

## 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 12, inclusive, answered orally.*

### **Garda Promotions**

13. **Deputy Mick Wallace** asked the Tánaiste and Minister for Justice and Equality if she is satisfied with the process undertaken by the Policing Authority regarding the recent competition and selection for the rank of assistant commissioner in An Garda Síochána; and if she will make a statement on the matter. [15699/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will be aware that the Policing Authority is an independent statutory body established on 1 January 2016 to, amongst other things, oversee the performance of the Garda Síochána in relation to policing services, to promote public awareness of policing matters and to promote and support the continuous improvements in policing in Ireland.

A key function of the Authority relates to the appointment of persons to the senior ranks of An Garda Síochána. Following the commencement of the remaining provisions of the Garda Síochána (Policing Services and Miscellaneous Provisions) Act 2015 and related Regulations on 1 January 2017, this power of appointment formally vested in the Authority.

On 25 January 2017, the Authority advertised a competition for appointment to the rank of Assistant Commissioner in An Garda Síochána. The competition proceeded in accordance with the governing Regulations and the Authority's "Statement of Practice for the Conduct of a Selection Competition for Appointment to the Rank of Assistant Commissioner in the Garda Síochána".

I am advised that a key element of the process was the establishment by the Authority of a selection board which included an external Chair. Following short-listing of candidates, preliminary interviews and a final competitive interview the Authority established a panel of five candidates for appointment in the order of merit determined by the selection board. The person placed first on the panel was appointed at the meeting of the Authority on 23 March 2017.

Clearly, this is a new beginning as it represents the first time that there has been an appointment to the senior ranks of An Garda Síochána by a statutorily independent body. It was also the first time that appointment to Assistant Commissioner was open to the ranks of Inspector, Superintendent and Chief Superintendent in both the Garda Síochána and the Police Service of Northern Ireland.

I am delighted that the major change in the system of promotions to these ranks envisaged

when the Authority was being established has now come to fruition. I would like to congratulate the Authority and its staff on the successful organisation of the selection competition. The Authority is currently conducting a competition for appointment to the Chief Superintendent rank.

### Immigration Policy

14. **Deputy Gino Kenny** asked the Tánaiste and Minister for Justice and Equality if her attention has been drawn to the hardship the visa restrictions on Libyan citizens is causing a number of applicants; if these restrictions could be lifted in cases other than those working in the beef or oil industries in view of the recent EU deal with the Libyan authorities on migrants; and if she will make a statement on the matter. [15660/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I take it that the Deputy is referring to the Malta Declaration, agreed by members of the European Council on 3 February, 2017. The declaration seeks to reduce migratory flows and disrupt smuggling networks along the Central Mediterranean route by working with the main country of departure, Libya. The European Union (EU) will seek to, *inter alia*, build capacity for the Libyan coast guard and relevant agencies, disrupt smuggling rings, support local development in Libya, ensure adequate reception centres in Libya, support the International Organisation for Migration in stepping up voluntary returns, and enhancing outreach to migrants in Libya.

A principal objective of the Malta Declaration is the stabilisation of Libya. The EU Trust Fund for Africa is the main funding mechanism the EU is using to support stabilisation in Libya, and I understand an additional €200 million has been made available in 2017 to give priority to migration-related projects concerning Libya.

As to the restrictions on consideration of Irish visa applications from residents of Libya, these were put in place in August, 2014 due to the political and security situation in Libya. In doing so, all relevant considerations including the ongoing security situation in Libya and the potential economic impact of the restrictions were taken into account. There is provision for a small number of exceptions to the extent indeed that 109 visas were granted to Libyan nationals in 2016, and 96 in the previous year. As with any visa application, each application is assessed individually based on its own merits and having regard to all the information put forward for consideration.

The position has been kept under review by the Irish Naturalisation and Immigration Service of my Department. Ultimately, an appropriate balance must be struck between State security and individual applicants who wish to come here. I have asked my officials to look again at the restrictions in place to consider if there may be some scope to extend the categories of applicants who may be considered for visa processing.

### Magdalen Laundries Report

15. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Justice and Equality when the archive of the interdepartmental committee on the Magdalen laundries will be made available. [15637/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** In February, 2013 the report of an Inter-Departmental Committee to establish the facts of the State's involvement with the Magdalen Laundries was published. That report was chaired by then

Senator Martin McAleese and it is commonly referred to as the McAleese report. The material in the Report relates to 10 different institutions which were run by 4 different Orders of nuns over a period of 70 years. The religious congregations involved gave full access to the Inter Departmental Committee and its report provides a wealth of information, in anonymised form, for those interested in research .

The McAleese report specifically states that it was agreed that the most appropriate course of action would be that the archive of the Committee's work would be deposited with An Taoiseach and that is where the archive is held. The records provided by the religious congregations concerned were returned to them and are not part of the State archive.

The records held in the State archive and by the religious congregations contain very sensitive personal data. In relation to the records held by the religious congregations, I am informed that a person who had been in the Magdalen Laundry concerned will be given access to their own records. As regards general access, that is a matter for the congregations themselves subject to the Data Protection Acts. In relation to the State archive there are no plans to make it available publicly at this time and, at all events, the records are subject to the Data Protection Acts.

### **Legal Aid Service**

16. **Deputy Catherine Connolly** asked the Tánaiste and Minister for Justice and Equality further to Parliamentary Question No. 87 of 23 February 2017, the names and positions of the additional 15 full-time staff at the Legal Aid Board; and if she will make a statement on the matter. [15747/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As outlined in my previous response, the Legal Aid Board is committed to providing all international protection clients with early legal advice and to support this function the Government provided funding to the Board for additional staff. The budget assigned to the Board for the use of private solicitors where necessary has also been increased.

I am informed by the Legal Aid Board that three of the board's law centres - Smithfield, Dublin 7; Seville House, Galway; and Popes Quay in Cork - are directly involved in protection cases and a number of additional staff have been assigned to those offices. Another office, the Refugee Documentation Centre, provides information services to all of the bodies involved in international protection cases. While it is not the practice to name individual staff, I understand that staffing levels in these offices has increased from 64.3 FTEs in December 2015 to 76.6 FTEs at the present time and the board plans to recruit two additional staff for Smithfield in the near future. They are also considering the need for additional solicitors. The Deputy will appreciate that each law centre undertakes a range of civil legal aid work in addition to the international protection work and I am assured by the Board that these arrangements are proving sufficient at present but the matter is kept under ongoing review.

### **Asylum Support Services**

17. **Deputy Joan Burton** asked the Tánaiste and Minister for Justice and Equality if she has received legal advice as to Ireland's and the United States' obligations to refugees under the Geneva Convention. [15512/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I refer the

Deputy to my response to her Question No. 62 of Thursday, 16 February in which I explained Ireland's obligations under the Geneva Convention. Persons who claim protection in the State will have their application fully considered under the International Protection Act 2015 which gives effect to the State's obligations under the Geneva Convention relating to the Status of Refugees. Ireland, of course, has no role in the US policy or procedures for dealing with persons who seek asylum from the US authorities. This is solely a matter for the US authorities.

I assume the Deputy raises the matter in the context of the US preclearance arrangements that exist at Dublin and Shannon airports. The matter has been examined by a cross Departmental group consisting of the Departments of Transport, Foreign Affairs and Trade and the Justice & Equality. The group had access to legal advice from the Office of the Attorney General.

The preclearance arrangements are set out in the Aviation (Preclearance) Act 2009. Specifically, Section 12 of the Act provides that a person who is refused preclearance to travel onwards to the United States, shall be deemed for the purpose of the Aliens Act 1935 and the Immigration Act 2004, to have arrived at the frontier of the State. In many cases, the persons are Irish citizens or EU nationals subject to Free Movement and once this is established they are not subject to any further immigration requirements.

In circumstances where a person is refused leave to board a US bound flight, he or she is reverted to the Garda immigration authorities and the case is considered by Garda immigration officers in the same manner as if they had presented at the frontier of the State seeking permission to enter the State. For those subject to immigration controls under the Immigration Act 2004, as is normal in these cases, each case is examined on its individual merits to determine if the person is to be given permission to enter the State. Accordingly, the provisions of the Geneva Convention in respect of such persons are considered under Irish law by Irish immigration officers.

### **Garda Deployment**

18. **Deputy Fiona O'Loughlin** asked the Tánaiste and Minister for Justice and Equality the number of the new Garda recruits assigned to the Kildare Garda division in each year since Garda recruitment resumed in 2014; and the attested personnel strength of the Kildare Garda division in September 2014 and at the end of February 2017. [15749/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians.

This plan is well on course to be achieved. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I am advised that, since the reopening of the Garda College in September 2014, there has been a total intake of some 1,400 new recruits with another 600 scheduled to enter the College by the end of this year. I am informed by the Commissioner that some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, 45 of whom have been assigned to the Kildare Division. I am also informed that another 750

trainee Garda are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to around the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division, including the Kildare Division in the coming years.

In so far as the allocation of newly attested Gardaí is concerned, this is a matter for the Garda Commissioner. I am assured by the Commissioner that the needs of all Garda Divisions are fully considered when determining the allocation of resources. However, it is important to keep in mind that newly attested Gardaí have a further 16 months of practical and class-room based training to complete in order to receive their BA in Applied Policing. To ensure that they are properly supported and supervised and have opportunities to gain the breadth of policing experience required, the Commissioner's policy is to allocate them to specially designated training stations which have the required training and development structures and resources in place, including trained Garda tutors and access to a permanently appointed supervisory Sergeant who is thoroughly familiar with their responsibilities under the training programme.

For ease of reference I have provided, for the record, a breakdown of the detailed information requested in relation the number of newly attested Garda allocated to the Kildare Division, since the first attestation of trainee Garda in April 2015 and the number of Garda assigned to the Kildare Division on 30 September 2014 and 28 February 2017, the latest date for which figures are readily available.

	Personnel Strength	Number of newly attested Garda
2014	301	n/a
2015	312	15
2016	316	20
2017	326	10

### Garda Station Closures

19. **Deputy Bobby Aylward** asked the Tánaiste and Minister for Justice and Equality if any of the Garda Stations closed in counties Carlow and Kilkenny in 2012 and 2013 are included in the six stations being examined for reopening under the pilot programme. [15771/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will appreciate that the Garda Commissioner is primarily responsible for the effective and efficient use of the resources available to her, including in relation to Garda stations.

As the Deputy will be aware, the Garda Síochána District and Station Rationalisation Programme gave rise to the closure in 2012 and 2013 of some 139 Garda stations, including Leighlinbridge in Carlow and Ballyragget, Inistioge and Johnstown in Kilkenny, following the completion by An Garda Síochána of a comprehensive review of its district and station network. That review was undertaken with the objective of identifying opportunities to introduce strategic reforms to enhance service delivery, increase efficiency and streamline practices within the organisation. I have been advised by the Garda authorities that the closures have allowed front line Garda to be managed and deployed with greater mobility, greater flexibility and in a more focused fashion, particularly with regard to targeted police operations.

The Programme for Government commits the Government to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. A cornerstone of this commitment is the Government plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. Revisiting the decisions made to close Garda stations is also part of that commitment.

In this context, I have requested the Garda Commissioner, while fully cognisant of her statutory functions, to identify 6 stations for reopening on a pilot basis to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglaries, theft and public order. The pilot will feed into the wider review being undertaken by the Garda Síochána Inspectorate, at the request of the Policing Authority, of the dispersal and use of resources available to An Garda Síochána in the delivery of policing services to local communities.

I understand that work is continuing in An Garda Síochána to identify the 6 stations for inclusion in the pilot and that consultations have taken place with relevant stakeholders, including the Policing Authority. In this context, I am sure that the Deputy would agree that a comprehensive and evidenced-based analysis should be carried out, taking account of all the relevant factors, before a final decision is made in respect of the stations to be reopened by the Commissioner.

I expect to receive a report from the Commissioner by the end of May in connection with the exercise.

### **Garda Procedures**

20. **Deputy Mick Wallace** asked the Tánaiste and Minister for Justice and Equality if she is satisfied that Garda senior management is still capable of performing its duties to the highest standard following the revelation that 14,700 persons were convicted in the courts without a fixed charge notice first being issued and that the number of drink driving tests carried out was exaggerated by over 937,000; and if she will make a statement on the matter. [15698/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I have been very clear in expressing my very serious concerns over the past week in relation to the extent of the road traffic enforcement issues highlighted by An Garda Síochána and the significant numbers of errors involved, not to mention the considerable number of individuals who are affected by these errors.

As we have seen from the figures released over the past week by An Garda Síochána, considerable numbers of the general public have interacted with and will continue to interact with An Garda Síochána in the context of road traffic enforcement, whether at a Mandatory Alcohol Testing checkpoint, or via the Fixed Charge Processing System. As such, it is critical that there is public confidence in the operation and oversight of these vital enforcement systems.

I acknowledge the extensive audits that An Garda Síochána has carried out since these issues came to their attention and the fact that solutions are now in place and are being closely monitored at the highest levels within the organisation.

The Garda Commissioner has given me her personal commitment that all necessary steps will be taken to ensure that these errors cannot reoccur.

The Deputy will be aware that in addition to outlining the issues, how they had come to

light, and the remedial steps taken so far, at her press conference on 27 March 2017, the Commissioner:

- announced the restructuring of traffic policing with the creation of a new Roads Policing Unit to be led by Assistant Commissioner Mick Finn;

- announced the creation of a dedicated team under newly-appointed Assistant Commissioner Michael O'Sullivan to investigate in detail the MATs issue, including with a view to identifying and holding responsible for their actions any Garda members, whether at junior, supervisory or management level, who acted improperly; and

- committed to forwarding the report of this investigation to the Policing Authority and Department of Justice and Equality when completed.

Assistant Commissioner Finn outlined new arrangements agreed this week with the Medical Bureau on Roads Safety to the effect that body would supply An Garda Síochána with its data on breath-testing devices on a quarterly basis, in order to ensure an independent benchmark against which Garda data can be measured. The MBRS will shortly be tendering for new breath testing equipment. New equipment which is available in the market place has the capacity to record the time, GPS location and number of persons breath-tested, and has the capacity to download the information automatically reducing the chances of errors occurring in the data.

Notwithstanding any internal review the Government believes that an external investigation into these two specific matters needs be carried out.

The Government believes the level of public concern is now so profound that it may now be time to conduct a thorough, comprehensive and independent root-and-branch review of An Garda Síochána. That is clearly a proposal that will require further detailed consideration by the Government.

The Government also believes that any such proposal should command widespread support in the Oireachtas and accordingly be the subject of consultation with the Opposition, and ultimately approval by the Oireachtas.

I have also met with the Chairperson of the Policing Authority in recent days in relation to these road traffic enforcement issues and I welcome the fact that the focus of the Authority's next public meeting with the Garda Commissioner will be on road traffic enforcement. This public meeting will be held on 27 April 2017 and will provide a most timely opportunity for An Garda Síochána to engage with the Authority and the general public on these key procedural and practice issues that are now before us. The reason that I prioritised and set up the Authority was to shine a light on and examine issues such as these.

The Garda Commissioner has been in direct contact with the Policing Authority in relation to the matters referred to in the Deputy's question and the Chairperson of the Policing Authority, Josephine Feehily, has confirmed that the Authority will carefully examine these issues.

I have emphasised to the Garda Commissioner that these practices that allowed breath test misreporting and FCN errors to happen within An Garda Síochána over many years have impacted negatively on public confidence and the new systems that have been established in response must be robust in order that public confidence can begin to be rebuilt.

I am confident that senior management in An Garda Síochána is taking all necessary steps insofar as these critical matters are concerned and I will continue to maintain close contact with the Garda Commissioner and the Chairperson of the Policing Authority in relation to these matters.

### **Court Accommodation Provision**

21. **Deputy Thomas Byrne** asked the Tánaiste and Minister for Justice and Equality the long-term plans for the Courts Service in counties Meath and Louth. [15533/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy will be aware, under the provisions of the Courts Service Act 1998, management of the courts, including the provision of accommodation for court sittings, is the responsibility of the Courts Service, which is independent in exercising its functions.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that court sittings in County Meath are provided in two court venues in the county, Trim and Navan. The courthouse in Trim was refurbished in 2001 at a capital cost of €7.6 million. Video technology has recently been introduced in Trim courthouse which will facilitate video conferencing between the courthouse and prisons with a view to reducing the number of prisoners physically being brought to Court. The courthouse facility in Navan is a leased premises to provide a temporary solution to accommodate court sittings in Navan. In the longer term the requirement for a modern court complex in Navan is recognised and the Courts Service is currently actively pursuing options to source a suitable site for a courthouse in the town.

In relation to County Louth, court sittings in the county are provided from three court venues, Dundalk, Drogheda and Ardee. The courthouse in Dundalk was refurbished in 2003 at a capital investment of €10.3 million. As the Deputy will be aware, a new courthouse is currently under construction in Drogheda as part of a Public Private Partnership Bundle of seven courthouses in various locations nationwide. Delivery of this courthouse is expected in April/May 2017 and, once available, it should address any capacity concerns. The new courthouse is a two courtroom venue which will facilitate both Circuit and District Court business.

As a matter of policy, on completion of any major refurbishment/construction project, I understand that the Courts Service undertakes a review of the delivery of court services with a view to ensuring the delivery of best possible services to court users while maximising the value of investment in such facilities.

### **Road Traffic Offences**

22. **Deputy Ruth Coppinger** asked the Tánaiste and Minister for Justice and Equality if she will report on the remedy there will be for 14,700 persons wrongly convicted of road traffic offences due to errors in Garda records; and if she will make a statement on the matter. [15753/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I would like to emphasise at the outset that I have met with the Garda Commissioner and the Chairperson of the Policing Authority in the past days and have communicated my very serious concerns in relation to the significant road traffic enforcement errors that have come to light following the completion of extensive internal audits by An Garda Síochána.

The Deputy will be aware that An Garda Síochána has confirmed that it has put solutions in place to deal with the procedural and practice issues that have been detected to ensure that such errors do not recur. Specifically, I have been assured by An Garda Síochána that a permanent and comprehensive IT solution is now in place to cover the majority of issues identified and An Garda Síochána is satisfied that the errors that occurred cannot be repeated.



Insofar as the 14,700 people incorrectly convicted of road traffic offences in court are concerned, An Garda Síochána is establishing a dedicated support helpline for members of the public with queries in relation to their case. An Garda Síochána is also writing to all affected members of the public, explaining what has happened and outlining the solution to rectify the situation. An Garda Síochána has indicated that it has been advised by the Director of Public Prosecutions and Courts Service that these 14,700 cases must be brought back before the Courts at Circuit Court level with a view to requesting that the erroneous convictions can be set aside. An Garda Síochána has established a dedicated team to this end and is liaising with the Court Services to expedite this process. As such, members of the public affected by the road traffic enforcement errors referred to are requested to await the aforementioned correspondence from An Garda Síochána which will provide further clarification on the matter.

I want to say that it is matter of great regret to me that anyone should be summonsed to court incorrectly, with all of the consequences that follow for individuals. It is absolutely critical now that these mistakes are resolved and the necessary remedial actions put in place.

The Deputy will be aware that the Garda Commissioner has announced the restructuring of traffic policing with the creation of a new Roads Policing Unit to be led by Assistant Commissioner Mick Finn. The Garda Commissioner has been in direct contact with the Policing Authority in relation to the matters referred to in the Deputy's question and the Chairperson of the Policing Authority, Josephine Feehily, has confirmed that the Authority will have an independent professional audit undertaken of the steps taken to resolve the issues.

I welcome the fact that the focus of the Authority's next public meeting with the Garda Commissioner will be on road traffic enforcement. This public meeting will be held on 27 April 2017 and will provide a most timely opportunity for An Garda Síochána to engage with the Authority and the general public on these key procedural and practice issues that are now before us. The reason that I prioritised and set up the Authority was to shine a light on and examine issues such as these.

I will continue to maintain close contact with the Garda Commissioner and the Chairperson of the Policing Authority in relation to these matters.

### **British-Irish Co-operation**

23. **Deputy Eamon Ryan** asked the Tánaiste and Minister for Justice and Equality if she has raised issues or concerns regarding Irish sovereignty in the context of foreign agents, with particular reference to British operatives involved in the incidents which have led to the Pitchford inquiry in the UK, with her counterpart; if so, the details of that discussion; and if she will make a statement on the matter. [8757/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The British Government established the UK's Undercover Policing Inquiry in 2015 in order to investigate and to report on the undercover police operations conducted by English and Welsh police forces in England and Wales since 1968. It is chaired by Lord Justice Christopher Pitchford.

As the Deputy will appreciate, the establishment of the Pitchford Inquiry and its terms of reference were and are matters solely for the British Government in accordance with UK law. It is established under the UK Inquiries Act 2005 which does not provide powers for extraterritorial inquiry.

It is my understanding that representations seeking the extension of the inquiry's terms of reference outside England and Wales were made previously by the authorities in Northern

Ireland, Scotland and Germany, and that the UK Home Secretary having considered those representations decided that the terms of reference of the inquiry would not be so amended. Although in this context the question of my seeking the extension of a UK inquiry does not arise, as I have indicated to the House on several occasions, should anything emerge from the findings of the Pitchford Inquiry that would be relevant to policing in this jurisdiction I will consider it fully and take any action that may be required.

My colleague, Minister Flanagan, met recently with the Secretary of State for Northern Ireland and as part of their wider discussions on issues of mutual interest he raised with him concerns that have been expressed previously in this House on matters relating to the Pitchford Inquiry. The Secretary of State for Northern Ireland agreed to convey those concerns to the Home Secretary, who is the minister in the UK Government with responsibility for the inquiry.

Allegations regarding an undercover police officer in this jurisdiction were first made public in 2011. A report from the Garda Commissioner at that time noted that no evidence of criminal activity by that person had been established. That said, if any evidence of any criminal wrongdoing is available it should be brought to the Garda Authorities. In the light of developments since these matters first came to light I have requested a fresh report from the Garda Commissioner on any issues arising and the Garda Authorities are in ongoing contact with their counterparts in London in this regard. I will fully consider this report when it is available.

### **Garda Deployment**

24. **Deputy Mary Butler** asked the Tánaiste and Minister for Justice and Equality the number of new Garda recruits assigned to the Waterford Garda division in each year since Garda recruitment resumed in 2014; and the attested personnel strength of the Wexford Garda division in September 2014 and at the end of February 2017. [15760/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians.

This plan is well on course to be achieved. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I am advised that, since the reopening of the Garda College in September 2014, there has been a total intake of some 1,400 new recruits with another 600 scheduled to enter the College by the end of this year. I am informed by the Commissioner that some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, 24 of whom have been assigned to the Waterford Division and 28 of whom have been assigned to the Wexford Division. I am also informed that another 750 trainee Garda are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to around the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are

now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division, including the Waterford Division and Wexford Divisions in the coming years.

In so far as the allocation of newly attested Gardaí is concerned, this is a matter for the Garda Commissioner. I am assured by the Commissioner that the needs of all Garda Divisions are fully considered when determining the allocation of resources. However, it is important to keep in mind that newly attested Gardaí have a further 16 months of practical and class-room based training to complete in order to receive their BA in Applied Policing. To ensure that they are properly supported and supervised and have opportunities to gain the breadth of policing experience required, the Commissioner's policy is to allocate them to specially designated training stations which have the required training and development structures and resources in place, including trained Garda tutors and access to a permanently appointed supervisory Sergeant who is thoroughly familiar with their responsibilities under the training programme.

For ease of reference I have provided, for the record, a breakdown of the detailed information requested in relation the number of newly attested Garda allocated to the Waterford and the Wexford Divisions, since the first attestation of trainee Garda in April 2015 and the number of Garda assigned to those Divisions on 30 September 2014 and 28 February 2017, the latest date for which figures are readily available.

-	Waterford Division		Wexford Division	
	Personnel Strength	Number of newly attested Garda	Personnel Strength	Number of newly attested Garda
2014	274	n/a	251	n/a
2015	282	14	255	15
2016	277	10	258	10
2017	275	0	267	3

### Data Protection

25. **Deputy James Lawless** asked the Tánaiste and Minister for Justice and Equality the steps that have been taken to prepare for the implementation of the GDPR in 2018; the level of preparedness among industry; and if she will make a statement on the matter. [15534/17]

**Minister of State at the Department of Justice and Equality (Deputy Dara Murphy):** The position is that the General Data Protection Regulation (GDPR) has direct legal effect and does not therefore require to be transposed into national law. The Regulation does however contain a number of Articles which provide Member States with a limited margin of flexibility, mainly in respect of the public sector. Work is ongoing in my Department on the preparation of a General Scheme of a Bill to give further effect to the GDPR and also to transpose the law enforcement Data Protection Directive (Directive (EU) 670/2016) which deals with the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences and the execution of criminal penalties. The Regulation will come into effect in Ireland on 25 May 2018 and the Directive must be transposed into Irish law by 6 May 2018. The Department of Justice and Equality has been in regular consultations with other Departments and public bodies and agencies in the course of the preparation of the scheme and awareness has been raised significantly through this process.

The GDPR adopts a risk-based approach which means that individual data controllers and processors have to put appropriate technical and organisational measures in place in order to ensure and be able to demonstrate that the processing of personal data is in compliance with the Regulation, taking into account the nature, scope, context and purposes of the processing

and the risks of varying likelihood and severity for the rights and freedoms of individuals. The GDPR provides for the establishment of supervisory authorities at national level with a wide range of functions and powers, including the task of promoting the awareness of controllers and processors of their obligations under the Regulation. The Office of the Data Protection Commissioner, which the Deputy is aware has already been in existence in Ireland for almost 30 years, is the supervisory authority for Ireland.

I am advised by the Office of the Data Protection Commissioner (DPC) that promoting and building awareness of the GDPR is a top priority for the office in 2017. The DPC is taking a leading role in driving awareness, in collaboration with other stakeholders where appropriate, acknowledging that effective GDPR awareness raising will be a combined effort of the DPC, the Government, practitioners, industry and professional representative bodies.

The DPC is using a broad range of communications channels, techniques and platforms. These include: conferences and speaking events; engagement with the media and social media; GDPR guidance; and information awareness raising campaigns.

The Commissioner, Deputy Commissioners and other senior staff are engaged as speakers at a number high-level, high-impact events in 2017, focusing on GDPR awareness and circulating guidance through representative organisations.

The DPC issued a readiness document in relation to the new Regulation at the end of 2016, entitled “The GDPR and You”. I understand that further GDPR guidance will be published over the course of 2017.

I should add that I established the Government Data Forum in 2015 which brings together a wide range of expertise and experience including legal and data protection professionals, representatives from SMEs and multinationals as well as sociologists, psychologists and education specialists.

The Forum’s membership has been designed to enable a broad discussion of some of the key issues around the use of personal data in our digital society.

Preparations for the GDPR and increasing awareness of data protection among the broader population are two key areas of focus for the Forum for the year ahead. The centrepiece of the Forum’s activities for this year is the Data Summit that will take place on 15 and 16 June in the Convention Centre. Preparations for the GDPR will be a core theme for the Summit with a series of presentations and practical ‘how to’ sessions integrated throughout the programme.

### **Policing Authority**

26. **Deputy Mick Wallace** asked the Tánaiste and Minister for Justice and Equality her plans to strengthen the current legislation which established the Policing Authority, in particular with regard to oversight and accountability, following the ongoing crises surrounding senior Garda management; and if she will make a statement on the matter. [15695/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The establishment of the new Policing Authority has been both a welcome and necessary addition to the policing landscape in the State. It has brought a dedicated layer of public accountability to the operation of policing services and it represents one of the most significant and progressive reforms to the justice sector over recent years. Indeed, the recent transfer of the appointment function in relation to the senior ranks is a particularly important signal of this reform.

I strongly believe in the relatively short time since its establishment that the Authority is making a significant impact.

Since its establishment, it has focused, as a matter of priority, on its functions which have statutory deadlines and reform significance.

The Authority is, of course, playing a crucial role in relation to issues which have arisen recently in the area of roads policing.

While there are no immediate plans for changes in the legislation governing the Authority, the Deputy will be aware that the Government has indicated its intention to have a fundamental review in relation to policing matters.

### **British-Irish Co-operation**

27. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Justice and Equality if the issue of British undercover agents operating here was raised with the Secretary of State for Northern Ireland, James Brokenshire; and if she will make a statement on the matter. [8605/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Minister for Foreign Affairs and Trade, Deputy Charlie Flanagan, met recently with his counterpart the Secretary of State for Northern Ireland, James Brokenshire MP, and as part of their wider discussions on issues of mutual interest he raised with him concerns that have been expressed previously in this House on matters relating to the UK's Undercover Policing Inquiry. The Secretary of State for Northern Ireland agreed to convey those concerns to the Home Secretary.

The British Government established the inquiry in 2015 in order to investigate and to report on the undercover police operations conducted by English and Welsh police forces in England and Wales since 1968. It is chaired by Lord Justice Christopher Pitchford. As the Deputy will appreciate, the establishment of the Pitchford Inquiry and its terms of reference were and are matters solely for the British Government in accordance with UK law. It is established under the UK Inquiries Act 2005 which does not provide powers for extraterritorial inquiry.

It is my understanding that representations seeking the extension of the inquiry's terms of reference outside England and Wales were made previously by the authorities in Northern Ireland, Scotland and Germany, and that the UK Home Secretary having considered those representations decided that the terms of reference of the inquiry would not be extended. Although in this context the question of my seeking the extension of a UK inquiry does not arise, as I have indicated to the House previously, should anything emerge from the findings of the Pitchford Inquiry that would be relevant to policing in this jurisdiction I will consider it fully and take any action that may be required.

### **Garda Resources**

28. **Deputy Darragh O'Brien** asked the Tánaiste and Minister for Justice and Equality the action being taken to address the 41% fall in the number of Garda traffic corps in the Dublin northern metropolitan region since 2011. [15763/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Garda Commissioner, who is responsible for the allocation of Garda resources, has indicated in her Policing Plan for 2017 a commitment to increase the number of personnel dedicated to traffic duties by 10% to reflect the increasing numbers of personnel across the entire organisation and

which should also lead to better outcomes in relation to road traffic enforcement.

An Garda Síochána's Modernisation and Renewal Programme also sets out key strategic objectives for Road Policing which will inform and guide An Garda Síochána's Road Policing plans over the next 5 years. Under the Programme, the Garda Commissioner will undertake a number of road safety traffic enforcement initiatives, including expanding the use of technology and increasing checkpoints.

This Government is committed to ensuring visible, effective and responsive policing throughout the country in order to strengthen community engagement, provide reassurance to citizens and prevent crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. In 2017, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

Given that there was no recruitment for a period of five years, it will take some time before there are fully trained officers available to adequately replace personnel that have retired across the entire organisation, including the Traffic Corps. However, the Commissioner has confirmed that the personnel requirement of the Garda Traffic Corps is currently being assessed to identify the most vulnerable areas in regard to serious traffic collisions and the level of compliance with Road Traffic Legislation. I understand that the Assistant Commissioner with responsibility for Roads Policing is currently assessing the capacity of Divisions and Districts to identify and target areas where An Garda Síochána could accelerate the deployment of personnel to traffic in 2017. The filling of any vacancies identified will be conducted on a structured basis and will be further enhanced with the recently renewed recruitment campaigns to An Garda Síochána. The Deputy will also be aware that the Garda Commissioner has in the last few days announced the restructuring of traffic policing with the creation of a new Roads Policing Unit to be led by Assistant Commissioner Michael Finn.

Ireland has over a number of years developed a multi-agency approach to road safety through the involvement of a number of agencies working in partnership, under the aegis of the Road Safety Strategy. Under this year's Policing Plan, new measures will be explored with partner agencies in relation to driver compliance and the promotion of a safe and crime-free road network. The Plan also points to the enhancement of the use of technology to continue to deprive criminals of the use of the road network and to develop policing capabilities. Among the road traffic initiatives identified in the Plan are the strengthening and re-development of the Traffic Corps to tackle all forms of criminality on our road network and ongoing planning, risk assessment and operational preparation for major emergencies in conjunction with emergency management partners.

Road traffic legislation is, of course, also enforced as part of the day to day duties of members of An Garda Síochána. Both targeted and general methods of enforcement have a valuable role to play in An Garda Síochána's enforcement programme, which targets locations with a view to preventing the commission of offences, detecting errant motorists, changing their behaviour and ultimately reducing death and injuries on our roads.

### **Asylum Applications**

29. **Deputy Catherine Connolly** asked the Tánaiste and Minister for Justice and Equality the position regarding the administrative deadline for the return of IPO2 forms; the number of

forms which were returned within the deadline of 20 days, printed on the letters which were received by applicants from the IPO; the number of forms returned incomplete with requests for deadline extension; the number of forms returned incomplete without request for deadline extension; and if she will make a statement on the matter. [15746/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Chief International Protection Officer (CIPO) who, under the International Protection Act, 2015, is independent in the performance of his functions, that the completion of the Application for Protection Questionnaire (IPO 2) is a matter for applicants who may consult a legal representative as appropriate.

As the information sent to applicants for international protection in January/February 2017 made clear, there was no strict deadline for the return of the questionnaire with the time-frame mentioned being purely administrative in nature. Flexibility has been provided by the International Protection Office (IPO) to applicants in relation to the filling out of the form and its return. Clarification in this regard has been included on the IPO website and in communications between that Office and non-governmental organisations.

I am also advised by the CIPO that, as of 24 March 2017, of the approximately 3,100 questionnaires which were issued to applicants covered by the transitional provisions in the 2015 Act, approximately 1,730 have been returned to date. The other information requested by the Deputy would require a disproportionate amount of time and resources to provide.

As has been pointed out in information material issued to applicants by the IPO, supplementary information, including that which may not have been provided in the initial return, can be provided to that Office up to two weeks prior to the date of an applicant's scheduled interview. This time-scale will facilitate the translation of documents where required and ensure that the IPO interviewer has all the relevant papers available and considered in advance of the interview date.

### **Garda Procedures**

30. **Deputy Jim O'Callaghan** asked the Tánaiste and Minister for Justice and Equality the actions An Garda Síochána is taking to improve the workings of the fixed charge notice system and the recording of breathalyser tests; and if she will make a statement on the matter. [15664/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I would like to emphasise at the outset that I have met with the Garda Commissioner and the Chairperson of the Policing Authority in the past days and have communicated my very serious concerns in relation to the significant road traffic enforcement errors that have come to light following the completion of extensive internal audits by An Garda Síochána.

The Deputy will be aware that An Garda Síochána has confirmed that it has put solutions in place to deal with the procedural and practice issues that have been detected to ensure that such errors do not recur. Specifically, I have been assured by An Garda Síochána that a permanent and comprehensive IT solution is now in place to cover the majority of FCPS issues identified and An Garda Síochána is satisfied that the errors that occurred cannot be repeated. In the case of breath tests/Mandatory Alcohol Testing, I am informed that An Garda Síochána initially put in place new paper based recording and verification processes, and, in November 2016, a new specific data recording IT upgrade was installed on the Garda PULSE system. The net effect of the new IT upgrade was that personnel now have to record the serial number of the device

used for each breath test plus the meter reading before and after the checkpoint was concluded. Data from the device is now used to verify the total number of breath tests conducted at each checkpoint.

Insofar as the 14,700 people convicted of road traffic offences in court following the incorrect issuing of a summons are concerned, An Garda Síochána has established a dedicated support helpline for members of the public with queries in relation to their case. An Garda Síochána is also writing to all affected members of the public, explaining what has happened and outlining the solution to rectify the situation. An Garda Síochána has indicated that it has been advised by the Director of Public Prosecutions and Courts Service that these 14,700 cases must be brought back before the Courts at Circuit Court level with a view to requesting that the erroneous convictions can be set aside. An Garda Síochána has established a dedicated team to this end and is liaising with the Court Services to expedite this process. As such, members of the public affected by the road traffic enforcement errors referred to are requested to await the aforementioned correspondence from An Garda Síochána which will provide further clarification on the matter.

The Deputy will be aware that the Garda Commissioner has:

- announced the restructuring of traffic policing with the creation of a new Roads Policing Unit to be led by Assistant Commissioner Mick Finn;
- announced the creation of a dedicated team under newly-appointed Assistant Commissioner Michael O'Sullivan to investigate in detail the MATs issue, including with a view to identifying and holding responsible for their actions any Garda members, whether at junior, supervisory or management level, who acted improperly; and
- committed to forwarding the report of this investigation to the Policing Authority and Department of Justice and Equality when completed.

Assistant Commissioner Finn outlined new arrangements agreed this week with the Medical Bureau on Roads Safety to the effect that that body would supply An Garda Síochána with its data on breath-testing devices on a quarterly basis, in order to ensure an independent benchmark against which Garda data can be measured. The MBRS will shortly be tendering for new breath testing equipment. New equipment which is available in the market place has the capacity to record the time, GPS location and number of persons breath-tested, and has the capacity to download the information automatically reducing the chances of errors occurring in the data.

Notwithstanding any internal review the Government believes that an external investigation into these two specific matters needs be carried out.

The Government believes the level of public concern is now so profound that it may now be time to conduct a thorough, comprehensive and independent root-and-branch review of An Garda Síochána. That is clearly a proposal that will require further detailed consideration by the Government.

The Government also believes that any such proposal should command widespread support in the Oireachtas and accordingly be the subject of consultation with the Opposition, and ultimately approval by the Oireachtas.

The Garda Commissioner has been in direct contact with the Policing Authority in relation to the matters referred to in the Deputy's question and the Chairperson of the Policing Authority, Josephine Feehily, has confirmed that the Authority will:

- have an independent professional audit undertaken of the steps taken to resolve the



issues;and

- oversee the investigation being undertaken by Assistant Commissioner O'Sullivan.

I welcome the fact that the focus of the Authority's next public meeting with the Garda Commissioner will be on road traffic enforcement. This public meeting will be held on 27 April 2017 and will provide a most timely opportunity for An Garda Síochána to engage with the Authority and the general public on these key procedural and practice issues that are now before us. The reason that I prioritised and set up the Authority was to shine a light on and examine issues such as these.

I will continue to maintain close contact with the Garda Commissioner and the Chairperson of the Policing Authority in relation to these matters.

### **Garda Industrial Relations**

31. **Deputy Jim O'Callaghan** asked the Tánaiste and Minister for Justice and Equality if she will include the Garda representative organisations in the working group that is examining industrial relations structures for An Garda Síochána. [15666/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** This Working Group has been established to consider the technical legislative changes required to provide the Garda Associations with access to the Workplace Relations Commission and the Labour Court. This will involve consideration of a number of important and complex issues. The Group brings together officials from the Government Departments and bodies with the relevant expertise and responsibility in these areas and Mr John Murphy, retired Secretary General in the Department of Jobs, Enterprise and Innovation is chairing the Group.

I do, of course, accept that the Garda Associations have a very significant interest in these matters and this is not a question of me excluding the Garda Associations from this process. The Working Group is to report to me, as Minister, with proposals to amend legislation. Clearly the Working Group will have to take a view on what are very complex and difficult issues and, in doing that, they must consult with all interested parties, including the Garda Associations. I have made this very clear to the Associations and to the Chair of the Working Group.

Initial consultation sessions with the Garda Associations took place on 16 March and I understand that the Working Group will shortly circulate a consultation paper to the Associations setting out options in relation to the key issues under consideration. Further consultations will follow between then and the completion of this phase of the work in May. It is vitally important that the Associations take advantage of the opportunity being provided, to engage positively and constructively with the Working Group, in order to ensure that any conclusions reached or proposals made by the Group are informed by the views of the Associations.

The Associations are not being excluded from this process; I have ensured that they are being provided with every opportunity to engage with the Working Group and to make their views known. This will continue through to the conclusion of the current phase of the work of the Group which focusses on the legislation. The second phase of the Group's work concerns internal industrial relations processes in An Garda Síochána. I want to confirm here today that I will ensure that the Associations are more integrated into that phase of the process and I have asked my officials to work through how this might be arranged with the Chair of the Working Group and with the Associations. However, for the time being, where the focus of the Group is on the legislation, I am satisfied that the arrangements put in place are appropriate and reflect the differing roles and responsibilities of the Government and the Associations.

## Direct Provision System

32. **Deputy Bríd Smith** asked the Tánaiste and Minister for Justice and Equality her plans to reform the direct provision system in view of the continued problems experienced by asylum applicants in this system; and if she will make a statement on the matter. [15659/17]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** Services for all protection applicants (those in State provided accommodation or those who live in the community) are delivered under the Government policies of direct provision and dispersal. The Government commissioned retired Judge Dr. Bryan McMahon to Chair a Working Group to carry out a report into the protection process and the system of direct provision and that report was published in June of 2015.

The report forms the basis for ongoing improvements across the entirety of the system involving all relevant Government Departments and Agencies.

The Programme for a Partnership Government (May 2016) states that *“Long durations in direct provision are acknowledged to have a negative impact on family life. We are therefore committed to reforming the Direct Provision system, with particular focus on families and children.”*

On 23 February 2017, the latest audit of the implementation of the recommendations contained in that report was published. This shows that some 121 of the recommendations are now implemented, with a further 38 recommendations partially implemented or in progress. In total, 92% of the 173 recommendations are implemented, partially implemented or in progress, a significant increase on the figure of 80% we reported on last June.

The International Protection Act 2015 was commenced on 31 December 2016. A key feature of this new legislation is the introduction of a new single application procedure which will, in time, significantly accelerate the protection determination process and by extension will reduce the length of time which applicants spend in State provided accommodation.

The new processing arrangements will determine certainty of status at an earlier stage for those entitled to international protection within the State.

A number of recommendations from the McMahon report in relation to improvements to accommodation and services are also being rolled out. The following are some examples:

- The introduction of full independent living at the Mosney Accommodation centre - each family is now able to acquire fresh food to their liking so they may prepare meals themselves. The new home cooking arrangements in Mosney went live on 23 January 2017.

- Cooking facilities are being rolled out to other centres including the State owned centres (Killarney, Tralee, Athlone, Knocklisheen in Limerick and Kinsale Road in Cork) and to Ballyhaunis, Milstreet, St Patrick’s in Monaghan and any other centres in which families are resident.

- Teenagers rooms in centres to provide social areas for this age group

Recommendations of the McMahon report that involve structural changes or improvements will be implemented as quickly as possible, with due consideration of possible fire safety, building regulation and planning issues.

The Department has also co-ordinated the preparation of a multi-departmental information booklet for persons who have been granted any type of ‘leave to remain’ in the State. The booklet contains practical and useful information for residents across housing, finances, health-

care, education as well as TV licences, public transport and other related matters and has been prepared with the assistance of the National Adult Literacy Agency (NALA) to ensure that it is presented in Plain English. The booklet has been translated into a number of languages.

In addition to the publication of the booklet, a number of NGOs have been awarded monies under the EU Asylum, Migration and Integration Fund (AMIF) specifically to provide assistance to move out of State provided accommodation. At the end of December 2016, there were approximately 450 persons with some form of status continuing to reside in State provided accommodation. Notwithstanding the current housing crisis, we are working with the NGO community and residents alike to ensure that those with permission to remain in the State are assisted in finding accommodation in communities across the country as soon as possible and that State provided accommodation remains available for those in most need.

Another key recommendation of the McMahon report was that the remit of the Ombudsman and the Ombudsman for Children should be extended to cover those who are living in State provided accommodation. This has now been implemented and both offices will begin to accept complaints with effect from Monday 3 April 2017.

As can be seen from the foregoing, significant improvements have either been implemented or are being implemented across all aspects of the system of supports for those in the protection process.

### **Garda Station Closures**

33. **Deputy James Browne** asked the Tánaiste and Minister for Justice and Equality if any of the Garda stations closed in County Wexford in 2012 and 2013 are included in the six stations being examined for reopening under the pilot programme. [15767/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will appreciate that the Garda Commissioner is primarily responsible for the effective and efficient use of the resources available to her, including in relation to Garda stations.

As the Deputy will be aware, the Garda Síochána District and Station Rationalisation Programme gave rise to the closure in 2012 and 2013 of some 139 Garda stations following the completion by An Garda Síochána of a comprehensive review of its district and station network. That review was undertaken with the objective of identifying opportunities to introduce strategic reforms to enhance service delivery, increase efficiency and streamline practices within the organisation. I have been advised by the Garda authorities that the closures have allowed front line Garda to be managed and deployed with greater mobility, greater flexibility and in a more focused fashion, particularly with regard to targeted police operations.

The Programme for Government commits the Government to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. A cornerstone of this commitment is the Government plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. Revisiting the decisions made to close Garda stations is also part of that commitment.

In this context, I have requested the Garda Commissioner, while fully cognisant of her statutory functions, to identify 6 stations for reopening on a pilot basis to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglaries, theft and public order. The pilot will feed into the wider review being undertaken by the Garda Síochána Inspectorate, at the request of the Policing Authority, of the dispersal

and use of resources available to An Garda Síochána in the delivery of policing services to local communities.

I understand that work is continuing in An Garda Síochána to identify the 6 stations for inclusion in the pilot and that consultations have taken place with relevant stakeholders, including the Policing Authority. In this context, I am sure that the Deputy would agree that a comprehensive and evidenced-based analysis should be carried out, taking account of all the relevant factors, before a final decision is made in respect of the stations to be reopened by the Commissioner.

I expect to receive a report from the Commissioner by the end of May in connection with the exercise.

### **Garda Resources**

34. **Deputy Niamh Smyth** asked the Tánaiste and Minister for Justice and Equality the capital investment being made in Garda resources in counties Cavan and Monaghan; and if she will make a statement on the matter. [15593/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy will appreciate, the Garda Commissioner is responsible for the distribution of Garda resources in the State and I, as Minister, have no direct role in the matter.

The Cavan/Monaghan Division forms part of the Northern Region and the Garda strength of the Division, on the 28 February 2017, the latest date for which figures are readily available, was 321. There are also 13 Garda Reserves and 37 civilians attached to the Division. When appropriate, the work of local Gardaí is supported by a number of Garda national units such as the National Bureau of Criminal Investigation, the Garda National Economic Crime Bureau and the Garda National Drugs and Organised Crime Bureau.

I am advised by the Commissioner that, since the reopening of the Garda College in September 2014, some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, 21 of whom have been assigned to the Division. I am also advised that another 750 trainee Garda are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to around the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

The Deputy will be aware that the Garda Station Building and Refurbishment Programme includes the delivery of a new Garda station in Bailieborough and the provision of a Specialist Victim Interview Suite in Stradone. I understand that substantial progress has been made in relation to the acquisition of a site for the Bailieborough station and that, in advance of the development of the new station, essential remediation works at the existing Station were completed in 2016 to enhance the public office and general safety throughout the building.

In relation to the development at Stradone, I understand that the OPW is currently awaiting responses to the tender issued and, subject to the tendering and procurement process, the intention is that this project will commence later in the year.

In addition, there are some 60 Garda vehicles allocated to the Division.

The Programme for Government commits the Government to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. A cornerstone of this commitment

is the Government plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. This year, the Government has provided funding for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves. In order to continue to ensure seamless ongoing recruitment it is expected that a new competition for trainee Garda will be announced shortly.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division, including the Cavan/Monaghan Division, in the coming years.

This investment in personnel is complemented by substantial investment in resources across the board for An Garda Síochána. The Deputy will be aware of the significant resources that have been made available to An Garda Síochána under the Government's Capital Plan 2016 - 2021. In particular, some €205 million in additional funding for Garda ICT and €46 million for new Garda vehicles has been allocated over the lifetime of the plan. This investment will facilitate the provision of more effective policing services and I have no doubt that these new resources now coming on stream will see an increase in Garda visibility in our communities.

### **Policing Issues**

35. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the extent to which the Policing Authority has taken over its full responsibilities relating to An Garda Síochána; if the authority's attention was drawn to recent disclosures regarding the failed prosecution in respect of particular motoring offences and the wrongful prosecution in others; if a particular division and command structure within the force has had responsibility for such matters up to now; when the personnel with such responsibilities had their attention drawn to these issues; if a structure has been put in place to deal with any such issues in the future; if An Garda Síochána remains a united force fully focused on its functions and responsibilities including the working of each sector individually and collectively; and if she will make a statement on the matter. [15689/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy is aware, the statutory basis for the Policing Authority is the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 which amended the Garda Síochána Act 2005.

The Authority's role is to oversee the performance of the Garda Síochána in relation to policing services, to promote public awareness of policing matters and to promote and support the continuous improvements in policing in Ireland. Its mission is to drive excellent policing through valued and effective oversight and governance.

Earlier this year, the Authority assumed its full range of statutory functions when regulations governing the appointment and removal of members of An Garda Síochána were approved.

The Deputy refers to the issue of the failed prosecution in respect of particular motoring offences and the absence of fixed charge notices. I have no direct role in the enforcement of Road Traffic legislation, which is an operational matter for the Garda Commissioner. However, I have outlined my serious concerns with the Garda Commissioner and the Chairperson of the

Policing Authority, with regard to the fixed charge notice issue. I have made it clear to the Commissioner that this error has to be fully addressed and a new system identified to avoid a reoccurrence.

The Chairperson of the Policing Authority, Josephine Feehily, has confirmed to me that the Authority will continue to examine this matter, as part of its oversight role.

### **Property Registration Authority Administration**

36. **Deputy Michael Healy-Rae** asked the Tánaiste and Minister for Justice and Equality the reason for the delays in processing some transactions in the Land Registry; the reason more staff cannot be delegated to deal with the backlog which seems to take up to three or four years in some cases for persons trying to rectify their titles and ownerships; and if she will make a statement on the matter. [15536/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised that the Property Registration Authority which manages the Land Registry and Registry of Deeds expects to complete some 200,000 Land Registry transactions in 2017. Applications submitted that are fully in order for registration and that do not result in the raising of queries are dealt with in a very timely and efficient manner. In 2017 to date, in excess of 70% of cases in order for registration which do not require a change to the map or examination of title are completed within nine days or less, while more than 80% of such cases are dealt with within 14 days or less. Where a case is urgent and is brought to the attention of the PRA it will, in accordance with its customer service policy, deal with the matter expeditiously.

The PRA had some 99,959 transactions on hand as at end March 2017 which represents about six months' work. 22% of the transactions on hand are subject to query - such cases cannot therefore be completed until a satisfactory response is received. The PRA has indicated that there is a continuing high rate of rejection - these are transactions that have been received by the PRA but are not in order for registration and must be returned to the lodging party. In 2017 to date, there has been a rejection rate of 15%. Factors that may impact on the completion times may include investigation of title requirements, the completeness of the documentation presented, the need to raise additional queries and mapping requirements.

Certain applications, including First Registration applications, applications made under right-of-way by prescription and applications for registration based on long or adverse possession are legally complex and generally require various queries to be raised by the lodging party. In addition, notice must be served on all interested parties and appropriate time allowed for objections which can run for some time. The PRA must be fully satisfied that a case is fully grounded, the nature of the title proved and that all interested parties' concerns have been fully considered before registering a State guaranteed title. By their nature, such applications, of necessity and legislation, may take a long time to process.

Of the cases currently on hand, some 13% relate to First Registration applications. This is reflective of a large intake of such cases since the extension of compulsory first registration to the entire country in 2011. The PRA is addressing this particular area of concern through a number of mechanisms. Firstly, First Registration applications may be certified by a Solicitor in which case full examination of title is not necessary. In such cases a First Registration case is completed within three to four months. Secondly, PRA management has put in place an action plan including targeted resources and business process improvements in case management to deal with the First Registration arrear. I am advised that further options are being considered including the assigning of additional staff with specific skills and experience of investigation

of title.

In addition to the measures specific to First Registration, outlined above, the PRA has put in place a number of initiatives to enhance its engagement with solicitors, who generally submit applications for registration. This includes a 'solicitor relationship project', where the PRA has established structures to assist certain solicitors with their applications in order to reduce the level of errors and therefore the length of time the process can take. The PRA has also developed a series of guides and videos for solicitors, again to help improve the quality of applications lodged - these are expected to go live on the PRA's website in Quarter 2 of 2017. Business process improvement training is being provided for staff in key areas, with a view to identifying and implementing more efficient processes. Staff training more generally has been enhanced to upskill the large number of new staff members in the organisation. These measures, allied to restructuring of the PRA and advances in the use of technology are expected to yield greater efficiency over time and are monitored closely by the Board of the Authority.

### **Garda Reserve**

37. **Deputy Jack Chambers** asked the Tánaiste and Minister for Justice and Equality the Garda Reserve numbers in each Garda division for each of the past five years and to date in 2017; and if she will make a statement on the matter. [15751/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy will appreciate, the Garda Commissioner is responsible for the distribution of resources, including personnel, among the various Garda Divisions and I, as Minister, have no direct role in the matter. Garda management keeps the distribution of resources under continual review in the context of crime trends and policing priorities so as to ensure that the optimum use is made of these resources.

This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I was pleased to recently announce the launch of a new recruitment campaign for Garda Reserves in pursuance of the Programme for Government commitment to increase the strength of the Reserve to 2,000 by 2021. Garda Reserve members act in a supportive role undertaking local patrols and other crime reduction measures. They have undergone training in many of the skills required to be effective full-time members of An Garda Síochána and it is important that we build on the very real contribution that they are making to the policing of communities right across the country.

I would encourage anyone interested in pursuing policing as a career to consider first becoming a member of the Reserve where they can see at first-hand what being a member of An Garda Síochána actually involves. The competition is being run by the Public Appointments Service on behalf of the Garda Commissioner and applications can be made online by 13 April, 2017 through [www.publicjobs.ie](http://www.publicjobs.ie).

For the Deputy's information I have set out in the following table, as provided by the Com-

missioner, the strength of the Garda Reserve in each Division from 2012 to 28 February 2017, the latest date for which figures are readily available.

As the Deputy is aware, there has been a substantial reduction in the strength of the Reserve in recent years. The fall-off arises from a range of factors, not least the lifting in 2014 of the moratorium on recruitment of trainee Gardaí which has affected Reserve numbers in two ways - firstly approximately 200 serving Reserves have successfully applied to become trainee Gardaí, and secondly, resources in both An Garda Síochána and in the Public Appointment Service have been focused on delivering an accelerated programme of recruitment of full time members of An Garda Síochána. I am sure that the Deputy will agree, notwithstanding the very valuable contribution of Reserve members throughout the country, that it was the right decision, with finite resources, to prioritise the running of recruitment campaigns to replenish the full-time ranks of An Garda Síochána over the last three years.

#### Garda Reserve Strength 2012 - 28 February 2017

Division	2012	2013	2014	2015	2016	2017
DMR South Central	64	77	80	66	48	39
DMR North Central	50	71	73	59	42	40
DMR North	63	59	61	57	49	49
DMR East	17	20	20	19	15	14
DMR South	47	51	45	35	26	24
DMR West	59	65	64	51	28	27
Waterford	31	36	34	32	24	22
Wexford	29	32	37	37	22	21
Tipperary	36	41	42	28	23	22
Kilkenny/Carlow	33	40	38	34	26	26
Cork City	58	73	68	65	48	48
Cork North	20	30	29	24	16	16
Cork West	27	26	29	23	12	12
Kerry	26	36	32	31	21	20
Limerick	47	52	51	53	36	34
Donegal	28	28	26	27	21	21
Cavan/Monaghan	20	25	23	19	14	13
Sligo/Leitrim	21	24	27	27	21	21
Louth	45	55	52	41	33	29
Clare	18	15	13	8	7	6
Mayo	31	35	35	32	23	23
Galway	64	69	63	43	36	36
Roscommon/Longford	18	20	15	11	11	10
Westmeath	22	27	25	20	13	13
Meath	33	44	42	33	18	18
Kildare	24	41	41	30	22	22
Laois/Offaly	31	31	28	24	19	18
Wicklow	29	41	31	24	21	22
Total	991	1164	1124	953	695	666

#### Garda Deployment

38. **Deputy James Browne** asked the Tánaiste and Minister for Justice and Equality the number of new Garda recruits assigned to the Wexford Garda division in each year since Garda



recruitment resumed in 2014; and the attested personnel strength of the Wexford Garda division in September 2014 and at the end of February 2017. [15766/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians.

This plan is well on course to be achieved. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I am advised that, since the reopening of the Garda College in September 2014, there has been a total intake of some 1,400 new recruits with another 600 scheduled to enter the College by the end of this year. I am informed by the Commissioner that some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, 28 of whom have been assigned to the Wexford Division. I am also informed that another 750 trainee Garda are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to around the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division, including the Wexford Division in the coming years.

In so far as the allocation of newly attested Gardaí is concerned, this is a matter for the Garda Commissioner. I am assured by the Commissioner that the needs of all Garda Divisions are fully considered when determining the allocation of resources. However, it is important to keep in mind that newly attested Gardaí have a further 16 months of practical and class-room based training to complete in order to receive their BA in Applied Policing. To ensure that they are properly supported and supervised and have opportunities to gain the breadth of policing experience required, the Commissioner's policy is to allocate them to specially designated training stations which have the required training and development structures and resources in place, including trained Garda tutors and access to a permanently appointed supervisory Sergeant who is thoroughly familiar with their responsibilities under the training programme.

For ease of reference I have provided, for the record, a breakdown of the detailed information requested in relation the number of newly attested Garda allocated to the Wexford Division, since the first attestation of trainee Garda in April 2015 and the number of Garda assigned to the Wexford Division on 30 September 2014 and 28 February 2017, the latest date for which figures are readily available.

Year	Personnel Strength	Number of newly attested Garda
2014	251	n/a
2015	255	15
2016	258	10
2017	267	3

## Gambling Legislation

39. **Deputy Noel Rock** asked the Tánaiste and Minister for Justice and Equality if she will consider introducing legislation enforcing gambling debts to be paid by casinos, bookmakers and online gambling services to customers and vice versa; and if she will make a statement on the matter. [15528/17]

62. **Deputy Jim O'Callaghan** asked the Tánaiste and Minister for Justice and Equality the reason for the delay in publishing gambling legislation; and if she will make a statement on the matter. [15668/17]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I propose to take Questions Nos. 39 and 62 together.

Section 36 on the Gaming and Lotteries Act 1956 provides that gaming and wagering contracts are void and no action shall lie for the recovery of money alleged to have been won or lost. This is a long standing provision of public policy.

In the case of *Sporting Index Limited v John O'Shea* [2015] INEC 407, the High Court found that the Irish public policy against enforcement of gambling bets outweighed the rights, under the Brussels Regulation, to have judgments of EU courts enforced in Member States. In the case very recently reported from the Circuit Civil Court, a person was denied full payment of a claimed win on a gaming machine. Again, the Court pointed to the long standing public policy on non-enforcement of gambling debts. These two particular cases may not be typical of normal interaction between gaming operators and their clients and we should not be alarmist.

While the General Scheme of the Gambling Control Bill in 2013 proposed the ending of the centuries old ban on legal enforcement of gambling debts as a feature of public policy, I am of the view that the matter would bear significant further consideration both by the Government and by the Oireachtas. This consideration would have to include: the conditions on how gambling debts might be made enforceable by our courts, would it apply only to regulated and licensed forms of gambling and the impact of standard commercial practices, consumer protection and provision of credit.

We would need to think very carefully as to the full range of possible consequences for all parties concerned. I have no decided view at this point, as to whether we should make this change to public policy. I welcome the views that Deputies may have to offer.

As I have very recently conveyed to the House, it remains the intention to proceed with gambling legislation at the earliest opportunity. The preparation of a Gambling Control Bill continues on that basis. However, it should be acknowledged that it will require some significant updating to take account of developments since 2013. The preparation of legislation will be a major and complex undertaking. Gambling is now a huge multi-billion euro economic activity, with significant cross-border and electronic on-line operations. I have special responsibility in this area and with Departmental officials am actively engaged in further consideration and research, including consultations with relevant stakeholders. While the exact nature of new regulatory approaches with regard to all forms of gambling activities remains to be decided, we should be aware that the outcome will have resource implications.

I should also add that work on the preparation of the General Scheme of the Courts and Civil Law (Miscellaneous Provisions) Bill is at an advanced stage in the Department. This Bill will contain some early amendments to gaming legislation providing for a range of useful modernisation and clarification measures to the outdated Gaming and Lotteries Act 1956. In particular, it would address issues concerning the minimum age for gambling activities, authorising realistic

stake and prize amounts and a clearer setting out of the circumstances for the permitting and conduct of certain gaming and lottery activities.

### **Good Friday Agreement**

40. **Deputy Brendan Smith** asked the Tánaiste and Minister for Justice and Equality if she will ensure that adequate resources are provided for the Commission for the Location of Victims' Remains in view of the urgent need to make further progress in the searches for the disappeared; and if she will make a statement on the matter. [15662/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Independent Commission for the Location of Victims' Remains (ICLVR) was established by the Irish and British Governments in 1999 as one among the actions to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation in the context of the Peace Process. The ICLVR's task is to facilitate the location of the remains of a number of persons who were killed and buried secretly by paramilitary organisations during the troubles.

I know that Deputy Smith, and others in this House, have a long-standing interest in this issue. The families of the victims have endured a very unique tragedy, not just in having lost a loved one, but having been denied for so long information about the burial places of their loved ones.

I can assure the Deputy and, indeed, the families of the Disappeared that the ICLVR's investigation team has had and will continue to have the resources it needs to carry out its difficult task. The Government will continue in co-operation with our British counterparts to support this important work.

However, as the Deputy will know the ICLVR's work is fundamentally driven by information. This is the key resource to support its efforts and anyone who has any information on any of the outstanding cases should bring it to the ICLVR without delay.

The only aim of the ICLVR is to locate the victims' remains in order that they may be returned to their families to receive a decent burial. In this way the families will then have a grave at which to grieve and to remember. To date, 12 of the ICLVR's cases have been located and the ICLVR is continuing its inquiries in relation to the remaining four cases – Joe Lynskey, Columba McVeigh, Robert Nairac and Seamus Ruddy – and I can assure the families of my and the Government's continued full support for this ongoing humanitarian work.

### **Immigration Policy**

41. **Deputy Anne Rabbitte** asked the Tánaiste and Minister for Justice and Equality her plans to assist undocumented Brazilians resident here. [15526/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am on record in the House many times previously, most recently on 16 February 2017, as saying that I have no plans to introduce a general regularisation scheme for those who are currently undocumented in the State. Any such proposal could give rise to very large, unpredictable and potentially very costly impacts across the full range of public and social services. Furthermore, there may well be significant implications for the operation of the Common Travel Area, particularly in the context of Britain withdrawing from the European Union. Any proposal in this regard would have to be very carefully considered. It is important to recognise that in most cases a

person becomes undocumented through their own actions by making the choice to remain in Ireland without immigration permission as opposed to the alternative of leaving the State. It is always open to persons in an undocumented situation to present their case on its individual merits to the immigration authorities. Such cases would be carefully considered before a decision is made and it is reasonable for the State to expect that the affected persons would respect that decision whatever that may be.

### **Garda Procedures**

42. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the extent to which internal system failures have been identified in An Garda Síochána with particular reference to recent revelations; the degree to which such failures have been attributed to specific sectors; the extent to which the causes have been identified; and if she will make a statement on the matter. [15690/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I would like to emphasise at the outset that I have met with the Garda Commissioner and the Chairperson of the Policing Authority in the past days and have communicated my very serious concerns in relation to the significant road traffic enforcement errors that have come to light following the completion of extensive internal audits by An Garda Síochána.

The Deputy will be aware that An Garda Síochána has confirmed that it has put solutions in place to deal with the procedural and practice issues that have been detected to ensure that such errors do not recur. In addition, the Garda Commissioner has:

- announced the restructuring of traffic policing with the creation of a new Roads Policing Unit to be led by Assistant Commissioner Mick Finn;

- announced the creation of a dedicated team under newly-appointed Assistant Commissioner Michael O'Sullivan to investigate in detail the MATs issue, including with a view to identifying and holding responsible for their actions any Garda members, whether at junior, supervisory or management level, who acted improperly; and

- committed to forwarding the report of this investigation to the Policing Authority and Department of Justice and Equality when completed.

As such, the Deputy will appreciate that it is not possible to identify specific internal system failures in An Garda Síochána until such time as Assistant Commissioner O'Sullivan's investigation is completed.

Notwithstanding any internal review the Government believes that an external investigation into these two specific matters needs to be carried out.

The Government believes the level of public concern is now so profound that it may now be time to conduct a thorough, comprehensive and independent root-and-branch review of An Garda Síochána. That is clearly a proposal that will require further detailed consideration by the Government.

The Government also believes that any such proposal should command widespread support in the Oireachtas and accordingly be the subject of consultation with the Opposition, and ultimately approval by the Oireachtas.

The Garda Commissioner has been in direct contact with the Policing Authority in relation

to the matters referred to in the Deputy's question and the Chairperson of the Policing Authority, Josephine Feehily, has confirmed that the Authority will:

- have an independent professional audit undertaken of the steps taken to resolve the issues; and

- oversee the investigation being undertaken by Assistant Commissioner O'Sullivan.

I welcome the fact that the focus of the Authority's next public meeting with the Garda Commissioner will be on road traffic enforcement. This public meeting will be held on 27 April 2017 and will provide a most timely opportunity for An Garda Síochána to engage with the Authority and the general public on these key procedural and practice issues that are now before us. The reason that I prioritised and set up the Authority was to shine a light on and examine issues such as these.

I will continue to maintain close contact with the Garda Commissioner and the Chairperson of the Policing Authority in relation to these matters.

Further detail on the Authority's role in examining this matter is outlined in a similar reply to the Deputy for answer today

### **Data Protection**

43. **Deputy James Lawless** asked the Tánaiste and Minister for Justice and Equality her views on the need for research data to enjoy a wider arc of potential future usage than standard data gathering practices may permit; if she has contributed to the debate at EU level on the GDPR in this instance; if preparations have been made to adopt standards along these lines; and if she will make a statement on the matter. [15535/17]

**Minister of State at the Department of Justice and Equality (Deputy Dara Murphy):** According to the "purpose limitation" principle set out in Article 5 of the General Data Protection Regulation (GDPR), personal data should be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. However, paragraph 1(b) provides that further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, subject to appropriate safeguards, not be considered incompatible with the initial purposes. Likewise, while the "storage limitation" principle requires that personal data should be kept in a form which permits identification of individuals for no longer than is necessary for the purposes for which the data are collected and processed, paragraph 1(e) provides that personal data may be stored for longer periods insofar as the data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required in order to safeguard the rights and freedoms of individuals.

Article 89 confirms that data processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes is permitted, subject to appropriate safeguards for the rights and freedoms of individuals. It states that such safeguards should ensure that technical and organisational measures are put in place in order to ensure respect for the principle of data minimisation and cites the process of "pseudonymisation" of personal data as a possible safeguard if the purposes concerned can be fulfilled in that manner. It also permits Member States to provide for derogations from certain data subject rights where personal data are processed for these purposes. Proposals for legislation which are currently being prepared in my Department to give further effect to the GDPR will contain a number of derogations in

line with Article 89.

It should be noted that the Regulation recognises the importance of research activity, including the processing of personal data for scientific purposes. For example, it specifically cites the significance of medical research which can yield new knowledge of great value concerning diseases such as cardiovascular disease, cancer and depression. In the social science field, it acknowledges that research enables researchers to obtain essential knowledge about the long-term correlation of a number of social conditions such as unemployment and education with other life conditions. The processing of personal data for scientific research purposes includes technological development, fundamental research, applied research and privately-funded research.

I want to reassure the Deputy that I, together with my Department, have participated in a constructive and active manner in the negotiations which resulted in agreement on the GDPR. The GDPR will enter into force in May 2018 and all Government Departments are currently giving consideration to the manner in which its provisions will apply in practice to their respective areas of activity, including scientific research, and assessing the need for any necessary further action.

### **Garda Station Closures**

44. **Deputy Darragh O'Brien** asked the Tánaiste and Minister for Justice and Equality if Rush Garda station is included in the six stations being examined for reopening under the pilot programme. [15762/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will appreciate that the Garda Commissioner is primarily responsible for the effective and efficient use of the resources available to her, including in relation to Garda stations.

As the Deputy will be aware, the Garda Síochána District and Station Rationalisation Programme gave rise to the closure in 2012 and 2013 of some 139 Garda stations, including Rush Garda Station, following the completion by An Garda Síochána of a comprehensive review of its district and station network. That review was undertaken with the objective of identifying opportunities to introduce strategic reforms to enhance service delivery, increase efficiency and streamline practices within the organisation. I have been advised by the Garda authorities that the closures have allowed front line Garda to be managed and deployed with greater mobility, greater flexibility and in a more focused fashion, particularly with regard to targeted police operations.

The Programme for Government commits the Government to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. A cornerstone of this commitment is the Government plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. Revisiting the decisions made to close Garda stations is also part of that commitment.

In this context, I have requested the Garda Commissioner, while fully cognisant of her statutory functions, to identify 6 stations for reopening on a pilot basis to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglaries, theft and public order. The pilot will feed into the wider review being undertaken by the Garda Síochána Inspectorate, at the request of the Policing Authority, of the dispersal and use of resources available to An Garda Síochána in the delivery of policing services to local

communities.

I understand that work is continuing in An Garda Síochána to identify the 6 stations for inclusion in the pilot and that consultations have taken place with relevant stakeholders, including the Policing Authority. In this context, I am sure that the Deputy would agree that a comprehensive and evidenced-based analysis should be carried out, taking account of all the relevant factors, before a final decision is made in respect of the stations to be reopened by the Commissioner.

I expect to receive a report from the Commissioner by the end of May in connection with the exercise.

### **Garda Station Closures**

45. **Deputy Margaret Murphy O'Mahony** asked the Tánaiste and Minister for Justice and Equality if any of the Garda stations closed in west Cork in 2012 and 2013 are included in the six stations being examined for reopening under the pilot programme. [15764/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will appreciate that the Garda Commissioner is primarily responsible for the effective and efficient use of the resources available to her, including in relation to Garda stations.

As the Deputy will be aware, the Garda Síochána District and Station Rationalisation Programme gave rise to the closure in 2012 and 2013 of some 139 Garda stations following the completion by An Garda Síochána of a comprehensive review of its district and station network. That review was undertaken with the objective of identifying opportunities to introduce strategic reforms to enhance service delivery, increase efficiency and streamline practices within the organisation. I have been advised by the Garda authorities that the closures have allowed front line Garda to be managed and deployed with greater mobility, greater flexibility and in a more focused fashion, particularly with regard to targeted police operations.

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I understand that work is continuing in An Garda Síochána to identify the 6 stations for inclusion in the pilot and that consultations have taken place with relevant stakeholders, including the Policing Authority. In this context, I am sure that the Deputy would agree that a comprehensive and evidenced-based analysis should be carried out, taking account of all the relevant factors, before a final decision is made in respect of the stations to be reopened by the Commissioner.

I expect to receive a report from the Commissioner by the end of May in connection with the exercise.

### **Garda Síochána Ombudsman Commission Investigations**

46. **Deputy Micheál Martin** asked the Tánaiste and Minister for Justice and Equality if she or her officials have recently reviewed a case (details supplied); the circumstances that led to this person's death by a person who was repeatedly on bail and who had numerous convictions involving drugs and alcohol; and if the Government is considering a commission of inquiry into the actions that were taken by the Garda regarding all of the convictions of the person responsible for the death of the person. [9546/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The position is as set out in my answer to the Deputy's last Parliamentary Question in relation to this tragic case. The Garda Síochána Ombudsman Commission (GSOC) are investigating certain matters which have arisen as a result of the case. This action was taken by my predecessor who referred certain aspects of this particular case to GSOC for investigation. The question of whether, and if so, what further action can be taken, will be fully considered when GSOC's investigation is completed.

As the Deputy is aware, GSOC is an independent statutory body and the manner in which they conduct their investigation is a matter for them. The most recent update which I received indicated that they had concluded their investigation and that the report was being reviewed before it would be issued. We must now await their final determination.

### **Visa Applications**

47. **Deputy Gino Kenny** asked the Tánaiste and Minister for Justice and Equality if she will review the present restrictions on visa applications from Libya especially in the cases of medical personnel that could make a valuable contribution to the health service; and if she will make a statement on the matter. [15661/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The position in relation to current restrictions has been kept under review by the Irish Naturalisation and Immigration Service of my Department. Ultimately, an appropriate balance must be struck between State security and individual applicants who wish to come here. I have asked my officials to look again at the restrictions in place to consider if there may be some scope to extend the categories of applicants who may be considered for visa processing.

### **Garda Deployment**

48. **Deputy Eamon Scanlon** asked the Tánaiste and Minister for Justice and Equality the number of new Garda recruits assigned to the Sligo-Leitrim Garda division in each year since Garda recruitment resumed in 2014; and the attested personnel strength of the Sligo-Leitrim Garda division in September 2014 and at the end of February 2017. [15768/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve



an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians.

This plan is well on course to be achieved. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I am advised that, since the reopening of the Garda College in September 2014, there has been a total intake of some 1,400 new recruits with another 600 scheduled to enter the College by the end of this year. I am informed by the Commissioner that some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, 13 of whom have been assigned to the Sligo/Leitrim Division. I am also informed that another 750 trainee Garda are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to around the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division, including the Sligo/Leitrim Division in the coming years.

In so far as the allocation of newly attested Gardaí is concerned, this is a matter for the Garda Commissioner. I am assured by the Commissioner that the needs of all Garda Divisions are fully considered when determining the allocation of resources. However, it is important to keep in mind that newly attested Gardaí have a further 16 months of practical and classroom based training to complete in order to receive their BA in Applied Policing. To ensure that they are properly supported and supervised and have opportunities to gain the breadth of policing experience required, the Commissioner's policy is to allocate them to specially designated training stations which have the required training and development structures and resources in place, including trained Garda tutors and access to a permanently appointed supervisory Sergeant who is thoroughly familiar with their responsibilities under the training programme.

For ease of reference the table below provides, for the record, details of the number of newly attested Gardaí allocated to the Sligo/Leitrim Division, since the first attestation of trainee Garda in April 2015. It also provides details of the number of Gardaí assigned to the Division from 30 September 2014 to 28 February 2017, the latest date for which figures are readily available.

Year	Personnel Strength	Number of newly attested Garda
2014	296	n/a
2015	294	5
2016	297	5
2017	301	3

### **Policing Issues**

49. **Deputy Clare Daly** asked the Tánaiste and Minister for Justice and Equality if she has full confidence in the Garda Commissioner. [15692/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I retain confidence in the Garda Commissioner.

**Traveller Community**

50. **Deputy Micheál Martin** asked the Tánaiste and Minister for Justice and Equality if she will report on her statement on 1 March 2017 regarding Traveller ethnicity here; and if she will elaborate on the matter. [11616/17]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** As the Deputy will know, the Taoiseach announced State recognition of Travellers as an ethnic group in Ireland on 1 March 2017. I would like to thank Deputy Martin and all of the other Deputies who spoke on that occasion for supporting that statement. This event was historic and memorable. I was delighted to note that there was an all-party consensus on the issue and I take the opportunity to commend the Deputy also in that regard.

There are no legal or expenditure implications arising from this State recognition of Travellers; the Taoiseach's statement was about recognition and respect and not about creating any new rights or rights that do not already exist. The key argument for recognition of Traveller ethnicity was that recognition of the distinct heritage, culture and identity of Travellers and their special place in Irish society will be hugely and symbolically important to Traveller pride and self-esteem and overcoming the legacy of economic marginalisation, discrimination and low self-esteem with which the Traveller community struggles. This is not to ignore the real problems that Travellers face but this symbolic gesture will create a new platform for positive engagement by the Traveller community and the Government in together seeking sustainable solutions based on respect and an honest dialogue on these issues and challenges.

The statement by the Taoiseach announcing State recognition of Traveller ethnicity was the culmination of a long-standing campaign by Travellers to have their identity, culture and unique position valued by their formal recognition as a distinct ethnic group. As the Taoiseach stressed, this is without prejudice to Travellers being part of, and self-identifying as part of, the Irish nation. This historic statement is also a new beginning and the start of the work that we need to do as a society, in partnership with Travellers, to address the real and stark issues that face the Traveller community in areas such as health, employment, education and accommodation. I will present my plans to address these issues in the new National Traveller and Roma Inclusion Strategy which I will, in consultation with other Departments and Traveller and Roma representatives, finalise shortly. I look forward to continuing to work with Travellers as part of what will be a Strategy with an ambitious set of objectives.

**Anti-Social Behaviour**

51. **Deputy John Curran** asked the Tánaiste and Minister for Justice and Equality if she is satisfied with the level of security and policing on the Luas red line; and if she will make a statement on the matter. [15687/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I can assure the Deputy that, while I have no direct role in Garda strategies to tackle crime and anti-social behaviour on public transport services in Dublin, I am in regular contact with the Garda Commissioner about all aspects of policing and community safety. The specific deployment of policing resources is a matter for the Garda authorities, as is the question on ongoing engagement and meetings with transport operators.

Insofar as the general approach to tackling these issues are concerned, I am advised that Garda management engages extensively with transport operators in the Dublin area and a range of regional and local operations have been put in place as required to address issues that have

arisen at specific locations. Instances of crime and anti-social behaviour are monitored by local Garda management with the assistance of Garda Síochána Analysis Service, which results in periodic operations aimed at anti-social behaviour on and around public transport routes. I am further advised that there is effective communication with the respective control centres and that access to good quality CCTV has also been of great assistance in the investigation of complaints.

I can also inform the Deputy that there is a range of strong legislative provisions available to An Garda Síochána to combat anti-social behaviour generally, including provisions under the Criminal Justice (Public Order) Acts, the Criminal Damage Act and the Intoxicating Liquor Acts. The powers available to Gardaí support them in addressing anti-social behaviours, including the prevention of nuisance or annoyance to others and forestalling damage to property or a breach of the peace. An Garda Síochána remains committed to tackling all types of public disorder and anti-social behaviour by working with communities to reduce this type of behaviour and enhance community safety.

Underpinning all of these measures is the Government's commitment to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. The Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. In 2017, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Appointments will also be made to the Garda Reserve of approximately 300, and in this regard I was pleased to be able to launch a new recruitment campaign for Reserve members of An Garda Síochána last week.

### **Magdalen Laundries**

52. **Deputy Jim O'Callaghan** asked the Tánaiste and Minister for Justice and Equality the steps she will take to ensure the 19 women who have received awards under the ex-gratia scheme for survivors of the Magdalen laundries receive payment promptly and notwithstanding the fact that assisted capacity legislation has not yet commenced; and if she will refer all cases to the national advocacy service for representation. [15665/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** To date, over €25 million has been paid out to 669 women under the Ex Gratia Magdalene Restorative Justice Scheme administered by my Department. The Scheme remains open to new applications but it's important to note that decisions have been made on all but two of the 821 applications received to date – the two refer to applications made only in recent weeks. The difference between that figure and the 669 payments made is accounted for by refusals and for other reasons including probate cases, applicants still considering provisional offers, and the application of the Assisted Decision Making Act, 2015 in relation to those women who lack the necessary capacity. In this latter respect, award offers have been made to 19 women who lack the necessary capacity to consider their offer.

Payment to these 19 women has been delayed until proper safeguards are in place. To cover these women and other adults whose decision-making capacity is at issue, the Assisted Decision-Making (Capacity) Act 2015 was signed into law on 30 December 2015. The Act provides a modern statutory framework to support decision-making by adults with capacity difficulties. It is being commenced on a phased basis and it is intended that significant progress will be made in 2017 on the implementation of the new decision-making support options provided for in the Act. The specific decision making supports available under the Act to adults with capacity diffi-

culties are decision-making assistants, co-decision makers and decision-making representatives who will be supervised by the Director of the Decision Support Service.

New administrative processes and support measures, including the setting up of the Decision Support Service within the Mental Health Commission (which is a body under the Department of Health), must be put in place before the substantive provisions of the Act come into force. Careful planning and groundwork has to be put in place to ensure that the commencement of the Act is correctly, appropriately and effectively handled. A high-level Steering Group comprised of senior officials from my Department, the Department of Health and the Mental Health Commission is overseeing the establishment and commissioning of the Decision Support Service.

The Assisted Decision-Making (Capacity) Act 2015 (Commencement of Certain Provisions) Order 2016 (S.I. No. 515 of 2016), brought some provisions of Part 1 (Preliminary and General) and Part 9 (Director of the Decision Support Service) of the Act into operation on 17 October 2016. These provisions were brought into operation in order to enable the process of recruitment of the Director of the Decision Support Service to begin.

With regard to advocacy, it is important to note that a personal advocate has very limited powers with regard to a person who lacks capacity. A personal advocate does not have power of attorney, to make decision or otherwise to manage the affairs of the person. That is why the provisions of Assisted Decision Making (Capacity) Act 2015 will be so important. As a general point, women who were in the Magdalen laundries are already covered under section 21 of the Nursing Home Support Scheme Act, 2009 which makes provision for persons to act as care representatives in respect of any person applying for support under that Act.

### **Garda Resources**

53. **Deputy Thomas Byrne** asked the Tánaiste and Minister for Justice and Equality the measures she is undertaking to increase Garda resources in County Meath in line with the programme for Government commitments. [15532/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy will appreciate, the Garda Commissioner is responsible for the distribution of resources, including personnel, among the various Garda Divisions and I, as Minister, have no direct role in the matter. I am assured by the Garda Commissioner that the allocation of Gardai is continually monitored and reviewed taking into account all relevant factors including crime trends, demographics, and security assessments relating to the area in question so as to ensure optimal use is made of Garda human resources. It is the responsibility of the Divisional Officer to allocate personnel within his or her Division.

I am informed by the Commissioner that the Garda strength of the Meath Division, on the 28 February 2017, the latest date for which figures are readily available, was 289. There are also 18 Garda Reserves and 27 civilians attached to the Division. When appropriate, the work of local Gardai is supported by a number of Garda national units such as the National Bureau of Criminal Investigation, the Garda National Economic Crime Bureau and the Garda National Drugs and Organised Crime Bureau.

This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. This year, funding has been provided

for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I am further informed by the Commissioner that, since the reopening of the Garda College in September 2014, some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, 26 of whom have been assigned to the Meath Division. I understand that another 750 trainee Garda are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to around the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division, including the Meath Division, in the coming years.

This investment in personnel is complemented by substantial investment in resources across the board for An Garda Síochána. The Deputy will be aware of the significant resources that have been made available to An Garda Síochána under the Government's Capital Plan 2016 - 2021. In particular, some €205 million in additional funding for Garda ICT and €46 million for new Garda vehicles has been allocated over the lifetime of the plan. This investment will facilitate the provision of more effective policing services and I have no doubt that these new resources now coming on stream will see an increase in Garda visibility in our communities.

### Crime Levels

54. **Deputy Jim O'Callaghan** asked the Tánaiste and Minister for Justice and Equality her views on a recent report (details supplied) that indicates that two thirds of farming families have been affected by crime relating to their farming enterprise; and if she will make a statement on the matter. [15667/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am aware of the recent report commissioned by the Irish Cattle and Sheep Farmers Association (ICSA) and the recent commentary in the media on foot of its publication. I note that the ICSA report is part one in a series of three reports into agricultural crime in Ireland and I look forward to considering the other reports when published.

I also want to assure the Deputy that I am very much aware of the damage done to local communities by organised gangs who target rural areas to engage in burglary and other property crime. The ICSA report covers a period of 24 months, from the start of May 2014 to the end of May 2016 and this includes a period of 17 months before the launch, in November 2015, of the sustained drive against burglary and property crime which An Garda Síochána has pursued under Operation Thor.

As the Deputy is aware, Operation Thor entails a broad range of activities to tackle organised crime gangs and other prolific offenders as well as working with communities to prevent crime. This comprehensive operation is supported by the enhanced Government investment in Garda resources, including the recently announced additional allocation of €88.5 million in 2017. The additional investments in policing make it possible to maintain and extend a range of intensive policing operations, including the continued targeting of burglaries and related crime

via Operation Thor. There has been concentrated policing activity under Operation Thor and this is reflected in the implementation of over 67,000 targeted checkpoints nationwide, with in the region of 4,000 arrests being made.

It is encouraging to note that since the launch of the Operation, the burglary figures in particular have shown a significant downward trend. Indeed, the CSO official recorded crime statistics for Q4 of 2016, which were released this week, show a 30% decrease in burglary for the twelve months of 2016 when compared to the same period in 2015 - which parallels the implementation of Operation Thor.

I have also made it a particular priority to strengthen our legislative provisions through the enactment of the Criminal Justice (Burglary of Dwellings) Act 2015 which is targeted at repeat burglars who have previous convictions and who are charged with multiple offences of residential burglary. I am very pleased that this new legislation is now available to support the work which is being carried out by An Garda Síochána under Operation Thor.

The Programme for Government underlines the need for close engagement between An Garda Síochána and local communities and this is an essential feature of the strong community policing ethos which has long been central to policing in this jurisdiction. The Deputy will be aware that as part of the overall strategy to oppose criminality, the Garda authorities pursue a range of partnerships with community stakeholders, including the farming organisations. There are a range of partnership initiatives which have been established between An Garda Síochána and important rural-based organisations such as the Irish Farmers Association, Muintir na Tire and other rural community organisations, including the well established Community Alert Programme, the ongoing work of the Metal Theft Forum, the Crimestoppers campaign highlighting the Theft of Livestock, the Theftstop initiative in relation to farm equipment, and the highly successful Garda Text Alert Scheme.

Underpinning all of these measures is the Government's commitment to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. The Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. In 2017, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Appointments will also be made to the Garda Reserve of approximately 300, and in this regard I was pleased to be able to launch a new recruitment campaign for Reserve members of An Garda Síochána last week.

### **Court Accommodation Provision**

55. **Deputy Brian Stanley** asked the Tánaiste and Minister for Justice and Equality if a new courthouse for Portlaoise has been included as a priority for capital funding. [10491/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy will be aware, under the provisions of the Courts Service Act 1998, management of the courts, including the provision of accommodation for court sittings, is the responsibility of the Courts Service which is independent in exercising its functions.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that it is conscious of the need to provide improved courthouse accommodation for Portlaoise. It is currently trying to acquire a suitable site on which a new courthouse could be built and I understand a number of sites are under consideration and that

the Courts Service has engaged with both Laois County Council and the OPW in this regard.

As the Deputy may be aware, the Courts Public Private Partnership Bundle consists of seven projects in various locations nationwide where new or refurbished courthouse accommodation will be provided in 2017. Following completion of this major programme of work, Portlaoise will be one of only five provincial city/county town venues still requiring new or upgraded courthouse accommodation, the others being Galway, Roscommon, Tralee and Wicklow. The Courts Service has confirmed that collectively these cities and towns will be the next priority for investment in courthouse facilities outside of the capital. The Courts Service is currently in the process of acquiring property for these projects as there is a requirement in all cases, except Wicklow, for new/additional property in order to undertake the projects.

### **Garda Investigations**

56. **Deputy Brendan Smith** asked the Tánaiste and Minister for Justice and Equality the progress on the investigation into the bombing in Belturbet in December 1972; and if she will make a statement on the matter. [15663/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** At the outset, I wish once again to extend my sympathy to the families of the two people who killed in the atrocity that was carried out in Belturbet in December 1972. Like so many other callous and unjustified acts of wanton violence that took place during the troubles, the bombing at Belturbet robbed two young people of their lives and inflicted untold suffering on their families.

I am informed by the Garda Authorities that the bombing was the subject of a thorough investigation at the time by An Garda Síochána, with expert assistance provided by the Army. Investigations at that time involved close liaison with the authorities in Northern Ireland in an effort to bring the perpetrators to justice. However, although every avenue of inquiry open to the investigation was pursued at that time there was no evidence to bring those responsible for this crime to justice. It remains a source of disappointment that no one has yet been brought to justice for these murders.

Regrettably it is the case that with the passage of over 40 years and in the absence of any new evidence emerging and one must be realistic about the prospects of successful prosecutions in this and troubles-related cases such as this. That said, the investigation into the bombing and the two murders it entailed has not been closed and the Garda Authorities will pursue fully any new information or evidence that is made available.

I call on anyone who has any relevant information in respect of these events to bring it to the attention of the Garda Authorities in the hope that it could help to bring resolution to this case.

### **Garda Station Closures**

57. **Deputy Eugene Murphy** asked the Tánaiste and Minister for Justice and Equality if Tarmonbarry Garda station on the national primary route N5 along the River Shannon and on the border of counties Longford and Roscommon can be included as one of the six Garda stations to be reopened as promised in the programme for Government; and if she will make a statement on the matter. [15537/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will appreciate that the Garda Commissioner is primarily responsible for the effective and

efficient use of the resources available to her, including in relation to Garda stations.

As the Deputy will be aware, the Garda Síochána District and Station Rationalisation Programme gave rise to the closure of some 139 Garda stations, including Tarmonbarry Garda station, in 2012 and 2013, following the completion by An Garda Síochána of a comprehensive review of its district and station network. That review was undertaken with the objective of identifying opportunities to introduce strategic reforms to enhance service delivery, increase efficiency and streamline practices within the organisation. I have been advised by the Garda authorities that the closures have allowed front line Garda to be managed and deployed with greater mobility, greater flexibility and in a more focused fashion, particularly with regard to targeted police operations.

The Programme for Government commits the Government to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. A cornerstone of this commitment is the Government plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. Revisiting the decisions made to close Garda stations is also part of that commitment.

In this context, I have requested the Garda Commissioner, while fully cognisant of her statutory functions, to identify 6 stations for reopening on a pilot basis to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglaries, theft and public order. The pilot will feed into the wider review being undertaken by the Garda Síochána Inspectorate, at the request of the Policing Authority, of the dispersal and use of resources available to An Garda Síochána in the delivery of policing services to local communities.

I understand that work is continuing in An Garda Síochána to identify the 6 stations for inclusion in the pilot and that consultations have taken place with relevant stakeholders, including the Policing Authority. In this context, I am sure that the Deputy would agree that a comprehensive and evidenced-based analysis should be carried out, taking account of all the relevant factors, before a final decision is made in respect of the stations to be reopened by the Commissioner.

I expect to receive a report from the Commissioner by the end of May in connection with the exercise.

### **Asylum Support Services**

58. **Deputy Ruth Coppinger** asked the Tánaiste and Minister for Justice and Equality if she will report on the implementation of the provisions of the International Protection Act 2015; if she is satisfied that asylum seekers are gaining access to sufficient legal advice and translation services; and if she will make a statement on the matter. [15752/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The principal provisions of the International Protection Act 2015 were commenced on 31 December 2016 and as a result, applications for asylum, subsidiary protection and permission to remain in the State are now being examined under the Single Application Procedure, replacing the previous sequential application system and bringing Ireland into line with the processing arrangements applicable in other EU Member States. The new processing arrangements will determine certainty of status at an earlier stage for those entitled to seek international protection within the State. The Act is intended to achieve the desired balance between treating asylum seekers



with humanity and respect and ensuring more efficient immigration procedures and safeguards.

All applications for international protection from 31 December, 2016 will be processed under the new arrangements in the International Protection Office of INIS (replacing the Office of the Refugee Applications Commissioner) and any appeals arising in relation to asylum and subsidiary protection applications will be heard by the International Protection Appeals Tribunal (replacing the Refugee Appeals Tribunal).

With regard to access to legal advice for those seeking international protection, the Legal Aid Board operates a mixed model of service delivery to persons seeking international protection in the State. The model involves both the use of in-house staff, including solicitor staff, working in law centres and the referral of cases to private solicitors on a panel. Since the commencement of the International Protection Act 2015, the Board has committed to providing all international protection clients with early legal advice on all aspects of their application.

International protection clients receive a full information consultation before completing their questionnaire, wherein the key elements of refugee law are set out, their own obligations as applicants are outlined and the requirements of the questionnaire are explained in full. Where necessary the Board provides for the services of interpreters for the conduct of consultations and the provision of advice. The Board also, where necessary, provides for the translation of certain documents.

It is proposed that all clients will be provided with a further consultation pre-interview in which legal advice on the particulars of their claim based on their completed questionnaire will be given and where it is considered appropriate, submissions may be drafted and made to the IPO.

If required, legal representation may also be provided in relation to an appeal to the International Protection Appeals Tribunal of a recommendation that a person not be granted asylum or subsidiary protection status in the State.

The service provided by private solicitors on the Board's panel is the same service that would be provided by a law centre and the fee arrangements that I have approved seek to reflect a much greater emphasis on early legal advice and assistance than was the case prior to the commencement of the 'single procedure' provisions. Law centres refer applicants to the private solicitors on the panel having regard to the capacity of the Law Centre to take on new cases at a particular point in time and having regard to other guidelines laid down by the Board management from time to time.

## **Garda Deployment**

59. **Deputy Bobby Aylward** asked the Tánaiste and Minister for Justice and Equality the number of the new Garda recruits assigned to the Carlow-Kilkenny Garda division in each year since Garda recruitment resumed in 2014; and the attested personnel strength of the Carlow-Kilkenny Garda division in September 2014 and at the end of February 2017. [15770/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians.

This plan is well on course to be achieved. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I am advised that, since the reopening of the Garda College in September 2014, there has been a total intake of some 1,400 new recruits with another 600 scheduled to enter the College by the end of this year. I am informed by the Commissioner that some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, 24 of whom have been assigned to the Kilkenny/Carlow Division. I am also informed that another 750 trainee Garda are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to around the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division, including the Kilkenny/Carlow Division in the coming years.

In so far as the allocation of newly attested Gardaí is concerned, this is a matter for the Garda Commissioner. I am assured by the Commissioner that the needs of all Garda Divisions are fully considered when determining the allocation of resources. However, it is important to keep in mind that newly attested Gardaí have a further 16 months of practical and class-room based training to complete in order to receive their BA in Applied Policing. To ensure that they are properly supported and supervised and have opportunities to gain the breadth of policing experience required, the Commissioner's policy is to allocate them to specially designated training stations which have the required training and development structures and resources in place, including trained Garda tutors and access to a permanently appointed supervisory Sergeant who is thoroughly familiar with their responsibilities under the training programme.

For ease of reference the following table provides, for the record, details of the number of newly attested Garda allocated to the Kilkenny/Carlow Division, since the first attestation of trainee Garda in April 2015. It also provides details of the number of Garda assigned to the Division from 30 September 2014 to 28 February 2017, the latest date for which figures are readily available.

Year	Personnel Strength	Number of newly attested Garda
2014	279	n/a
2015	284	10
2016	296	10
2017	303	4

### Anti-Racism Measures

60. **Deputy Noel Rock** asked the Tánaiste and Minister for Justice and Equality if her attention has been drawn to a study undertaken by the European Network Against Racism which noted there has been an increase in the number of race-related hate crimes here; if the reasons this has been occurring have been identified; her plans for initiatives and programmes to prevent future occurrences; and if she will make a statement on the matter. [15529/17]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I am of course concerned about any level of racist incidents and particularly racist crime.

There are mechanisms in place to deal with hate crime. Where a criminal offence such as assault, criminal damage or a public order offence is committed against a person based on their race, religion, colour, ethnicity or some other ground, the offence is prosecuted through the wider criminal law. It is also accepted that such an offence is more serious on account of the hate or prejudice motivating the crime and Irish courts do consider evidence of a crime being motivated by hate or prejudice as an aggravating factor at sentencing.

The Garda Racial Intercultural and Diversity Office (GRIDO) has responsibility for co-ordinating, monitoring and advising on all aspects of policing Ireland's diverse communities. GRIDO monitors the reporting and recording of hate and racist crime on a continual basis. Garda Ethnic Liaison Officers (ELOs) are appointed to work with minority communities at local level throughout the country. These officers, together with GRIDO, play a fundamental role in liaising with minority groups. They provide advice and assistance to victims of hate or racist crime as required.

In addition to the work of the Gardaí, the Office for the Promotion of Migrant Integration, an Office of my Department, is the focal point for the Government's commitment on anti-racism as a key aspect of integration, diversity management and broader national social policy.

A new Migrant Integration Strategy was published on 7 February. The Integration Strategy includes a number of actions to promote intercultural awareness and to combat racism and xenophobia. It includes an action to review the current legislation on racially motivated crime with a view to strengthening the law on hate crime.

An open Call for Proposals was held under the EU Asylum, Migration and Integration Fund in September to November 2016. Actions that combat racism are identified as a priority in Ireland's National Programme under the Fund. Some of the projects selected are focusing on actions to combat racism.

A call for applications for national funding to promote integration has also been held. Activities to combat racism and xenophobia will be funded through this mechanism.

### **Road Traffic Offences Data**

61. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality further to Parliamentary Question No. 33 of 16 February 2017, if the report is now to hand indicating the number of prosecutions in 2016 and to date in 2017 per District Court for disqualified drivers driving while disqualified; the number of disqualified drivers prosecuted for failing to submit a licence under section 29(16) and 29(17) of the Road Traffic Act 2010; and if she will make a statement on the matter. [15530/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I refer to Parliamentary Question No. 33 for answer on Thursday, 16 February, 2017, in which you requested the number of prosecutions in 2016 and to date in 2017 per district court for disqualified drivers driving while disqualified; the number of disqualified drivers prosecuted for failing to submit a licence under section 29(16) and (17) of the Road Traffic Act 2010. As you will recall, the information you requested could not be obtained in the time available, and I undertook to contact you again following receipt of a report from An Garda Síochána.

I am now informed by the Garda authorities that the specific information you requested is not available in the format requested, in that it is not recorded in a manner to allow it be collated by Court District Area. However, the Garda authorities have provided the following table which shows the total number, recorded on PULSE, of proceedings commenced by An Garda

Síochána in 2016 and 2017 (valid to 14 February 2017) for various offences whereby a person was found driving a vehicle, the driving of which was not authorised by a valid driving licence, which category includes persons driving while disqualified.

Total Number of Proceedings commenced by An Garda Síochána in 2016 and 2017 (as at 14.02.2017) for various offences whereby a person was found driving a vehicle, the driving of which is not authorised by a valid driving licence\*

Offence	2016	2017
Driving without driving licence. Section 38 of the Road Traffic Act, 1961 (as substituted by Section 12 of the Road Traffic Act, 2006).	19,158	708
Fail To Surrender Driving Licence For Endorsement. Section 42 of the Road Traffic Act, 1961 and Section 102 of the Road Traffic Act, 1961 (as amended by Section 2 of the Road Traffic (Amendment) Act, 1984).	7	0
Disqualified Driver Failing to Submit Licence. Section 29(16) & (17) of the Road Traffic Act 2010.	6	0
Section 22 Road Traffic Act 2002, as amended by Section 63 Road Traffic Act 2010. (Production of a Driving Licence in Court).	33	0

\*Statistics provided are provisional, operational and liable to change and are valid to 14 February 2017.

*Question No. 62 answered with Question No. 39.*

### Garda Station Closures

63. **Deputy Eamon Scanlon** asked the Tánaiste and Minister for Justice and Equality if any of the Garda stations closed in counties Sligo and Leitrim in 2012 and 2013 are included in the six stations being examined for reopening under the pilot programme. [15769/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will appreciate that the Garda Commissioner is primarily responsible for the effective and efficient use of the resources available to her, including in relation to Garda stations.

As the Deputy will be aware, the Garda Síochána District and Station Rationalisation Programme gave rise to the closure in 2012 and 2013 of some 139 Garda stations following the completion by An Garda Síochána of a comprehensive review of its district and station network. That review was undertaken with the objective of identifying opportunities to introduce strategic reforms to enhance service delivery, increase efficiency and streamline practices within the organisation. I have been advised by the Garda authorities that the closures have allowed front line Garda to be managed and deployed with greater mobility, greater flexibility and in a more focused fashion, particularly with regard to targeted police operations.

The Programme for Government commits the Government to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. A cornerstone of this commitment is the Government plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. Revisiting the decisions made to close Garda stations is also part of that commitment.

In this context, I have requested the Garda Commissioner, while fully cognisant of her statutory functions, to identify 6 stations for reopening on a pilot basis to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglaries, theft and public order. The pilot will feed into the wider review being undertaken

by the Garda Síochána Inspectorate, at the request of the Policing Authority, of the dispersal and use of resources available to An Garda Síochána in the delivery of policing services to local communities.

I understand that work is continuing in An Garda Síochána to identify the 6 stations for inclusion in the pilot and that consultations have taken place with relevant stakeholders, including the Policing Authority. In this context, I am sure that the Deputy would agree that a comprehensive and evidenced-based analysis should be carried out, taking account of all the relevant factors, before a final decision is made in respect of the stations to be reopened by the Commissioner.

I expect to receive a report from the Commissioner by the end of May in connection with the exercise.

### **Direct Provision System**

64. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Justice and Equality her plans to address the concerns and fears of those persons living in direct provision who are applying through the single procedure process. [15638/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The International Protection Act 2015 was commenced on 31 December 2016. The new single application procedure under the Act, will, in time, significantly accelerate the protection determination process and by extension will reduce the length of time which applicants spend in State provided accommodation.

The new system will ensure that all aspects of a person's claim (Asylum, Subsidiary protection and Humanitarian Leave to Remain) are considered together rather than sequentially as heretofore.

A comprehensive information process has been put in place by the Irish Naturalisation and Immigration Service and the new International Protection Office (IPO) to ensure that protection applicants and their legal representatives are aware of the provisions of the International Protection Act 2015. The transitional arrangements of the Act apply to certain applications for refugee status and subsidiary protection which were made before the commencement date (31 December, 2016) and were not finalised for processing by the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT).

I am informed by the Chief International Protection Officer (CIPO) that, as is required by the 2015 Act, in late January/February 2017 the IPO, in addition to placing advertisements in the national media, wrote to approximately 3,000 applicants whose cases were not finalised by the ORAC or the RAT, to inform them of the commencement of the relevant provisions of the 2015 Act and how the transitional arrangements would affect their applications.

All applicants received the following documents with the mailshot:

- Information Note - Transitional Arrangements (IPO 12)
- Information Booklet for applicants for International Protection (IPO 1) and,
- Application for International Protection Questionnaire (IPO 2).

The relevant mailshot was sent on an incremental basis initially to both adult applicants in Direct Provision accommodation, and to those with private addresses, in English followed by

material in 17 other languages. The questionnaire is now available in 19 languages, including English, as is the information booklet. On 30 January 2017, the IPO wrote to all legal representatives on record, providing comprehensive information on the new legislation. In addition, notices were circulated to Direct Provision centres in relation to the mailshot.

In order to ensure that applicants had sufficient time to familiarise themselves with this new system, there is no deadline, statutory or otherwise, set in any correspondence sent out by the IPO. I can inform the Deputy that the information sent to applicants in January/February 2017 made clear in paragraph 7.30 that the Application for International Protection Questionnaire (IPO 2) should be returned 'if possible, no later than 20 working days from the date of the covering letter'. The next paragraph 7.4 went on to state clearly that opportunities to add to the information supplied exist up to two weeks before the scheduled interview.

Flexibility is being provided by the International Protection Office, a call centre is available to answer any queries and if extra time is required for its completion, as the wisdom of accessing legal advice is stressed in the questionnaire, no impediment or disadvantage exists to prevent the careful filling out of the new single application form. I understand, so as to remove any false impressions that may be circulating that the 'if possible' time-frame is some sort of statutory deadline, that the IPO again wrote to the members of the Customer Liaison Panel to confirm the arrangements and that similar clarification has been provided on the IPO website.

Applicants have also been clearly advised, as referred to above, that should they or their legal advisors need to provide supplementary information to the International Protection Officer after they have submitted the questionnaire, they can also do so, up to two weeks prior to the date of their scheduled interview, if possible. This time-scale will facilitate the translation of documents if required and ensure that the IPO interviewer has all their papers available and considered in advance of the interview date.

### **Domestic Violence**

**65. Deputy Fiona O'Loughlin** asked the Tánaiste and Minister for Justice and Equality if she will address the concerns expressed by an organisation (details supplied) regarding the gaps in the Domestic Violence Bill. [15748/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy will be aware the Domestic Violence Bill 2017 was published on 3 February and is currently proceeding through the Houses, with a view to enactment as soon as possible this year.

The Domestic Violence Bill will particularly improve the protections available to victims of domestic abuse, most critically for cohabitants and parents in crisis situations, by introducing a new emergency barring order which can last for up to 8 working days. The Bill also aims to make the court process easier for victims of domestic violence. A victim will have the right to be accompanied to court by a family member, friend or support worker. A victim will be able to give evidence by live television link. There will be restrictions on attendance at both civil and criminal court proceedings and protections for the victims anonymity.

I have received several submissions from various organisations in relation to the Bill, including from the organisation mentioned in the details supplied, which have all been given consideration. While it may not be possible to include all the recommendations in the final draft of the Bill several are under active consideration for inclusion by way of Ministerial amendment in the final draft of the legislation.

## Departmental Funding

66. **Deputy Eamon Ryan** asked the Tánaiste and Minister for Justice and Equality the reason 47.1% or €3,933,413 of the €8,244,939 allocated to Ireland from the European fund for the integration of third-country nationals in each of the years 2007 to 2015 was returned to the EU; and the reason for not accepting integration funding in view of her Department's contributions to the EU migrant and refugee fund. [10040/17]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** The underspend referred to in the Question was for the whole period of the European Fund for the Integration of Third-Country Nationals 2007 to 2013 (but with the eligibility period ending on 30 June 2015), not for each year. This underspend was mainly due to an insufficiency of suitable projects with the required level of matching funding.

This Fund, together with the European Refugee Fund and the European Return Fund, was replaced by the Asylum, Migration and Integration Fund (AMIF) 2014 to 2020 (but with the eligibility period ending on 31 December 2022). The AMIF has four specific objectives relating to asylum (including resettlement), integration, return, and solidarity (relocation). Of the €19.519 million allocated to Ireland, €5.455 million is earmarked in our National Programme for integration. There is provision for switching allocations between specific objectives depending on where a greater need might arise and, therefore, I am confident that our national allocation will be spent by end 2022.

Ireland's National Programme for the Asylum, Migration and Integration Fund includes provision for supporting integration projects delivered by civil society organisations. Following an open call for proposals held in late 2016, 20 such projects have been selected and will begin implementation shortly. These projects will be carried out in various locations nationwide and will focus on providing practical integration assistance such as language and inter-cultural supports to Third Country Nationals resident here. A majority of these projects will run for three years.

## Visa Applications

67. **Deputy Bríd Smith** asked the Tánaiste and Minister for Justice and Equality if the current restrictions on visa applications for citizens from Libya can be justified in the case of a person (details supplied) who has been offered a position as a registrar in Galway hospital but is unable to take up the position due to these restrictions; and if she will make a statement on the matter. [15658/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I have been advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the person referred to made a fresh visa application in the last few weeks to the Irish Embassy in Cairo stating that he is resident in Egypt but has not as yet submitted any supporting documentation. The Deputy can be assured that the application will be considered when the documentation is received and taking all relevant factors into account. The documentation should be sent to the Embassy as soon as possible.

More generally, the Deputy will know that the position in relation to current restrictions has been kept under review by INIS. Ultimately, an appropriate balance must be struck between State security and individual applicants who wish to come here. I have asked my officials to look again at the restrictions in place to consider if there may be some scope to extend the categories of applicants who may be considered for visa processing.

### **Policing Issues**

68. **Deputy Mick Wallace** asked the Tánaiste and Minister for Justice and Equality if she is satisfied that the Garda Commissioner will be able to fully commit to her role as head of policing and security services while a tribunal of inquiry is tasked with investigating certain allegations surrounding her conduct; and if she will make a statement on the matter. [15696/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am satisfied with the Garda Commissioner's ability to lead An Garda Síochána in the very important work they do.

As the Deputy will appreciate, the distribution of resources, including personnel, is an operational matter for the Garda Commissioner and I, as Minister, have no direct role in the matter.

I am informed by the Commissioner that appropriate arrangements have been put in place to ensure the requirements of the Tribunal are met fully.

I do not believe it is appropriate to question the good faith of anyone who will be appearing before the Tribunal. It appears to me that such questions ultimately relate to concerns as to the ability of the Tribunal to get at the truth. I, however, have complete confidence in the ability of the sole member to the Tribunal, Mr. Justice Charleton, to do exactly this.

### **Commercial Rates**

69. **Deputy Fiona O'Loughlin** asked the Tánaiste and Minister for Justice and Equality her plans to recategorise the equine industry for the purposes of commercial rates; and if she will make a statement on the matter. [15794/17]

70. **Deputy Fiona O'Loughlin** asked the Tánaiste and Minister for Justice and Equality if her attention has been drawn to the impact the increase in commercial rates will have on the equine industry; and if she will make a statement on the matter. [15795/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 69 and 70 together.

The Valuation Acts 2001 to 2015 provide for the valuation of all commercial and industrial property for rating purposes. The Commissioner of Valuation is independent in the performance of his functions under the Acts and the making of valuations for rating is his sole responsibility. I, as Minister for Justice and Equality, have no role in decisions in this regard. Under Irish law there is a distinct separation of function between valuation of rateable property and setting and collection of commercial rates. The amount of rates payable in any calendar year is a product of the valuation set by the Commissioner, multiplied by the Annual Rate on Valuation (ARV) decided annually by the elected members of each local authority.

Having a modern valuation base is very important for the levying of commercial rates on a fair and equitable basis across all economic sectors. This has been the policy of successive governments and is the express purpose of the National Revaluation Programme now being rolled out by the Valuation Office. The Valuation Acts provide for revaluation of all rateable property within a rating authority area so as to reflect changes in value due to economic factors such as business turnover, differential movements in property values or other external factors and changes in the local business environment. The Valuation Office is currently engaged in a national revaluation programme, the immediate objective of which is to ensure that the first revaluation of all rating authority areas in over 150 years is conducted across the country, as



soon as possible, and on a phased basis. This is a welcome and positive development which is long overdue and on which considerable progress has been made to date.

Revaluation is an important instrument in addressing historical anomalies in relation to commercial rates for both urban and rural properties and between particular classes of property within a local authority area. The general outcome of revaluations conducted to date by the Valuation Office has been that about 60% of ratepayers have had their liability for rates reduced following revaluation and about 40% had an increase, a pattern which is expected to be replicated elsewhere as the programme advances. The current phase of the national revaluation programme, "REVAL 2017", covers revaluation of all rateable properties in counties Longford, Leitrim, Roscommon, Westmeath, Offaly, Kildare, Sligo, Carlow and Kilkenny where a revaluation is being undertaken for the first time since the nineteenth century. It also includes the second revaluation of South Dublin County Council area. Revaluation in these counties will be completed in September 2017 and become effective for rating purposes from 2018 onwards.

Where the Valuation Office proposes to enter a new valuation or amend an existing valuation on a Valuation List, there is an extensive process available to cater for ratepayers who may be dissatisfied with the proposed valuation. A dissatisfied person can make representations to the Valuation Office within 40 days of the date of issue of the proposed valuation certificate. The Valuation Office will consider any such representations and may or may not change the proposed valuation depending on the circumstances of each individual property. If any ratepayer is still dissatisfied with the final valuation to be placed on their property following consideration of the representations, they have a right to lodge a formal appeal with the Valuation Tribunal, which is an independent statutory body established for the purpose of hearing appeals against decisions of the Commissioner of Valuation.

Specifically in relation to property used in the equine industry, I am advised by the Valuation Office that there has been some apparent confusion as to the rateability of certain elements of the industry. The Valuation Act 2001 (Schedule 3, Sections 1(a) and (b)) provides that all buildings and lands used or developed for any purpose, are rateable. The basic premise under the Act is that all interests (including buildings) and all developed land are rateable unless expressly exempted under Schedule 4. I should point out that there has been no re-classification of properties from rateable status to exempt status (or vice-versa) within the general equine industry since the Valuation Act 2001 came into force on 2 May 2002.

The only element of the equine industry which satisfies the exemption provisions in Schedule 4 is the breeding of horses. Buildings used for breeding of horses are classified as being of agricultural use and are "farm buildings" as defined in the Act. Therefore these buildings are exempted from the payment of rates under paragraph 5 of Schedule 4. On the other hand, buildings used for the training of racehorses, recreational equestrian purposes or livery premises are rateable under the Act because they are considered to be part of a commercial enterprise. Such buildings would typically include stables for horses, covered riding arenas, tack rooms and ancillary buildings used to support the enterprise. While acknowledging the important contribution which all elements of the equine industry make to the economy, there are no plans to reclassify these as exempt from rates. To do so would be at variance with the provisions in the Valuation Acts which maintains the long-standing position that all property occupied and used for commercial enterprises are liable for rates. Exceptions to this key principle would quickly be followed by demands for similar treatment from the providers of other equally important services and products, which would be difficult in equity to resist. This could thus substantially reduce local authority revenues, which would have to be made good by imposing corresponding increases on the remaining ratepayers.

## **Visa Applications**

71. **Deputy James Lawless** asked the Tánaiste and Minister for Justice and Equality the status of a visa application by a person (details supplied); and if she will make a statement on the matter. [15772/17]

**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 ongoing and will be submitted to me for decision as expeditiously as possible.

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 straightforward cases are 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.

## **Community Return Programme**

72. **Deputy Clare Daly** asked the Tánaiste and Minister for Justice and Equality her plans to review the criteria for the community return programme with a view to extending it to prisoners with sentences in excess of eight years. [15800/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Community Return Programme is an incentivised early release scheme co-managed by the Irish Prison Service and the Probation Service. It commenced in October 2011 and is now operational in every county and from every prison in the State. The Programme has been supported by the reallocation of resources and key personnel from within both services.

The Programme targets well behaved prisoners serving sentences of between 1 and 8 years imprisonment who are making genuine efforts to desist from re-offending. Prisoners serving sentences of less than one year are ineligible for Community Return and may instead be considered for release under the Community Support Scheme. Persons serving sentences of over 8 years generally fall within the Parole Board process. The legislative basis for making decisions on temporary release is fully set out in the Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003. Each application is considered on its individual merits and in line with the legislative provisions.

I am informed by my officials in the Irish Prison Service that there are no immediate plans to change the eligibility criteria.

## **Prison Facilities**

73. **Deputy Clare Daly** asked the Tánaiste and Minister for Justice and Equality the time-frame for the closing of the training unit in Mountjoy Prison; the plans that are in place to provide a fit for purpose replacement unit in the interim; and if she will make a statement on the matter. [15801/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I can advise the Deputy that the Irish Prison Service has commenced the repurposing of the Training Unit Place of Detention (on the Mountjoy Prison Campus) to a dedicated Unit for older prisoners. It is intended that the Unit will be fully vacated of prisoners and staff in May 2017.

A key action of the current Irish Prison Service Strategic Plan (Action 2.5) is to ensure that older prisoners are identified as a specific group who have particular needs within the prison population. There are currently a number of such prisoners in the care of the Irish Prison Service who have significant and ongoing healthcare needs, many of whom are currently dispersed across the estate and in some cases significant distances away from the healthcare providers they rely on.

The establishment of the unit will allow the Irish Prison Service to accommodate such prisoners in a purpose built unit within close proximity to a variety of medical care and will also allow for appropriate remedial works to the accommodation which is currently outdated and lacks in-cell sanitation thus delivering on the commitment to provide in-cell sanitation to all prison cells.

It is envisaged that the repurposing of the unit will take 18-24 months to complete. During this time, it will be necessary to accommodate current prisoners elsewhere in the prison estate, primarily within the Mountjoy Campus.

It is intended that prisoners who are currently on programmes of temporary release will be facilitated in continuing with such programmes.

## **Prison Service Data**

74. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the number of Irish Prison Service personnel provided with mobile telephones; the cost of same in each of the years 2012 to 2016 and to date in 2017; and if she will make a statement on the matter. [15835/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I can advise the Deputy that the Irish Prison Service currently has a tender with Vodafone for the supply of mobile phones to Irish Prison Service staff for official business use. This contract was awarded to Vodafone after a competitive tender. An approved business case must be submitted by the staff member for approval by Irish Prison Service ICT Division before a mobile phone is assigned to a member of Irish Prison Service staff.

I am advised by the Irish Prison service that 217 staff members currently have an official mobile phone for business purposes.

Mobile phone costs (including monthly usage bills and handsets) from 2012 are set out in the following table:

Year	Cost
2012	€107,766
2013	€125,556
2014	€147,317
2015	€155,331
2016	€136,522
2017 (Year to date)	€14,700

### Prison Building Programme

75. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the total cost to date of the Thornton Hall project; the status of this project; the purpose of this project; her future plans for this site; and if she will make a statement on the matter. [15836/17]

76. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the total cost of the lands at the Thornton Hall project; the current value of the site and lands at the time of purchase; the value of these lands; the meetings that were held between her Department and the vendors prior to the sale; and if she will make a statement on the matter. [15837/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 75 and 76 together.

By way of extensive background information on the Thornton Hall project, how it arose, the related prison accommodation issues and other relevant factors I would refer the Deputy to the Comptroller & Auditor General Annual Report 2005 which addressed this issue and to the subsequent examination by the Public Accounts Committee in October 2006. The Comptroller & Auditor General also addressed this issue as part of the Report on the Accounts of the Public Services in 2014 (No. 9 Development of Prison Accommodation in Dublin). The Public Accounts Committee subsequently examined this issue in November 2015.

The Thornton Hall site comprises 156 acres and was purchased for a proposed prison development to replace Mountjoy Prison campus. Selection of the site began with advertisements in the national newspapers and over 30 potential sites were evaluated by a selection committee. Thornton was selected as the least costly of the sites which met the relevant criteria. Full details of the assessment process have been made public and are detailed in the Comptroller and Auditor General's Annual Report 2005. Negotiations with the prospective vendors were conducted on behalf of the State by CBRE with some involvement of officials of the Prison Service.

For reasons which are outlined in detail in the reports cited above, the Thornton project did not proceed. A total of €50.6 million has been spent on the Thornton site to date and this includes the site preparations, surveys, building of an access road, maintenance, legal and security fees and so on. The biggest single expenditure was the initial purchase of the land at Thornton for €29,900,000 in 2005 which was offset by the sale of surplus prison lands at Shanganagh Castle for €29.6 million. For accounting purposes, the value of the 150 acre site at Thornton continues to be recorded at the cost of €29.9 million, plus investment in infrastructure and services, pending a review of its potential value and benefit to the State.

In January 2015, a Working Group was established by the Secretary General of the Department of Justice and Equality to examine options for the future use of the Thornton Hall site. This group, comprising of officials from the Department of Justice and Equality, the Office of Public Works and the Irish Prison Service, was asked to review potential options for the lands

and house at Thornton and make recommendations on how best to maximise the value to the State. That work is ongoing.

### **Prison Inspections**

77. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the measures taken following the Inspector of Prisons report in April 2016 and the recommendations of same; the actions still outstanding; when all recommendations will be completed; and if she will make a statement on the matter. [15838/17]

87. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality when the Office of the Ombudsman will be given the jurisdiction to examine complaints within the Prison Service; the progress in this regard; and if she will make a statement on the matter. [15848/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 77 and 87 together.

The report of the then Inspector of Prisons, the late Judge Michael Reilly, on the prisoner complaints system entitled “Review, Evaluation and Analysis of the Operation of the present Irish Prison Service Complaints Procedure” was published on 8 June, 2016 and is available on my Department’s website - [www.justice.ie](http://www.justice.ie).

His report identified a number of concerns in the implementation of the current complaints procedure. Arising from this I met with the late Inspector of Prisons to discuss his findings and recommendations. At that meeting I emphasised that the rights of all prisoners, including vulnerable prisoners, have to be promoted and an effective complaints system is just one aspect of achieving this goal. The Inspector made it clear to me that he considered the Irish Prison Service has to retain a central role in the complaints process but with independent oversight and that he was satisfied that a fair and effective complaints procedure could be achieved with the implementation of his recommendations. I also had a separate meeting with the Director General of the Irish Prison Service to see what action needed to be taken following on from the report.

One of the key recommendations in the Inspector’s report is that prisoners’ complaints should be subject to review by the Ombudsman, who would also be able to deal with complaints directly in the case of undue delay. I accepted this recommendation and officials from the Irish Prison Service and from my own Department are in advanced discussions with the Ombudsman’s office with the aim of establishing an effective complaints system for prisoners. When this is in place, the Irish Prison Service will be in a position to implement the revised procedures. To effect these changes, some amendment to secondary legislation may be required as well as development of the IT infrastructure. It is not envisaged that primary legislation will be required.

I should mention that I also accepted further recommendations made in the Inspector’s report which will be reflected in the revised procedures currently under consideration. These include resolving minor complaints at the lowest level; allowing prisoners to make complaints to relevant professional bodies; prisoners being entitled to an explanation for decisions made affecting them; frivolous and vexatious complaints being addressed; and the application of fair procedures. Similarly the recommendations on adequate training, adhering to protocols and statutory obligations, holding staff to account, not hindering the complaints procedure and having an effective communication system are accepted.

## **Prison Service Expenditure**

78. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the Exchequer allocation to the Irish Prison Service, IPS, in 2006, 2011 and 2016; the current management structure of IPS; the salaries and allowances payable to the top management in IPS currently; and if she will make a statement on the matter. [15839/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Prison Service that the budgetary allocation for the Irish Prison Service for the years referred to by the Deputy were as follows:

2016 - €332.058m, 2011 - €349.583m, 2006 - €389.572m.

The Irish Prison Service operates as an executive agency within the Department of Justice and Equality. It is headed by a Director General supported by five Directors (Care and Rehabilitation, Operations, Staff and Corporate Services, Estate Management, ICT and Finance) two of which are vacant. The Irish Prison Service's management structure provides for four Governor grades - Campus Governor, Governor 1, Governor 2 and Governor 3. There are currently two Campus Governors, one acting Campus governor, one Governor 1, seven Governor 2s and eleven Governor 3s. There are also Deputy Governor and Assistant Governor grades.

The top and bottom points of the current payscales (PPC rate) for top management grades are set out below:

Director General: €163,372 (single point on scale)

Director of Care and Rehabilitation: €135,994 (single point on scale)

Director: €85,127 - €103,976

Campus Governor: €112,899 - €117,811

Governor 1: €78,912 - €98,065

Governor 2: €71,738 - €90,141

Directors, not including the Director General and the Director of Care and Rehabilitation, receive an annual Director's allowance of €12,608. Governors, except Campus Governors, receive an Operational Allowance of 8%, Rent Allowance of €4,017 per annum, Plain Clothes Allowance of €441 per annum and a Governor's Allowance of between €5,880 and €7,049.

## **Gender Equality**

79. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality if she is satisfied that no gender discrimination exists in the prison system; the measures she will take to ensure that it does not exist; and if she will make a statement on the matter. [15840/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I can advise the Deputy that the Irish Prison Service operates within the parameters set out in Irish, European and international human rights law and promotes equality and human rights through its policies and practices.

Separation of male and female prisoners is provided for under Section 52 of the Consolidated Prison Rules 2007-2014. Female prisoners are accommodated in the Dóchas Centre which

is a separate facility for females within the Mountjoy Prison Campus and female offenders in the Munster area are accommodated in Limerick Female Prison.

A new development for females in Limerick will see a tender for a new facility commence in July 2017 with work to commence in January 2018. When completed this will provide 50 spaces with 7 independent living areas which will enhance the regimes and supports available to women as a stand alone facility with all the required ancillary services. This will result in a therapeutic environment with the view to reducing re-offending offering family links to release and the community.

At present, there is no open prison facility for females, however in the joint Probation Service/Irish Prison Service Women's Strategy 2014 - 2016, "An Effective Response to Women who Offend", the Irish Prison Service gave a commitment to explore the development of an open centre/open conditions for women assessed as low risk of re-offending. A joint Prison Service/Probation Service working group considered an open centre for women and decided to recommend step down facilities for women as a more practical and cost effective way to address the deficit rather than developing an open centre for women. In this regard, I have given approval to the Heads of the Irish Prison Service and Probation Service to proceed to tender for the development of a step down unit for women in Dublin. It is expected that the facility will be available towards the end of 2017.

### **Prison Medical Service**

80. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the maternity and midwifery services provided in each of the women's prisons, by prison; the protocols in place in each for when babies are born in prison; the number of babies born to prisoners, by prison, in each of the years 2000, 2005, 2010 and 2015; and if she will make a statement on the matter. [15841/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Prison Service that the level of maternity care provided to women in custody, including both pre- and ante-natal care, is comparable to that available to women in the community. It is provided on a shared care arrangement between the maternity hospital to which the patient is referred, and the Healthcare Team in the Dóchas Centre.

Pregnant women attend maternity hospital, and the babies receive the same care from Public Health Nurses as that provided to a baby born outside prison. The Dóchas Centre provides a 24hr nursing service, and has daily access to a Prison Doctor.

The Irish Prison Service ensures that provisions are made in the Dóchas Centre to facilitate new mothers keeping their infants with them so as not to disrupt early bonding. Each mother and child are provided with their own single room with ensuite facilities on their return to the Dóchas Centre after giving birth. Required items such as cot, baby food, nappies, etc are also provided. As there is no mother and baby unit in Limerick Prison, any woman who needs to be accommodated in such a unit is facilitated with a transfer to the Dóchas Centre.

The Irish Prison Service does not record data in the format requested in this question. However, it can confirm the number of children born to women in custody in 2015 was nil and in 2010 was two.

### **Prison Education Service**

81. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the education and training provided to prisoners during their sentences, by prison; the budget for the provision of such services in each of the years 2012 to 2016 and to date in 2017; and if she will make a statement on the matter. [15842/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I wish to advise the Deputy that the Irish Prison Service provides a wide range of rehabilitative programmes to those in custody that include education, vocational training, healthcare, psychiatric, psychological, counselling, welfare and spiritual services. These programmes can offer purposeful activity to those in custody while serving their sentences and encouraging them to lead law abiding lives on release. These education and training programmes are available in all prisons within the Irish Prison Service and all prisoners are eligible to use the services during their prison sentences.

On committal, all prisoners are interviewed by the Governor and are informed of the services available in the prison. At this point prisoners may be referred to services or they can self refer at a later date. Where Governors consider, on the information available, that a prisoner needs a particular intervention they will initiate a referral.

The development of prisoner programmes forms a central part of the Irish Prison Service Three Year Strategic Plan 2016 - 2018. There is a clear commitment in the Strategy to enhance sentence planning through Integrated Sentence Management and the delivery of prison based rehabilitative programmes.

As well as seeking to draw on best practice in adult and further education in the community, there has been a lot of curriculum development over the years that is specific to prison circumstances, such as courses on addiction, health issues and offending behaviour.

The Department of Education and Skills provides an allocation of 220 whole time teacher equivalents in partnership with the Irish Prison Service through the Education and Training Boards (ETB). The focus is on providing education which is quality assured, student centred and facilitates lifelong learning through helping those in custody to cope with their sentence, achieve personal development and prepare for life after release. A broad and flexible curriculum is provided which ranges from basic literacy classes and peer led tutoring to Open University. There is an increasing focus on QQI (formerly FETAC) accreditation as the modular structure is suitable to the needs of students in prison.

The guiding principles which underpin the prisons' work and training service are to make available work, work-training and other purposeful activities to those in custody. Training activities are chosen to give as much variety as possible and also to give opportunities for those in prison to upskill and to acquire practical accredited skills which will help them secure employment on release. The provision of essential prison services such as catering, industrial cleaning and laundry services also form an important part of work training and skills development in all prisons. This budget covers equipment and supplies for work training areas across all prisons.

The Irish Prison Service has also been expanding the number of accredited courses and opportunities available to prisoners in Work Training in recent years. Enhanced partnership arrangements with accrediting bodies such as City and Guilds and the Guild of Cleaners and Launderers and the centralising of coordination and quality assurance arrangements have enabled us to extend the number of available courses and activities with certification.

The following table outlines the budgets allocated to work training and education for 2012 - 2017. The budgets cover equipment and supplies across all prisons.



Year	Work Training	Education
2012	€2 million	€1.27 million
2013	€2 million	€1.3 million
2014	€2.1 million	€1.1 million
2015	€2 million	€1.1 million
2016	€1.8 million	€1.1 million
2017	€1.8 million	€1.065 million

### Prison Medical Service

82. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the total cost of administering medication to prisoners, by prison, in each of the years 2012 to 2016 and to date in 2017; the amount that directly relates to the methadone programme; and if she will make a statement on the matter. [15843/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Prison Service that the administration of medicine is a core role of the prison nursing staff who undertake such duties in the prisons on a daily basis in line with Irish Prison Service policy.

In addition, the administration of opioid substitution treatments on a daily basis, is part of the role undertaken by the addiction pharmacists in the Mountjoy Campus.

In this context, the Irish Prison Service has advised that it is not possible to provide information on the total cost of administering medication to those in custody.

### Prisoner Health

83. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the dietary provision of meals to prisoners, by prison; the budget allocation for catering, by prison, in 2011 and 2016; and if she will make a statement on the matter. [15844/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Irish Prison Service operates a 28 day menu cycle which was reviewed and updated in November 2015. The menu provides a wide variety of wholesome and nutritious food and drink each day, properly prepared and well presented. All prisoners, in particular those with medical needs, are encouraged to make healthy choices from the menu provided.

Section 23 of the Prison Rules, 2007 (S.I.No. 252 of 2007) provides that the Governor shall ensure that, where the prison doctor so advises, special provision is made in relation to the dietary needs of a prisoner who suffers from a medical condition the treatment, prevention or alleviation of the symptoms of which necessitates adherence to a special diet.

The following table outlines the budgets allocated for catering for the years 2011 - 2016.

Year	Budget allocation
2011	€8,200,000
2012	€9,009,000
2013	€9,009,000
2014	€8,809,000
2015	€8,769,000

Year	Budget allocation
2016	€7,800,000

### Prison Service

84. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the services within prisons that are provided by, or have been tendered for service by, private companies, by prison; if other areas of service provision are being considered for this; and if she will make a statement on the matter. [15845/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am informed by the Irish Prison Service that the statistics being sought are not readily available. The information is currently being collated and I will respond to the Deputy as soon as the information is to hand.

### Prisoner Data

85. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the number of prisoners serving a life sentence, by prison; the number of life sentence prisoners who were released from prison each year since 2012 and the length of their sentences served; and if she will make a statement on the matter. [15846/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I have been informed by the Irish Prison Service that at present there are 352 Life Sentenced Prisoners in custody. Table 1 below gives the number of prisoners broken down by prison and gender on the 28th February 2017.

Establishment	Female	Male	Total
Arbour Hill Prison		39	39
Castlerea Prison		16	16
Cloverhill Prison		3	3
Cork Prison		15	15
Limerick Prison (Female)	1		1
Limerick Prison (Male)		11	11
Loughan House		12	12
Midlands Prison		79	79
Mountjoy Prison (Female)	9		9
Mountjoy Prison (Male)		41	41
Portlaoise Prison		24	24
Shelton Abbey		16	16
Training Unit		15	15
Wheatfield Place of Detention		71	71
Total	10	342	352

Life sentenced prisoners who are released into the community continue to serve their sentences and are subject to a number of stringent conditions. Table 2 below gives an annual breakdown from 2012 - 2016 (inclusive) the number of prisoners granted temporary release in each year and the average length of sentence served prior to being granted temporary release.

Year of Reviewable Temporary Release	Prisoners on Reviewable Temporary Release	Approximate Average Length of Time Served Prior to Reviewable Temporary Release
2016	7	22 Years
2015	6	17 Years 6 Months
2014	4	20 Years
2013	4	17 Years 6 Months
2012	4	22 Years

### Prisoner Complaints Procedures

86. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the details of the review and management of the complaints services in prisons; if her Department completes audits of these systems; if she has improvements planned for same; and if she will make a statement on the matter. [15847/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am informed by the director general of the Irish Prison Service, IPS, that the prisoner complaints system is administered by the operations directorate in the Irish Prison Service Headquarters and is governed by the provisions of S.I. 11 of 2013 and Rule 57 of the Prison Rules 2007.

The prisoner complaints system provides multiple categories of complaint (A-F), the most serious being categorised as 'A'. Each category is determined by the prison governor. Category A complaints are independently investigated. Other less serious complaints are investigated internally or referred to a relevant professional body.

A review, evaluation and analysis of the operation of the prisoner complaints system was held in April 2016 by the late inspector of prisons. The Irish Prison Service is currently implementing the recommendations made following the review and are currently engaged in discussions with the Ombudsman who will be given a role in the complaints process.

The new Irish Prison Service prisoner complaints system will have complaint and appeal mechanisms for both serious and less serious complaints and will provide for an independent element in the investigation of complaints.

A new IT system is in development by the Irish Prison Service which will facilitate audit reports.

*Question No. 87 answered with Question No. 77.*

### Prison Medical Service

88. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the services provided to persons with a mental illness while in prison; the personnel numbers and levels providing such services, by prison; and if she will make a statement on the matter. [15849/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Prison Service that in-reach mental health services are available in the Dublin and Portlaoise prisons, and Castlerea prison, through collaboration with the Health Service Executive, HSE, and the National Forensic Mental Health Service, NFMHS, to provide forensic mental health sessions weekly in these prisons.

The Irish Prison Service, in partnership and collaboration with the HSE, provides specialist

in-reach, consultant led psychiatric services to those in custody in Limerick and Cork prisons. The HSE has confirmed that approval has been granted for the appointment of a consultant led team to both Limerick and Cork prisons. The HSE has also advised that arrangements are being finalised for the assignment of a consultant led mental health in-reach team to Castlerea Prison. The NFMHS also provides an assessment and liaison service for all other prisons where a prisoner requires a forensic assessment, or access to an admission bed in the Central Mental Hospital, CMH. Consultant forensic psychiatrists are leading these services and, in many settings, are supported by non-consultant hospital doctors, community psychiatric nurses, and social workers.

The Irish Prison Service has confirmed that the following personnel are employed by the NFMHS in providing its services to persons in custody:

Cloverhill - 1.5 WTE, whole time equivalent, consultant forensic psychiatrist, 2 WTE non-consultant house doctor, 3 WTE community psychiatric nurses, and 1 housing resettlement officer.

Wheatfield - 0.2 WTE consultant forensic psychiatrist, 2 WTE community psychiatric nurses, and 0.1 WTE consultant forensic psychiatrist for 17 year olds.

Mountjoy - 0.3 WTE consultant forensic psychiatrist, 0.2 WTE non-consultant house doctor, 2 WTE community psychiatric nurses, and 1.3 WTE social workers, for discharge planning.

Dochas - 0.2 consultant forensic psychiatrist, 0.2 non-consultant house doctor, 1 community psychiatric nurse, and 0.5 social worker.

Arbour Hill - 0.1 WTE consultant forensic psychiatrist, 0.1 WTE community psychiatric nurses.

Midlands Prison - 1.0 WTE consultant psychiatrist, and 2 WTE community psychiatric Nurses.

Portlaoise Prison - 0.2 WTE consultant forensic psychiatrist.

Castlerea - 0.6 WTE senior registrar, and 0.2 WTE community psychiatric nurse.

The Irish Prison Service has access to a limited number of places in the CMH for prisoners who require residential mental health treatment. There is currently an average of 20 prisoners each week awaiting transfer to the CMH.

The Irish Prison Service, in collaboration with the NFMHS, has established two dedicated areas where high support is provided to vulnerable prisoners with mental illness; D2 wing in Cloverhill Prison, for remand prisoners, and the high support unit in Mountjoy, for sentenced prisoners. Both units provide a dedicated area within the prison where mentally ill and vulnerable prisoners, who present with a risk of harm to self or to others, can be separated from the general prison population and are closely monitored in a safer environment.

A psychiatric in-reach and court liaison service, PICLS, is delivered by the HSE/CMH at Cloverhill Prison. The diversion system ensures as far as possible that those people presenting before the courts, or indeed at an earlier stage of the criminal justice system, where the infraction is a reflection of an underlying mental illness, are referred and treated appropriately. This approach has reduced the number of mentally ill people committed to prison.

The Irish Prison Service Psychology Service also plays a key role in the provision of mental health services for people in custody. Specifically, the psychology service provides various

evidence-based primary, secondary and tertiary care talking therapies for people in custody who experience mental health difficulties. Interventions include “whole population initiatives” in conjunction with the multi-disciplinary team to raise awareness of mental health, individual therapy and group based interventions.

The Irish Prison Service Psychology Service is currently comprised of six senior psychologists, 13 staff grade psychologists, one head of psychology, and 6 assistant psychologists.

All healthcare staff, including prison doctors, prison nurses, and locum healthcare staff, also provide ongoing support to all persons in custody.

### **Prison Inspections**

89. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the person who or body that carried out the inspections of hospital or medical areas within prisons in each of the years 2012 to 2016, inclusive, and to date in 2017; the frequency of these inspections; if she is satisfied that the standards are equivalent to HIQA standards for general hospitals or medical centres; and if she will make a statement on the matter. [15850/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Prison Service, IPS, that the inspection of healthcare areas within prisons is not within the remit of the Health Information Quality Authority, HIQA. However, the Irish Prison Service has developed the Irish Prison Service healthcare standards which are the basis on which prison healthcare services are delivered to all persons in custody.

The Irish Prison Service has previously engaged an independent evaluator to complete an audit of healthcare provision in individual prison institutions. Four independent audits were undertaken in 2014, and found that healthcare provision was considered to be in compliance with the existing healthcare standards.

The Irish Prison Service is currently engaged with the Department of Health in relation to a fundamental review of healthcare in prisons and the provision of healthcare services in prisons generally. The terms of reference for this review have been drafted and are to be agreed by both Departments.

### **Prisoner Health**

90. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the waiting periods for prisoners who require dental and orthodontic dental services in each prison in each of the years 2012 to 2016 and to date in 2017; and if she will make a statement on the matter. [15851/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Prison Service that the range of dental services available to prisoners is consistent with that available under the GMS Dental Treatment Service Scheme (DTSS) and in line with the objective of the Irish Prison Service to provide equivalence of care in relation to the provision of healthcare services comparable to that available to medical card holders in the community. Emergency dental care is provided. Orthodontic treatment is not available to persons in the custody of the Irish Prison Service.

I am further advised by the Irish Prison Service that Dental Services are provided in all prisons on the basis of an agreed contract, or service level agreement with a local provider of

dental services.

The Irish Prison Service does not routinely collate information on waiting lists in the manner requested. Any prisoner who requests dental treatment is normally assessed by the prison dentist and persons in dental pain are accommodated at the next available dental clinic.

### Prisoner Welfare

91. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the number of persons with disabilities who are currently serving sentences in prisons; the level and frequency of assessment and supports available to these prisoners; the way in which their needs are met in the relevant prisons; and if she will make a statement on the matter. [15852/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Prison Service that it deals with individual prisoners who present with a disability on a case by case basis, and makes every effort to ensure that the therapeutic needs of the individual patient are catered for in an effective and appropriate manner.

I am further advised by the Irish Prison Service that it does not record data in the format requested in this question.

The Irish Prison Service is constrained by the principle of medical confidentiality, and is not in a position to comment on the individual circumstances of the healthcare of persons in its custody. The provision of healthcare is a statutory obligation of the Irish Prison Service, and the Irish Prison Service provides Primary Healthcare Services for the assessment, treatment and care of all prisoners comparable to that available to those entitled to General Medical Services in the community and which are appropriate in a prison setting.

All prisoners are medically assessed on committal, which includes a care plan for the individual patient. Where a doctor or other healthcare professional determines that a prisoner requires treatment in an external setting following a clinical assessment, a referral can be made to the public health system. In addition, professional In-Reach healthcare services are provided as required for a range of healthcare needs.

### Community Service Orders

92. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the review and monitoring she undertakes in regard to community service orders and the effectiveness of same; and if she will make a statement on the matter. [15853/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** To date four Recidivism Studies involving the Probation Service have been carried out by the Central Statistics Office. These are available on its website - [www.cso.ie](http://www.cso.ie).

Similar to its three predecessors, the fourth study is a detailed study of recidivism among offenders placed under Probation Service supervision, including those on Community Service Orders. This fourth study, which was published in November 2016, covers offenders placed under supervision in 2010 and demonstrates that, overall, almost 63% of offenders did not re-offend within a 3 year period of being placed under the supervision of the Probation Service. It further showed that 66.1% of offenders on Community Service Orders did not re-offend within a 3 year period i.e a recidivism rate of 33.9%. This can be compared with the previous 2009 cohort figure of 67.5% of offenders on Community Service Orders not re-offending within a 3

year period.

### Prison Facilities

93. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the number of prison places, by prison, in 2016; the budget allocated to each prison with the comparative figures for 1996 and 2006; and if she will make a statement on the matter. [15854/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I wish to inform the Deputy that the number of prison places available in each prison is set out in the following table for Year 2016:

Establishment	Bed Capacity on 31st December 2016
Mountjoy Male	554
Mountjoy Female	105
Training Unit	96
St. Patrick's	34
Cloverhill	431
Wheatfield	550
Midlands	870
Portlaoise	291
Cork	296
Limerick Male	210
Limerick Female	28
Castlerea	340
Arbour Hill	142
Loughan House	140
Shelton Abbey	115
Total	4,202

Individual prisons do not have a separate budget allocation. Instead each budget area is managed centrally by the appropriate Directorate in Irish Prison Service Headquarters. In 2016 the gross budget allocated to the Irish Prison Service was €332.058m, the equivalent figure in 2006 was €389.572m and in 1996 the equivalent figure was €150.997m (£118.920m).

### Prison Service

94. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the total Exchequer allocation to provide prison placements in each of the years 1995, 2005 and 2015; and if she will make a statement on the matter. [15855/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Prison Service that the total gross exchequer allocation to provide prison placements in 2015 was €332.182m. The equivalent figure in 2005 was €353.557m and in 1995 was €127.638m (£100.502m).

### Prisoners Temporary Release

95. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the number of prisoners, by prison, who were granted temporary release in 2015, 2016 and to date in 2017; and if she will make a statement on the matter. [15856/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I can advise the Deputy that the number of prisoners granted temporary release, by prison, for the years 2015 and to date in 2017 is set out in the following table.

Establishment	2017 (Year to date)	2016	2015
Arbour Hill	13	26	16
Castlerea	136	912	989
Cloverhill	10	54	68
Cork	246	1,502	2,001
Dochas	244	1,165	1,354
Limerick Female	90	952	1,036
Limerick Male	179	1,143	1,053
Loughan House	15	29	48
Midlands	208	1,315	1,461
Mountjoy	445	1,796	2,163
Portlaoise	17	48	46
Shelton Abbey	14	27	31
St Patrick's Institution	1	12	13
Training Unit	52	100	99
Wheatfield	69	264	389
Total	1,739	9,345	10,767

The Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003 provides that sentenced prisoners may be approved temporary release whether it be for a few hours or a more extended period. The Act sets out the circumstances when temporary release may be provided and what matters must be taken into account.

Candidates for temporary release are identified by a number of different means but primarily on the recommendation of the Prison Governor or the therapeutic services in the prisons. The prisoner, their family or their legal representative can also apply for consideration of such a concession. Recommendations are also made to me in relation to long term sentence prisoners by the Parole Board. It is very important to note that it does not necessarily follow that a prisoner will receive temporary release even if the recommendation is to that effect. Before a final determination a number of factors may be taken into account including:

- the nature and gravity of the offence to which the sentence being served by the person relates
- the sentence concerned and any recommendation made by the Court in relation to the sentence imposed
- the period of the sentence served by the person
- the potential threat to the safety and security of the public should the person be released
- the person's previous criminal record
- the risk of the person failing to return to prison at the expiration of the period of temporary release



- the conduct of the person while in custody or while previously on temporary release
- any report or recommendation made by the Governor, the Garda Síochána, a Probation & Welfare Officer, or any other person whom the Minister considers may be of assistance in coming to a decision as to whether to grant temporary release
- the risk that the person might commit an offence during any period of temporary release
- the risk of the person failing to comply with any of the conditions of temporary release
- the likelihood that a period of temporary release might accelerate the person's reintegration into society or improve his prospects of obtaining employment.

Temporary release assists in gradually preparing suitable offenders for release and in administering short sentences, and is an incentive to prisoners. It is an important vehicle for re-integrating an offender into the community in a planned way. The generally accepted view is that the risk to the community is reduced by planned re-integration of offenders compared with their return to the community on the completion of their full sentence. Each application for temporary release for whatever reason, including those referred to in your question, is examined on its own merits and the safety of the public is paramount when decisions are made.

In addition, all releases are subject to conditions, which in the vast majority of cases include a requirement to report on a daily basis to the offender's Garda Station. Of course, any offender who breaches his or her conditions may be arrested and returned to prison immediately by the Gardaí or may be refused another period of reviewable temporary release.

### **Prisoner Data**

96. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the number of prisoners granted one third remission, by prison, in each of the years 2012 to 2016 and to date in 2017; the process of decision making on such applications; and if she will make a statement on the matter. [15857/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am advised by the Irish Prison Service that all prisoners who are sentenced to a term of imprisonment, with the exception of prisoners without a determined sentence eg. life sentence prisoners, qualify for one quarter remission on the basis of good behaviour. In addition, prisoners who have engaged in authorised structured activity may apply to receive enhanced remission of greater than one quarter but not exceeding one third of their sentence. In order for a prisoner to be granted enhanced remission, I must be satisfied that the prisoner is less likely to re-offend and is better able to re-integrate into the community.

The principles governing the awarding of enhanced remission are contained under Rule 59 of the Prison Rules 2007 to 2014 (S.I. No. 252 of 2007 and S.I. No. 385 of 2014). For all applications, the following factors are considered -

- the manner and extent to which the prisoner has engaged constructively in authorised structured activity
- the manner and extent to which the prisoner has taken steps to address his or offending behaviour
- the nature and gravity of the offence to which the sentence of imprisonment being served by the prisoner relates

- the sentence of imprisonment concerned and any recommendations of the court that imposed that sentence in relation thereto
- the period of the sentence served by the prisoner
- the potential threat to the safety and security of members of the public (including the victim of the offence to which the sentence of imprisonment being served by the prisoner relates) should the prisoner be released from prison
- any offence of which the prisoner was convicted before being convicted of the offence to which the sentence of imprisonment being served by him or relates
- the conduct of the prisoner while in custody or during a period of temporary release
- any report of, or recommendation made by the Governor of the prison, an Garda Síochána, any probation officer or any other person whom I consider would be of assistance in enabling me to make a decision on an application.

Information prior to 2014 regarding enhanced remission application is not available. I am advised that the Irish Prison Service introduced a database in 2014 to track the number of applications and decisions for enhanced remission up to one third remission. The current number of granted enhanced remission by year and by prison is set out in the following table. Decisions regarding applications for enhanced remission under the Prison Rules are generally made by Irish Prison Service officials on my behalf.

Prison	2014	2015	2016	2017
Arbour Hill	0	0	1	0
Castlerea	1	4	4	0
Cloverhill	0	0	0	1
Cork	1	12	9	0
Dochas	1	5	10	0
Limerick	0	2	1	1
Loughan House	2	8	22	8
Midlands	3	14	12	1
Mountjoy	3	55	12	2
Portlaoise	0	1	1	0
Shelton Abbey	4	16	30	5
Training Unit	9	24	23	7
Wheatfield	1	40	13	0
Total	25	181	138	25

(Figures as of 27 March 2017)

Note previous PQ answer 29835/15 indicated a figure of 180 for Year 2015 which has now been amended to 181 upon further examination of cases.

## Garda Operations

97. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality further to An Garda Síochána's statement of 24 March 2017 regarding the number of drivers breathalysed and the numbers recorded, whereby it was stated that concerns around accuracy arose following breath tests at road traffic collisions, if she will report on the exact causes which gave rise to these concerns and the discrepancies that were discovered from the scenes of RTCs;

and if she will make a statement on the matter. [15873/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I understand from the Garda authorities that the reference mentioned by the Deputy arose in relation to the issue that at the time in question there was no facility on the PULSE system to properly record the reason(s) why breath tests at Road Traffic Collisions may not have been taken. I am advised that the necessary facility was subsequently added to the PULSE system to enable reasons to be recorded. The Deputy will appreciate that this is a separate issue from the concerns that have arisen in relation to roadside testing and I understand that An Garda Síochána have no similar concerns about the recording of statistics in relation to tests taken at RTCs.

### **Direct Provision System**

98. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Justice and Equality the steps she is taking to address the long delays in the processing of persons in the direct provision system; if she is satisfied with the current system for housing those seeking asylum; her views on whether it is appropriate for this to be run on a for-profit basis; the steps she is taking to improve the system; and if she will make a statement on the matter. [15875/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** On 23 February last, Minister Stanton and I published a report showing further significant progress in implementing the recommendations of the Report of the Working Group on Improvements to the Protection Process including Direct Provision and Other Supports for Asylum Seekers. Some 92% of the Report's 173 recommendations are now implemented, partially implemented or are in progress, a significant increase on the 80% figure reported when the first audit of progress was published last June. Details of progress on all of the 173 recommendations are available in the audit report which has been posted on my Department's website and on the website of the Irish Naturalisation and Immigration Service. In conjunction with the implementation of the recommendations of the Working Group, my Department is implementing the commitment contained in the Programme for a Partnership Government to reform the Direct Provision system within two broad themes: commencement of the International Protection Act 2015 and improvements to RIA accommodation.

The International Protection Act 2015 was commenced on 31 December 2016. The new single application procedure under the Act, will, in time, significantly accelerate the protection determination process by dealing with all aspects of a persons claim for protection and humanitarian leave to remain at the same time and by extension will reduce the length of time which applicants spend in State provided accommodation.

Figures prepared for consideration by the *Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and other supports for Asylum Seekers* in 2015, showed that there were some 2,695 persons in Direct Provision accommodation for three or more years at that time. Recent analysis has shown that this figure has now been reduced by 55%, to 1,204 persons. Similarly, the number of persons in Direct Provision accommodation for five years or more has been reduced by 58%, from 1,946 persons to 811 persons. Of those persons, less than a third - or 251 persons - were estimated to be awaiting a final decision on their application. For one reason or another, such as ongoing judicial reviews, the vast majority of these cases were found to be unprocessable and experience has shown that practically all cases over five years in the Direct Provision accommodation system that could be processed have now been processed. This was a major achievement and has impacted directly on the lives of a large number of persons in the protection and related systems. The balance of the 811 persons either had a deportation made against them or were granted status. Recently,

a number of NGOs have been awarded monies under the EU's Asylum, Migration and Integration Fund (AMIF) specifically to provide assistance for those with status to move out of State provided accommodation.

In addition, a number of the Reports recommendations aimed at improving conditions in the Centres are being rolled out. These include:

- The introduction of full independent living at the Mosney Accommodation centre - each family will be provided with their own fresh food to their liking so they may prepare meals themselves. The new home cooking arrangements in Mosney went live on 23 January 2017.

- The installation of residents' kitchens in a number of accommodation centres to provide for home cooking by residents and their families;

- Cooking facilities will be rolled out to other centres including the State owned centres (Killarney, Tralee, Athlone, Knocklisheen in Limerick and Kinsale Road in Cork) and to Ballyhaunis, Millstreet, St Patrick's in Monaghan and any other centres in which families are resident.

- A complete refurbishment of each accommodation unit (triple glazed windows and doors and refurbished interiors) at the Athlone Accommodation Centre;

- Improvements to a number of outdoor playgrounds and football pitches to provide for 'all-weather' facilities.

- Teenagers rooms in centres to provide social areas for this age group.

Recommendations of the Report of the Working Group that involve structural changes or improvements will be implemented as quickly as possible, with due consideration of possible fire safety, building regulation and planning issues.

Other improvements to the system include changes introduced by the Minister for Education and Skills to improve access to third level education and the increase in the weekly payments for children by the Minister for Social Protection.

In addition, as I recently announced, the remits of the Ombudsman and the Ombudsman for Children are being extended to cover those who are living in State provided accommodation.

With regard to the way that Direct Provision Centres are operated, my Department has recently sought expressions of interest from persons and businesses who are in a position to provide full accommodation and related services to persons seeking international protection. It is of course open to any contractor or NGO (or group of NGOs) to seek to provide this accommodation and related services. I would welcome applications from groups or organisations who have expressed concerns about the standards in Direct Provision to submit their proposals to provide, run and manage such centres. In other EU Member States, reception centres are quite often managed by NGOs in partnership with the State. We have not, to date, received any expressions of interest by an NGO or an NGO group to manage an accommodation centre in Ireland. While the financial details of any such contract are not published for reasons of commercial confidentiality, historic details of the values of contracts are published by my Department each year on the web page of the Reception and Integration Agency at [www.ria.gov.ie](http://www.ria.gov.ie). Accommodation centres are contracted following established procurement procedures and prices paid to contractors for full board or self catering / cooking, including light, heat, utility costs etc represent good value for money.

## Citizenship Applications

99. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the procedure to be followed to obtain Irish citizenship resulting in Irish and US dual citizenship in the case of a person (details supplied); and if she will make a statement on the matter. [15904/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am informed by officials in the Irish Naturalisation and Immigration Service (INIS) that entitlement to Irish citizenship, as well as the conditions pertaining to a grant of citizenship through naturalisation, are governed by the provisions of the Irish Nationality and Citizenship Act 1956, as amended. It is open to any individual to lodge an application for citizenship through naturalisation, if and when they are in a position to meet the statutory conditions as prescribed in the Act. The statutory conditions are that the applicant must -

- be of full age,
- be of good character,
- have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a further total residence in the State amounting to four years,
- intend in good faith to continue to reside in the State after naturalisation,
- have, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows -
  - (i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and
  - (ii) undertaken to faithfully observe the laws of the State and to respect its democratic values.

Under Irish law it is possible for an Irish citizen to hold dual citizenship; the acquisition of Irish citizenship is not contingent on the renunciation of the citizenship of another jurisdiction. Detailed information on Irish citizenship and naturalisation, as well as the relevant application forms, is available on the INIS website at [www.inis.gov.ie](http://www.inis.gov.ie). The website also contains guidance on the completion of an application for naturalisation and an on-line naturalisation residency calculator which individuals may find of assistance in establishing if the residency requirements are met.

## Naturalisation Applications

100. **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) who has applied for naturalisation; and if she will make a statement on the matter. [15905/17]

**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 an application for a certificate of naturalisation from the person referred to by the Deputy, who currently has permission to reside in the State until 1 April 2017, 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.

### **Naturalisation Applications**

101. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the position regarding the determination of eligibility for naturalisation in the case of a person (details supplied); and if she will make a statement on the matter. [15907/17]

**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.

### **Deportation Orders**

102. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality if she will set aside an order to deport in the case of persons (details supplied); and if she will

make a statement on the matter. [15908/17]

**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), the persons concerned have not submitted written representations.

The position in the State of the persons concerned will now be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and all other applicable legislation. If any representations are submitted, they will be considered before a final decision is made.

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

### **Residency Permits**

103. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality if she will review the case for residency in the case of a person (details supplied); and if she will make a statement on the matter. [15911/17]

**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 is the subject of a Deportation Order made on 4 May 2010 and therefore has no entitlement to residency in the State.

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter outside the State. The person concerned had already applied for revocation of the Deportation Order pursuant to the provisions of Section 3 (11) of the Immigration Act, 1999, as amended. This application, following a thorough examination, was unsuccessful.

The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau.

The Deputy may wish to note that 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.

### **Asylum Applications**

104. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality if she will update and extend the residency status in the case of persons (details supplied) who have lived and worked here for many years; and if she will make a statement on the matter. [15912/17]

**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.

As the Deputy may be aware, the Irish Naturalisation and Immigration Service (INIS) wrote to all applicants in December 2016 to advise them that, in so far as it is required under the transitional requirement in the International Protection Act 2015, 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.

The prioritisation of international protection applications is provided for in the International Protection Act 2015 subject to the need for fairness and efficiency. Details of the International Protection Office's approach to the prioritisation of applications, as agreed with the UNHCR, are on its website. A Customer Service Centre established by the International Protection Office may be contacted by individuals with any queries - [info@ipo.gov.ie](mailto:info@ipo.gov.ie).

### **Naturalisation Eligibility**

105. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the steps she will take, to include grant naturalisation, to protect a person (details supplied); and if she will make a statement on the matter. [15913/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The granting of Irish citizenship through naturalisation is governed by the provisions of the Irish Nationality and Citizenship Act 1956, as amended. All applications for a certificate of naturalisation are processed and assessed individually in accordance with the provisions of the Act. A determination on whether an applicant satisfies the statutory criteria attendant to naturalisation can only be made after an application is received and, to date, no application for naturalisation has been received from the individual concerned.

Section 15 of the Act provides that the Minister may, in her absolute discretion, grant an application for a certificate of naturalisation if satisfied that certain statutory conditions are fulfilled. The conditions are that the applicant must:

- be of full age,
  - be of good character,
  - have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a further total residence in the State amounting to four years,
  - intend in good faith to continue to reside in the State after naturalisation,
  - have, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows
- (i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and
- (ii) undertaken to faithfully observe the laws of the State and to respect its democratic val-



ues.

Section 15A provides that, notwithstanding the above, where the application is based on being the spouse or civil partner of an Irish citizen the requirements are, inter alia, that the couple are married or civil partners to each other for a period of at least 3 years and are living together and, immediately before the date of application, have a period of one year's continuous residence in the island of Ireland and, during the preceding four years, have a further period amounting to 2 years (i.e. 3 years in total). Section 15A(2) provides that the Minister may, in her absolute discretion waive some of the conditions in relation to an application from a spouse or civil partner of an Irish citizen if she is satisfied that the applicant would suffer serious consequences in respect of his or her bodily integrity or liberty if not granted Irish citizenship. There is no right or entitlement to have any of the conditions waived, it is entirely at the Minister's discretion.

It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956 as amended. Detailed information on Irish citizenship and naturalisation is available on the INIS website at [www.inis.gov.ie](http://www.inis.gov.ie). The website also contains an online naturalisation residency calculator which individuals may find of assistance in establishing if the residency requirements are met.

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**

106. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the extent to which persons (details supplied) will be facilitated in their efforts to update and regularise their residency here; and if she will make a statement on the matter. [15914/17]

**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 they do not have any applications pending for the persons mentioned by the Deputy.

I refer you to my response to Parliamentary Question No. 69 of 16 September 2016, wherein, it was suggested that the persons concerned should make an application, giving full details of their current circumstances in the State, to enable a decision to be made in their case. To date, INIS has received no correspondence from these persons.

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 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.

### **Deportation Orders**

107. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the possible procedure to be followed in the case of a person (details supplied) in respect of whom a deportation order is proposed; and if she will make a statement on the matter. [15915/17]

**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), the person concerned has not submitted written representations.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and all other applicable legislation. If any representations are submitted, they will be considered before a final decision is made.

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

### **Residency Permits**

108. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the progress to date in the determination of regularisation of residency or eligibility for naturalisation in the case of persons (details supplied); and if she will make a statement on the matter. [15916/17]

**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 applications for residency for the persons mentioned by the Deputy are currently receiving attention. It is expected that decisions on their status will be made in the coming weeks.

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 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.

### **Immigration Status**

109. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the current and-or expected residency status and potential for eligibility for naturalisation in the case of persons (details supplied); and if she will make a statement on the matter. [15917/17]

**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 first named person.

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 will be aware that, if the persons concerned have made an application for protection in the State, it is not the practice to comment on such applications until they have fully completed the protection process.

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

### **Residency Permits**

110. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the position regarding the application for update of stamp 4 in the case of a person (details supplied) who has complied with statutory requirements as set out in previous parliamentary questions; and if she will make a statement on the matter. [15918/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am informed by the Irish Naturalisation and Immigration Service (INIS) of my Department that the person's permission to reside in this State expired on 21 February 2017. I understand that the person concerned made an application for a permanent residence card, under the provisions of the European Communities (Free Movement of Persons) Regulations 2015, on 21 March 2017. I am further informed that INIS wrote to the person concerned on 28 March 2017 outlining an application process which may be more appropriate to the person's personal circumstances.

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

### **Naturalisation Applications**

111. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the progress to date in the determination of eligibility for naturalisation in the case of a person (details supplied); and if she will make a statement on the matter. [15919/17]

**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.

### **Naturalisation Applications**

112. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the progress to date in the determination of eligibility for naturalisation in the case of a person (details supplied); and if she will make a statement on the matter. [15922/17]

**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**

113. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality if she will regularise the residency in the case of persons (details supplied); and if she will make a statement on the matter. [15923/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am informed by the Irish Naturalisation and Immigration Service (INIS) of my Department that the

first and second named persons were granted permission to remain in the State in August 2007, for an initial three year period, valid to 14 August 2010. This permission to remain was renewed for a further three year period valid to 14 August 2013. These renewal decision letters were dated 4 August 2010.

The renewal decision letters referred to advised the persons concerned of the requirement that they apply for further renewal of their permission to remain one month before their existing permission expired. Given that there is no record of any such renewal applications having been lodged to date, it is recommended that the persons concerned would proceed to do so without further delay.

The onus is on the persons concerned to apply for the renewal of their respective permission's to remain. Such renewal applications must be made in the first instance in order for them to be considered by the immigration authorities.

The INIS has no record of the third named dependant of the person concerned.

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

### **Deportation Orders Re-examination**

114. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality if consideration by way of study of their history here in the case of a person (details supplied) will be undertaken with a view to reconsideration of proposals to deport; and if she will make a statement on the matter. [15925/17]

**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 is the subject of a Deportation Order made on 3 February 2010.

Representations were received from the persons' legal representative, pursuant to Section 3 (11) of the Immigration Act 1999 (as amended), to revoke the Deportation Order. All relevant aspects of the case will be carefully considered before a decision is made. The Deputy might wish to note that any such decision will be to 'affirm' or to 'revoke' the existing Deportation Order. In the meantime, the Deportation Order remains valid and in place.

The Deputy may wish to note that 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.

### **Garda Procedures**

115. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the extent to which the person directly responsible for management of recently released Garda

statistics in regard to road alcohol checks has been identified with a view to ascertaining the way in which the misrepresentation of the figures occurred; and if she will make a statement on the matter. [15926/17]

116. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the extent to which the person directly responsible for management of recently released Garda statistics in regard to wrongful conviction of motorists under the Road Traffic Acts has been identified with a view to ascertaining the way in which the misrepresentation of the figures occurred; and if she will make a statement on the matter. [15927/17]

117. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the person or body responsible for the recording through PULSE of all offences in each Garda division throughout the country; if the logging, recording and management of the PULSE system rests with one or a number of persons in each Garda division; the way in which this might be improved; and if she will make a statement on the matter. [15928/17]

118. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the number of offences deemed to have been misrecorded or misrepresented arising from each Garda division throughout the country in each of the past five years to date; and if she will make a statement on the matter. [15929/17]

119. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the level each Garda station records offences under the Road Traffic Acts or other acts; the extent to which verification is required in the event of incorrect or misleading information being transmitted; and if she will make a statement on the matter. [15930/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 115 to 119, inclusive, together.

I can inform the Deputy that I have met with the Garda Commissioner and the Chairperson of the Policing Authority in the past days and have communicated my very serious concerns in relation to the significant road traffic enforcement errors that have come to light following the completion of extensive internal audits by An Garda Síochána.

The Deputy will be aware that An Garda Síochána has confirmed that it has put solutions in place to deal with the procedural and practice issues that have been detected to ensure that such errors do not recur. Specifically, I have been assured by An Garda Síochána that a permanent and comprehensive IT solution is now in place to cover the majority of FCPS issues identified and An Garda Síochána is satisfied that the errors that occurred cannot be repeated. In the case of breath tests/Mandatory Alcohol Testing, I am informed that An Garda Síochána initially put in place new paper based recording and verification processes, and, in November 2016, a new specific data recording IT upgrade was installed on the Garda PULSE system. The net effect of the new IT upgrade was that personnel now have to record the serial number of the device used for each breath test plus the meter reading before and after the checkpoint was concluded. Data from the device is now used to verify the total number of breath tests conducted at each checkpoint.

In addition, the Garda Commissioner has:

- announced the restructuring of traffic policing with the creation of a new Roads Policing Unit to be led by Assistant Commissioner Mick Finn;

- announced the creation of a dedicated team under newly-appointed Assistant Commissioner Michael O'Sullivan to investigate in detail the MATs issue, including with a view to identifying and holding responsible for their actions any Garda members, whether at junior,

supervisory or management level, who acted improperly; and

- committed to forwarding the report of this investigation to the Policing Authority and Department of Justice and Equality when completed.

As regards carrying out and recording breath tests under Mandatory Alcohol Testing, the Deputy will appreciate that it is not possible to identify specific internal system failures in An Garda Síochána until such time as Assistant Commissioner O'Sullivan's investigation is completed. Similarly, in addition to the solutions put in place by An Garda Síochána outlined above, additional proposals to improve the recording, verification and management of road traffic enforcement data on the PULSE system arising from Assistant Commissioner O'Sullivan's investigation will be pursued following the completion of the investigation. While I acknowledge that a number of the Deputy's questions seek to identify Garda members responsible for the oversight of these road traffic enforcement matters in An Garda Síochána, these enforcement issues are also of grave concern to An Garda Síochána at a corporate level.

Notwithstanding any internal review the Government believes that an external investigation into these two specific matters needs be carried out.

The Government believes the level of public concern is now so profound that it may now be time to conduct a thorough, comprehensive and independent root-and-branch review of An Garda Síochána. That is clearly a proposal that will require further detailed consideration by the Government. The Government also believes that any such proposal should command widespread support in the Oireachtas and accordingly be the subject of consultation with the Opposition, and ultimately approval by the Oireachtas.

The Garda Commissioner has been in direct contact with the Policing Authority in relation to the matters referred to in the Deputy's questions and the Chairperson of the Policing Authority, Josephine Feehily, has confirmed that the Authority will:

- have an independent professional audit undertaken of the steps taken to resolve the issues; and

- oversee the investigation being undertaken by Assistant Commissioner O'Sullivan.

I welcome the fact that the focus of the Authority's next public meeting with the Garda Commissioner will be on road traffic enforcement. This public meeting will be held on 27 April 2017 and will provide a most timely opportunity for An Garda Síochána to engage with the Authority and the general public on these critical procedural and practice issues that are now before us. The reason that I prioritised and set up the Authority was to shine a light on and examine issues such as these.

I will continue to maintain close contact with the Garda Commissioner and the Chairperson of the Policing Authority in relation to these matters.

### **Garda Deployment**

120. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the number of extra gardaí likely to become available to augment policing in all areas with particular reference to County Kildare in the future; and if she will make a statement on the matter. [15931/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the

Deputy will appreciate, the Garda Commissioner is responsible for the distribution of resources, including personnel, among the various Garda Divisions and I, as Minister, have no direct role in the matter. Garda management keeps the distribution of resources under continual review in the context of crime trends and policing priorities so as to ensure that the optimum use is made of these resources.

I am informed by the Garda Commissioner that, in regard to the deployment of Garda personnel, a distribution model is used which takes into account all relevant factors including population, crime trends and the policing needs of each individual Garda Division. It is the responsibility of the Divisional Officer to allocate personnel within his or her Division.

I am further informed by the Garda Commissioner that the Garda strength of the Kildare Division, on 28 February 2017, the latest date for which figures are readily available, was 326. There are also 22 Garda Reserves and 30 civilians attached to the Division. When appropriate, the work of local Gardaí is supported by a number of Garda national units such as the National Bureau of Criminal Investigation (NBCI), the Garda National Economic Crime Bureau and the Garda National Drugs and Organised Crime Bureau.

This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians.

This plan is well on course to be achieved. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I am advised that, since the reopening of the Garda College in September 2014, there has been a total intake of some 1,400 new recruits with another 600 scheduled to enter the College by the end of this year. I am informed by the Commissioner that some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, 45 of whom have been assigned to the Kildare Division. I am also informed that another 750 trainee Garda are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to around the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division, including the Kildare Division in the coming years.

In so far as the allocation of newly attested Gardaí is concerned, this is a matter for the Garda Commissioner. I am assured by the Commissioner that the needs of all Garda Divisions are fully considered when determining the allocation of resources. However, it is important to keep in mind that newly attested Gardaí have a further 16 months of practical and classroom based training to complete in order to receive their BA in Applied Policing. To ensure that they are properly supported and supervised and have opportunities to gain the breadth of policing experience required, the Commissioner's policy is to allocate them to specially designated training stations which have the required training and development structures and resources in place, including trained Garda tutors and access to a permanently appointed supervisory Sergeant who is thoroughly familiar with their responsibilities under the training programme.



This investment in personnel is complemented by substantial investment in resources across the board for An Garda Síochána. The Deputy will be aware of the significant resources that have been made available to An Garda Síochána under the Government's Capital Plan 2016 - 2021. In particular, some €205 million in additional funding for Garda ICT and €46 million for new Garda vehicles has been allocated over the lifetime of the plan. This investment will facilitate the provision of more effective policing services and I have no doubt that these new resources now coming on stream will see an increase in Garda visibility in our communities.

### **Garda Retirements**

121. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the number of gardaí at all ranks retiring in 2017 and over the next two years; and if she will make a statement on the matter. [15932/17]

122. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality if an extra 500 gardaí other than those previously deemed to be due for retirement are likely to retire in the next three years; and if she will make a statement on the matter. [15933/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 121 and 122 together.

Retirement of members of An Garda Síochána is governed by statutory provisions which set the mandatory retirement age for all members at 60 years of age. Members of An Garda Síochána who joined the organisation prior to 1 April 2004 may retire on full pension once they have served for at least 30 years and they have reached 50 years of age. Members of An Garda Síochána who joined the organisation on or after 1 April 2004 may retire on full pension once they have served at least 30 years and have reached 55 years of age. A member has the option of continuing to serve until they reach 60 years of age subject to the Garda Commissioner being satisfied that the member is fully competent and available to undertake, and fully capable of undertaking, the duties of his or her position as a member of the Garda Síochána.

This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians.

This plan is well on course to be achieved. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I can assure the Deputy that projected departures from An Garda Síochána are kept under continuing review and the level of recruitment adjusted as necessary in order to achieve the desired strength of An Garda Síochána. It is expected that there will be in the region of 300 departures each year in the next three years.

I am advised that, since the reopening of the Garda College in September 2014, there has been a total intake of some 1,400 new recruits with another 600 scheduled to enter the College by the end of this year. I am informed by the Commissioner that some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide. I am also informed that another 750 trainee Garda are scheduled to attest this year which will see Garda numbers, after projected retirements of 300 are taken into account, increase to around

the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division.

This investment in personnel is complemented by substantial investment in resources across the board for An Garda Síochána. The Deputy will be aware of the significant resources that have been made available to An Garda Síochána under the Government's Capital Plan 2016 - 2021. In particular, some €205 million in additional funding for Garda ICT and €46 million for new Garda vehicles has been allocated over the lifetime of the plan. This investment will facilitate the provision of more effective policing services and I have no doubt that these new resources now coming on stream will see an increase in Garda visibility in our communities.

### **Garda Training**

123. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the steps she has taken to increase the number of gardaí training in Templemore and likely to become available for duty over the next three years; and if she will make a statement on the matter. [15934/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians.

This plan is well on course to be achieved. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I am advised that, since the reopening of the Garda College in September 2014, there has been a total intake of some 1,400 new recruits with another 600 scheduled to enter the College by the end of this year. I am informed by the Commissioner that some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide. I am also informed that another 750 trainee Garda are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to around the 13,500 mark by year end - a net increase of 700 in the total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across every Garda Division in the coming years.

This investment in personnel is complemented by substantial investment in resources across the board for An Garda Síochána. The Deputy will be aware of the significant resources that have been made available to An Garda Síochána under the Government's Capital Plan 2016 - 2021. In particular, some €205 million in additional funding for Garda ICT and €46 million

for new Garda vehicles has been allocated over the lifetime of the plan. This investment will facilitate the provision of more effective policing services and I have no doubt that these new resources now coming on stream will see an increase in Garda visibility in our communities.

### **Garda Resources**

124. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the extent to which adequate resources remain available to An Garda Síochána for the pursuit of organised and drug related crime; and if she will make a statement on the matter. [15935/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy will be aware all Gardaí have a responsibility in the prevention and detection of criminal activity whether it be in the area of drug offences or otherwise. I can assure the Deputy that An Garda Síochána continues to pro-actively and resolutely tackle all forms of drug and organised crime in this jurisdiction.

In 2015 the Garda Commissioner, who is responsible for the allocation of Garda Resources, established a new national Drugs and Organised Crime Bureau. The Bureau continues to lead out the policing strategy for tackling drugs by demand reduction and supply reduction strategies. In this regard the Bureau continues its policy of working with Divisional Drug Units nationwide in tackling supply reduction at local level. This work is further supported by other national units, including the Criminal Assets Bureau, in targeting persons involved in the illicit sale and supply of drugs. This approach allows for the co-ordinated use of Garda resources in tackling all forms of organised crime, including illicit drug activity nationwide.

Furthermore, the Drugs and Organised Crime Bureau has continued to make significant seizures of controlled drugs as evidenced by a number of significant seizures made in January this year including a huge seizure of herbal cannabis - estimated at that time to have a street value of over €30 million - made as a result of a targeted joint operation involving An Garda Síochána and Revenue's Customs Service.

Multi-disciplinary approaches are also utilised to ensure that those involved in illicit activity are effectively targeted including through the use of the Proceeds of Crime legislation, money laundering legislation and the powers of the Criminal Assets Bureau.

I am informed that this approach adopts good practice in implementing a co-ordinated use of Garda resources and in utilising available criminal law to its fullest extent in tackling all forms of organised crime, including drug trafficking.

This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of Gardaí across the organisation including the Divisional Drugs Units.

The investment in personnel is complemented by substantial investment in resources across the board for An Garda Síochána. The Deputy will be aware of the significant resources that have been made available to An Garda Síochána under the Government's Capital Plan 2016 - 2021. In particular, some €205 million in additional funding for Garda ICT and €46 million for new Garda vehicles has been allocated over the lifetime of the plan. This investment will facilitate the provision of more effective policing services and support An Garda Síochána in tackling illicit drug activity.

### **Deportation Orders**

125. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the basis on which a person (details supplied) has been arrested and imprisoned, presumably on residency grounds. [15938/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am informed by the Irish Naturalisation and Immigration Service (INIS) of my Department that the person concerned is the subject of a Deportation Order signed on 22 June 2011. The reasons for the making of the Deportation Order have already been furnished to the person concerned. This Order requires the person concerned to remove themselves from the State and remain outside the State. The enforcement of the Deportation Order is a matter for the Garda National Immigration Bureau (GNIB). I am informed that the person has been detained in accordance with section 5 of the Immigration Act 1999 on a GNIB warrant.

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.

### **Garda Misconduct Allegations**

126. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Justice and Equality the extent to which a full examination of the circumstances surrounding the road death of their only child in the case of a person (details supplied) has taken place; if the alleged perpetrator was on bail on numerous occasions while subsequent crimes were carried out culminating in the death of this person; if the alleged perpetrator has been deported; and if she will make a statement on the matter. [15939/17]

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The tragic case to which the Deputy refers was considered under the Independent Review Mechanism (IRM) established to review certain allegations of Garda misconduct, or inadequacies in the investigation of certain allegations, which were made to me as Minister for Justice and Equality, or the Taoiseach.

The recommendation made by the IRM in this particular case was that I should take no further action. Counsel for the IRM pointed out that the appropriate forum for raising matters related to alleged Garda failings was the Garda Síochána Ombudsman Commission (GSOC) who were already investigating certain matters arising from the tragic death in this case. This arises in part from the fact that my predecessor had referred aspects of this particular case to GSOC. I should also mention that a civil action has been initiated against the State in respect

of issues raised in the complaint.

When the Taoiseach and I recently met with the family, the Taoiseach assured them that when the GSOC investigation is completed the question of whether, and if so, what further action can be taken, will be considered. That remains the position. As the Deputy is aware, GSOC is an independent statutory body and the manner in which they conduct their investigation is a matter for them. The last update I received indicated that they had concluded their investigation and that they were reviewing the report. We must now await their final determination.

I am sure the Deputy will appreciate that in the circumstances it would not be appropriate for me to comment further.

### **Visa Applications**

127. **Deputy Willie Penrose** asked the Tánaiste and Minister for Justice and Equality the reason an application for a three-month visitor visa by a person (details supplied) has been refused; and if she will make a statement on the matter. [15983/17]

**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 visa application referred to was refused on 6 February 2017.

There were a number of reasons for refusal, all of which were communicated to the applicant. These included the insufficiency of the finances available from both the applicant and her Irish-based reference, and the lack of supporting documentation. The Visa Officer concluded that the applicant's obligations to return to her home country were not deemed sufficient so that she would not overstay following the proposed visit.

The decision of the Visa Officer may be appealed within two months of the date of decision, in this case before 6 April 2017. Guidelines on making an appeal can be found on the website of the Irish Naturalisation and Immigration Service ([www.inis.gov.ie](http://www.inis.gov.ie)). As with all visa services worldwide, the central concern in deciding on visa applications is to strike an appropriate balance between protecting the country's vital national interests by maintaining an effective immigration regime while at the same time not placing unnecessary or unreasonable obstacles in the way of intending visitors.

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 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.

### **Tax Yield**

128. **Deputy Brendan Griffin** asked the Minister for Finance the annual tax income for the Exchequer from inheritance tax since 2005; and if he will make a statement on the matter. [15777/17]

**Minister for Finance (Deputy Michael Noonan):** I am advised by Revenue that a breakdown of Capital Acquisitions Tax receipts, including the inheritance tax component, is available on the Revenue Statistics webpage at:

<http://www.revenue.ie/en/about/statistics/receipts-capital-acquisitions-tax.html> for 2007 to 2016. For the years 2005 and 2006, receipts from inheritance tax were €196.6m and €299.3m respectively.

## **Consumer Protection**

129. **Deputy Pearse Doherty** asked the Minister for Finance the way a consumer complaint against An Post for a breach of the consumer protection code with regard to financial products is treated by the Financial Services Ombudsman and Central Bank; if An Post is regulated in the same way as other financial service providers; and if he will make a statement on the matter. [15799/17]

**Minister for Finance (Deputy Michael Noonan):** The Financial Services Ombudsman (FSO) may investigate complaints in relation to any regulated Financial Service Provider. According to the Central Bank Act 1942 as amended, a regulated Financial Service Provider is defined as:

“(a) a financial service provider whose business is subject to regulation by the Bank under this Act or under a designated enactment or a designated statutory instrument,

(b) a financial service provider whose business is subject to regulation by an authority that performs functions in an EEA country that are comparable to the functions performed by the Bank under this Act or under a designated enactment or designated statutory instrument, or

(bb) a financial service provider whose business is subject to supervision by the ECB under a designated enactment, or

(c) in relation to Part VIIB only, any other financial service provider of a class specified in the regulations for the purposes of this paragraph;”

An Post is regulated by the Central Bank in line with the above provisions, and as an Investment Business Firm, Investment Product Intermediary and a Payment Service Institution - (<http://registers.centralbank.ie/FirmDataPage.aspx?firmReferenceNumber=C33230>).

Where a consumer is unhappy with the service they have received from a firm which is regulated by the Central Bank, they are entitled to make a complaint directly to the firm concerned. If the consumer is not satisfied with the outcome of their complaint, they can refer the matter to the Financial Services Ombudsman. The Financial Services Ombudsman investigates, in an impartial and independent manner, complaints from individual customers and small businesses who have unresolved disputes with financial service providers which are regulated by the Central Bank.

When a complaint is made by a consumer to the FSO in relation to any regulated Financial Service Provider, every effort is made by the FSO to facilitate the parties in achieving a mediated settlement with the help of his dedicated Dispute Resolution team. If no agreement is reached, the matter will proceed to a more formal investigation and adjudication, and the parties will be issued with a legally binding Finding. If the FSO upholds the complaint, he can direct compensation of up to €250,000 and/or direct such rectification as considered to be appropriate in the circumstances.

## **Tracker Mortgages**

130. **Deputy Pearse Doherty** asked the Minister for Finance the number of customers of a bank (details supplied) who have been identified by the IBRC liquidators as having possibly been affected by the tracker mortgage scandal. [15807/17]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Special Liquidators of IBRC that the population of sub-accounts identified as in-scope for review under the Direction from the Central Bank of Ireland to IBRC (in Special Liquidation) in relation to the tracker mortgage examination is circa 29,000. The review of these in-scope accounts is on-going and it is estimated to be completed in the coming weeks.

It is important to note that while an account may be in-scope for the purposes of the Central Bank of Ireland tracker mortgage examination, the Special Liquidators have advised that this does not necessarily follow that detriment has been suffered by each and every customer. The final number of customers who have been affected will be known in the coming weeks.

### **Tracker Mortgages**

131. **Deputy Pearse Doherty** asked the Minister for Finance the number of customers of banks (details supplied) who have received redress as a result of the Central Bank's tracker mortgage investigation; the total cost of redress to date; the anticipated final redress costs; and if he will make a statement on the matter. [15808/17]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Special Liquidators of IBRC that no customers have received redress at this point in time as a result of the Central Bank of Ireland tracker mortgage examination. The review of accounts which have been identified as in-scope as part of this examination is on-going and has not been finalised but is expected to be completed in the coming weeks. If detriment has been suffered by any customers, redress will be determined following the conclusion of the examination.

### **Tracker Mortgages**

132. **Deputy Pearse Doherty** asked the Minister for Finance if there are any legal actions in train against the IBRC liquidators from customers of a bank (details supplied) who are of the view that they were wronged in having a tracker rate denied to them and consider that the redress and compensation being offered to them is not enough; and if he will make a statement on the matter. [15809/17]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Special Liquidators of IBRC that there are no legal actions against them in connection with the tracker mortgage examination.

### **Financial Services Regulation**

133. **Deputy Shane Cassells** asked the Minister for Finance if he will review the cases of persons having difficulties accessing the savings of deceased relatives in bank accounts (details supplied); if the Central Bank and-or the Financial Services Ombudsman is inquiring into this on behalf of the families; the oversight of the transfer to the legacy team of a company (details supplied) the Central Bank exercised; the sanctions it will impose if and in the event that the takeover entity is found wanting; the remedies families will have for the delays created and the added expense to them; and if he will make a statement on the matter. [15812/17]

**Minister for Finance (Deputy Michael Noonan):** In relation to the Financial Services Ombudsman, Section 57CC of the Central Bank Act 1942 as amended provides that The Financial Services Ombudsman shall ensure that investigations are conducted in private. For this reason the FSO cannot comment on whether it has received a complaint from or against any particular person or entity, other than the publication of aggregate details in its Annual Reviews when at least 3 complaints relating to the regulated financial service provider have been found by the Ombudsman to be substantiated or partly substantiated in the previous financial year. That said it is of course open to a consumer to make a complaint to the FSO in relation to the conduct of a regulated financial services provider when they have an unresolved complaint. Investigations by the Financial Services Ombudsman are free of charge to the consumer.

It is not appropriate for me as Minister for Finance to become involved in individual consumer cases, rather it is my role to ensure that a robust consumer protection framework for financial products and services is in place. In relation to the Central Bank, it is unable to comment on its dealings with individual firms. However, the Consumer Protection Code 2012 imposes obligations on regulated entities in relation to their interactions with consumers. Where a regulated entity intends to cease operating, merge with another, or to transfer all or part of its regulated activities to another regulated entity, Provision 3.11 of the Consumer Protection Code states that it must: a. notify the Central Bank immediately; b. provide at least two months notice to affected consumers to enable them to make alternative arrangements; c. ensure all outstanding business is properly completed prior to the transfer, merger or cessation of operations or, alternatively in the case of a transfer or merger, inform the consumer of how continuity of service will be provided following the transfer or merger; and d. in the case of a merger or transfer of regulated activities, inform the consumer that their details are being transferred to the other regulated entity, if that is the case.

The Central Bank has a range of powers available to it to investigate non-compliance with its requirements and its approach to regulating financial services providers and markets, whilst ensuring the protection of consumers, is based on a model of assertive risk-based supervision underpinned by a credible threat of enforcement.

### **Central Bank of Ireland Investigations**

134. **Deputy Pearse Doherty** asked the Minister for Finance the way in which Article 5 of the European directive on unfair terms in consumer contracts, Directive No. 93/13, is factored into the Central Bank's investigation into tracker mortgages; and if he will make a statement on the matter. [15831/17]

**Minister for Finance (Deputy Michael Noonan):** The Framework for Conducting the Tracker Mortgage Examination (published in conjunction with the report providing a further update on the Examination of Tracker Mortgage Related Issues on 23 March) provides that in the course of the Examination, the lender is to determine whether or not in all circumstances it has complied with its consumer protection regulatory obligations arising pursuant to the following:

- Code of Practice for Credit Institutions, 2001;
- Consumer Protection Codes, 2006 and 2012;
- Code of Conduct on Mortgage Arrears, 2010 and 2013, specifically the relevant tracker mortgage related provisions;
- Consumer Protection Act, 2007; and



- Any other applicable legislation.

The Framework for carrying out the Examination does not prescribe the specific regulations or code requirements that the lender should consider when conducting its review. The Central Bank expects lenders to consider all relevant financial services and consumer protection legislation. As part of the framework, lenders are required to ensure that they complete a review of their mortgage loan books to assess compliance with both contractual and regulatory requirements relating to tracker mortgages to ensure the fair treatment of mortgage customers.

Lenders are also required to appoint external independent third party assurers to oversee the Tracker Examination and to ensure that it is being carried out in line with the Central Bank's Framework for the conduct of the Tracker Examination.

### **Insurance Costs**

135. **Deputy Maureen O'Sullivan** asked the Minister for Finance the extent to which the motor insurance market in particular and the insurance market in general has been influenced by statistics produced by An Garda Síochána which have now been confirmed as being unreliable; and if he will make a statement on the matter. [15945/17]

**Minister for Finance (Deputy Michael Noonan):** I understand following consultation with your office that the reference to "statistics produced by An Garda Síochána which have now been confirmed as being unreliable" relates specifically to the recent public revelation that the number of roadside drink-driving breathalyser tests undertaken nationally between 2011 and early 2016 have been exaggerated by the Garda Síochána.

As you are aware, as part of a Departmental review of policy in the insurance sector, I established the Cost of Insurance Working Group, chaired by Minister of State Eoghan Murphy T.D. In the course of its examination of the motor insurance sector, which culminated in the publication of the "Report on the Cost of Motor Insurance" in January, the Working Group consulted with insurance providers in relation to issues such as how a motor insurance premium is calculated and what factors have led to the recent general large increases in such premiums.

Factors influencing the calculation of an individual premium include, inter alia, the age of the driver, the age of the vehicle, the relevant driving history, and existence or otherwise of a No Claims Discount/No Claims Bonus. Reasons provided to the Cost of Insurance Working Group for the large recent increases in motor insurance premiums included a cross-industry re-balancing process following a period, approximately from 2010 to 2014, when premiums were widely under-priced, growth in the frequency and cost of settling claims, and a significant rise in the levels of reserves set aside for claims expected to be paid in the future.

I am not aware of any evidence that the exaggerated number of roadside drink-driving breathalyser tests provided by An Garda Síochána would have had any direct impact on the general cost of motor insurance.

### **Tax Code**

136. **Deputy Michael McGrath** asked the Minister for Finance the status of the Government's appeal of the European Commission's state aid investigation ruling in a case (details supplied); if the backdated tax has been paid into an escrow account; the interest rate payable on the account; and if he will make a statement on the matter. [15960/17]

**Minister for Finance (Deputy Michael Noonan):** The Government profoundly disagrees with the European Commission's analysis in the Apple State Aid case.

An appeal is therefore being brought before the European Courts. Such an appeal takes the form of an application to the General Court of the European Union, asking it to annul the Commission's Final Decision. The Attorney General prepared the legal grounds in support of the annulment proceedings and the application has been lodged in the General Court of the European Union. As is normal practice, a summary of these have been published in the Official Journal of the European Union. They were also published on the Department of Finance's website in December 2016.

As this is the subject of open legal proceedings, it will not be possible to comment further, in particular on any of the individual elements of the State's legal case in defence of our position. This is important to ensure that we do not prejudice our own legal case.

Notwithstanding the appeal, Ireland is obliged to comply with the binding Articles of the Decision regarding recovery. This includes the order to calculate the exact amount of the aid and the process which ensures that the aid is recovered from the Apple companies. Both these processes are on-going and involve a high degree of co-operation with the Commission and Apple. Irish officials are continuing this work to ensure that the State complies with all our obligations. The Commission have confirmed that they are satisfied with Ireland's progress on the issue of recovery to date.

### **VAT Yield**

137. **Deputy Róisín Shortall** asked the Minister for Finance further to Parliamentary Question No. 226 of 1 February 2017, the steps he will take to ensure that the correct money due is paid in a timely fashion; and if he will make a statement on the matter. [15964/17]

**Minister for Finance (Deputy Michael Noonan):** As I informed the Deputy in response to Parliamentary Question number 71 of 23 March 2017, on 1 January 2015 new EU VAT rules came into effect changing the place of supply in respect of all supplies of telecommunications, broadcasting and electronic (TBE) services to consumers, from the place where the supplier is located to the place where the consumer resides. The VAT Mini One Stop Shop (MOSS), which is an optional scheme, also came into operation on 1 January 2015 allowing business to submit returns and pay the relevant VAT due to EU Member States through the web portal of one Member State, instead of having to register for VAT in multiple Member States.

I am informed by the Revenue Commissioners that the amount of VAT collected on behalf of and subsequently remitted to each EU Member State is in accordance with EU rules governing the place of supply of TBE services and is paid in a timely fashion.

The apparent underpayment highlighted by the Deputy is in fact a transitional feature of the changeover to the new VAT rules, whereby the Member State which collects the VAT can retain a proportion of the VAT due to other Member States for a set period. When the scheme to tax TBE services in the place of the consumer was agreed, it was decided to provide that 30% of the monies collected under MOSS would be retained by the Member State of the supplier in 2015 and 2016; 15% would be retained in 2017 and 2018, before transitioning to a full transfer of funds under MOSS from 2019 on. In 2016, for example, the amount of VAT remitted to other Member States in relation to TBE services was the total amount of VAT collected on behalf of other Member States minus the retention fee of, at that time, 30%.

## VAT Rate Application

138. **Deputy Róisín Shortall** asked the Minister for Finance the way in which the change to the TBE rules have added to GDP and GNP in 2016 and his Department's estimate of the likely influence they will have in 2017 on both GNP and GDP; and if he will make a statement on the matter. [15965/17]

**Minister for Finance (Deputy Michael Noonan):** The new EU VAT rules relating to the supply of telecommunications, broadcasting and electronic (TBE) services were introduced by Council Directive 2008/8/EC and Council Implementing Regulation (EU) No 1042/2013 and took effect from 1 January 2015. Under the new regulation, the applicable VAT rules on the supply of TBE services in intra-EU transactions are those in the Member State where the consumer resides.

The publication of National Accounts data, including GDP and GNP, is the responsibility of the Central Statistics Office (CSO). Assessing the impact of the new rules on GDP is complex given the wide range of services covered by the regulation, the need to account for the impact on Irish suppliers as well as Irish consumers and the fact that there are different VAT regimes across the EU. However, it is likely that the ultimate impact on GDP would be negligible as a number of these factors would net off. The initial estimates of 2016 GDP and GNP data were published by the CSO in the quarterly national accounts for the fourth quarter of 2016 earlier this month. These showed GDP growth of 5.2 per cent and GNP growth of 9.0 per cent. The final figure for 2016 will be published with the National Income and Expenditure data for 2016 due in June.

The most recent assessment of the economic outlook was published as part of the Economic and Fiscal Outlook in Budget 2017. At that time, my department was forecasting real GDP growth of 3.5 per cent this year and real GNP growth of 3.3 per cent. A revised set of macro-economic forecasts will be published as part of the Stability Programme Update in April.

## Tracker Mortgages Data

139. **Deputy Michael McGrath** asked the Minister for Finance the number of affected mortgage accounts under the Central Bank's tracker mortgage examination, by lender; the number of mortgage accounts with interest rates rectified broken down by lender; the average interest rates of those accounts rectified; the number of PDH and BTL mortgage accounts that have received compensation by lender; the average compensation rate by lender, in tabular form; and if he will make a statement on the matter. [15966/17]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank of Ireland published a report providing a further update on the Examination of Tracker Mortgage Related Issues on 23 March. The report is the latest in a series of status updates since the Examination commenced and sets out the progress being made by lenders in completing the review. The report also sets out information on the Central Bank's enforcement powers and activity in response to the tracker mortgage issues identified to date. The Examination Framework, the Principles for Redress and the Appeals Process set out by the Central Bank have also been published, in conjunction with the report.

In all, approximately 9,900 customer accounts have been identified as impacted by lenders, as part of the Examination, as at end February 2017. The Central Bank also identified 7,100 accounts where a tracker-related issue was resolved before the commencement of the system-wide Tracker Mortgage Examination. Lenders have commenced contacting impacted

customers identified as at end February 2017 and have rectified the interest rates applied to such impacted customers' accounts, thus stopping further detriment. As at the date of the Report, interest rates have been rectified on more than 90% of the accounts that require such rectification.

To end February 2017, approximately €78m has been paid in redress and compensation to approximately 2,600 impacted customers identified as part of the Examination.

Due to statutory confidentiality requirements, the Central Bank has advised me that it may not publicly disclose much of its supervisory engagement with individual firms. In particular, the Central Bank can, generally speaking, only disclose such information in summary or aggregate form so that individual firms cannot be identified. The Central Bank has to be careful that any public disclosures made by it do not breach its statutory confidentiality requirements or prejudice any ongoing or possible future supervisory or enforcement actions.

### **Tracker Mortgages**

140. **Deputy Michael McGrath** asked the Minister for Finance the methodologies used by each lender under the Central Bank's tracker mortgage examination to arrive at a redress rate of interest and compensation; the way in which the Central Bank determines such methodologies to be appropriate; and if he will make a statement on the matter. [15967/17]

**Minister for Finance (Deputy Michael Noonan):** It is important to note that the Central Bank does not have the statutory power to compel lenders to implement redress and compensation programmes in respect of failures that occurred prior to the introduction of the Central Bank (Supervision and Enforcement) Act 2013. However, where customer detriment is identified, the Central Bank has advised that it has clearly articulated its expectations of lenders to provide appropriate redress and compensation to impacted customers in line with prescribed Principles for Redress.

Key elements of the Central Bank's expectations in respect of redress and compensation for impacted customers include:

- any harm is stopped at the earliest possible time after each group of impacted customers is identified;

- the interest rates applied to impacted customers' accounts revert to the appropriate tracker interest rate or impacted customers are given the opportunity to revert to such a rate where relevant;

- redress will be provided to impacted customers to return them to the position they would have been in had lenders' failures not occurred;

- reasonable compensation, that reflects the detriment suffered by individual customers, is provided;

- redress and compensation is to be paid to impacted customers up front at the point of offer and compensation cannot be reduced by virtue of a customer lodging an appeal;

- an additional payment is to be provided to impacted customers at the point of offer to enable them to take independent professional advice regarding the redress and compensation offers made to them;

- an independent appeals process is to be established to address complaints from customers who are dissatisfied with any aspect of the redress and compensation package that they receive

from lenders; and

- lenders will undertake not to raise any time limit defences that may otherwise apply if impacted customers make complaints to the Financial Services Ombudsman (the “FSO”) or initiate proceedings before the courts.

The Principles for Redress are designed to ensure that impacted customers receive appropriate redress and compensation in a timely manner. The appeals element of the Principles for Redress ensures that customers have an option to challenge any aspect of the redress and compensation package, which is additional to the options of bringing a complaint to the FSO or initiating court proceedings.

### **Tracker Mortgages**

141. **Deputy Michael McGrath** asked the Minister for Finance if timelines have been set for the completion of each of the four phases in the Central Bank’s tracker mortgage examination; if lenders will be penalised for not completing these phases on time; and if he will make a statement on the matter. [15968/17]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank has advised that it requires lenders to complete the Examination in four phases as follows:

- Phase 1: Development and Submission of Detailed Plan;
- Phase 2: Information Gathering/Review/Report Submission;
- Phase 3: Calculation of Redress and Compensation (where relevant); and
- Phase 4: Implementation of Redress Programme (where relevant).

Phase 1 of the Examination is now complete.

Phase 2 of the Examination is on-going. As at December 2016, nine lenders have submitted Phase 2 reports. The remainder are still engaged in their Phase 2 reviews and interim reports/status updates have been provided as appropriate. The Central Bank invoked its powers under Section 22 of the Central Bank (Supervision and Enforcement) Act 2013 to set specific timelines for lenders to complete Phase 2 of the Examination, the last of which will be completed by no later than end September 2017. By this date, the Central Bank expects all lenders to have identified all impacted accounts and have commenced engagement with most impacted customers. The Central Bank will be rigorously monitoring the completion of this work.

While the Central Bank expects that Phase 2 will be completed by end September 2017, payment of redress and compensation by the lenders and the Central Bank’s assurance work will continue beyond this point for some lenders. The Central Bank expects lenders to commence Phases 3 and 4 as impacted customers are identified. It is important to note that Phases 3 and 4 (calculation of redress and compensation and implementation of the redress programme) can run concurrently with Phase 2.

The Central Bank will take appropriate supervisory action, up to and including enforcement action where necessary, in order to ensure lenders deliver fair outcomes for impacted customers. Enforcement activity will be influenced by the outcome of the reviews currently being conducted as part of the Examination.

## **Credit Union Regulation**

142. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary Question No. 76 of 29 September 2016, if he will clarify the meanings when he states that no concrete business model development proposals have been received; if proposals, concrete or otherwise, have been made; if any of these proposals requested a change to current regulations; if so, the outcome of these proposals; and if he will make a statement on the matter. [15969/17]

**Minister for Finance (Deputy Michael Noonan):** I have been informed by the Central Bank that it engages with credit unions wishing to expand the range of products and services they provide to their members but that it is clear that the ownership of business model development in credit unions rests with individual credit unions themselves. This engagement is framed in the context of the Credit Union legislation. The majority of products and services that credit unions wish to offer are accommodated within that legislation and require no additional approval from the Registry. However if approval is required it is a matter for the Registrar of Credit Union at the Central Bank. The important considerations for credit unions are that they understand the nature of the risks involved in any new product or business line, the financial implications in terms of overall return on assets and product investment, that they have the necessary control and governance framework to oversee their business. The Registry of Credit Unions does not publish details of bilateral applications.

Recent developments in business model evolution are social housing investments which requires amendment to Regulations as provided for under Section 43 (2)(c). The Central Bank will shortly issue a consultation paper on proposed changes to the regulations expanding the list of eligible investments.

Longer term lending engagement has centered around mortgages and changes to longer term lending limits which would require amendment to Regulations. The Central Bank informs me that it has yet to receive any concrete proposals around such changes. The Central Bank has indicated it is prepared to review longer term lending limits and has highlighted asset and liability management, funding profile and funding sources as areas for consideration in developing such proposals. This review is in line with the Credit Union Advisory Committee (CUAC) recommendation of a full review of s35 lending limits and concentration limits. Further work is being undertaken in this area by the Implementation Group established to implement the CUAC recommendations.

Services or products not accommodated within the existing legislation and regulation can be applied for under the Additional Services Framework under sections 48 to 52 of the Credit Union Act 1997. In relation to current account services including payment instruments such as debit cards, the Registrar of Credit Unions recently approved six credit unions that applied for and were approved for this new business line. The Central Bank is currently reviewing a number of additional applications for this service.

## **Credit Union Regulation**

143. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary Question No. 77 of 29 September 2016, if decisions relating to requests for changes to Regulations 2016 are appealable to the Irish Financial Services Appeals Tribunal; and if he will make a statement on the matter. [15970/17]

144. **Deputy Michael McGrath** asked the Minister for Finance his views on whether it is necessary to expand the appealable decisions under the Irish Financial Services Appeals Tribu-

nal to include the decisions relating to Regulations 2016 for credit unions; and if he will make a statement on the matter. [15971/17]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 143 and 144 together.

My role as Minister for Finance is to ensure that the legal framework for credit unions is appropriate for the effective operation and supervision of credit unions.

The Registrar of Credit Unions at the Central Bank is the independent regulator for credit unions. Within her independent regulatory discretion, the Registrar acts to support the prudential soundness of individual credit unions, to maintain sector stability and to protect the savings of credit union members.

Since 1 August 2013 Part VIIA of the Central Bank Act, 1942 has applied to credit unions. This provides credit unions with the right to appeal certain decisions of the Central Bank to IFSAT. Appealable decisions include:

- certain decisions in the Credit Union Act, 1997 (1997 Act)
- refusal of approval under the Central Bank Reform Act 2010
- findings or orders of an inquiry under the Administrative Sanctions Procedure.

Decisions in relation to requests for changes to Regulations 2016 are not appealable to the Irish Financial Services Appeals Tribunal.

However, under section 84A of the Credit Union Act, 1997 the Central Bank before making regulations is required to consult with:

- The Minister and the Credit Union Advisory Committee,
- Any other body that appears to the Bank to have expertise or knowledge of credit unions generally, and
- Any other body that the Bank considers appropriate to consult in the circumstances.

The Consultation Protocol for Credit Unions, published by the Central Bank in 2012, indicates that the Central Bank will consult on new regulations that will, in the view of the Central Bank, potentially have a significant impact on the business of credit unions. The consultation process for the 2016 Regulations (CP88) took place in 2015 and attracted 117 submissions from representative bodies, individual credit unions, credit union Chapters and from professional bodies, TDs and investment firms. The Central Bank published a Feedback Statement and all submissions received are available on the Central Bank's website.

Since the provision of new regulation making powers to the Central Bank, the Registry of Credit Unions is in a position to review and update the regulations as appropriate on a timely basis and following consultation. The Central Bank is keen to ensure that the regulations remain appropriate for the credit union sector and where credit unions set out a clear path on how they wish to develop, they will consider any amendments to the regulations that may be appropriate.

The Central Bank is in the process of reviewing investment regulations for credit unions considering a number of factors including expanding the permitted classes of investments. In line with the published consultation protocol, once the Central Bank have completed their review and analysis and developed proposals, they will undertake a consultation with credit

unions and representative bodies and associations. This will be in the form of a public consultation on draft investment regulations, which will provide a framework for them to seek, receive, analyse and respond to feedback on their proposals prior to finalisation and publication.

### **Banking Sector Regulation**

145. **Deputy Michael McGrath** asked the Minister for Finance his views on reports that a State owned bank expects to increase its share of the personal lending market by specifically targeting the business of credit unions in view of the regulatory curtailment in 2011; his further views on whether the actions of the bank is placing the credit unions at a disadvantage; and if he will make a statement on the matter. [15972/17]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware, notwithstanding the State's various shareholdings in the banking sector, the strategic and commercial direction taken by each bank is solely the responsibility of the management team and board of that institution. I have no role in their strategic decision making or indeed day to day operations.

The average Credit Union sector loan to asset ratio is currently c.27% reflecting low loan to asset ratios for the majority of credit unions, including those that do not have lending restrictions imposed by the Central Bank of Ireland.

The Central Bank has informed me that lending restrictions are imposed in the context of on-going matters of supervisory concern arising in individual credit unions. Currently c.24% of Credit Unions are operating under lending restrictions. For those credit unions where there is an individual loan size restriction in place, the level at which the limit is imposed ensures that the vast majority of those credit unions can continue to make loans significantly more than the average loan for the sector of just above €6,000. The Central Bank has advised me that that the Registry of Credit Unions has carefully calibrated the use of this regulatory tool to mitigate risk while also recognising the core business of credit unions to lend to their members

I have said before that open market competition between prudent, commercial lenders represents the best method of driving better rates, offers and choice in financial services for customers.

### **Credit Union Regulation**

146. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary Question No. 78 of 29 September 2016, if consideration has been given to increasing the oversight in view of the extent of powers devolved to the Central Bank in respect of credit unions; his views on whether a peer review every four years is sufficient oversight; and if he will make a statement on the matter. [15973/17]

148. **Deputy Michael McGrath** asked the Minister for Finance if a review of the Central Bank's regulatory performance and any other relevant matter has been undertaken with regard to the Registrar of Credit Unions as stipulated by the Central Bank Reform Act 2010; if he will be examining this review; if he will publish this review; and if he will make a statement on the matter. [15975/17]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 146 and 148 together.

My role as Minister for Finance is to ensure that the legal framework for credit unions is



appropriate for the effective operation and supervision of credit unions.

The Registrar of Credit Unions at the Central Bank is the independent regulator for credit unions. Within her independent regulatory discretion, the Registrar acts to support the prudential soundness of individual credit unions, to maintain sector stability and to protect the savings of credit union members.

The Central Bank is accountable through legislation as follows:

- the requirement to prepare a three-year strategic plan for submission to the Minister for Finance;

- preparation of a statement of the Central Bank's performance in regulating financial services which includes the annual report prepared by the Registrar of Credit Unions with respect to the activities of the Registrar of Credit Unions; and

- the requirement at least every four years to arrange for an international peer review of the Central Bank's regulatory performance.

In addition, the Registrar of Credit Unions appears before Oireachtas Committees when invited to do so.

Under section 32M of the Central Bank Act 1942, the Central Bank is required, at least every four years, to make arrangements for a peer review of the Central Bank's performance of its regulatory functions.

The first such peer review of the Central Bank's performance of its regulatory functions in relation to credit unions was undertaken in 2015 by the International Credit Union Regulators' Network (ICURN). The peer review report was published in September 2015. The basis for the peer review was the 'ICURN Guiding Principles for Effective Prudential Supervision of Cooperative Financial Institutions (2011)', which were developed using the Basel Committee on Banking Supervision's Core Principles for Effective Banking Supervision as a guide.

The overall finding in the peer review report was that the Central Bank effectively performs its functions in the regulation and supervision of the credit union sector in Ireland and had effectively undertaken the demanding task of introducing a comprehensive regulatory structure of credit unions. The report assessed the Central Bank's performance against twenty-three Guiding Principles with each one assessed using five grading categories. ICURN provided a rating of 'Compliant' for twenty Guiding Principles and 'Largely Compliant' for three Guiding Principles.

Guiding Principle 1 focused on the effectiveness of the legal framework, including powers for authorisation, supervision, powers to enforce compliance with relevant laws, safety and soundness and legal protection for supervisors. The ICURN review rated the Central Bank compliant for guiding principle 1.

The review included some recommendations for refinements under the following three broad areas:

- Supervisory Approach;
- Communications and Guidance; and
- Resources.

I have been informed by the Central Bank that it has taken actions and initiatives to imple-

ment these recommendations. The full ICURN peer review report is available on the Central Bank's website.

Based on ICURN's overall finding in the 2015 peer review report that the Central Bank effectively performs its functions in the regulation and supervision of the credit union sector in Ireland and based on my Department's regular interaction with the Registry, I am satisfied that more regular reviews are not warranted.

### **Central Bank of Ireland Supervision**

147. **Deputy Michael McGrath** asked the Minister for Finance if the Central Bank has set up an advisory group to advise on the performance of its functions and the exercise of its powers in respect of credit unions as provided for under the Central Bank Reform Act 2010; if that group is the same as the credit union advisory committee; the number of times this advisory group has met since the powers to regulate credit unions were devolved to the Central Bank; and if he will make a statement on the matter. [15974/17]

**Minister for Finance (Deputy Michael Noonan):** Under section 18E (1)(b) of the Central Bank Act, 1942, the Central Bank shall establish an advisory group to advise the Central Bank, where the Bank requests, on the performance of its functions and the exercise of its powers in relation to credit unions.

I have been advised by the Central Bank that given the establishment of the Commission on Credit Unions (May 2011-March 2012), the Commission on Credit Unions Implementation Group (May 2012-May 2014) and the Implementation Group arising from the Credit Union Advisory Committee Review of Implementation of the Recommendations in the Commission on Credit Unions Report (established November 2016), the advisory group referred to in the question has not been established to date. The Central Bank further informs me that it will give consideration to the appropriate time frame for establishing a Credit Union Advisory Group taking account of other developments in the sector.

The Credit Union Advisory Committee (CUAC) is a committee established by the Minister for Finance, under section 180 of the of the Credit Union Act 1997 to provide advice to the Minister on credit union matters.

*Question No. 148 answered with Question No. 146.*

### **Credit Union Regulation**

149. **Deputy Michael McGrath** asked the Minister for Finance if there is a mechanism in place whereby he can update or change the 2016 Regulations with regard to credit unions; if legislation is required if such changes were to be made; and if he will make a statement on the matter. [15976/17]

**Minister for Finance (Deputy Michael Noonan):** My role as Minister for Finance is to ensure that the legal framework for credit unions is appropriate for the effective operation and supervision of credit unions.

The Registrar of Credit Unions at the Central Bank is the independent regulator for credit unions. Within her independent regulatory discretion, the Registrar acts to support the prudential soundness of individual credit unions, to maintain sector stability and to protect the savings of credit union members.

The Report of the Commission on Credit Unions made a number of recommendations regarding the strengthening of the regulatory framework for credit unions and also recommended that regulation making powers be delegated to the Central Bank. This report was agreed by all stakeholders, including credit union representative bodies. Over 60 of these recommendations were reflected in the Credit Union and Co-operation with Overseas Regulators Act 2012 (2012 Act), which was enacted on 19 December 2012. The 2012 Act was commenced in tranches over a period of time with the last tranche commenced on 1 January 2016.

Those sections of the 2012 Act commenced on 1 January 2016, replaced, amended or supplemented sections of the Credit Union Act, 1997 and provided the Central Bank with the power to make regulations. Amendment of these regulations is a matter for the Central Bank.

In order to increase transparency and confidence in the regulation making process, consultation arrangements are provided for in 84A(2). The Consultation Protocol for Credit Unions, published by the Central Bank in 2012, indicates that the Central Bank will consult on new regulations that will, in the view of the Central Bank, potentially have a significant impact on the business of credit unions. Under section 84A of the Credit Union Act, 1997 the Central Bank before making regulations is required to consult with:

- The Minister and the Credit Union Advisory Committee,
- Any other body that appears to the Bank to have expertise or knowledge of credit unions generally, and
- Any other body that the Bank considers appropriate to consult in the circumstances.

### **Credit Union Services**

150. **Deputy Michael McGrath** asked the Minister for Finance if the consumer advisory group attached to the consumer protection division of the Central Bank has expressed any concerns regarding the negative impact that the gradual diminution of products and services allowable by credit unions under current regulations might be having on consumers; and if he will make a statement on the matter. [15977/17]

**Minister for Finance (Deputy Michael Noonan):** The role of the Consumer Advisory Group ('CAG') is to advise the Central Bank on the performance of its functions in relation to protecting consumers. I understand from the Central Bank that the CAG has indicated that the matter raised by Deputy McGrath has not been discussed by the group.

### **Schools Building Contractors**

151. **Deputy Joan Burton** asked the Minister for Education and Skills if the successful contractor for the Maynooth education campus project, Maynooth, County Kildare, has responded to the letter of intent issued by Kildare and Wicklow Education and Training Board, KWETB; if the KWETB has issued a letter of acceptance to the contractor; when contracts will be signed; when work will commence on site; and if he will make a statement on the matter. [15805/17]

**Minister for Education and Skills (Deputy Richard Bruton):** I am pleased to inform the Deputy that the contractor responded to the Letter of Intent on the 21 March last. The response received, is currently being examined by the ETB's Design Team.

Assuming that the contractor has complied with the requirements of the Letter of Intent, it

is envisaged that construction will commence on site shortly.

### **DEIS Applications**

152. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills the status of an appeal for DEIS status in respect of a school (details supplied); and if he will make a statement on the matter. [15813/17]

**Minister for Education and Skills (Deputy Richard Bruton):** All schools in the country across both the Primary and Post Primary sectors have been assessed in terms of the socio-economic background of their pupil cohort using centrally held data. This process has determined the level of concentrated disadvantage across the school system and identifies those schools in need of the greatest level of support.

The key data sources include the DES Primary Online Database (POD) and Post-Primary Online (PPOD) Databases as populated by schools and the CSO Small Area of Population (SAP) data from the National Census of Population 2011 as represented by the Pobal HP Deprivation Index (HP Index). Variables used in the compilation of the HP Index include those related to demographic growth, dependency ratios, education levels, single parent rate, overcrowding, social class, occupation and unemployment rates. This data is combined with pupil data, anonymised and aggregated to small area, to provide information on the relative level of concentrated disadvantage present in the pupil cohort of individual schools. This data is applied uniformly across all schools in the country.

In its initial application, the new identification model has identified that there are schools in disadvantaged areas, not previously included in DEIS, whose level of disadvantage is significantly higher than many schools already in the programme. Accordingly, we are moving as a first step to include these schools in the DEIS School Support Programme.

Schools which have not been included, including the school referred to by the Deputy, are those which have not been identified as having the highest levels of concentrated disadvantage amongst their pupil cohort, under the new identification process, which is fair, objective and has been uniformly applied. I am fully aware that there are further schools whose concentrated level of disadvantage may not be at the highest level, but may nevertheless be at a level which warrants additional supports for pupils under DEIS.

However, as noted in the DEIS Plan, the implementation of a new objective central data-based model of identifying levels of disadvantage within school populations will be followed by a further programme of work to create a more dynamic model where levels of resource more accurately follow the levels of need identified by that model. Once this work has been completed, consideration will be given to extending DEIS supports to a further group of schools as resources permit.

In delivering on the DEIS Plan 2017 we must be conscious that there are ongoing changes in demographics which may be more marked in some areas than others. Populations in some areas have changed considerably since schools were originally evaluated for inclusion in DEIS in 2006. The new model may reveal that some schools currently included in DEIS have a level of disadvantage within their school population much lower than that in some schools not included within DEIS. If this turns out to be the case, then we must consider whether it is fair that those schools continue receiving these additional resources, using resources that may be more fairly allocated to the schools with greater levels of disadvantage.

It is important to note that the fact that a school has not been included in the DEIS pro-

gramme on this occasion does not preclude its inclusion at a later date, should its level of disadvantage warrant the allocation of additional resources.

As provided for in the DEIS Action Plan the Department has begun a process of verifying the data used to identify the levels of concentrated disadvantage for each school that has requested verification including the school detailed by the Deputy. When this process has been concluded all schools who have requested such verification will be notified by the Department of the outcome of this process.

### **Further Education and Training Programmes**

153. **Deputy Tom Neville** asked the Minister for Education and Skills the number of tourism and hospitality skills training positions that were allocated to County Limerick in 2015 and 2016; and if he will make a statement on the matter. [15815/17]

154. **Deputy Tom Neville** asked the Minister for Education and Skills the amount of funding that was allocated to County Limerick for tourism and hospitality skills training in 2015 and 2016 by his Department; and if he will make a statement on the matter. [15818/17]

155. **Deputy Tom Neville** asked the Minister for Education and Skills the agency or Government body which has oversight and responsibility for hospitality and tourism skills development policy here; and if he will make a statement on the matter. [15821/17]

**Minister of State at the Department of Education and Skills (Deputy John Halligan):** I propose to take Questions Nos. 153 to 155, inclusive, together.

My Department has overall responsibility for policy development for education and training provision across the economy including the hospitality and tourism sector.

The Expert Group on Future Skills Needs (EGSFN) carried out a study on the future skills needs of the sector and the report of the study was published in November 2015. The objective was to assess demand arising within the sector in Ireland including hotels, restaurants, bars, canteens and catering over the period to 2020. The aim was to ensure that there will be the right supply of skills to help drive domestic hospitality sector business and employment growth. The report provides a clear and coherent framework for the development of talent in the hospitality sector in the years ahead to help drive both hospitality business and employment growth which is one the key goals of the Government's Tourism Policy Statement – People, Place and Policy-Growing Tourism to 2025.

The Study assesses skills demand at all NFQ levels, with a particular focus on career progression opportunities for those at lower skilled levels to help fill anticipated job openings. The report provides a set of recommendations designed to address the skills requirements of the sector over the period to 2020. A key recommendation in the report was the need to set up of a National Oversight and Advisory Group comprising all the key hospitality stakeholders.

Membership of the Group includes the Restaurant Association of Ireland, the Irish Hotel Federation, Irish Hospitality Institute, Licensed Vintners Association, Vintners Federation of Ireland, Fáilte Ireland, Department of Jobs, Enterprise and Innovation, Department of Education and Skills, Department of Social Protection, Higher Education Authority, Skillnets, SOLAS, ETBs, IoTs, DIT and Quality and Qualifications Ireland.

The role of the Group is to monitor progress on the implementation of the recommendations of the EGFSN and to provide a forum for on-going collaboration in addressing the skills needs

of the sector and to identify and progress actions to overcome barriers on its implementation.

The Group plan to publish a progress report later this year. To date work has been undertaken on careers promotion via a range of fora, the launch of the Tourism Insight online programme –aimed at promoting careers in tourism and hospitality with particular reference to transition year and Youthreach participants. Audits of both higher and further education facilities and courses are underway as well as the establishment of a Restaurant and Hospitality Skillnet which aims to address key skills requirements of restaurants and catering companies to help drive the domestic hospitality sector, employment growth, talent attraction and retention.

Funded through the National Training Fund by my Department, the network plans to design tailored programmes covering all aspects of the restaurant, food and beverage industry to SMEs nationally, with a particular focus on career progression for those at lower skilled levels to help fill anticipated job openings and increase retention levels within the sector and is well placed to address key recommendations of the EGFSN 2015 Report on the Future Skills.

I recently launched the 2016-2020 Action Plan to expand Apprenticeship and Traineeship in Ireland, setting out how state agencies, education and training providers and employers will work together to deliver on the Programme for Government commitments on the expansion of apprenticeship and traineeship in the period to 2020. The Plan sets out how we will manage the pipeline of new apprenticeships already established through the first call for proposals in 2015 and also commits to a new call for apprenticeship proposals later this year, to provide for the needs of all sectors, including hospitality and tourism. Over the lifetime of the Action Plan, 50,000 people will be registered on apprenticeship and traineeship programmes representing a doubling of current activity.

Work is progressing on the development of a new Commis Chef Apprenticeship led by the Irish Hotels Federation and the Restaurants Association of Ireland working with Kerry Education and Training Board. It is planned that this programme will commence later this year. The Apprenticeship Council also recently approved development funding for a separate proposal to develop a Chef de Partie Apprenticeship. The Apprenticeship Council will continue to work with the proposers of these new programmes to develop them into sustainable apprenticeships that can be delivered on a nationwide basis. The funding for planned and forecast expansion in 2017 will see an additional €20 million provided.

In 2015 a new Career Traineeship initiative was begun by SOLAS in collaboration with ETBs and enterprise to develop a more effective model of work-based learning, primarily at NFQ levels 4 and 5, incorporating best national and international research and practice. Networks of Employers have been created to facilitate partnerships between ETBs and employers in identifying training needs, designing the training programmes, recruitment of learners and delivery of the training on and off the job. The Career Traineeship model of work-based learning is currently being piloted with the Hospitality and Engineering sectors, with the involvement of seven ETBs.

Given the breadth and range of programmes within the Further Education and Training (FET) sector, it is not possible to provide details of funding and places on a county by county basis across specific sectoral provision. However, one way in which Solas classify FET provision is by the career areas which it serves. The following table shows the total number of beneficiaries in the career areas of Food and Beverage and Tourism for Limerick Clare Education and Training Boards for 2015 along with that planned for 2016. As yet, final 2016 figures are not available.

While it is not possible to give details of expenditure at the level of career areas, the scale of total investment in FET and the numbers served on both a full and part time basis are also

included in the table.

In relation to the number of tourism and hospitality skills training positions within the higher education sector in 2015 and 2016 and the amount of funding allocated for tourism and hospitality skills training in the same years, it is not possible to give a breakdown by county as students can apply for courses throughout the country, through the CAO application process. Limerick Institute of Technology had 447 students with funding of €2.657 million in 2015 and 438 students with funding of €3.015 million in 2016.

In 2015 the total number of students in higher education courses in this sector was 8,220 with estimated funding allocated of approximately €47.4 million and in 2016 the total number of student for the sector was 8,033 with estimated funding allocated of approximately €48.4m. The funding includes an estimation of grants allocated to these courses, student contributions and free fees. The student numbers are calculated as full time equivalents (FTE) which includes part time and full time student counts.

This analysis of the higher education sector includes all courses within the following categories:

Tourism/Hotel/Leisure/Event

Hospitality & Culinary

Heritage & Cultural

I also understand that a limited amount of complementary tourism-related business development and training supports are provided by Fáilte Ireland, the agency responsible for encouraging, promoting and supporting tourism as a leading indigenous component of the Irish economy.

			2015	2016
			Inputs	
ETB	Skill Cluster	Provision type	Total Actuals	Total Projected
LIMERICK AND CLARE ETB	Food and Beverage	Total FULL TIME PROVISION	127	186
		Total PART TIME PROVISION	178	158
		Total COMMUNITY EDUCATION	0	0
		Total PROVISION	305	344
	Tourism	Total FULL TIME PROVISION	151	147
		Total PART TIME PROVISION	0	0
		Total COMMUNITY EDUCATION	0	0
		Total PROVISION	151	147

#### TOTAL Expenditure Nationwide

	2015	
	Beneficiaries Actual	Actual Expenditure
Total FULL TIME PROVISION	126,567	€405,919,922
Total PART TIME PROVISION	152,212	€65,033,976
Total COMMUNITY EDUCATION	66,616	€10,914,066
	2016	
	Beneficiaries Planned	Planned Expenditure
Total FULL TIME PROVISION	126,153	€400,622,733

	2016	
	Beneficiaries Planned	Planned Expenditure
Total PART TIME PROVISION	134,839	€65,373,528
Total COMMUNITY EDUCATION	51,999	€10,727,731

### DEIS Applications

156. **Deputy Dara Calleary** asked the Minister for Education and Skills if consideration is being given to a DEIS application from a school (details supplied) in County Mayo; if he will prioritise it for inclusion on the DEIS scheme in view of the rural geographical position of the school; and if he will make a statement on the matter. [15830/17]

**Minister for Education and Skills (Deputy Richard Bruton):** DEIS is my Department's main policy initiative to tackle educational disadvantage. The DEIS Plan for 2017 sets out our vision for future intervention in the critical area of social inclusion in education policy.

DEIS Plan 2017 provides for a new identification model for assessment of a school's level of disadvantage using centrally held data. The key data sources include the DES Primary On-line Database (POD) and Post-Primary Online (PPOD) Databases as populated by schools and the CSO Small Area of Population (SAP) data from the National Census of Population 2011 as represented by the Pobal HP Deprivation Index (HP Index). Variables used in the compilation of the HP Index include those related to demographic growth, dependency ratios, education levels, single parent rate, overcrowding, social class, occupation and unemployment rates. This data is combined with pupil data, anonymised and aggregated to small area, to provide information on the relative level of concentrated disadvantage present in the pupil cohort of individual schools. This data is applied uniformly across all schools in the country.

Schools are not required to make an application for inclusion in the DEIS programme as all schools in the country across both the Primary and Post Primary sectors have been assessed in terms of the socio-economic background of their pupil cohort using centrally held data. This process has determined the level of concentrated disadvantage across the school system and identifies those schools in need of the greatest level of support.

In its initial application, the new identification model has identified that there are schools in disadvantaged areas, not previously included in DEIS, whose level of disadvantage is at the same level as the current DEIS category for schools serving the highest concentrations of disadvantage. This includes 15 new Urban Band 1 schools, 30 Urban Band 2 schools raised to Urban Band 1 status, 51 new Rural DEIS schools and 13 new Post Primary DEIS schools.

Accordingly, we are moving as a first step to include these schools in the DEIS School Support Programme. Schools included in the list published by my Department on 13th February are those whose level of concentrated disadvantage has been identified as being

Schools which have not been included, including the school referred to by the Deputy, are those which have not been identified as having the highest levels of concentrated disadvantage amongst their pupil cohort, under the new identification process, which is fair, objective and has been uniformly applied. I am fully aware that there are further schools whose concentrated level of disadvantage may not be at the highest level, but may nevertheless be at a level which warrants additional supports for pupils under DEIS.

However, as noted in the DEIS Plan, the implementation of a new objective central data-based model of identifying levels of disadvantage within school populations will be followed by a further programme of work to create a more dynamic model where levels of resource more



accurately follow the levels of need identified by that model. Once this work has been completed, consideration will be given to extending DEIS supports to a further group of schools as resources permit.

In delivering on the DEIS Plan 2017 we must be conscious that there are ongoing changes in demographics which may be more marked in some areas than others. Populations in some areas have changed considerably since schools were originally evaluated for inclusion in DEIS in 2006. The new model may reveal that some schools currently included in DEIS have a level of disadvantage within their school population much lower than that in some schools not included within DEIS. If this turns out to be the case, then we must consider whether it is fair that those schools continue receiving these additional resources, using resources that may be more fairly allocated to the schools with greater levels of disadvantage.

The DEIS Plan provides for a verification process and any school wishing to seek verification of the information used to assess the level of disadvantage of its pupil cohort may submit an application for same to [social\\_inclusion@education.gov.ie](mailto:social_inclusion@education.gov.ie).

### **Oibreacha Feabhsúcháin do Scoileanna**

157. D'fhiafraigh **Deputy Pearse Doherty** den an Aire Oideachais agus Scileanna cad chuige nach bhfuil aon dul chun cinn déanta fós chun na fadhbanna atá ag scoil i gContae Dhún na nGall a sháru (sonraí curtha ar fáil); an ndéanfaidh an Roinn teagmháil dhíreach leis an mbord bainistíochta d'fhonn teacht ar réiteach atá inghlactha go coiteann; and if he will make a statement on the matter. [15834/17]

**Minister for Education and Skills (Deputy Richard Bruton):** Chuir an scoil dá ndéanann an Teachta tagairt iarratas ar Oibreacha Éigeandála isteach chun síneadh a chur leis an halla spóirt agus leis an seomra foirne a bhí ann cheana, agus é mar aidhm aici dul i ngleic leis an bhfadhb taise atá ann i bhfoirgneamh na scoile freisin. I mí Iúil 2016, moladh d'údarás na scoile an tIarratas ar Oibreacha Éigeandála a ghearradh siar chun dul i ngleic leis an bhfadhb taise amháin toisc go raibh an síneadh leis an halla spóirt agus leis an seomra foirne lasmuigh de théarmaí agus coinníollacha na Scéime um Oibreacha Éigeandála.

Rinne údarás na scoile achomharc in aghaidh an chinnidh sin. Moladh dó an athuair iarratas a dhéanamh ar chistiú éigeandála chun dul i ngleic leis an bhfadhb taise amháin. Cuireadh in iúl d'údarás na scoile freisin go bhféadfadh sé iarratas a dhéanamh ar oibreacha sínidh faoi Scéim Cóiríochta Breise na Roinne.

Níl an t-iarratas leasaithe ar oibreacha éigeandála faighte ag an Aonad Pleanála agus Tógála i mo Roinn go fóill. Breithneofar an t-iarratas sin a luaithe a gheofar é agus eiseofar cinneadh chuig údarás na scoile a luaithe is féidir ina dhiaidh sin.

The school to which the Deputy refers submitted an Emergency Works Application to extend their existing sports hall and staff room with a view to also addressing a dampness issue in their school building. The school authority were advised in July 2016 to submit a scaled back Emergency Works Application to address the dampness issue only as the provision of an extended sports hall and staff room were outside the terms and conditions of the Emergency Works Scheme.

The school authority appealed this decision and were advised again that they should apply for emergency funding to address the dampness issue only. The school authority were also advised that it was open to them to apply for the extension works under the Department's Additional Accommodation Scheme.

To date my Department's Planning and Building have not received the scaled back emergency works application. Upon receipt of this application it will be assessed and a decision will issue to the school authority as quickly as possible.

### **School Accommodation**

158. **Deputy Paul Kehoe** asked the Minister for Education and Skills his plans to facilitate the students of a school (details supplied) that is currently over-subscribed while waiting for a new building development to be completed; and if he will make a statement on the matter. [15866/17]

**Minister for Education and Skills (Deputy Richard Bruton):** I wish to advise the Deputy that a building project for the school referred to is included in my Department's 6 Year Construction Programme (2016-2021).

Officials from my Department are working closely with officials from Wexford County Council under the Memorandum of Understanding towards the acquisition of a suitable site for the provision of the school referred to by the Deputy. When a site has been secured, a project for the school in question will be progressed into the architectural planning process.

In the meantime, my Department has been liaising with the school authority in relation to meeting its interim accommodation needs. My Department expects to make further contact with the school, when the school's proposals in the matter are received.

### **Summer Works Scheme Data**

159. **Deputy Robert Troy** asked the Minister for Education and Skills when he will announce the schools that have qualified for works under the summer works programme 2017; and if he will include a school (details supplied) for new toilet facilities. [15892/17]

**Minister for Education and Skills (Deputy Richard Bruton):** I wish to advise the Deputy that my Department is in receipt of a Category 5 application, toilet facilities project, under the Summer Works Scheme (2016-2017) from the school to which he refers.

Nearly 50% of schools have applied for inclusion under the scheme which reflects a very high demand. Details of successful school applicants in respect of Categories 1 and 2 were announced in April last and are published on my Department's website [www.education.ie](http://www.education.ie). Assessment of valid projects in further categories is now being undertaken by my Department, subject to the overall availability of funding, in accordance with the terms and conditions of the scheme as outlined in Circular Letter (0055/2015), which may be accessed on my Department's website. The application from the school in question is available to be considered in this context.

### **Summer Works Scheme**

160. **Deputy John Brassil** asked the Minister for Education and Skills when the school summer works scheme will open for new applications for 2018; and if he will make a statement on the matter. [15899/17]

**Minister for Education and Skills (Deputy Richard Bruton):** I wish to advise the Deputy

that nearly 50% of schools have applied for inclusion under the Summer Works Scheme (SWS) which reflects a very high demand. The current SWS was announced in late 2015 and is being applied on a multi-annual basis for the years 2016 and 2017. We are therefore not accepting further applications at this time.

Details of successful school applicants in respect of Categories 1 and 2 were announced in April last and are published on my Department's website [www.education.ie](http://www.education.ie). Assessment of valid projects in further categories is now being undertaken by my Department, subject to the overall availability of funding, in accordance with the terms and conditions of the scheme as outlined in Circular Letter (0055/2015), which may be accessed on my Department's website. I expect to be in a position to announce a further round of successful SWS applications in due course.

### **Parental Leave**

161. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a teacher's parental leave entitlement can be transferred from one of the teacher's children to another in a case whereby there is an exceptional health requirement on the part of one of the children; and if he will make a statement on the matter. [15943/17]

**Minister for Education and Skills (Deputy Richard Bruton):** Parental leave is a period of unpaid leave available to teachers for the purpose of the care of children. It is provided for under the Parental Leave Acts 1998 and 2006 and the European Union (Parental Leave) Regulations 2013 (S.I. No. 81 of 2013).

The provisions of the scheme as it applies to teachers are outlined in Chapter 6 of Terms and Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools - Edition 1, the contents of which were agreed under the auspices of the Teacher Conciliation Council (TCC).

The TCC is part of the scheme of Conciliation and Arbitration for Teachers and was set up to deal with claims and proposals relating to the Terms and Conditions of employment of teachers. The Council is composed of representatives of teachers, school management, the Department of Education and Skills, the Department of Public Expenditure and Reform and is chaired by an official of the Workplace Relations Commission.

A teacher is entitled to 18 weeks parental leave in respect of each child up to the age of 13 years or the age of 16 years in the case of a child with a disability and/or long-term illness. There is no obligation however to take the full 18 weeks leave.

Each parent has a separate entitlement to parental leave from his/her job and such leave is available to each parent who meets any of the following criteria:

- (a) the natural parent
- (b) the adoptive parent
- (c) the adopting parent
- (d) a teacher acting in loco parentis to a child

Subject to the approval of the employer, it is possible to transfer 14 weeks out of the 18 week parental leave entitlement to another parent of a relevant child, provided the other parent is employed with the same employer. In compliance with Council Directive 2010/18/EU, it is

necessary for each parent to retain 4 weeks, out of his/her 18 week entitlement, for his/her own personal use. Under that Directive, these 4 weeks may not be transferred to another parent and can only be used by the parent with whom the entitlement originates. This means where both parents are in the one school one parent may avail of 32 weeks and the other 4 weeks.

There is no provision for transfer of parental leave between children.

### State Examinations

162. **Deputy Willie Penrose** asked the Minister for Education and Skills if he will ensure that a person (details supplied) who has applied for reasonable accommodation in the junior certificate examination is granted same; and if he will make a statement on the matter. [15980/17]

**Minister for Education and Skills (Deputy Richard Bruton):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations. The Commission in this regard operates a scheme of Reasonable Accommodations in the Certificate Examinations.

In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

### Planning Issues

163. **Deputy Fiona O'Loughlin** asked the Minister for Housing, Planning, Community and Local Government the guidelines that are necessary when planning the construction of a solar energy farm; and if he will make a statement on the matter. [15798/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** There are no specific planning guidelines in place in respect of solar farms. Proposals for individual solar farm developments are subject to the statutory requirements of the Planning and Development Act 2000, as amended, in the same manner as other proposed developments. Planning applications are made to the relevant local planning authority with a right of appeal to An Bord Pleanála.

Under the Planning and Development Act, each planning authority's development plan must set out an overall strategy for the proper planning and sustainable development of the area concerned. Section 10 of the Act requires a development plan to include, *inter alia*, objectives for the provision or facilitation of the provision of infrastructure, including energy facilities, and many local authorities have developed renewable energy strategies for their areas in this context.

In making decisions on planning applications, planning authorities and the Board must consider the proper planning and sustainable development of the area, having regard to the provisions of the local development plan, any submissions or observations received and relevant Ministerial or Government policies, including any relevant guidelines issued by my Department. Planning authorities must then make their own decisions based on the specific merits or otherwise of individual planning applications.

I am satisfied that the planning code is sufficiently robust to facilitate the assessment of individual planning permission applications for solar farm developments. However, the matter will be kept under review, in consultation with my colleague, the Minister for Communications, Climate Action and the Environment, and his Department - which leads on renewable energy

policy - in the context of the Government's 2015 White Paper on Energy Policy, the development of a Renewable Electricity Policy and Development Framework, as well as the finalisation of a new support scheme for renewable electricity by that Department, expected in late 2017.

### **Social and Affordable Housing**

164. **Deputy Fergus O'Dowd** asked the Minister for Housing, Planning, Community and Local Government if local authorities nationwide have the power to purchase, outside of the Rebuilding Ireland strategy, homes that have been made available to purchase by their owners; and if he will make a statement on the matter. [15833/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** Under my Department's Social Housing Investment Programme, funding is provided to local authorities for the acquisition of suitable new and second-hand housing and apartments for social housing use. The selection of such units for acquisition is a matter for local authorities as the housing authorities for their areas, with the clear expectation that such acquisitions meet priority housing need, are suitable, good quality, value for money, sustain balanced tenure mix and are part of a broader approach to the development of new social housing for the area.

### **Unfinished Housing Developments**

165. **Deputy Fergus O'Dowd** asked the Minister for Housing, Planning, Community and Local Government if he will review the case of a person (details supplied); and if he will make a statement on the matter. [15860/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** My colleague, Minister of State Damien English, last week published the fifth annual progress report and seventh housing survey on tackling the issue of unfinished housing developments. This 2016 update report reveals a 85% drop in the unfinished developments since 2010, from nearly 3,000 to 420, with 248 developments resolved in 2016 alone.

My Department's objective is to resolve all remaining unfinished housing developments, especially those within high market demand locations. The results of the 2016 survey indicate that the parts of developments that are occupied are in the vast amount of cases now well established and finished to a good standard.

My Department engages with all local authorities, including Louth County Council, on unfinished housing developments to keep their progress under constant review. In this context, Louth County Council advised my Department last October of the development in question where there is one occupied unit within an incomplete development.

In advance of categorising the development, clarification was sought by my Department as to whether the area in question represented an 'unfinished' housing development as opposed to a cluster of individual or one-off homes.

Louth County Council subsequently contacted my Department on 10 January, proposing that the Department consider adding this estate to the list of unfinished housing developments as the Council had established it was an 'unfinished' development. However, at that stage, my Department had already completed and finalised the 2016 survey. The 2017 survey will be commenced during the Summer and at that stage, this development will be considered for survey

by the Department.

### **Freedom of Information Remit**

166. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning, Community and Local Government if business improvement districts established under the Local Government (Business Improvement Districts) Act 2006 will be brought under the Freedom of Information Act. [15880/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** Under the governing legislation, a Business Improvement District company is required to be limited by guarantee and formed and registered under the Companies Act. The board of directors will be made up of businesses or their representatives and nominees of the local authority. At least two thirds of the directors must be ratepayers or ratepayer representatives.

Under the Freedom of Information Act 2014 a company (within the meaning of the Companies Act ) is not an FOI body for the purposes of the Act unless a majority of the shares are held by or on behalf of a Minister of the Government, a requirement which is not met in the case of a BID company. The Freedom of Information Act 2014 is under the remit of my colleague, the Minister for Public Expenditure and Reform; in the context of the next review of the scope of application of the FOI legislation, I will arrange for the question of the inclusion of BID companies to be considered.

### **Fire Service**

167. **Deputy Brendan Smith** asked the Minister for Housing, Planning, Community and Local Government when a project will proceed to the next stage (details supplied); if he will ensure that this project will be given urgent consideration with a view to progressing same to construction stage; and if he will make a statement on the matter. [15882/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** The provision of fire services in local authority areas, including the establishment and maintenance of fire brigades, the assessment of fire cover needs and the provision of premises, is a statutory function of the individual fire authorities under the provisions of the Fire Services Act 1981. My Department supports the fire authorities through setting general policy, providing a central training programme, issuing guidance on operational and other related matters and providing capital funding for priority infrastructural projects.

In February 2016, my Department announced a five-year Fire Services Capital Programme with an allocation of €40 million, based on an annual €8 million allocation, to be used for the purchase of fire appliances and specialist equipment, building or upgrading of prioritised Fire Stations, an upgrade of the Communications and Mobilisation system and improvements to Training Centres.

Monaghan County Council has prioritised a fire station project in Castleblayney and this is included as part of this programme under the list of priority projects to be progressed for 2019. While a new fire station for Ballybay is not provided for in the current five-year Fire Services Capital Programme, projects are reassessed on an annual basis and priority may be adjusted to bring forward projects offering best value-for-money and to take account of the state of readiness of projects.

## Commercial Rates

168. **Deputy Bernard J. Durkan** asked the Minister for Housing, Planning, Community and Local Government if his attention has been drawn to the likely impact of a dramatic increase in rates arising from revaluation of rateable properties in County Kildare, having particular regard to the fact that many businesses are only beginning to recover from the downturn in the economy; and if he will make a statement on the matter. [15909/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Acts 2001 to 2015. The Commissioner for Valuation has sole responsibility for all valuation matters except appeals of valuation procedures set out under the Valuation Acts 2001 to 2015 which come under the remit of an independent Valuation Tribunal. The Valuation Acts come under the aegis of my colleague, the Tánaiste and Minister for Justice and Equality.

Under Part 5 of the Valuation Acts 2001 to 2015, the Commissioner of Valuation is conducting a revaluation of all commercial and industrial properties throughout the State. To date, revaluations have been completed in South Dublin County Council, Fingal County Council, Dún Laoghaire-Rathdown County Council, Dublin City Council, Waterford City and County Council and Limerick City and County Council. I understand that revaluations in 10 local authorities, including Carlow, Kildare, Kilkenny, Leitrim, Longford, Offaly, Roscommon, Sligo and Westmeath County Councils are due to be completed this year with valuations to take effect for rates purposes for 2018.

I am aware of recent media reports that certain business owners have stated that they will face higher rates bills. However, it is not the purpose of a revaluation to increase or decrease the total amount of commercial rates collected by local authorities but rather to ensure that the valuations used for rating purposes are up-to-date and reflect current market conditions. With this in mind, it is possible that some ratepayers may see the rateable valuation of their properties increase while other ratepayers may see the rateable valuation of their properties decrease. Section 56 of the Valuation Acts 2001 to 2015, as amended by section 8 of the Local Government (Business Improvement Districts) Act 2006, provides that I, as Minister, can make an order directing a rating authority to limit the overall amount of income it could raise through rates in the year following a revaluation to the total amount of rates liable to be paid to it in the previous year, adjusted for inflation. Rate limitation orders have been made in each of the local authorities that have undergone a revaluation to date and I will be making further orders later this year in respect of the rating authorities currently undergoing revaluations.

## Private Rented Accommodation

169. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government the status of the working group review of a company (details supplied) and regulations; and if he will make a statement on the matter. [15959/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** The Strategy for the Rental Sector, approved by Government on 13 December 2016, is structured around 4 key areas: security, standards, supply and services. The measures under these four headings will be implemented through the 29 actions contained in the Strategy.

In terms of supply, the focus in the strategy is on maintaining existing levels of rental stock

and encouraging investment in additional supply. There are shortages in the supply of rental accommodation in key locations, particularly in urban areas. In some of these areas there is also significant demand for transitory short-term accommodation. In this context, providing short term rentals at higher prices may be an attractive option for landlords. However, a determination by An Bord Pleanála in a particular case has determined that the exclusive use of a residential apartment for short-term holiday lettings is a material change of use requiring planning permission.

The implications of this case have raised a number of regulatory and other related issues, such as tax liability, residential tenancy regulation, support for tourism, and planning. The Strategy for the Rental Sector provides for the establishment by my Department of a working group, comprising representatives of relevant stakeholders including local authorities, relevant Departments, public bodies and other interests in the area, with a view to providing more information on the scale and nature of the issue and full clarity regarding the appropriate regulatory approach to be adopted in relation to short-term tourism-related lettings. The working group is due to report in Quarter 2 2017.

The Rental Strategy is a set of prioritised and sequenced actions, a number of which involve interdepartmental working groups. These are being established and are commencing their work in accordance with the timeframes in the Rental Strategy. Other working groups with shorter timeframes have already started work and the working group in question will commence its work shortly, including considering its working arrangements, allowing it to report within the timeframe outlined in the Strategy.

Officials from my Department are in active discussions with organisations involved in short term letting with a view to establishing collaborative agreements within the coming weeks to ensure that those involved in such letting have all required planning permissions.

### **Commercial Rates**

170. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government his plans to reform the commercial rates system; and if he will make a statement on the matter. [15961/17]

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation pursuant to the Valuation Acts 2001 to 2015. The levying and collection of rates are matters for each individual local authority.

Commercial rates form an important element of the funding of all local authorities. The principle of local authorities levying rates based on an independent valuation is well established and I have no plans to change this. However, the legislative basis for the levying of rates is spread over a number of enactments, some dating back to the 19th century. I have asked my Department to develop proposals for the preparation of a Rates Bill to modernise and consolidate the legislation in this area. I will be bringing proposals to Government on this matter shortly.

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

171. **Deputy Michael Ring** asked the Minister for Social Protection when a person (details supplied) in County Mayo will be approved for and granted carer's allowance. [15778/17]



**Minister for Social Protection (Deputy Leo Varadkar):** I confirm my department received an application for carer's allowance from the person concerned on 1 February 2017. The application is currently being processed and once completed, she will be notified directly of the outcome.

I hope this clarifies the matter for the Deputy.

### Social Welfare Schemes

172. **Deputy Fiona O'Loughlin** asked the Minister for Social Protection if he will review the case of a person (details supplied); and if he will make a statement on the matter. [15797/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The activation supports and services which are available to those who are long-term unemployed include the JobPath employment activation service and work experience and training schemes such as Community Employment (CE) and TÚS.

The aim of the JobPath service is to assist participants in finding sustainable full-time paid employment. It is distinct from the Community Employment scheme which provides part-time employment and training opportunities in local communities for people on a range of Social Welfare payments including long-term unemployment payments as a stepping stone back to employment. I should emphasise that Community Employment does not, nor is it intended to, provide full-time sustainable employment.

Jobseekers can only participate with one activation scheme or service at a time; this is to allow the scheme and service providers time to work with the participants and also to ensure that the best use is made of the available places.

The customer mentioned is at an early stage of his year long engagement with the JobPath service, he will continue to receive intensive individual support and assistance from his personal advisor to look for employment. At the end of 52 weeks, if he has not been successful in finding suitable employment he may, subject to an assessment by an Intreo case officer, apply for other activation supports such as CE.

I hope this clarifies the matter for the Deputy.

### Jobseeker's Benefit Eligibility

173. **Deputy Ruth Coppinger** asked the Minister for Social Protection if he will change the regulations so persons applying for jobseeker's benefit payments will be assessed on the most recent complete tax year, in order to end the inequity of contributions made by employees in the previous year not being taken into account when calculating jobseeker's benefit, for example, the relevant tax year for jobseeker's benefit applications in 2017 is 2015 (details supplied); and if he will make a statement on the matter. [15829/17]

**Minister for Social Protection (Deputy Leo Varadkar):** Social insurance benefits including jobseeker's benefit are payments which are covered by pay related social insurance (PRSI) contributions.

To qualify for jobseekers benefit, for example, a person must satisfy the conditionality for the scheme including the contribution conditions. They must have at least 104 weeks qualifying PRSI contributions paid since they first started work and 39 weeks qualifying PRSI contribu-

tions paid or credited in the relevant tax year or, 26 weeks qualifying PRSI paid in the relevant tax year and 26 weeks qualifying PRSI paid in the tax year immediately before the relevant tax year. The relevant tax year is the second last complete tax year before the year in which your claim is made. So, for claims made in 2017, the relevant tax year is 2015.

The Revenue Commissioners collect PRSI on behalf of the Department and send this information to the Department, who then update the employee's PRSI records. Each registered employer in Ireland is obliged by law to account each year for the Income Tax, PRSI, Universal Social Charge and where applicable Local Property Tax deducted from his or her employees. A special return, which is commonly known as a P35 return, is used for this purpose.

For the 2016 relevant tax year the deadline for the P35 to be sent to the Revenue Commissioners was the 15th February 2017 (23rd February 2017 if using the electronic submission facility). Therefore, the Department does not receive PRSI information in relation to a person's contributions in the previous relevant tax year until after these dates. This means that for a person making a claim for a social insurance benefit in January or February 2017, their insurance (PRSI) record for 2016 is not yet available to my Department.

Additionally, information in relation to mistakes made or changes to the details relating to employee(s) already returned by employers on their P35 return are sent in throughout the year to the Revenue Commissioners, and onwards to the Department. Therefore it can take many months into the year before all employees PRSI details are fully updated in relation to the most recent complete tax year.

For these reasons I have no plans to change the current regulations for the assessment of jobseeker's benefit to the most recent complete tax year.

### **Social Welfare Appeals**

174. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when an oral hearing will be facilitated in the case of a person (details supplied) in respect of a recent appeal; and if he will make a statement on the matter. [15858/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 13 March 2107. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When these papers have been received from the Department, the case in question will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral appeal hearing.

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

I hope this clarifies the matter for the Deputy.

### **Citizen Information Services**

175. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection the details of all plans to restructure the Citizens Information Services and MABS; the cost of this restructure, including any reports he has on the consequences this will have on service users; and if he

will make a statement on the matter. [15859/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The Citizens Information Board (CIB), which has statutory responsibility for the Money Advice and Budgeting Service (MABS) and the Citizens Information Services (CIS) decided, on 15th February 2017, to restructure the governance arrangements of these services. The decision was communicated by the Board of CIB to all CIS and MABS Boards and to all staff on the same day. The CIB assures me that there will be no job losses, no closure of services, no change to service delivery locations and no change to the terms and conditions of serving staff during the lifetime of the restructuring programme. There will be no disruption to CIS and MABS services for those who use them.

The decision comes after a lengthy and extensive analysis of options and a detailed consultation period with all stakeholders on the need for a more streamlined governance model. The restructured governance arrangements are being implemented at local company board level only. The decision taken simply reduces the number of individual local CIS and MABS company boards from ninety three (93) to sixteen (16). A new regional board structure will be put in place which will comprise eight (8) CIS boards and eight (8) MABS boards. The valuable work carried out by the employees and volunteers working in CIS services and the employees of MABS services will continue as heretofore.

A more streamlined governance structure will result in a more targeted use of valuable staff resources, re-directed to increased front line service delivery, made possible by reduction in the current significant administrative burden associated with maintaining ninety three (93) individual companies nationwide. The changes will bring the CIS and MABS organisations more into line with modern public service governance guidelines and requirements where significant State funding is involved.

In 2017, CIB is set to receive State funding of €54 million, of which €15 million is allocated to CIS services (including €13.1 million to the 42 local Citizens Information Services, €1.2 million to Citizens Information Phone Services and, the balance, €0.7 million to central and other supports), and €24.6 million is allocated to the network of MABS services (including €15.4 million to the 51 local MABS, €0.3m to National Traveller MABS, €2.0 million to MABS National Development Company, €3.3million to the MABS Dedicated Mortgage Arrears initiative, €3.5 million to the Abhaile service, and the remaining €0.1m to MABS central supports).

Following on from the decision of the Board, a Restructuring Implementation Group is being set up by CIB to examine all aspects of implementing the new sixteen (16) board model. This work will include examination of the establishment costs of the new structure and the potential for future savings derived from the reduction in the administrative burden associated with ninety three (93) individual local companies. Current costs are an aggregate of the costs incurred by each of the ninety three (93) local companies on items such as audit fees, professional fees (including legal services), payroll administration and board of director expenses. While cost is not the driver of the restructuring project, some efficiencies are likely to result from moving to a reduced sixteen (16) company model.

The aim of the project is to improve existing governance arrangements and optimise the benefits from operating a more modern, streamlined and customer focused service delivery model.

I hope this clarifies the matter for the Deputy.

## **State Pension (Contributory) Data**

176. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of persons claiming widow's, widower's and surviving civil partner's (contributory) pension in 2015 and 2016; the number of women claimants in 2015 and 2016; the number of persons refused in 2015 and 2016 and the number of those persons that were women; the total amount paid in 2015 and 2016; and if he will make a statement on the matter. [15861/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The information requested by the Deputy (where available) is detailed in the following tabular statement.

Widows, Widowers or Surviving Civil Partners Contributory pension recipients with total expenditure at 31 December in each of the years 2015 and 2016

#### Widow's Pension Data

177. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of persons claiming a widow's, widower's or surviving civil partner's - non contributory pension - in 2015 and 2016; the number of women claimants in 2015 and 2016; the total amount paid in 2015 and 2016; and if he will make a statement on the matter. [15862/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The information requested by the Deputy in relation to expenditure for this scheme is detailed in the following tabular statement.

I regret that it is not currently possible to supply the requested breakdown of recipients.

Widows, Widowers or Surviving Civil Partners Non Contributory Pension total expenditure at 31 December in each of the years 2015 and 2016

	2015	2016
Scheme	Expenditure - €000	Expenditure €000 (Provisional)
Widow's, Widower's and Surviving Civil Partner's Non- Contributory Pension	15,865	14,557

#### One-Parent Family Payment Data

178. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of widows, widowers and surviving civil partners claiming the one parent family payment in 2015 and 2016; the number of female claimants who are widows and surviving civil partners in 2015 and 2016; the total paid in one parent family payment in 2015 and 2016; the total paid in one parent family payments to widows, widowers and surviving civil partners in 2015 and 2016; and if he will make a statement on the matter. [15863/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The information requested by the Deputy (where available) is detailed in the following tabular statement.

Widows, Widowers or Surviving Civil Partners claiming One-Parent Family Payment

	2015			2016		
	Male	Female	Total	Male	Female	Total
Recipients on 31 December	25	207	235	35	211	246

One-Parent Family Payment Expenditure

	2015	2016
Total Expenditure (€000)	670,564	500,699

### Social Welfare Benefits Data

179. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of persons receiving a death benefit in 2015 and 2016; the total paid in death benefits in 2015 and 2016; and if he will make a statement on the matter. [15864/17]

**Minister for Social Protection (Deputy Leo Varadkar):** Death benefit is one of the benefits payable under the occupational injuries benefit scheme. It is payable in the form of a pension to the widow, widower, surviving civil partner or orphan of an insured person who dies as a result of an occupational accident or a prescribed occupational disease or where the immediately before death, the deceased was in receipt of a disablement pension due to the loss of 50% or more of their physical or mental faculty.

A funeral grant is also payable to the next-of-kin.

The deceased must have been in insurable employment at the time of the accident or the disease which caused their death.

In 2015 expenditure was €8.2m in paying 655 death benefit pensions. This increased to 711 at the end of 2016 with an estimated expenditure of €8.3m.

### Social Welfare Schemes Data

180. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of persons claiming the widowed or surviving civil partner grant in 2015 and 2016; the number of these persons in 2015 and 2016 who were women; the total paid in widowed or surviving civil partner grant in 2015 and 2016; and if he will make a statement on the matter. [15865/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The number of Widowed or Surviving Civil Partner Grant recipients for 2015 and 2016, together with the scheme expenditure is set out in the following table.

Year	Recipients			Expenditure €000
	Male	Female	Total	
2015	296	752	1,048	5,771
2016	328	695	1,023	5,693*

\* *Provisional figure*

The Widowed or Surviving Civil Partner Grant [www.welfare.ie](http://www.welfare.ie) is a once-off payment to widows, widowers or surviving civil partners with dependent children. Full details of the scheme and the qualifying conditions are available on the Departments website

I hope this clarifies the matter for the Deputy.

### Social Welfare Payments Administration

181. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the extent to which a secure and reliable procedure for deduction at source of social protection payment can

be effected to facilitate a building society (details supplied) in the case of a person (details supplied); and if he will make a statement on the matter. [15906/17]

**Minister for Social Protection (Deputy Leo Varadkar):** My Department has advised me that the person in question is currently getting their social welfare payment directly into their building society account, so it should be possible for them to set up a direct debit facility with the building society in question (details provided).

With the exception of the Personal Micro Credit scheme the Department does not facilitate direct deductions from welfare payments for remittance to lenders. The aim of the Personal Micro Credit scheme is to move people away from the use of high cost moneylenders to provide an alternative, legitimate, and low cost personal loan scheme.

The Personal Micro Credit Scheme is offered to eligible applicants through their local credit union. Loans under the Personal Micro Credit scheme, known as It Makes Sense loans, range in value from €100 to a maximum of €2,000, and have a maximum interest rate of 12% per annum.

For applicants who receive their social welfare payment in cash (via a post office), the loan repayment must be made through the Household Budgeting facility, operated by An Post. For those who receive social welfare electronically (into an account in a financial institution), repayment must be made by standing order or direct debit, directly from the account into which their social welfare payment is made.

As Personal Micro Credit loans are only available from participating credit unions, it would not be possible for the person (details provided) to apply for their building society loan to be included.

### **Disablement Benefit**

182. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding the determination of eligibility in respect of an application for constant attendant allowance in the case of a person (details supplied); and if he will make a statement on the matter. [15910/17]

**Minister for Social Protection (Deputy Leo Varadkar):** Disablement benefit is one of the benefits payable under the occupational injuries benefit scheme to an insured person who suffers a loss of physical or mental faculty as a result of an occupational accident or a prescribed occupational disease. The person must have been in insurable employment at the time of the accident or the disease was contracted.

Disablement benefit when awarded, may be payable in the form of a gratuity or a pension.

A disablement pensioner who has lost 50% or more of their physical or mental faculty can receive an increase in their pension, where they are so seriously disabled as a result of their occupational injury or diseases that they need someone (a relative or some other person) to help them daily at home to attend to their personal needs for a period of at least 6 months.

This increase is known as a constant attendance allowance (CAA).

A decision on entitlement to the allowance is made with the advice of one of the Department's medical advisors.

The person concerned was awarded a Disablement pension from 13 December 1985 and ap-

plied for CAA in January 2017. The application for CAA has been refused on the grounds that she is not so seriously disabled as a result of her occupational injury that she needs someone to help her daily at home to attend to her personal needs for a period of at least 6 months.

The person concerned was notified on 28 March 2017 of this decision and her right of appeal to the independent Social Welfare Appeals Office.

I hope this clarifies the matter for the Deputy.

### **Rent Supplement Scheme Applications**

183. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if he will review the case of a person (details supplied) who has applied for rent support; and if he will make a statement on the matter. [15920/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The Rent Supplement application for the client concerned was disallowed on the grounds that she failed to provide relevant documentation that was required in order to establish an entitlement to Rent Supplement.

The client has been advised of her right to appeal this decision, should she wish to do so.

I trust this clarifies the matter for the Deputy.

### **Jobseeker's Allowance Payments**

184. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if he will clarify the way in which it transpires that a person (details supplied) is in receipt of a reduced level of payment in respect of their jobseeker's allowance payment; and if he will make a statement on the matter. [15921/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The person concerned is in receipt of a jobseeker's allowance payment which comprises a full personal rate, an adult dependent rate and a dependent child rate for 3 dependent children who qualify for payment under the provisions of the schemes. Additionally the person concerned is in receipt of a fuel allowance. The person concerned has 2 other children who do not qualify as dependent children under the terms of the scheme. One aged 24 is currently in receipt of a Back to Education payment and the other aged 22 has no pending application with the Department.

I hope this clarifies the matter for the Deputy. If you require any further assistance with this query please do not hesitate to contact Philip in my office who will assist.

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

185. **Deputy Brendan Smith** asked the Minister for Social Protection his plans to implement changes to the State contributory pension criteria to ensure that persons who had a break in their insurance contribution records while in receipt of farm assist due to periods of low farm income are not deprived of full State contributory pension; and if he will make a statement on the matter. [15944/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The farm assist scheme was introduced in 1999 to provide income support for low income farmers. It replaced the former

smallholders' unemployment assistance payment. In line with the then existing arrangements for unemployment assistance (including smallholders) and pre-retirement allowance, the income of farm assist recipients was exempt from class S PRSI for self-employed workers.

Recipients of farm assist who had previously paid Class S social insurance had the option of paying voluntary contributions to maintain their social insurance record, provided they satisfied the qualifying conditions. Since 1st January 2007, the exemption from class S PRSI has been removed and those receiving jobseeker's allowance and farm assist are subject to Class S PRSI as self-employed contributors on their self-employed income, provided their annual income is €5,000 or more.

I have no plans to amend legislation regarding the State pension (contributory), to award a maximum rate payment to pensioners who had such a period during 1999-2006 when they were exempt from PRSI.

However, a person aged over 66 with limited PRSI contributions over the course of their life may claim a State pension (non-contributory) if they have an income need, and this entitlement is not based on payment of social insurance contributions. The maximum weekly rate is €227, i.e. over 95% of the maximum contributory pension rate. While it is means-tested, there are very significant disregards which are to the benefit of claimants, and over 70% of such pensioners are paid at the full rate.

I hope this clarifies the matter for the Deputy.

### **Social Welfare Benefits Waiting Times**

186. **Deputy Willie Penrose** asked the Minister for Social Protection if social welfare payments that are due to persons who are placed on temporary layoff by their employer (details supplied) in County Kildare can be expedited, in view of the fact there are 14 employees involved and they have not received any social protection payments to date; and if he will make a statement on the matter. [15978/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The claims in question are being dealt with by Newbridge Intreo Centre. There have been some delays in claim processing recently due to high demand but it is expected that claims for the customers concerned will be processed this week.

All customers are advised of their right to apply for Supplementary Welfare Allowance, as an interim payment, while they await a decision on their jobseekers claims.

### **Social Welfare Appeals**

187. **Deputy Willie Penrose** asked the Minister for Social Protection the reason there is no independent appeals mechanism available, such as the social welfare appeals officer, when a decision is being reviewed by his Department rather than through the independent appeals process, in the situation where a person is being reviewed in terms of their entitlement to illness benefit credit contributions and his Department decides that they are not so entitled to credit contributions on the grounds that the person is not incapable of work; if this is the situation which prevails in respect of the determination of eligibility for this particular contribution; and if he will make a statement on the matter. [15981/17]

**Minister of State at the Department of Social Protection (Deputy Finian McGrath):**



The Social Welfare Acts provide that certain decisions under the Acts must be taken by Deciding Officers or Designated Persons nominated by the Minister for that purpose. These decisions may be appealed to the Social Welfare Appeals Office.

Other decisions (mainly administrative decisions) do not require a formal decision by a Deciding Officer or Designated Person. The award of credits falls into this category.

Accordingly, there is no legal basis for appealing these cases to the Social Welfare Appeals Office.

However, there are other avenues which can be pursued in such cases, such as a request for a review by another official, or a request to the Ombudsman to examine the case.

I trust that this explains the matter for the Deputy.

### **Disability Allowance Applications**

188. **Deputy Willie Penrose** asked the Minister for Social Protection when an application for disability allowance by a person (details supplied) will be adjudicated upon; and if he will make a statement on the matter. [15982/17]

**Minister of State at the Department of Social Protection (Deputy Finian McGrath):** This man has been awarded disability allowance with effect from 15 February 2017. The first payment will be made by his chosen payment method on 19 April 2017.

Arrears of payment due will issue as soon as possible once any necessary adjustment is calculated and applied in respect of any overlapping payments or in respect of outstanding overpayments (if applicable).

I trust this clarifies the matter for the Deputy.

### **Jobseeker's Allowance Payments**

189. **Deputy Willie Penrose** asked the Minister for Social Protection the reason a person (details supplied) in County Kildare is only getting a part payment on their social welfare payment; and if he will make a statement on the matter. [15984/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The person concerned was awarded Jobseekers Allowance from 20th March, 2017. The rate of payment of Jobseekers Allowance is age-related and therefore the customer is currently receiving the maximum rate payable to claimants in 18 to 24 years age range.

I trust that this clarifies the matter for the Deputy.

### **Illness Benefit Payments**

190. **Deputy Willie Penrose** asked the Minister for Social Protection if a person (details supplied) in County Kildare is in receipt of the correct illness benefit payment; and if he will make a statement on the matter. [15986/17]

**Minister of State at the Department of Social Protection (Deputy Finian McGrath):**

Illness benefit is a payment for persons who cannot work due to illness and who satisfy the pay related social insurance (PRSI) contribution conditions. The rate of payment depends on the person's level of earnings in the governing PRSI contribution year. For illness benefit claims made in 2017 the governing contribution year is 2015. Where the average weekly earnings are €300 or more, the personal rate of payment is €193 weekly (€188 prior to 13 March 2017). A graduated rate applies where the average weekly earnings are less than €300.

The person concerned made a claim to illness benefit and this claim was received in my Department on 23 February 2017. The person concerned qualifies for a graduated rate of illness benefit of €151.20 weekly (€147.30 prior to 13 March) based on their earnings in the governing year 2015. Payment has been made to the date of the latest evidence of work incapacity received.

It is noted that the spouse/partner of the person concerned is working on a Community Employment scheme. Further enquiries are therefore being made to ascertain if the level of payment of illness benefit should include increases in respect of a dependent spouse/partner and children. When these are completed the claim will be reviewed and the person concerned will be notified of the position.

I trust that this clarifies the matter for the Deputy.

### **Employment Support Services**

191. **Deputy Brendan Smith** asked the Minister for Social Protection if further consideration will be given to the request made to him by a delegation (details supplied) relating to the provision of services by his Department or agencies of his Department; and if he will make a statement on the matter. [15989/17]

**Minister for Social Protection (Deputy Leo Varadkar):** The Department of Social Protection delivers its services in County Monaghan through our network of offices including Branch Offices, Community Welfare Clinics, Activation Services, Social Welfare Inspectorate Services, Community Employment Services, Local Employment Services (LES) and the Job-Path Programme. Provision of information and access to income supports is provided by the Departments Community Welfare Service, which holds a weekly clinic in Ballybay. In addition the Department funds the Local Employment Service and the EmployAbility Service, both of which have offices in Ballybay and provide valuable support to the people of Monaghan. The Department also provides funding for Community Employment Schemes in Ballybay and in nearby Bawn Latton.

The Department thus continues to provide a high standard of services to the people of county Monaghan and has successfully implemented many positive changes in recent years to enhance these services. Over the coming years our wide ranging programme of organisational development will continue to support our efforts to deliver and improve our services, support economic growth and promote employability in county Monaghan.

As discussed at the meeting with local Oireachtas Members and Councillors from the Ballybay-Clones Municipal District on Wednesday 5th October 2016, it is not proposed to open an Intreo Centre in Ballybay or to relocate one of the Department's agencies there. I will however continue to be fully supportive of any initiatives that will boost employment opportunities – be they from the public or private sector - for people in the Ballybay area in the future.

I hope this clarifies the matter for the Deputy.

## Freedom of Information Legislation

192. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform his plans to extend the remit of the Freedom of Information Acts to cover the Citizens' Assembly in view of the absolute need for transparency in its operations; and if he will make a statement on the matter. [15883/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The Freedom of Information Act 2014 extended the remit of the legislation to a further 70 public bodies, bringing the overall total to some 600 bodies comprehended by the Act. The Act provides a very broad definition of public bodies at Section 6(1) and further provides that all new public bodies comprehended by this definition will automatically come under freedom of information (FOI) legislation, unless specifically exempted by order. This reversed the system under previous legislation whereby new bodies would have to be brought into the scope of the legislation by order.

The Act also provides the Minister for Public Expenditure and Reform with the power to make an order bringing a body under the Commissioner's remit if it is financed, wholly or partly, or directly or indirectly by means of monies provided by a Minister of the Government. I am sure that the Deputy would share the view that there has been substantial progress and a planned and structured approach of continuing to extend the Commissioner's remit is one that he would share.

With regard to the Citizen's Assembly, I am advised that FOI does not apply in this case as the body does not meet the criteria set out in Section 6 (1) of the Act. The Assembly is a temporary body which I understand has been operating in an open and transparent way with regard to its operations. For example on its website *www.citizensassembly.ie* you may find details on the assembly itself, copies of the submissions made and reports of all meetings, which are also live streamed at the time. In the circumstances, I currently have no plans to extend the remit of the legislation to the Assembly.

## Community Employment Schemes Supervisors

193. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform if the high level forum on the community employment sector has established a position in respect of an agreed pension entitlement for community employment scheme supervisors and assistant supervisors as per a 2008 Labour Court recommendation; and if he will make a statement on the matter. [15947/17]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The High Level Forum recently reconvened under a new Chair and arrangements have been made for this body to meet again at an early date. The issue of pensions for Community Employment Supervisors and Assistant Supervisors whose employment status is that of private sector employees is being deliberated on between the parties involved in the Forum.

## Hospital Services

194. **Deputy Paul Kehoe** asked the Minister for Health the status of the tender process for the satellite dialysis unit in County Wexford; when the process will be complete and contracts awarded; and if he will make a statement on the matter. [15774/17]

**Minister for Health (Deputy Simon Harris):** The HSE has advised that a Satellite Haemodialysis Unit will be developed in Wexford town. It will be under the clinical governance of the Haemodialysis Unit at University Hospital Waterford. I have been informed that an earlier tender process for this project could not be completed as the successful tenderer was refused planning permission for the intended site. I understand that the current procurement process is in the final stages and I have asked the HSE to provide you with further details.

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

195. **Deputy Denise Mitchell** asked the Minister for Health the reason funding has been reduced in respect of a service (details supplied); if provision has been made for the reduction in service for users; and if he will make a statement on the matter. [15775/17]

**Minister of State at the Department of Social Protection (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.

As the Deputy's question relates to service issues, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

### **National Maternity Hospital**

196. **Deputy Catherine Murphy** asked the Minister for Health further to Parliamentary Question No. 1,000 of 21 March 2017, his plans for a site (details supplied) upon completion of the proposed new maternity hospital; and if he will make a statement on the matter. [15779/17]

**Minister for Health (Deputy Simon Harris):** In relation to the particular query raised, I have asked the HSE to respond to you directly.

### **National Maternity Hospital**

197. **Deputy Catherine Murphy** asked the Minister for Health if he gave consideration or made attempts to buy outright the site that the proposed new maternity hospital will be built on; and if he will make a statement on the matter. [15784/17]

198. **Deputy Catherine Murphy** asked the Minister for Health if there is provision to collect the outstanding moneys owed by a religious order regarding the State redress scheme as part of a newly formed company (details supplied); and if he will make a statement on the matter. [15785/17]

199. **Deputy Catherine Murphy** asked the Minister for Health if he will have a role in the oversight of a hospital (details supplied); and if he will make a statement on the matter. [15786/17]

200. **Deputy Catherine Murphy** asked the Minister for Health his views on the appropriateness of a religious order (details supplied) having control of a State funded asset; and if he

will make a statement on the matter. [15787/17]

213. **Deputy Clare Daly** asked the Minister for Health if consideration has been given to purchasing or otherwise acquiring State ownership of the land for the new national maternity hospital from a religious order (details supplied) such that the State would have full ownership of the hospital with no interest being retained by the religious order; and if not, the reason. [15867/17]

214. **Deputy Clare Daly** asked the Minister for Health the detail of the appropriate security arrangements and established mechanisms referred to by the HSE (details supplied) that are to be put in place to protect State interests in the new national maternity hospital; and the way in which those arrangements will safeguard both the State's investment and an ethos in the hospital based on medical best practice rather than religious concerns, in view of the fact that a religious order will have an ownership stake in the hospital. [15868/17]

**Minister for Health (Deputy Simon Harris):** I propose to take Questions Nos. 197 to 200, inclusive, 213 and 214 together.

The *Independent Review of Maternity and Gynaecology Services in the Greater Dublin Area* was commissioned by the HSE and published in 2008. That review identified St Vincent's University Hospital as the most appropriate location for the redevelopment of the National Maternity Hospital (NMH). The site was at the time, and still is, in private ownership and was not on the market. The question of the purchase of the site did not therefore arise.

Last November, following mediation discussions, agreement was reached between the NMH and the St. Vincent's Healthcare Group on a new governance structure for the co-located hospitals on the St. Vincent's campus. The agreement provides for the establishment of a new company - The National Maternity Hospital at Elm Park DAC (limited by shares). The new company will have clinical and operational independence in the provision of maternity, gynaecology and neonatal services, as well as financial and budgetary independence, but will not have a role in relation to the State redress scheme.

I am satisfied that the agreement secured protects the identity and branding of the NMH and the right to use of the new maternity hospital facility. The autonomy of the NMH Board will be underpinned by reserved powers to ensure clinical and operational independence, and the Minister for Health will hold the power to protect those reserved powers. I am also satisfied that the financial interests of the State will be protected through a requirement for a lien to be placed on the hospital. I have asked the HSE to provide the Deputy with further details of the mechanisms which will be put in place to protect the State's investment in the new hospital.

### **Medicinal Products**

201. **Deputy Charlie McConalogue** asked the Minister for Health the status regarding a drug (details supplied); and if he will make a statement on the matter. [15788/17]

**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.

### **Hospital Appointments Status**

202. **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. [15789/17]

**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.

### National Cancer Strategy Publication

203. **Deputy Róisín Shortall** asked the Minister for Health the status of the publication of a new national cancer strategy in view of the fact that it is over 15 months since the previous strategy expired; and if he will make a statement on the matter. [15790/17]

224. **Deputy Joe Carey** asked the Minister for Health his plans to publish the national cancer care strategy; and if he will make a statement on the matter. [15941/17]

**Minister for Health (Deputy Simon Harris):** I propose to take Questions Nos. 203 and 224 together.

The development of a new National Cancer Strategy is nearing finalisation. I intend to bring the Strategy to Government in the coming weeks, following which it will be published.

### Hospital Appointments Status

204. **Deputy Robert Troy** asked the Minister for Health if he will expedite an appointment for an angiogram for a person (details supplied); and if he will make a statement on the matter. [15802/17]

**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 Status

205. **Deputy Robert Troy** asked the Minister for Health if he will make arrangements for an emergency medical appointment for a person (details supplied); and if he will make a statement on the matter. [15803/17]

**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.

## Medical Aids and Appliances Provision

206. **Deputy Robert Troy** asked the Minister for Health if he will provide a specialised wheelchair to a person (details supplied); and if he will make a statement on the matter. [15804/17]

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

## Hospital Waiting Lists

207. **Deputy Joan Burton** asked the Minister for Health if his attention has been drawn to the fact that 8% of all persons requiring an endoscopy here are on the waiting list at Naas General Hospital, County Kildare; his views on whether this exceptional waiting figure is due to the delay in providing the new endoscopy unit at the hospital; if he will address this waiting list by providing funding to transfer persons waiting for endoscopy to private hospitals to reduce waiting times; if he will ensure that the new endoscopy unit at Naas General Hospital is included in the revised capital plan; and if he will make a statement on the matter. [15806/17]

**Minister for Health (Deputy Simon Harris):** Reducing waiting times for the longest waiting patients is one of this Government's key priorities. Consequently, Budget 2017 allocated €20 million to the National Treatment Purchase Fund, NTPF, rising to €55 million in 2018.

In December 2016, I granted approval to the NTPF to dedicate €5m to a daycase waiting list initiative with the aim of ensuring that no patient will be waiting more than 18 months for a daycase procedure by 30 June 2017. In excess of 2000 daycases will be managed through this process and outsourcing of treatment will commence shortly. The focus of this initiative will be those lists with large numbers of long waiting patients.

In addition to this Daycase Initiative, the NTPF has been working closely with my Department and the HSE to agree an approach to the remaining 2017 allocation. The HSE is currently developing a 2017 Waiting List Action Plans for Inpatient/Daycase procedures and Outpatient appointments to reduce the number of patients waiting more than 15 months by the end of Octo-

ber. The Inpatient/Day case Plan is being developed in conjunction with the NTPF's approach to the utilisation of its remaining €10m funding for patient treatment in 2017.

Future investment in hospitals must be considered within the overall acute hospital sector infrastructure programme, the prioritised needs of the hospital groups and within the overall capital envelope available to the health service. Nevertheless, the HSE will continue to apply the available funding for infrastructure development in the most effective way possible to meet current and future needs, having regard to the level of commitments and the costs to completion already in place.

The Department of Health is working with the HSE and the Department of Public Expenditure and Reform to conduct a mid-term review of the capital programme. While the review will consider capacity requirements over the next decade or so, it will also have a short-term focus and determine how capital investment over the coming years can be best targeted, given the current pressures being experienced within our hospital services. Funding for the Endoscopy development in Naas will be considered in this context.

### **Medicinal Products Reimbursement**

208. **Deputy Tom Neville** asked the Minister for Health his views on a matter (details supplied) regarding the cystic fibrosis drug Kalydeco; and if he will make a statement on the matter. [15810/17]

**Minister for Health (Deputy Simon Harris):** The HSE has statutory responsibility for decisions on pricing and reimbursement of medicines under the community drugs schemes, in accordance with the Health (Pricing and Supply of Medical Goods) Act 2013.

In line with the 2013 Act, if a company would like a medicine to be reimbursed by the HSE pursuant to the community drug schemes or as a hospital medicine, the company must first submit an application to the HSE to have the new medicine added to the reimbursement list or to be priced as a hospital medicine. The company must submit a separate application to extend a treatment to a new cohort of patients. Each application is considered separately on its merits and in line with the 2013 Act.

In reaching its decision, the HSE examines all the evidence which may be relevant in its view for the decision (including the information or dossier submitted by the company) and will take into account such expert opinions and recommendations which may have been sought by the HSE at its sole discretion (for example, from the National Centre for Pharmacoeconomics, NCPE).

In considering an application, the HSE will also have regard to Part 1 and Part 3 of Schedule 3 of the 2013 Act. Part 3 requires the HSE to have regard to the following criteria:

- the health needs of the public;
- the cost-effectiveness of meeting health needs by supplying the item concerned rather than providing other health services;
- the availability and suitability of items for supply or reimbursement;
- the proposed costs, benefits and risks of the item or listed item relative to therapeutically similar items or listed items provided in other health service settings and the level of certainty in relation to the evidence of those costs, benefits and risks;



- the potential or actual budget impact of the item or listed item;
- the clinical need for the item or listed item;
- the appropriate level of clinical supervision required in relation to the item to ensure patient safety;
- the efficacy (performance in trial), effectiveness (performance in real situations) and added therapeutic benefit against existing standards of treatment (how much better it treats a condition than existing therapies); and
- the resources available to the HSE.

I am informed that the HSE received a request and economic dossier from the manufacturer of Ivacaftor, brand name Kalydeco, for the treatment of cystic fibrosis patients aged two years and older and weighing less than 25kg. In March of last year, the HSE asked the NCPE to carry out a health technology assessment of the applicant's economic dossier on the cost effectiveness of this treatment.

The NCPE completed its assessment and made a recommendation in October 2016. The NCPE determined that the manufacturer failed to demonstrate cost-effectiveness of the drug for its intended cohort of patients and did not recommend that it should be reimbursed for this indication at the submitted price.

A summary of the health technology assessment has been published on the NCPE website and is available at: <http://www.ncpe.ie/wp-content/uploads/2015/12/Ivacaftor-2-5-years-web-summary.pdf>.

The manufacturer of Kalydeco is also the manufacturer of Orkambi. As the Deputy will be aware, discussions with the company regarding Orkambi have been ongoing for a number of months. The most recent discussions have broadened to include Orkambi, Kalydeco and further treatments for cystic fibrosis patients. The matter is currently under consideration by the HSE Directorate and by officials in my Department.

I expect that this process will conclude in a period of weeks. However, given the scale of the investment, the potential benefits for Irish patients and the impact of this decision on the health service overall, I would call on all Deputies to allow this statutory process to be concluded.

I am acutely aware that the last number of months have been a stressful and worrying time for CF patients and their families. However, the Government's priority is to achieve the best outcome for Irish patients and the health system overall.

### **Mental Health Services Provision**

209. **Deputy Tony McLoughlin** asked the Minister for Health the way in which the HSE plans to support the development of much-needed Jigsaw projects in counties such as Sligo and Leitrim in the last quarter of 2017; the budget that will be available for such development; and if he will make a statement on the matter. [15811/17]

**Minister of State at the Department of Health (Deputy Helen McEntee):** As this is a service issue, this question has been referred to the HSE for direct reply.

### **Historical Records**

210. **Deputy John Brassil** asked the Minister for Health if he will address a matter (details supplied) regarding a person's records; and if he will make a statement on the matter. [15814/17]

**Minister for Health (Deputy Simon Harris):** The Registration of Maternity Homes Act, 1934, required maternity homes to maintain certain birth and death records. These records were kept at the home. Given the passage of time, I am not sure if all records relating to the private maternity home in question still exist. I am, however, aware that some historic maternity records are held by the National Archives. Accordingly, it might be worth addressing your query to that Office.

### **Hospital Appointments Status**

211. **Deputy Michael Healy-Rae** asked the Minister for Health the status of a hospital appointment in respect of a person (details supplied); and if he will make a statement on the matter. [15817/17]

**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.

### **Health Services**

212. **Deputy Fiona O'Loughlin** asked the Minister for Health if he will review the case of a mislaid file in respect of a person (details supplied); and if he will make a statement on the matter. [15832/17]

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

*Questions Nos. 213 and 214 answered with Question No. 197.*

### **Hospital Services**

215. **Deputy Pat Casey** asked the Minister for Health the timeframe for the purchase and installation of the robotic da Vinci surgical system in public hospitals in Dublin, Leinster and Munster, by hospital in tabular form; and if he will make a statement on the matter. [15872/17]

**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**

216. **Deputy Pat Deering** asked the Minister for Health when a person (details supplied) will receive a decision on their application to the HSE for dental work [15874/17]

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

### Vaccination Programme

217. **Deputy Sean Fleming** asked the Minister for Health if he will address concerns raised in correspondence (details supplied); and if he will make a statement on the matter. [15878/17]

**Minister for Health (Deputy Simon Harris):** This PQ concerns correspondence from an individual representing a group opposed to immunisation against HPV. In this correspondence he expresses concern about the vaccine and its effectiveness in preventing cervical cancer. Cervical cancer is the fourth most common cancer in women worldwide. Each year in Ireland around 300 women are diagnosed with cervical cancer and 100 die from the disease. All cervical cancers are linked to high risk Human Papillomavirus (HPV) types. In 2009 the National Immunisation Advisory Committee (NIAC) recommended HPV vaccination for all 12 year old girls to reduce their risk of cervical cancer and in September 2010 the HPV vaccination programme was introduced for all girls in first year of second level schools.

There are 2 licensed HPV vaccines available in Ireland (Gardasil and Cervarix). Gardasil is the vaccine used by the HSE in the School Immunisation Programme and is provided free of charge to girls in first year of second level school. Gardasil has been authorised for use across the European Union since September 2006 following a positive opinion from the Committee for Medicinal Products for Human Use at the European Medicines Agency (EMA). It is a fully tested vaccine which protects against the main cancer-causing strains of the Human Papilloma Virus (HPV 16 & 18) and will eventually save around 60 lives in Ireland every year. Vaccinated women and girls will still be at risk from other high risk types of HPV that can cause cervical cancer and will therefore need to continue to have regular cervical smear tests.

While no medicine (including vaccines) is entirely without risk, the safety profile of Gardasil has been continuously monitored since it was first authorised both nationally and at EU level. The Health Products Regulatory Authority (HPRA) is responsible for monitoring the safety and quality of all medicines that are licensed in Ireland. The HPRA and the European Medicines Agency (EMA) in Europe continually monitor adverse events to vaccination. The vast majority of reports received by the HPRA have been consistent with the expected pattern of short term adverse side effects for the vaccine, as described in the product information. The most frequently reported side effects are local redness and /or swelling at the point of injection and fever. These are usually mild and temporary reactions to any kind of vaccination. Fainting has occurred after vaccination with Gardasil, especially in adolescents.

The EMA completed a detailed scientific review in November 2015 of the evidence surrounding reports of two conditions: complex regional pain syndrome (CRPS) and postural orthostatic tachycardia syndrome (POTS). The Agency's Committee for Medicinal Products for Human Use concurred that the available evidence does not support that CRPS and POTS are caused by HPV vaccines. It therefore did not recommend any changes to the terms of licensing or the product information for these medicines. On 12 January 2016 the European Commission endorsed the conclusions of the European Medicines Agency, that there is no change to the way HPV vaccines are used, or to amend the current product information. This final outcome by the Commission is now binding in all member states.

I am aware of claims of an association between HPV vaccination and a number of conditions experienced by a group of young women. An illness that occurs around the time a vaccine is given and is already known to be common in adolescence does not imply the vaccine caused the problem. It appears that some girls first suffered symptoms around the time they received the HPV vaccine, and understandably some parents have connected the vaccine to their daughter's condition. It is important to reassure people that anyone who is suffering ill health is eligible to seek medical attention, and to access appropriate health and social care services, irrespective of the cause of their symptoms. The diverse nature of these symptoms, which can have both physical and psychological causes, are shared by many conditions which has implications for both diagnostic and treatment services. The individual nature of the needs of some children may require access to specialist services and the HSE are currently working to put in place clinical care pathways appropriate to the differing medical needs of this group. As there is no scientific evidence that the vaccine causes long term illnesses, the HPV vaccine cannot be held responsible for these illnesses.

It is important to counter misinformation in relation to the safety of vaccines, and to increase the uptake rates of all vaccines in the State's immunisation programmes. The scientific evidence is clear and misinformation is causing real harm to those unvaccinated children and adults who develop vaccine preventable diseases, and to people who seek inappropriate treatments for real conditions that are not caused by vaccines. The benefits of HPV vaccines outweigh the known side effects. The safety of these vaccines, as with all medicines, will continue to be carefully monitored and will take into account any future new evidence of side effects that becomes available.

My Department has already sent a reply to the original query.

### **European Health Insurance Card**

218. **Deputy Charlie McConalogue** asked the Minister for Health the percentage of medical costs that is reimbursed to persons who claim under the European health insurance card; and if he will make a statement on the matter. [15879/17]

**Minister for Health (Deputy Simon Harris):** Under EU Regulations, all persons ordinarily resident in the EU are entitled to apply for a European Health Insurance Card (EHIC). The EHIC certifies that the holder has the right to receive emergency healthcare during a temporary stay in any EU country as well as Switzerland, Liechtenstein, Norway and Iceland. This right is guaranteed to all persons who are covered by the public healthcare system of these countries. The European Health Insurance Card holder has the right to receive necessary treatment in the host Member State's public healthcare system on the same terms and at the same cost as nationals of the State concerned.

As the administration of the European Health Insurance Card comes under the remit of the HSE, my Department has asked the HSE to respond directly to the Deputy on this matter.

### **Drugs Payment Scheme Coverage**

219. **Deputy Dara Calleary** asked the Minister for Health when he expects the HSE to make a decision regarding the addition of the diabetes flash monitoring device, FreeStyle Libre, to the reimbursement list; and if he will make a statement on the matter. [15881/17]

**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.

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

220. **Deputy Clare Daly** asked the Minister for Health his plans to increase funding to develop new residential care facilities in areas identified with a need or an alternative policy to meet identified needs (details supplied). [15884/17]

**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.

As the Deputy's question relates to service issues, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

### **Psychological Assessments**

221. **Deputy Bernard J. Durkan** asked the Minister for Health if a child psychological assessment will be arranged in respect of persons (details supplied); and if he will make a statement on the matter. [15924/17]

**Minister of State at the Department of Health (Deputy Helen McEntee):** As this is a service issue, this question has been referred to the HSE for direct reply.

### **Medical Card Eligibility**

222. **Deputy Bernard J. Durkan** asked the Minister for Health if an emergency medical card will be issued in the case of a person (details supplied) who previously held such a card and who has no income other than jobseeker's and disability allowance; and if he will make a statement on the matter. [15936/17]

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

*Questions - Written Answers*  
**Health Services Provision**

223. **Deputy John Brassil** asked the Minister for Health the position regarding an ophthalmology appointment in respect of a person (details supplied); and if he will make a statement on the matter. [15940/17]

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

*Question No. 224 answered with Question No. 203.*

**Pharmacy Regulations**

225. **Deputy Robert Troy** asked the Minister for Health his plans to introduce a law whereby a pharmacist must provide a detailed receipt including the price of each medication on the prescription. [15942/17]

**Minister for Health (Deputy Simon Harris):** The Pharmaceutical Society of Ireland (PSI) Code of Conduct for pharmacists requires pharmacists to ‘provide honest, relevant, accurate, current and appropriate information to patients regarding the nature, cost, value and benefit of medicines, health-related products and services provided by them.’ Patients are entitled to ask for a breakdown of their medicine costs and the person in charge of the pharmacy should provide that information. The PSI has advised pharmacies that this should include an itemised receipt.

In 2014, the PSI Council issued principles to all pharmacists relating to pricing transparency to guide practice in retail pharmacy. This includes providing meaningful advice to patients about medicines and their prices, including provision of an itemised receipt.

The PSI Council also commissioned the development of a Patient Charter - You and Your Pharmacist - which was launched in August 2016. It is a reflection of the standards set out in the Code of Conduct for pharmacists as they relate to people availing of the professional services, advice and care provided by a community pharmacist. It includes the commitment that patients ‘can expect your pharmacist to give you clear information about the cost of medicines, other pharmacy services and health products’.

As this is a matter for the PSI in the first instance, and the PSI have addressed this issue in their Code of Conduct and Patient Charter, I have no plans to introduce a law whereby pharmacists must provide a detailed receipt including the price of each medication on the prescription at this time.

**Disability Support Services**

226. **Deputy Peter Burke** asked the Minister for Health if he will expedite an inspection to approve a house and to ensure that staff are employed on a contract between the HSE and an organisation for a person (details supplied) with immediate effect. [15948/17]

**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 particular issue raised by the Deputy is a service matter for the Health Service Executive (HSE). Accordingly, I have arranged for the Deputy's question to be referred to the HSE for direct reply to the Deputy.

### **Occupational Therapy**

227. **Deputy Dara Calleary** asked the Minister for Health the current waiting lists for occupational therapy provision here, by county, in tabular form; if he will provide a breakdown of these lists into persons waiting for 12 months or less, 24 months or less, 36 months or less, 48 months or less and 60 months or less; and the steps he has taken to address these lists. [15990/17]

**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.

### **GLAS Payments**

228. **Deputy Timmy Dooley** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Clare will receive GLAS payments; and if he will make a statement on the matter. [15776/17]

**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 he has been paid in full in respect of the 2015 scheme year. The 85% advance of his 2016 payment was paid to him on 29 December 2016. The balancing 15% of his 2016 payment will issue in due course.

### **Commencement of Legislation**

229. **Deputy Peter Burke** asked the Minister for Agriculture, Food and the Marine when the Forestry Act 2014 will be commenced; the effect this will have on setback distances of trees from public roads; if possible detrimental effects of this have been analysed; and if he will make a statement on the matter. [15791/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** It is currently proposed to commence the Forestry Act, 2014 with effect from mid-May 2017.

The Act provides an exemption from the requirement for a Felling Licence for trees outside a forest "within 10 metres of a public road and which, in the opinion of the owner (being an opinion formed on reasonable grounds), is dangerous to persons using the public road on account of its age or condition". This provision is considered essential from a health and safety perspective and outweighs any other potential negative impacts.

### **Knowledge Transfer Programme**

230. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if he will address a matter (details supplied) with regard to a discussion group; and if he will make a statement on the matter. [15820/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** Knowledge Transfer Facilitators are approved to run Knowledge Transfer Groups for the three year duration of the programme. In exceptional circumstances such as those outlined, my Department may approve the transfer of the group to another approved facilitator.

The requested transfer of the Knowledge Transfer Sheep groups mentioned has now been finalised and access to the supporting IT systems is now in place.

### **Afforestation Programme**

231. **Deputy Niamh Smyth** asked the Minister for Agriculture, Food and the Marine if he will review an application (details supplied); the stage at which this application is; and if he will make a statement on the matter. [15823/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** An application for Afforestation was received on behalf of the named person on 4th January 2017. The application was reviewed by the Regional Inspector and is now being considered by the Department's ecologist.

Once a response has been received from the ecologist a decision will be made on the application and the applicant will be notified.

### **Basic Payment Scheme Payments**

232. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the reason for the delay in payment being issued to a person (details supplied) in County Donegal under the basic payment scheme 2016; and if he will make a statement on the matter. [15871/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The person named submitted a 2016 Transfer of Entitlements application to my Department seeking the transfer of entitlements by lease as Transferor. This transfer has now been finalised and payment under the Basic Payment Scheme 2016 will issue shortly.

### **Knowledge Transfer Programme**

233. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine if it is possible to proceed to add additional participants to the knowledge transfer group up to the maximum level of 18 persons with regard to the knowledge transfer group scheme in the event that a person in a knowledge transfer group dies or is deemed ineligible to join a group; and if he will make a statement on the matter. [15885/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The Knowledge Transfer (KT) Programme targets 27,000 farmers over the duration of the Rural Development Programme 2014-2020. In the eight week period to 14th July 2016 Knowledge Transfer Facilitators were required to register participants for their Knowledge Transfer Groups for the



3 years of the KT Programme. Any persons not registered prior to this date are not eligible to participate in the Knowledge Transfer Programme.

While there are no provisions with the programme to include additional group members to those currently registered, in the event of death of a participant, applications from their successor will be considered.

### **Laboratory Facilities**

234. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine his views on the working group reviewing his Department's general laboratory services and its recommendation to close three regional veterinary laboratories in counties Limerick, Kilkenny and Sligo; if he will ensure that all such facilities remain open to ensure the highest levels of animal disease surveillance is accessible on a regional basis; and if he will make a statement on the matter. [15886/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** DAFM commissioned a Working Group (WG) led by Prof. Alan Reilly to undertake a comprehensive review of DAFM Laboratories (Backweston, Sligo, Limerick, Cork, Athlone and Kilkenny). The WG has presented a report to the Department, which makes recommendations on:

- Oversight and co-ordination of the laboratories activities
- Re-organisation of Divisions and support functions within the Central Laboratory complex
- Options for the future development of the Regional Laboratories – with a view to improving disease investigative and surveillance capability but with the overriding imperative of maintaining and enhancing services to farmers and
- Human resources management within the laboratories - with a focus on grading structures, career development opportunities and workforce planning

The Department is currently consulting with relevant stakeholders. A decision on any of these recommendations will await the outcome of this consultative process. In the case of the Regional Laboratories any decision will also be informed by a cost benefit analysis of the various options that have been proposed.

### **Knowledge Transfer Programme**

235. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine if consideration will be given to extending the 31 May 2017 deadline for completion of works and actions under the knowledge transfer group scheme in view of the fact knowledge transfer group facilitators have called for such an extension to cater for the heavy bureaucratic workload required and considering that the online system for submitting paperwork under the knowledge transfer programme is not yet operational, while many other Pillar 1 and 2 scheme deadlines fall in the next two months; and if he will make a statement on the matter. [15887/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** There are no plans to extend the 31st May deadline for the Knowledge Transfer Programme.

The Knowledge Transfer Farm Improvement Plan online system which will be available shortly records key data and recommendations related to actions completed. In the meantime

Knowledge Transfer Facilitators can complete the actions and prepare the data for entry when the system goes live.

### GLAS Data

236. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the number of persons in receipt of GLAS 1 and GLAS 2 who have received 85% of their total 2016 payment, by county, in tabular form; the number of persons who have passed all payment approval checks and are awaiting their 2016 payment; the number of GLAS recipients who have yet to receive payment by county; and if he will make a statement on the matter. [15888/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The information requested is set out in the following table.

-	GLAS 1	GLAS 1	GLAS 1	GLAS 2	GLAS 2	GLAS 2
County Name	Sent for payment	PPV - Pass	Unpaid	Sent for payment	PPV - Pass	Unpaid
Carlow	247	1	31	117	1	10
Cavan	828	9	76	411	6	15
Clare	1479	5	137	652	4	35
Cork	1875	27	268	907	9	98
Donegal	1690	38	227	875	12	124
Dublin	51	2	10	15	0	2
Galway	2633	41	431	1133	18	162
Kerry	1585	15	180	790	18	69
Kildare	217	2	32	72	1	9
Kilkenny	386	3	45	185	2	25
Laois	324	5	43	179	0	18
Leitrim	918	7	101	385	2	33
Limerick	927	21	108	277	2	23
Longford	471	3	43	331	3	15
Louth	121	2	27	73	0	7
Mayo	2171	63	335	1114	10	209
Meath	366	7	55	176	1	27
Monaghan	519	4	56	132	1	13
Offaly	425	4	47	251	2	27
Roscommon	1381	23	131	514	6	34
Sligo	862	11	76	342	1	26
Tipperary	984	16	145	446	6	61
Waterford	293	2	69	111	2	19
Westmeath	590	4	60	247	3	14
Wexford	638	2	136	238	2	30
Wicklow	285	2	45	126	0	29
	22,266	319	2,914	10,099	112	1134

### Agri-Environment Options Scheme Data

237. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the number of persons who applied for AEOS who have received their total 2016 payment,

by county, in tabular form; the number of persons who have passed all payment approval checks and are awaiting their 2016 payment; the number of AEOS recipients who have yet to receive payment, by county; and if he will make a statement on the matter. [15889/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** AEOS II participants completed their 5-year contracts on 31 December 2016. Under the EU Regulations governing this Scheme and all other area-based payment schemes, a full check, including cross-checks with the Land Parcel Identification System, must take place before payment can issue. As all AEOS II 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. All cases cleared for payment are paid on a weekly basis.

County	Totals	Paid	Awaiting Payment
Carlow	49	43	6
Cavan	244	205	39
Clare	556	476	80
Cork	428	356	72
Donegal	1360	1168	192
Dublin	9	9	0
Galway	1245	1051	194
Kerry	568	474	94
Kildare	39	30	9
Kilkenny	109	87	22
Laois	80	55	25
Leitrim	430	372	58
Limerick	224	176	48
Longford	89	74	15
Louth	41	31	10
Mayo	1399	1197	202
Meath	83	71	12
Monaghan	151	109	42
Offaly	110	93	17
Roscommon	478	419	59
Sligo	335	292	43
Tipperary	245	181	64
Waterford	82	70	12
Westmeath	122	91	31
Wexford	84	54	30
Wicklow	80	65	15
Totals	8640	7249	1391

### TAMS Data

238. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the amount of expenditure incurred to date under the TAMS, targeted agricultural modernisation scheme, 2 scheme since it was launched on an annual basis in tabular form; the annual amount of funding originally allocated for each respective year; and if he will make a statement on the matter. [15890/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** TAMS is a demand-led on-farm investment scheme funded from the Rural Development Programme. The

aim of the scheme is to encourage capital investment in a number of target areas which will promote, in particular, increased competitiveness and sustainability. The overall budget for the TAMS II Schemes over the course of the Rural Development Programme 2014-2020 is €395m. Over 10,000 applications have been received so far. Of these over 7,000 applicants have been given approval to go ahead with the capital investment. The payment claim system which has been open since July 2016 has received over 1,100 payment claims and of these, over 660 have been paid. Approvals are handled on a tranche basis and payment claims are processed on a continuous basis. The expenditure on TAMS II Schemes in 2016 was €3.970m and the expenditure to date in 2017 is €4.626m. The budget for 2016 was €28m and the budget for 2017 is €50m.

### **TAMS Data**

239. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the number of applications received under the targeted agricultural modernisation scheme, TAMS, 2 on a county basis in tabular form; the number of approved applications; the number of payment claims lodged; the number of payment claims which have been approved for payment; and if he will make a statement on the matter. [15891/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The information requested by the Deputy is being compiled and will be forwarded as soon as possible.

### **Crop Losses**

240. **Deputy Kevin O’Keeffe** asked the Minister for Agriculture, Food and the Marine if tillage farmers who suffered crop damage due to the weather conditions in the past season will be considered for monetary compensation. [15987/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I hosted a Tillage Stakeholders Forum recently which consisted of representatives from all sides of this Sector. Addressing the Forum, I took the opportunity to highlight that one of my priorities has been to address the impact of the change in the sterling exchange rate and lower commodity prices in some sectors, which have caused cash flow difficulties for farmers.

Therefore I was pleased to facilitate the “Agriculture Cashflow Support Loan Scheme”, which was developed by my Department in co-operation with the Strategic Banking Corporation of Ireland (SBCI) and makes €150 million available to farmers throughout Ireland at interest rates of 2.95%. Distributed through AIB, Bank of Ireland and Ulster Bank, it provides 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 the ongoing financial sustainability of viable farming enterprises. The loans are for amounts up to €150,000 for up to six years and are flexible with interest only facilities of up to three years. Although there are no official figures as yet on the total drawdown from the Scheme, very strong interest has been reported.

Also the Tillage Investment Scheme under TAMS II opened for online applications on the 8 March 2017. The specific areas of investment include Minimum Disturbance Tillage Equipment, Sprayers, Rain Water Harvesting, Grain Storage and Grain dryers. This Tillage Scheme is the latest of the Targeted Modernisation Schemes (TAMS II) to be launched under the Rural Development Programme 2014-2020. The Scheme is co-funded by the European Agricultural Fund for Rural Development (EAFRD). All applications must be made on-line, either by the farmer or by an adviser authorised to act on his or her behalf. The closing date for applications

under the first tranche of the new scheme will be Friday 30 June 2017.

As an additional support to cash flow on farms, including Tillage farms, to date €1.182 billion has been paid out under the 2016 Basis Payment Scheme to 123,821 farmers and payments are ongoing. Payments of just over €201 million have also been made to 93,921 applicants under the 2016 Areas of Natural Constraints Scheme. I can confirm to the Deputy that a wide ranging discussion took place among all the stakeholders who attended the Forum, including on the issue of crop losses as a result of the poor harvest conditions of last autumn. My officials have since then had some further meetings with stakeholders and I will consider further the outcome of those deliberations.

### **European Council Meetings**

241. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the details of the specific EU Council of Agriculture Ministers meetings at which he made the case for the need of a Brexit financial support package for Irish farmers during the UK's two year exit phase from the EU and subsequent transition phase, specifically under Article 219 of the CMO regulation, since taking office; the date of every such meeting at which this was raised, in tabular form; and if he will make a statement on the matter. [15988/17]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** There have been no formal discussions at the Council of Agriculture Ministers in relation to Brexit, or in relation to any support package that might be considered over the course of the negotiations. This is consistent with the overall EU position of not commencing negotiations in advance of the UK's formal notification of its intention to exit the EU under Article 50 TEU. However, I did take the opportunity to refer to the impact of Brexit at the most recent Council of Ministers meeting in Brussels last month in the course of a discussion on the CAP, and in particular in the context of ensuring that the CAP helps farmers to more effectively deal with the consequences of market volatility. As previously indicated, I have also raised the matter informally directly with Commissioner Hogan.

The Deputy is, I am sure, aware of the range of measures that I have introduced to support the agri-food sector in dealing with the impact of the fall in value of sterling against the Euro. These support measures include additional funding for Bord Bia and Bord Iascaigh Mhara, increased expenditure for the Seafood Development Programme and the Rural Development Programme, agri-taxation measures and the €150 million low-cost loan scheme, introduced earlier this year, and which uses Ireland's most recent EU aid of €11 million to leverage significant funding to help deal with the immediate impact of Brexit.

In addition, I and my Department officials have been actively continuing our engagement with the Commission and other Member States, to ensure that Ireland's concerns and requirements in relation to Brexit are fully understood. I have had a series of bilateral meetings with, for example, Germany, Netherlands, Denmark, Estonia and Poland in recent weeks, and intend to undertake further engagement with France, Austria and others over the coming period.

### **Postal Codes**

242. **Deputy Tom Neville** asked the Minister for Communications, Climate Action and Environment if he will address a matter (details supplied) with regard to Eircode; and if he will make a statement on the matter. [15824/17]

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** Capita Business Support Services trading as Eircode, was awarded a 10 year contract in December 2013 to develop, implement and maintain the national Postcode System “Eircode”.

Capita have informed my Department that this property has been assigned an Eircode and I shall send this to the Deputy directly.

The issue raised appears to refer to the name of the property and not the Eircode. Capita and my Department have previously corresponded with the individual concerned in relation to changing the name of the property, and informed him that this is an operational matter for An Post. Any queries in relation to the postal address for a property should be directed to An Post Customer Services Division who can be contacted at ph.: 01 705 8242 / E:customer.service@anpost.ie.

### **North-South Interconnector**

243. **Deputy Brendan Smith** asked the Minister for Communications, Climate Action and Environment if EirGrid has been instructed to cease work on the proposed north-south interconnector following the passing of motions in Dáil Éireann and Seanad Éireann which requested that no further work be carried out on this project until the independent international study would be undertaken; and if he will make a statement on the matter. [15962/17]

244. **Deputy Brendan Smith** asked the Minister for Communications, Climate Action and Environment if he will have further consultation with the community groups he met previously before finalising the terms of reference for the forthcoming study on the proposed north-south interconnector; and if he will make a statement on the matter. [15963/17]

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** I propose to take Questions Nos. 243 and 244 together.

EirGrid is the designated Transmission System Operator and its role includes the operation, maintenance and development of the electricity transmission network in Ireland. As detailed in the 2012 Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, the Government does not seek to direct EirGrid in the development of energy infrastructure to particular sites or routes or technologies.

In light of the motions passed by Dáil Éireann and Seanad Éireann, I have requested officials in my Department to prepare a proposal for an updated independent study that will bring further clarity to the relative cost and technical merits of overhead and underground solutions for the North South Interconnector.

My officials are currently preparing the terms of reference for this study and, in that regard, have met with North-East Pylon Pressure Campaign this week and plan to meet Monaghan Anti-Pylon Committee next week.

The section of the project in Ireland which received planning permission from An Bord Pleanála in December 2016 is currently the subject of judicial review proceedings. The planning process is still underway in Northern Ireland. Construction of the project is not planned to commence before 2018 and I intend that this report be completed and published before the end of this year.

### **Departmental Funding**

245. **Deputy Tom Neville** asked the Minister for Transport, Tourism and Sport the amount of funding allocated to County Limerick for tourism and hospitality skills training in 2015 and 2016 by his Department; and if he will make a statement on the matter. [15819/17]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** The Department of Education and Skills has overall lead responsibility for skills development policy generally across all sectors, including hospitality and tourism and oversees the bulk of training provided nationally, channelling funding through its agency SOLAS for further education and through the Higher Education Authority (HEA) for higher education.

A limited number of complementary tourism-related business development and training supports are provided by Fáilte Ireland, in line with its responsibility for encouraging, promoting and supporting tourism as a leading indigenous component of the Irish economy.

As this is an operational matter for the Board and management of Fáilte Ireland, I have referred the Deputy's question on to Fáilte Ireland for direct reply with the specific funding information sought. Please contact my private office if a response is not received within ten working days.

### **Road Improvement Schemes**

246. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if there are plans in place to compensate business owners located along the closed stretch of road on the N52. [15826/17]

**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 (including the N52) is a matter for Transport Infrastructure Ireland (TII) under the Roads Acts 1993-2015 in conjunction with the local authorities concerned.

Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for TII in accordance with Section 19 of the Roads Act.

Noting the above position, 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.

### **Sports Capital Programme Applications**

247. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport the status of a sports capital grant (details supplied) in respect of a club; and if he will make a statement on the matter. [15870/17]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Patrick O'Donovan):** I can confirm that an application has been submitted by the organisation referred to by the Deputy under the 2017 Sports Capital Programme.

All of the 2,320 applications received will be assessed by officials in my Department over the coming months. An announcement regarding allocations will be made later this year.

### **Science and Technology Groups**

248. **Deputy Maureen O’Sullivan** asked the Minister for Jobs, Enterprise and Innovation if her attention has been drawn to a report (details supplied); her views on whether membership of the ESO, European Southern Observatory, is material to Ireland’s interests in the drive to ensure Ireland’s position in the global knowledge economy; her further views on whether Irish membership of the ESO would bring significant rewards to Ireland including giving Irish researchers guaranteed access to advanced facilities and allowing Ireland to participate at the highest international level of research in the area; if her attention has been further drawn to the current time limited offer from the ESO, shortly due to expire, of a reduced rate joining fee, with the potential to spread this fee out over a number of years; and if she will make a statement on the matter. [15946/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O’Connor):** My Department is aware of The Case for Irish Membership of the European Space Observatory prepared by the Institutes of Physics in Ireland in June 2014.

In December 2015, the Government launched Innovation 2020, the national strategy for science and research. The vision in Innovation 2020 is for Ireland to become a Global Innovation Leader driving a strong sustainable economy and a better society. Key to this vision is supporting excellent science, nurturing talent and delivering impact.

Innovation 2020 recognises that membership of International Research Organisations is an important strategic aspect of Ireland’s international collaboration in science, technology and innovation.

The Government gave a specific commitment to initiate negotiations with the European Southern Observatory (ESO) for Ireland’s membership options in Innovation 2020.

The ESO is the pre-eminent intergovernmental science and technology organisation in astronomy and it is acknowledged that the benefits of Irish membership in the ESO would include:

- Irish researchers being guaranteed access to its facilities;
- Irish businesses being able to compete for contracts to develop and supply products and services to the ESO;
- A number of training and collaboration opportunities for students and researchers within the Irish astrophysics community; and
- The further promotion of Science Technology, Engineering and Maths subjects through the ESO’s very active outreach programmes.

There has been significant engagement between my Department and the ESO.

The then Minister of State for Skills, Research and Innovation, Damien English wrote to the ESO in January 2016 to commence negotiations.

Following this, my officials commenced discussions with ESO to explore the full range of potential benefits for Ireland of membership, as well as the cost of membership. A delegation of senior officials from my Department, Science Foundation Ireland and Enterprise Ireland visited ESO headquarters in July 2016 when they met with the Director General of the ESO, Professor Tim de Zeeuw and his senior management team.

As part of the on-going negotiation process, Professor de Zeeuw visited my Department in September 2016 and met with senior officials.

The Minister of State for Training, Skills and Innovation met with Professor de Zeeuw at the



European Space Agency Ministerial Council last December.

Minister Halligan has also met with representatives of the Irish astronomy community in March 2017 to hear first-hand of their research activities and of their interests in joining ESO.

In order to arrive at a decision on joining ESO, we must weigh the benefits of membership against the costs, which are not insignificant. My Department is aware of the current offer from ESO. The case for membership must be considered in the light of other research and innovation priorities and our priority is to ensure that we obtain the best overall return on our investment in this area.

My Department is currently engaged in discussions on the Mid-Term Review of the Capital Plan. There will be more clarity on the Department's position on ESO when the review is concluded and the potential funding envelope for this and other Departmental projects is finalised.

### **Employment Rights**

249. **Deputy Willie Penrose** asked the Minister for Jobs, Enterprise and Innovation her views on the potential for employers to abuse the temporary lay-off situation provision available in legislation to delay or reduce their statutory obligations to employees (details supplied); her plans to address this by way of legislation; and if she will make a statement on the matter. [15979/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** A lay-off situation arises where an employee's employment ceases by reason of the employer being unable to provide work for which the employee was employed to do, and, where the employer reasonably believes that the cessation of employment will not be permanent and where the employer gives notice to that effect to the employee prior to the cessation. There is no statutory minimum period for the giving of notice of lay-off and no statutory provision governing the maximum period of a lay-off.

Additionally, there is no entitlement to a minimum notice under the Minimum Notice and Terms of Employment Acts given that a lay-off does not constitute a cessation of employment.

Under the Redundancy Payments Acts, where an employee has been laid off for 4 consecutive weeks or for a broken series of 6 weeks where all 6 weeks occur within a 13-week period, the employee, if he or she so wishes, may claim a redundancy payment by serving written notice to his or her employer.

An employee who claims and receives a redundancy payment due to lay-off is deemed to have left the employment voluntarily and is, therefore, not entitled to notice under the Minimum Notice and Terms of Employment Acts. However, it is important to bear in mind that statutory redundancy payments are much larger than minimum notice payments.

The legislation attempts to strike a necessary balance in circumstances where the economic realities may force an employer into temporarily placing employees on short time or lay-off, and in such circumstances, to allow the retention of trained staff rather than making them redundant. While no employee would wish to be put in a situation of short time or lay-off, it does allow for the possibility of returning to work for that employer, and thus avoid being made redundant or seeking redundancy of their own volition.

It is the intention of this legislation to allow for both sets of circumstances, and to be fair to both employer and employee. It is also important to remember that since 2013 an employer

must bear the full cost of a redundancy i.e. it can no longer seek a rebate from the Exchequer.

### **Joint Labour Committees**

250. **Deputy Sean Fleming** asked the Minister for Jobs, Enterprise and Innovation if her attention has been drawn to the fact that the joint labour committee of the security guards sector has recently issued recommendations of a 4% salary increase in 2017 and 4% salary increase in 2018 for security guards as part of the ERO, employment regulation order, and that the majority of companies involved in this sector were not represented in negotiations; and if she will make a statement on the matter. [15876/17]

251. **Deputy Sean Fleming** asked the Minister for Jobs, Enterprise and Innovation if her attention has been drawn to the fact that the joint labour committee in connection with the security static guarding sector is not representative of the industry (details supplied); and if she will make a statement on the matter. [15877/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** I propose to take Questions Nos. 250 and 251 together.

Joint Labour Committees (JLCs) are provided for under the Industrial Relations Act 1946 and were reformed by the Industrial Relations (Amendment) Act, 2012. A JLC is comprised of equal numbers of representatives of employers and workers in a sector. JLCs meet regularly, under an independent Chairperson to discuss proposals for terms and conditions to apply to specified grades or categories of workers in the sector. If agreement is reached the JLC publishes details and invites submissions from interested parties.

If, after consideration of any submissions received, the Committee adopts the proposals it will submit them to the Labour Court for consideration. The Labour Court will then make a decision on the adoption of the proposals. If the Court decides to adopt the proposals, a copy is presented to me and if I consider it appropriate to do so I will make an Order giving effect to the proposals. Such Orders are known as Employment Regulation Orders.

The Joint Labour Committee for the Security Industry was established in accordance with Statutory Instrument No. 377 of 1998 (as amended by Statutory Instrument No. 30 of 2014).

I am informed that, in accordance with the Statute, the Labour Court consulted with ICTU, Ibec and the two employer organisations most closely connected with the Security Industry, the National Union of Security Employers (merged with the Security Institute of Ireland in 2011) and the Irish Security Industry Association. Following consultation, these bodies nominated representatives of both employers and employees for membership of the Committee. The current members were appointed on the 12th May 2014.

The Chairperson and Deputy Chairperson are Industrial Relations Officers from the Workplace Relations Commission and are appointed by me.

The constitution and proceedings of JLCs is set out in the Fifth Schedule to the Industrial Relations Act, 1990. The discussions within the Joint Labour Committees are not open to me nor to my Department.

I am informed that the draft proposals for an employment regulation order that you refer to were advertised as part of the public consultation process. The closing date for submissions on those proposals was 7th February last.

## IDA Supports

252. **Deputy Robert Troy** asked the Minister for Jobs, Enterprise and Innovation her plans to build an advanced technology building in an area (details supplied). [15893/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** At present, there are no plans to construct an advanced technology building in Mullingar.

However, IDA Ireland have informed me that they regularly engage with both current and prospective clients to encourage further investment in County Westmeath and the wider region.

I understand that the Agency is also actively marketing its existing business park in Mullingar to all relevant potential investors.

## Public Sector Staff Recruitment

253. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation the number of full-time and part-time staff hired on a Department-wide basis and in each State agency under her auspices since 1 January 2017; the number of these staff who were recruited specifically to work on Brexit related issues on a Department-wide basis and in each State agency under her auspices, in tabular form; and if she will make a statement on the matter. [15992/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** Staffing levels of my Department, its Offices and Agencies reflect the requirement to manage the pay bill and staff numbers in accordance with Government pay policy with staff resources deployed in the most effective and efficient manner as appropriate to business needs and key priorities at any given time.

An additional €3million was secured in respect of Pay in Budget 2017 and is being targeted specifically to assist in our response to the evolving Brexit scenario. It is enabling the Department and, primarily, our Agencies recruit some 40 to 50 additional staff to supplement existing staffing numbers. These numbers may grow as Agencies allocate additional Own Resource Income, by agreement with the Department, to recruit further staff to work on “Brexit-related” activity.

The additional €3m has been allocated across

- Enterprise Ireland
- IDA Ireland
- Science Foundation Ireland
- The Health and Safety Authority, and
- The Department itself (€250,000)

The Department as a whole (currently 854 staff or 805 Full-Time Equivalents) has prioritised the Brexit challenges in its work plans for 2017 across all its Divisions. Brexit Unit staffing has been set at a team of 4 staff for now as follows: 1 Principal, 1 Assistant Principal, 1 Higher Executive Officer and 1 Clerical Officer. In addition, the work of very many Business Units across the Department is impacted by Brexit. These Units have finalised their business plans for 2017 and the impact of Brexit for their work has been fully factored in. In addition, a workforce planning process spanning the years 2017-19 has recently been concluded. This

process was coordinated by my Department's HR Unit and reviewed the level of resources assigned across all Divisions of the Department in relation to our current strategic priorities, and, naturally, responding to Brexit features heavily in the plan. In this regard additional staffing resources will be recruited to support the Brexit Unit and other areas of the Department impacted by Brexit in the immediate period ahead.

In terms of the Agency numbers, additional Brexit resources are being put in place in response to the €2.750m allocated for extra staff. This sum is anticipated to allow for additional Brexit staffing in Enterprise Ireland, IDA Ireland, SFI and the HSA (with a number of specific posts sanctioned and recruitment under way).

In relation to Enterprise Ireland, we have sanctioned an additional 39 posts with EI supplementing the "Brexit" pay allocation with additional Own Resource Income.

IDA Ireland has sought 21 additional staff resources in order that it can meet the jobs and investment targets set out in its Strategy – "Winning Foreign Direct Investment 2015 – 2019" - and to meet the global challenges of 2017 and beyond with Brexit key among the identified challenges. The Agency also submitted a staff resourcing strategy to the Department in July 2016 which sought sanction for retention of the 35 staff hired on 3-year fixed term contracts under the Winning Abroad Programme. IDA has also sought to reinstate its Graduate Recruitment Programme on a three year contract basis. These latter two requests are still under consideration.

Science Foundation Ireland will recruit an additional 2 "Brexit" staff.

The Health & Safety Authority has identified a need for an additional 2 "Brexit" staff.

In respect of these Agencies - as it is with the Department as a whole - it must also be borne in mind that all these Agencies will have prioritised the Brexit implications arising for them in their individual work plans for 2017 and beyond which serving staff will contribute to as part of their day-to-day work.

Following in tabular format the number of full and part time staff hired within the Department, and Agencies, and the number of these that were recruited specifically to work on Brexit related issues. It should be noted that in some cases, staff were recruited before January to work specifically on Brexit related matters and in other cases recruitment of such staff is currently in progress. It should also be noted that while the Department has not yet recruited additional staff in 2017 to work on Brexit related matters, having established its Brexit Unit in 2016, it has reassigned existing staff into dedicated Brexit roles.

-	No. of full time staff recruited since 1 January 2017	No. of Part time staff recruited since 1 January 2017	No. of staff recruited since 1 January 2017 specifically to work on Brexit related issues
Department	18	0	0 (Brexit Unit - 4 staff - established in 2016)
Agencies	50	3	3
Enterprise Ireland	20	2	2
IDA Ireland	6	1	1
Science Foundation Ireland	1	0	0
Health and Safety Authority	5	0	0
National Standards Authority of Ireland	5	0	0

-	No. of full time staff recruited since 1 January 2017	No. of Part time staff recruited since 1 January 2017	No. of staff recruited since 1 January 2017 specifically to work on Brexit related issues
Department	18	0	0 (Brexit Unit - 4 staff - established in 2016)
Personal Injuries Assessment Board	1	0	0
Irish Auditing and Accounting Supervisory Authority	1	0	0
Competition and Consumer Protection Agency	11	0	0

### Public Sector Staff Recruitment

254. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation the number of full-time and part-time staff hired on a Department-wide basis and in each State agency under her auspices since January 2017 following the confirmation that an additional €3 million has been allocated by her Department to the evolving Brexit scenario to increase resources in 2017, in tabular form; and if she will make a statement on the matter. [15993/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** Staffing levels of my Department, its Offices and Agencies reflect the requirement to manage the pay bill and staff numbers in accordance with Government pay policy with staff resources deployed in the most effective and efficient manner as appropriate to business needs and key priorities at any given time.

An additional €3million was secured in respect of Pay in Budget 2017 and is being targeted specifically to assist in our response to the evolving Brexit scenario. It is enabling the Department and, primarily, our Agencies recruit some 40 to 50 additional staff to supplement existing staffing numbers. These numbers may grow as Agencies allocate additional Own Resource Income, by agreement with the Department, to recruit further staff to work on “Brexit-related” activity.

The additional €3m has been allocated across

- Enterprise Ireland
- IDA Ireland
- Science Foundation Ireland
- The Health and Safety Authority, and
- The Department itself (€250,000)

The Department as a whole (currently 854 staff or 805 Full-Time Equivalents) has prioritised the Brexit challenges in its work plans for 2017 across all its Divisions. Brexit Unit staffing has been set at a team of 4 staff for now as follows: 1 Principal, 1 Assistant Principal, 1 Higher Executive Officer and 1 Clerical Officer. In addition, the work of very many Business Units across the Department is impacted by Brexit. These Units have finalised their business plans for 2017 and the impact of Brexit for their work has been fully factored in. In addition, a workforce planning process spanning the years 2017-19 has recently been concluded. This process was coordinated by my Department’s HR Unit and reviewed the level of resources as-

signed across all Divisions of the Department in relation to our current strategic priorities, and, naturally, responding to Brexit features heavily in the plan. In this regard additional staffing resources will be recruited to support the Brexit Unit and other areas of the Department impacted by Brexit in the immediate period ahead.

In terms of the Agency numbers, additional Brexit resources are being put in place in response to the €2.750m allocated for extra staff. This sum is anticipated to allow for additional Brexit staffing in Enterprise Ireland, IDA Ireland, SFI and the HSA (with a number of specific posts sanctioned and recruitment under way).

In relation to Enterprise Ireland, we have sanctioned an additional 39 posts with EI supplementing the “Brexit” pay allocation with additional Own Resource Income. 12 of the 39 posts have been filled. The remaining 27 are actively being sourced through recruitment processes.

IDA Ireland has sought 21 additional staff resources in order that it can meet the jobs and investment targets set out in its Strategy – “Winning Foreign Direct Investment 2015 – 2019” - and to meet the global challenges of 2017 and beyond with Brexit key among the identified challenges. The Agency also submitted a staff resourcing strategy to the Department in July 2016 which sought sanction for retention of the 35 staff hired on 3-year fixed term contracts under the Winning Abroad Programme. IDA has also sought to reinstate its Graduate Recruitment Programme on a three year contract basis. These latter two requests are still under consideration. Currently, IDA has official sanction to recruit 2 additional “Brexit” staff members with sanction for a further 8 under consideration. One of the Brexit staff members has been recruited with the other post close to being finalised.

Science Foundation Ireland will recruit an additional 2 “Brexit” staff. Currently, serving and newly recruited staff have “Brexit” activity as part of their portfolios.

The Health & Safety Authority has identified a need for an additional 2 “Brexit” staff and is in process with the Department regarding formal approval for the particulars of the posts in question.

Finally, in respect of these Agencies, it must also be borne in mind that all these Agencies will have prioritised the Brexit implications arising for them in their individual work plans for 2017 and beyond which serving staff will contribute to as part of their day-to-day work. In this regard the staffing of these Agencies is set out as follows.

- EI had 575 staff in 564 Full-Time Equivalent posts before Brexit-specific recruitment of upwards of 39 staff takes effect.
- IDA had 268 staff in 259 Full-Time Equivalent posts before Brexit-specific recruitment of upwards of 21 staff takes effect.
- SFI had 47 staff in 46.5 Full-Time Equivalent posts before Brexit-specific recruitment of 2 additional staff takes effect.
- HSA has 167 staff in 159 Full-Time Equivalent posts before Brexit-specific recruitment of 2 additional staff takes effect.

### **Departmental Staff**

255. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation the number of full-time and part-time staff in her trade policy section; the staff increases she is consid-

ering for 2017 to deal with developments around Brexit; if staff requests were made in 2016 to strengthen resources; and if she will make a statement on the matter. [15994/17]

257. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation the number of staff currently in the dedicated Brexit unit within her Department; and if she will make a statement on the matter. [15996/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** I propose to take Questions Nos. 255 and 257 together.

Staffing levels of my Department, its Offices and Agencies reflect the requirement to manage the pay bill and staff numbers in accordance with Government pay policy with staff resources deployed in the most effective and efficient manner as appropriate to business needs and key priorities at any given time.

An additional €3million was secured in respect of Pay in Budget 2017 and is being targeted specifically to assist in our response to the evolving Brexit scenario. It is enabling the Department and, primarily, our Agencies recruit an additional forty to fifty staff to supplement existing staffing numbers. In this regard, the dedicated Brexit Unit established within my Department is led at Principal Officer level with a team of three staff (i.e. a total of four), to be reviewed further in line with the necessary workload as the Unit's agenda unfolds. In relation to the number of staff serving in the Trade Policy and Export Licensing Section, there are currently 19 staff in 18.1 Full-Time Equivalent (FTE) positions in this Unit. This is an increase from 16 and 15.5 respectively from January 2016.

In addition, of course, the work of very many other Business Units across my Department is impacted by Brexit and the 2017 business plans for these Units have factored in Brexit implications for their work.

Further additional staffing demands relating to Brexit - and other key priorities - have been combined into a workforce planning process spanning the years 2017-19 which is currently being concluded. This process was coordinated by my Department's HR Unit and reviewed the level of resources assigned across all Divisions of my Department in relation to the current strategic priorities of my Department, including Brexit-related activity. Arising from this exercise, additional resources will be secured to support the work of the Brexit Unit, the Trade Policy and Export Licensing Unit and other Business Units whose work is impacted by Brexit related priorities.

### **European Council Meetings**

256. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation the details of each specific EU Competitiveness Council Ministers' meeting at which she made the case for the need for a revision of State aid rules to protect Irish enterprises and related jobs during the UK's two-year exit phase from the EU and the subsequent transition phase; the date of every such meeting at which this was raised, in tabular form; the status of progress being made at EU level to increase current State aid thresholds to support Irish enterprises in the event of a hard Brexit; and if she will make a statement on the matter. [15995/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** Given that 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, innovation and price repositioning. My Department, Enterprise Ireland (EI) and the Local Enterprise Offices (LEOs) have measures in place to address these issues for client com-

panies. My Officials are also exploring the potential to provide additional supports to business under State Aid rules.

The Competitiveness Council (Internal Market & Industry) has met on three occasions since the announcement of the EU UK referendum result. I have attended each of these three meetings. The meeting dates were as follows:

- 29 September 2016
- 29 November 2016
- 20 February 2017

The issue of State Aid did not feature as an agenda item at any of these Council meetings.

While the UK is considering the nature of its desired relationship with the Union following exit, Ireland Inc will be focussing on the strategic interests of the enterprise sector. We are already working closely with the EU Commission and our EU partners to ensure that we have a shared understanding of the implications and effects of the UK's departure from the EU.

My Department, working closely with the Department of Finance, the Strategic Banking Corporation of Ireland (SBCI), EI and stakeholders (such as SFA, ISME, IBEC and Chambers), has conducted a structured engagement with a diverse range of companies across sectors and regions. The purpose of this engagement is to construct an evidence base on which appropriate, tailored and targeted responses can be delivered to meet real identified business needs. Work on the analysis of this data is progressing well. The outcome of the structured engagement and analysis of the findings, along with market developments as a result of Brexit, will inform further discussions with the Commission and the development of any further initiatives to business.

*Question No. 257 answered with Question No. 255.*

### **Brexit Issues**

258. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation if she will provide a breakdown of all companies by sector, in tabular form; the number of meetings she had with representatives of companies that currently have plants here and that have indicated they will move some of their operations to the UK in anticipation of the UK leaving the EU; the steps she has taken to ensure existing company operations maintain their employment footprint here; and if she will make a statement on the matter. [15997/17]

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** I have met representatives of companies, business organisations and other stakeholders throughout the country in recent months and to date none of them have indicated that they will move any of their operations to the UK as a result of the Brexit referendum in 2016.

I am deeply engaged with my Department's agencies - Enterprise Ireland and IDA Ireland - to ensure sufficient supports are in place to safeguard Irish jobs and exports in response to both the short term and long term impact of Brexit. I am in ongoing communication with these agencies through my chairing of the Department of Jobs, Enterprise and Innovation's Brexit co-ordination group, which includes the chief executives of the agencies and senior officials in my Department.

In particular, Enterprise Ireland is working with its 1,500 clients that export to the UK to



examine the individual challenges faced by companies in every county in Ireland. It is also working on a sectoral level. Enterprise Ireland is working to assist companies to maintain and increase their UK exports and to extend their international reach by reorienting towards the Eurozone, North America, Canada, Asia and the Middle East. Enterprise Ireland is particularly working with the companies that are most exposed to the UK in areas like engineering, food, construction and timber. Enterprise Ireland is working to support companies in enhancing their competitiveness in order that Irish exports and jobs can be protected and can grow. Enterprise Ireland is assisting its clients to improve their processes, drive efficiencies and cost reductions and undertake research and development and innovation with a view to improving existing products and processes or developing new ones.

My Department's 2017 budget contains many measures to help Irish businesses to become more competitive and cope with the impact of Brexit. It includes an extra €52 million in capital funding to support the enterprise sector. Additional current moneys have also been secured to provide up to 50 extra staff for my Department and its enterprise agencies. In addition, Enterprise Ireland's trade promotion programmes for 2017 are designed to support client exports to the UK and to diversify into new markets.

### Child Protection

259. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs if information requested (details supplied) is with the management of Tusla; and if so, if she will provide the information. [15825/17]

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** Tusla, the Child and Family Agency, holds the statutory responsibility for child welfare and protection, and is the appropriate body to receive reports of concerns relating to children at risk. I wish to assure the Deputy that Tusla deals immediately with emergency cases, including for instance, if a child has been abandoned or is in immediate physical danger or at risk of sexual abuse.

At the end of Quarter 3, 2016, Tusla reported that 60% of referrals received were of a child welfare concern with the remaining 40% related to child protection concerns. The number of referrals reported over the last five years is detailed in the table below categorised by child welfare or child protection concerns. A child welfare concern is a problem experienced directly by a child, or by a family of a child, that is seen to impact negatively on the child's health, development and welfare, and that warrants assessment and support, but may not require a child protection response (Child Protection and Welfare Handbook, HSE 2011). A child protection concern is where there are reasonable grounds for believing that a child may have been, is being or is at risk of being physically, sexually or emotionally abused or neglected.

Year	Child Welfare Referrals	Child Protection Referrals	Total Number of Referrals
2012	21,143 (53%)	19,044 (47%)	40,187
2013	22,192 (53%)	19,407 (47%)	41,599
2014	24,954 (57%)	18,676 (43%)	43,630
2015	25,361 (58%)	18,235 (42%)	43,596
2016*	21,128 (60%)	14,174 (40%)	35,302

\* Figures for 2016 to end September as data on referral is reported quarter in arrears

The following table provides a further breakdown of child abuse referrals by category of abuse for the years 2013 and 2014.

*Questions - Written Answers*

Physical abuse	Emotional Abuse	Sexual Abuse	Neglect	Year	Total referrals of child abuse
4,330	5,271	3,385	6,421	2013	19,407
4,066	6,233	3,114	5,263	2014	18,676

Referrals can come from a number of sources so there are some duplicates in these totals, and some will be more appropriate for universal services, such as those provided in the education or health sectors. Also, not all referrals will result in a need for a social work service or in a child being received into care.

Comparisons between years before 2012 are not included here as due to definitional changes. Following the introduction of the standard business process across social work teams, referrals are now counted per child whereas prior to 2012 referrals were counted differently according to ‘case’ which may have included several children

Each referral received by the Agency is assessed and dealt with on an individual basis by the relevant social work team. Preliminary screening is aimed at establishing the appropriateness of the referral to Tusla services and, if necessary, is followed by an initial assessment of the concern to determine the best course of action for the child and their family. As a result, every year, approximately 50% of referrals can be expected to proceed from preliminary enquiry to the initial assessment stage.

The following table details the percentage of referrals that, following a preliminary assessment, required an initial assessment in each quarter of 2014, 2015 and 2016 (to end September).

Quarter and Year	% of referrals that required an initial assessment
Q1 2014	51%
Q2 2014	49%
Q3 2014	52%
Q4 2014	52%
Q1 2015	49%
Q2 2015	46%
Q3 2015	47%
Q4 2015	49%
Q1 2016	46%
Q2 2016	43%
Q3 2016	41%

We have been advised by Tusla, the Child and Family Agency, that it does not collate data nationally on the number of allegations of child abuse, including physical, emotional, sexual abuse and neglect that are referred to An Garda Síochána. Children First: National Guidance for the Protection and Welfare of Children states that “Where the HSE suspects that a child has been or is being physically or sexually abused or wilfully neglected, An Garda Síochána must be formally notified in accordance with the procedure set out in Paragraph 7.4.5 below. The process of establishing whether grounds exist for suspecting such abuse may involve consulting relevant professional personnel within the HSE and, where appropriate, in outside agencies. However, the HSE must not await confirmation of such abuse, whether from a child abuse assessment unit or otherwise, before notifying An Garda Síochána.”

As outlined in Children First Guidance, An Garda Síochána and Tusla have different functions, powers and methods of working. The specific focus of Tusla is on the assessment of risk to a child and their welfare and protection. The role of An Garda Síochána is the investiga-

tion of an alleged offence and undertaking a criminal investigation into an allegations of child abuse. It is the responsibility of the Director of Public Prosecutions (DPP) to decide on, and to carry out, prosecutions.

### **Youth Cafés Provision**

260. **Deputy Willie Penrose** asked the Minister for Children and Youth Affairs if consideration will be given to providing grant aid to complete a youth development project (details supplied) in County Kildare; and if she will make a statement on the matter. [15985/17]

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** In 2013 a capital allocation of €1.5m was made available by my Department for the provision of new youth cafés. Pobal assisted my Department with the administration of the scheme. Some 95 applications were received and 30 proposals for new youth cafes around the country were approved for funding.

I am advised that an application was received in respect of a youth café in Monasterevin from Kildare Youth Services. However, the application was unsuccessful on that occasion as it did not achieve a sufficiently high score for inclusion in the final list of projects approved for funding. An application from County Kildare Youth Hub in Kildare Town was successful and has received a capital grant of €50,000 towards the cost of developing a new youth café facility, which has now opened.

Youth cafés offer young people a safe, alcohol and drug free space, for recreation, non-formal learning and youth activities and they make an important contribution to facilities for young people at local level. Recent research undertaken by my Department indicates that there are now more than 150 youth cafés throughout the country. In the main, these have been developed, over the years, by local communities with the support of different funding sources.

My Department does not have available to it in 2017 a capital fund for the development of new youth cafés. The development of further youth cafés will be considered as part of a needs based, decision making process for any future capital funding that becomes available.

### **Occupational Therapy**

261. **Deputy Dara Calleary** asked the Minister for Children and Youth Affairs her views on the impact of waiting lists on children waiting for occupational therapy provision; if she has raised this matter with the Minister for Health; and if she will make a statement on the matter. [15991/17]

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I am concerned about the waiting times for children who need occupational therapy, and the negative impact delays in receiving appropriate early intervention may have on the development and well-being of that child. However, the responsibility for occupational therapy provision rests with the Minister for Health. I have received representations on behalf of children who have occupational therapy needs, and I have communicated these to my colleague the Minister of State for Disability Issues.

### **Defence Forces Medicinal Products**

262. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence to confirm that if any member of the Defence Forces who was prescribed Lariam subsequently presents with symptoms, Lariam will immediately be discontinued, as mandated by a company (details supplied) in its summary of product characteristics. [15869/17]

263. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence further to Parliamentary Question No. 1,330 of 21 March 2017, the potential side effects of mefloquine (details supplied) listed in the boxed warning that comes with the drug that are considered by his Department to be minor and tolerable; and if he will make a statement on the matter. [15894/17]

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I propose to take Questions Nos. 262 and 263 together.

It is the policy of the Defence Forces that personnel are individually screened for fitness for overseas service and medical suitability, i.e. a medical risk assessment for Lariam is carried out on an individual basis.

I am advised that significant precautions are taken by the Defence Forces Medical Officers in assessing the medical suitability of members of the Defence Forces to take any of the anti-malarial medications, including identification of any contraindications and assessment of any reported side effects that may occur.

As I already indicated in my previous response, while overseas, all personnel have access to either an Irish military Medical Officer or to the UN provided medical service (depending on the particular mission) to whom they could report any complaints, including potential side effects of any medications.

I am advised by the military authorities that where a Medical Officer forms the opinion that an individual has developed sensitivity to Lariam while overseas, that requires discontinuation of the medication, an alternative chemoprophylaxis is provided. The individual is monitored and ultimately, if serious enough, the individual may be repatriated.