deciding appeals within 18 weeks was one aspect of the planning system that would be specifically addressed. This is now being progressed in the context of the implementation of the recommendations of the Organisational Review of An Bord Pleanála, undertaken by an independent expert panel, which was published in March 2016. An Implementation Group, comprising representation from my Department and An Bord Pleanála, has been established to oversee the implementation of the Review Group recommendations with a view to ensuring that the Board is appropriately positioned and fit for purpose from an organisational perspective to achieve its legislative mandate in this regard.

Furthermore, in order to ensure that the planning system remains accessible and responsive to projected increased construction activity as the economy recovers, the Government's Action Plan for Housing and Homelessness – Rebuilding Ireland, which was published in July 2016, proposed a review of the forecasting, planning and delivery of residential development as another strand in the overall review of the planning system. In this connection, the Planning and Development (Housing) and Residential Tenancies Act 2016 provides for the introduction of temporary fast-track planning arrangements, whereby planning applications for large-scale housing developments (100+ units), including student accommodation, can be made directly to An Bord Pleanála and determined within a specified time frame, with a view to facilitating the earlier provision of increased housing supply. Work is now progressing on the preparation of the regulations and guidance necessary to bring the new procedures into operation at an early date.

Rebuilding Ireland also referred, in the context of an overall review of the planning system, to the introduction and integration of technological efficiencies such as e-planning ( i.e. on-line submission of planning applications and appeals) to facilitate a more modern and responsive planning system. The Planning and Development (Amendment) Bill 2016, which recently passed Second Stage in the Dáil and which it is intended will be enacted by the Summer, includes enabling provision to facilitate the introduction of e-planning.

### **Repair and Leasing Scheme**

90. **Deputy Robert Troy** asked the Minister for Housing, Planning, Community and Local Government when the grant scheme announced in 2016 will be progressed (details supplied). [3549/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** The Repair and Leasing Scheme (RLS) has been developed to assist private property owners and local authorities or Approved Housing Bodies (AHBs) to harness the accommodation potential that exists in certain vacant properties across Ireland. The scheme was launched in Waterford and Carlow in early October 2016, on a pilot basis, and it is my intention that the scheme will be available nationally by April 2017.

The scheme is targeted at owners of vacant properties who cannot afford or access the funding needed to bring their properties up to the required standard for rental property. Subject to the suitability of the property for social housing, and the agreement of the property owner, the cost of the necessary repairs will be met upfront by the local authority or an Approved Housing Body (AHB). This allows for the property owner to sign-up to a lease arrangement for a length that is linked to the value of the repairs, subject to a minimum of 10 years. The value of the repairs will then be offset incrementally against the agreed rental payment over a defined period within the lease.

A property owner can either choose to arrange for a contractor to carry out the repairs themselves, or the local authority or AHB can arrange this instead. Property owners will not be required to take on landlord responsibilities and the local authority or AHB will have on-going management and maintenance responsibilities in respect of the properties.

A scheme of this nature will require both significant capital and current exchequer investment expenditure over the next 5 years and therefore must be properly analysed and assessed to ensure the best use of public money. The purpose of the pilot is to ensure that the scheme is appropriately modelled from a financial perspective but also, and critically, that it is workable from local authorities' and AHBs' perspectives and delivers high quality social housing effectively.

My Department and the Housing Agency, who are assisting with implementation of the scheme, are in regular contact with the two pilot local authorities and I understand that the pilot is progressing well at a local level. In parallel, my Department is also in contact with other local authorities to assist them with necessary preparations for the roll-out of the scheme.

Several AHBs are working together with the Waterford and Carlow local authorities to manage the scheme in those particular areas and, as the scheme becomes available nationally, I expect that more AHBs will become involved in the roll out of the scheme. AHBs have a proven record in managing the refurbishment of properties and being good landlords puts them in an excellent position to play a key role in the success of the scheme.

Over the period 2016 to 2021, it is anticipated that up to 3,500 units will be secured for social housing under this scheme and I have committed to making €140m available over that period. While the current target for 2017 is 150 units, the interest expressed by property owners and stakeholders so far indicates that the 2017 targets will be achieved and could potentially be exceeded following national roll out. Taking account of this, the capacity of local authorities and AHBs to deliver under the scheme, as well as the necessary agreement on the financial considerations arising, I am exploring how delivery under the new scheme might be accelerated.

I would encourage any local authorities that are eager to engage early with the scheme to liaise with the pilot local authorities and my Department, in order to be familiar with the requirements around participation and also the practical implementation issues that are being worked through with the pilot scheme.

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

91. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government further to Parliamentary Question No. 1 of 19 January 2017, the details of the 200 further direct construction and turnkey projects, representing some 3,600 new units that have been approved by his Department since he has become Minister; the date on which each project received approval; the stage each project is currently at; the estimated date of completion; and the details of the 100 AHB projects that have been approved in the same timeframe. [3557/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** At the Joint Oireachtas Committee on Housing, Planning, Community and Local Government on Wednesday, 18 January 2017, my Department indicated that details of all approved social housing projects are being updated and would be published in conjunction with the next Rebuilding Ireland quarterly implementation report, which is due in the coming weeks. The list will also be provided to the Committee and it will include the projects that I have approved since I became Minister in May 2016.

## Housing Data

92. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning, Community and Local Government his views on the claim as reported in a newspaper (details supplied) that the number of house completions may be lower than announced by his Department due to the way ESB connections are collated; and if he will review the methodology for calculating house completions in view of the information contained in the news report. [3663/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** I refer to the reply to the Question No. 234 of 24 January 2017, which sets out the position on this matter.

## Mortgage to Rent Scheme

93. **Deputy Willie Penrose** asked the Minister for Housing, Planning, Community and Local Government his plans to remodel the mortgage to rent scheme with a view to making it more relevant to situations which pertain for persons who have mortgage debt and are unable to pay same at this point in time; if appropriate amendments will be made to the mortgage to rent scheme in order that many persons in mortgage arrears would be in a position to remain in their houses with a revamped mortgage to rent scheme; and if he will make a statement on the matter. [3678/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** Up to 31 December 2016, a total of 3,575 cases have been submitted under the Mortgage to Rent (MTR) Scheme, which was introduced in 2012 for borrowers of private commercial lending institutions. Of these, 2,723 were ineligible or terminated during the process, 217 had been completed and 635 were being actively progressed. Further data on the operation of the scheme to date is collected and reported by the Housing Agency at the following link: <https://www.housingagency.ie/Our-Services/Housing-Supply-Services/Mortgage-to-Rent.aspx>.

A number of amendments were made to the MTR Scheme in July 2015 to enable more properties to qualify and to make the scheme more flexible and accessible to borrowers.

Notwithstanding the amendments already made, the Government is committed to supporting households in long-term mortgage arrears to remain in their homes and has included a review of the MTR Scheme as an action in Rebuilding Ireland: An Action Plan for Housing and Homelessness. The review, now in its final stages, is examining how the scheme can work better for borrowers; details of the outcome of the review will be announced in due course.

## Pension Provisions

94. **Deputy Joan Burton** asked the Minister for Social Protection if sole traders and self employed persons who are in dispute with the Revenue Commissioners on reaching pension age are disqualified from securing the State pension; and if he will make a statement on the matter. [3543/17]

**Minister for Social Protection (Deputy Leo Varadkar):** To qualify for a State pension (contributory), a person must satisfy a number of qualifying conditions which include commencing insurable employment at least 10 years before pension age, having a minimum of 520 qualifying PRSI contributions and achieving a yearly average of at least 10 qualifying contribu-

tions, paid or credited, over their working life.

Social insurance contributions (Class S PRSI) were introduced for self-employed people on 6th April 1988. This provides cover for self-employed people for long-term benefits such as State pension (contributory) and widows/widowers pension (contributory).

Social welfare legislation stipulates that a self-employed contributor shall not be regarded as satisfying the qualifying conditions for State pension (contributory), unless all outstanding self-employment contributions have been paid by him/her in full. Where contributions are paid subsequent to a claimant's 66th birthday, State pension (contributory) can only be awarded from the date on which the self-employment liability has been fully discharged. These provisions are consistent with the contributory and solidarity principles which underpin the social insurance system.

In the event that a person has not paid the required PRSI contributions to qualify for a State pension (contributory), they may make a claim for the State pension (non-contributory), subject to their satisfying the qualifying conditions for that payment. The maximum rate of that pension is 95% that of the maximum contributory pension rate, and while it is means-tested, over 70% of recipients receive it at the full rate. If a person only qualifies for this payment at a reduced rate, they will generally have more means, when the payment is taken into account, than a person wholly dependent upon the State pension.

The Deputy should note matters related to the collection of tax are outside the responsibility of my Department, and should be pursued with the Revenue Commissioners. Income tax and outstanding PRSI payable by a self-employed contributor is treated as one aggregate sum in accordance with the provisions of social welfare legislation.

I hope this clarifies the matter for the Deputy.

### **Disability Allowance Applications**

95. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the status of an application for a disability allowance in respect of a person (details supplied); and if he will make a statement on the matter. [3565/17]

**Minister of State at the Department of Social Protection (Deputy Finian McGrath):** I can confirm that my department received an application for disability allowance from this man on 19 October 2016.

On 17 January 2017 the person concerned was requested to supply supporting documentation required by the deciding officer in order to make a decision on his eligibility. On receipt of this information a decision will be made and the person concerned will be notified of the outcome.

I trust this clarifies the matter for the Deputy.

### **Social Welfare Overpayments**

96. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the status of an overpayment in respect of a person (details supplied); and if he will make a statement on the matter. [3567/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The person concerned incurred a carer's allowance debt amounting to €14,436.20 from 2 December 2010 to 11 January 2012. She had recently been repaying this debt by way of a €10.00 weekly deduction from her job-seeker's allowance (JA). To date €2,052.80 has been repaid leaving a balance outstanding of €12,383.40.

As the person concerned was recently awarded disability allowance (DA), her repayments from JA stopped. On 7 December 2016 a letter issued to her proposing to recover the balance of her debt by weekly deductions of €28.20 from her DA. The person concerned was offered the opportunity to comment on these recovery proposals.

Following contact from her, a letter was issued on 24 January 2017 informing her that weekly deductions of €10.00 per week will commence on 1 February 2017 from her DA.

I hope this clarifies the matter for the Deputy.

### **Domiciliary Care Allowance Applications**

97. **Deputy Tom Neville** asked the Minister for Social Protection the status of an application for a domiciliary care allowance in respect of a person (details supplied); and if he will make a statement on the matter. [3579/17]

**Minister of State at the Department of Social Protection (Deputy Finian McGrath):** An application for domiciliary care allowance (DCA) was received in respect of this child on the 18th November 2016. The application will be considered by a Deciding Officer and the decision notified to the applicant as soon as possible. It is currently taking up to 14 weeks from date of receipt to process an application for DCA.

I hope this clarifies the matter for the Deputy.

### **Employment Rights**

98. **Deputy David Cullinane** asked the Minister for Social Protection the status of his Department's investigation into disguised employment; and if he will make a statement on the matter. [3612/17]

**Minister for Social Protection (Deputy Leo Varadkar):** 'Disguised employment' is a broad term which refers to the incorrect classification of a worker for PRSI purposes, which in turn can affect their entitlement to social insurance benefits. It can also affect the tax liability of a worker. Examples of disguised employment include the use of intermediary type structures and various forms of 'dependent' self-employment, e.g. where there is limited entrepreneurial risk and a degree of control.

An interdepartmental working group, comprising officials from the Department of Social Protection, Department of Finance and the Revenue Commissioners, has been examining the issue of disguised employment.

To inform the work of the group, a public consultation on the use of intermediary type employment structures and self-employment arrangements, and its impact on tax and PRSI, was undertaken in 2016. The consultation received 23 submissions from interested parties on possible measures to address the potential loss to the Exchequer under arrangements (i) where an individual, who would otherwise be an employee, establishes a company to provide his or her

services, and (ii) where an individual, who is dependent on, and under the control of, a single employer in the same manner as an employee, is classified as self-employed.

A report on the consultation is currently being finalised by the working group, which I and my colleague the Minister for Finance will consider in due course.

I hope this clarifies the matter for the Deputy.

### **Carer's Allowance Applications**

99. **Deputy Willie Penrose** asked the Minister for Social Protection the status of an application for a carer's allowance by a person (details supplied); and if he will make a statement on the matter. [3631/17]

**Minister for Social Protection (Deputy Leo Varadkar):** Carer's Allowance (CA) is a means-tested social assistance payment, made to persons who are providing full-time care and attention to a person who has a disability such that they require that level of care.

My department informs me that, to date, no application for CA has been received from the person concerned.

Accordingly, I have arranged for an application form (CR1) to issue, which he should complete and return as soon as possible, in order that my Department may determine his entitlement to CA. If he has already submitted an application in the past few days, there is no need to re-submit a new application and my Department will be in touch in relation to the application in due course.

I hope this clarifies the matter for the Deputy.

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

100. **Deputy Willie Penrose** asked the Minister for Social Protection the status of a claim for carer's allowance by a person (details supplied) whose social welfare appeal was allowed on 5 December 2016; and if he will make a statement on the matter. [3632/17]

**Minister for Social Protection (Deputy Leo Varadkar):** An application for carer's allowance (CA) was received from the person concerned on 3 February 2016.

As a result of an appeals officer's decision, CA was awarded to the person concerned on 24 January 2017 and the first payment will issue to his nominated bank account on 2 February 2017. Arrears for the period 4 February 2016 to 1 February 2017 have also issued to his nominated bank.

The person concerned was notified on 24 January 2017 of the outcome.

I hope this clarifies the matter for the Deputy.

### **Maternity Benefit Administration**

101. **Deputy Niamh Smyth** asked the Minister for Social Protection the waiting times for the processing of maternity benefits; and if he will make a statement on the matter. [3635/17]

**Minister for Social Protection (Deputy Leo Varadkar):** My Department is committed to providing a quality service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are made as quickly as possible.

In general, maternity claims are processed within 6 weeks of receipt at present.

I would encourage maternity benefit customers to submit their applications as early as possible and use the on-line application process, if possible, as this facilitates speedy claim processing.

I hope this clarifies the matter for the Deputy.

### **Paternity Benefit Administration**

102. **Deputy Niamh Smyth** asked the Minister for Social Protection the waiting times for the processing of paternity benefit; and if he will make a statement on the matter. [3636/17]

**Minister for Social Protection (Deputy Leo Varadkar):** My Department is committed to providing a quality service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are made as quickly as possible.

Paternity benefit is a new scheme introduced in September 2106. To support the scheme a new technical platform that is capable of accepting online applications and supporting officer decision making was developed. In general, paternity claims are processed within 6 weeks of receipt at present.

I would encourage paternity benefit customers to submit their applications as early as possible and use the on-line application process for speedy processing.

I hope this clarifies the matter for the Deputy.

### **Personal Public Service Numbers**

103. **Deputy Eoin Ó Broin** asked the Minister for Social Protection if a person (details supplied) is entitled to a PPS number; if so, the way in which the person can secure a PPS number; the place that the application for a PPS number should be directed; and the supporting documentation for a PPS number that needs to be provided. [3662/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The requirements for the allocation of a Personal Public Service (PPS) Number are:

- acceptable evidence of identity, which for Canadian citizens is a current valid passport;
- evidence as to why a PPS Number is required (i.e., to carry out a transaction with a State body specified in legislation as permitted to use the PPS Number); and
- acceptable evidence of address (e.g., a utility bill in the person's name).

Further detailed information on the allocation of PPS Numbers is available on the Department's website at [http://www.welfare.ie/en/Pages/Public-Service-Identity\\_holder.aspx](http://www.welfare.ie/en/Pages/Public-Service-Identity_holder.aspx).

Persons living in Dublin seeking a PPS Number should attend the PPS Number allocation centre at Parnell Street, and appointments are booked via [www.MyWelfare.ie](http://www.MyWelfare.ie).



I hope this clarifies the matter for the Deputy.

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

104. **Deputy Willie Penrose** asked the Minister for Social Protection the position regarding an application for a carer's allowance that was submitted by a person (details supplied); and if he will make a statement on the matter. [3677/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was referred to an Appeals Officer on 27th January 2017, who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions in relation to social welfare entitlements.

I hope this clarifies the matter for the Deputy.

### **Domiciliary Care Allowance Applications**

105. **Deputy Willie Penrose** asked the Minister for Social Protection the status of an application for a domiciliary care allowance by a person (details supplied) in view of the fact that this application was submitted to his Department at the end of October 2016; if same will be expedited; and if he will make a statement on the matter. [3679/17]

**Minister of State at the Department of Social Protection (Deputy Finian McGrath):** An application for domiciliary care allowance (DCA) was received from this lady on the 27th October 2016. An opinion on the child's eligibility for the scheme has been requested from one of the Departments Medical Assessors. The application will then be considered by a Deciding Officer and the decision notified to this lady as soon as possible. Applications are processed in date of receipt order; it can currently take 14 weeks to process an application for DCA.

I hope this clarifies the matter for the Deputy.

### **Rent Supplement Scheme Eligibility**

106. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if rent support is available in the case of persons (details supplied); and if he will make a statement on the matter. [3685/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The Department has not, to date, received an application for Rent Supplement from the client concerned. The client should forward an application to be assessed for entitlement to Rent Supplement to the Mid-Leinster Rents Unit, PO Box 11758, Dublin 24.

I trust this clarifies the matter for the Deputy.

### **Rent Supplement Scheme Eligibility**

107. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if arrears of rent support will be paid in the case of persons (details supplied); and if he will make a statement on the matter. [3687/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The client concerned has been requested to provide the Department with up to date documentation. On receipt of same, the claim will be re-assessed with regard to entitlement.

I trust that this clarifies the matter for the Deputy.

### **Rent Supplement Scheme Eligibility**

108. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if he will undertake a review of the refusal of rent support in the case of a person (details supplied); and if he will make a statement on the matter. [3692/17]

**Minister for Social Protection (Deputy Leo Varadkar):** As detailed to the Deputy in reply to Parliamentary Question No 31509-16 and several related Parliamentary Questions, the client concerned received a large family financial settlement relating to a formerly co-owned property in late 2013. Failure to produce the required financial information relating to these monies resulted in her previous claim for Rent Supplement, being closed on 08/12/16.

The Department received a new application for Rent Supplement on the 06/01/17 from the client concerned. Rent Supplement is a means tested payment and an assessment cannot be made, until all documentary evidence requested on 6th January 2017, in the form of a statement of withdrawn monies and remaining balance relating to her financial settlement are received by the Department. A further letter issued to the client on 24/01/17 for the requested information to be supplied by 07/02/17.

I trust this clarifies the matter for the Deputy.

### **Jobseeker's Allowance Eligibility**

109. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if refusal of jobseeker's allowance will be urgently reviewed in the case of a person (details supplied); and if he will make a statement on the matter. [3694/17]

**Minister for Social Protection (Deputy Leo Varadkar):** As part of a normal review to entitlement of jobseeker's allowance, information was sought from the person concerned pertaining to lodgements in his bank account. To date the requested information is still outstanding and payment of jobseeker's allowance in the case of the person concerned was suspended. The person concerned was advised in writing on 4 January 2017 that the requested information, required in order to complete this review, was still outstanding. It is open to the person concerned to submit the relevant information to his Local Office so that the review may be completed. He will be informed of the outcome on completion of the review.

The activities of illegal money lenders fall within the remit of An Garda Síochána.

I hope this clarifies the matter for the Deputy.

### **Personal Public Service Numbers**

110. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if PPS numbers and old insurance numbers are recorded in the case of persons (details supplied); and if he will make a statement on the matter. [3695/17]

**Minister for Social Protection (Deputy Leo Varadkar):** Following a search by my officials, I can confirm that there is no record of either Insurance Numbers or Personal Public Service Numbers for either of the named individuals.

I would advise that the individuals concerned should enquire with the HR area of their respective employers at that time in order to locate any records that may exist. My officials will be available to provide any further assistance then required.

I hope this clarifies the matter for the Deputy.

### **Carer's Allowance Eligibility**

111. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the maximum carer's allowance payable in the case of a person providing care for two parents and one neighbour; and if he will make a statement on the matter. [3699/17]

**Minister for Social Protection (Deputy Leo Varadkar):** Carer's Allowance (CA) is a means-tested social assistance payment, made to a person who is providing full-time care and attention to a person who has a disability such that they require that level of care.

The maximum rate of CA payable to a carer who provides full-time care and attention to one person is €204.00 weekly. If a carer is caring for a second person and is assessed with no means, they could qualify for a 150% CA which is payable at the weekly rate of €306.00.

This is the highest rate payable. There is no higher rate payable if the carer is caring for a third or more care recipients.

However, an annual carer's support grant (CSG) of €1,700 is payable for each person being cared for if the qualifying conditions are satisfied. Accordingly, a carer who cares for three people may have an entitlement to a CSG of €5,100 when it is paid in June.

I hope this clarifies the matter for the Deputy

### **Election Monitoring Missions**

112. **Deputy Eamon Ryan** asked the Minister for Foreign Affairs and Trade the status of the election observation roster; if he plans to open it up for a public call for applications; and if he will make a statement on the matter. [3542/17]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe McHugh):** International election monitoring missions play an important role in the promotion of democracy and human rights. The Department of Foreign Affairs and Trade maintains and administers a roster of observers for such missions. The aim is to ensure that Ireland is represented at an appropriate level in international election observation missions organised in the main by the European Union and the Organisation for Security and Cooperation in Europe (OSCE).

The current roster was established in May 2013 for a period of five years following a review

of the previous roster and a public call for applications. Following the independent appraisal and ranking of the 263 eligible applications, the 200 individuals who achieved the highest scores were selected to serve on the new roster and a reserve panel of the next 10 highest scoring individuals was also established, from which replacements would be drawn should any members leave the roster during the five year period.

In 2016, roster members observed 15 different elections under the auspices of the EU and OSCE.

I am confident that the current roster is well equipped to deal with the requirements of the EU and OSCE. It is envisaged that the current roster will operate until May 2018, but we are keeping it under review. Details regarding the next call for roster members will be published later this year on the Irish Aid website.

### **Undocumented Irish in the USA**

113. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade the proposals he has to discuss with the new United States Administration immigration reform in view of the concerns of the undocumented Irish; and if he will make a statement on the matter. [3613/17]

**Minister for Foreign Affairs and Trade (Deputy Charles Flanagan):** Achieving relief for undocumented Irish migrants in the US and agreement on a facility for future migration between Ireland and the US are longstanding Government objectives. We continue to be committed to these aims notwithstanding the changed political context in the United States. The Government has raised the issue of immigration reform with US interlocutors – including at the highest levels – on many occasions. I personally raised the issue when I met then-Secretary of State John Kerry in Co. Tipperary, on 30 October 2016. I also raised it when I spoke to Speaker Paul Ryan by telephone on 23 November 2016. The Government has also availed of every opportunity to sensitise the new Administration to our concerns and interests regarding immigration reform, and the plight of the undocumented Irish in particular. The Taoiseach raised the matter in his separate telephone conversations with then President-elect Trump and Vice-President-elect Pence in the days following the Presidential election. The issue will also feature high on the agenda for my planned visit to Washington DC in early February. The upcoming St. Patrick's Day engagements will provide a further opportunity to express to senior figures in the new Administration and Congress our aims and concerns in relation to the undocumented.

In addition to these political efforts, our Embassy in Washington and our Consulates throughout the United States will continue to engage with Irish community groups in relation to their concerns. Ambassador Anderson convened a meeting of senior immigration stakeholders at our Embassy in Washington on 12 January in order to hear directly from those who work most closely with the undocumented Irish.

We are continuing to support organisations that deliver frontline advisory services and community care to Irish emigrants through the Emigrant Support Programme. More than 70% of the funds allocated through this programme are directed towards welfare services, including in support of the undocumented Irish in the U.S. In the last funding round of the Emigrant Support Programme, organisations in the U.S were allocated more than €2.3 million in funding. The Government, the Department of Foreign Affairs and Trade, and our Embassy in Washington will continue to work closely with Irish-American community leaders in actively pursuing all viable opportunities to advance immigration reform. We will encourage and promote any realistic possibilities for a solution that may arise.

## **Public Procurement Contracts Social Clauses**

114. **Deputy Eamon Ryan** asked the Minister for Public Expenditure and Reform the progress his Department has made on social benefit clauses; and the timeframe for inclusion into the public tendering process. [3626/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Whilst the primary focus of public procurement reform has been on achieving value for money and encouraging SME access to procurement opportunities, the Government is also keen to explore to scope for supporting wider policy objectives including social and environmental clauses in public contracts.

Social clauses can be used where they are targeted at factoring into the procurement process consideration of issues such as employment opportunities, equal opportunities, social inclusion and sustainability. In order to be compatible with EU law, these conditions must be made known to all interested parties and must not restrict participation by contractors from other Member States.

This is a complex area and challenges arise from the need to ensure that:

- value for money is not adversely affected;
- additional costs are not placed on domestic suppliers relative to other potential suppliers;
- contracts are of a minimum scale to absorb the increased administrative requirements; and
- the targeted benefit is capable of being measured and monitored during execution of the contract.

Care must also be taken not to disproportionately impact on SME's bidding for public contracts. If a blanket suite of social benefit clauses was attached to all public procurement opportunities it is likely that this would be ineffective and disproportionately favour larger enterprises and reduce competition in supplying goods and services to the State.

In general, the inclusion of social clauses in a procurement process would appear to be most effective where the benefit could be considered a core requirement and can be directly linked to the contracting authority's policy or strategic plan. A further consideration is the ability of contracting authorities to effectively monitor compliance with the social clause. This may be more difficult where some of the work is to be performed in another Member State.

The Deputy may be aware that a revised set of EU Directives governing public procurement was transposed into Irish law last May. There is now greater scope and legal clarity in relation to the use of social criteria in the context of an open, competitive and non-discriminatory public procurement regime which delivers best value for money. Contracting Authorities are therefore already free to include social benefit clauses in public procurement processes.

In relation to sustainability, comprehensive guidance is available to public authorities assist them in this regard in the "Action Plan on Green Public Procurement", published on 2012, and "Green Procurement Guidance for the Public Sector", published in 2014. In addition, the Office of Government Procurement is assessing the scope for the use of such clauses and is developing practical guidance to assist contracting authorities using procurement as a driver of wider public policy goals such as sustainability, where appropriate. This practical guidance will be issued shortly.

## Public Sector Pensions

115. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform the options available to a public servant who is required to retire at 65 years of age but is on a b1 stamp, is unable to collect a social welfare payment due to a partner's income and who will, therefore, have no income for 12 months; if the public servant can remain in employment until reaching 66 years of age; if not, the provisions his Department has made for such cases; and if he will make a statement on the matter. [3550/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** An individual who pays Class B PRSI is an established civil servant appointed before 6th April 1995. As a Class B PRSI contributor he/she pays modified PRSI, he/she does not make the appropriate PRSI contributions towards a contributory state pension (CSP). Therefore such a person will not be entitled to a Social Welfare pension in respect of his/her Civil Service employment. Consequently, a Class B PRSI contributor's occupational pension is not integrated with the Social Welfare system i.e. the calculation of the occupational pension does not take account of any Social Welfare pension or payments payable.

In general, the occupational pension of an established civil servant paying a class B PRSI contribution is payable from minimum pension age or on retirement whichever is the later. A Class B PRSI contributor will be entitled to an income from the occupational pension immediately on retirement if retiring at any age between 60 and 65, the latter age being the maximum retirement age for that group.

## Semi-State Bodies

116. **Deputy Róisín Shortall** asked the Minister for Public Expenditure and Reform the current policy in respect of semi-State employees having their retirement age extended to 66 years of age (details supplied); and if he has issued or intends to issue guidance to semi-State companies in this regard. [3587/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Terms and conditions of employees of commercial state bodies (other than the Chief Executive Officer) are generally a matter for the body concerned and I have no direct input in relation to those terms and condition. However, in relation to public servants generally including those in non-commercial state bodies, the Deputy may be aware that an Interdepartmental Working Group, chaired by my Department, was established in early 2016. This Group was to examine the issues arising from prevailing retirement ages for workers in both the public and private sectors, in the context of the increase in the State Pension age from 65 to 66 in 2014 and the scheduled further increases to the State Pension age in 2021 and 2028.

The Group, whose Report was agreed by Government last August, considered policy around retirement age in both the public and private sectors, examining implications arising from retirement ages now and in the future. The Group identified a set of framework principles to underpin policy in the area and made a number of recommendations assigned to Government Departments and Employer bodies for follow-up in that regard. A copy of the Report is available online at <http://www.per.gov.ie/en/report-of-the-interdepartmental-group-on-fuller-working-lives/>.

On foot of one of the recommendations of the Report, my Department, with Public Service employers, was tasked to review the current statutory and operational considerations giving rise to barriers to extended participation in the public service workforce up to and including the

current age of entitlement to the Contributory State Pension. This review is currently underway and is expected to be completed by the Q2 2017.

### **Public Sector Pensions**

117. **Deputy Charlie McConalogue** asked the Minister for Public Expenditure and Reform the position regarding the restoration of pension payments for public sector workers who had their pensions cut as part of the public sector pay reductions; when pensioners who were in receipt of payments of more than €32,500 will see their pensions increased; and if he will make a statement on the matter. [3627/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Public service pay reductions under the financial emergency (FEMPI) legislation have not altered the value of public service pensions in payment. The particular FEMPI measure which has affected the payment rate of public service pensions is the Public Service Pension Reduction (PSPR).

Introduced in January 2011 under the FEMPI 2010 Act, PSPR reduces the pay-out value of pensions whose pre-PSPR value is above specified thresholds. It does so in a progressively structured way which has a proportionately greater effect on higher value pensions. At all times, public service pensions up to a value of €12,000 have been unaffected by PSPR, while a higher exemption threshold of €32,500 has applied to pensions awarded from 1 March 2012 onwards.

PSPR is being significantly reversed or restored in three stages under FEMPI 2015 over the 2016 to 2018 period, with PSPR-affected pensioners getting pension increases via substantial restoration of the PSPR cuts on 1 January 2016, 1 January 2017 and 1 January 2018. When fully rolled-out from 1 January 2018, the changes will mean that all public service pensions with pre-PSPR values of up to €34,132 will be fully exempt from PSPR, while those pensioners not fully removed from the reach of PSPR will, in the majority of cases, benefit by €1,680 per year. The cost of these changes is estimated at about €90 million on a full-year basis from 2018.

Since all public service pensions with pre-PSPR value greater than €32,500 have been negatively affected by PSPR, it follows that all such pensions will be increased by this three-stage restoration under FEMPI 2015.

### **Public Sector Reform Implementation**

118. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent of reform and-or policy initiatives required to maximise the opportunities for economic recovery in the future; and if he will make a statement on the matter. [3654/17]

121. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the degree to which each Government Department continues to maintain good practice in terms of expenditure, in keeping with both the effects of the economic recession and the growing demands of the recovery; and if he will make a statement on the matter. [3702/17]

122. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he is satisfied that he will be able to continue to meet the targets set by his Department in the context of spending and reform; and if he will make a statement on the matter. [3703/17]

123. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the degree to which each Government Department has achieved the targets set by way of public

expenditure and reform in the past five years; the extent to which this has now become the basis for reward throughout; and if he will make a statement on the matter. [3704/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** I propose to take Questions Nos. 118 and 121 to 123, inclusive, together.

Increased investment in public capital infrastructure can support enhanced economic growth. In this regard the Deputy will be aware that I announced on Budget Day that my Department would, by the middle of 2017, complete a review of the Capital Investment Plan published in September 2015. The objective of the Capital Review will be to provide a focused analysis of capital spending and it will provide the Government with an opportunity to reaffirm priorities and, if necessary, recalibrate investment plans. The key task, however, will be to recommend how the remaining unallocated capital funding should be allocated over the period of the plan, having regard to the priority areas identified in the Government's Programme.

The effective management of expenditure has played a key role in ensuring Ireland met or exceeded its key fiscal targets over the past number of years. This continues to be the case, with the management of the delivery of public services within budgetary allocations being a key responsibility of each Minister and their Department. My Department is in regular communication with all Departments and Offices to ensure that expenditure is being managed within the overall fiscal parameters. The drawdown of funds from the Exchequer is monitored against the published expenditure profiles and information is published monthly, as part of the Exchequer Statement.

The Government is now in a position to provide for sustainable levels of expenditure growth to support improvements in public services. The Revised Estimates Volume (REV) 2017 sets out total gross voted expenditure of €58.1 billion in 2017. This represents a year on year increase of over 3 per cent on the 2016 allocation and is a prudent level of increase as we continue to repair the public finances. However, we have to be mindful of the considerable expenditure pressures facing the public finances and it is important that we continue to evaluate how we spend our money to ensure that limited resources provide much needed public services and social infrastructure. Given this context, I announced on Budget day that a spending review will be carried out in advance of Budget 2018.

Given the many competing priorities and demands for resources, there is an ongoing requirement to implement reforms that improve how public services are delivered, and that achieve savings which can be reinvested in frontline services. The Public Service has delivered significant productivity gains and service improvements over the last number of years, as set out in the Annual Progress Report on the Public Service Reform Plan (published April 2016). We must build on this progress, and it is essential that targeted recruitment and investment in public services is done in tandem with further public service reform measures. This includes, for example, more digital delivery of services, improved customer service and business processes, and greater use of shared services. When Departments identify savings arising from such reform measures, such savings are in general made available to Departments to reinvest in the delivery of services. It is also very important to ensure that the public service workforce operates in a manner which maximises the positive impact on public service provision of the increased staff numbers reflected in the budgetary allocations for 2017.

### **Public Sector Pay**

119. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he expects to be able to maintain compliance with the Lansdowne Road



agreement or other pay agreements in the context of the financial emergency measures in the public interest, FEMPI, legislation, having particular regard to the need to reward those affected by the downturn in the economy in the course of the ongoing recovery; and if he will make a statement on the matter. [3700/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** This Government believes in the value of collective agreements and is taking steps to support the continued implementation of the Lansdowne Road Agreement .

A collective approach to public service pay is vital to our national interest as it provides for the stable industrial relations environment which has been a pillar of our domestic recovery and restored international reputation. Collective agreements deliver public service reform, secure productivity improvements and allow for strong fiscal planning where pay increases are negotiated fairly and budgeted for on a multi-annual basis. This allows us to balance pay increases in the public service with other societal priorities including improvements in housing and health care.

The Labour Court Recommendation on Garda pay issued on 3rd of November last had serious implications for the continued viability of the Lansdowne Road Agreement and this needed to be addressed.

This process of engagement between public service management and the Public Service Committee of ICTU has been completed.

In acknowledgement of the anomaly that has arisen, the Government in its capacity as the public service employer, agreed to an increase in annualised salaries of €1,000 for the period April to August 2017 inclusive for:

- those on annualised salaries up to €65,000;
- who are parties to the Lansdowne Road Agreement; and
- who do not stand to benefit from the Labour Court recommendations (CD/16/321 & CD/16/322) issued in respect of the Garda Associations.

This additional payment is being offered by Government on the understanding that there will be continued adherence to the terms of the LRA, and in particular, its mechanisms to resolve disagreements before they escalate into industrial disputes over the remaining period of the Agreement. The requirement therefore to adhere to industrial peace will be fully observed in all sectors and this has been accepted by ICTU.

The Oversight Group for the Agreement will meet regularly in order to take an active role in addressing any major disputes that arise ensuring compliance with the relevant terms of the agreement over its remaining term.

Preparatory work for Phase 2 has commenced, with parties making submissions to the Public Service Pay Commission. An initial report from the Commission is expected in Q2 2017. This report will provide inputs on how the unwinding of FEMPI legislation can be best managed in the context of the national finances.

Once this report is available, the Government intends to initiate negotiations on a successor to the Lansdowne Road Agreement ahead of Budget 2018 considerations.

120. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform in the context of the growing needs of the recovering economy, if he expects to be in a position to meet infrastructural requirements of the widest possible nature affecting our economic performance; and if he will make a statement on the matter. [3701/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The Capital Plan “Building on Recovery”, sets out a €42 billion framework to address our priority infrastructure needs up to 2021. This plan is being reviewed to ensure that capital spending is strictly aligned with national economic and social priorities, consistent with Programme for Partnership Government objectives. This includes examining how available capital funds can best be allocated to underpin sustainable medium-term economic growth and future growth potential.

The review of the Plan will be undertaken in two stages:

Phase 1 is a focused review of priorities aimed primarily at advising Government, in the context of Budget 2018, on how the additional capital funding committed by Government should be allocated over the remainder of the plan. This will examine priority areas for investment, consistent with the objectives of the existing Capital Plan and the specific investment priorities contained in the Programme for Government.

Phase 2 will assess and report on the framework required to underpin longer term analysis of Ireland’s infrastructure planning needs.

My Department has recently written to all Departments initiating the review process and has sought submissions, including proposals for any of the additional capital funding available, by end February 2017. A public consultation will also be undertaken to inform the Review.

*Questions Nos. 121 to 123, inclusive, answered with Question No. 118.*

### **Public Service Reform Plan Update**

124. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the scope for reforms throughout the public and private sectors which may still have a role to play in economic performance in the future; and if he will make a statement on the matter. [3705/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Public Service Reform was a central element of the response to the challenges of recent years and remains an essential part of building for the future. Since the first Public Service Reform Plan was published in 2011, a comprehensive programme of reform has been implemented and this continues to be a key priority. This is important as the performance of the Public Service has major implications for the management of the State’s finances, and for economic development and employment creation.

We are now at the end of the final year of the implementation of the current three year Public Service Reform Plan 2014–2016. The Reform Plan has enabled a transformation of how we do our work as public servants, putting citizens ever more to the centre of what we do both in terms of service delivery and transparency, openness and accountability. In addition, reform is continuing to deliver savings across a range of specific areas such as shared services, procurement reform and property management. The launch of the Public Service ICT Strategy in will permit the public service to use new digital methods to improve online delivery of services and reduce costs. These reform initiatives will ensure that the public service along with the private sector continues to each play their role in creating a positive climate for trade, investment and

job creation.

A new phase of public service reform, to cover the period 2017-20, is currently being developed and last September I invited the members of the Oireachtas Committee on Finance, Public Expenditure and Reform to input to this process. This phase will consolidate the significant progress made since the first Public Service Reform Plan was launched in 2011. It will set out a series of actions to be delivered out to 2020 which will both build on the achievements of the last six years and respond to new challenges.

Overall, I believe that there has been significant progress on Public Service Reform to date. We must build on this progress and maintain a focus on Public Service Reform over the coming years. It is essential that targeted recruitment and investment in public services is done in tandem with further Public Service reform measures, not least as current and future demographic trends will continue to place demands on public service delivery.

### **Public Procurement Contracts**

125. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which public procurement procedures remain an asset or an obstacle in the context of economic recovery; and if he will make a statement on the matter. [3708/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Procurement reform is a key element of the Government's overall reform programme and is aimed at delivering increased value for money, more accurate and timely data and improvement in the capacity and capability of procurement across the public service. The fragmented procurement arrangements across the public service facilitated amongst other things suppliers charging different public service bodies different prices for the same goods and services. This was not sustainable, as the State could not afford to continue to purchase works, goods and services in a manner that undermines the efficient delivery of services.

The central procurement frameworks and contracts established by the Office of Government Procurement (OGP) have been designed to optimise benefits including savings to the State through the strategic aggregation of its buying power. Aggregation arrangements such as multi-supplier frameworks can, where appropriate, address local supplier issues.

The reform of public procurement in Ireland is being carried out in a manner that recognises the importance of small and medium-sized enterprises in this country's economic recovery. The aim is to drive fair, transparent and open competition in the marketplace but also to work with business to ensure that government procurement policies are business friendly

In the three years to the end of 2015, the OGP and its partner sector sourcing organisations in Health, Education, Local Government and Defence had enabled procurement savings of an estimated €160 million. The 2016 procurement savings forecast is €91 million.

Given the budgetary pressures facing the public service, public procurement savings can support the dual objectives of meeting our fiscal targets and of maintaining/improving services for the public. The strengthening of procurement professionalisation will in turn provide public bodies who use the contracts and frameworks with increased certainty and reduced risk by providing them with compliant sourcing solutions.

Finally, in relation to further reform of public procurement, the Government has committed in the Programme for Partnership Government to refining the new procurement structures in place and to make adjustments according to best international practice and in conjunction with

Irish business.

### **Public Sector Staff Recruitment**

126. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the full extent to date of recruitment throughout the public sector in the context of economic recovery; the expectation in respect of future recruitments throughout the sector by the end of the current year and thereafter; and if he will make a statement on the matter. [3709/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** As the Deputy will be aware, in my role as Minister for Public Expenditure and Reform, I have overarching responsibility for workforce planning and recruitment to the Civil Service. In Budget 2015, it was announced that there will be a targeted programme of recruitment into the Civil Service to address service needs and a shortfall in key skills commencing in late 2014 and continuing. The Deputy may wish to be aware that a number of open competitions have already taken place or are in process of taking for recruitment to the Civil Service.

I understand from the Public Appointments Service, who are the independent recruiter for the civil service, that since then in the region of 3,800 civil servants, excluding temporary assignments, have been assigned to Government departments and offices across all general service grades from open competitions.

These increases would of course be offset by people leaving the Civil Service including retirements.

Recruitment plans for the public service more generally are a matter, in the first instance, for the Minister with responsibility for each of the relevant sectors of the public service.

### **EU Funding**

127. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the total number of project applications entered by the State under the European structural and investment funds for the period 2014 to 2021, per annum, in tabular form; the number of successful agreements to date; the estimated total expected drawdown of funds; and the total number of projects that support business growth and employability, skills development, investment and access to finance, develop green infrastructure and support social enterprise. [3732/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Within Ireland I, as Minister for Public Expenditure & Reform, have overall responsibility for EU Cohesion Policy and primary responsibility for the European Regional Development Fund (ERDF). The Minister for Education & Skills has primary responsibility for the European Social Fund (ESF). These two Funds, along with the Cohesion Fund (from which Ireland no longer benefits), the European Agriculture Fund for Rural Development (EAFRD) and the European Maritime & Fisheries Fund (EMFF) (for which the Minister for Agriculture, Food & the Marine has responsibility) now constitute the European Structural and Investment Funds (ESIF).

Ireland has been allocated a total of €3.3bn in ESI Funding for the 2014 -2020 period (€1.2bn of Structural Funds for the ERDF and the ESF, €2.2bn from the EAFRD and €148m for the EMFF). The policy context for the application of these allocations is set out in Ireland's Partnership Agreement (<http://www.per.gov.ie/wp-content/uploads/Partnership-Agreement-Ireland-2014-2020.pdf>) which is the overarching strategic document governing the ESI Funds.

The EU Regulations governing the ESI Funds outline eleven categories, known as Thematic Objectives, under which ESI funding may be spent by Member States. The funding priorities identified for Ireland's ESI Funds take account of the Europe 2020 Strategy and the National Reform programme. In line with these and with a position paper prepared by the Commission, the funding priorities identified for the 2014-2020 period are:

- promoting jobs and growth;
- combating unemployment and social exclusion;
- promoting R&D and ICT investment and the competitiveness of the business sector; and
- promoting an environmentally friendly and resource efficient economy.

These investment priorities are being progressed by several Government Departments and Agencies including, for example, the National Broadband Plan through the Department of Communications, Climate Action & Environment; the Rural Development Programme through the Department of Agriculture, Food & the Marine; and energy retrofitting of social housing through the Department of Housing, Planning, Community & Local Government. Further details in relation to the individual Funds can be obtained from their Operational Programmes which can be found on the websites of the Managing Authorities for the Funds.

### **Trade Missions Expenditure**

128. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform the amount of money spent in 2015 and 2016 on St. Patrick's Day trade missions; and the amount that will be spent in 2017 on St. Patrick's Day trade missions; and if he will make a statement on the matter. [3736/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** As part of the Irish Governments St Patrick's Day trade missions, the then Minister for Public Expenditure and Reform and officials travelled to Japan and Korea in 2015 and India in 2016. The cost of the trade mission for 2015 was €17,165.09 and €12,970.97 in 2016.

The 2017 programme is not finalised.

### **Hospital Appointments Status**

129. **Deputy Michael Healy-Rae** asked the Minister for Health the status of a cataract operation in respect of a person (details supplied); and if he will make a statement on the matter. [3534/17]

**Minister for Health (Deputy Simon Harris):** Under the Health Act 2004, the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Section 6 of the HSE Governance Act 2013 bars the Minister for Health from directing the HSE to provide a treatment or a personal service to any individual or to confer eligibility on any individual.

The National Waiting List Management Policy, *A standardised approach to managing scheduled care treatment for in-patient, day case and planned procedures, January 2014*, has been developed to ensure that all administrative, managerial and clinical staff follow an agreed national minimum standard for the management and administration of waiting lists for sched-

uled care. This policy, which has been adopted by the HSE, sets out the processes that hospitals are to implement to manage waiting lists.

In relation to the particular query raised, as this is a service matter, I have asked the HSE to respond to you directly.

### **National Treatment Purchase Fund**

130. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a matter (details supplied) regarding funding; and if he will make a statement on the matter. [3537/17]

**Minister for Health (Deputy Simon Harris):** As the Deputy may be aware, in December 2016, I granted approval to the NTPF for the first tranche of funding, in the region of €5m, for an initiative focusing on daycase procedures. Under this initiative, the NTPF estimates that around 3,000 patients waiting 18 months or more for daycase procedures will be treated, with the aim that no patient will be waiting more than 18 months for daycase treatment by 30 June 2017. This Initiative will initially focus on key specialties with high numbers of long-waiting patients, including in Ophthalmology. While the associated tender process is ongoing, the NTPF has advised that there has been good engagement with all the major private hospitals and these hospitals are ready to play a significant role in this Initiative. It is expected that the outsourcing of treatment will commence shortly.

In addition, in December 2016, the Department wrote to the HSE requesting that it submit in January, a Waiting List Action Plan for 2017 in respect of both the Inpatient/Daycase Waiting List and the Outpatient Waiting List. The focus of these plans should be to ensure that no patient is waiting more than 15 months on either list by the end of October 2017. The HSE has been requested to develop the Inpatient/Daycase Waiting List Action Plan in conjunction with and supported by, the NTPF's proposal for utilisation of the remaining €10m of 2017 funding for patient treatment. I expect to make known the details of both plans in the coming weeks.

### **Accident and Emergency Departments**

131. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a matter (details supplied) regarding the accident and emergency department in University Limerick Hospital; and if he will make a statement on the matter. [3538/17]

**Minister for Health (Deputy Simon Harris):** As this is a service matter, I have asked the HSE to respond to you directly.

### **General Medical Services Scheme**

132. **Deputy Alan Kelly** asked the Minister for Health the reason a new device known as the freestyle libre flash glucose monitoring system for diabetics which replaces the painful testing with lancets, test strips and blood is not available on the long-term illness scheme; and if there are plans to include this on the scheme [3547/17]

**Minister for Health (Deputy Simon Harris):** Under the Health (Pricing and Supply of Medical Goods) Act 2013, the HSE has statutory responsibility for the administration of the community drug schemes; therefore, the matter has been referred to the HSE for attention and direct reply to the Deputy.

### **Primary Care Centres Provision**

133. **Deputy Gerry Adams** asked the Minister for Health further to Parliamentary Question No. 209 of 17 November 2016, the progress of the primary care centre for Dundalk; the way in which Dundalk primary care centre will be delivered; if he will provide clarification regarding the term operational lease; if a preferred provider has been identified; the stage at which the process is currently at; and if he will make a statement on the matter. [3551/17]

**Minister for Health (Deputy Simon Harris):** As this question relates to service matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply.

### **Medical Card Administration**

134. **Deputy Michael Fitzmaurice** asked the Minister for Health when children with additional needs in receipt of the domiciliary care allowance will be offered a full medical card automatically; and if he will make a statement on the matter. [3558/17]

**Minister for Health (Deputy Simon Harris):** My Department recently received permission from Government to draft the new Bill. This new legislation will effectively mean that all children in respect of whom a DCA payment is made will automatically qualify for a medical card and, therefore, no longer be subject to the medical card means test at any point in the future while in receipt of DCA. The legislation is currently being prepared and will be brought before the Oireachtas as quickly as possible. In addition to the preparation of the legislation, I have asked the HSE, so that the proposal can be implemented in a smooth and efficient manner, to commence the process of planning for the requirements of the scheme and how the cards will issue.

### **Respite Care Services Provision**

135. **Deputy Declan Breathnach** asked the Minister for Health if any additional funding will be allocated to Louth HSE and ring-fenced to help resolve the urgent issue of lack of adult respite places in County Louth; if his attention has been drawn to the fact that the need was agreed by the HSE; if he will review the costing (details supplied) of providing a house to meet the needs of 30 to 40 families and the value for money that this represents; and if he will make a statement on the matter. [3564/17]

**Minister of State at the Department of Health (Deputy Finian McGrath):** The Government is committed to providing services and supports for people with disabilities which will empower them to live independent lives, provide greater independence in accessing the services they choose and enhance their ability to tailor the supports required to meet their needs and plan their lives. This commitment is outlined in the Programme for Partnership Government, which is guided by two principles: equality of opportunity and improving the quality of life for people with disabilities.

The Programme for Partnership Government states that the Government wishes to provide more accessible respite care to facilitate full support for people with a disability.

Budget 2017 includes an increased allocation to the Disability Services Programme to address a number of key priorities in the Programme for Partnership Government. The allocation for disability services will rise to over €1.654bn in 2017, an increase of €92 million on the

Budget 2016 allocation.

As the Deputy's question relates to service matters, I have arranged for the question to be referred to the HSE for direct reply to the Deputy.

### **Hospital Appointments Status**

136. **Deputy Brendan Griffin** asked the Minister for Health the status of an operation in respect of a person (details supplied); and if he will make a statement on the matter. [3566/17]

**Minister for Health (Deputy Simon Harris):** Under the Health Act 2004, the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Section 6 of the HSE Governance Act 2013 bars the Minister for Health from directing the HSE to provide a treatment or a personal service to any individual or to confer eligibility on any individual.

The National Waiting List Management Policy, *A standardised approach to managing scheduled care treatment for in-patient, day case and planned procedures, January 2014*, has been developed to ensure that all administrative, managerial and clinical staff follow an agreed national minimum standard for the management and administration of waiting lists for scheduled care. This policy, which has been adopted by the HSE, sets out the processes that hospitals are to implement to manage waiting lists.

In relation to the particular query raised, as this is a service matter, I have asked the HSE to respond to you directly.

### **Hospital Appointments Status**

137. **Deputy Barry Cowen** asked the Minister for Health the status of the case of a person (details supplied) including when the person can expect an appointment in the Royal Victoria Eye and Ear Hospital, Dublin 2. [3569/17]

**Minister for Health (Deputy Simon Harris):** Under the Health Act 2004, the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Section 6 of the HSE Governance Act 2013 bars the Minister for Health from directing the HSE to provide a treatment or a personal service to any individual or to confer eligibility on any individual.

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 should take the matter up with the consultant and the hospital involved. In relation to the specific case raised, I have asked the HSE to respond to you directly.

### **Mental Health Services Provision**

138. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a matter (details supplied) regarding the mental health centre in Killarney, County Kerry; and if he will make a statement on the matter. [3571/17]



**Minister of State at the Department of Health (Deputy Helen McEntee):** The opening of Deer Lodge is a priority for me as Minister.

Significant funding of €1.15 million was allocated by Minister of State for Mental Health and Older People Helen McEntee to the HSE Community Healthcare Organisation Kerry/Cork to allow for the opening of Deer Lodge Mental Health Unit. This funding announcement was made in December.

Work is now underway on the recruitment of staff and on commissioning the building to allow for the opening of Deer Lodge as soon as possible. Discussions with unions are also underway, and meetings took place as recently as last week.

The opening of Deer Lodge will provide for a modern, single room accommodation facility to replace the old O'Connor unit which is currently in use and of an inadequate standard. I am committed to ensuring that it opens as soon as possible.

### Hospital Appointments Status

139. **Deputy Michael Healy-Rae** asked the Minister for Health the status of a cataract operation in respect of a person (details supplied); and if he will make a statement on the matter. [3574/17]

**Minister for Health (Deputy Simon Harris):** Under the Health Act 2004, the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Section 6 of the HSE Governance Act 2013 bars the Minister for Health from directing the HSE to provide a treatment or a personal service to any individual or to confer eligibility on any individual.

The National Waiting List Management Policy, *A standardised approach to managing scheduled care treatment for in-patient, day case and planned procedures, January 2014*, has been developed to ensure that all administrative, managerial and clinical staff follow an agreed national minimum standard for the management and administration of waiting lists for scheduled care. This policy, which has been adopted by the HSE, sets out the processes that hospitals are to implement to manage waiting lists.

In relation to the particular query raised, as this is a service matter, I have asked the HSE to respond to you directly.

### Ambulance Service Data

140. **Deputy Stephen S. Donnelly** asked the Minister for Health the response time for each ambulance journey in County Wicklow; the area to which the ambulance was called; the travel time for each ambulance to its destination for each of the years 2014 to 2016, in tabular form; and if he will make a statement on the matter. [3575/17]

141. **Deputy Stephen S. Donnelly** asked the Minister for Health the details of any gaps in coverage for ambulance services in County Wicklow in 2015 and 2016; the dates on which these gaps occurred; the area in which these occurred; the number of requested call-outs of ambulances which occurred on these dates; and if he will make a statement on the matter. [3576/17]

**Minister for Health (Deputy Simon Harris):** I propose to take Questions Nos. 140 and

141 together.

As this is a service matter, I have asked the HSE to respond to you directly.

### **Hospital Services**

142. **Deputy Frank O'Rourke** asked the Minister for Health if his attention has been drawn to the operational difficulties in relation to orthognathic surgery over the past 12 months at St. James's Hospital and the increased demand for this scarce surgical resource in recent years; and if he will make a statement on the matter. [3577/17]

**Minister for Health (Deputy Simon Harris):** As this is a service matter, I have asked the HSE to respond to you directly.

### **Medicinal Products Availability**

143. **Deputy Richard Boyd Barrett** asked the Minister for Health if he will ensure that spinal muscular atrophy type 1 sufferers (details supplied) can urgently access nusinersen, Spinraza; and if he will make a statement on the matter. [3580/17]

**Minister for Health (Deputy Simon Harris):** The Health Service Executive (HSE) has statutory responsibility for decisions on pricing and reimbursement of medicinal products under the community drug schemes in accordance with the provisions of the Health (Pricing and Supply of Medical Goods) Act 2013. The decisions on which medicines are reimbursed by the taxpayer are made on objective, scientific and economic grounds by the HSE.

For a medicine to be considered for reimbursement it must first have a marketing authorisation from the European Medicine Agency (EMA), before being assessed under the 2013 Act.

The EMA provides independent recommendations on medicines for human and veterinary use, based on a comprehensive scientific evaluation of data.

The EMA's evaluations of marketing authorisation applications provide the basis for the authorisation of medicines in Europe. This is separate to the Statutory Assessment process conducted by the HSE.

I understand from the HSE that Biogen have applied to the EMA for market authorisation in the EU for the drug Nusinersen brand name Spinraza. The application to the EMA was submitted in Autumn 2016. The EMA assessment process generally takes around one year.

Should Nusinersen receive European marketing authorisation, the manufacturer would then be open to make an application to the HSE to have the product reimbursed under the community drug schemes.

The operation of patient access schemes is at the discretion of manufacturers. There is no provision in Irish legislation for the approval of compassionate use programmes for specific groups of patients with an unmet medical need. However I understand that following an application from a consultant paediatric neurologist at Temple Street hospital, the company has extended their early access programme to two of his patients with SMA Type 1 and that the patients' families have been informed.

## **Treatment Abroad Scheme**

144. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a matter (details supplied) regarding the treatment abroad scheme; and if he will make a statement on the matter. [3581/17]

**Minister for Health (Deputy Simon Harris):** The HSE operates a Treatment Abroad Scheme (TAS), for persons entitled to treatment in another EU/EEA Member State or Switzerland under EU Regulation 883/04, as per the procedures set out in EU Regulation 987/09, and in accordance with Department of Health Guidelines. Patients apply to the HSE TAS seeking access to public healthcare outside the State through model form E112. The application requires the patient's Irish-based public referring hospital consultant, following clinical assessment, to certify, among other things, that the treatment is medically necessary and will meet the patient's needs. The treatment must not be available within the State or not available within a time normally necessary for obtaining it.

The result of the EU referendum in the UK means that the UK electorate have declared their wish to leave the EU. It is important to be clear that until the UK formally withdraws from the Union, it remains a full member, with all of its existing rights and obligations. I wish to assure the Deputy that there are no immediate changes in the area of health as a consequence of the UK's decision to leave the EU. Irish patients who had planned to travel to the UK under the Treatment Abroad Scheme may continue to do so as planned.

An extensive programme of engagement with all other EU Governments and the EU institutions, including the Commission's Brexit Negotiations Task Force, is under way. This engagement is being intensified in 2017. The Taoiseach and Ministers will continue to meet and engage with their EU counterparts over coming weeks to emphasise Ireland's concerns and to ensure that they are fully reflected in the EU position once negotiations commence.

## **Hospital Appointments Status**

145. **Deputy Pat Deering** asked the Minister for Health when a person (details supplied) will be seen by an ophthalmologist. [3588/17]

**Minister for Health (Deputy Simon Harris):** Under the Health Act 2004, the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Section 6 of the HSE Governance Act 2013 bars the Minister for Health from directing the HSE to provide a treatment or a personal service to any individual or to confer eligibility on any individual.

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 should take the matter up with the consultant and the hospital involved. In relation to the specific case raised, I have asked the HSE to respond to you directly.

## **Hospital Investigations**

146. **Deputy Carol Nolan** asked the Minister for Health the reason a person (details supplied) has still not received the results of their scan; and if he will make a statement on the matter. [3593/17]

**Minister for Health (Deputy Simon Harris):** As this is a service matter, I have asked the HSE to respond to you directly.

### **Hospital Procedures**

147. **Deputy Carol Nolan** asked the Minister for Health if a person (details supplied) will be allowed transfer to another hospital to have an urgent operation carried out for which they have been waiting two years; if the person can undergo the operation sooner; and if he will make a statement on the matter. [3594/17]

**Minister for Health (Deputy Simon Harris):** Under the Health Act 2004, the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Section 6 of the HSE Governance Act 2013 bars the Minister for Health from directing the HSE to provide a treatment or a personal service to any individual or to confer eligibility on any individual.

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 should take the matter up with the consultant and the hospital involved. The patient may wish to discuss the option of referral to another hospital with their general practitioner. In relation to the specific case raised, I have asked the HSE to respond to you directly.

### **Hospital Charges**

148. **Deputy Jack Chambers** asked the Minister for Health the amount of money the HSE has received for the past three years through the use of public hospital beds for persons with private health insurance under the Health (Amendment) Act 2013, by month, in tabular form; and if he will make a statement on the matter. [3602/17]

149. **Deputy Jack Chambers** asked the Minister for Health the number of patients that hold private health insurance and that received a bed in a public hospital for each month for the past three years, in tabular form; and if he will make a statement on the matter. [3603/17]

**Minister for Health (Deputy Simon Harris):** I propose to take Questions Nos. 148 and 149 together.

Under the Health (Amendment) Act 2013, patients who opt for private treatment in a public hospital are charged according to the service provided, whether that be treatment on a day basis or overnight and whether the stay is in a single or multiple occupancy room.

In relation to the particular queries raised, as this is a service matter, I have asked the HSE to respond to you directly.

### **Hospital Appointments Status**

150. **Deputy Michael Healy-Rae** asked the Minister for Health the status of a hospital appointment for a person (details supplied); and if he will make a statement on the matter. [3606/17]

**Minister for Health (Deputy Simon Harris):** Under the Health Act 2004, the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Section 6 of the HSE Governance Act 2013 bars the Minister for Health from directing the HSE to provide a treatment or a personal service to any individual or to confer eligibility on any individual.

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 should take the matter up with the consultant and the hospital involved. In relation to the specific case raised, I have asked the HSE to respond to you directly.

### **Narcolepsy Issues**

151. **Deputy Brendan Smith** asked the Minister for Health the position regarding a national narcolepsy and related disorder unit in St James's Hospital which will deliver continued and lifelong treatment for sufferers of narcolepsy and afford a seamless transition between child and adult services; and if he will make a statement on the matter. [3614/17]

**Minister for Health (Deputy Simon Harris):** My Department, the HSE and the Department of Education and Skills continue to work together to provide a wide range of services and supports for those affected by narcolepsy following the administration of pandemic influenza vaccine.

The HSE's Advocacy Unit acts as liaison with service and support providers and other Government Departments to facilitate access to required services. It is in regular contact with individuals affected and regularly meets with representatives of the SOUND (sufferers of unique narcolepsy disorder). Regional co-ordinators have been appointed to assist individuals by providing advice, information and access to local services.

The ex-gratia health supports include clinical care pathways to ensure access to diagnosis and treatment, multi-disciplinary assessments led by clinical experts, counselling services for both the individuals and their families, discretionary medical cards for those who have been diagnosed have been provided to allow unlimited access to GP care and any prescribed medication, ex-gratia reimbursement of vouched expenses incurred in the process of diagnosis and treatment, including travel expenses for attending medical appointments; physiotherapy, occupational therapy assessments, dental assessments and dietary services all on a needs basis.

Work is under way on the proposed Centre of Excellence for Narcolepsy based in St James's Hospital which will cater for all people diagnosed with narcolepsy, including those diagnosed with narcolepsy after receiving pandemic influenza vaccine.

### **Hospitals Data**

152. **Deputy Brendan Smith** asked the Minister for Health the number of dialysis patients in County Cavan; the number of patients in County Cavan accessing home haemodialysis as outpatients; the number of patients receiving in centre haemodialysis; and if he will make a statement on the matter. [3615/17]

**Minister for Health (Deputy Simon Harris):** In response to the particular query raised, as this is a service matter, I have asked the HSE to respond to you directly.

### **Dental Services Provision**

153. **Deputy Brendan Smith** asked the Minister for Health the number of schoolchildren under 16 years of age that have been assessed and the number that have had treatment carried out by a dentist under the public dental service for the past five years in counties Cavan, Monaghan, Longford and Leitrim, in tabular form; and if he will make a statement on the matter. [3616/17]

**Minister for Health (Deputy Simon Harris):** As this is a service matter it has been referred to the HSE for reply to the Deputy.

### **Dental Services Provision**

154. **Deputy Brendan Smith** asked the Minister for Health the number of schoolchildren under 16 years of age that have been assessed and the number that have had treatment carried out by a dentist under the public dental service for the past five years in counties Kerry and Cork, in tabular form; and if he will make a statement on the matter. [3617/17]

**Minister for Health (Deputy Simon Harris):** As this is a service matter it has been referred to the HSE for reply to the Deputy.

### **Orthodontic Services Waiting Lists**

155. **Deputy Brendan Smith** asked the Minister for Health the extent of the waiting list for orthodontic assessment in each region in the country; and if he will make a statement on the matter. [3618/17]

**Minister for Health (Deputy Simon Harris):** As this is a service matter it has been referred to the HSE for reply to the Deputy.

### **HSE Funding**

156. **Deputy Brendan Smith** asked the Minister for Health the capital funding that will be provided to the north east region for 2017; the projects to be funded under this expenditure; and if he will make a statement on the matter. [3620/17]

**Minister for Health (Deputy Simon Harris):** The HSE has submitted its draft Capital Plan for 2017. This is being reviewed. It requires my approval together with the consent of the Minister for Public Expenditure and Reform. When the approval process is completed the HSE will publish a schedule of projects.

### **Health Services Provision**

157. **Deputy Michael Healy-Rae** asked the Minister for Health the status of an application for reading glasses for a person (details supplied); and if he will make a statement on the matter. [3623/17]

**Minister for Health (Deputy Simon Harris):** As this is a service matter it has been referred to the HSE for reply to the Deputy.

## **Accident and Emergency Departments**

158. **Deputy Lisa Chambers** asked the Minister for Health the status of the proposed extension to the emergency department at Mayo University Hospital; the plans for the extension; the areas of the emergency department that will be extended; the expected date for completion of the project; and his plans to hire additional staff to cover the additional area. [3655/17]

159. **Deputy Lisa Chambers** asked the Minister for Health the funding that has been allocated in 2017 for the proposed extension of the emergency department at Mayo University Hospital; and the expected overall cost of the extension project. [3656/17]

160. **Deputy Lisa Chambers** asked the Minister for Health the current capacity of the emergency department at Mayo University Hospital; and the capacity of the emergency department once the proposed extension is completed. [3657/17]

**Minister for Health (Deputy Simon Harris):** I propose to take Questions Nos. 158 to 160, inclusive, together.

In relation to the particular query raised, as this is a service matter, I have asked the HSE to respond to you directly.

## **Hospital Services**

161. **Deputy Bobby Aylward** asked the Minister for Health if the mobile catheterisation laboratory announced for Waterford University Hospital will be made available exclusively for the use of this hospital; if it will be primarily utilised for reducing waiting lists or conducting emergency procedures; if it will be available to the communities of the south east on a 24-7 basis; the number of persons for whom it is estimated a mobile catheterisation laboratory can cater on an annual basis; and if he will make a statement on the matter. [3665/17]

**Minister for Health (Deputy Simon Harris):** Budget 2017 makes specific provision for those patients waiting longest for treatment within the health service. In this context, I am considering a national cardiology waiting list initiative which will address waiting times for cardiology treatments in a number of hospitals, including University Hospital Waterford (UHW). A range of measures are envisaged including sharing of facilities and resources within and between Hospital Groups, use of private facilities and the deployment of a mobile cath lab. I have written to the Director General of the HSE about the proposed initiative and I expect that further details will be made available in the coming weeks.

## **Hospital Appointments Status**

162. **Deputy David Cullinane** asked the Minister for Health his Department's definition of "urgent" in view of the case of a person (details supplied); and if he will make a statement on the matter. [3668/17]

**Minister for Health (Deputy Simon Harris):** Under the Health Act 2004, the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Section 6 of the HSE Governance Act 2013 bars the Minister for Health from directing the HSE to provide a treatment or a personal service to any individual or to confer eligibility on any individual.

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 should take the matter up with the consultant and the hospital involved. In relation to the specific case raised, I have asked the HSE to respond to you directly.

### **Hospital Appointments Delays**

163. **Deputy David Cullinane** asked the Minister for Health the reason a person (details supplied) whose case has been marked as urgent would be put on a waiting list of 48 plus months; and if he will make a statement on the matter. [3669/17]

**Minister for Health (Deputy Simon Harris):** Under the Health Act 2004, the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Section 6 of the HSE Governance Act 2013 bars the Minister for Health from directing the HSE to provide a treatment or a personal service to any individual or to confer eligibility on any individual.

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 should take the matter up with the consultant and the hospital involved. In relation to the specific case raised, I have asked the HSE to respond to you directly.

### **Drugs Payment Scheme**

164. **Deputy Brendan Griffin** asked the Minister for Health his views on a matter (details supplied) regarding pharmaceutical drug distributors; and if he will make a statement on the matter. [3671/17]

**Minister for Health (Deputy Simon Harris):** The reimbursement price paid to pharmacy contractors for items supplied under the State's drugs schemes is set out in regulation. Commercial arrangements between wholesalers and retailers are not a matter for my Department or the HSE.

In relation to the reimbursement issue raised by the Deputy, I have asked the HSE to respond directly to the Deputy on this matter.

### **National Children's Hospital Location**

165. **Deputy Jack Chambers** asked the Minister for Health his views on whether the proposed new National Children's Hospital will be able to cope with the existing surrounding gridlock; his further views on whether major emergencies can be dealt with in an appropriate manner; and if he will make a statement on the matter. [3672/17]

**Minister for Health (Deputy Simon Harris):** The planning application to build the new children's hospital on the St. James's Campus included a traffic management and traffic mobility plan for the construction and operational phase which was endorsed by the National Transport Authority and Dublin City Council. A 10-day oral hearing took place in December 2015 in which traffic evidence was presented in detail and allowed for cross questioning by those



who had concerns. On 28 April 2016, An Bord Pleanála granted planning permission for the new children's hospital on the campus shared with St. James's Hospital and for satellite urgent care centres on the campuses of Tallaght and Connolly Hospital without change to the proposed traffic and mobility plan.

An Bord Pleanála's inspector's report, which includes assessment and recommendations in relation to traffic impact at construction and operational stages, can be found at [www.pleanala.ie/documents/reports/PA0/RPA0043.pdf](http://www.pleanala.ie/documents/reports/PA0/RPA0043.pdf).

In relation to the specific query raised on management of major emergencies, as this is a service matter I have asked the HSE to respond to you directly.

### **National Children's Hospital Location**

166. **Deputy Jack Chambers** asked the Minister for Health the helipad services that will be available at the new National Children's Hospital; if there will be no ground based helipad at the site; if his attention has been drawn to the fact that a significant number of Coast Guard helicopters can only land on ground based helipads; and if he will make a statement on the matter. [3673/17]

**Minister for Health (Deputy Simon Harris):** There will be an elevated helipad at the new children's hospital, which will have direct and rapid access to the critical care, theatre and emergency departments within the hospital. This enhanced direct and rapid access will improve clinical outcomes for the sickest children and young people.

The Air Corps is the primary provider of paediatric helicopter services to the National Ambulance Service. Air Corps helicopters comprising Augusta Westland AW139 can land on a raised landing site or the roof of a building which is designed and certified for such operations. The Irish Coast Guard provides reserve support to the National Ambulance Service, when required, through its Sikorsky S92 search and rescue fleet primarily for search and rescue missions. The Sikorsky S92 helicopters are not licensed to land on helipads and, for access to the St. James's Campus, would land in the Royal Hospital Kilmainham from which patients would be transferred in an ambulance by road, which is current practice.

The majority of patient transfers to the three Dublin children's hospitals are completed by road. In any major emergency rescue in a rural area, a Sikorsky Helicopter will bring the patient to the nearest regional hospital for stabilisation resulting in an appropriately planned transfer to the new children's hospital.

### **National Children's Hospital**

167. **Deputy Jack Chambers** asked the Minister for Health if public transport serving the St. James's Hospital site will be increased to cater for the increased number of persons using the hospital following the construction of the new National Children's Hospital and relocation of the Coombe Women and Infants University Hospital; and if he will make a statement on the matter. [3674/17]

**Minister for Health (Deputy Simon Harris):** The campus at St. James's hospital benefits from a full suite of transport options including private car, national rail, LUAS, bus, bicycle, pedestrian and taxi. Notwithstanding the public transport accessibility of the site, the need of most parents to access the hospital by car is recognised, and ample parking has been provided

for families based on current and projected future demand.

The planning application to build the new children's hospital on the St. James's Campus included a traffic management and traffic mobility plan for the construction and operational phase which was endorsed by the National Transport Authority and Dublin City Council. A 10-day oral hearing took place in December 2015 in which traffic evidence was presented in detail and allowed for cross questioning by those who had concerns. On 28 April 2016, An Bord Pleanála granted planning permission for the new children's hospital on the campus shared with St. James's Hospital and for satellite urgent care centres on the campuses of Tallaght and Connolly Hospital without change to the proposed traffic and mobility plan.

An Bord Pleanála was satisfied with the measures proposed to mitigate traffic issues around the campus, and provide for parking (675 for families, 325 for staff), while also noting that no other site enjoys such connectivity with public transport.

### **Meals-on-Wheels Services**

168. **Deputy Thomas Byrne** asked the Minister for Health the financial assistance available to community groups wishing to set up a meals on wheels scheme; and if he will make a statement on the matter. [3676/17]

**Minister of State at the Department of Health (Deputy Helen McEntee):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### **Nursing and Midwifery Board of Ireland**

169. **Deputy Michael Healy-Rae** asked the Minister for Health the status of an application to the NMBI in respect of a person (details supplied); and if he will make a statement on the matter. [3722/17]

**Minister for Health (Deputy Simon Harris):** Department officials sought and received a report on the matter from the NMBI and the content of that report is summarised below.

The NMBI have advised that the applicant applied for an application pack on 12 October 2016 which the applicant completed on 24 October 2016. She was advised of outstanding documents via email on 1 November 2016. The NMBI have further advised the Department that a document verifying the applicant's registration and good standing with the Nursing and Midwifery Council in the United Kingdom was received in the NMBI on 28 November 2016 and the file was progressed to the next stage of the process which involves a full registration review of all the information received.

The NMBI have indicated that due to significant volumes of applications being handled by the NMBI at present, it was not possible for a full registration to take place until 12 January 2017. In this regard, please note that a total of 4,323 applications were issued during 2016 compared to 2,534 for the same period in 2015.

The NMBI have informed the Department that the applicant will be notified, via email today that her registration has been approved and she will be requested to make the final registration payment of €145 in order to place her name on the Register. The Director of Registration has requested that she is notified on receipt of this payment and she will ensure that the applicant's name is placed on the Register with immediate effect.

NMBI has advised that they continue to assess and enhance their registration processes and are responsive to issues raised by applicants. Many improvements have been implemented in recent weeks, e.g. a dedicated EU/EEA Registration Team has been established which will focus exclusively on processing EU applications received in line with EU Directive 2013/55/EU. A dedicated Non-EU Registration Team and a dedicated Irish Registration Team have also been established. Revisions to the NMBI's existing application forms and guidance documents are currently under review in order to assist applicants through the process - these are among a number of significant changes being implemented by the NMBI. These changes will enhance and improve the registration process for applicants while the NMBI will continue to review its processes to ensure that they meet requirements while also meeting the central principle of protecting the public.

### **HSE Complaints Procedures**

170. **Deputy John McGuinness** asked the Minister for Health if he has satisfied himself that the HSE followed all procedures in processing a complaint regarding the care of a person (details supplied); the reason the issues relative to the employee of the HSE are still not resolved; if he will insist on the HSE in resolving these issues; and if he will make a statement on the matter. [3723/17]

**Minister for Health (Deputy Simon Harris):** I have been advised by the HSE that this matter has been dealt with in accordance with the HSE HR policies and procedures.

With regard to any issues in relation to the employee which remain outstanding, it should be noted that the HSE continues in its efforts to bring this matter to a conclusion which will involve direct engagement with the employee.

### **Freedom of Information**

171. **Deputy John McGuinness** asked the Minister for Health if all of the information requested by a person (details supplied) under the FOI Act as an employee of the HSE will be made available to them as soon as possible; if the full internal review of the decision relative to their request will be undertaken by a HSE official senior to the person who made the original decision and not by a person of the same grade; his views on whether the Act clearly states that a review cannot be conducted by an official of the same grade; and if he will make a statement on the matter. [3724/17]

**Minister for Health (Deputy Simon Harris):** The Freedom of Information Act does state that an internal review of a decision should be taken by a member of staff of a higher grade than the original decision maker. The Health Service Executive is an entirely separate body for the purposes of the FOI Act and, as with all other bodies, is responsible for ensuring it complies with all provisions of the Act.

If a requestor is dissatisfied with the outcome of an internal review the proper course of action is to refer the matter to the Office of the Information Commissioner which, I understand has, happened in this case,

### **Animal Welfare**

172. **Deputy Mick Wallace** asked the Minister for Agriculture, Food and the Marine if the

investigation into the rescue of over 200 dogs in January 2016 by Wexford County Council, the WSPCA and the NWSPCS in Ferns, County Wexford has now concluded; the person or body that carried out these investigations; his views on the role and responsibility of the local authority in the investigation and welfare groups in this incident; and if he will make a statement on the matter. [3544/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The investigation by Wexford County Council into this case is currently ongoing.

In this investigation Wexford County Council is receiving assistance from my Department's local Veterinary Officers, the Gardai, WSPCA and the County Veterinary Officer.

### **Agriculture Schemes**

173. **Deputy Aindrias Moynihan** asked the Minister for Agriculture, Food and the Marine the names of the financial institutions through which low cost loans will be made available to farmers. [3545/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** One of my priorities has been to address the impact on farmers of the sustained period of lower commodity prices, which has caused cash flow difficulties for farmers in several sectors. The "Agriculture Cashflow Support Loan Scheme" was developed by my Department in co-operation with the Strategic Banking Corporation of Ireland (SBCI). It will provide farmers with a low cost, flexible source of working capital and will allow them to pay down more expensive forms of short-term debt, ensuring the ongoing financial sustainability of viable farming enterprises.

This innovative loan Scheme will make €150 million available to farmers throughout Ireland at low-cost interest rates of 2.95%. This is supported by €25 million being provided by my Department, including €11 million in EU exceptional adjustment aid. There were a number of applications submitted in response to the SBCI's "Open Call" for financial institutions to participate in the Scheme, which were the subject of a formal approval process. The SBCI is aiming to bring the loans to market by the end of January and I hope to make an announcement in this regard shortly, including the details of participating financial institutions.

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

174. **Deputy Aindrias Moynihan** asked the Minister for Agriculture, Food and the Marine when farmers in their last year of AEOS and who were expecting payment at the end of December 2016 will be paid. [3546/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** 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 take place before final payments can issue. As all AEOS 2 participants will be receiving their final payments under the scheme, re-checks on payments made for all scheme years must be completed before final payment can be processed. Officials are working through these files and payment will be made in all cases as soon as possible.

### **GLAS Payments**

175. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the status of the case of a person (details supplied) who has not received a farm payment; and if he will make a statement on the matter. [3570/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The person named was approved into GLAS 2 with a contract commencement date of 1 January 2016.

The first payment due to the person named is in respect of the 2016 scheme year. The application has now successfully completed all of the required prepayment checks in respect of 2016 and the first instalment for 2016 is expected to issue shortly.

### **GLAS Payments**

176. **Deputy John Brassil** asked the Minister for Agriculture, Food and the Marine when checks will be completed on the GLAS payment of a person (details supplied); and if he will make a statement on the matter. [3582/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The person named was approved into GLAS 1 with a contract commencement date of 1 October 2015 and has received full entitlements in respect of the 2015 scheme year.

In relation to the Low Emission Slurry Spreading action in this application, a query was identified on the Slurry Declaration Form which was received from the person named. The Department has sent a letter to the person named regarding this query and once a satisfactory response is received by the Department, the application will be further processed for payment in respect of the 2016 scheme year.

### **Commonage Framework Plans**

177. **Deputy John Brassil** asked the Minister for Agriculture, Food and the Marine if he will clarify the issue in relation to commonage for a person (details supplied); when he expects the issue will be resolved; if his Department will liaise accordingly with the person to keep them informed of the delays and relating issues; and if he will make a statement on the matter. [3583/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The person named was approved into GLAS 1 with a contract commencement date of 1 October 2015 and has received full entitlements in respect of the 2015 scheme year.

During the prepayment checks in respect of the 2016 scheme year an issue was identified with the commonage action. The interim Commonage Farm Plan form for the person named has now been processed by my Department and the application will now be further processed with the intention of issuing payment for 2016 at the earliest opportunity.

### **Agriculture Schemes**

178. **Deputy Michael Fitzmaurice** asked the Minister for Agriculture, Food and the Marine if the national reserve will be opening in 2017 for new applications for young farmers; and if he will make a statement on the matter. [3584/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** In 2015 the National Reserve fund was based on a 3% cut to the Basic Payment Scheme financial ceiling and provided some €24 million in funding which was the maximum financing rate available under the relevant EU Regulations. Some 6,300 farmers received an allocation of entitlements under the 2015 National Reserve. There was no National Reserve in 2016 as all available funding had been utilised under the 2015 scheme. In order to provide for a National Reserve in 2017 funding is required to replenish the Reserve. EU Regulations governing the scheme provide that funding for the replenishment of the National Reserve may be obtained by means of surrender of entitlements that remain unused by farmers for two consecutive years and by claw-back derived following the sale of entitlements without land. It is envisaged that funding derived from these two sources in 2017 will be very limited. The Regulations also provide for the application of a linear cut to the value of all farmers' entitlements to replenish the National Reserve. Under the National Reserve priority access for an allocation of entitlements is given to the two mandatory categories of 'young farmer' and 'new entrant to farming'. Decisions in relation to the National Reserve in 2017 will be made once the position on potential funding has been established.

Consultation between Department officials and the Direct Payments Advisory Committee comprising members of the main farming organisations, agricultural education and farm advisory bodies takes place annually as part of the decision making process for the National Reserve. Consultation in relation to the 2017 Reserve is due to take place shortly.

### **Animal Welfare**

179. **Deputy Paul Murphy** asked the Minister for Agriculture, Food and the Marine the number of greyhounds and other dogs exported to EU and non-EU countries in 2016 and to date in 2017; and the action he will take to cease the export of Irish greyhounds to Pakistan for use in coursing. [3585/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** Once appropriate animal health and welfare certification requirements are met, dogs, including greyhounds, may be exported internationally. Health certification arrangements are in place and exporters are also required to comply with the provisions of Council Regulation (EC) No 1 of 2005 on the protection of animals during transport.

Over the course of 2016 officials of my Department met with Bord na gCon, the organisation which is responsible for the governance, regulation and development of the greyhound industry in Ireland, and with the welfare members of the International Greyhound Forum (represented by the ISPCA and the Dogs Trust) to consider the issues surrounding the export of greyhounds. Bord na gCon advises all owners involved in the export of greyhounds to only export to destinations that provide the expected levels of greyhound care and management as defined in the IGB's Code of Practice for the welfare of greyhounds. I fully endorse this view.

There are no requirements or facilities for recording the breed of dog as part of the export certification process. Accordingly, it is not possible to provide the Deputy with the breakdown of export trade statistics he is seeking. A detailed breakdown of canine exports from Ireland during 2016 and 2017 to-date are set out in the following table. There is no record at this point of direct exports to Pakistan.

Country of Destination	Number of animals exported in 2016	Number of animals exported 1 to 24 January 2017
Argentina	1	0
Austria	5	0
Belgium	47	5
Bermuda	1	0
Switzerland	12	0
China	9	0
Czech Republic	63	0
Germany	326	8
Denmark	12	1
Spain	66	0
Finland	25	0
France	15	0
Great Britain	9,660	717
Gibraltar	1	0
Greece	19	0
Italy	443	15
Lithuania	0	1
Luxembourg	3	0
Netherlands	20	3
Norway	50	0
Poland	1	0
Portugal	69	11
Sweden	1,201	36
Slovenia	0	0
Total	12,049	797

### Knowledge Transfer Programme

180. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if a person (details supplied) in County Galway is registered to participate on the knowledge transfer programme that opened for applications on 19 May 2016 and had a closing date of the 30 June 2016; if not, when the next opportunity will be available for the person to participate on this scheme; and if he will make a statement on the matter. [3586/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The person named is not registered to participate in the Knowledge Transfer Programme. Knowledge Transfer Facilitators were required to register participants in their Knowledge Transfer Groups in the eight week period to 14 July 2016.

At present there is no decision to re-open the Knowledge Transfer Programme. However, in common with other measures under the Rural Development Programme, monitoring of targets and associated budgets is ongoing over the life of the Programme, in conjunction with the annual estimates process.

### Agriculture Schemes

181. **Deputy Eamon Scanlon** asked the Minister for Agriculture, Food and the Marine when the new low cost flexible loans will be available to farmers; the banks that will be administering the loans; and if he will make a statement on the matter. [3591/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** One of my priorities has been to address the impact on farmers of the sustained period of lower commodity prices, which has caused cash flow difficulties for farmers in several sectors. The Agriculture Cashflow Support Loan Scheme was developed by my Department in co-operation with the Strategic Banking Corporation of Ireland (SBCI). It will provide farmers with a low cost, flexible source of working capital and will allow them to pay down more expensive forms of short-term debt, ensuring the ongoing financial sustainability of viable farming enterprises.

This innovative loan Scheme will make €150 million available to farmers throughout Ireland at low-cost interest rates of 2.95%. This is supported by €25 million being provided by my Department, including €11 million in EU exceptional adjustment aid. There were a number of applications submitted in response to the SBCI's "Open Call" for financial institutions to participate in the Scheme, which were the subject of a formal approval process. The SBCI is aiming to bring the loans to market by the end of January and I hope to make an announcement in this regard shortly, including the details of participating financial institutions.

### GLAS Data

182. **Deputy Niamh Smyth** asked the Minister for Agriculture, Food and the Marine the number of farmers in counties Cavan and Monaghan that did not receive their 85% payment for 2015 to date in 2017 under the GLAS scheme; the number in the GLAS scheme at 31 December 2016 broken down on the same basis; the reason for the delay in payments; and if he will make a statement on the matter. [3601/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** 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 following table outlines the number of farmers in Cavan and Monaghan actively participating in GLAS 1 that are due a payment in respect of the 2015 scheme year and the number of GLAS 1 farmers that have not received a payment in respect of 2015.

Scheme	Numbers of active applications for Cavan	Number of applications not paid for Cavan	Numbers of active applications for Monaghan	Number of applications not paid for Monaghan
GLAS 1	801	9	464	6

The following table outlines the number of farmers in Cavan and Monaghan actively participating in GLAS 1 and 2 that are due a payment in respect of the 2016 scheme year and the number of GLAS 1 and 2 farmers that have not received a payment in respect of 2016.

Scheme	Numbers of active applications for Cavan	Number of applications not paid for Cavan	Numbers of active applications for Monaghan	Number of applications not paid for Monaghan
GLAS 1	916	211	585	145



Scheme	Numbers of active applications for Cavan	Number of applications not paid for Cavan	Numbers of active applications for Monaghan	Number of applications not paid for Monaghan
GLAS 2	448	114	152	38

Work on processing cases which did not pass the required pre payment checks, is on-going with a view to effecting payment as quickly as possible.

### Agriculture Industry

183. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine the proposals he has put forward to the European Commission and-or at the EU Council of Agriculture Ministers in relation to the need to introduce a comprehensive programme to reduce fertiliser costs throughout the EU; and if he will make a statement on the matter. [3609/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The matter of reducing fertiliser costs throughout the EU gained traction in early 2016 due to the ongoing market difficulties being experienced by farmers across the dairy, pigmeat and fruit and vegetable sectors.

Statistical analysis has shown that fertiliser is a significant expenditure item on EU farms, accounting for €19.2 billion in 2014 (EUROSTAT), while the imposition of anti-dumping duties and customs tariffs on fertilisers is costing farmers up to €1 billion per annum (International Food and Policy Research Institute (IFPRI)).

I have long believed that the elimination of fertiliser tariffs and anti-dumping duties is something that could help farmers reduce their input costs and in this context I asked the Commission to consider a temporary suspension of customs tariffs and anti-dumping duties on fertilisers in the lead up to the Council of Agriculture Ministers in March last year.

This is something that I actively pursued at Council throughout 2016, both with the Commission and in consultation with my Council colleagues, and in fact raised again at Council of Agriculture Ministers earlier this week when I asked the Commission to address the significant overpricing of fertilisers in the EU brought about by the imposition of anti-dumping duties on imports. Commissioner Hogan acknowledged the desirability of bringing about lower prices, but indicated that, despite considerable efforts on his part both with other Member States and internally within the Commission, this is proving very difficult to achieve.

### Areas of Natural Constraint Scheme

184. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine the proposals, he has put forward to the EU Commission and-or at the EU Council of Agriculture Ministers in relation to the review of areas of natural constraint; the status of such proposals; the state at which the EU review is at; and if he will make a statement on the matter. [3610/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** Article 32 of EU Regulation 1305/2013 requires all member states to implement a new system for designating eligible areas under the Areas of Natural Constraints (ANC) scheme from 2018 at the latest. At present, eligible land under the scheme is designated by reference to criteria such as stocking density, family farm income, population density and the percentage of the working population

engaged in agriculture.

Under the new system of designation which must be introduced in 2018, eligible areas will have to be designated on the basis of biophysical criteria. The criteria set out in the legislation are:

- Low temperature
- Dryness
- Excess soil moisture
- Limited soil drainage
- Unfavourable texture and stoniness
- Shallow rooting depth
- Poor chemical properties
- Steep slope.

My Department has commenced work on this project, and relevant technical experts are currently sourcing and analysing the data in relation to the new criteria. This analysis will identify areas deemed to be facing natural constraints, which will in parallel, be subjected to a refinement process via fine tuning. As part of this process, my officials have been in direct contact with the EU Commission and its science and knowledge service, the Joint Research Centre.

Once this process is complete, the draft data will provide the basis for the identification of eligible areas for ANC. It is envisaged that stakeholders will be consulted as this process develops. The regulatory requirement is for the new system to be implemented for payment under the 2018 scheme.

### **GLAS Payments**

185. **Deputy Sean Sherlock** asked the Minister for Agriculture, Food and the Marine the reason for the delay in payments under the green low carbon agri-environment scheme for a person (details supplied). [3629/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The person named was approved into GLAS 1 with a contract commencement date of 1 October 2015.

The first payment due to the person named is in respect of the 2016 scheme year. During the prepayment checks in respect of 2016 issues were identified with the Protection of Water-courses from Bovines action which require further examination. Once these issues have been satisfactorily resolved, the application will be further processed for payment.

### **TAMS Administration**

186. **Deputy Kevin O’Keeffe** asked the Minister for Agriculture, Food and the Marine the reason for the delay in making the TAMS scheme available to the tillage sector; and the time-frame for when same will be opened. [3630/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The proposed

Tillage measure under the TAMS II Scheme comprises a number of new investments that have not previously been available under the TAMS scheme. Before the new measure can be opened for online applications, a detailed technical specification and a set of costings must be drawn up for each of these new investments as well as a bespoke IT system to cater for these investments.

This process is underway and it is expected that the scheme will be open for online applications shortly.

### GLAS Data

187. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the total number of GLAS 1 and GLAS 2 farmers that have received 85% of their total 2016 payment, by county, in tabular form; the number of farmers that have passed all payment approval checks and are awaiting their 2016 payment, by county; and if he will make a statement on the matter. [3637/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The following table shows on a county by county basis, (i) the total number of GLAS 1 and GLAS 2 farmers that have received 85% of their total 2016 payment and (ii) the number of farmers that have passed all pre payment validation checks in respect of 2016 and are awaiting their 2016 payment.

-	GLAS 1 - 85% Paid for 2016	GLAS 2 - 85% Paid for 2016	GLAS 1 - Passed PrePayment checks for 2016 and awaiting payment	GLAS 2 - Passed PrePayment checks for 2016 and awaiting payment
Carlow	187	94	14	9
Cavan	705	334	23	22
Clare	1,337	533	16	34
Cork	1,608	739	61	43
Donegal	1,494	701	23	27
Dublin	47	12	3	2
Galway	2,244	828	42	105
Kerry	1,336	607	19	27
Kildare	185	55	10	6
Kilkenny	295	159	23	6
Laois	274	153	10	5
Leitrim	822	338	8	6
Limerick	785	250	19	8
Longford	406	282	7	11
Louth	76	36	5	1
Mayo	1,911	901	49	27
Meath	314	147	9	5
Monaghan	440	114	14	3
Offaly	399	219	7	7
Roscommon	1,226	438	19	15
Sligo	789	285	12	9

-	GLAS 1 - 85% Paid for 2016	GLAS 2 - 85% Paid for 2016	GLAS 1 - Passed PrePay- ment checks for 2016 and await- ing payment	GLAS 2 - Passed PrePay- ment checks for 2016 and await- ing payment
Tipperary	839	344	28	9
Waterford	234	80	5	3
Westmeath	509	208	16	4
Wexford	531	195	30	7
Wicklow	233	85	11	5
Totals:	19,226	8,137	483	406

### Agri-Environment Options Scheme Data

188. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the total number of AEOS farmers that have received total 2016 payment, by county, in tabular form; the number of farmers that have passed all payment approval checks and are awaiting their 2016 payment, by county; and if he will make a statement on the matter. [3638/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** A total of 5674 Farmers have received AEOS payments in respect of the 2016 Scheme year. 228 Farmers have successfully passed the administrative checks and payments to these farmers will issue shortly. These are detailed below by county, in tabular form.

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 take place. As all AEOS 2 participants will be receiving their final payments under the scheme, re-checks on payments made for all scheme years must be completed before final payment can be processed. Officials are working through the remainder of these files and payment will be made in all cases as soon as possible.

County	Payment issued	Checks complete
Carlow	35	3
Cavan	162	30
Clare	409	41
Cork	271	8
Donegal	966	56
Dublin	8	0
Galway	783	53
Kerry	375	15
Kildare	22	2
Kilkenny	55	1
Laois	41	1
Leitrim	307	3
Limerick	130	4
Longford	56	0
Louth	26	0
Mayo	897	5

County	Payment issued	Checks complete
Meath	51	0
Monaghan	87	0
Offaly	71	1
Roscommon	343	1
Sligo	229	1
Tipperary	136	0
Waterford	50	1
Westmeath	75	0
Wexford	37	2
Wicklow	52	0
Totals	5674	228

### Brexit Issues

189. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine if An Bord Bia have the necessary resources to support market development, in-market intelligence, in-market promotion and in-market trade support in its 2017 budget to seek out new markets following the Brexit vote; the total number of additional staff that will be hired in 2017 to help in this regard; and if he will make a statement on the matter. [3639/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** Additional resources have been provided to Bord Bia in 2016 and 2017. During 2016 Bord Bia received sanction for 20 additional staff. Recruitment is well advanced with just four of the positions remaining to be filled in 2017. The recruitment programme has supported a number of initiatives including the opening of offices in Warsaw and Singapore, the establishment of The Thinking House, a consumer insight and innovation centre which provided services to over 100 client companies in 2016, the addition of a trade marketing specialist in Shanghai and an additional trade marketing specialist in the UK and participation in an increased number of international trade fairs during 2017. These initiatives will complement an ambitious programme of trade missions in 2017 which will be undertaken by the Department, Bord Bia and other development agencies, and companies. As part of the overall workforce planning by my Department and its agencies, Bord Bia is also preparing a workforce plan for 2017 and beyond to identify further measures to support market diversification for food and drink producers and companies.

Additional funding of €2 million for market development, intelligence, promotion and assistance to companies has been provided in the 2017 Budget and builds on the increases in funding in recent years. The €2 million will enable Bord Bia to undertake activities including an export marketing strategy programme to help individual companies to maintain and grow their position in the UK and/or diversify their market reach, research to identify priority market opportunities, participation in three new trade fairs in Asia and increasing presence at key shows such as Gull Food, where space will be doubled, and Anuga in Germany. The overall programme for 2017 is ambitious and focused on the industry and the particular challenges facing the sector in 2017.

### Aquaculture Licence Applications Data

190. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the total number of aquaculture licences sought in the 2011 to 2016 period, by county, in

tabular form; the number awaiting decision in this period; the number decided in this period; the number awaiting decision at present broken down between shell fish licences and fin fish licences; and if he will make a statement on the matter. [3640/17]

191. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the number of aquaculture licences sought since he came into office; the number awaiting decision when he came into office; the number decided since he came into office; the number awaiting decision at present broken down between shell fish licences and fin fish licences; and if he will make a statement on the matter. [3641/17]

193. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the number of aquaculture licences sought for County Donegal since he came into office; the number awaiting decision when he came into office; the number decided since he came into office; the number awaiting decision at present broken down between shell fish licences and fin fish licences; if a public consultation took place with stakeholders before any licences were issued; and if he will make a statement on the matter. [3643/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I propose to take Questions Nos. 190, 191 and 193 together.

The very detailed information sought by the Deputy is not readily available and will require an extensive examination of my Department's records.

The information sought by the Deputy will be given priority by the licensing Division of my Department and will be forwarded to the Deputy as soon as possible.

I can confirm now, however, that the legislation governing aquaculture licence applications provides for a period of statutory and general public consultation, which is adhered to in all cases.

### **Aquaculture Licence Applications Data**

192. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the number of fin fish and shell fish licence applications he expects to decide on between now and 1 April 2017; and if he will make a statement on the matter. [3642/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** My Department considers all applications for marine-based aquaculture licences in accordance with the following legislation:

Fisheries (Amendment) Act 1997 (and Regulations made thereafter e.g. SI 236 of 1998)

- Foreshore Act 1933

- EU Habitats Directive (92/43/EEC)

- EU Birds Directive (79/409/EEC)

- Consolidated Environmental Impact Assessment Directives (2011/92/EU).

In addition, my Department in conjunction with the Marine Institute and the National Parks and Wildlife Service is conducting an "Appropriate Assessment" process in respect of designated Natura bays. This process was agreed with the European Commission and is designed to ensure that Ireland is in full compliance with the EU Birds and Habitats Directives.

This process includes the following steps:

- a detailed data collection in Marine Bays/Estuaries
- detailed analysis of raw data collected
- setting of Conservation Objectives by the National Parks and Wildlife Service (NPWS) in respect of each site
- carrying out Appropriate Assessments of each licence application / fishery plan against the detailed Conservation Objectives set, and
- determination of Licences on the basis of the Appropriate Assessment and other relevant factors.

The Appropriate Assessment process has now been completed in respect of twenty-one bays.

The licensing process involves consultation with a wide range of scientific and technical advisors as well as various statutory consultees. The legislation also provides for a period of public consultation. It is not possible to predict with certainty what issues will arise from this process of consultation which may require further investigation. The average timeframe for processing each particular application varies depending on location, species, scale and intensity of production, statutory status of sites, potential visual impact etc. Other factors include consideration of any submissions or observations raised during the public consultation period.

In all the circumstances, it is not possible to give a definitive figure for licence determinations in the first Quarter of 2017. However, up to 50 licence determinations are considered achievable either in Quarter 1 or shortly thereafter.

*Question No. 193 answered with Question No. 190.*

### **Agriculture Schemes**

194. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine if, under the new agri-fund loan scheme that the SBCI will provide, funds will be lent to farmers for the purchase of livestock; and if he will make a statement on the matter. [3645/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The innovative “Agriculture Cash Flow Support Loan Scheme”, developed by my Department and the SBCI, will provide farmers with a low cost, flexible source of working capital and will allow them to pay down more expensive forms of short-term debt, ensuring the ongoing financial sustainability of viable farming enterprises. Although working capital would normally include trading stock, each application will be subject to agreement with the relevant financial institution and their lending assessment criteria.

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

195. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the progress on the programme for Government commitment to introduce locally led agri-environment schemes which will target habitats such as the hen harrier, the pearl mussel and the Burren, along with other locally led schemes that address specific environmental concerns;

and if he will make a statement on the matter. [3646/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** My Department is currently in the process of introducing important new schemes under the locally-led umbrella, for the conservation of the hen harrier and freshwater pearl mussel. I have provided a total budget of €35 million for these two schemes. Part of this process requires the recruitment, by public tender, of a Project Team to help develop and deliver these schemes on behalf of my Department, following a similar model to the highly successful Burren farming conservation measure. The closing date for the tender was 24 January 2017 and I would expect that the successful tenderer will be offered a contract before the end of February. The successful tenderer will be directly involved in drawing up the terms and conditions for the new schemes, along with the range of actions to be applied and associated payments. This will be done in consultation with officials from my Department and from the National Parks and Wildlife Service of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, as well as drawing on local knowledge and inputs from farmers on the ground. Once this stage has been completed, the process of recruiting farmers for a five year scheme will commence.

I have also launched an Open Call under the European Innovation Partnerships Initiative (EIP) inviting applications for funding. The Open Call is a new way of responding to local challenges. It is an opportunity for farmers, researchers, advisors and scientists to look at new and traditional practices, develop ideas and research and promote forms of co-operation in their own areas. Projects developed under this Open Call also form part of my Department's new 'Locally-Led' initiative and I have provided a dedicated budget of €24 million for projects emerging from this process. The closing date for the first of these Calls is 5pm on 27th January 2017 but there will be a second call later this year as well.

Finally, as regards the Burren, my Department has already introduced this scheme which recently processed its second tranche of applications. There are now some 320 farmers in the scheme – more than double the number that have ever participated before. I propose to have a third and final tranche later this year. All participants in this new scheme receive five year contracts, rather than the annual contracts that operated previously and I have set aside €15m to fund the Programme over its lifetime.

### **Ministerial Meetings**

196. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the date for the next national tillage forum with stakeholders with a view to introducing a crisis aid fund for tillage farmers who had their crop destroyed or badly damaged by severe weather in 2016; and if he will make a statement on the matter. [3647/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I know you are aware I hosted a Tillage Stakeholders Forum last October which consisted of representatives from all sides of this Sector. Following a very productive meeting I subsequently initiated a number of responses to address key issues raised by stakeholders.

As I set out at the Forum, one of my chief priorities was to provide low-cost more flexible finance for the industry and in this regard I was happy to announce subsequently, my plans for a €150 million Agri Cash Flow Loan Support Scheme. This has been developed in conjunction with the Strategic Banking Corporation of Ireland (SBCI), and will provide farmers, including tillage farmers, with a low cost, flexible source of working capital, and will allow them to pay down more expensive forms of short-term debt, ensuring on-going financial sustainability of viable farming enterprises.



As an additional support to cash flow on farms, including Tillage farms, I also confirmed that advance payments would be made in 2016 in respect of the Basic Payment and Greening Payment schemes.

Advance payments commenced on the 17 October last, the earliest possible date by which payments can begin under the governing EU Regulations, with the addition of balancing payments from the 1 December. To date €1,171 billion has been paid out to more than 123,078 farmers and payments are ongoing. Payments of €198 million have also been made to 92,200 applicants under the Areas of Natural Constraints scheme.

In my concluding remarks to the stakeholder forum of last October, I reiterated my view that in the changing international economic landscape we need to take a fresh look at our tillage industry to ensure that it is best positioned to withstand future challenges and to avail of new opportunities which may present themselves. The Forum is therefore an opportunity to explore and build such opportunities, as well as addressing the challenges. As I stated in the Dáil just last week, I plan to convene a further meeting of the stakeholder's forum in the very near future. This will provide the opportunity for all segments of the industry to work together to develop the sector.

### **Areas of Natural Constraint Scheme**

197. **Deputy Bobby Aylward** asked the Minister for Agriculture, Food and the Marine the provisions that are being made for the protection of areas designated as areas of natural constraint in County Kilkenny in the forthcoming review of the scheme; and if he will make a statement on the matter. [3660/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** Article 32 of EU Regulation 1305/2013 requires all member states to implement a new system for designating eligible areas under the Areas of Natural Constraints (ANC) scheme from 2018 at the latest. At present, eligible land under the scheme is designated by reference to criteria such as stocking density, family farm income, population density and the percentage of the working population engaged in agriculture.

Under the new system of designation which must be introduced in 2018, eligible areas will have to be designated on the basis of biophysical criteria. The criteria set out in the legislation are:

- Low temperature
- Dryness
- Excess soil moisture
- Limited soil drainage
- Unfavourable texture and stoniness
- Shallow rooting depth
- Poor chemical properties
- Steep slope.

My Department has commenced work on this project, and relevant technical experts are

currently sourcing and analysing the data in relation to the new criteria. This analysis will identify areas deemed to be facing natural constraints, which will in parallel, be subjected to a refinement process.

Once this process is complete, the draft data will provide the basis for the identification of eligible areas for ANC. It is envisaged that stakeholders will be consulted as this process develops.

### **Areas of Natural Constraint Scheme Payments**

198. **Deputy Bobby Aylward** asked the Minister for Agriculture, Food and the Marine when outgoing payments made under the areas of natural constraint scheme will be increased by €25 million in line with the previous commitment given by his Department; and if he will make a statement on the matter. [3661/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The Programme for a Partnership Government sets out the commitment to increase the budget for the Areas of Natural Constraint (ANC) Scheme by €25m in Budget 2018. Accordingly, the €25m will be allocated to the 2018 ANC Scheme.

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

199. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the progress on the programme for Government commitment to introduce locally led agri environment schemes which will target habitats such as the hen harrier and the pearl mussel; and if he will make a statement on the matter. [3675/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** My Department is currently in the process of introducing important new schemes under the locally-led umbrella for the conservation of the hen harrier and freshwater pearl mussel. I have provided a total budget of €35 million for these two schemes. Part of this process requires the recruitment, by public tender, of a Project Team to help develop and deliver these schemes on behalf of my Department, following a similar model to the highly successful Burren farming conservation measure. The closing date for the tender was 24 January and I would expect that the successful tenderer will be offered a contract before the end of February.

The successful tenderer will be directly involved in drawing up the terms and conditions for the new schemes, along with the range of actions to be applied and associated payments. This will be done in consultation with officials from my Department and from the National Parks and Wildlife Service of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, as well as drawing on local knowledge and inputs from farmers on the ground. Once this stage has been completed, the process of recruiting farmers for a five year scheme will commence.

### **Fuel Prices**

200. **Deputy Carol Nolan** asked the Minister for Communications, Climate Action and Environment the reason the price of diesel is increasing despite the fact that the price of crude oil is decreasing; and if he will make a statement on the matter. [3595/17]

**Minister for Communications, Climate Action and Environment (Deputy Denis**

**Naughten):** The Irish oil sector is completely privatised, liberalised and deregulated. There is free entry into the market and it is Government policy to encourage price competition and consumer choice. As such, I have no function in the setting of fuel prices.

The retail price of diesel is determined by a number of factors, and not just the price of crude oil. One of these is the price of the product in the international marketplace. As oil is traded exclusively in US Dollars, the strength/weakness of that currency against the euro is a factor in the price paid by the end consumer.

In addition, crude oil has to undergo several stages of production before it is refined into diesel for use in vehicles. The cost of that process is also a factor in the end price paid. Finally, levies and taxes, such as excise duty, environmental taxes and VAT, make up about 60% of the retail price.

The Competition and Consumer Protection Commission (CCPC, under the aegis of the Minister for Jobs, Enterprise and Innovation) has a role in ensuring that the market is functioning correctly and that consumers are not being disadvantaged. Previous investigations and surveys into oil prices (available at [www.ccpc.ie](http://www.ccpc.ie)) that the CCPC have undertaken indicate that the price paid by consumers is largely determined by the internationally traded price of crude oil, the consequent price at which refined product is traded in Europe, and taxation levels, along with the level of competition in the retail market.

The European Commission maintains a Statistics and Market Observatory, which presents consumer prices for petroleum products in EU Member States (known as the Oil Bulletin) on a weekly basis. The Oil Bulletin is designed to improve the transparency of oil prices and to strengthen the internal market. The relevant link is: [http://ec.europa.eu/energy/observatory/oil/bulletin\\_en.htm](http://ec.europa.eu/energy/observatory/oil/bulletin_en.htm).

The latest bulletin from 16 January 2017 shows that diesel prices (including taxes) in Ireland were €1.279 per litre. The EU average for this period was €1.242, with the price paid in the United Kingdom listed at €1.39.

### Digital Skills for Citizens Grant Scheme

201. **Deputy Noel Rock** asked the Minister for Communications, Climate Action and Environment if he will provide a list of applicants from the digital skills grant scheme; the criteria used in scoring each application; and the list of awardees and the amount each awardee received from this scheme and equivalent schemes for each of the years 2011 to 2016. [3624/17]

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** On 18 November 2016, I issued an invitation to community, voluntary and not-for-profit organisations to apply for grant assistance under the Digital Skills for Citizens Grant Scheme which replaced the BeneFIT Programme. The scheme's Statement of Requirements specified the relevant qualification and award criteria, and is available on my Department's website at [www.dccae.gov.ie](http://www.dccae.gov.ie). In terms of eligibility, organisations had to meet the following minimum requirements:

- a minimum annual turnover of €100,000
- experience of having satisfactorily managed a project of a similar scale within the past 5 years.

Eligible organisations were assessed in terms of a published marking scheme in respect of

the following headings:

- numbers of citizens to be trained, with a minimum threshold of 1,000
- detailed training proposal, and
- cost per trainee.

Overall, 29 applications were received in response to the competitive call for proposals, of which 22 organisations were eligible to be evaluated. A list of the applicants is set out in the following Table.

Name	Organisations
Age Action Ireland Ltd	Lourdes Youth & Community Services (LYCS)
Ballyhoura Development Company Ltd	Make New Friends in Ireland Co.
Cahir Development Association Ltd.	Meath Community Rural & Social Development Partnership Ltd
Clonmel Community Resource Centre	(NCBI) National Council for the Blind Group
County Sligo Leader Partnership Company Ltd	Offaly County Council
Dyspraxia/DCD Ireland Ltd	Over 55 club
ECDL Ireland Ltd	Roscommon Integrated Development Company Ltd
Edgeworthstown District Development Association Ltd.	South East Community Training & Education Centre Ltd
Family Carers Ireland Ltd	South Tipperary Development Company
Fast Track INTO Information Technology Ltd (FIT)	St Catherine's Community Services Centre Ltd
IE Domain Registry Ltd	The Cork Academy of Music Ltd
Irish Congress of Trade Unions	The Nagle Centre
Irish Rural Link Co-Operative Society Ltd	The Shanty Educational Project Ltd
Irish Times Training	Third Age Foundation Co. Ltd
Killeshin Community Centre	

Following the evaluation process carried out by my officials, 15 organisations were offered grant funding to provide classroom training in 2017 to 25,761 citizens, free of charge. Details of the training classes, which will take place across every County, will be made available on my Department's website as soon as training schedules have been finalised.

Details of the total amount of grant funding awarded to each of the 15 successful organisations, together with the initial payments made in 2016 in accordance with the respective grant agreements, are outlined in the following Table.

Grantees – Digital Skills for Citizen Scheme	Total Grant Awarded	Payment in 2016
Age Action Ireland Ltd	€221,490	€59,490
Ballyhoura Development Company Ltd	€90,000	€27,000
County Sligo Leader Partnership Company Ltd	€92,000	€27,600
ECDL Ireland Ltd	€90,000	€27,000

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Grantees – Digital Skills for Citizen Scheme	Total Grant Awarded	Payment in 2016
Family Carers Ireland Ltd	€92,000	€27,600
Fast Track INTO Information Technology Ltd (FIT)	€320,000	€56,000
IE Domain Registry Ltd	€100,000	€30,000
Irish Rural Link Co-Operative Society Ltd	€105,599	€31,680
Meath Community Rural & Social Development Partnership Ltd	€85,000	€25,500
(NCBI) National Council for the Blind Group	€100,000	€30,000
Roscommon Integrated Development Company Ltd	€595,000	€59,500
South East Community Training & Education Centre Ltd	€85,000	€25,500
St Catherine’s Community Services Centre Ltd	€85,000	€25,500
The Cork Academy of Music Ltd	€80,000	€24,000
Third Age Foundation Co. Ltd	€80,000	€24,000

Eight of the organisations in receipt of grant funding under the Digital Skills for Citizens Scheme were grantees under previous BenefIT schemes. Details of the funding to each of these grantees in the years 2011-2016 are provided in the following Table.

Grantees – BenefIT Programme	2011	2012	2013	2014	2015	2016
Age Action Ireland Ltd	€195,500	€34,500	€241,260	€215,400	€107,700	€107,700
Ballyhoura Development Company Ltd					€32,500	€8,125
County Sligo Leader Partnership Company Ltd			€35,228	€15,997	€15,997	€15,997
ECDL Ireland Ltd	€150,896		€174,240	€158,400	€158,400	
Family Carers Ireland Ltd	€47,966		€25,623	€29,846	€14,922	
Fast Track INTO Information Technology Ltd (FIT)		€199,920	€415,800	€206,500	€292,250	€189,000

Grantees – BenefIT Programme	2011	2012	2013	2014	2015	2016
Irish Rural Link Co-Operative Society Ltd	€45,900	€2,200	€108,900	€49,500	€74,250	€49,500
Meath Community Rural & Social Development Partnership Ltd	€31,559	€5,569	€15,758	€31,516		

### Military Aircraft Landings

202. **Deputy Eamon Ryan** asked the Minister for Transport, Tourism and Sport the reason an aircraft (details supplied) operating on behalf of the US military was permitted to fly from Shannon Airport to Incirlik Air Base in southern Turkey and then back on 30 December 2016; if he will confirm that the plane cargo carried no weapons or munitions related to drone strikes or nuclear weapons; the steps that were taken to confirm if it did or did not carry such cargo; and if he will make a statement on the matter. [3539/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** Civil aircraft are not normally required to notify or seek permission from my Department for overflights of Ireland or for technical stops at Irish airports. The aircraft referred to in the question made such a technical stop at Shannon on 30 December for refuelling purposes. The airline did not notify or seek permission from the Department of Transport, Tourism and Sport in relation to this flight.

The carriage of munitions on board an aircraft in Irish airspace does require a permit under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order, 1973 if munitions of war are on board.

Ireland's procedures and regulations in relation to civil aircraft in Irish airspace, including in relation to munitions, are outlined in detail in a standard international civil aviation document known as the Integrated Aeronautical Information Package. This document is published on the Irish Aviation Authority's website.

The Department has contacted the airline concerned to remind it of these requirements and to enquire as to the circumstances surrounding the flight on 30 December. My officials are also liaising with the Department of Foreign Affairs and will be meeting with the US Embassy shortly to discuss Ireland's procedures and regulations in relation to such flights.

### Fishing Vessel Licences

203. **Deputy Jan O'Sullivan** asked the Minister for Transport, Tourism and Sport the number of fishing vessel owners who failed to return logbooks to the Marine Survey Office or

forwarded them without crew agreements in each of the years 2014 to 2016; the action that was taken on those that were non-compliant; and if he will make a statement on the matter. [3535/17]

204. **Deputy Jan O’Sullivan** asked the Minister for Transport, Tourism and Sport the number of log books that were returned by fishing vessel owners to the Marine Survey Office in each of the years 2014 to 2016; the number of these that had crew agreements; and if he will make a statement on the matter. [3536/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I propose to take Questions Nos. 203 and 204 together.

Owners and Skippers of Irish Fishing Vessels of 25 Gross Tonnage and upwards are required under the Merchant Shipping Acts to maintain a log for the vessel (an Official Logbook) and to enter into an agreement with their crew (a Crew Agreement). These two requirements are combined into a single document.

During 2012, in consultation with the Federation of Irish Fishermen (FIF) and the Irish Fishermen’s Organisation (IFO), the existing Fishing Vessel Logbook was reviewed and updated by my Department, to provide a more user friendly document, while highlighting statutory requirements and obligations. The newly published Fishing Vessel Logbook entitled ‘Crew Agreement, List of Crew and Official Logbook of a Fishing Vessel of 25 Tons Tonnage or Upwards’, was effective from 1st January 2013.

Fishing Vessel Logbooks should be utilised on, or as soon as a vessel is next operational, after 1st January and 1st July each year. They should run for a maximum period of six months, expiring on the next day following 30th day of June or 31st day of December, as the case may be.

Commercial sea fishing is regulated by the Fisheries Acts, 1959 to 2006 and comes under the remit of the Minister for Agriculture, Food and the Marine. Therefore my Department would not maintain data on the number of licensed fishing vessels operating at any period in time. The requirement to submit Logbooks to my Department arises in the context of the safe operation of the vessel and the welfare of the crew. The Marine Survey Office (MSO) of my Department carries out surveys and inspections of fishing vessels and compliance with the requirements regarding official logbooks is enforced by the MSO, including where appropriate the prosecution of offenders through the courts.

The number of FV Logbooks returned to my Department for the years 2014 to 2016 are detailed in the following table. I should point out that the figure for 2016 reflects the number of logbooks received to date. As logbooks for this year are still being received by my Department, it is envisaged that this figure will increase over the coming weeks.

Numbers of Fishing Vessel Logbooks Returned by Year

Period	Years		
	2014	2015	2016
January - June	94	102	119
July- December	97	112	60
Total Number/Year	191	214	179

## Motor Insurance

205. **Deputy Pearse Doherty** asked the Minister for Transport, Tourism and Sport the steps he is taking to ensure that no sectors of the economy or motorsports are damaged by the Vnuk judgment of the European Court of Justice; and if he will make a statement on the matter. [3554/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** My officials have been in ongoing discussion with the European Commission and EU counterparts about the issues raised by the Vnuk European Court of Justice (ECJ) judgment. This includes exchanges with representatives of Member States, participation at meetings of Member States hosted by the Commission in May and December 2015, and a meeting of my officials with the Commission in December 2016. The Commission published an Inception Impact Assessment in June 2016 which stated that ‘the Court’s ruling on the obligations laid down in the [Motor Insurance] Directive in the Vnuk judgment risks having a significant impact on ordinary motor vehicle insurance policyholders, the insurance industry and Member States. The Commission proposal indicated that the main policy objective of an amendment to the Motor Insurance Directive would be that the scope of the Directive ‘should be limited to the use of vehicles in the context of traffic’ (Option 3 in the document), which the Commission stated ‘will protect the viability of the motor sports sector’. My Department will continue to raise with the Commission concerns expressed regarding the effect of the ECJ judgement in the Vnuk case including any possible effect on the motorsport and other sectors. The Commission have stated they share the concerns of member states regarding the unintended consequences of the Vnuk judgement (Comments of EU Commissioner to the European Parliament Internal Markets Committee refers <http://www.europarl.europa.eu/news/en/news-room/20160519IPR28160/Committee-on-the-Internal-Market-and-Consumer-Protection>).

Should the Deputy wish to assist with Ireland’s efforts in this matter, he could consider asking his four MEP party colleagues to raise in that forum the importance of the Commission expediting an amendment of the motor insurance directive in the preferred manner (Option 3) indicated by the Commission in June 2016.

## Transport Infrastructure Provision

206. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the amount of funding that has been received to date for the DART interconnector project from the Connecting Europe Facility; the purpose for which the funding has been used for; if his Department has reviewed this facility as a potential funding source for progressing the project; and the proportion of capital finance and matching funding that would be available under the programme. [3572/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** The DART Underground Tunnel (previously known as the DART interconnector project) has not received funding from the Connecting Europe Facility 2014-2020 (CEF). Funding has been granted from the CEF for another element of the wider DART Expansion Programme - the City Centre Resignalling Project. The underground tunnel project received €9.4 million from a previous EU funding stream, the Trans-European Transport Network (TEN-T) 2007-2013, for planning and design. Two other elements of the wider DART Expansion Programme, the City Centre Resignalling Project and the Centralised Traffic Control Centre, also received funding from this programme.

The National Transport Authority’s ‘Transport Strategy for the Greater Dublin Area 2016-



2035', which was approved and published in 2016, proposes implementation of the DART Expansion Programme involving electrification of the Northern line as far as Drogheda, the Kildare Line to Hazelhatch, the Sligo line to Maynooth in the west and to the M3 Parkway and construction of the DART Underground Tunnel.

The Government decided in September 2015 that the original proposal for the DART Underground Tunnel should be redesigned and work is underway on that at present. Due to constraints on funding, not all elements of the DART Expansion Programme can be progressed during the lifetime of the current Capital Plan. Funding has been allocated for the extension of the DART to Balbriggan and for work on the redesign of the tunnel. Other elements of the programme will be considered in the context of the planned review of the Capital Plan. The potential for CEF funding will be considered in the context of further calls for proposals under the CEF programme.

### **Roads Maintenance Funding**

207. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport his views on whether there could be a potential impact on funding for the N13/N14/N15 which funding for same will be dependent on the assessment of their importance to the Comprehensive TEN-T network and which have not been approved yet. [3573/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** As Minister for Transport, Tourism & Sport, I have responsibility for overall policy and funding in relation to the national roads programme. Within its annual budget the planning, design and implementation of individual road projects is a matter for Transport Infrastructure Ireland under the Roads Acts 1993-2015 in conjunction with the local authorities concerned. Decisions on the transport elements of the Capital Plan 2016-2021 were framed by the conclusions reached in my Department's Strategic Investment Framework for Land Transport. Based on the findings in that report it is envisaged that maintenance and renewal of the road network will continue to be the main priority over the next period and the bulk of the roads capital budget, approximately €4.4 billion, is earmarked for such essential work with a further €600 million allocated for implementation of the PPP road programme which is already underway. In this context it was not possible to include the upgrade of the N13/N14/N15 roads given the overall funding envelope available. My Department has to work within the budgets included in the Capital Plan.

As regards the possibility of additional funding within the Plan period, the Minister for Public Expenditure and Reform is now commencing the Capital Plan review. While there is a strong case for additional funding for the transport sector, the parameters for the review and the final decisions on allocations are matters for the Minister for Public Expenditure and Reform and Government as a whole. The primary determinant of whether funding can be considered for additional schemes is the availability of Exchequer funding together with the strength of the project business case rather than its status *vis-à-vis* the TEN-T Regulations.

### **Driver Licences Data**

208. **Deputy Pat Deering** asked the Minister for Transport, Tourism and Sport the conditions for towing trailers by cars and four-wheel drives in terms of size of vehicle, laden weight, number of wheels on trailer and number of wheels driving the towing vehicle; and the type of licence that is required for the various options. [3589/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** Detailed information

regarding the legal obligations, combinations of towing vehicles and trailers you are allowed to drive depending on your category of driver licence, as well as comprehensive technical and practical advice in relation to the towing of light trailers is available on the Road Safety Authority's (RSA) website at [www.rsa.ie](http://www.rsa.ie). This information is also set out in the RSA's "Road Safety Advice and Driver Licensing Rules for Drawing Light Trailers" booklet which is available for download from the aforementioned site; or alternatively, may be ordered in hard copy format from the RSA.

### **Harbour Fees**

209. **Deputy Michael McGrath** asked the Minister for Transport, Tourism and Sport the statutory basis that provides for the imposition of mooring fees and the confiscation and retention of moorings, by the appropriate harbour authorities, in respect of which such fees have not been paid; and if he will make a statement on the matter. [3590/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** The eight commercial port companies, under the remit of my Department, operate under the provisions of the Harbours Act 1996 (No.11 of 1996). Section 13 of this Act gives provision for a company to impose harbour charges at such rates as are determined by it. Section 14 of the Act provides for the detention and sale of vessels or goods for unpaid harbour charges. In addition, a port company may make bye-laws with respect to the use of, and the safety of navigation within, its harbour and generally with respect to the regulation of its harbour and property under section 42 of the Act.

I have no role in the day to day operation of these companies and there are no other harbours operating under the remit of my Department.

### **Transport Infrastructure Ireland Reports**

210. **Deputy Kevin O'Keeffe** asked the Minister for Transport, Tourism and Sport if he will provide a progress report on the realignment works on the N73 at Waterdyke and Annakisha, Mallow, County Cork. [3622/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** 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 Transport Infrastructure Ireland (TII) under the Roads Acts 1993-2015 in conjunction with the local authorities concerned. Noting the above, I have referred the Deputy's question to TII for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

### **Transport Infrastructure Ireland Reports**

211. **Deputy Bobby Aylward** asked the Minister for Transport, Tourism and Sport when the results of the review of the Tower Road-Piltown Junction on the N24 conducted by Transport Infrastructure Ireland (TII) will be published; when funding will be provided to TII in order to commence works on the safety measures recommended in the review results; and if he will make a statement on the matter. [3667/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** As Minister for Trans-

port, 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 Transport Infrastructure Ireland (TII) under the Roads Acts 1993-2015 in conjunction with the local authorities concerned. Noting the above, I have referred the Deputy's question to TII for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

### **Driver Test**

212. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport if he will address a matter (details supplied) regarding a driving test; and if he will make a statement on the matter. [3670/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** The operation of the driver testing service is the statutory responsibility of the Road Safety Authority, and I have no role in individual cases. I have therefore referred the Question to the Authority for direct reply.

I would ask the Deputy to contact my office if a response has not been received within ten days.

### **Public Transport Subsidies**

213. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the State subsidy that was paid to Bus Átha Cliath in 2016; the area of the country that Bus Átha Cliath provides services in; the population of this area; the policies laid down by his Department to the National Transport Authority in order to determine the level of subsidy payable to this company; and if he will make a statement on the matter. [3720/17]

214. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the State subsidy that was paid to Bus Éireann in 2016; the area of the country that Bus Éireann provides services in; the population of this area; the policies laid down by his Department to the National Transport Authority in order to determine the level of subsidy payable to this company; and if he will make a statement on the matter. [3721/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I propose to take Questions Nos. 213 and 214 together.

The Dublin Transport Authority Act 2008 provides the statutory basis for the award of 'direct award public service contracts'. 'Direct award public service contracts' are contracts awarded to Bus Átha Cliath and Bus Éireann in line with section 52 of the Act in relation to their respective geographic areas as described in the Act and section 8 of the Transport (Re-Organisation of Córas Iompair Éireann) Act, 1986.

The National Transport Authority (NTA) is the statutory body with responsibility for the regulation, funding, monitoring and scope of such contracts and indeed all public transport services contracts. The NTA allocates funding to each operator in line with the contractual obligations entered into by both parties.

As the award and funding of the contracts falls under the independent statutory remit of the NTA I have referred the Deputy's questions to the NTA for direct reply. Please advise my private office if you do not receive a reply within ten working days.

## Trade Agreements

215. **Deputy Michael McGrath** asked the Minister for Jobs, Enterprise and Innovation her views on the prospect of a free trade agreement between the EU and the UK and the application of state aid rules in the EU and the UK; and if she will make a statement on the matter. [3741/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** The UK's exit negotiations from the EU will not commence until Article 50 has been triggered, which the UK Government have indicated they intend to do no later than the end of March 2017. These negotiations could take the maximum allowed period of two years to complete. Ultimately any deal on Article 50 will require the agreement of the EU Commission, Council and Parliament.

I note from a recent speech by Prime Minister May that the UK are seeking a Free Trade Agreement with the European Union and to secure the closest possible future relationship for Britain with the EU, a goal that Ireland shares.

Until the UK leaves the EU, all types of subsidies, both within the UK and across the other 27 EU Member States are subject to the discipline imposed by EU State aid law.

Provisions on state aid (subsidies) and competition are a common feature of EU Free Trade Agreements to ensure any aid granted by authorities to private entities does not distort competition. The terms of any future free trade agreement, including state aid rules, would be a matter for the EU 27 and the UK to agree as part of any negotiation.

Notwithstanding what the EU and UK agree to bilaterally, both remain bound by their obligations under the WTO, which has its own set of subsidy rules contained in the Agreement on Subsidies and Countervailing Measures. WTO subsidy rules are similar in principle to EU State aid rules in many respects.

## Construction Industry

216. **Deputy David Cullinane** asked the Minister for Jobs, Enterprise and Innovation if her attention has been drawn to reports of blacklisting within the construction sector; and if she will make a statement on the matter. [3607/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** I am not aware that there is a practice of trade union representative blacklisting by employers in Ireland. I would consider blacklisting of workers for whatever reason as an unacceptable practice – particularly if it arose in relation to workers exercising their rights to take part in trade union activities.

The Deputy will be aware that there are already legislative protections in place where workers are victimised by an employer for trade union activity.

Section 6(1) of the Unfair Dismissals Act 1977 (as amended) provides that, in general, a dismissal shall be deemed to be unfair unless an employer can prove that there were substantial grounds justifying the dismissal. In addition, Section 6 also deems certain dismissal situations to be unfair as well as outlining certain criteria on which dismissals may be adjudicated as fair. One type of dismissal situation deemed to be unfair is referred to in Section 6(2)(a) of the Act which indicates that a dismissal is unfair where it can be shown that the dismissal resulted wholly or mainly from an employee's trade union membership or activities, either where those

activities take place outside working hours or at those times during working hours when permitted by the employer. While, in general, an employee must have been in the same employment for at least a year in order to bring a claim for unfair dismissal under the Unfair Dismissals Acts, one of the exceptions to the one-year service requirement includes dismissals falling under section 6(2)(a) of the Act.

In addition, the Industrial Relations Act 1990 (Code of Practice on Victimisation) (Declaration) Order 2004 provides that where there is a dispute in an employment where collective bargaining fails to take place and where negotiating arrangements are not in place, no person, be they union representative, individual employee or manager, should be victimised or suffer disadvantage as a consequence of their legitimate actions or affiliation arising from that dispute. A procedure for addressing complaints of victimisation in such cases is set out in the Industrial Relations (Miscellaneous Provisions) Act 2004. A complaint for breach of this legislation may be presented to the Workplace Relations Commission who can enforce rights breached. That Code of Practice was amended in October 2015 to include as a form of victimisation the use by employers of inducements (financial or otherwise) designed specifically to have an employee forego collective representation by a trade union.

The Industrial Relations (Amendment) Act 2015 also provides for enhanced protection for individuals who are victimised as a result of invoking the provisions of the 2001/2004 Industrial Relations Acts through a trade union or for acting as a witness or comparator for those provisions.

If there is evidence that this is a widespread practice – and to date I do not have such evidence on the matter – I will be happy to consider the matter further with both sides of industry.

If the Deputy has any information regarding blacklisting of workers in Ireland, he might bring it either to my attention or to the Data Protection Commissioner.

### **Construction Industry**

217. **Deputy David Cullinane** asked the Minister for Jobs, Enterprise and Innovation if her attention has been drawn to reports of bogus employment contracts in the construction sector; and if she will make a statement on the matter. [3608/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** I assume the Deputy is referring to a case reported in the media earlier this week about a number of construction workers who have sought clarification of their employment status from the Department of Social Protection. It would be inappropriate for me to comment on this particular case.

More generally, apart from significant losses to the Exchequer that can arise from cases of so-called bogus self-employment, the practice has serious implications from an employment rights perspective. In this respect, it is important that individuals are correctly designated as regards employment status so that those who ought to be designated as employees are not deprived of their employment rights. This is particularly the case for vulnerable workers who may not feel in a position to object to certain arrangements.

Ireland has a well-resourced labour inspectorate, which forms part of the Workplace Relations Commission (WRC) and there are existing mechanisms in place to determine the employment status of individuals or groups. Inspections are undertaken on the basis of risk analysis which identifies certain sectors, as a result of complaints received and on a routine basis. Where the WRC inspection service receive complaints in relation to bogus self-employment or bogus sub-contracting, they are forwarded to the Revenue Commissioners and/or the Department of

Social Protection (Scope Section) for investigation either solely by the recipient, or jointly with the Workplace Relations Commission.

In most cases it will be clear whether an individual is employed or self-employed. Where there is doubt in relation to the employment status of an individual the relevant Departments and Agencies will have regard to the Code of Practice for Determining Employment or Self-Employment Status of Individuals. This Code was drawn up and agreed in 2007 by the relevant Government Departments with ICTU and IBEC.

Where an individual believes they are being deprived of employment rights applicable to employees they may refer a complaint to the WRC where the matter can be dealt with by way of mediation or adjudication leading to a decision that is enforceable through the District Court. WRC inspectors can also be asked to investigate certain breaches. Complaints can be made on a single complaint form available at the WRC's website *www.workplacerelements.ie*. The WRC's Customer Service Section, which provides information to both employers and employees in relation to employment, equality and industrial relations rights and obligations, can be contacted at Lo-call: 1890 80 80 90 or 059-9178990.

### **Brexit Issues**

218. **Deputy Brendan Smith** asked the Minister for Jobs, Enterprise and Innovation her views on the recent statement by the EU Commissioner Moscovici in relation to the finalisation of trade deals as a result of Brexit; and if she will make a statement on the matter. [3611/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** The UK's exit negotiations from the EU will not commence until Article 50 has been triggered, which the UK Government have indicated they intend to do no later than the end of March 2017. These negotiations could take the maximum allowed period of two years to complete. Ultimately any deal on Article 50 will require the agreement of the EU Commission, Council and Parliament.

Trade is the exclusive competence of the European Commission who negotiate trade agreements on behalf of Member States. Therefore, the UK cannot sign a trade agreement with a third country until after it has left the EU. I understand that recent comments from Commissioner Moscovici referred to this fact.

When the negotiations begin for a comprehensive trade deal between the EU and the UK Ireland will play a key influencing role in the development of the EU's strategy. Ireland will seek to ensure the best possible outcomes for its citizens, the economy, Northern Ireland and the Common Travel Area.

### **State Aid**

219. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation further to Parliamentary Question No. 314 of 19 January 2017, if she or her Department have asked DG Competition to consider increasing grant aid to a single undertaking to between €300,000 - €500,000 over a three year fiscal period as a policy response to safeguard Irish jobs and domestic enterprises that would be negatively impacted by the UK leaving the EU; and if she will make a statement on the matter. [3725/17]

220. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation further

to parliamentary question number 315 of 19 January 2016, if she or her department have asked DG Competition to review and increase the current state aid *de minimis* thresholds, by enterprise for each of the following specific enterprise stabilisation measures: State backed credit insurance, export trade financing, export credit guarantees and employment subsidy schemes, following the UK's decision to leave the EU; and if she will make a statement on the matter. [3726/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** I propose to take Questions Nos. 219 and 220 together.

The Government is acutely conscious of the uncertainty created by Brexit and the need to consider the types of supports that Irish businesses require to address the negative implications of Brexit and maintain their competitiveness.

The UK vote has led to uncertainty in our trading relationships with the UK, resulting in large part from a degree of volatility in the Euro/Sterling exchange rates. Exchange rate fluctuations will pose real challenges for low margin exporting sectors reliant on the UK market. The volatility of exchange rates is clearly evident from developments over the last few months.

Given Brexit is likely to represent a structural shift in the UK trading relations with partners, short medium and long term responses are needed. These include market diversification, cost reduction, value-add, innovation and price repositioning. My Department and agencies are putting in place measures to address these issues for client companies.

My Department, along with the Department of Finance, the Strategic Banking Corporation of Ireland (SBCI), Enterprise Ireland (EI) and stakeholders (such as SFA, ISME, IBEC and Chambers) is in the process of conducting a structured engagement with industry. The purpose of this engagement is to deliver an evidence base, on which Government appropriate, tailored and targeted responses can be based to meet real identified business needs. Work on this is advanced and the outcome of this structured engagement may lead to further discussions on State Aid concerns.

The Deputy will be aware that EU Regulation No 1407/2013 (the *de minimis* Regulation) sets out the rules for granting small amounts of financial aid to enterprises which are unlikely to affect trade and distort competition (*de minimis* aid). Generally, public bodies are allowed to grant aid to a single undertaking of up to €200,000 over a 3 year fiscal period without prior notification or approval from DG Competition. The Regulation requires that the aid is 'transparent'.

Specific arrangements on *de minimis* aid apply in the following sectors:

- road freight transport sector
- primary production of agricultural products
- production, processing and marketing of fishery and aquaculture products.

As part of the revision of the General Block Exemption Regulation (GBER) under the State Aid Modernisation Agenda, Member States and the Commission discussed a proposal to increase the *de minimis* threshold in 2013. A number of Member States suggested increasing the *de minimis* threshold to €500,000 over a three year fiscal period. The European Commission rejected the proposal on the basis that the amount was substantial and could distort the competition in the Internal Market. A more modest increase to €300,000 was also declined. The current State Aid framework does not allow for the re-calibration of aid intensity rates under the GBER or *de minimis* thresholds.

My Department has also initiated engagement with senior officials from the DG Competition to ensure Ireland can deliver the necessary supports to Irish enterprises within the EU State Aid rules. These discussions are by no means over and will continue to address all relevant State Aid issues, if and when, the need arises to discuss initiatives or proposed schemes.

### **Ticket Touting**

221. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation her views on whether the current regulatory framework for the resale of tickets for entertainment and sporting events is fit for purpose; if she is the lead Minister in this area; and if she will make a statement on the matter. [3727/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** As the Deputy is aware, there is ongoing public concern about the resale of tickets for entertainment and sporting events. In response to that concern, I recently launched a public consultation on the issue together with the Minister for Transport, Tourism and Sport and the Minister for Tourism and Sport. Though ticket resale has been the subject of considerable comment, there is a lack of reliable information about important aspects of the practice, including its extent, the sources of tickets put up for resale, and the prices achieved, as opposed to advertised, on the secondary ticket market. The aim of the consultation is to provide us with a better understanding of the issue and to help us identify the practical measures that might be taken to give consumers fairer access to tickets in the future. Those measures may include changes to the existing regulatory framework. That will be determined following an assessment of the responses to the consultation and other relevant factors.

My Department has overall responsibility for consumer protection. The Minister for Transport, Tourism and Sport and the Minister for Tourism and Sport have a role on the issue because of the wish to ensure that fans can access tickets for sporting events on fair terms and because of commitments given to UEFA in connection with the Euro 2020 Championship and to be given to World Rugby in connection with the bid for the 2023 Rugby World Cup. Major concerts and sporting events also draw large numbers of visitors to Ireland and are important for the tourism sector.

### **Innovation Union Scoreboard**

222. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation her views on Ireland's fall in the 2017 Bloomberg Innovation Index international rankings; and if she will make a statement on the matter. [3733/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** As Minister for Jobs, Enterprise and Innovation, I am committed to improving Ireland's innovation performance. While we have fallen one place on the global Bloomberg Innovation Index, it can be noted that Ireland has improved across a number of the sub-indicators that make up this index. In particular, Ireland's productivity has climbed from 12th to 6th place and in the area of manufacturing value added our performance has risen from 7th to 2nd place. Ireland is performing well from a European perspective, with the latest European Innovation Scoreboard showing that Ireland climbed from 8th to 6th place. We are leading in Europe in the economic effects indicator, which captures economic success stemming from innovation in terms of employment, revenue and exports.

Innovation 2020, Ireland's cross-governmental strategy for Research and Development,



Science and Technology, is based on a shared vision of Ireland becoming a global innovation leader, driving a strong, sustainable, high employment economy and a better society. This strategy, led by my Department, sets out a roadmap to deliver on our vision and focuses on the excellence of our research, the development of our talent and the impact of our investment. Continued implementation of Innovation 2020 will enable us to further narrow the gap with the world's most innovative countries and drive our objective of becoming a global innovation leader.

### **Foreign Direct Investment**

223. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation her views on the analysis in the publication (details supplied) regarding FDI development in Ireland with respect to regional spread of FDI jobs; the wage level of FDI employment compared to domestic enterprises; and if she will make a statement on the matter. [3734/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** I always welcome academic contributions to the wider national debate on how Ireland can best benefit from our record high levels of foreign direct investment (FDI). I also accept that FDI can make an even bigger contribution, all over Ireland, than it is now. However, I think it is quite clear that the impact of FDI on our economy and society has been – and continues to be – overwhelmingly positive.

For a start, overseas investment has played a huge part in our country's economic recovery and continues to drive job creation across Ireland. IDA Ireland's record results for 2016, which reflected our best ever job gains and levels of new investment, speak for themselves. Those results show that in 2016 every regional location in Ireland saw net job increases, with 52% of all jobs created by the Agency's clients last year based outside of Dublin. This reflects the intensive focus being placed on the best possible regional dispersal of FDI investments.

The level of employment in overseas companies is only part of this positive picture. FDI companies generally offer excellent quality and well paid jobs which have significant direct and indirect impacts on communities across the country. The average salary in IDA approved jobs was €51,237 in 2016, up from €49,118 in 2015. This is above the national average annual earnings of €45,075 in 2015. These salary levels are sustained by the high value jobs which we target in a diverse range of key sectors including international financial services, technology, life sciences and engineering.

It is also the case that the jobs created by FDI drive other economic activity in the State. It is estimated that every ten positions created by an IDA client company support a further seven jobs elsewhere in the economy. When these jobs are included, the total employment impact of IDA Ireland clients extends to approximately 340,000 people.

While there is always room for improvement, I believe our FDI led growth model has proven its worth in terms of attracting employment and investment. I am confident that it will remain a key element of our national economic strategy for many years to come and that it will continue to yield benefits for people all over Ireland.

### **Naval Service Operations**

224. **Deputy Kevin O'Keeffe** asked the Taoiseach and Minister for Defence when members of the Naval Service who participated in the international rescue mission in the Mediter-

ranean Sea will receive payment for their full overseas service. [3621/17]

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** Members of the Naval Service have already received the main allowance due to them for their participation in the humanitarian rescue operation in the Mediterranean. The issue of further recompense in respect of this mission was the subject of a claim under the Defence Forces Conciliation and Arbitration Scheme. There was adjudication hearing in respect of PDFORRA's claim in relation to their members service as part of the Operation Pontus missions. This hearing took place on Wednesday 26 October 2016, following which, further discussions took place between my Department and PDFORRA. The outcome of these discussions is currently under consideration by the Department in consultation with the Department of Public Expenditure and Reform and I hope that the matter should be concluded within the next few weeks.