

## Written Answers.

---

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

---

*Questions Nos. 1 to 11, inclusive, answered orally.*

### **Taoiseach's Meetings and Engagements**

12. **Deputy Joan Burton** asked the Taoiseach the contact he has had with his Austrian counterpart since Austria assumed the EU Presidency. [30676/18]

16. **Deputy Martin Heydon** asked the Taoiseach if he will report on his recent visit to EU-NAVFOR MED Operation Sophia's operational headquarters in Rome. [37817/18]

**The Taoiseach:** I propose to take Questions Nos. 12 and 16 together.

On 8 July the Taoiseach welcomed the Chancellor of Austria, Sebastian Kurz, to Dublin. This visit took place as Austria began its six-month Presidency of the Council of the European Union and followed Taoiseach's own visit to Vienna in February. Taoiseach was pleased that Chancellor Kurz chose Ireland as the first member state to visit under the Austrian Presidency.

Topics discussed during the meeting included Brexit, migration, trade, the digital agenda, and the post-2020 EU budget - these issues all feature on the EU's agenda during the current Austrian Presidency.

The Taoiseach and Chancellor Kurz both also acknowledged the excellent bilateral relations between our two countries. Ireland and Austria are close partners within the EU. Both countries also cooperate closely on international issues, including at the United Nations.

On Monday 9 July the Chancellor visited the border area accompanied by the Minister for Agriculture, Food and the Marine, Michael Creed.

The Taoiseach also met with Chancellor Kurz at the informal meeting of EU leaders which took place on 19-20 September in Salzburg, in the context of the Austrian Presidency.

During a trip encompassing official visits to Croatia, Romania and Italy 23 – 26 July the Taoiseach availed of the opportunity, while in Italy, to visit the Headquarters of the EU Operation Sophia Mission on 26 July. The Taoiseach met with the Mission Commander, Admiral Enrico Credendino and staff, and received a briefing on the work of the Mission in addressing the migration crisis in the Mediterranean. Taoiseach was accompanied by the Chief of Staff of the Defence Forces, Vice Admiral Mark Mellett.

*Questions Nos. 13 to 15, inclusive, resubmitted.*

*Question No. 16 answered with Question No. 12.*

*Questions - Written Answers*  
**Cabinet Committee Meetings**

17. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee A (economy) last met. [37047/18]

**The Taoiseach:** The most recent meeting of Cabinet Committee A took place on the 9th of July. The next meeting has not yet been scheduled but, of course, the full Cabinet also considers these issues on an regular basis.

*Questions Nos. 18 to 22, inclusive, resubmitted.*

**Taoiseach's Meetings and Engagements**

23. **Deputy Joan Burton** asked the Taoiseach if he will report on his meeting with Pope Francis during his visit to Ireland in August 2018. [37048/18]

**The Taoiseach:** I met with Pope Francis during his visit to Dublin Castle on Saturday 25th August. The meeting provided an opportunity for both of us to discuss a number of issues, though regrettably not in any great depth because of the short duration of the meeting. I welcomed Pope Francis who thanked me for the warm welcome he had received on arrival.

We spoke of the legacy of pain and suffering caused by the failures of the Church and State in Ireland. We discussed that Ireland is still a country with strong faith but that there is still much to be done to bring about justice and truth and healing for victims and survivors.

I thanked the Pope for his statements on climate change, accepting refugees and international development. We also spoke of Irish missionaries, how they continue their work today, and also about the Pope's home country of Argentina and the role of Irish missionaries there.

I also used the opportunity during my speech later that day to expand on these issues and to express my strong wish that words need to be followed up by actions.

I strongly believe in the separation of Church and State and I believe in the freedom of religion. I hope the visit of Pope Francis will be the opening of a new chapter in the relationship between Ireland and the Catholic Church, one where the church is no longer at the centre of our society but in which it still has an important place.

**Taoiseach's Meetings and Engagements**

24. **Deputy Mattie McGrath** asked the Taoiseach if he will provide an update on his meetings with His Holiness, Pope Francis; and his views on church-state relations. [37361/18]

**The Taoiseach:** I met with Pope Francis during his visit to Dublin Castle on Saturday 25th August. The meeting provided an opportunity for both of us to discuss a number of issues, though regrettably not in any great depth because of the short duration of the meeting. I welcomed Pope Francis who thanked me for the warm welcome he had received on arrival.

We spoke of the legacy of pain and suffering caused by the failures of the Church and State in Ireland. We discussed that Ireland is still a country with strong faith but that there is still much to be done to bring about justice and truth and healing for victims and survivors.

I thanked the Pope for his statements on climate change, accepting refugees and interna-

tional development. We also spoke of Irish missionaries, how they continue their work today, and also about the Pope's home country of Argentina and the role of Irish missionaries there.

I also used the opportunity during my speech later that day to expand on these issues and to express my strong wish that words need to be followed up by actions.

I strongly believe in the separation of Church and State and I believe in the freedom of religion. I hope the visit of Pope Francis will be the opening of a new chapter in the relationship between Ireland and the Catholic Church, one where the church is no longer at the centre of our society but in which it still has an important place.

*Questions Nos. 25 to 32, inclusive, resubmitted.*

### **Citizens Assembly**

33. **Deputy Eamon Ryan** asked the Taoiseach his plans for a Citizens' Assembly on gender equality. [37580/18]

**The Taoiseach:** As I have previously publically stated, most recently at the Congress of Women's Caucuses on 10 September, I intend to bring forward proposals for the establishment of a new Citizens' Assembly to consider the issue of gender equality shortly.

I would further propose that the Assembly also examines options for comprehensive local government reform, specifically the nature and powers of a directly elected Mayor of Dublin. The Assembly would have a solely Dublin based membership for this additional topic.

The resolution approving establishment of the Assembly will be brought before both Houses of the Oireachtas for approval in due course.

*Questions Nos. 34 to 54, inclusive, resubmitted.*

*Questions Nos. 55 to 66, inclusive, answered orally.*

### **Social Welfare Offices**

67. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection if she is satisfied that Intreo offices provide sufficient accessibility to persons seeking to access exceptional and urgent needs payments; and if she will make a statement on the matter. [38860/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Under the supplementary welfare allowance (SWA) scheme, my Department may make a single exceptional needs payment (ENP) to help meet essential, once-off expenditure which a person could not reasonably be expected to meet out of their weekly income. An urgent needs payment (UNP) is a once-off payment made to persons who may not normally qualify for SWA but who have an urgent need which they cannot meet from their own resources or an alternative is not available at that time. The Government has provided over €36 million for these payments in 2018.

The ENP scheme is demand led and payments are made at the discretion of the officers administering the scheme taking into account the requirements of the legislation and all the rel-

evant circumstances of the case in order to ensure that the payments target those most in need of assistance.

Provision of a prompt service is a major objective for the Department, especially for the SWA scheme which is the safety net within the social welfare system. The Deputy will be aware that my Department has re-engineered its business model to support the provision of integrated services across all business streams involved in the delivery of localised services. As part of this strategy, the Department is engaged in the delivery of integrated Intreo centres, which provide a full range of services, including the Community Welfare Service (CWS), generally available in one location. This means that the frequency of CWS public clinics has increased and an improved phone and appointments service is generally available.

Alternative arrangements are in place for those who cannot travel, for example due to illness, as well as in response to emergency situations such as those caused by severe weather events. This could include home visits or the provision of emergency or out of hours services.

I wish to assure the Deputy that the ENP scheme is kept under review to ensure that it continues to support those most in need of assistance. If the Deputy has concerns in respect of a particular case he should bring the details to the attention of the Department.

I trust this clarifies the matter.

### **National Carers' Strategy Funding**

68. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection her plans to provide additional supports to carers; her further plans to remove the means test for the carer's allowance. [38858/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** It is clear through the commitments contained in both the Programme for Government and in the National Carers' Strategy, that this Government recognises the crucial role that family carers play in Irish society and is fully committed to their support through a range of supports and services. The main income supports provided by my Department include carers allowance, carers benefit, domiciliary care allowance and carers support grant. Spending on these payments in 2018 is expected to amount to almost €1.2 billion.

Turning specifically to carer's allowance, this is a payment made to people who are providing full-time care and attention and whose income falls below certain limits. The application of a means-test not only ensures that the recipient has an income need but also that scarce resources are targeted to those with the greatest need. The means test for carers allowance is already one of the most generous in the social protection system. At the end of July 2018, there were over 77,000 people in receipt of carers allowance.

Removing the means test for carers allowance would, in effect, create a new universal social protection scheme for those meeting the scheme's basic condition. Based on the total number of carers identified as part of Census 2016, it has been estimated that a universal carers payment could cost in excess of €1 billion per annum over and above current spending. Increased expenditure on this scale would fundamentally change the nature of financial support and clearly reduce the scope to fund other critical schemes and services.

While I will continue to seek to improve the support for carers, any changes to payment schemes must be considered in an overall budgetary context.

## **Invalidity Pension Eligibility**

69. **Deputy Thomas Byrne** asked the Minister for Employment Affairs and Social Protection if her attention has been drawn to the case of a person (details supplied) who has been refused invalidity pension due to the fact that they became ill and had to give up self-employment before the date on which the self-employed became eligible for an invalidity pension. [38656/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** From the introduction of the invalidity pension (IP) in 1970 up to 1 December 2017, self-employed PRSI (Class S) contributions could not be used to satisfy the social insurance qualifying contributions for Invalidity Pension.

The extension of Invalidity Pension (IP) to self-employed contributors from the 1st December 2017 has, for the first time, given the self-employed access to a social insurance based income support if they become permanently incapable of work as a result of an illness or disability, without having to go through a means test. This represented a real improvement in the level of social insurance cover available to the self-employed even though the level of contribution was not increased and remained below that paid in respect of employed contributors.

I am aware that the Department has received an application for IP from the person concerned on two separate occasions; on 20 January 2016 and 5 January 2018. Both applications were disallowed on the grounds that the contribution conditions for the scheme were not satisfied.

I have met the person you have referred to on a number of occasions personally, and I will continue to provide support and assistance to them.

## **Invalidity Pension Applications Data**

70. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection the number of persons to date who have applied for invalidity pension since self-employed persons with sufficient contributions have become entitled to it; the number of persons that have successfully applied for this payment to date; the number of persons that have been refused this payment to date; her plans for changes to the qualifying rules; and if she will make a statement on the matter. [38771/18]

**Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath):** This Government is committed to encouraging self-employment and entrepreneurship and this includes improving the level of PRSI based benefits available to self-employed people while ensuring the sustainability of the social insurance fund. The extension of Invalidity Pension (IP) to self-employed contributors from the 1st December 2017 has, for the first time, given the self-employed access to a social insurance based income support if they become permanently incapable of work as a result of an illness or disability, without having to go through a means test. This represented a real improvement in the level of social insurance cover available to the self-employed even though the level of contribution was not increased. When deciding to extend access to this benefit to the self-employed, the Government wanted to ensure that it was on a similar basis to that of those in employment.

A separate IP scheme for the self-employed was not set up; rather the qualifying conditions specified in legislation for the existing scheme, were amended to include self-employed PRSI contributions in the “reckonable” category for the purpose of IP.

From the extension of IP to self-employed contributors on 1st December 2017 to the end of August, a total of 8,201 applications have been received; not all of these applications would have been in respect of self-employed contributors and decisions as to entitlement have not yet been made on all of these applications. As it is not a separate scheme data for those who apply for or are awarded this payment based on self-employment contributions are not readily available.

The department keeps all schemes under review in order to ensure that the underlying objectives continue to be met. In that context I am asking my Department to undertake a review of the current arrangements with regard to the IP scheme, including take-up by self-employed contributors. Any changes to the qualifying conditions for IP would be likely to have financial implications and would be a matter for Government to consider in the context of other budgetary priorities.

### **Public Consultation Process**

71. **Deputy Clare Daly** asked the Minister for Employment Affairs and Social Protection if she is satisfied that the public consultation process on pension reform has been conducted adequately in view of the fact that the process is limited to an online survey only, in contrast to the 2010 public consultation on the national pensions framework, has involved no public meetings, conferences, no opportunity to submit open submissions and in further view of the fact that the consultation took place over the summer during the Dáil Éireann recess thus minimising publicity for and media coverage of same. [38786/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The consultation process on the proposed reforms actually dates back to October 2007 when the Government published the Green Paper on Pensions to stimulate debate on the challenges and options for the future development of pensions. The consultation process was lengthy, thorough and inclusive and included regional seminars, a national conference, and consultation meetings with sectorial interests as well as the written submissions. This consultation informed the development of the 2010 National Pensions Framework which included the policy to introduce the Total Contributions Approach (TCA) for the State Pension Contributory and auto-enrolment for supplementary pensions. This policy was endorsed by a subsequent review of the Irish Pensions System published by the OECD in 2013.

The Roadmap for Pensions Reform 2018-2023 is not another discussion paper - it is focused on implementing policies that have already been well debated and have broad support. In particular that the State pension will be reformed in line with the TCA recommended in the National Pensions Framework and that a system of auto-enrolment will be introduced.

I launched the public consultation on the design of the TCA on the 28th of May to which interest groups including pensioners, workers, employers, young people, the unemployed, etc. were invited. A number of workshops were also held on the day to elicit views and feedback. Members of the media were also there and the consultation was featured extensively on broadcast and written media.

All Oireachtas members were also invited to a briefing. The consultation was open for over 3 months and we received almost 300 responses from individuals and organisations including open written submissions. I will consider the views expressed in the responses to the consultation in the context of finalising the final TCA model for Government approval.

An analysis of the views submitted is now being undertaken and feedback will be published



on the Department's website. The analysis being undertaken will, as is standard, also consider if there should be any further consultation on specific issues arising and if there are any lessons learned to inform future consultation processes.

I launched the public consultation on the auto-enrolment reform on 22nd August and this will run to 4th November. In addition to accepting written submissions consultation fora are being hosted in Dublin, Cork and Galway.

Subject to the analysis that is now underway, I do not propose to delay the progress that is being made to make our pension system fairer. As I have set out, consultation on these reforms dates back to 2007 so there has been no lack of consultation or debate. In addition the reforms will be introduced through the standard democratic process, and the policy choices will, I believe, be broadly debated by members of the Oireachtas including, I expect, during pre-legislative scrutiny.

I hope this clarifies the matter for the Deputy.

*Question No. 72 answered with Question No. 64.*

*Question No. 73 answered with Question No. 62.*

## **Pensions Reform**

74. **Deputy Peter Fitzpatrick** asked the Minister for Employment Affairs and Social Protection the status of the introduction of auto enrolment for pensions further to the publication of the Roadmap for Pensions Reform 2018-2023; and if she will make a statement on the matter. [38819/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Pensions reform is a Government priority and the plans to achieve this are set out in the Roadmap for Pensions Reform 2018-2023, which was published last February. Among the key commitments contained in this plan is to develop, by 2022, a new 'Automatic Enrolment' (AE) supplementary retirement savings system for employees without pensions coverage.

AE will see a transition from the current and purely voluntary supplementary pension system to one which will, subject to certain parameters, automatically enrol employees into a quality assured retirement savings system. This reform, where the saver will maintain the freedom of choice to opt-out, will encourage long term saving and asset accumulation amongst those who may otherwise suffer a reduction in living standards at retirement. It will increase the well-being, financial security and independence of future retirees.

In line with the actions contained in the Roadmap to achieve this ambitious commitment, a full time 'Automatic Enrolment Programme Management Office' (PMO) is now operational within the Department of Employment Affairs and Social Protection. The PMO is undertaking the work required to establish the evidence base which will inform future Government decisions regarding the design of the system. In addition, a new Interdepartmental 'Automatic Enrolment Programme Board' has also been established to provide strategic direction to the project and ensure that operational arrangements are in place to allow first enrolments no later than 2022.

Last month, I published a 'Strawman' proposal for an AE supplementary retirement savings system and commenced a public consultation process. The 'Strawman' proposal is a high level draft proposal designed to prompt and generate discussion and improve ideas. It should not, in any way, be construed as Government's confirmation of what form AE will ultimately take.

The goal of publishing the 'Strawman' is to help interested parties conceptualise plausible approaches to AE and to facilitate a focused debate around key design issues and how to address income adequacy for retirees in the future. My intention is to allow individuals and interest groups an opportunity to submit their views on the design and operational structure of the AE system.

The closing date for formal written submissions to the Strawman consultation process is the 4th November. In addition to this a number of AE member focus groups will be arranged; my Department is also holding a number of regional consultation fora in Dublin, Galway and Cork during October; and officials of my Department are holding a briefing session today for members of these Houses and their staff. Further details on the consultation process and how to engage with the public meetings are available on my Department's website.

Whilst the consultation process on the AE Strawman proposal closes on November 4th, Government will continue to engage with all interested parties throughout the design and development process. This will be used to generate as much consensus as possible on the best way forward. Our goal is to make sure the final system design will be trusted by employees and employers, will be affordable and will enhance personal independence during retirement.

I hope this clarifies the matter for the Deputy.

*Question No. 75 answered with Question No. 64.*

### **Back to School Clothing and Footwear Allowance Scheme Payments**

76. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the reason for delays to the payment of the back to school clothing and footwear allowance; and if she will make a statement on the matter. [38814/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The back to school clothing and footwear allowance (BSCFA) scheme provides a once-off payment to eligible families to assist with the costs of clothing and footwear when children start or return to school each autumn. The Government has provided €49.5 million for the scheme in 2018.

The payment rates are €125 for eligible children aged 4 to 11 years and €250 for children aged over 12 years and attending secondary school.

Since 2010, in excess of 100,000 customers can be identified every year from the Department's computer system as having an automatic entitlement to the allowance. These customers are notified of their entitlement and there is no requirement for them to make an application. In addition, approximately 55,000 customers may have an entitlement but need to apply to have this entitlement assessed.

Similar to arrangements in previous years, the majority of this year's BSCFA payments for 104,461 families in respect of approximately 190,308 children were fully automated and parents were not required to make an application to the Department. The total amount paid to families with an automatic entitlement was €33.45m and these payments were made during the week commencing 9th July 2018.

In order to qualify for an automated payment the parent of the child must have been in receipt of a qualifying payment that included an increase in respect of a qualified child at the commencement of the scheme and the Department were satisfied that the household satisfied the means test for the scheme. The scheme commenced from the 1st June 2018 with the entitle-



ment created based on the preceding week's entitlement.

The back to school clothing and footwear allowance is a mean-tested allowance. Qualifying for the allowance in a previous year does not in any way guarantee the customer will receive it in the current year and many customers, especially those who have had a change in their means or circumstance, will need to make an application for the payment for this year in order to have their entitlement validated. Customers with children aged 18 years or over will also need to apply and provide confirmation that the children are in full-time second-level education. Therefore, it is not possible, prior to the release of the automatic payments, to inform customers that they have no automatic entitlement to the payment.

Customers who may have received BSCFA in previous years and did not receive written confirmation of entitlement for this year by end June will need to make an application. The Back to School Clothing and Footwear Allowance scheme is open for new applications until 30 September 2018. Over 300 applications are still being received on a daily basis.

To date (24 September 2018) 138,203 families have been awarded the allowance in respect of 255,353 children, 8,944 applications have been refused and 3,867 are awaiting a decision. Expenditure to date on the scheme is €45.33m.

The BSCFA Area continues to experience short delays in processing applications. All applications received up to 4th September 2018 have been processed. The delays have arisen as a result of a combination of initial technical issues, which have now been resolved, and a very high volume of new applications received since the beginning of July. However, I can assure you that all outstanding claims are being dealt with expeditiously.

### **Budget Measures**

77. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection the budgetary measures she plans to take in view of the Oireachtas Joint Committee on Social Protection's report on the position of lone parents published in June 2017; and if she will make a statement on the matter. [38853/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** As Minister for Employment Affairs and Social Protection my priorities include children living in consistent poverty, and lone parent families. I welcomed the Joint Oireachtas Committee's report of 2017 on the Position of Lone Parents in Ireland, as it helps to inform the policy in this area.

Social transfers are very effective in reducing poverty, and Eurostat data shows that Ireland performs well in this regard. However, reducing poverty for lone parents is not just about income support. The latest CSO Survey on Income and Living Conditions (SILC) for 2016 shows that being at work reduces the consistent poverty rate for lone parents by nearly two-thirds. This highlights that the best way to tackle poverty among lone parents is to assist them into employment.

The activation service provided by my Department focuses on supporting lone parents to make the transition into employment. At a cross-governmental level, the focus is on assisting these families through the provision of quality services in areas including education, training and employment supports, and childcare. All of these services are crucial to assisting lone parents into employment, and to lifting both them and their children out of poverty.

I am conscious that lone parents face challenges that two-parent families do not face. On

this basis, I introduced increases to the income disregard for lone parents in Budget 2018, alongside other measures, including the primary rate and the increase for a qualified child, which have assisted lone parents. For example, a lone parent working 15 hours per week at the National Minimum Wage, is now better off by almost €1,000 per year.

Any changes to One-parent Family Payment in Budget 2019 will have to be considered in the overall budgetary context, in light of available resources and other priorities.

### **Farm Assist Scheme Administration**

78. **Deputy Charlie McConalogue** asked the Minister for Employment Affairs and Social Protection if the level of red tape involved in the annual forms that applicants for farm assist are required to fill out and return will be reviewed; if the level of information that is required on an annual basis will be reduced; and if she will make a statement on the matter. [38657/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Farm assist is a means-tested income support scheme for farmers. To qualify for the payment, a customer must be a farmer, farming land in the State, aged between 18 and 66 and satisfy a means test. The annual farm assist review form is a necessary part of the normal review process for these customers.

The means test for farm assist takes account of all income sources with certain disregards applicable to specific income sources. Different rules apply to income from farming and other forms of self-employment. Income from certain schemes such as the Green Low Carbon Agri Environment Scheme (GLAS), income from employment and income from property and capital are taken into account. An examination of farm outgoings is also included in the assessment process.

Income and expenditure figures for the preceding year are generally used as an indicator of the expected position in the following year. Details of any exceptional circumstances are also taken into account so as to ensure that the assessment accurately reflects the current situation.

The information provided by the customer on the review form covers both the income generated and the operating costs associated with the farm, all of which are required as part of the annual review process.

The annual farm assist review form is kept under ongoing review by my officials and there are no plans to change the current review criteria.

I hope that clarifies the matter for the Deputy.

### **Employment Rights**

79. **Deputy Clare Daly** asked the Minister for Employment Affairs and Social Protection if she is satisfied that current legislation is appropriate to adequately protect migrant workers from exploitation in seasonal employment within agricultural based industry here; and if further steps can be taken to enhance those protections. [38787/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Ireland has a comprehensive body of employment legislation, in respect of which the Workplace Relations Commission (WRC) is mandated to secure compliance. Ireland's employment rights legislation protects all employees, including migrant workers, who are legally employed on an

a contract of service basis.

Where an individual believes they are being deprived of employment rights applicable to employees they may refer a complaint to the Workplace Relations Commission (WRC) where the matter can be dealt with by way of mediation or adjudication leading to a decision that is enforceable through the District Court. WRC inspectors can also be asked to investigate certain breaches. Complaints can be made on a single online complaint form available at the WRC's website [www.workplacerelements.ie](http://www.workplacerelements.ie).

On 7th December 2017, I published the Employment (Miscellaneous Provisions) Bill 2017. The Bill delivers on the commitment in the Programme for a Partnership Government to tackle the problems caused by the increased casualisation of work and to strengthen the regulation of precarious work. This is a very important piece of legislation which will improve the security and predictability of working hours for employees on insecure contracts and seasonal contracts, including those working in the agricultural sector.

It provides for five key issues which will benefit all employees, particularly those in less secure employment arrangements:

- Ensuring that employees are better informed about the nature of their employment arrangements and, in particular, their core terms at an early stage of their employment.
- Strengthening the provisions around minimum payments to low-paid, vulnerable employees who may be called in to work for a period but not provided with that work.
- Prohibiting zero hours contracts in most circumstances.
- Ensuring that workers on low hour contracts, who consistently work more hours each week than provided for in their contracts of employment, are entitled to be placed in a band of hours that better reflects the reality of the hours they have worked over an extended period.
- Strengthening the anti-penalisation provisions for employees who try to invoke a right under this Bill.

The Bill completed Report and Final Stage in the Dáil on 12th July 2018. However, I am concerned that the Bill as amended at Report Stage in the Dáil includes provisions which have the potential to significantly delay the progress of the Bill. This is because one amendment in particular, which could have far reaching implications for a broad range of stakeholders, needs to be subject to a thorough scrutiny and consultation.

*Question No. 80 answered with Question No. 62.*

### **JobPath Programme**

81. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection her views on the growth in the use of sanctions by her Department against social welfare claimants on foot of their interaction with JobPath providers; if a review mechanism prior to the enactment of such sanctions will be considered; and if she will make a statement on the matter. [38854/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** My Department is committed, under the Pathways to Work Strategy to incentivise the take-up of activation opportunities. Penalty rates were introduced as a means of encouraging jobseekers to engage with activation measures and co-operate with efforts of the Department to assist them in

securing employment. Penalty rate sanctions can only be invoked in relation to failure to comply with the Department's activation measures. Activation measures include the requirement to attend group or individual meetings, and/or avail of suitable education, training or development opportunities, or specified employment programmes, which are considered appropriate to a person's circumstances.

Social Welfare legislation provides that sanctions/penalties in the form of reduced payments may be imposed by a Deciding Officer of the Department of Employment Affairs and Social Protection, where jobseekers referred for activation fail, without good cause, to comply with activation measures. Reduced rates are only applied where a jobseeker fails to engage as requested, and following at least two warnings, with the Department's employment services. The penalty rate is lifted as soon as the jobseeker engages in the process. If dissatisfied with the Deciding Officer's decision to impose a sanction, the Jobseeker can appeal that decision to the Social Welfare Appeals Office (SWAO).

The majority of jobseekers engage with the activation process having been invited for the first time. Some, however, fail to engage, without good cause. Following a verbal warning and a rescheduling of an appointment, this number falls significantly and only a small proportion of jobseekers have a penalty rate applied.

It is important to note that year on year since the introduction of the INTREO/Activation model there has been a steady increase in the numbers of jobseekers engaging with the Department's Activation services. The Department's capacity to deliver the activation service has increased considerably from 2011 to date which coincides with the increase in the number of penalty rates applied.

Approximately 1,500 jobseekers (1%) would have a penalty rate applied at any given time. This number needs to be viewed in the context of circa 150,000 Jobseekers who are engaged with either the Department's internal activation process via the Intreo Service or the external activation process i.e. JobPath and the Local Employment Services at a given time.

JobPath providers do not apply or recommend the application of a penalty rate of payment. They simply advise the Department if a jobseeker is failing to attend activation meetings. Officials in the Department then contact the Jobseeker and seek to arrange a meeting to discuss the matter directly with them. The application of penalty rates for all clients is entirely a matter for the Department and officials involved will take all relevant factors into account.

### **Carer's Allowance Delays**

82. **Deputy Charlie McConalogue** asked the Minister for Employment Affairs and Social Protection the processing times for carer's allowance and carer's benefit applications; the reason for the backlog of applications; her plans to address same; if additional staff will be allocated in order to clear same; and if she will make a statement on the matter. [38658/18]

87. **Deputy Brendan Smith** asked the Minister for Employment Affairs and Social Protection her plans to allocate additional resources and personnel to reduce the delays in processing carer's allowance applications; and if she will make a statement on the matter. [38784/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I propose to take Questions Nos. 82 and 87 together.

My Department is committed to providing a quality service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are made as

quickly as possible.

Carer's Allowance (CA) is a means-tested payment, made to a person who is habitually resident in the State and providing full-time care and attention to a child or an adult who has such a disability that they require that level of care. An increased payment can be made where full-time care is being provided to two people.

Carer's benefit (CARB) is a payment made to insured people who leave the workforce to care for a child or an adult in need of full-time care and attention.

At the end of August 2018 the average waiting time for new CA application was 18 weeks while it was 11 weeks for a new CARB application.

Before a decision can be made on entitlement carers allowance, evidence must be provided to establish whether the person being cared for has such a disability that they require full-time care and attention, whether the carer is providing full-time care and attention, whether the carer is habitually resident in the State and, finally, whether the carer satisfies the means test.

To qualify for carers benefit a person has to show that they have the required level of PRSI contributions, that they have left full-time employment, that they are providing full-time care and attention and that the person being cared for has such a disability that they require full-time care and attention.

In general, social welfare schemes with a number of complex qualifying conditions can take longer to process. This is compounded if the documentary evidence provided at initial application stage is incomplete or insufficient; this is sometimes the case with carer's applications.

The Department recently launched a re-designed carer's allowance application form which will allow carers to provide more information on the type and level of care they provide, with an aim to providing Deciding Officers with the information they need to expedite decisions on entitlement.

The carers benefit form is currently being re-designed in a similar way.

Staff have recently been re-assigned within the carers areas to work on claims processing and this should lead to a reduction in processing times. In addition, there are plans to reassign work within the Department to allow for the provision of additional staff to the carer's payments area.

I hope this clarifies the matter for the Deputy.

### **Court Judgments**

83. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection her plans to deal with the outcome of the UK Supreme Court case on the exclusion of cohabitants from claiming widowed parent's allowance and the findings of eligibility under the ECHR; and if she will make a statement on the matter. [38857/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The recent Judgement of the Supreme Court of the United Kingdom ("UKSC") regarding the Widowed parent's allowance (WPA) has been examined by my Department, and it appears that it does not have any relevance to the Widows/Widowers/Surviving Civil Partners Contributory Pension (WCP) paid by my Department.



In the first instance, it should be noted that decisions of UK courts do not change the law in this State. However, given the case was taken in the context of the European Convention of Human Rights (ECHR), my officials examined the ruling to see if the reasoning in the ruling might have applicability for the WCP, which is paid to over 120,000 widows, widowers and surviving civil partners each week.

The ruling explicitly recognised that such payments may be based on marital status, under the ECHR. Paragraph 25 of the judgement referenced the previous *Shackell v United Kingdom* (2000) case where the European Court of Human Rights “declared inadmissible a complaint that denying widow’s benefits to unmarried surviving partners discriminated against the survivor and her children on the ground of her unmarried status and the children’s illegitimacy”. The award of benefits to couples who have entered marriage is a feature of most European countries, both within the benefits system and the tax code, and is in compliance with the ECHR.

The basis of the UKSC ruling against the UK Government in this case was that the WPA was primarily an allowance to support the weekly costs of dependant children, and not the living costs of the parent. Paragraph 27 of the ruling noted that WPA “is only paid because the survivor is responsible for the care of children who were at the date of death the responsibility of one or both of them. Its purpose must be to benefit the children.”

This is in contrast to the provisions of the WCP in Ireland, which is paid to widows, widowers and surviving civil partners, regardless of whether or not they have children.

WCP is paid to the husband, wife or civil partner of a deceased person, and is a weekly pension, available to those who satisfy the necessary PRSI contribution conditions, either on their own record or on that of the deceased spouse, provided the applicant is not cohabiting.

The legal context governing relationships such as marriage is regulated by the Minister for Justice and Equality. Entering into a marriage or civil partnership is a legal act, which confers both rights and obligations on both parties which do not exist in law between co-habiting couples. Widows, widowers and surviving civil partners, who become bereaved, therefore, lose someone who had legal duties towards them, and the social welfare code recognises this by providing a pension to them, subject to certain conditions.

It was for these reasons that the social welfare supports for widows and widowers were extended to surviving civil partners from 1 January 2011, when the provisions of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 came into force.

I hope this clarifies the matter for the Deputy.

## **Pensions Reform**

84. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection the consultations that have taken place on the proposed auto enrolment; and if she will make a statement on the matter. [38769/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Pensions reform is a Government priority and the plans to achieve this are set out in the Roadmap for Pensions Reform 2018-2023, which was published last February. Among the key commitments contained in this plan is to develop, by 2022, a new ‘Automatic Enrolment’ (AE) supplementary retirement savings system for employees without pensions coverage.

AE will see a transition from the current and purely voluntary supplementary pension sys-

tem to one which will, subject to certain parameters, automatically enrol employees into a quality assured retirement savings system. This reform, where the saver will maintain the freedom of choice to opt-out, will encourage long term saving and asset accumulation amongst those who may otherwise suffer too high a reduction in living standards at retirement. It will increase the well-being, financial security and independence of future retirees.

Thus far, consultations have taken place to utilise expertise and facilitate input from, and engagement with, the various sectorial interests including those from the pensions industry, representatives of small, large and multinational employers, trade unions and consumer/advocate group representatives. This involved issuing a briefing document and an 'Invitation for Submissions' to approximately 35 industry/employer/trade union/consumer/advocate representative groups. All groups were afforded the opportunity for a follow on meeting to expand further on views advanced in written submissions.

Consultations have also taken place with a range of international/Irish subject matter experts to inform the deliberative process. This includes experts from Australia, New Zealand, Canada, the United Kingdom, the United States and the OECD.

Using the learning achieved from this work, last month, I published a 'Strawman' proposal for an AE supplementary retirement savings system and commenced a wider national public consultation process. The 'Strawman' proposal is a high level draft proposal designed to prompt and generate discussion and improve ideas. It should not be construed as Government's confirmation of what form AE will ultimately take. The goal of publishing the 'Strawman' is to help interested parties conceptualise plausible approaches to AE and to facilitate a focused debate around key design issues and how to address income adequacy for retirees in the future.

The closing date for formal written submissions to the Strawman consultation process is the 4th November. In addition, a number of other measures are being arranged including a briefing for Oireachtas members - which is being held today; dedicated 'AE member Focus Groups'; and regional public consultation fora in Dublin, Galway and Cork during the month of October. Further details on these and how to register attendance at the public meetings are available on the Department's website.

Whilst the consultation process on the AE Strawman proposal closes on November 4th, Government will continue to engage with all interested parties throughout the design and development process. This will be used to generate as much consensus as possible as to the best way forward. Our goal is to make sure the final system design will be trusted by employees and employers, will be affordable and will enhance personal independence during retirement.

I hope this clarifies the matter for the Deputy.

### **Widow's Pension Eligibility**

85. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection her plans to allow an entitlement to a widow's pension in certain circumstances and not solely dependent on marital status; and if she will make a statement on the matter. [38818/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Widow's, Widower's and Surviving Civil Partner's pension is paid to the husband or wife of a deceased person and is available to those who satisfy the necessary PRSI contribution conditions, either on their own record or on that of the deceased spouse, provided the applicant is not cohabiting.

The legal context governing relationships such as marriage is regulated by the Minister for Justice and Equality. Entering into a marriage or civil partnership is a legal act, which confers both rights and obligations on both parties that do not exist in law between co-habiting couples. Widows, widowers and surviving civil partners, who become bereaved, therefore, lose someone who had legal duties towards them, and the social welfare code recognises this by providing a pension to them, subject to certain conditions.

It was for these reasons that the social welfare supports for widows and widowers were extended to surviving civil partners from 1 January 2011, when the provisions of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 came into force.

Awarding widows pensions, or a similar benefit, to people who are not legally widows, widowers or surviving civil partners would involve a significant income support policy change and could also be very costly. The basis on which a person would become entitled to such a pension, would require significant consideration and raise complex challenges. Accordingly, I have no plans to change current legislation and arrangements.

I hope this clarifies the matter for the Deputy.

### **Carer's Support Grant**

86. **Deputy Mary Butler** asked the Minister for Employment Affairs and Social Protection her plans to review the criteria for the awarding of the carer's support grant; and if she will make a statement on the matter. [38851/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Through the commitments contained in both the Programme for Government and in the National Carers' Strategy, the Government recognises the crucial role that family carers play in Irish society and is fully committed to their support through a range of supports and services. The main income supports provided by my Department include carer's benefit, domiciliary care allowance, carer's allowance and the carer's support grant. Spending on these payments in 2018 is expected to amount to almost €1.2 billion.

The Carer's Support Grant (CSG) is paid automatically to people in receipt of Carer's Allowance, Carer's Benefit, Domiciliary Care Allowance or Prescribed Relative's Allowance. Other people who are not in receipt of a social welfare payment but who are providing full time care and attention are also eligible and can apply for the grant. The payment is made regardless of the carer's means but is subject to certain conditions, one of which is that the period of full-time care and attention must last for at least six months. This period of care must include the first Thursday in June.

The CSG, as an annual payment in a single lump sum with no requirement to satisfy a means test, is not available for any other group nor is there an equivalent payment for carers in any other country in Europe.

While my Department keeps the qualifying criteria for schemes under regular review, any changes to qualifying criteria would have to be considered in an overall budgetary context.

*Question No. 87 answered with Question No. 82.*

### **Social Welfare Benefits Payments**

88. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection her plans to restore the bereavement grant and the fuel allowance grant to 32 weeks in view of the recommendations of a report by an organisation (details supplied); and if she will make a statement on the matter. [38856/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** During the economic downturn, my Department protected primary social welfare rates and in recent years, as the economy recovered, the Government has concentrated resources in improving the core rates of payments, particularly for pensioners. Abolishing the bereavement grant provided a significant annual saving and allowed my Department to protect other core social welfare payments such as the State pension.

The number of bereavement grant claims in 2013 was 23,716, and this represented an increase of approximately 4% on 2012. Based on a similar yearly increase each year since 2013, it is estimated that the number of bereavement grant claims that might arise in 2019, were the scheme to be re-introduced, would be in the region of 30,000, and the number would be expected to increase in future years. Accordingly, if there were 30,000 such grants made in 2019, at a rate of €850 each, the cost would be approx. €25.5 million.

Any decision to reinstate the Bereavement Grant would have to be considered in the context of overall budgetary negotiations.

It's worth noting that there are a range of supports available for people following bereavement which provide more significant support than the grant. These include weekly-paid widow's, widower's or surviving civil partner's (contributory and non-contributory) pensions, which are based on contributions or a means test, and a once-off widowed or surviving civil partner grant of €6,000 where there is a dependent child.

A number of social welfare payments, including State pension, continue in payment for six weeks following a death. In Budget 2016, the Government increased the payment after death period to 12 weeks for carer's allowance. Guardian payments are available where someone cares for an orphaned child. A special funeral grant of €850 is paid where a person dies because of an accident at work or occupational disease.

Under the SWA scheme, the Department of Social Protection may make a single exceptional needs payment (ENP) to help meet essential, once-off expenditure which a person could not reasonably be expected to meet from their weekly income, which may include help with funeral and burial expenses.

The cost of an additional week of fuel allowance is estimated at approx. €8.6 million. Extending the duration of the scheme from 27 to 32 weeks would therefore cost an estimated €42.9 million. Any decision to extend the duration that fuel is paid for would have budgetary consequences and would have to be considered in the context of budget negotiations.

Exceptional needs payments can be made under the supplementary welfare allowance scheme towards heating needs e.g. purchase of oil, solid fuel, heating bills etc.

I hope this clarifies the matter for the Deputy.

### **Local Employment Service**

89. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection when the report on the future of local employment services is due to be published; and if she

will make a statement on the matter. [38770/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** My Department commissioned Indecon to conduct a review of the Local Employment and Job Club services. This review is the first significant independent review that has been commissioned since the Local Employment Services (LES) and Job Clubs were established. The review will help inform future decisions regarding how the Department contracts, monitors and procures for these services.

The final report is currently under active consideration within my Department. The findings of the report will be discussed with the contractors shortly and their observations sought. The report contains contractual and performance information relating to some 63 contractors and my Department must therefore consider any obligations under the terms of the existing contracts before deciding whether it is appropriate to publicise the reports in their entirety.

I hope this clarifies the matter for the Deputy.

*Questions Nos. 90 and 91 answered with Question No. 62.*

### **Social Welfare Benefits Eligibility**

92. **Deputy Thomas Byrne** asked the Minister for Employment Affairs and Social Protection if a grandfathering clause will be included for persons who were self-employed but had to give up work due to invalidity before the introduction of invalidity pension for the self-employed. [38655/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Government is committed to encouraging self-employment and entrepreneurship and this includes improving the level of PRSI based benefits available to self-employed people while ensuring the sustainability of the social insurance fund.

Self-employed contributors have been eligible for the invalidity pension since December 2017. For the first time, this has given the self-employed access to a social insurance based income support if they become permanently incapable of work as a result of an illness or disability without having to go through a means test. This represented a real improvement in the level of social insurance cover available to the self-employed even though the level of contribution was not increased. When deciding to extend access to this benefit to the self-employed, Government wanted to ensure that it was on a similar basis to that of those in employment.

To qualify for an Invalidity Pension from the Department, a self-employed person or employee must have 260 PRSI paid contributions (Class A, E, H or S) since they started paying social insurance and 48 PRSI paid or credited contributions (Class A, E, H or S) in the last complete contribution year or the second last contribution year before the date of their claim. Contributions outside of the reference period cannot be assessed for the purposes of establishing the required 48 paid or credited contributions.

A person, with the required 260 paid PRSI contributions, applying for Invalidity Pension in 2018 must therefore have 48 paid or credited contributions in either 2016 or 2017 to meet the contribution conditions of the scheme.

It would not be possible to introduce special arrangements for self-employed without breaching the original objective of this measure which was that it would be done on the same basis as employed contributors.



I hope this clarifies the issue for the deputy.

*Question No. 93 answered with Question No. 62.*

### **Public Services Card**

94. **Deputy Catherine Connolly** asked the Minister for Employment Affairs and Social Protection the services for which a public services card is required; the categories and details of data contained on the card; the Departments and or agencies with which such information may be shared; and if she will make a statement on the matter. [38867/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** SAFE Level 2 registration is carried out by my Department and allows a person to verify their identity once, not just for access to services provided by this Department but also for a number of public services. Once a person completes a SAFE 2 registration, they may be issued with a Public Services Card (PSC) as a physical token that proves they have had their identity verified to the SAFE 2 standard.

It is designed to replace other cards within the public sector such as the free travel pass and the social services card of this Department and to make it easy for providers of public services to verify the identity of customers.

While it is a matter for each public service provider to determine the appropriate level of identity verification required for each of its services, it is Government policy that SAFE 2 registration is required for access to services that need substantial proof of a person's identity. SAFE 2 identity verification is currently required for the following services:

- Access to Social Welfare Services and for the purpose of PPSN allocation;
- First time adult passport applicants in the State;
- Replacement of lost, stolen or damaged passports issued prior to January 2005, where the person is resident in the State;
- Citizenship applications;
- Online renewal of Driving Licences; and
- Access to high value or personal online public services through MyGovID, which is the identity authentication mechanism for accessing public services online.

The primary legislative provisions for SAFE registration and identity verification are set out in the Social Welfare Consolidation Act, 2005 (as amended). Sections 262 and 263B provide for the verification of identity for issuance and use of a PPS Number and Sections 263, 263A and 263B provide for the verification of identity for issuance, use and cancellation of a PSC.

The following data items appear on the card and are stored on the chip:

- the name of the person;
- the person's personal public service number (PPSN);
- the person's photograph;
- the signature of the person;

- the issue number of the PSC; and
- the expiry date of the PSC.

Additional items stored on the chip are:

- the date of birth of the person;
- the place of birth of the person;
- the sex of the person;
- the person's nationality;
- all former surnames (if any) of the person; and
- all former surnames (if any) of the mother of the person.

The Public Services Identity (PSI) dataset is defined in Section 262 (1) of the 2005 Act (as amended). The legislative basis which allows for data sharing of the PSI data between specified public bodies, is provided for under section 262 (1). The specified public bodies that may use PSI data under Sections 260-265 of the 2005 Act (as amended) is contained in Schedule 5 of the said Act.

At present, a PSC cannot be requested by any public or private body or person not included as a specified body in Schedule 5 of the 2005 Act (as amended). The PSC can only be used by public bodies specified in the legislation in the context of conducting a public transaction with the person concerned.

I hope this clarifies the matter for the Deputy.

### **Departmental Data**

95. **Deputy Mick Wallace** asked the Minister for Employment Affairs and Social Protection if she is satisfied that the independence of her Department's data protection officer is sufficiently respected; and if she will make a statement on the matter. [38846/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Section 4 of the General Data Protection Regulation deals with the appointment and role of a Data Protection Officer. All public authorities and bodies including Government department's are required to designate a Data Protection Officer (DPO). The Department has appointed a Data Protection Officer in line with the GDPR.

As the Deputy is aware, the functions of the Data Protection Officer include monitoring overall compliance with the Regulation; providing information and advice to the data controller; liaising with the Regulator and providing training, advice and support on all matters arising from the GDPR.

As is appropriate, my Department's Data Protection Officer is involved in all aspects relating to the processing of personal data and the on-going work of GDPR compliance.

I have no concerns as to the independence of the data protection officer in the Department.

### **Domiciliary Care Allowance Eligibility**

96. **Deputy Aindrias Moynihan** asked the Minister for Employment Affairs and Social Protection if the domiciliary care section will accept private diagnosis and medical reports from applicants; and if she will make a statement on the matter. [38864/18]

**Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath):** Domiciliary care allowance is payable in respect of children who have a severe disability resulting in the need for substantial extra care and attention compared to other children of the same age without that disability. Eligibility is determined on the additional care required by the child and not on the particular disability.

Medical evidence and detail on the diagnosis is accepted from any relevant qualified medical professional attending the child, irrespective of whether the diagnosis is obtained privately or not.

Before a decision is made on a domiciliary care allowance application, the deciding officer forwards the application in its entirety, including all the medical evidence supplied, to one of the Departments medical assessors for their professional opinion on the care needs resulting from the disability. The deciding officer having received the opinion of the medical assessor then examines the application in full before making a decision.

All medical evidence provided by qualified professionals in regard to the diagnosis of the child's medical condition, the prognosis of the condition and the impact on the child's care needs is carefully considered by both the medical assessor and deciding officer before reaching a decision on eligibility.

I hope this clarifies the matter for the Deputy.

### **Proposed Legislation**

97. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection the priority legislative proposals she will be bringing forward to deal with issues affecting workers such as the growth of bogus and precarious employment contracts, restrictions on the right to join a representative body and have it recognised by employers; her plans to include safeguards to existing defined benefit pensions schemes in view of the changed remit of her Department; and if she will make a statement on the matter. [38855/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** On 7th December 2017, I published the *Employment (Miscellaneous Provisions) Bill 2017*. The Bill delivers on the commitment in the Programme for a Partnership Government to tackle the problems caused by the increased casualisation of work and to strengthen the regulation of precarious work. This is a very important piece of legislation which will improve the security and predictability of working hours for employees on insecure contracts and those working variable hours in all sectors of employment.

It provides for five key issues which will benefit all employees, particularly those in less secure employment arrangements:

- Ensuring that employees are better informed about the nature of their employment arrangements and, in particular, their core terms at an early stage of their employment.
- Strengthening the provisions around minimum payments to low-paid, vulnerable employees who may be called in to work for a period but not provided with that work.

- Prohibiting zero hours contracts in most circumstances.

- Ensuring that workers on low hour contracts, who consistently work more hours each week than provided for in their contracts of employment, are entitled to be placed in a band of hours that better reflects the reality of the hours they have worked over an extended period.

- Strengthening the anti-penalisation provisions for employees who try to invoke a right under this Bill.

The Bill completed Report and Final Stage in the Dáil on 12th July 2018. However, I am concerned that the Bill as amended at Report Stage in the Dáil includes provisions which have the potential to significantly delay the progress of the Bill. This is because one amendment in particular, which could have far reaching implications for a broad range of stakeholders, needs to be subject to a thorough scrutiny and consultation process.

Under the Social Welfare Consolidation Act, there are specific offences in relation to employment contributions, their remittance and the maintenance of prescribed wages and employment records. This includes bogus self-employment where employers seek to wilfully evade income tax and social insurance liabilities. On conviction fines and or imprisonment can ultimately be imposed.

Regarding Defined Benefit pensions, Second Stage of the *Social Welfare, Pensions and Civil Registration Bill 2017* concluded on 4th October 2017. Government approval to draft provisions for a number of additional items to be included in the Bill at Committee Stage was subsequently obtained and these included measures to respond to the ongoing difficulties in Defined Benefit schemes. These measures are designed to improve protections for scheme members and ensure that schemes in difficulty will be closely monitored and will be managed to improve their funding position. These provisions are technical and involve complex policy issues. When these issues have been resolved and amendments approved by Government, an early date will be requested for Committee Stage.

Finally, the right to join an employee representative body and have it recognised by employers is an industrial relations matter. Policy responsibility for industrial relations matters remains with my colleague the Minister for Business, Enterprise and Innovation.

### Fuel Allowance Payments

98. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection her plans for a cold weather fuel payment for 2019; and if she will make a statement on the matter. [38859/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Fuel Allowance Scheme is means tested and assists pensioners and other welfare dependent householders with meeting the cost of their heating needs during the winter season. The allowance represents a contribution towards a person's normal heating expenses. It is not intended to meet those costs in full.

The scheme operates over the colder weather period (currently 27 weeks). The allowance is €22.50 per week and was increased from €20 per week in the 2016 Budget.

Only one Fuel Allowance is paid to a household. It is payable to those who are in receipt of a long-term social welfare payment, who satisfy a means test, and who are either living alone or only with;

- a qualified spouse/civil partner/cohabitant or qualified child(ren);
- a person in receipt of a qualifying payment who would be entitled to the allowance in their own right;
- a person in receipt of Carer's Allowance or Carer's Benefit in respect of providing full time care and attention to the applicant or their qualified spouse/civil partner/cohabitant or qualified child(ren); or
- a person receiving short term Jobseeker's Allowance or the Basic Supplementary Welfare Allowance (less than 391 days).

An applicant in receipt of a means-tested qualifying payment is automatically deemed to have satisfied the means test for the Fuel Allowance. For the fuel season 2017/18 there were some 365,000 customers in receipt of the Fuel Allowance. This figure has decreased in recent years in line with the live register figure.

My Department is very aware of the hardship that all people, including fuel allowance recipients, face during adverse weather conditions. Members of the Department attended the National Emergency Centre during adverse weather conditions, to ensure a coordinated and quick response to help our customers. During the severe weather in March this year the Department automatically paid all people in receipt of the Fuel Allowance an extra payment of €22.50 at that time. This was the equivalent of an additional week's payment of the Allowance and this was to ensure our customers were safe and warm.

Exceptional needs payments can be made under the supplementary welfare allowance scheme towards heating needs e.g. purchase of oil, solid fuel, heating bills etc.

I hope this clarifies the matter for the Deputy.

### **Budget Submissions**

99. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection if she has received a pre-budget submission from an organisation (details supplied) outlining its various proposals and recommendations; if so, her views on these proposals; and if she will make a statement on the matter. [38772/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Government acknowledges the crucial role that family carers play in Irish life and is fully committed to supporting carers in their role. This commitment is recognised in both the Programme for a Partnership Government and the National Carers' Strategy. It is also reflected in the fact that my Department expects to spend in the region of €1.2 billion during 2018 on providing supports to carers and their families.

I have received the pre-Budget submission referred to by the Deputy and can confirm that it is being considered as part of the overall budgetary process within my Department. I should also say that there are a number of proposals in the pre-budget submission fall outside of the immediate responsibility of the Department of Employment Affairs and Social Protection to other Departments and offices.

In order to learn of and assess priorities of representative bodies, as well as giving consideration to pre-Budget submissions, my Department normally hosts an annual pre-Budget Forum which representative bodies attend. Furthermore, my Department engages regularly with car-



ers' representative groups and also hosts the Annual Carers' Forum to review progress under the National Carers Strategy.

Issues such as extending allowances or increasing means test thresholds are discussed at these events. This engagement has helped inform some considerable improvements that have been introduced for carers in recent years. In Budget 2016, the Carer's Support Grant was increased to €1,700 in addition to other measures benefitting carers including extending the period when CA can be paid following the death of a care recipient from 6 to 12 weeks. Budget 2017 introduced a measure that extends payment of CA for 12 weeks where the care recipient enters permanent residential care.

The pre-Budget Forum was held in Dublin Castle in July this year and it was an opportunity for me to meet with many groups from the community and voluntary sector, including carers representative groups and to gain a deeper insight into the issues they are most concerned about in the context of the upcoming budget.

### **JobPath Data**

100. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the number of persons who have been referred to JobPath after completing the scheme in full for a second time since its introduction; and if she will make a statement on the matter. [38815/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** JobPath is designed to support people who are long term unemployed to obtain and sustain employment in the open labour market. The JobPath companies have no role in selection of jobseekers for referral to the service. My Department selects clients for the JobPath service by means of a random selection process and protocols for selection currently preclude the selection of anyone who has already completed 52 weeks with the JobPath service within the previous four months.

If, however, at the end of this specified period the jobseeker has not engaged in other activation supports and services they then become eligible for selection for a second period of activation on the JobPath programme.

Since July 2015, just over 11,000 jobseekers have commenced a second engagement period with the service, having availed of the service for one year previously.

For those jobseekers returning to the JobPath service for additional assistance in their search for employment, a Personal Advisor will review their previous experience with JobPath. They will then agree a new personal progression plan, which will be developed to build on their previous engagement including tackling any barriers to employment they may have.

I trust this clarifies the matter for the Deputy.

### **Pension Provisions**

101. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the status of her Department's work towards introducing a total contributions approach for the State pension; and if she will make a statement on the matter. [38817/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Government intends to introduce a Total Contributions Approach (TCA) to establishing level of entitlement for all new state pension contributory claims from 2020 onwards (TCA2020). I

launched a public consultation on this proposal earlier this year in May.

The consultation sought input on a range of relevant factors which included the amount of contributions needed for a full rate contributory state pension, the amount of credited contributions a person could avail of, the provision of homecaring periods and whether there would be a “phase-in period” for the changes.

The online consultation lasted for over 3 months and closed on 3 September. We received over 270 responses from both individuals and representative organisations.

An analysis of the views submitted is now being undertaken and feedback will be published on the Department’s website.

Following examination and consideration of the submissions to the consultation, my officials will prepare proposals for the design of the new approach for consideration by the Government in due course.

I hope this clarifies matters for the Deputy.

### **Living Wage Introduction**

102. **Deputy Mick Barry** asked the Minister for Employment Affairs and Social Protection her views on the recent recommendation by a group (details supplied) that a living wage of €11.90 per hour is required for workers to meet their basic average outgoings; if legislation will be introduced to allow for an increase in the minimum wage; and if she will make a statement on the matter. [30632/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Legislation in relation to the setting of the National Minimum Wage has existed since 2000. More recently, the Low Pay Commission was established in 2015 and its primary function is, on an annual basis, to examine and make recommendations on the national minimum wage, with a view to providing for incremental adjustments which do not impact negatively on jobs or competitiveness. The Commission thus takes an evidence-based approach to its recommendations, having regard to changes in earnings, productivity, overall competitiveness and the likely impact any adjustment will have on employment and unemployment levels.

The Commission’s recommendations to date have been accepted by Government, resulting in an increase in the National Minimum Wage between January 2016 and January 2018 of over 10% (from €8.65 to €9.55 per hour). The Commission’s most recent report was published in July 2018, recommending a further increase to €9.80 per hour.

A decision by Government in relation to this recommendation will be announced in the context of Budget 2019, and a resulting increase in the National Minimum Wage Act 2000 would be effective from 1 January 2019.

The most recent figures published by Eurostat (August 2018) show that Ireland has the second highest national minimum wage of any country in the EU at €1,614 per month, behind only Luxembourg whose minimum wage is €1,999 per month (for comparison purposes Eurostat converts countries’ hourly or weekly rates into monthly rates). Allowing for purchasing power standards, Ireland drops to sixth place, but still remains in the group with the highest minimum wage rates in the EU.

It is important that Ireland’s statutory National Minimum Wage and the Living Wage con-

cept are not conflated. The Living Wage is a voluntary societal initiative centred on the social, business and economic case to ensure that, wherever it can be afforded, employers will pay a rate of pay that provides an income that is sufficient to meet an individual's basic needs, such as housing, food, clothing, transport and healthcare. As a voluntary initiative, the Living Wage has no legislative basis and confers no statutory entitlement. The National Minimum Wage, on the other hand, has a legislative basis and confers a statutory entitlement on employees, and a statutory obligation on employers.

I currently have no plans to bring forward proposals regarding the Living Wage outside of the legislative based work of the Low Pay Commission. The setting of wages is a matter between employers and employees, which takes place in the context of the market, and Government does not interfere unduly in the process. More generally, this area comes within the remit of my colleague the Minister for Business, Enterprise and Innovation, through her Department's responsibilities for industrial relations issues generally and wage-setting mechanisms such as Registered Employment Agreements (REAs), Joint Labour Committees (JLCs) and Sectoral Employment Orders (SEOs).

### **European Council Meetings**

103. **Deputy Lisa Chambers** asked the Taoiseach if he will report on the informal Heads of Government summit in Salzburg and, in particular, his meeting with the UK Prime Minister, Theresa May. [39023/18]

**The Taoiseach:** I attended the Informal Summit in Salzburg on 19 / 20 September where I met with my EU counterparts. We discussed migration, internal security and Brexit.

On Brexit, Prime Minister May presented the UK perspective after dinner on Wednesday evening.

The EU27 met in Article 50 format the following day to review progress in the negotiations and to discuss next steps.

Michel Barnier provided his assessment of progress in the negotiations on the Withdrawal Agreement to date, on issues that remain to be resolved.

On the Protocol on Northern Ireland and Ireland, Mr Barnier outlined his efforts to 'de-dramatise' the backstop. Partners expressed strong support for Mr. Barnier and his mandate as EU negotiator. They also reiterated their steadfast solidarity with Ireland on its unique concerns, and the need to ensure that a legally operable version of the backstop is included in the Withdrawal Agreement.

I also had a bilateral meeting with Prime Minister Theresa May in the margins of the Summit on Thursday 20 September.

I reiterated that I hope the future relationship between the EU and the UK will be as close, comprehensive and ambitious as possible, but that it is essential that the Withdrawal Agreement, including the Protocol on Ireland and Northern Ireland, is agreed first.

I stressed too, that there is not much time left if we are to conclude a Withdrawal Agreement, and have it operational by the time the UK leaves the EU.

The PM said that the UK would be bringing forward proposals for a backstop.

I also raised the current political situation in Northern Ireland and underlined the need to get

the devolved institutions up and running again.

### **Defence Forces Equipment**

104. **Deputy Tom Neville** asked the Taoiseach and Minister for Defence if a vehicle long-term loan agreement on two vehicles (details supplied) will be reviewed in order to allow the ownership to be transferred to a person; and if he will make a statement on the matter. [38914/18]

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** Ex-military vehicles are considered to be valuable and historic museum pieces and as such my Department is required to manage control of ownership of such vehicles. In accordance with the Department of Defence's Stock Disposal Policy, these vehicles were made available on loan for the purpose of preserving and exhibiting them as museum pieces.

Under the terms of the 'Long Term Loan Agreement', these vehicles are not to be made road worthy. If the ownership of the vehicles were to be transferred, the Department would have no control over their use.

In that context, this request cannot be acceded to. However, I can assure you that my Department has no plans to seek the return of these vehicles.

### **Defence Forces Remuneration**

105. **Deputy Peter Burke** asked the Taoiseach and Minister for Defence when payments will be made to a grade of persons (details supplied); and if he will make a statement on the matter. [38981/18]

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** The Conciliation and Arbitration scheme for members of the Permanent Defence Force (PDF) provides a formal mechanism for the PDF representative associations, i.e. RACO and PDFORRA, to engage with the Official side. Having regard to commitments under national public service pay agreements, the representative associations can make representations in relation to the pay and conditions of their members. Where agreement is not reached, it is open to both official and representative sides to refer the matter to an Adjudicator or an Arbitration Board.

There are a number of outstanding adjudication findings across the public service which cannot be implemented at this time having regard to the provisions of the Financial Emergency Measures in the Public Interest Act, 2009-2015. This includes an adjudication in respect of an increase in Technician Pay for Cooks in the Defence Forces.

The Public Service Stability Agreement 2018-2020, provides for consideration of a process to address any outstanding adjudications, having due regard to the question of their continued validity and cost implications. This process is the subject of ongoing consideration in the Department of Public Expenditure and Reform. The outcome will inform the payment of the award.

### **Departmental Correspondence**

106. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence if a copy of DMC47

will be provided to this Deputy. [39011/18]

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I wish to advise the Deputy that this matter is receiving attention and I will revert to the Deputy in due course.

### **Defence Forces Remuneration**

107. **Deputy Brian Stanley** asked the Taoiseach and Minister for Defence his plans to address the pay and conditions of serving members of the Defence Forces in view of the fact that the Defence Forces have lost a considerable number of highly trained and experienced personnel due to low pay and general conditions. [39075/18]

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** Given the unique and demanding nature of military life, there is understandably a relatively high level of turnover among Defence Forces personnel. This is not new and the Defence Forces have always had a level of turnover that far exceeds other areas of the public service. In order to balance personnel turnover there is ongoing recruitment at both enlisted and officer level. This includes general service recruits, apprentices, cadets and direct entry officers.

Defence Forces pay is increasing in accordance with public sector pay agreements. The focus of these increases is weighted in favour of those on lower pay. Members of the Permanent Defence Force have received the pay increases due under the Lansdowne Road Agreement.

In addition in 2017, following negotiations with PDFORRA improved pay scales were implemented for general service recruits and privates, who joined the Permanent Defence Force post 1 January 2013.

New entrants to the Defence Forces will also benefit from the measures which were recently announced in relation to amendments to the pay scales for new entrant public servants recruited since January 2011.

The Public Service Stability Agreement 2018-2020 provides for increases in pay ranging from 6.2% to 7.4% over the lifetime of the Agreement. The first increase due from 1 January 2018 has been paid to Permanent Defence Force personnel and a second increase is due to be applied from 1 October 2018. Further increases are scheduled for 2019 and 2020.

By the end of the current Public Service Pay agreement (end 2020), the pay of all public servants (including members of the Defence Forces), earning under €70,000 per annum, will be restored to pre FEMPI levels. The restoration of the 5% reduction to allowances cut under FEMPI is also scheduled in the agreement.

The Public Service Pay Commission was established to provide objective advice to Government in relation to Public Service remuneration policy. In 2017, under my direction, the Department of Defence brought issues of recruitment and retention in the Defence Forces to the attention of the Public Sector Pay Commission (PSPC). As a direct result of that initiative the PSPC is now beginning an in-depth evidence based examination of those issues.

The Department of Defence has provided data as requested by the PSPC for consideration. The Commission's work is ongoing.

### **Defence Forces Recruitment**



108. **Deputy Jack Chambers** asked the Taoiseach and Minister for Defence the number of applicants recruited despite failing a psychometric test for each recruitment campaign undertaken in the Defence Forces since 2012, in tabular form; and if he will make a statement on the matter. [39107/18]

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** The information sought by the Deputy has been requested from the military authorities. I will revert to the Deputy as soon as the information becomes available.

### Ministerial Meetings

109. **Deputy Lisa Chambers** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will report on his most recent meeting with Mr. Michel Barnier; and if he will make a statement on the matter. [39024/18]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I met with Michel Barnier on 18 September in Brussels and discussed progress in the negotiations between the EU and UK on the Withdrawal Agreement and the Protocol on Ireland and Northern Ireland. Mr Barnier confirmed once again his view that without a backstop there can be no Withdrawal Agreement. He briefed me on his assessment that it is time to ‘de-dramatise’ the Protocol and focus on agreeing the workable solutions that it offers at its core. Ireland fully supports this approach and Mr Barnier’s continuing efforts to agree with the UK the Protocol on Ireland and Northern Ireland. We also discussed the future relationship between the EU and the UK. At the GAC (Article 50), and subsequently at the informal European Council meeting in Salzburg on 20 September, our EU partners strongly reaffirmed their support for Ireland and the importance of agreeing a legally-binding backstop, as well as repeating their support for Mr Barnier in his efforts to conclude an agreement. As time is short, it is a matter of urgency that the UK engage constructively with him and his team with the objective of making progress on reaching an agreement on the backstop ahead of the European Council on 17-18 October.

### Brexit Issues

110. **Deputy Lisa Chambers** asked the Tánaiste and Minister for Foreign Affairs and Trade if he expects the 450 customs officials to be hired, in place and adequately trained before 29 March 2019; and if he will make a statement on the matter. [39025/18]

111. **Deputy Lisa Chambers** asked the Tánaiste and Minister for Foreign Affairs and Trade if each Department has a contingency plan completed and ready to be operationalised in the event of a no-deal Brexit; if not, the Departments’ contingency plans for a no-deal Brexit which remain to be completed; and if he will make a statement on the matter. [39026/18]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I propose to take Questions Nos. 110 and 111 together.

The Government’s contingency planning for Brexit was initiated well in advance of the UK referendum in June 2016 and since my appointment as Minister for Foreign Affairs and Trade in June 2017 I have overseen a sustained intensification of these efforts. As part of these efforts, the Government is organising “Getting Ireland Brexit Ready” workshop events around Ireland to inform and advise about Brexit preparedness and the range of support measures and resources that the Government has put in place.

Co-ordination of the whole-of-Government response to Brexit is being taken forward through the cross- Departmental coordination structures chaired by my Department. The Government remains focused on work in the negotiations to conclude a withdrawal agreement.

On 18 July I presented a detailed Memorandum to the Government on Brexit Preparedness and Contingency Planning. The Memorandum included elements aimed at moving from planning to implementation in a number of key areas and the Government requested detailed follow-up proposals, including in regard to the recruitment of customs officers and staff responsible for sanitary and phytosanitary checks. The Government had a further discussion on contingency planning and Brexit preparedness on 18 September and agreed key steps including the necessary recruitment for 2019 of customs officials and staff responsible for SPS and health checks that may be necessary at ports and airports on an East West basis.

On 19 July, the European Commission published a paper on *Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019*, calling on the EU27 Member States to intensify their preparedness efforts. The European Commission has offered guidance regarding potential consequences resulting from various Brexit scenarios, and where planning is focused on areas of exclusive EU or mixed competence, the role of the Commission will be of great importance and we continue to engage actively with the Commission on this work.

In areas of domestic action, the focus is on the necessary responses led by Government Departments and Agencies, as well as in areas where the preparedness response is driven primarily by stakeholders in individual sectors of the economy but with appropriate support from Government. Preparation and planning is ongoing across Government to address a range of Brexit scenarios, including a ‘no deal’ scenario, and Departments and agencies continue to develop and implement, as appropriate, Brexit preparedness and contingency planning in their areas of responsibility.

### **Brexit Negotiations**

112. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the status of the backstop proposal for to Brexit following the recent European Council meeting; and if he will make a statement on the matter. [39103/18]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** Following the informal European Council Summit in Salzburg on 20 September, the President of the European Council, Donald Tusk, restated the EU’s position that there will be no Withdrawal Agreement without a solid, operational and legally-binding Irish backstop. EU Leaders at the Summit reaffirmed their full support for Michel Barnier in his negotiations, including his efforts to ‘de-dramatise’ the backstop. Subsequently, on 21 September Prime Minister May stated that the UK would bring forward its own proposals on the backstop. The Government welcomes this initiative, and would urge that this is done as a matter of urgency, so that the negotiating teams can engage constructively on finalising the legal text of the Protocol on Ireland and Northern Ireland. The EU is of course willing to consider these proposals once tabled by the UK but has been clear that outcome must be fully consistent with the agreement reached in the Joint Progress Report of last December and the clear commitments and guarantees provided by the UK. The October European Council meeting on 18 October remains the target to achieve maximum progress and results in the negotiations. At that meeting, Ireland and our EU partners would then decide if conditions are sufficient to call an extraordinary summit in November to finalise and formalise the deal. Real progress on the backstop will be an essential part of that decision.

From the outset of these negotiations, the Government has been clear and consistent in our position that a hard border between Ireland and Northern Ireland must be avoided under any circumstances. A legally operable ‘backstop’ which avoids a hard border and protects the integrity of the single market is essential for agreeing the Withdrawal Agreement, so as to provide the certainty that no matter what the outcome of the negotiations on the future relationship, there will be no hard border on the island of Ireland.

Time is running short. As the Taoiseach said in Salzburg, we need to redouble our efforts over the coming weeks to make sure that we can successfully complete negotiations and agree a deal.

### **Irish Aid**

113. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade the reason for the delay by Irish Aid in the transfer of its grant for 2018 to an organisation (details supplied) for onward distribution to missionary organisations; the timeline by which these funds will be transferred to the grantee; his plans to ensure such a delay does not occur in future years; and if he will make a statement on the matter. [39108/18]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon):** I refer the Deputy to my recent reply to Question 122 on Tuesday 18 September 2018 in connection with the distribution of approved grants for NGOs. The organisation in question receives one of the highest annual grants of Irish Aid to a Civil Society organisation. In 2018, a total grant of €15.5m is foreseen. The first tranche of this funding, amounting to €10m, has recently been disbursed to the organisation with the balance of €5.5m to be transferred in the coming weeks. In keeping with normal Irish Aid practice for funding relationships on this scale, this year the organization in question will receive its grant in two tranches.

The organisation was established in 2004 with the assistance of my Department. It is the interface with the development work of Irish Missionary congregations, including the provision of relevant grants to missionary organisations for their work in Africa, Asia and South America in the provision of basic health and education services, sustainable livelihoods and human rights.

The organisation has 91 members (missionary organisations and lay organisations), all of which are registered in Ireland and hold charitable status.

In 2017, my Department agreed a new three year partnership linked to the implementation of the organisation’s new Strategic Plan, ‘Walking together to transform lives’, which framed a 2017 grant disbursement of €15.5m.

The organisation’s Annual Report and associated documentation for 2017 was submitted to my Department earlier this year, as part of my Department’s standard reporting requirements. The material was reviewed in line with normal procedures, following which the organisation was requested to provide further information and details of its work on the development of new results frameworks linked to its new Strategic Plan. This work seeks to aggregate the results of its different members around key themes such as education and health.

The organisation presented its work on results frameworks at a meeting held with my officials at the end of July. Following review of this additional material, the organisation’s 2018 grant was approved in line with the requirements of the new grant management system which the Department has implemented this year. This facilitated the release of the first tranche of the 2018 payment to the organisation.

## **Mortgage Protection Policies**

114. **Deputy Clare Daly** asked the Minister for Finance his plans to address the failure of insurance companies to offer mortgage protection insurance to persons who have previously experienced mental health difficulties but have been medically certified as having recovered. [38937/18]

**Minister for Finance (Deputy Paschal Donohoe):** As Minister for Finance, I am responsible for the development of the legal framework governing financial regulation. Neither I nor the Central Bank of Ireland can interfere in the provision or pricing of insurance products, as these matters are of a commercial nature, and are determined by insurance companies based on an assessment of the risks they are willing to accept. This position is reinforced by the EU framework for insurance which expressly prohibits Member States from adopting rules which require insurance companies to obtain prior approval of the pricing or terms and conditions of insurance products. Consequently, I am not in a position to direct insurance companies as to the pricing level that they should apply to particular categories of individuals, nor am I in a position to direct them to provide cover to such individuals.

It is my understanding that insurers use a combination of rating factors in making their individual decisions on whether to offer mortgage protection cover and what terms to apply. These factors can include age, health, family medical history, occupation and lifestyle. In addition, these may be determined or linked to the length of time with which such a policy may last. In the case of mortgage protection policy, such policies tend to be over a much longer term, for example, 25 years or over the lifetime of the mortgage repayment schedule. Furthermore, my understanding is that insurers do not all use the same combination of rating factors, and as a result prices and availability of cover varies across the market, and that they will price in accordance with their own past claims experience.

Notwithstanding the above, my officials contacted Insurance Ireland to get further information on this specific issue. On that basis, I understand that Insurance Ireland noted applicants for any type of life assurance will be asked on the application form detailed health questions and that insurers may request one or more of the following in addition: a report from the applicant's GP; an independent medical examination; or other medical tests. On the basis of the information provided, the application is considered individually and the decision on whether to offer cover and on what terms depends on the facts of that particular case.

Finally, I would note that Insurance Ireland operates a free Insurance Information Service for those who have queries, complaints or difficulties in relation to obtaining insurance. Insurance Ireland can be contacted at [feedback@insuranceireland.eu](mailto:feedback@insuranceireland.eu) or 01-6761914 and any person experiencing such difficulties as those mentioned in this Parliamentary Question may wish to make direct contact regarding their specific case.

## **Tax Rebates**

115. **Deputy Éamon Ó Cuív** asked the Minister for Finance the reason voluntary organisations providing services for persons with intellectual disabilities, many of whom also have physical disabilities, are not allowed the rebate on VAT, VRT and fuel available to other organisations dealing exclusively with persons with physical disabilities; if this issue will be examined in the context of the Budget and the finance bill 2019; and if he will make a statement on the matter. [39062/18]

**Minister for Finance (Deputy Paschal Donohoe):** I am advised by Revenue that Statu-

tory Instrument No. 353 of 1994, Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations, 1994 (as amended by Statutory Instrument No. 55 of 2018) sets out the requirements for an organisation to qualify for a repayment of Vehicle Registration Tax and VAT under the Disabled Drivers scheme.

Regulation 2 provides that a qualifying organisation for the Scheme must be a charitable organisation within the meaning of the Charities Act 2009 (No. 6 of 2009), that is:

- (a) entered in the register of charitable organisations under Part 3 of that Act, and
- (b) whose purpose is to provide services to persons with disabilities, and
- (c) in furtherance of that purpose, is engaged in the care and transport of disabled persons.

An applicant organisation must satisfy each of the provisions above and the adapted vehicles must be used to transport persons who hold a Primary Medical Certificate issued following assessment for eligibility under regulation 3 (medical criteria).

For vehicles to qualify for repayment they must be adapted in line with the requirements of regulation 12 to allow for the safe transport of disabled persons.

Given the scale and scope of the scheme I have no plans to change the qualifying criteria at this time.

### **Insurance Coverage**

116. **Deputy Michael Healy-Rae** asked the Minister for Finance the reason persons who exit bankruptcy are unable to insure property (details supplied); and if he will make a statement on the matter. [39073/18]

**Minister for Finance (Deputy Paschal Donohoe):** As Minister for Finance, I am responsible for the development of the legal framework governing financial regulation. Neither I nor the Central Bank of Ireland can interfere in the provision or pricing of insurance products, as these matters are of a commercial nature, and are determined by insurance companies based on an assessment of the risks they are willing to accept. This position is reinforced by the EU framework for insurance which expressly prohibits Member States from adopting rules which require insurance companies to obtain prior approval of the pricing or terms and conditions of insurance products. Consequently, I am not in a position to direct insurance companies to provide cover to any particular individual or category of individuals.

It is my understanding that insurers use a combination of rating factors in making their individual decisions on whether to offer insurance cover and what terms to apply. My understanding also is that insurance companies do not all use the same combination of rating factors, and as a result prices and availability of cover varies across the market. In addition, insurance companies will price in accordance with their own past claims experience.

Finally, taking account of the combination of factors referred to above, I would note that Insurance Ireland operates a free Insurance Information Service for those who have queries, complaints or difficulties in relation to obtaining insurance. Insurance Ireland can be contacted at [feedback@insuranceireland.eu](mailto:feedback@insuranceireland.eu) or 01-6761914 and the person that you refer to may wish to make direct contact regarding their specific case.

### **Flood Risk Management**



117. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform the status of the CFRAM report into Kerrykeel, County Donegal; if funding has been allocated for bridge replacement; and if he will make a statement on the matter. [38957/18]

118. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform if the bridge at Kerrykeel, County Donegal is included in the €3.2 million funding for the Burnfoot and Castlefinn flood relief scheme; when the €3,000 in funding referred to by Minister of State, Deputy McHugh, in a press release (details supplied) will be granted and used to build a new bridge design to address the persistent flooding of the surrounding area including the community sports facility; and if he will make a statement on the matter. [39259/18]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** I propose to take Questions Nos. 117 and 118 together.

On 3 May, 2018, the Office of Public Works (OPW) published 29 Flood Risk Management Plans covering the whole country, which proposed 118 new outline flood relief projects on top of the 42 major projects already completed and the 33 major schemes within the existing capital works programme of the OPW. In that regard funding of €257 million for an initial phase of 50 flood relief projects throughout the country was also announced which would be progressed to detailed design and construction, including the five largest schemes identified in the Plans and 31 small projects under €1 million which will be progressed directly by local authorities.

The proposed flood relief scheme at Kerrykeel, Co. Donegal with an estimated cost of €30,000 is included as a separate project in the 31 small projects under €1 million, and will be progressed directly by Donegal County Council with full funding from the OPW. The issue of the bridge will be addressed in the further development of the proposed works.

### **Flood Relief Schemes**

119. **Deputy Catherine Martin** asked the Minister for Public Expenditure and Reform the consultant tendering process that was followed by the Office of Public Works to award the contract for the lower Lee flood relief scheme. [38959/18]

120. **Deputy Catherine Martin** asked the Minister for Public Expenditure and Reform the reason the assessment of the Office of Public Works on the feasibility of a tidal barrier did not include the location outlined by a company (details supplied) in its alternative proposal. [38960/18]

122. **Deputy Catherine Martin** asked the Minister for Public Expenditure and Reform the independent cost controls in place for works carried out by the Office of Public Works; and the cost controls that have been utilised on the lower Lee flood relief scheme. [38962/18]

123. **Deputy Catherine Martin** asked the Minister for Public Expenditure and Reform the reason there is a gap between the costing of independent experts of between €120 million and €180 million for a tidal barrier and the OPW's report costing of €1 billion for same; and if he will make a statement on the matter. [38963/18]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** I propose to take Questions. Nos. 119, 120, 122 and 123 together.

The Office of Public Works (OPW) has developed the proposed flood relief scheme for Cork City following 11 years of detailed scientific and engineering study and design which has been carried out with the benefit of ongoing and regular public consultation with the general public

and other key stakeholders.

The tender notice for the Main Engineering Consultancy contract on the Lower Lee Flood Relief Scheme was advertised on the Irish government's eTenders website and also on the Official Journal of the European Union, the European Public Procurement website, in September 2012. This was an Open Procedure and tenders were scored on a number of relevant criteria. As a result of this process, Arup Consulting Engineers scored the highest and were appointed as Main Design Engineers on the scheme in 2013.

Over the course of the following four years, the design consultants, in conjunction with the scheme's environmental consultants, along with the Steering Group on the project with representatives of the OPW, Cork City Council, Cork County Council and the ESB considered and assessed all options to deal with the complex flooding from Inniscarra to Cork City. This process eventually identified a solution, which is the optimum and only technically viable flood relief scheme for Cork City.

The scheme was brought to formal public exhibition in December 2016 and, as part of the consultation process, a number of specific reports were produced and provided to the public on other alternative options which had been put forward but which were not viable solutions. Included in these reports was a very comprehensive report on the potential for a tidal barrier in Cork called "Supplementary Report – Option of a Tidal Barrier" which set out the costs of various possible tidal barriers at different locations.

A local group opposed to the identified scheme commissioned a report by HR Wallingford to undertake a cost estimate only on a concept barrier at Little Island. This report estimated the cost of a tidal barrier at Little Island at €165 million, including 25 years of operation and maintenance costs but noted that significant further study would be required to establish the required details of a suitable barrier and hence to provide an accurate cost estimate.

The detailed OPW report examined the Little Island barrier option as proposed by the local group opposed to the preferred scheme but the alignment, geometry, gate sizes etc. of this option were found to be unsuitable. The Little Island option was assessed in particular in Sections 5.4, 8 and 9 of the OPW report. An option to locate a tidal barrier at Great Island was considered the most technically suitable and this was costed at c. €1bn in the OPW report.

The difference in cost estimates of the two reports can be explained by the fact that the OPW cost estimate includes the following costs which are not accounted for in the HR Wallingford cost estimate:

- Cost of modifications to the barrier alignment, including additional lengths of barrier gates, required to address technical issues with the concept put forward by the stakeholder group

- The cost of flood defences required to mitigate residual fluvial flood risk upstream of Cork City

- The cost of measures required to mitigate a predicted flood bypass route around the north of Little Island

- Uplift in contingency cost due to increased baseline construction costs

- Uplift in operation & maintenance costs to allow for a 50 year maintenance duration, and due to increased baseline construction costs

All works carried out by the OPW are subject to robust cost control procedures which are in full conformity with the requirements of the Public Spending Code. In the first instance an

individual project budget is prepared at the beginning of each project, which is then monitored and adjusted as required during the different stages of Feasibility, Public Exhibition, Detailed Design etc. All major flood relief projects are subject to a rigorous Cost Benefit Analysis which is prepared in line with best international practice and updated at key stages of project development. The project budget is approved by the Board of Commissioners of Public Works before being submitted to the Department of Public Expenditure and Reform for final statutory approval or Confirmation by the Minister for Public Expenditure and Reform under the Arterial Drainage Acts 1945 and 1995.

All public works contracts awarded by the OPW are procured through competitive tendering procedures to ensure best value for money and all procurement is carried out in full compliance with national and EU procurement rules.

At project implementation stage, all costs are closely monitored by the project steering group to ensure that all potential significant cost variations are identified in a timely manner and all possible steps taken to address the underlying issues. Detailed cost reports and budget analyses are prepared on a monthly basis and considered at the monthly project steering group meetings. Project expenditure is monitored on an ongoing basis by the OPW and is discussed at monthly expenditure control meetings chaired by a member of the Management Board. All project budgets and expenditure within OPW are also subject to independent audits from the Comptroller and Auditor General.

All of the above cost monitoring and control procedures are in place for the Lower Lee (Cork City) Flood Relief Scheme.

### **Flood Relief Schemes Expenditure**

121. **Deputy Catherine Martin** asked the Minister for Public Expenditure and Reform the expenditure on the Bandon flood relief scheme. [38961/18]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Expenditure to date on the Bandon Flood Relief Scheme is €18.5 million including design, development and construction costs to date.

*Questions Nos. 122 and 123 answered with Question No. 119.*

### **Road Improvement Schemes**

124. **Deputy Michael Healy-Rae** asked the Minister for Public Expenditure and Reform when funding will be made available to carry out works on a road (details supplied); and if he will make a statement on the matter. [39079/18]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The Office of Public Works has no responsibility in this instance as the road in question is not in its care.

### **Public Sector Staff Remuneration**

125. **Deputy Seán Crowe** asked the Minister for Public Expenditure and Reform if the issue of pay inequality in the public service will be addressed in budget 2019 (details supplied); and if he will make a statement on the matter. [39125/18]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** The Public Service Stability Agreement 2018-2020 (PSSA), provided that an examination of remaining salary scale issues in respect of post January 2011 recruits at entry grades would be undertaken within 12 months of the commencement of the Agreement, and on conclusion of this work the parties would discuss and agree how the issues might be addressed under the terms of the PSSA.

In accordance with the Public Service Pay and Pensions Act 2017, I submitted a report to the Oireachtas on the 16th of March regarding remaining salary scale issues in respect of new entrant public servants. As detailed in the Report, the costs are annualised and an increment date of 1 January is assumed to give the full one year cost for over 60,500 staff identified as new entrants. However, increment dates across the year vary significantly by individual and sector while salary scales and the structure of such scales across the public service as they affect individuals is not consistent. The report also quantified the cost of a two point adjustment as approximately €200m and the potential benefit to the individual as €3,301 on average.

In recognition of this, since the publication of the report, my Department, in support of the discussions between the parties, has engaged in further work to assess and model the potential budgetary implications and impacts through phasing of the overall quantum.

Discussions on the issue with public service trade unions and representative associations, commenced in October 2017, with a further plenary meeting taking place on 27th of April last following the publication of the report.

Agreement was reached, on Monday 24th September, between the parties to the Public Service Stability Agreement on a measure which provides a pathway to addressing the concerns of those recruited to our public service since 2011 in a balanced and sustainable way. It provides a fair and affordable path to managing the €200m cost associated with the issue.

In general, the agreement provides for two separate interventions which will take place at point 4 and point 8 of pay scales. The practical effect of this is that for 'new entrants' the relevant points on the scale will be bypassed thereby reducing the time spent (by bypassing two increment points) on the scale for progression to the maximum point.

The cost of this measure during the remaining term of the PSSA is €75m (€27m in 2019 and €48m in 2020). The full cost of the measure based on current data and public service numbers (2017) will cost €190m out to 2026. It is estimated some 58% (35,750) of 'new entrants' will benefit from this measure in year 1 rising to 78% (47,750) by year 2.

The benefits under the measure will become effective from 1 March 2019, will be applied to each eligible new entrant as they reach the relevant scale points on their current increment date, and will be restricted to Parties adhering to the Public Service Stability Agreement 2018-2020.

### **Private Schools**

126. **Deputy Joan Collins** asked the Minister for Education and Skills if the governance of a school (details supplied) is in accordance with Irish law in view of the fact that the school operates as two separate schools via the one legal entity; and if he is satisfied that the funds received by the school regulated by his Department are not being used for the benefit of the primary school which is part of the same limited company. [38922/18]

**Minister for Education and Skills (Deputy Richard Bruton):** The post primary school St. Killian's Deutsche Schule, Roebuck Road, Clonskeagh Dublin 14 referred to by the Deputy is a Department recognised fee charging school which receives a staffing allocation from my

Department in line with all other fee paying schools.

As a post primary fee charging school St. Killian Deutsche Schule receives no capitation funding from my Department and operates on a pupil teacher ratio of 23:1 as opposed to 19:1 for all schools in the free education scheme.

Teacher allocations for schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment.

The recruitment and appointment of teachers to fill teaching posts is a matter for the individual school authority, subject to procedures agreed under Section 24(3) of the Education Act 1998 (as amended by the Education (Amendment) Act 2012).

The primary school referred to by the Deputy is a private fee charging primary school. Private fee charging primary schools are not recognised schools under the Education Act and my Department has no responsibility regarding the funding of such schools.

### School Accommodation Provision

127. **Deputy John Curran** asked the Minister for Education and Skills if his Department has compiled the relevant information necessary to adequately reply to a previous parliamentary question from this Deputy on the number of classes being accommodated in prefabricated classrooms; the number that have been using prefabricated classrooms for two, three, five and more than five years, respectively; and if he will make a statement on the matter. [38927/18]

**Minister for Education and Skills (Deputy Richard Bruton):** I can confirm to the Deputy that funding is being provided by my Department in respect of rented prefabricated accommodation for the schools indicated in the below table. In this regard I wish to advise the Deputy that it is a matter for the Board of Management of each individual school to determine how classes are accommodated in the property that is available to the school.

Number of Schools with prefab rentals as at 25/09/2018

Rental Commenced in 2016(i.e. 2 years)	Rental commenced in 2015 (i.e. 3 years)	Rental commenced in 2013 (i.e. 5 years)	Rental commenced in 2012 or earlier (i.e. more than 5 years)
82	64	24	150

We are building more schools and providing more additional school places than ever before. We have doubled the number of additional school places being provided since 2010. In 2010, some 9,000 school places were created. In 2017, we built approximately 19,000.

The Department recognises that prefabs are a short term solution to urgent accommodation needs and utilises them for such purpose.

It is worth noting that in 2008, about 2,000 rented prefabs were in use, for a smaller school population. At the end of 2017 there were 1,325 rented prefabs, located in 345 schools (256 primary and 89 post-primary), even though there are almost double the amount of new pupils entering the school system than was in 2008. In 2017, we spent half what was being spent in 2008 on rented prefabs.

We are planning for the future. As part of Project Ireland 2040, we will invest €8.4 billion in school buildings over the next decade. This compares to €4.9 billion for the previous 10 year



period (2008 to 2017). Project Ireland includes a 70% increase in schools capital funding compared to the past decade (€4.9 billion to €8.4 billion). Investment will rise to €1 billion in 2027, compared to €540 million investment in 2018. This €8.4 billion will allow for;

- Prefab replacement
- Deep refurbishment of existing buildings
- Modernisation of Science and P.E. facilities
- Investment in Digital technology in schools

We are taking an integrated approach with the Prefab Replacement Scheme through the replacement of prefabs as part of large-scale projects or as part of new projects approved under the Additional Accommodation Scheme. Construction work on these projects in 2018 and 2019 will facilitate the replacement of over 600 prefabs.

The Department's Additional Accommodation Scheme is a key mechanism for putting permanent accommodation solutions in place. The projects approved under the Department's Additional Accommodation Scheme are listed on the Department's website and updated on a weekly basis. 156 of these projects are currently at construction with a further 495 projects in design. Also, as part of the Prefab Replacement Programme, Department approvals under the Additional Accommodation Scheme will now also factor in appropriate provision for the replacement of existing prefabs at the relevant schools. For example, if a school requires an additional classroom and also has a class in a prefab it will be approved for 2 permanent classrooms to be delivered on a devolved basis under the Additional Accommodation Scheme.

### **School Transport Tendering**

128. **Deputy Kathleen Funchion** asked the Minister for Education and Skills the reason the school transport system was not put out for tender. [38954/18]

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

In the 2017/18 school year over 117,000 children, including over 12,000 children with special educational needs, were transported in over 4,500 vehicles on a daily basis to primary and post-primary schools throughout the country covering over 100 million kilometres annually at a total cost of almost €190 million in 2017.

This service is delivered using a mix of Bus Éireann, both school transport and road passenger vehicles, and private contractor vehicles. In this regard over 90% of school transport services are provided by private operator vehicles under contract to Bus Éireann.

The Value for Money Review published in 2011 recommended that a single national organiser (separate from the Department of Education and Skills) with a regional dimension should operate the scheme. The Review further recommended that the single national organiser should continue to be Bus Éireann.

Bus Éireann is obliged to tender all works, goods and services in line with the European Directives on public procurement, which includes school transport services performed by contractors under the School Transport Scheme. In this regard, some 20% of services provided by contractors are put out to tender each year and five year contracts are generally awarded follow-

ing this tender process.

Bus Éireann is satisfied that the tendering process is a competitive process which allows the Company achieve value for money, enables eligible parties to participate, provides transparency on how contracts are awarded, and facilitates equality of treatment. All of those elements reflect public procurement requirements at both a national and EU level. The rules of the process and conditions of tendering are clearly outlined in the tender documentation.

### **School Transport Administration**

129. **Deputy Kathleen Funchion** asked the Minister for Education and Skills the exact process of the school transport lottery system. [38955/18]

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

In the 2017/18 school year over 117,000 children, including over 12,000 children with special educational needs, were transported in over 4,500 vehicles on a daily basis to primary and post-primary schools throughout the country covering over 100 million kilometres annually at a total cost of almost €190 million in 2017.

Children are generally eligible for school transport if they satisfy the distance criteria and are attending their nearest school.

Children who are eligible for school transport and who have completed the application process on time have been accommodated on school transport services for the current school year where such services are in operation.

Children who are not eligible for school transport may apply for transport on a concessionary basis only and will be facilitated where spare seats are available after eligible children have been accommodated.

Where the number of applications for school transport on a concessionary basis exceeds the number of spare seats available, tickets are allocated using an agreed selection process; existing concessionary applicants and their siblings, who paid on time, are given first priority.

The terms of the School Transport Schemes are applied equitably on a national basis.

### **School Transport Availability**

130. **Deputy Kathleen Funchion** asked the Minister for Education and Skills if his attention has been drawn to the school transport situation in the Paulstown, Gowan and Goresbridge areas of County Kilkenny whereby a large number of students cannot avail of school transport (details supplied); and if he will make a statement on the matter. [38956/18]

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

In the 2017/18 school year over 117,000 children, including over 12,000 children with special educational needs, were transported in over 4,500 vehicles on a daily basis to primary and

post-primary schools throughout the country covering over 100 million kilometres annually at a total cost of almost €190 million in 2017.

Children are generally eligible for school transport if they satisfy the distance criteria and are attending their nearest school.

Children who are eligible for school transport and who have completed the application process on time will be accommodated on school transport services where such services are in operation for the 2018/19 school year.

Children who are not eligible for school transport may apply for transport on a concessionary basis only and will be facilitated where spare seats are available after eligible children have been accommodated. Where the number of ineligible children exceeds the number of spare seats available Bus Éireann will allocate tickets for the spare seats using an agreed selection process.

Under the terms of the scheme, routes will not be extended or altered, additional vehicles will not be introduced, nor will larger vehicles or extra trips using existing vehicles be provided to cater for children who are not eligible as no additional State cost will be incurred in covering the cost of providing school transport for children who are not eligible.

Bus Éireann has advised that all services from the areas referred to by the deputy are currently operating to capacity.

The terms of the School Transport Schemes are applied equitably on a national basis.

### **Education Centre Network**

131. **Deputy Tony McLoughlin** asked the Minister for Education and Skills the reason the teacher education section expects the management committee of an education centre (details supplied) to carry out the daily running of the service without payment while the section waits to appoint a new director to the service in January 2019; his views on whether a person from the committee should be allocated the position of acting director and paid for their services as a result; and if he will make a statement on the matter. [38970/18]

**Minister for Education and Skills (Deputy Richard Bruton):** The principal activity of Education Centres is to organise the local delivery of national programmes of teacher professional development on behalf of the Department of Education and Skills. Centres also organise a varied local programme of activities for teachers, school management and parents in response to demand.

Education Centres are independent statutory bodies under Section 37 of the Education Act (1998) and are managed by voluntary Management Committees elected annually. Each Centre has a defined geographical area of responsibility. The Management Committee has a statutory function under the Act to manage the business and staff of the Centre. Each Management Committee may appoint a Director to manage and direct the work of the Centre. The Director is normally a teacher on secondment from his/her school. My Department pays the Director's salary through the central teacher's payroll.

The Act empowers me, as Minister, to make regulations relating to the operation of Centres. On 1 September 2017, I promulgated the Education Support Centres (Appointment and Secondment of Directors) Regulations 2017, which puts the appointment of a Director of an Education Centre on a statutory basis. The appointment of a Director of an Education Centre

can only be made in accordance with the Regulations. Under the Regulations the Management Committee must submit an application to me, as Minister, to hold a public competition when they seek to recruit and appoint a new Director.

The Centre in question formally applied to me under the Regulations to appoint a Director for the 2018/19 school year on 13 September, 2018 and this application has been approved. The post has been advertised and the recruitment process will be conducted by the Centre over the coming weeks.

My Department has met with the Management Committee and has agreed to provide substitution cover for the chairperson or a designated member of the management committee to be released from their school for 1 day per fortnight to assist with the discharge of the management committees' responsibilities in managing the business of the Centre until it appoints a Director.

### **Capitation Grants**

132. **Deputy Thomas Byrne** asked the Minister for Education and Skills the status of the restoration of capitation grants to 2010 levels; and if he will make a statement on the matter. [38982/18]

**Minister for Education and Skills (Deputy Richard Bruton):** I recognise the need to improve capitation funding for schools having regard to the reductions that were necessary over recent years.

Restoring capitation funding as resources permit is one of the actions included in the Action Plan for Education and I remain committed to achieving this. However, I must be prudent in the context of ongoing budgetary pressures and prioritise where it is not possible to do everything that I would like to do in the education sector in any one year. In that regard it is critical that any additional resources that are available in the education sector are utilised in such a way as to maximise teaching and learning outcomes.

The Deputy will be aware that Budget 2018 marked the second year of major reinvestment in the education sector, as we continue to implement the Action Plan for Education, which has the central aim to make the Irish Education and Training service the best in Europe within a decade. In 2018, the budget for the Department of Education increased by €554 million to over €10 billion. Through budget 2017 and Budget 2018, we are now investing €1 billion more in education.

Improvements have been made for the restoration of grant funding that is used by schools to fund the salaries of ancillary staff. The ancillary grant was increased by €6 in 2016, €5 in 2017 and €5 in 2018, in order to enable primary schools to implement the arbitration salary increase for grant funded school secretaries and caretakers and to also implement the restoration of salary for cleaners arising from the unwinding of FEMPI legislation.

### **Student Universal Support Ireland Data**

133. **Deputy Thomas Byrne** asked the Minister for Education and Skills the number of applications made for SUSI grants for the 2018-2019 term up to the end of August 2018; the number of those granted, denied and appealed, respectively; the number of those appeals accepted; and if he will make a statement on the matter. [38983/18]

**Minister for Education and Skills (Deputy Richard Bruton):** Up to the week ending

2 September 2018, the total number of SUSI applications for the 2018/19 academic year was 91,500. Of these, a total of 74,000 had received an initial assessment decision with 63,900 awarded a grant, 8,400 refused a grant and 1,700 applications were cancelled.

With regard to appeals, it is open to any applicant to appeal a decision. Some applicants appeal a decision not to award a grant, while others appeal the value of the grant awarded.

Up to week ending 2 September 2018, a total of 2,059 decisions were appealed to an appeals officer in SUSI. Of these, the original decision was upheld in 956 cases, 496 appeals had the original decision varied and 607 appeals were yet to be finalised.

With regard to the 496 cases that had the original decision varied, 427 cases were varied due to a change of circumstance and/or the submission of new information by the applicant which had a material effect on their original application.

### **Student Grant Scheme Eligibility**

134. **Deputy Thomas Byrne** asked the Minister for Education and Skills the position with regard to insolvency as a grounds for appeal in the case of the denial of a SUSI grant; and if he will make a statement on the matter. [38984/18]

**Minister for Education and Skills (Deputy Richard Bruton):** Under the Student Grants Scheme student grant applications are means tested on gross income from all sources earned inside and outside the State within a specified reference period. The means test arrangements of the Student Grant Scheme are applied nationally. The assessment of income from the same starting point is deemed to be fair and reasonable because this approach eliminates any distortion which might arise from different spending decisions in different households. Consequently, there is no provision under the Student Grant Scheme to provide for any exceptions to those involved in the process of bankruptcy and/or insolvency agreements.

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

Also, tax relief at the standard rate of tax may be claimed in respect of tuition fees paid for approved courses at approved colleges of higher education. Further information on this tax relief is available from the Revenue Commissioners at [www.revenue.ie](http://www.revenue.ie).

### **Schools Refurbishment**

135. **Deputy Thomas Byrne** asked the Minister for Education and Skills the number of pending applications made for school refurbishment; the number of new applications made to the end of August 2018; the number approved; and if he will make a statement on the matter. [38985/18]

**Minister for Education and Skills (Deputy Richard Bruton):** I wish to advise the Deputy that my Department provides a number of mechanisms through which improvements are carried out in schools. Through the 6 year Capital Programme, the investment plan is about looking to the future and ensuring that our school infrastructure is well prepared to accommodate our



growing school population. The programme also addresses the requirements of many schools which are in need of upgrading and refurbishment, although they may not be experiencing significant demographic pressure.

The projects under the capital programme will provide 19,000 new primary schools places and 43,000 new post-primary places. While the Programme relates to major projects capital funding for smaller projects, such as the addition of a classroom etc., is dealt with on an ongoing basis through the Additional School Accommodation (ASA) scheme.

In addition the Summer Works Scheme (SWS) is designed to allow schools, on a devolved funding basis, to carry out necessary improvement and refurbishment works that will upgrade existing school facilities. Under the 2016-2017 almost €80 million has been approved to date under the Summer Works Scheme, in respect of over 640 school projects in categories 1 - 6.

Finally, for primary schools, the Minor Works grant allows schools to undertake improvement works in full or in part, as the grant allows, without prior application to my Department.

The recent launch of Project Ireland 2040 included an announcement of a major package of investment in education for the next decade with the school building budget increasing by 70%.

This investment will provide for the continued increase in demographics while also allowing for a greater focus on refurbishment and upgrading of existing school stock. In regard to the SWS the remaining categories of project from the 2016-2017 scheme will be processed with a new SWS opening for applications in early 2019 for projects for summer 2020 onwards. Furthermore, my Department is committed to putting in place a grant scheme similar to the Minor Works Grant in place at post-primary level over the lifetime of Project Ireland 2040.

### **Schools Building Projects Status**

136. **Deputy Thomas Byrne** asked the Minister for Education and Skills the status of the completion of 42 schools announced on 13 April 2018; the estimated target for the schools opening; and if he will make a statement on the matter. [38986/18]

**Minister for Education and Skills (Deputy Richard Bruton):** As the Deputy is aware, in April 2018 I announced the establishment of 42 new schools over the next four year period from 2019 to 2022. In that regard the 17 schools due to open in September 2019 remain on schedule.

I wish to advise the Deputy that the first of the patronage processes for the new schools is ongoing in respect of the four new post-primary schools to be established in 2019. The patronage process for the remaining schools will also be run at a later date, significantly ahead of their due opening. It is planned that the patronage process for the new primary schools to be established in 2019 will commence before the end of 2018. Updates in relation to further patronage processes will be announced on the OPPS website and the Department's website ([www.education.ie](http://www.education.ie)).

My Department will be seeking to maximise the use of sites already in the Minister's ownership and of available properties in the ownership of other State bodies, where these are considered suitable.

My Department recently appointed a Project Manager to assist in the procurement of interim school accommodation for the schools opening in September 2019. My Department has identified potential interim accommodation solution options for the majority of the schools to

open in September 2019. The progression of these will be a key priority for the Project Manager. The Project Manager will also assist the Department in sourcing permanent accommodation options.

### **School Transport Provision**

137. **Deputy Thomas Byrne** asked the Minister for Education and Skills when a decision will issue on a review for a school transport service for a person (details supplied). [39012/18]

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

In the 2017/18 school year over 117,000 children, including over 12,000 children with special educational needs, were transported in over 4,500 vehicles on a daily basis to primary and post-primary schools throughout the country covering over 100 million kilometres annually at a total cost of almost €190 million in 2017.

Children are generally eligible for school transport if they satisfy the distance criteria and are attending their nearest school.

Children who are eligible for school transport and who have completed the application process on time will be accommodated on school transport services where such services are in operation for the 2018/19 school year.

Bus Éireann has advised that the child in question is not eligible for school transport as he is not attending his nearest school

Children who are not eligible for school transport may apply for transport on a concessionary basis only and will be facilitated where spare seats are available after eligible children have been accommodated.

Bus Éireann has advised that the family in question did not submit their payment details for the 2018/19 school year. Bus Éireann has also advised that there are spare seats available on the relevant service.

In this regard the family is advised to liaise with their local Bus Éireann office if they wish to avail of transport on a concessionary basis.

The terms of the School Transport Schemes are applied equitably on a national basis.

### **Tender Process**

138. **Deputy John Brady** asked the Minister for Education and Skills the new framework of procurement of architect and design teams being undertaken by his Department; if this work has stalled the commencement of school building development in County Wicklow; the length of time this will delay the necessary building of new schools; and if he will make a statement on the matter. [39015/18]

**Minister for Education and Skills (Deputy Richard Bruton):** My Department has run a tender process for a new Framework for the appointment of Design Teams and it is nearing completion.

In the meantime the current Framework is still in place and is being used for the procurement of Design Teams in all counties including Wicklow.

This process is not causing delays to the progression of building projects that are ready for progression to Architectural Planning Stage and the appointment of a Design Team.

### **Third Level Fees**

139. **Deputy Róisín Shortall** asked the Minister for Education and Skills the position regarding college fees for a person (details supplied) in County Cork; and if he will make a statement on the matter. [39041/18]

**Minister of State at the Department of Education and Skills (Deputy John Halligan):** Access to PLC provision for eligible international protection applicants is subject to the payment of the full economic fee. This is broadly in line with arrangements in the higher education sector. Arrangements in relation to payment of the full economic fee for international protection applicants have not changed since 2001. PLC colleges are responsible for collecting the fee.

More broadly, the Government decision to opt in to the EU (recast) Receptions Conditions Directive (2013/22/EU) has given international protection applicants, who have been waiting 9 months or more for a first instance recommendation, access to all aspects of further education and training. While this modifies some of the earlier arrangements regarding access, it does not change the situation regarding the payment of the full economic fee for PLC programmes.

### **School Patronage**

140. **Deputy James Lawless** asked the Minister for Education and Skills the status of a school (details supplied) in County Kildare; and if he will make a statement on the matter. [39105/18]

**Minister for Education and Skills (Deputy Richard Bruton):** As the Deputy will be aware, I have announced new plans aimed at accelerating the provision of multi-denominational and non-denominational schools across the country, in line with the choices of parents, families and school communities and the Programme for Government commitment to reach 400 such schools by 2030.

I would point out that the previous model of patronage divestment yielded only a very limited number of schools for transfer to multi-denominational patrons (11 since 2013). I believe that the new schools reconfiguration for diversity process has the potential to significantly increase patron diversity in our school system.

While these new structures are being introduced, my Department will continue to work with the main stakeholders to progress delivery of diversity in areas already identified, including Leixlip.

As the Deputy will be aware, I recently announced plans for the establishment of 42 new schools over the next four years (2019 to 2022), including a new 8-classroom primary school to be established in 2019 to serve the Leixlip school planning area.

This announcement follows nationwide demographic exercises carried out by my Department into the future need for primary and post-primary schools across the country and the

4-year horizon will enable increased lead-in times for planning and delivery of the necessary infrastructure.

A patronage process is run after it has been decided, based on demographic analysis, that a new school is required. This patronage process is open to all patron bodies, including Educate Together, and prospective patrons. Parental preferences for each patron and language of instruction, from parents of children who reside in the school planning areas concerned, together with the extent of diversity currently available in these areas, are key to decisions in relation to the outcome of this process.

### **Teachers' Remuneration**

141. **Deputy Martin Heydon** asked the Minister for Education and Skills the actions he has taken to review the issue of pay inequality among teachers particularly newly qualified teachers; the further actions that can be taken to help address this issue; and if he will make a statement on the matter. [39106/18]

**Minister for Education and Skills (Deputy Richard Bruton):** The public service agreements have allowed a programme of pay restoration for public servants to start. I negotiated, together with my colleague the Minister for Public Expenditure and Reform, a 15-22% pay increase for new teachers.

As a result of these changes, from 1 October 2018 the starting salary of a teacher will be €36,318, and from 1 October 2020 onwards will be €37,692.

Section 11 of the Public Service Pay and Pensions Act 2017 provides that “the Minister [for Public Expenditure and Reform] shall, within three months of the passing of this Act, prepare and lay before the Oireachtas a report on the cost of and a plan in dealing with pay equalisation for new entrants to the public service.”

The report laid before the Oireachtas on foot of this provision by the Minister for Public Expenditure and Reform assesses the cost of a further change which would provide a two scale point adjustment to new entrants recruited since 2011. The total cost of such an adjustment across the public sector is of the order of €200 million, of which Education accounts for €83 million. The report also acknowledges that, during the financial crisis, there were policy changes which affected remuneration in different occupations across the public sector (including education). Addressing any issues arising from changes which are not specifically detailed in the report would give rise to additional costs over and above the foregoing figures.

The matter of new entrant pay is a cross sectorial issue, not just an issue for the education sector alone. The Government supports the gradual, negotiated repeal of the FEMPI legislation, having due regard to the priority to improve public services and in recognition of the essential role played by public servants.

On Monday 24th September, I welcomed, together with the Minister for Public Expenditure and Reform, the outcome of discussions between public service employers and the public services committee of ICTU in respect of new entrant pay.

This agreement will benefit 16,000 teachers and nearly 5,000 SNAs within the education sector. The deal provides for a series of incremental jumps for new entrants at points 4 and 8 of their scale.

For example, a teachers hired in September 2011 would see their salary increase from

€45,200 in September 2018 to €53,062 in September 2020 under the PSSA agreement and the recent outcome of the new entrant pay talks.

### **Garda National Immigration Bureau**

142. **Deputy Róisín Shortall** asked the Minister for Justice and Equality the action he is taking to deal with the constant crashing of the GNIB website which is unable to cope with traffic. [38974/18]

**Minister for Justice and Equality (Deputy Charles Flanagan):** I assume the Deputy is referring to the on-line appointment system for registrations. Non-EEA nationals who intend to reside in the State for more than 90 days are required to register their immigration permission to be in the State. Non-EEA nationals living in Dublin register with the INIS, while non-EEA nationals living outside Dublin register in the Garda District they reside.

The INIS Registration Office operates an on-line appointment system, replacing the old queuing system which was the subject of much criticism some years ago. The online appointment system aims to provide certainty to those who come for registration so that they are dealt with within the hour of their appointment.

I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that it recently come to the attention of officials that customers were finding it difficult to get registration appointments due to third party agents block booking appointments. This is entirely against the purposes for which the system was established making it more difficult for customers to secure an appointment. INIS has been working to counteract this using various technical solutions and in this regard an update to the on-line appointment software was introduced on 10 September which has been successful to date in preventing these abuses of the system.

### **Garda National Immigration Bureau**

143. **Deputy Róisín Shortall** asked the Minister for Justice and Equality if his attention has been drawn to allegations that a submarket has developed for booked appointment slots with the GNIB in which persons are now allegedly selling slots to persons that need appointments; if these allegations are true; and the action he plans to take to deal with the problem. [38975/18]

**Minister for Justice and Equality (Deputy Charles Flanagan):** Non-EEA nationals who intend to reside in the State for more than 90 days are required to register their immigration permission to be in the State. Non-EEA nationals living in Dublin register with the INIS, while non-EEA nationals living outside Dublin register in the Garda District they reside.

The INIS Registration Office operates an on-line appointment system, replacing the old queuing system which was the subject of much criticism some years ago. The online appointment system aims to provide certainty to those who come for registration so that they are dealt with within the hour of their appointment.

I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that it recently come to the attention of officials that customers were finding it difficult to get registration appointments due to third party agents block booking appointments. This is entirely against the purposes for which the system was established making it more difficult for customers to secure an appointment. INIS has been working to counteract this using various technical solutions and in this regard an update to the on-line appointment software was introduced on 10



September which has been successful to date in preventing these abuses of the system.

### **Proposed Legislation**

144. **Deputy Denise Mitchell** asked the Minister for Justice and Equality when he plans to extend the Adoptive Leave Act 1995 in order to allow male same-sex couples avail of adoptive leave and benefits; and if he will make a statement on the matter. [38999/18]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** Following adoption of the 34th amendment to the Constitution and its subsequent legislative changes, the Department of Justice and Equality identified a lacuna in the Adoptive Leave Act 1995 that prevents male same-sex married couples from availing of adoptive leave and benefits.

To address this lacuna, the Department has prepared draft legislative proposals that will amend section 177 to afford the same entitlements to adoptive leave and benefits to all couples who are married, co-habiting or who are in a civil partnership, irrespective of gender.

Although the draft Heads are ready to go to Government, a legislative vehicle has not yet been identified to progress this legislative change. In this regard, the Department will keep the matter under review and consult with relevant Departments on an ongoing basis until a legislative vehicle is found.

### **Direct Provision Data**

145. **Deputy Catherine Connolly** asked the Minister for Justice and Equality the duration of stay by child applicants and unregistered children in State-provided RIA accommodation in tabular form; and if he will make a statement on the matter. [39042/18]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** The annual report of the Reception and Integration Agency contains a breakdown of duration of stay by applicants in State provided accommodation at year end. While the report for 2017 has not yet been published, statistics prepared for that report show that duration of stay of all residents is as follows:

0>3 months 12.4% of residents  
3>6 months 9.6% of residents  
6>9 months 7.8% of residents  
9>12 months 10.2% of residents  
12>18 months 11.1% of residents  
18>24 months 9.0% of residents  
24>36 months 20.2% of residents  
36>48 months 7.9% of residents  
48>60 months 3.8% of residents  
60>72 months 2.3% of residents

72>84 months 1.8% of residents

84+ months 3.7% of residents

These figures do not differentiate between adult and child residents. At any time between 20% and 25% of all residents are children under the age of 18 years.

The annual report also provides information about the age profile of residents in each accommodation centre at year end. The tabular format of the report details the family composition of each family unit and the number of children in the age ranges 0-4, 5-12 and 13-17 years but does not specify how long the children have been in residence in each centre.

### **Direct Provision System**

146. **Deputy Catherine Connolly** asked the Minister for Justice and Equality the steps being taken to address capacity issues in direct provision; and if he will make a statement on the matter. [39043/18]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** The provision of accommodation and related ancillary services provided to persons seeking international protection is managed by the Reception and Integration Agency (RIA) within my Department. Persons who are seeking international protection are offered accommodation and, if accepted, are provided with accommodation in one of 35 accommodation centres located throughout the state.

To meet the steady increase in demand, RIA has added a net 646 beds to its portfolio over the last twelve months, including the opening of new centres in Lisdoonvarna and Moate and by expanding capacity in existing centres. Notwithstanding this increase, demand for bedspaces continues to rise and RIA have reported that they are operating close to full capacity.

To alleviate this pressure, RIA has recently advertised for expressions of interest for suitable accommodation premises for an initial 1 year period. This is an addition to an advertisement that issued in January 2018. In addition, RIA have launched a full tender process for accommodation services over a longer term. A full procurement programme covering the whole of the state is being rolled out in conjunction with the Office of Government Procurement.

RIA have also provided support services to enable those residents who have received status or a permission to remain, to access permanent housing outside of RIA's accommodation services. This programme is based around the Greater Dublin and Eastern Region and discussions with other approved housing bodies are on-going to extend this service throughout the country.

### **Direct Provision Data**

147. **Deputy Catherine Connolly** asked the Minister for Justice and Equality the number of persons refused accommodation in direct provision centres to date; the alternatives offered to such persons; the length of time between refusal and their being offered accommodation; and if he will make a statement on the matter. [39044/18]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** Persons seeking international protection are offered accommodation and related services by my Department. Not every person accepts this offer.

As of last Sunday evening, 5,715 persons were accommodated in 36 accommodation centres around the State. This is from a contracted capacity of 5,837 with 80 spaces unavailable due to family configurations etc., and 35 spaces available for new applicants.

To address this shortage, the Reception and Integration Agency (RIA) of my Department has been working actively to find solutions to the increased demand for its accommodation over the past months.

RIA has added a net 646 beds to its portfolio over the last twelve months, including by opening of new centres in Lisdoonvarna and Moate. However, in recent weeks the number of people arriving in Ireland applying for international protection has increased.

Due to this increase, full capacity was reached and RIA had to prioritise accommodation for families and other vulnerable persons who presented and were unable to offer immediate accommodation services to some people. The numbers who did not initially receive an offer of accommodation are relatively small and RIA has been working to meet their needs and indeed many have since been offered accommodation. Further efforts to provide accommodation to international protection applicants will involve the opening of new accommodation centres.

It is an extremely rare event for a person not to be offered accommodation in Ireland on arrival.

To address current and future needs, advertisements have been placed in the national media seeking additional accommodation that must be fully compliant with the recommendations of the McMahon report. Quite separate to this, RIA is also engaged in an open competitive process to establish a framework of accommodation centres from which we can draw down accommodation as and when needed over the coming years.

In addition to increasing the accommodation portfolio, the Reception and Integration Agency has provided funding to NGOs and housing organisations to provide house-finding and support services to residents who have received status to obtain permanent homes in the community.

## **EU Directives**

148. **Deputy Catherine Connolly** asked the Minister for Justice and Equality if he is satisfied that Ireland is adhering to its commitments under the EU (recast) Reception Conditions Directive; and if he will make a statement on the matter. [39045/18]

**Minister for Justice and Equality (Deputy Charles Flanagan):** Following the approval of the Houses of the Oireachtas to exercise an opt-in by the State to the EU (recast) Reception Conditions Directive, we commenced a four-month mandated compliance procedure with the European Commission to confirm our participation in the Directive. On the successful completion of this compliance procedure, and the commission's Communication thereof, I signed the European Communities (Reception Conditions) Regulations 2018 on 30 June 2018 to transpose the Directive into our national law.

Participation in the Directive brings us into line with the norms and standards for reception conditions for international protection applicants across the EU. As I am sure the Deputy will appreciate, the delivery of the provisions under the Directive as set out in our transposing Regulations are the responsibility of a wide variety of Government Departments and services, including the Department of Employment Affairs and Social Protection; the Department of Health and the HSE; the Department of Education and Skills; and, in the case of unaccompanied minors, Tusla - the Child and Family Agency.

Within my own Department's remit, eligible applicants can now apply for a broad and generous permission to access the labour market. Additionally, we are one of a small number of Member States to extend labour market access to self-employment, to provide additional opportunities for applicants who wish to establish their own business. To date, I have granted 1,388 labour market access permissions to eligible applicants.

In terms of accommodation, the implementation of the Justice McMahon recommendations has improved the standard of living for many applicants across our centres, in particular for families. My colleague, Minister of State Stanton, has continued the programme of reforms in this area through the establishment of a Standards Advisory Group. The Group, which includes representatives of relevant Government Departments, NGOs and representative groups, has developed Draft National Standards to improve quality of care and ensure consistency across our accommodation centres. These Draft National Standards have been published on my Department's website as part of a consultation process with an opportunity to submit feedback via an online form. The consultation process opened on 16 August and the closing date for the submission of feedback was yesterday, 25 September. I would like to thank all those who took the time to review the Draft National Standards and to submit comments, which will feed into the finalised Standards. We are also holding consultation meetings with residents of the centres and with service providers, organisations and people working with residents.

While both Minister Stanton and I are committed to improving standards across accommodation centres, we must also acknowledge the exceptionally challenging environment for housing and accommodation provision across the State at this time. The Reception and Integration Agency (RIA) of my Department has over the last 12 months increased its contracted number of beds in accommodation centres by 646. Despite this, we are close to almost 100% capacity with 5,800 contracted beds. To alleviate the current situation, RIA will open two new centres in the coming weeks. RIA has also advertised in the national press for expressions of interest to provide accommodation and related services to applicants on an urgent basis. We are also taking steps with the Department of Housing, Planning and Local Government to transition to mainstream housing supports the approximately 600 people with status or a permission to remain who continue to reside in RIA provided accommodation centres.

Notwithstanding the challenges to accommodation provision and the ongoing nature of reforms, I am satisfied that we are adhering to our commitments under the EU Directive.

### **Direct Provision Data**

149. **Deputy Catherine Connolly** asked the Minister for Justice and Equality the number of children in direct provision whose parent or parents have status; and if he will make a statement on the matter. [39046/18]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** There are 285 children living in RIA accommodation in family units where one or both parents or their guardian have 'status' i.e. International Protection or Permission to Remain in the State.

Not all children who live in RIA accommodation reside with a parent. Some children reside with an adult guardian, who may be an older sibling or relative who is caring for them in loco parentis.

Children who enter the state without an adult guardian are referred to Tusla for child protection assessment, and may be received into care under the Child Care Act 1991.

## Child Maintenance Payments

150. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the work his Department is undertaking alongside the Department of Employment Affairs and Social Protection on establishing a maintenance payment programme to ensure that maintenance is paid to one-parent families; and if he will make a statement on the matter. [39050/18]

**Minister for Justice and Equality (Deputy Charles Flanagan):** It is open to parents whose relationship has broken down to decide between themselves on maintenance arrangements for their children. If they experience difficulties in reaching agreement on maintenance arrangements, they can try to work out a maintenance agreement through mediation. The general objective of the Mediation Act 2017, which came into operation on 1 January, is to promote mediation as a viable, effective and efficient alternative to court proceedings, including proceedings relating to maintenance of children, thereby reducing legal costs, speeding up the resolution of disputes and relieving the stress involved in court proceedings.

Under Irish law, issues arising from disagreements about the provision of maintenance for dependent children, or failure by persons with maintenance responsibilities for children to provide proper maintenance, are determined by the courts. Relevant legislation in this area includes section 11 of the Guardianship of Infants Act 1964, the Family Law (Maintenance of Spouses and Children) Act 1976, section 8 of the Family Law Act 1995, section 13 of the Family Law (Divorce) Act 1996 and section 45 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010. The Children and Family Relationships Act 2015 provided for a number of improvements in the law relating to maintenance of children.

The law as it stands provides several mechanisms, including possible penalties, where a person fails to comply with court-ordered maintenance obligations. Section 10 of the Family Law (Maintenance of Spouses and Children) Act 1976 enables a maintenance creditor to apply to the court for an order that maintenance be paid by way of attachment of earnings, so the maintenance due is deducted directly from income. A person can apply for an attachment of earnings order when applying to court for a maintenance order, if he or she is concerned that maintenance will not be paid, or he or she can apply later if the maintenance is not paid.

The maintenance creditor may seek to recover sums owing through the courts by utilising the enforcement mechanisms available under section 8 of the Enforcement of Court Orders Act 1940 (as substituted by section 63 of the Civil Law (Miscellaneous Provisions) Act 2011). In addition, where the failure to pay maintenance is as a result of unwillingness, as distinct from inability, to pay, under section 9A of the Family Law (Maintenance of Spouses and Children) Act 1976, the District Court has the power to regard a failure by a parent to comply with a court order relating to maintenance as contempt of court and to deal with it accordingly, including by means of imprisonment.

The legislative provisions relating to “liable relatives” and a person’s liability to maintain his or her children which specifically apply in respect of the One-Parent Family Payment are contained in the Social Welfare Acts, which are the responsibility of the Minister for Employment Affairs and Social Protection, and not in the family law legislation to which I have referred above.

I am aware that the review by the Department of Employment Affairs and Social Protection of the maintenance and liable relative procedures, insofar as they relate to the One-Parent Family payment scheme, is nearing completion, and that the Department intends to liaise with the Department of Justice and Equality shortly with a view to jointly considering the next steps in relation to family maintenance arrangements. My officials expect to contribute constructively



to this review.

### **Garda Training**

151. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of gardaí in training to become forensic collision investigators; when the training will be completed; and if he will make a statement on the matter. [39052/18]

152. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if forensic collision investigators in An Garda Síochána receive a special allowance for carrying out such important work in road traffic administration; and if he will make a statement on the matter. [39053/18]

**Minister for Justice and Equality (Deputy Charles Flanagan):** I propose to take Questions Nos. 151 and 152 together.

As the Deputy will be aware it is the Garda Commissioner who 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 informed by the Garda Commissioner that a Forensic Collision Investigator (FCIs) attends the scene of every fatal road traffic collision and every collision where information indicates that there is a likelihood of a fatality resulting from such collision. I am further advised by the Commissioner that FCIs are responsible for carrying out examinations at scenes of road traffic collisions including recording and evaluating all available evidence. I am advised FCIs are not in receipt of a specific allowance.

I am also informed that following an internal Garda competition for assignment to FCI duties 11 successful candidates have completed their initial training and are working alongside Divisional Roads Policing Units. It takes 18 months to be fully trained as a FCI. It is expected that there will be further assignments to FCI duties from this competition in early 2019.

### **Enterprise Support Schemes**

153. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation if private limited companies that operate in the social enterprise sector that return their profits back into the community are prevented or limited in accessing enterprise supports and funding; and if she will make a statement on the matter. [38995/18]

**Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys):** The Enterprise Agencies under my remit support commercial enterprise. The Local Enterprise Offices (LEOs) can only provide financial assistance to commercially viable companies with a potential to export but can provide soft supports, such as mentoring and training to anyone wishing to start or grow their business. Enterprise Ireland's core objective is to help companies start, grow, innovate and win export sales in global markets. However, Social enterprises are eligible to seek loans from Micro Finance Ireland.

Supports for social enterprises are provided by my colleague, Minister Ring at the Department of Rural and Community Development.

### **Stroke Care**

154. **Deputy Peter Burke** asked the Minister for Health the funding available to support the work of stroke support groups; and if he will make a statement on the matter. [38915/18]

**Minister for Health (Deputy Simon Harris):** As this P.Q. relates to a service issue, it has been referred to the Health Service Executive for direct reply to the deputy

### **Hospital Appointments Status**

155. **Deputy Michael Healy-Rae** asked the Minister for Health the status of an operation for a person (details supplied); and if he will make a statement on the matter. [38916/18]

**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, since 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 the Deputy directly.

### **Medical Consent**

156. **Deputy Clare Daly** asked the Minister for Health if there is a State-wide policy in regard to obtaining written patient consent prior to the prescription of an unlicensed drug to that patient. [38918/18]

157. **Deputy Clare Daly** asked the Minister for Health if a sanction applies to a clinician who prescribes an unlicensed drug to a patient without having first obtained that patient's written consent. [38919/18]

158. **Deputy Clare Daly** asked the Minister for Health if it is the practice in the public health system to obtain written patient consent prior to that patient being prescribed an unlicensed drug [38920/18]

**Minister for Health (Deputy Simon Harris):** I propose to take Questions Nos. 156, 157 and 158 together.

Under the Medical Practitioners Act 2007, the Medical Council is the statutory body charged with responsibility for the registration and regulation of medical practitioners in the State. The Council's main role is to protect the public by promoting and better ensuring high standards of professional conduct and professional education, training and competence among doctors.

The Council provides advice to doctors on consent in its Guide to Professional Conduct and Ethics. It gives the general principles relating to consent at section 9 of the Guide, where it states at 9.2 that: "You must make sure that patients have given their consent before you pro-

vide any medical investigation, examination or treatment. Consent is required by law and is an essential part of respect for patients' autonomy. Patients have the right to decide what happens to their own body."

Disciplinary matters concerning registered medical practitioners are a matter for the Council. Under its legislation its role is to fully investigate any complaints made about registered practitioners and decide whether they are fit to practice. Information about this process can be found on the Medical Council's website at: [medicalcouncil.ie/Public-Information/Making-a-Complaint/](http://medicalcouncil.ie/Public-Information/Making-a-Complaint/).

The Council may impose sanctions on medical practitioners where there is a finding of professional misconduct and the ultimate sanction for a medical practitioner is removal from the register.

Medicines placed on the Irish market must be authorised by the Health Products Regulatory Authority (HPRA) or, in the case of centrally authorised products, by the European Commission. However, European regulations do provide for an exemption to this rule – this is via Article 5 of Directive 2001/83/EC. In this case, unauthorised medicines may be supplied where a registered doctor or dentist has prescribed the product for an individual patient under his or her direct responsibility. This is in order to fulfil the special needs of those patients. Such products are defined as 'exempt medicinal products'

Exempt medicinal products are often used in clinical practice in Ireland and this reflects the fact that there are not always sufficient approved medicines to address every medical need.

The practice of a doctor, or healthcare professional with prescriptive authority, and the manner in which they counsel and undertake to get informed consent from their patients when initiating or continuing any form of treatment, is a matter for that healthcare professional and/ or their respective regulatory body.

### **Hospital Appointments Status**

159. **Deputy Michael Healy-Rae** asked the Minister for Health the status of an operation for a person (details supplied); and if he will make a statement on the matter. [38923/18]

**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, since 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 the Deputy directly.

### **National Treatment Purchase Fund**

160. **Deputy John Curran** asked the Minister for Health if the newly established central validation function in the NTPF to centralise the validation of all waiting lists across the HSE has commenced; if so, if he will provide a progress report on this function; and if he will make a statement on the matter. [38928/18]

**Minister for Health (Deputy Simon Harris):** In June 2018 I approved the establishment of a Central Waiting List Validation function with the National Treatment Purchase Fund (NTPF) with the objective of delivering a standardisation of approach of validation across all waiting lists and all hospitals in line with the best patient-centred practices. The validation of waiting lists will better inform the true demand for hospital services and enable improved efficiency and patient scheduling.

The NTPF advise that the National Centralised Validation Unit was established on Monday 24 September 2018. The Unit will commence the testing of validation reports, processes and systems prior to the validation of any patient on a waiting list. A number of hospital sites have agreed to pilot the National Centralised Validation approach during October and a roll out plan is currently being coordinated for the rest of the year. A full Validation Programme will be agreed with every Hospital and Hospital Group for 2019.

### **Hospital Appointments Status**

161. **Deputy Aengus Ó Snodaigh** asked the Minister for Health if a person (details supplied) will be given an urgent date for an appointment to attend the ear, nose and throat department in either Tallaght or Crumlin children's hospitals. [38930/18]

**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, since 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 the Deputy directly.

### **Palliative Care Services Provision**

162. **Deputy Bríd Smith** asked the Minister for Health the capital funding application received by the HSE for the project to redevelop the palliative care unit at Our Lady's Hospice, Harold's Cross; if the application has been approved; and if HSE funding was allocated to this project. [38938/18]

**Minister for Health (Deputy Simon Harris):** As the Health Service Executive is responsible for the delivery of healthcare infrastructure projects, I have asked the HSE to respond to you directly in relation to this matter.

## **Voluntary Hospital Sector**

163. **Deputy Bríd Smith** asked the Minister for Health the costs to date of suspensions of staff at Our Lady's Hospice, Harold's Cross; and the cost of external investigators hired by the hospice over the past five years to conduct disciplinary or other inquiries into staff. [38939/18]

**Minister for Health (Deputy Simon Harris):** I have asked the HSE to respond to you directly on this matter.

## **Voluntary Hospital Sector**

164. **Deputy Bríd Smith** asked the Minister for Health if section 38 and 39 organisation such as Our Lady's Hospice, Harold's Cross are covered by the procurement guidelines that govern the hiring of external investigators to examine industrial relations of staff related issues in their organisations. [38940/18]

**Minister for Health (Deputy Simon Harris):** In addition to the health and social care services which it directly provides the HSE also enters into arrangements with service providers for the provision of health and personal social care services on its behalf.

The Health Act 2004 provides the legal framework for the HSE to enter into arrangements or agreements with two distinct categories of agencies/groups:

Section 38 (1) states that:

The Executive may, subject to its available resources and any directions issued by the Minister under section 10, enter, on such terms and conditions as it considers appropriate, into an arrangement with a person for the provision of a health or personal social service by that person on behalf of the Executive and

Section 39 (1) states that: The Executive may, subject to any directions given by the Minister under section 10 and on such terms and conditions as it sees fit to impose, give assistance to any person or body that provides or proposes to provide a service similar or ancillary to a service that the Executive may provide.

The HSE enters into Service Arrangements regarding the funding which it provides to Section 38 and section 39 bodies and public procurement is defined in the Service Arrangement documentation.

The HSE has confirmed that section 38 and section 39 bodies must adhere to procurement guidelines where the goods or services being procured relate to Exchequer funding. Our Lady's Hospice in Harold's Cross is a Body funded under section 38 of the Health Act and therefore if the external investigator services which were being procured by it related to Exchequer funding they should have been procured in accordance with procurement guidelines.

## **Cancer Screening Programmes**

165. **Deputy Bríd Smith** asked the Minister for Health the reason his reply to two previous parliamentary questions on the ISO accreditation of US-based labs stated that these labs had ISO status while the Scally report states they did not. [38941/18]

166. **Deputy Bríd Smith** asked the Minister for Health if screeners in US labs have the



same levels or comparable levels of qualifications for screeners who examine cervical check slides here. [38942/18]

171. **Deputy Bríd Smith** asked the Minister for Health his views on the reference in the Scally report to the plans of a CervicalCheck provider to use laboratories in Australia to conduct future tests; if a risk assessment of such a practice will be conducted; and if he will make a statement on the matter. [38947/18]

**Minister for Health (Deputy Simon Harris):** I propose to take Questions Nos. 165, 166 and 171 together.

Earlier this year in response to Parliamentary Questions, I stated, as was my understanding then, that laboratories contracted by CervicalCheck met the programme's standards and had ISO accreditation, certified by the relevant national authorities. The Report of the Scoping Inquiry established by Government has clarified that only some laboratories have ISO accreditation.

Dr Scally is providing me with a supplementary report which will investigate the matter of accreditation. I look forward to receiving this report.

However, it is important to be clear that Dr Scally's Report, published on 12 September, has provided welcome reassurance in relation to the laboratories currently contracted by CervicalCheck. He is satisfied with the quality management processes in the labs currently contracted by CervicalCheck, and he is clear that he has found no reason why the contracts with existing providers should not be extended pending the switch to HPV testing as the primary screening test.

The Report is a comprehensive and robust assessment of CervicalCheck, based on engagement with women and families involved, review of documentation, interviews with key personnel and visits to the laboratories involved. It makes fifty recommendations, including a significant number in relation to laboratories and procurement, the implementation of which I expect to provide all necessary assurance in relation to the services on an ongoing basis.

The Government has accepted all 50 of Dr Scally's recommendations and I have asked the State bodies involved to move swiftly in relation to implementation.

### **Cancer Screening Programmes**

167. **Deputy Bríd Smith** asked the Minister for Health the reason HSE documents that relate to the procurement and tendering of contracts for CervicalCheck were destroyed in 2017; and the steps he will take to ensure all such documents are retained and available for scrutiny in the future. [38943/18]

**Minister for Health (Deputy Simon Harris):** On 12 September, the Report of the Scoping Inquiry into the CervicalCheck programme, led by Dr Gabriel Scally, was published on the website of my Department following the Government meeting.

Dr Scally has emphasised in his Report that the continuation of cervical screening in the coming months is of crucial importance. In that context, I very much welcome the fact that he has found no reason why the existing contracts for laboratory services should not continue until the new HPV testing regime is introduced. The Report provides very welcome reassurance in regard to the quality management processes in place in the laboratories currently contracted by CervicalCheck.

As stated in the Report, the destruction of some of the original material relating to the CervicalCheck tender competitions in 2017 was in line with HSE policy for document retention and disposal. The Report sets out fifty recommendations, including a number in relation to laboratories and procurement, and the Government has committed to implementing these in full. They include a recommendation that “Winning proposals should be appended to the relevant contract and not destroyed until at least one year following the termination of the contract (and any extension thereof)” and this will be implemented.

### **Cancer Screening Programmes**

168. **Deputy Bríd Smith** asked the Minister for Health the reason previous parliamentary questions that sought the identity of the labs involved in the false negative results that affected 221 women has not been revealed; and his plans to ensure this information is made available. [38944/18]

**Minister for Health (Deputy Simon Harris):** Screening tests are a balance of sensitivity and specificity and therefore include both false negative and false positive results which could affect the screening outcome and treatment of a person who may or who may not have a disease. It would be expected that they would have occurred in all labs contracted by CervicalCheck since its inception.

The Deputy may wish to be aware that according to Dr Scally’s report, conducting an audit or review of interval cancers is a good thing to do for the purposes of quality control and, particularly, learning. Dr Scally does point out that it is not without problems when it comes to comparability.

His review has summarised that, “no matter how closely the review panel tries to reproduce the original screening conditions, the conditions of a review are different – the fact that a review includes records of a patient known to have a serious condition, such as cancer, will heighten vigilance and increase reports of abnormality.”

Dr Scally is clear that finding discrepancies on review does not imply that the same findings should have been made under routine conditions. His report states that in a cervical screening programme the result is based on interpretation of appearances on a scan, slide or mammogram in circumstances where the boundary between normality and abnormality is not firmly drawn and this may result in debate between experts as to the appropriate classification of the sample or the interpretation of the image.

### **Cancer Screening Programmes**

169. **Deputy Bríd Smith** asked the Minister for Health his plans to build up the capacity of public labs based here to conduct all CervicalCheck screening in the future on foot of the Scally report; if he will initiate a program of university graduate and undergraduate classes necessary to train the required number of medical scientists for such a scenario; and if he will make a statement on the matter. [38945/18]

**Minister for Health (Deputy Simon Harris):** My priority is and will remain the provision of services of the highest quality. It is important to be clear that the Report of the Scoping Inquiry into CervicalCheck, published on 12 September on the website of my Department, provides welcome reassurance on the quality of all laboratories currently contracted to provide services for CervicalCheck, including the private laboratories contracted both in Ireland and America

(Medlab Pathology and Quest Diagnostics, respectively) and the Coombe Women and Infants University Hospital in Dublin.

Switching to HPV testing as the primary screening mechanism will require a reconfiguration of laboratory services. While it is likely that a tendering process will be needed to meet at least some of the HPV testing requirement, the potential to use public laboratories in Ireland to carry out testing for the programme is being carefully assessed as part of the planning of this major project.

### **Cancer Screening Programmes**

170. **Deputy Bríd Smith** asked the Minister for Health if future contracts or procurement arrangements with a provider for CervicalCheck services will place the emphasis on awarding such contracts on criteria other than costs on foot of the Scally report; and if he will instruct the HSE to examine the workplace conditions, qualifications and workload of such screeners or examiners of slides. [38946/18]

**Minister for Health (Deputy Simon Harris):** On 12 September, the Report of the Scoping Inquiry into the CervicalCheck programme, led by Dr Gabriel Scally, was published on the website of my Department following the Government meeting.

Dr Scally has emphasised in his Report that the continuation of cervical screening in the coming months is of crucial importance. In that context, I very much welcome the fact that he has found no reason why the existing contracts for laboratory services should not continue until the new HPV testing regime is introduced. The Report provides very welcome reassurance in regard to the quality management processes in place in the laboratories currently contracted by CervicalCheck.

The Report includes fifty recommendations, many relating to the laboratories and approach to procurement. The Government has committed to implementing these in full. In particular, Recommendation 22 sets out that the procurement approach should maintain a balanced focus on qualitative factors, supplier experience, and innovation, alongside cost considerations and this will be implemented.

More broadly, the recommendations encompass proactive contract governance, measures to test performance and revision of programme standards. I am confident that the full implementation of the recommendations will ensure continuation of an effective, high quality service.

*Question No. 171 answered with Question No. 165.*

### **Primary Care Centres Provision**

172. **Deputy John Brady** asked the Minister for Health the services that will be available in the new primary healthcare centre in Bray, County Wicklow; and if he will make a statement on the matter. [38964/18]

**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.

### **Occupational Therapy Provision**

173. **Deputy John Brady** asked the Minister for Health if a cognitive occupational therapy service will be available for persons in the new primary healthcare centre in Bray, County Wicklow; and if he will make a statement on the matter. [38965/18]

**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.

### **Hospital Appointments Status**

174. **Deputy Michael Healy-Rae** asked the Minister for Health the status of an assessment for a person (details supplied); and if he will make a statement on the matter. [38967/18]

**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, since 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 the Deputy directly.

### **Hospital Appointments Status**

175. **Deputy Michael Healy-Rae** asked the Minister for Health the status of a cataract operation for a person (details supplied); and if he will make a statement on the matter. [38968/18]

**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, since 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 the Deputy directly.

### **Hospital Appointments Status**

176. **Deputy Michael Healy-Rae** asked the Minister for Health the status of a cataract operation for a person (details supplied); and if he will make a statement on the matter. [38969/18]

**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, since 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 the Deputy directly.

### **Hospital Appointments Status**

177. **Deputy Sean Fleming** asked the Minister for Health when an operation will be carried out for a person (details supplied); and if he will make a statement on the matter. [38979/18]

**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, since 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 the Deputy directly.

### **Occupational Therapy Provision**

178. **Deputy Róisín Shortall** asked the Minister for Health the waiting times for an occupational therapist appointment in Dublin 11; when a person (details supplied) will be seen by an occupational therapist; and if he will make a statement on the matter. [38980/18]

**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.

### **Home Help Service Provision**



179. **Deputy Robert Troy** asked the Minister for Health if additional home help hours have recently been put in place for a person (details supplied). [38998/18]

**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 matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

### **Hospital Consultant Recruitment**

180. **Deputy Eamon Scanlon** asked the Minister for Health when the two remaining consultant radiologist posts will be filled in Sligo University Hospital; and if he will make a statement on the matter. [39003/18]

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

### **Medical Card Administration**

181. **Deputy Bernard J. Durkan** asked the Minister for Health the reason a medical card has been withdrawn in the case of a person (details supplied); if a review will be undertaken with a view to reinstatement as soon as possible; and if he will make a statement on the matter. [39004/18]

**Minister for Health (Deputy Simon Harris):** As this is a service matter, it has been referred to the Health Service Executive for attention and direct reply to the Deputy

### **Home Help Service Provision**

182. **Deputy Robert Troy** asked the Minister for Health if all allocated home help hours have been put in place for a person (details supplied). [39008/18]

**Minister of State at the Department of Health (Deputy Jim Daly):** As this is a service matter I have asked the Health Service Executive to respond directly to the Deputy as soon as possible.

### **General Practitioner Services Provision**

183. **Deputy John Brady** asked the Minister for Health the status of the establishment of a general practitioner out-of-hours service for north County Wicklow; and if he will make a statement on the matter. [39016/18]

**Minister for Health (Deputy Simon Harris):** I am committed to the development of an

improved GP out of hours service for North Wicklow which can provide the appropriate level of cover for the population of the area. The development of such a service will allow GPs to participate fully in the provision of an integrated healthcare system providing medical services that are appropriate, timely and effective, easily accessible and responsive to the needs of patients.

This service is intended to cover the night time hours from Monday to Friday and 24 hour cover at weekends and public holidays, providing urgent general practitioner services to patients outside of normal surgery hours. The service will include initial triage and GP consultation at treatment centres or home visits as appropriate, in accordance with HIQA standards for Safer Better Healthcare.

The HSE expects the procurement process to identify a service provider to be finalised shortly and I have asked the Executive to provide the Deputy with an update on the establishment of the service.

### **Disability Services Data**

184. **Deputy Gerry Adams** asked the Minister for Health the number of disability network teams in each CHO area. [39029/18]

185. **Deputy Gerry Adams** asked the Minister for Health the number of disability network teams in each county. [39030/18]

186. **Deputy Gerry Adams** asked the Minister for Health the number of disability network teams still to be established by CHO area and county. [39031/18]

187. **Deputy Gerry Adams** asked the Minister for Health the timeframe for the establishment of disability network teams in each CHO area and county. [39032/18]

188. **Deputy Gerry Adams** asked the Minister for Health the number of health professionals in each disability network team; and the specialties of each. [39033/18]

**Minister of State at the Department of Health (Deputy Finian McGrath):** I propose to take Questions Nos. 184 to 188, inclusive, together.

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 questions relate to service matters, I have arranged for the questions to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

### **Disability Support Services**

189. **Deputy Gerry Adams** asked the Minister for Health the number of staff needed to be recruited by CHO area for the establishment of outstanding disability network teams. [39034/18]

**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 a service matter, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

### **Disabilities Assessments**

190. **Deputy Gerry Adams** asked the Minister for Health the status of the revised standard operating procedure for assessment of need. [39035/18]

191. **Deputy Gerry Adams** asked the Minister for Health the status of assessment of need in the allocation of resources for children. [39036/18]

192. **Deputy Gerry Adams** asked the Minister for Health his plans to introduce legislation to make the recommendations of an assessment of need legally binding on the HSE. [39037/18]

194. **Deputy Gerry Adams** asked the Minister for Health the number of legal challenges going through the court system by parents challenging the HSE on the failure to implement an assessment of need. [39039/18]

**Minister of State at the Department of Health (Deputy Finian McGrath):** I propose to take Questions Nos. 190 to 192, inclusive, and 194 together.

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 matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

### **Disability Services Provision**

193. **Deputy Gerry Adams** asked the Minister for Health his views on whether the HSE needs to move from a diagnosis-based service to a needs-based service. [39038/18]

**Minister of State at the Department of Health (Deputy Finian McGrath):** I understand that the Deputy's question relates to Children's Disability Services. 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 matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

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

195. **Deputy Thomas P. Broughan** asked the Minister for Health if he will report on the closure of inpatient paediatric services in the National Rehabilitation Hospital due to the lack of specialist staff; the consequences this has for children needing neurology services; and if he will make a statement on the matter. [39047/18]

**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 matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

### **Rare Diseases**

196. **Deputy Thomas P. Broughan** asked the Minister for Health the way in which his Department is working towards having accessible orphan drugs available to those patients with rare diseases without breaks in their treatment or delay in their treatment; and if he will make a statement on the matter. [39055/18]

**Minister for Health (Deputy Simon Harris):** Clarification was sought from the Deputy's office in relation to this Parliamentary Question. Once a reply has been received I will arrange for a response to issue to the Deputy.

### **Medicinal Products Supply**

197. **Deputy Thomas P. Broughan** asked the Minister for Health if assistance can be provided in the re-opening of the expanded access programme to nusinersen in Temple Street Hospital which closed in March 2018; and if he will make a statement on the matter. [39056/18]

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

### **Hospital Appointments Status**

198. **Deputy Michael Healy-Rae** asked the Minister for Health the status of a rheumatology appointment for a person (details supplied); and if he will make a statement on the matter. [39058/18]

**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, since 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 the Deputy directly.

### **HSE Reviews**

199. **Deputy Éamon Ó Cuív** asked the Minister for Health further to Parliamentary Question No. 1469 of 24 July 2018, the reason the HSE did not respond to this Deputy on foot of the undertaking given by him in relation to the island care review; if he will request the HSE again to issue a reply to same; and if he will make a statement on the matter. [39060/18]

**Minister for Health (Deputy Simon Harris):** I regret that, following a request made of the Health Service Executive (HSE), an answer to the Parliamentary Question No. 1469 of 24 July 2018 has yet to issue. As this question relates to service matters, I have once again arranged for the question to be referred to the HSE and requested a direct reply be forwarded to the Deputy.

### **Health Services Funding**

200. **Deputy Éamon Ó Cuív** asked the Minister for Health further to Parliamentary Question No. 422 of 12 July 2018, the reason the HSE did not respond to this Deputy on foot of the undertaking given by him in relation to the funding of children's charities; if he will request the HSE again to issue a reply to same; and if he will make a statement on the matter. [39061/18]

**Minister for Health (Deputy Simon Harris):** My Department has been in further contact with the HSE in regard to this matter and has asked that a reply issue as a matter of urgency.

### **Disability Services Funding**

201. **Deputy Éamon Ó Cuív** asked the Minister for Health if he is seeking further funding for the provision of services to those with an intellectual disability for 2019 in view of the large waiting list for services; and if he will make a statement on the matter. [39063/18]

**Minister of State at the Department of Health (Deputy Finian McGrath):** The level of funding available for my Department is being considered as part of the national Estimates and budgetary process for 2019 which is currently underway. Pending completion of this process it is not appropriate for me to comment further at this stage.

### **Seirbhísí do Dhaoine faoi Mhíchumas**

202. D'fhiafraigh **Deputy Éamon Ó Cuív** den Aire Sláinte cén uair a gheobhaidh mé frea-



gra ó FSS ar an gceist pharlaiminte a chuir mé ar an 26ú Meitheamh 2018, ceist uimhir 296, mar a gealladh dom sa fhreagra; an nglacann sé leis nach bhfuil sé sásúil nach bhfuair mé freagra uathu go fóill; agus an ndéanfaidh sé ráiteas ina thaobh. [39064/18]

**Minister for Health (Deputy Simon Harris):** Ó tharla gurb é seo an dara ceist a fiafraíodh i dtaca le soláthar seirbhíse do dhuine i gContae na Gaillimhe, tá an cheist curtha faoi bhráid Fheidhmeannacht na Seirbhíse Sláinte agam arís chun freagra a thabhairt duit go díreach ar na hábhair atá ardaithe agat.

### **Disability Support Services Funding**

203. **Deputy Michael Healy-Rae** asked the Minister for Health the reason no funding has been made available to an organisation (details supplied); and if he will make a statement on the matter. [39067/18]

**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 a service matter, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

### **Nursing Staff Provision**

204. **Deputy Brendan Smith** asked the Minister for Health when the commitment made in early 2016 to provide additional personnel for a health facility (details supplied) will be honoured; if recruitment has been undertaken; when these positions will be filled; and if he will make a statement on the matter. [39068/18]

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

### **Hospital Staff Recruitment**

205. **Deputy Brendan Smith** asked the Minister for Health when additional resources and personnel will be provided for a department in a health facility (details supplied) in view of delays in providing essential services; and if he will make a statement on the matter. [39069/18]

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

### **Hospital Investigations**

206. **Deputy Clare Daly** asked the Minister for Health if it is the practice of UHL to isolate patients colonised or infected with CPE or other drug-resistant infections; and if so, when this

practice commenced. [39070/18]

207. **Deputy Clare Daly** asked the Minister for Health when the external review into possible association of CPE with patient deaths between February 2009 and May 2017 will be published; and if the recommendations of that review are being implemented by UHL pending publication. [39071/18]

208. **Deputy Clare Daly** asked the Minister for Health if his attention has been drawn to the recent upward trend in CPE cases at UHL (details supplied); if he has sought an explanation from UHL for this upward trend in view of the fact that both an internal and external review into CPE management at the hospital have been conducted; and if he will make a statement on the matter. [39072/18]

**Minister for Health (Deputy Simon Harris):** I propose to take Questions Nos. 206 to 208, inclusive, together.

As these are service matters, the questions have been referred to the Health Service Executive for attention and direct reply to the Deputy.

### **Health Services Funding**

209. **Deputy Willie Penrose** asked the Minister for Health if funding will be made available to the National Rehabilitation Hospital in order to allow a prosthesis to be manufactured for a person (details supplied); and if he will make a statement on the matter. [39104/18]

**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 a service issue, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

### **Weather Events**

210. **Deputy Declan Breathnach** asked the Minister for Agriculture, Food and the Marine if a programme of assistance will be introduced to help farmers who have lost up to 70% of their maize crop due to the conditions during Storm Ali; if his attention has been drawn to the fact that harvesting machinery is incapable of lifting a maize crop once it has fallen; and if he will make a statement on the matter. [38997/18]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** Maize is a crop that is predominantly grown in a covered system (under plastic film) and is typically harvested between the end of September and the end of October. While many crops were unaffected by Storm Ali, I am aware of some crops in localised areas were adversely impacted to varying degrees.

It is my understanding that the majority of the affected maize crops remain salvageable with some additional attention required at harvesting.

As this storm and other recent weather events have shown, farmers require access to measures that improve their capacity to respond to these occurrences. I have asked my officials, in the context of the upcoming CAP reform, to examine all available risk management tools to determine which of these may be most appropriate to the farming sector. A programme of assistance in respect of Storm Ali is not being considered at present.

### **Agriculture Scheme Payments**

211. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if a matter regarding farm payments in the case of a person (details supplied) will be addressed; and if he will make a statement on the matter. [39002/18]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The person named submitted a 2018 Basic Payment/Areas of Natural Constraint schemes application on 15th May 2018. EU Regulations governing the administration of these schemes require that full and comprehensive administrative checks, including in some cases remote sensing (i.e. satellite) inspections, be completed before any payments issue.

The application of the person named was selected for a Remote Sensing eligibility inspection.

Processing of this inspection necessitated the verification of the position on the ground by means of a field visit in respect of one of the parcels declared. In addition, an assessment of all of the other parcels declared against the available satellite imagery is required. The outcome of the full inspection process is now being processed to finalisation with the intention of issuing any payments due to the nominated bank account of the person named as soon as possible.

In the event that any queries arise officials in my Department will be in contact with the person named.

### **Internet Safety**

212. **Deputy Clare Daly** asked the Minister for Communications, Climate Action and Environment the action he plans to take to deal with the use of social media sites to promote the illegal and dangerous so-called MMS as a purported cure for autism with particular reference to the need for stiffer penalties for those involved who are essentially endangering and abusing children; and if he will make a statement on the matter. [38921/18]

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** The Action Plan for Online Safety, published by Government on 11 July 2018 reaffirms the principle that Ministerial responsibility for policy in relation to online matters is delineated on the basis that, if a Minister is responsible for a policy matter offline, they are responsible for that policy matter - and any aspects of its implementation - online as well.

The Deputy will appreciate that I am not responsible for policy in relation to the matter in question, and that the question should be referred to my colleague, the Minister for Health.

### **Waste Management**

213. **Deputy Catherine Murphy** asked the Minister for Communications, Climate Action

and Environment the amount and proportion of plastic waste generated that is sold or diverted to incineration; and if he will make a statement on the matter. [38933/18]

215. **Deputy Catherine Murphy** asked the Minister for Communications, Climate Action and Environment if recyclable plastics that are coloured black are actually recycled here; if not, the steps he is taking to address this issue, inform the public regarding same and to prevent such material from entering the waste stream; and if he will make a statement on the matter. [38935/18]

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** I propose to take Questions Nos. 213 and 215 together.

National waste policy is predicated on and consistent with European Union waste policy, which has the waste hierarchy as its cornerstone. Under the waste hierarchy, the prevention, preparation for reuse, recycling and recovery of waste is preferred to the disposal or landfill of waste.

Every effort is made to ensure that waste which cannot be prevented, prepared for reuse or recycled is recovered (including through waste to energy) as opposed to being landfilled.

In line with the principles of the waste hierarchy, collectors of municipal waste must implement and maintain a system for the collection of segregated dry recyclables, including plastic which is suitable for recycling. Where waste has been source segregated prior to collection, the collection permit further requires that the waste shall not be mixed with other waste types and shall be delivered to a suitable authorised facility. In this regard, the two waste to energy plants operating in Ireland which accept municipal waste may only accept residual municipal waste. However, contaminated recyclable plastic and plastic which is not currently suitable for recycling in Ireland and which ends up in the recycling bin are removed at Material Recovery Facilities and sent for energy recovery or landfill, as appropriate.

To supplement the above regulatory regime, the Government has funded a range of measures to support better recycling so that more plastic which is suitable for recycling is diverted from the residual bin, waste to energy plants and landfill, including:

- the development a national standardised list of items that can go into the recycling bin, including rigid plastic items, which is available at <http://recyclinglistireland.ie/>;

- a public education campaign on the recycling list rolled out by the regional waste management authorities, comprising radio advertisements, social media, billboards/posters, etc., to promote the list; and,

- a ‘master recycling’ programme, also run by the regional waste management authorities, in partnership with environmental NGOs, to roll out 650 workshops across the country training recycling ambassadors to bring the recycling message and understanding to a wide variety of communities.

The list stipulates that rigid plastics, such as plastic drink bottles, plastic cleaning bottles or fruit and vegetable trays, regardless of their colour, may be placed in the recycling bin.

A new national municipal waste characterisation study which commenced in December 2016 will be completed shortly. Results from this study could inform future estimates on the amount of plastic in municipal waste which is going to waste to energy plants.

214. **Deputy Catherine Murphy** asked the Minister for Communications, Climate Action and Environment if plastic waste generated here and sold or diverted to incineration can be counted in the measure of recycling rates; if he will seek assurances from a company (details supplied) that its reported rates of recycling do not include plastics sold or diverted to incineration; and if he will make a statement on the matter. [38934/18]

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** In accordance with the Waste Framework Directive the recovery of waste packaging includes a variety of waste processing operations including: - Recycling

- Incineration

- Solid Recovered Fuel (which replaces fossil fuels in cement kilns)

However, only materials recycled and not recovered can be counted as recycled either in Ireland or abroad.

The EU Packaging Directive sets targets for all packaging including a 22.5% recycling rate for plastic packaging.

Repak, operating under my approval, is a not for profit producer-funded compliance scheme tasked with helping Ireland achieve these targets. Repak report quarterly to my Department and annually to me on their work and as mentioned above, only material that is recycled can be reported towards the attainment of recycling targets. Repak charges fees to its members in accordance with the amount and type of packaging they place on the Irish market. These fees are used to subsidise the collection and recovery of waste packaging through registered recovery operators across Ireland

The Environmental Protection Agency (EPA) is responsible for the collation and analysis of waste packaging data. The latest packaging statistics provided by the EPA to the European Commission in June 2018, indicate that 275,510 tonnes of plastic waste was generated in Ireland in 2016. Of this 35.7% was recycled and 79.7% was either recycled or recovered.

*Question No. 215 answered with Question No. 213.*

### **National Broadband Plan**

216. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the members and partners of the consortium which has submitted a tender for the national broadband plan; and if he will make a statement on the matter. [38987/18]

218. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment if the only remaining bidder for the national broadband plan is a company (details supplied); and if he will make a statement on the matter. [38991/18]

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** I propose to take Questions Nos. 216 and 218 together.

I have been advised by my Department that the Bidding Consortium in the National Broadband procurement process is led by Granahan McCourt and that the bidder has nominated a number of key subcontractors including enet, Nokia, Actavo, the Kelly Group and KN Group to assist in the delivery of the National Broadband Plan Contract.

My Department is evaluating the Final Tender submission received from the Bidding Con-



sortium on 18 September 2018. This is a significant milestone as the NBP procurement process has now entered its final stage.

### **Telecommunications Services Data**

217. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the status of the development of a composite national coverage map by the Commission for Communications Regulation; and if he will make a statement on the matter. [38990/18]

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** Action 31 of the Mobile Phone and Broadband Taskforce Implementation Review 2017, which Minister Kyne and I published on 21 February 2018, commits ComReg to developing and subsequently publishing on its consumer website a composite national coverage map, which will enable consumers across Ireland to make better informed decisions when choosing telecommunications service providers. I understand that the composite national coverage map is due to be published by end Q4 2018. In addition to the development of the national coverage map, a number of other initiatives are under way, which will address mobile coverage blackspots:

- My Department and the Department of Rural and Community Development have worked to achieve a greater consensus around site selection for telecoms infrastructure and therefore improve mobile phone coverage.

- Both Departments also worked with a pilot group of local authorities to identify the issues associated with mapping local blackspots. This pilot exercise has been completed, with all local authorities having been asked to map local blackspots and identify infrastructure that could potentially be used to provide additional coverage on an economic basis. This exercise is ongoing, and has been included in the 2018 Taskforce Work Programme.

- A focus group was established to provide guidance with respect to categories of location where high quality reliable mobile coverage should be made available as a priority. The report of the focus group was published on my Department's website on 31 August 2018. It is anticipated that the output of the focus group should influence the actions of the mobile network operators in their work to reduce mobile phone blackspots. It will also inform future policy in my Department with regards to priorities for mobile phone services.

- A working group has been established with the remit of investigating the feasibility of developing standardised policy for accessing and utilising State and publicly owned assets for the deployment of telecommunications infrastructure.

- In addition to its work on handset testing, following a consultation process, ComReg has also developed a licensing scheme which will enable households and businesses to use mobile phone repeaters to boost signals into their premises and bring immediate improvements in mobile coverage.

All of these initiatives should assist in enhancing the quality of mobile phone and data services, particularly in rural areas.

*Question No. 218 answered with Question No. 216.*

### **Fisheries Protection**

219. **Deputy Eamon Scanlon** asked the Minister for Communications, Climate Action and Environment the position regarding support measures for former licensed eel fishermen; and if he will make a statement on the matter. [39027/18]

**Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne):** Ireland's Eel Management Plan (EMP), including the closure of commercial fishing, was approved, in 2009, by the European Commission under EU Regulation 1100/2007. Fishing for eel was by way of public licence and therefore the issue of compensation does not arise. However, both Minister Naughten and I have secured Exchequer funding for a support measure. Officials have engaged with the European Commission in relation to Ireland's proposals to fund a support scheme for former eel fishermen and the Department has received written advice from the Revenue Commissioners as regards the tax treatment of any payments under such a scheme.

It is intended that the scheme will be open to former fishermen who held an Inland Fisheries Ireland eel fishing licence or a permit from ESB in the period prior to the closure. Officials are liaising with IFI and ESB to verify catch records declared by fishermen and I expect that an announcement of the scheme and a call for applications will be made shortly.

### **Broadband Service Provision**

220. **Deputy Patrick O'Donovan** asked the Minister for Communications, Climate Action and Environment when a school (details supplied) will be able to access high speed broadband; and if he will make a statement on the matter. [39040/18]

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** The premises of the school referred to by the Deputy is in the AMBER area on the High Speed Broadband Map which is available on my Department's website at *www.broadband.gov.ie*. The school is therefore included in the State Intervention Area under the National Broadband Plan (NBP). My Department is in a formal procurement process to select a company who will roll out a new high speed broadband network in the State intervention area, and is now evaluating the Final Tender submission received from the bidding consortium on 18 September 2018. This is a significant milestone as the NBP procurement process enters its final stage.

For those premises currently awaiting access to high speed broadband, practical initiatives will continue to be addressed through the work of the Mobile Phone and Broadband Taskforce to address obstacles and improve connectivity in respect of existing and future mobile phone and broadband services.

Under this Taskforce, engagement between telecommunications operators and local authorities through the Broadband Officers is continuing to strengthen. These Broadband Officers are acting as single points of contact in local authorities for their communities. The appointment of these officers is already reaping rewards in terms of ensuring a much greater degree of consistency in engagements with operators and clearing obstacles to developing infrastructure. The Department of Rural and Community Development maintain a list of Broadband Officers, a link to which is available on my Department's website at

*<https://www.dccae.gov.ie/en-ie/communications/topics/Broadband/national-broadband-plan/Pages/NBP-Information-Leaflets.aspx>*.

### **Driver Test Regulations**

221. **Deputy Micheál Martin** asked the Minister for Transport, Tourism and Sport if all active bus drivers have completed all of the courses provided or that are necessary under the driver CPC requirements; if data shows each category of drivers; the way in which it compares with September 2013 statistics; the compliance ratings for same; if he is satisfied with the progress being made; and if he will make a statement on the matter. [38992/18]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** The operation of the driver CPC system is the responsibility of the Road Safety Authority. I have therefore referred the Question to the Authority for direct reply. I would ask the Deputy to contact my office if a response has not been received within ten days.

### **Penalty Points System**

222. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport further to Parliamentary Question No. 651 of 18 September 2018, if the matter will be referred to the RSA; and if he will make a statement on the matter. [38994/18]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I have referred this matter to the RSA for their attention and for direct response to you. Please notify my office if you do not receive a reply within 10 working days.

### **Sports Organisations**

223. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport if he will address a matter regarding the case of a person (details supplied); and if he will make a statement on the matter. [38996/18]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** This is a matter for Swim Ireland as the National Governing Body for swimming. National Governing Bodies are independent, autonomous bodies and I do not have a role in relation to internal disputes or complaints between clubs and individuals. Nor would it be appropriate for me to intervene in such disputes. I would, however, encourage the parties to any dispute to use the dispute resolution mechanisms that are in place for sport.

If it is not possible to resolve this matter through the internal dispute resolution procedures for swimming, I would suggest that, in consultation with Sport Ireland, it could be dealt with through an independent dispute resolution service. Sport Ireland requires NGBs to sign up to dispute resolution and Just Sport Ireland is their preferred approach to dispute resolution in sport. I understand that Swim Ireland is signed up to Just Sport Ireland. Just Sport Ireland can be contacted at: Just Sport Ireland, Irish Sport HQ, National Sports Campus, Blanchardstown, Dublin 15, Tel: 01 6251155 or email: registrar@justsport.ie.

### **Driver Licensing Exchange Agreements**

224. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport the likely position of persons with UK driver licences here in the context of Brexit; if they will be accepted post-Brexit; and if he will make a statement on the matter. [39074/18]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** There are two aspects to this Question, that of driving on a visitor basis and that of licence exchange.

In relation to driving in Ireland on a UK licence, under the 1949 Geneva Convention on Road Traffic, people who hold a UK driving licence will be able to drive in this jurisdiction for up to a year at a time on a visitor basis. Contrary to some reports, they will not need to acquire an International Driving Permit to do so. In particular, people who reside in Northern Ireland and regularly cross the border will be able to continue to do so.

If a person is resident in the jurisdiction for more than a year and holds a UK driving licence, they will be required to obtain an Irish driving licence. Under EU law, licences issued by Member States may be exchanged when a person moves from one Member State to another. After the UK departs from the EU, the default position will be that UK licences will no longer be exchangeable for Irish licences.

It is possible that a final agreement between the EU and the UK on future relations may involve an agreement on continuing mutual recognition of driving licence for exchange. If this is not the case, Ireland may be in a position to reach a bilateral agreement with the UK on driving licence exchange. Such agreements are dependent in the first instance in the two licensing regimes concerned having compatible driver licensing - in other words testing - standards. The Road Safety Authority would assess such compatibility, as it has done for several overseas jurisdictions and, subject to a favourable outcome, we would be able to reach a driving licence exchange agreement with the UK, should such agreement be required.

### **Foster Care Supports**

225. **Deputy Peter Fitzpatrick** asked the Minister for Children and Youth Affairs the reason no insurance has been provided by Tusla since 2011 to cover foster parents in view of the fact that they had been previously covered by the HSE; her plans to introduce insurance for these persons; if so, when; and if she will make a statement on the matter. [38971/18]

**Minister for Children and Youth Affairs (Deputy Katherine Zappone)(Deputy Katherine Zappone):** As the Deputy is aware, foster carers are no longer covered by a commercial public liability insurance policy. Attempts by Tusla to secure continuing commercial cover have proved unsuccessful. However, I am pleased to confirm that pending a permanent solution, all foster carers have an indemnity on an individual basis where required. This is on an ex-gratia basis as a temporary measure to address immediate individual cases while the overall indemnification issues are being resolved.

As I have stated previously, I fully support extending the State Indemnity Scheme under the State Claims Agency to foster parents. Unfortunately, this has taken longer than expected due to technical issues associated with the approvals and statutory process involved, but I can assure the Deputy that work is continuing to address these matters. My Department has been in discussion with the Department of Public Expenditure and Reform on the matter, and my intention is to include foster carers under the General Indemnity Scheme operated by the State Claims Agency as soon as possible. In this regard, work is ongoing with the Office of Parliamentary Counsel to draft the necessary Order for Government.

My Department has written to the Irish Foster Carers Association (IFCA) outlining the position and, through the Association, foster carers have been informed as to the current position. IFCA have been kept up to date on a continuous basis. In addition, I understand that Tusla has also made publicly available the information provided to IFCA so as to communicate the position to those foster carers who are not members of that association.

*Questions - Written Answers*  
**Family Resource Centres**

226. **Deputy Róisín Shortall** asked the Minister for Children and Youth Affairs the child population which each family resource centre serves; the socio-economic profile of this population in each case; and if she will make a statement on the matter. [39028/18]

**Minister for Children and Youth Affairs (Deputy Katherine Zappone)(Deputy Katherine Zappone):** I have requested Tusla to respond directly to the Deputy on this matter.

**Telecommunications Services Data**

227. **Deputy Timmy Dooley** asked the Minister for Rural and Community Development the status of the provision of a map of blackspots in mobile coverage undertaken by the mobile phone and broadband task force; and if he will make a statement on the matter. [38989/18]

**Minister of State at the Department of Rural and Community Development (Deputy Seán Kyne):** The Mobile Phone and Broadband Taskforce was established in July 2016 to examine broadband and mobile phone coverage deficits in Ireland and identify tangible actions to improve the quality of these services.

The Taskforce Report was published in December 2016, encompassing 40 actions to alleviate barriers to mobile phone reception and broadband access. An Implementation Group was established in 2017 to oversee the delivery of the actions in the Taskforce's report. Progress reports on the delivery of these actions are published on my Department's website on a quarterly basis.

With regard to the specific issue of mobile phone blackspots, my officials, in conjunction with the Department of Communications, Climate Action and Environment, are actively engaged with local authorities and mobile phone operators to identify priority blackspots and take action to address this issue.

During 2017, officials of both Departments worked with a group of local authorities to identify the issues associated with mapping local blackspots. Building on this exercise, a call was issued to all local authorities in 2018 to map local blackspots and identify infrastructure that could potentially be used to improve telecommunications services. To date, 17 local authorities have provided data on more than 200 blackspots. This data, coupled with information provided by mobile phone operators, has established an empirical base upon which further research and policy development will be built.

It is important to note that the number of blackspots is constantly changing as new telecommunications infrastructure is rolled out and upgraded. However, the blackspot information that the Department has received so far is providing valuable data regarding poor coverage in specific rural areas and along national and regional roads. The Department is continuing to work with the telecommunications providers to ensure that new infrastructure is targeted at the areas most in need.

In addition, a Focus Group was established earlier this year by the Department of Communications, Climate Action and Environment to provide guidance with respect to categories of location where high quality reliable mobile coverage should be made available as a priority. The report of the Focus Group was published in August 2018 and sets out a ranked list of categories of location where high quality mobile coverage should be available. It also recommends the level (in terms of quality and reliability) of coverage needed for these locations with respect to



mobile voice and data services.

### **Leader Programmes Applications**

228. **Deputy Robert Troy** asked the Minister for Rural and Community Development if an application for a playground grant through the Leader programme will be granted to a group (details supplied) [38977/18]

**Minister for Rural and Community Development (Deputy Michael Ring):** LEADER is a multi-annual programme covering the period 2014-2020. It is co-funded by the EU and funding is delivered through Local Action Groups (LAGs) in each of the 28 LEADER sub-regional areas around the country.

In order for a project to be eligible for LEADER funding, it must be compatible with the actions outlined in the approved Local Development Strategy in the sub-regional area concerned, and it must comply with the Operating Rules and EU Regulations in place for the programme.

I am advised that an application for funding under the LEADER programme in respect of the project referred to by the Deputy was received in June by the Local Action Group which administers the programme for the area concerned. I understand that the application will be considered by the LAG Evaluation Committee shortly.

The decision to approve a project, or otherwise, is a matter for the Local Action Group in the relevant area and the outcome of the process will be made known by the LAG in due course.

### **Leader Programmes Applications**

229. **Deputy Robert Troy** asked the Minister for Rural and Community Development if an application for a playground grant through the Leader programme will be granted to a group (details supplied) [38978/18]

**Minister for Rural and Community Development (Deputy Michael Ring):** LEADER is a multi-annual programme covering the period 2014-2020. It is co-funded by the EU and funding is delivered through Local Action Groups (LAGs) in each of the 28 LEADER sub-regional areas around the country.

In order for a project to be eligible for LEADER funding, it must be compatible with the actions outlined in the approved Local Development Strategy in the sub-regional area concerned, and it must comply with the Operating Rules and EU Regulations in place for the programme.

I am advised that an application for funding under the LEADER programme in respect of the project referred to by the Deputy was received on 5 June 2018 by the Local Action Group which administers the programme for the area concerned. I understand that the application will be considered by the LAG Evaluation Committee shortly.

The decision to approve a project, or otherwise, is a matter for the Local Action Group in the relevant area and the outcome of the process will be made known by the LAG in due course.

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

230. **Deputy Pat Breen** asked the Minister for Employment Affairs and Social Protection

when an application will be processed for a person (details supplied); and if she will make a statement on the matter. [38966/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I confirm that my department received an application for carer's allowance (CA) from the person concerned on 22 May 2018.

The application was awarded to the person concerned on 12 September 2018 with effect from 24 May 2018. The first payment issued to her nominated bank account on 20 September 2018.

Arrears of allowance due from 24 May 2018 to 19 September 2018 issued on 20 September 2018.

The person concerned was notified on 12 September 2018 of this decision, the reason for it and of her right of review and appeal.

I hope this clarifies the matter for the Deputy.

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

231. **Deputy Pat Breen** asked the Minister for Employment Affairs and Social Protection when an application will be processed for a person (details supplied); and if she will make a statement on the matter. [38993/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** My department received an application for carer's allowance (CA) from the person concerned on 19 April 2018.

Carer's allowance (CA) is a means-tested social assistance payment made to a person who is habitually resident in the State and who is providing full-time care and attention to a child or an adult who has such a disability that as a result they require that level of care.

The evidence submitted in support of this application was examined and the deciding officer decided that although a certain level of care was being provided the level involved did not amount to full-time care.

The person concerned was notified on 16 July 2018 of this decision, the reason for it and of her right of review and appeal.

A review of this decision was requested and the outcome of the review was that it was decided that the requirement for full-time care and attention was satisfied.

The application was awarded to the person concerned on 21 September 2018, with effect from 19 April 2018, and the first payment will issue to her nominated post office on 27 September 2018.

Arrears of allowance due from 19 April 2018 to 26 September 2018 will also issue to the person concerned on 27 September 2018.

The person concerned was notified on 21 September 2018 of this revised decision, the reason for it and of her right of review and appeal.

I hope this clarifies the matter for the Deputy.

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

232. **Deputy Robert Troy** asked the Minister for Employment Affairs and Social Protection if a carer's allowance will be awarded to a person (details supplied); and if she will make a statement on the matter. [39000/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** An application for carer's allowance (CA) was received from the person concerned on 31 July 2017.

It is a condition for receipt of a CA that the person being cared for must have such disability that they require full-time care and attention.

This is defined as requiring from another person, continual supervision and frequent assistance throughout the day in connection with normal bodily functions or continual supervision in order to avoid danger to him or herself and likely to require that level of care for at least twelve months.

It is also a condition of CA that full time care and attention is being provided.

A person can be considered to be providing full-time care and attention where they are engaged in employment, self-employment or on training courses outside the home for a maximum of 15 hours per week, provided that they can show to the satisfaction of a deciding officer that adequate care has been provided for the care recipient in their absence.

The deciding officer in this case disallowed the application on two grounds. Firstly that, based on the evidence provided, the person being cared for did not require full-time care and attention as defined in social welfare legislation. was satisfied. Secondly, that full time care and attention was not being provided as the applicant was engaged in employment in excess of 15 hours per week.

The person concerned was notified on 13 November 2017 of this decision, the reason for it and of her right of review and appeal.

The person concerned appealed this decision to the Social Welfare Appeals Office (SWAO) on 4 December 2017. A submission in support of the decision was prepared and forwarded to the SWAO on 27 March 2018 for determination.

The appeal was disallowed by the SWAO on 10 July 2018.

Subsequently the matter was recalled on 27 August 2018 by the SWAO for further investigation.

On 12 September 2018, the Department received notice from the SWAO that the initial decision remained unchanged and that the appeal was disallowed.

I hope this clarifies the matter for the Deputy.

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

233. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the progress to date in the determination of an application for carer's allowance by a person (details supplied) in respect of their mother; and if she will make a statement on the matter. [39001/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Carer's allowance (CA) is a means-tested social assistance payment made to a person who is habitually resident in the State and who is providing full-time care and attention to a child or an adult who has such a disability that as a result they require that level of care.

An application for CA was received from the person concerned on 31 August 2018. The application is currently being processed and once completed, the person concerned will be notified directly of the outcome.

I hope this clarifies the matter for the Deputy.

### **Illness Benefit Applications**

234. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection if and when an application for illness benefit will be processed in the case of a person (details supplied); and if she will make a statement on the matter. [39005/18]

**Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath):** The Illness Benefit claim for the person concerned has been processed and he is in receipt of his full entitlement under the scheme. All arrears owing have now been paid.

I hope this clarifies the position for the Deputy.

### **Social Welfare Benefits Data**

235. **Deputy Thomas P. Broughan** asked the Minister for Employment Affairs and Social Protection the estimated cost of increasing jobseeker's transitional payment to when the one parent's youngest child turns 18 years of age; and if she will make a statement on the matter. [39048/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The cost of increasing the age limit for a qualified child for the jobseeker's transitional payment (JST) to when the youngest child turns 18 years of age is not easily estimated.

There are significant barriers to undertaking such an exercise. For example, customers may no longer be within the welfare system, while others could seek to move from alternative payments such as Jobseekers Allowance (JA), the Working Family Payment (WFP) and the Back to Work Family Dividend (BTWFD) back to JST. It would be difficult for my Department to estimate the magnitude of this flow into and between schemes with any degree of accuracy.

As these unknown factors are critical to providing a reliable costing my Department is not in a position to provide the costing requested.

### **Child Maintenance Payments**

236. **Deputy Thomas P. Broughan** asked the Minister for Employment Affairs and Social Protection the work her Department is undertaking alongside the Department of Justice and Equality on establishing a maintenance payment programme to ensure that maintenance is paid to one parent families; and if she will make a statement on the matter. [39049/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** My Department is currently reviewing the maintenance and liable relative procedures, insofar as they relate to the payment schemes operated by this Department. From a broader perspective, the wider issues relating to maintenance are a matter for my colleague the Minister for Justice and Equality, who has responsibility for the Family Law Acts, which govern maintenance requirements.

The Family Law Acts place a legal obligation on parents to maintain their children. In cases where the family unit has broken down these obligations continue to apply. Relevant maintenance payments can be arranged either directly or through the Department of Justice and Equality supports like the Family Mediation Service, the Legal Aid Board and the Courts.

My Department's internal review is now nearing completion, and my officials will shortly be liaising with the Department of Justice and Equality with a view to jointly considering the next steps in relation to family maintenance arrangements.

### Carer's Allowance Data

237. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of persons in receipt of carer's allowance whose allowance has been withdrawn for any reason in each of the past four years to date; and if she will make a statement on the matter. [39109/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Carer's allowance (CA) is a means-tested social assistance payment made to a person who is habitually resident in the State and who is providing full-time care and attention to a child or an adult who has such a disability that as a result they require that level of care.

When a person who is receiving CA stops providing full-time care and attention or where their means exceed the statutory limit or where the care recipient no longer requires full-time care and attention, their entitlement to CA ends and their claim is stopped.

The following table shows the number of claims stopped over a 4 year period.

Period	Year	Claims stopped
1 Jan - 31 Dec	2015	7054
1 Jan - 31 Dec	2016	6946
1 Jan - 31 Dec	2017	7438
1 Jan - 31 Aug	2018	5057

I hope this clarifies the matter for the Deputy.

### State Pension (Contributory)

238. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the progress to date in the delivery of the State pension (contributory) to persons who are disqualified due to the calculation methodology; and if she will make a statement on the matter. [39110/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** A policy to introduce the Total Contributions Approach (TCA) to pensions calculation was adopted by Government in the National Pensions Framework in 2010, as was the decision to base



the entitlements of all new pensioners on this approach from around 2020. In advance of this, on the 23rd January, the Government agreed to a proposal that will allow pensioners affected by the 2012 changes in rate bands to have their pension entitlement calculated by a new “Total Contributions Approach” (TCA) which will include up to 20 years of a new HomeCaring credit. This approach is expected to significantly benefit many people, particularly women, whose work history includes an extended period of time outside the paid workplace, while raising families or in a caring role. The TCA will ensure that the totality of a person’s social insurance contributions - as opposed to the timing of them - determines their final pension outcome.

Officials in my Department have been working on the various elements of this reform, which include legislative change, operational changes and IT development.

My Department will be writing to impacted customers in the next two months to explain to them what is happening and how the process of review will work. As I have stated previously, it is still planned to commence these reviews before the end of this year, with the first payments being made in the first quarter of 2019, backdated, where relevant, to the end of March 2018, or later where a person attained their 66th birthday since that date.

It is not necessary for people to contact the Department on this matter. Once the legislation is enacted and the systems and processes are ready, my Department will then write again to the people impacted and provide them with the opportunity to have their pension calculation reviewed.

I should stress to the Deputy that this reform assists people, by helping them to qualify for a pension at a higher rate of payment, if they have the required contributions and/or homecaring periods. The 2012 rateband changes did not disqualify anyone from qualifying for a pension. As with the Yearly Average approach and the pre-existing homemakers disregard scheme, these new measures only determine the rate of payment for those with an entitlement to a State pension (contributory). They do not remove the requirement to be entitled to such a pension in the first place, based on criteria set out in legislation.

For those who do not qualify for the State Pension (contributory) (SPC), but who are above State pension age, there are other state pension payments available. Notably, they may qualify for the State Pension (non-contributory) which is a means-tested payment (based on their share of household means) with a maximum payment of 95% of the SPC. If their spouse has a contributory pension, they may qualify for an increase for a qualified adult (based on their own means), amounting up to 90% of a full rate SPC pension.

I hope this clarifies the matter for the Deputy.

### **State Pension (Contributory) Data**

239. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of applications for pensions based on a combination of Irish and overseas contributions that have yielded a lesser pension to the applicant than those based solely on single country contributions; and if she will make a statement on the matter. [39111/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Applicants for state pension (contributory) are awarded the highest entitlement rate achievable based on the totality of their social insurance contribution history.

When an application for state pension (contributory) is received, the Deciding Officer will first assess the person’s entitlement to a standard Irish pension, based on their Irish social insur-

ance record. If the person fails to qualify, or qualifies for a reduced rate pension, the Deciding Officer will take any periods of employment outside of Ireland into account. Where a person has periods of employment in another EU/EEA country, or in a country with which Ireland has a bilateral social security agreement, their entitlement to a pro-rata pension is assessed. The person is then awarded the most financially beneficial rate of entitlement.

Almost 36,000 people are receiving higher rates of entitlement than if they were assessed solely on their Irish social insurance record. In many cases, these recipients are also in receipt of a pension entitlement from their country, or countries, of employment outside of Ireland.

I hope this clarifies the matter for the Deputy.

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

240. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the extent to which the State pension (contributory) based on total contributions is progressing; and if she will make a statement on the matter. [39112/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Government intends to introduce a Total Contributions Approach (TCA) to establishing level of entitlement for all new state pension contributory claims from 2020 onwards (TCA2020). I launched a public consultation on this proposal earlier this year in May. This formally closed on the 3rd of September. My Department has now started studying the submissions.

The consultation sought input on a range of relevant factors which included the amount of contributions needed for a full rate contributory state pension, the amount of credited contribution a person could avail of, the provisions of homecaring periods and whether there would be a “phase-in period” for the changes.

The online consultation lasted for over 3 months and we received over 270 responses. An analysis of the views submitted is now being undertaken and feedback will be published on the Department’s website. Following examination and consideration of the submissions to the consultation, my officials will prepare proposals for the design of the new approach for consideration by the Government in due course.

I hope this clarifies matters for the Deputy.

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

241. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of persons in receipt of the State pension (contributory); the extent to which this number has fluctuated over the past ten years; and if she will make a statement on the matter. [39113/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** State pension (contributory) is an insurance-based payment, paid to people from the age of 66 who satisfy a number of qualifying conditions. The number of persons currently in receipt of state pension (contributory) is 404,136.

The following table shows the number of state pension (contributory) recipients over the past ten years. Due to demographic trends and people living longer, the number of state pension

(contributory) recipients has grown steadily year on year over the past decade.

Year	No. of recipients of state pension (contributory)	% increase
2007	237,599	
2008	250,117	5.3%
2009	265,102	6.0%
2010	280,419	5.8%
2011	296,995	5.9%
2012	312,314	5.2%
2013	329,531	5.5%
2014	346,420	5.1%
2015	361,725	4.4%
2016	377,062	4.2%
2017	394,378	4.6%

I hope this clarifies the matter for the Deputy.

### State Pension (Non-Contributory) Data

242. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of persons in receipt of the State pension (non-contributory); the extent to which this number has fluctuated over the past ten years; and if she will make a statement on the matter. [39114/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Applicants for State pension non-contributory must be aged 66 or over, be permanently residing in the State, satisfying the habitual residence condition and a means test.

The following tabular statement shows the numbers of recipients at the end of each year, reflecting a gradual downward trend as more people have sufficient contributions to qualify for State pension contributory.

Date	Recipients
31 August 2018	95,092
2017	95,140
2016	95,221
2015	95,179
2014	95,570
2013	95,801
2012	96,126
2011	96,749
2010	97,179
2009	97,798
2008	97,784

I hope this clarifies the matter for the Deputy.

### Social Welfare Benefits Reviews

243. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection if, in the course of a review of entitlement to a social welfare payment, provision is made for a basic payment until the outcome is determined in view of the fact that in the past some applicants have become homeless due to failure to meet their rent; and if she will make a statement on the matter. [39115/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The supplementary welfare allowance (SWA) scheme is the safety net within the overall social welfare system in that it provides assistance to eligible people in the State whose means are insufficient to meet their needs and those of their dependants.

Basic weekly SWA may be paid to customers awaiting the outcome of a claim or an appeal for a primary social welfare payment. In certain circumstances if a person is not eligible for other social welfare payments and their weekly income is below the SWA rate for their family size, a payment may be made to bring their income up to the appropriate SWA rate. Apart from a number of excluded categories, anyone in the State who satisfies a habitual residence condition and a means test, has registered for employment (unless they have a physical or mental disability) and can prove unemployment may qualify for SWA.

The Community Welfare Service (CWS) officer will engage with the claimant to establish eligibility as quickly as possible and limit any delay to payments. If there is a specific risk of homelessness this should be communicated to the CWS officer at the earliest opportunity.

Continued entitlement to a rent supplement payment from the Department is not linked to entitlement to other social welfare schemes, however the rent supplement claim may be reviewed following a decision to suspend or disallow a primary social welfare payment as there may be a change to the claimant's circumstances that could affect eligibility. During a review of a rent supplement claim, the CWS officers will engage with the claimant to establish continued eligibility as quickly as possible and limit any delay to payments.

Any person in this situation is encouraged to contact the Department's CWS responsible for their rent supplement claim to discuss their circumstances. Any persons who consider that they have an entitlement to a basic weekly SWA payment should contact the CWS at their local Intreo centre.

If the Deputy has concerns in respect of a particular case he should bring the details to the attention of the Department.

I trust this clarifies the matter.

### **Social Welfare Appeals Status**

244. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection if and when a basic social welfare payment will be awarded in the case of a person (details supplied); if the matter can be corrected in view of the fact that they have two dependent children; and if she will make a statement on the matter. [39116/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 18th September 2018. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer/Designated Person 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 sum-

mary 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 Employment Affairs and 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.

### Deserted Wife's Benefit Data

245. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of deserted wife's benefit payments that have been discontinued for any reason in the course of the past five years; and if she will make a statement on the matter. [39117/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Deserted Wife's Benefit scheme was closed to new applicants with effect from 2nd January 1997, when the One Parent Family Payment was introduced. A total of 6,254 individuals continue to receive Deserted Wife's Benefit because they qualified for the payment before 2nd January 1997.

In order to continue to qualify for this payment, the claimant must be inadequately maintained by her spouse and must not be in a cohabiting relationship. Where the claimant is under 40 years of age, she must have at least one qualified child residing with her. In respect of claims made after 31st August, 1992, the claimant must not have earnings exceeding €20,000 per annum. Claimants of Deserted Wife's Benefit may transfer to State pension contributory at age 66 where they satisfy the contribution conditions of that scheme.

While a number of claims are closed each year because the claimant dies, moves to another scheme or advises the Department that they no longer meet the conditions of the scheme, a number of claims are also terminated or discontinued. The principal reasons for termination/discontinuance of payment relate to co-habitation, earnings in excess of the limit, or absence from the State. The number of claims that were so terminated/discontinued arising from a review of entitlement in the last five years were

Year	Claimants	Terminations
2014	7,281	61
2015	6,867	90
2016	6,646	117
2017	6,423	31
2018	6,254	77 (to date)

I hope that this clarifies the matter for the Deputy.

### Widow's Pension Data

246. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of widow's pension payments that have been discontinued for any reason in the course of the past five years; and if she will make a statement on the matter. [39118/18]



**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** From 1st January 2013 to date, 35,101 widow(er) or surviving civil partner's (contributory) pension claims have been stopped.

Of these, 30,096 claims were stopped due to the death of the claimant.

The remainder have been stopped for a variety of reasons including approximately 2,500 who moved to another payment type; approximately 1,700 who no longer met the conditions of the scheme; and approximately 500 who failed to complete and return a letter regarding their continuing eligibility for the payment.

I hope this clarifies the matter for the Deputy.

### **Social Welfare Appeals Waiting Times**

247. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the extent to which the time taken to determine appeals can be improved; the reason for the long delays at present; if adequate staff remain available to meet the demand; and if she will make a statement on the matter. [39119/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The average appeal processing times for all appeals determined this year to the end of August broken down by all social welfare scheme types is outlined in the following table.

My Department, like all Government departments and agencies is required to operate within a staff ceiling figure and a commensurate administrative staffing budget, which for this Department has involved reductions in staff.

The staffing needs for all areas within the Department are continuously reviewed, taking account of workloads, management priorities and the ongoing need to respond to new increasing demands in a wide range of services. This is to ensure that the best use is made of all available resources with a view to providing an efficient service to those who rely on the schemes operated by the Department.

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

All claim decisions taken by the Department's Deciding Officers and Designated Persons are appealable to the Chief Appeals Officer. In any year about 85% of all claims are awarded and just 1% are appealed. Nevertheless, the Department is concerned that these cases are dealt with as quickly as possible.

Accordingly, significant efforts and resources have been devoted to reforming the appeal process in recent years. As a result, appeal processing times in respect of all schemes improved between 2011 and 2017 from 52.5 weeks for an oral hearing in 2011 to 26.4 weeks in 2017 and from 25.1 weeks for a summary decision in 2011 to 19.8 weeks in 2017. The most recent figures for the period January to August 2018 are 30.6 weeks for an oral hearing and 25.2 weeks for a summary decision.

The time taken to process an appeal reflects a number of factors including that the appeals process is a quasi-judicial process with Appeals Officers being required to decide all appeals on a 'de-novo' basis. In addition, appeals decisions are themselves subject to review by the higher courts and decisions have to be formally written up to quasi-judicial standards. Other

factors that influence appeals processing times include the quality of the initial decision – in this respect the Department has changed the decisions process in respect of medical schemes, in order to provide more information to the claimant. I expect that this will help to reduce the number of appeals over time.

In addition, a number of new Appeals Officers have joined the Appeals Office over the past 12-18 months, to replace staff leaving on retirement. Given the complexity of the appeals process it takes some time for new staff to be trained up and develop expertise and this has led to somewhat longer processing times during this period. The Chief Appeals Officer has advised me that appeal processing times continue to be a priority for her office.

It should be noted that an appellant can claim supplementary welfare allowance pending the outcome of their appeal.

I trust this clarifies the matter for the Deputy.

### Appeal Processing Times by Scheme 1 January 2018 – 31 August 2018

-	Average processing times (weeks) Summary Decisions	Average processing times (weeks) Oral Hearings
Blind Pension	29.8	-
Carer's Allowance	24.7	29.0
Carer's Benefit	22.2	26.0
Child Benefit	36.5	47.2
Disability Allowance	17.6	24.8
Illness Benefit	31.9	38.7
Partial Capacity Benefit	29.2	25.4
Domiciliary Care Allowance	31.4	35.1
Deserted Wife's Benefit	-	76.6
Bereavement Grant	36.1	-
Farm Assist	40.1	43.1
Working Family Payment *	28.4	41.8
Invalidity Pension	28.8	28.0
Liabile Relatives	-	30.7
Maternity Benefit	29.6	33.8
Paternity Benefit	30.5	20.6
One Parent Family Payment	26.2	36.9
State Pension (Contributory)	40.3	49.2
State Pension (Non-Contributory)	32.7	43.5
Occupational Injury Benefit	36.4	51.9
Disablement Pension	34.3	30.7
OIB-Medical Care	17.5	-
Incapacity Supplement	-	29.7
Guardian's Payment (Contributory)	34.6	37.6
Guardian's Payment (Non-Contributory)	17.2	37.3

-	Average processing times (weeks) Summary Decisions	Average processing times (weeks) Oral Hearings
Jobseeker's Allowance (Means)	31.9	37.5
Jobseeker's Allowance (Pay- ments)	25.1	31.4
BTW Family Dividend	30.9	-
Jobseeker's Transitional	35.0	29.6
Recoverable Benefits & As- sistance	38.3	-
Pre-Retirement Allowance	64.0	29.9
Jobseeker's Benefit	25.2	27.5
Carer's Support Grant	27.3	31.2
Insurability of Employment	58.7	75.5
Supplementary Welfare Al- lowance	22.4	28.4
Widow/Widower's Pension (Contributory)	34.3	33.5
Widow/Widower's Pension (Non-Contributory)	34.4	25.2
Widowed Parent Grant	35.8	43.7
All Appeals	25.2	30.6

\* Previously called Family Income Supplement

### Exceptional Needs Payment Data

248. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of exceptional needs payments made to persons or families in other than bereavement circumstances in each of the past five years to date; and if she will make a statement on the matter. [39120/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Under the supplementary welfare allowance (SWA) scheme, my Department may make a single exceptional needs payment (ENP) to help meet essential, one-off expenditure which a person could not reasonably be expected to meet out of their weekly income. The Government has provided over €36 million for exceptional payments in 2018.

The ENP scheme is demand led and payments are made at the discretion of the officers administering the scheme taking into account the requirements of the legislation and all the relevant circumstances of the case in order to ensure that the payments target those most in need of assistance.

The tabular statement below contains details of the number of exceptional needs payments, excluding payments for assistance with funeral and burial costs, made since 2014.

Any persons who consider that they have an entitlement to an exceptional needs payment should contact my Department's Community Welfare Service.

I trust this clarifies the matter for the Deputy.

### Tabular Statement

Number of Payments under the Exceptional Needs and Urgent Needs Schemes, 2014-2018, (Excluding Bereavement associated payments)

Year	Number of Payments
2014	104,200
2015	98,600
2016	97,200
2017	100,700
2018 (up to end August)	67,400

### Disability Allowance Data

249. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the average length of time taken to determine entitlement to a disability allowance; the extent to which this has fluctuated in each of the past five years to date; and if she will make a statement on the matter. [39121/18]

**Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath):** Disability Allowance (DA) is a weekly allowance for people with a disability aged between 16 and 66 with a disability expected to last for at least one year and who satisfy the medical condition, means test and are habitually resident in Ireland.

The average time taken to award a new DA claim in July 2018 was eleven weeks. The following table lists the average processing time over the past 5 years to date.

Year	Average Weeks to Award New Claim
2018	13 (average to date)
2017	11
2016	12
2015	11
2014	12

The Department is committed to ensuring that claims and reviews are processed as expeditiously as possible.

I hope this clarifies the matter for the Deputy.

### Invalidity Pension Data

250. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the average length of time taken to determine entitlement to an invalidity pension; the extent to which this has fluctuated in each of the past five years to date; and if she will make a statement on the matter. [39122/18]

**Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath):** Invalidity pension (IP) is a payment for people who are permanently incapable of work because of illness or incapacity and who satisfy the pay related social insurance (PRSI) contribution conditions.

The average time taken to award a new IP claim in August 2018 was ten weeks. The following table lists the average processing time over the past 5 years to date.

Year	Average Weeks to Award New Claim
2018	7 (average to date)
2017	6
2016	10
2015	8
2014	9

The Department is committed to ensuring that claims and reviews are processed as expeditiously as possible.

I hope this clarifies the matter for the Deputy.

### Illness Benefit Payments

251. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection if all issues that arose in respect of the payment of illness benefit payment to recipients in recent months have now been resolved; and if she will make a statement on the matter. [39123/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Department experienced some delays following the introduction of a new system and forms for Illness Benefit. The change is part of an on-going programme of modernisation in the Department which took effect from Monday 6 August.

Some GPs have continued to use the old forms after this changeover date which the Department has, to date, continued to accept in the interest of paying our customers. While the continued use of old forms has caused some delays to our processing times, the Department is doing everything possible to ensure that customers are being paid as quickly as possible.

The new process is working well and we are currently processing all applications and certs received on the new forms the day they are received. There is no backlog of new forms.

There is approximately a two day backlog with regard to new claims received on the old forms while practically all certificates received in the old format are being processed on the day they are received.

I trust this clarifies the situation for the Deputy.

### Departmental Staff Data

252. **Deputy John Curran** asked the Minister for Housing, Planning and Local Government if additional staff have been allocated to the housing delivery office; and if he will make a statement on the matter. [38925/18]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I refer to the reply to Question No. 799 of the 18 September 2018 which sets out the position in this matter.



## **Social and Affordable Housing Funding**

253. **Deputy John Curran** asked the Minister for Housing, Planning and Local Government if he has considered the establishment of a funding model that can utilise credit union funds to build, sell or rent social and affordable housing; and if he will make a statement on the matter. [38926/18]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** Following engagement with the credit union sector on proposals for credit unions to provide funding for the provision of social housing, the Central Bank undertook a review of the relevant investment framework in 2017.

On foot of this review, revised Regulations commenced on 1 March 2018. The revised Regulations included the addition of investment in “regulated investment vehicles where the underlying investments of the regulated investment vehicle are investments in Tier 3 Approved Housing Bodies” as a permitted investment class for credit unions. As such, since 1 March 2018, credit unions are permitted to provide funding, through a regulated investment vehicle, to Tier 3 AHBs for the provision of social housing.

In respect of the development of specific Special Purpose Vehicles (SPVs) by the credit unions to enable them to make investments in the sector, it is a matter for the credit unions themselves to make the necessary arrangements to facilitate this.

My Department did inform the Credit Unions’ representative bodies that it was funding a project being undertaken by the Irish Council for Social Housing (ICSH) to examine the establishment of SPVs to facilitate investment in the sector. The Department put the bodies in contact with the ICSH with a view to those bodies examining further how they could invest in the sector.

Work has been ongoing between the ICSH, a number of larger Tier 3 AHBs and their financial advisors on the development of a vehicle or mechanism for delivering private financing for AHBs which are providing social housing, in line with commitments under the Government’s Rebuilding Ireland Action Plan on Housing and Homelessness. This project involved a number of phases, including engagement with a range of financial institutions. Part of this also involved the AHBs examining models that will facilitate private financing, having regard also to the recent reclassification decision by Eurostat of the larger Tier 3 AHBs earlier this year.

I understand that significant progress has been made with the project. One AHB has already established a Special Purpose Vehicle to enable it access private finance from a financial institution. Further work is on-going to enable the establishment of SPVs, based on the outcome of phases 1 and 2 of the ICSH project and it is expected that there will be further developments over the coming months.

## **Water and Sewerage Schemes**

254. **Deputy Tom Neville** asked the Minister for Housing, Planning and Local Government if an application to have water schemes at locations (details supplied) can be amalgamated in order that one can act as a backup for the other; and if he will make a statement on the matter. [39013/18]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** On 21 September I announced the final funding allocations for 2018 under my Department’s

Multi-annual Rural Water Programme. The group water scheme that the Deputy refers to is located in the jurisdiction of Limerick City and County Council and my announcement included an allocation of €80,000 to the Council under Measure 1(b) of the programme for the scheme.

Measure 1(b) provides for Rationalisation / Amalgamation of Group Water Schemes in order to provide a sustainable supply of water and enhance compliance with the quality parameters of the Drinking Water Regulations.

The day-to-day implementation of the Rural Water Programme - subject to its terms and conditions - has been devolved to the local authorities, in this case Limerick City and County Council, since 1997. It is now a matter for the scheme to engage with the Council on implementation of the proposed works based on the terms and conditions of the programme.

### **State Properties Data**

255. **Deputy Shane Cassells** asked the Minister for Housing, Planning and Local Government the full register of State-owned land in County Meath which has been ascertained by his Department; and if he will make a statement on the matter. [39014/18]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** My Department does not collate or hold a full register of State owned land in County Meath.

However, given the importance of ensuring that public land suitable for residential development is brought forward for the development of social and affordable housing, the residential lands in the ownership of the Housing Agency, local authorities and certain other public bodies, including lands in County Meath, have been detailed and mapped on the Rebuilding Ireland website. The lands involved can be viewed at the following weblink: <http://rebuildingireland.ie/news/rebuilding-ireland-land-map/>.

In addition, Project Ireland 2040, including the National Planning Framework , signals a significant policy shift towards securing more compact and sustainable urban and rural development, which requires significantly more effective active land management. Against that background, the new Land Development Agency, which was established earlier this month, will work to ensure the optimal use and management of State land through strategic development and regeneration, with an immediate focus on delivering homes, including a significant proportion of social and affordable homes, on publicly owned lands.

### **Registration of Title**

256. **Deputy Clare Daly** asked the Minister for Housing, Planning and Local Government the nature of the compensation process with respect to form 98 and rule 184 of the Land Registration Rules 2013 (details supplied); if problems with applicants have arisen; if the system has been examined recently; the constitutional position of property owners concerned by the digital mapping systems currently in use; and if he will make a statement on the matter. [39057/18]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** Section 120 of the Registration of Title Act 1964 (the 1964 Act) provides for the payment of compensation in circumstances where a claimant has suffered a verifiable loss as a result of an error originating in the Property Registration Authority (the PRA). The error must be in relation to registered land (whether of misstatement, misdescription, omission or otherwise, and whether in a register or in a registry map) and any entry in or omission from a register or reg-

istry map caused or obtained by forgery or fraud or any error arising from an official search or any inaccuracy in any office copy of a register or map.

The process relating to a claim of compensation under Section 120 arises with the lodgement of a completed application by the claimant (or their Solicitor) in Form 98 of the Land Registration Rules 2012 accompanied by the necessary proof of loss (such as receipts etc.) together with the prescribed fee.

A member of the Legal Services Division of the PRA investigates the claim to ensure that it comes within the remit of Section 120 of the 1964 Act and that the applicant has proved that he/ she has suffered the loss, as claimed. If the loss being claimed is relatively small it may be dealt with by the PRA who will reimburse the applicant for his/ her loss; otherwise, the claim is forwarded to the Chief State Solicitor's office, for processing.

The PRA keeps the scheme under review and addresses issues that arise on a case by case basis.

Property rights are protected by the Constitution. The PRA guarantees the title to registered land and this is underpinned by Section 120 of the 1964 Act. It should be noted that the PRA also operates a non-conclusive boundary system in accordance with Section 85 of the Act as substituted by Section 62 of the Registration of Deeds and Title Act 2006. Any digital mapping issues/updates are covered by Section 84 of the Act, as substituted by Section 61(2)(a) of the Registration of Deeds and Title Act 2006 and Rule 146 of the 2012 Rules.

### **Emergency Accommodation Data**

**257. Deputy Thomas P. Broughan** asked the Minister for Housing, Planning and Local Government the number of children who have been in emergency homeless accommodation by hubs or hotels and guest houses for fewer than three to six, six to nine, nine to 12, 12 to 24 and for 24 months plus, respectively; and if he will make a statement on the matter. [37912/18]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** My Department's role in relation to homelessness involves the provision of a national framework of policy, legislation and funding to underpin the role of housing authorities in addressing homelessness at local level. Statutory responsibility in relation to the provision of homeless accommodation and related services rests with individual housing authorities.

Data in the format sought is not routinely collected by my Department. However, earlier this year, the Dublin Regional Homeless Executive (DRHE) provided me with a report which it had produced in relation to families who experienced homelessness in the Dublin region in 2016 and 2017. While this report relates to families rather than solely children, it showed that 1,087 families were accessing emergency accommodation in Dublin on 31 December 2017. Of these, 480 (44%) had been in emergency accommodation for 6 months or less, 277 (25%) for 6-12 months, 147 (14%) for 12-18 months, 101 (9%) for 18-24 months and 82 (8%) for more than 24 months.

A record total of 4,729 adults, along with their associated dependents, exited homelessness into an independent tenancy during 2017. My Department is working closely with the local authorities to increase further the numbers of exits. The welfare of families and children is an absolute priority for my Department and I work closely with the Minister of Children and Youth Affairs to ensure that robust child protection measures, inspection arrangements and health supports are in place in emergency accommodation for families.

## Social and Affordable Housing Provision

258. **Deputy Thomas P. Broughan** asked the Minister for Housing, Planning and Local Government if he has reconsidered the proposal for a dynamic housing executive for the greater Dublin region, in view of the very low delivery of new social and affordable housing in that region and especially by Dublin City Council; and if he will make a statement on the matter. [38688/18]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** In direct response to the housing challenge and in order to support housing authorities deliver on their responsibilities and obligations, a number of dedicated structures have been put in place in the Dublin region and nationally.

The Dublin Region Homeless Executive (DRHE) is provided by Dublin City Council as the lead statutory local authority in the response to homelessness in Dublin and adopts a shared service approach across the four Dublin local authorities. The DRHE is responsible for the planning, co-ordination and administration of funding in relation to the provision of quality services to people who are homeless in the Dublin area, and for the development of responses to prevent homelessness. The Executive works in partnership with a range of voluntary and statutory agencies and supports the Dublin Joint Homelessness Consultative Forum and Management Group.

A dedicated Housing Delivery Office (HDO) was also established within my Department to support local authorities, approved housing bodies and all stakeholders involved in the delivery of key elements of the ambitious private and social housing targets in the Rebuilding Ireland Action Plan. The purpose of this office is to accelerate and monitor housing delivery, both private and social, on key sites, identify further mechanisms to accelerate delivery, and support the roll-out of complex construction projects, including identifying and resolving barriers to delivery.

In order to drive transparency and accountability at local level for the delivery of social housing, I have published targets for local authorities for 2018, and also 2018-2021, and I am publishing output against these targets on a quarterly basis. These targets have been set with regard to need in each area (as established under the Summary Social Housing Assessment Process), and also delivery pipelines established and being advanced. My Department is working closely with all local authorities to drive delivery, particularly of new build homes, and to harness any available additional capacity, where appropriate.

I believe what is critical at this stage is to ensure that all of the structures already in place are aligned, co-ordinated and co-operating towards a shared vision. This includes my own Department, the Housing Agency, the Housing Finance Agency and the newly established Land Development Agency, working with local authorities and approved housing bodies across the country. While the scale of housing delivery continues to increase significantly, I have indicated to all local authorities that I am anxious to see even further acceleration of delivery. I will continue to keep the relevant delivery arrangements under ongoing review, in consultation with key partners, particularly local authorities.

### Approved Housing Bodies

259. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government if AHBs are charged development levies by local authorities for social housing new build units; and if so, the amount of levies paid into each local authority in each of the years 2014 to

2017 and to date in 2018, in tabular form. [39124/18]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** Development contributions are levied by planning authorities on the basis of development contribution schemes that are approved by the elected members of the relevant authority. These schemes set out the types of development to which contributions will apply, and the associated level of payment required, across each individual authority.

As development contribution schemes are determined at the individual planning authority level, in accordance with the powers vested in elected members, my Department's role is to provide the necessary legislative and policy framework within which individual development contribution schemes are adopted by each authority. In this regard, my Department has long-standing guidance in place that authorities should apply exemptions in respect of voluntary housing schemes.

This objective is reflected in the various development contribution schemes whereby each authority has made provision to allow for a full exemption from the payment of planning contributions in respect of social housing development that is carried out by voluntary or co-operative housing associations that are recognised by the relevant planning authority.

### **Tenant Purchase Scheme**

260. **Deputy Willie Penrose** asked the Minister for Housing, Planning and Local Government when he will bring forward the new tenant purchase scheme which incorporates the recommendations made in the review of the scheme recently introduced; and if he will make a statement on the matter. [39126/18]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** The Tenant (Incremental) Purchase Scheme came into operation on 1 January 2016. The Scheme is open to eligible tenants, including joint tenants, of local authority houses that are available for sale under the Scheme. To be eligible, tenants must meet certain criteria, including having a minimum reckonable income of €15,000 per annum and having been in receipt of social housing support for at least one year.

In line with the commitment given in Rebuilding Ireland, a review of the first 12 months of the Scheme's operation has been undertaken. The review has incorporated analysis of comprehensive data received from local authorities regarding the operation of the scheme during 2016 and a wide-ranging public consultation process which took place in 2017 and saw submissions received from individuals, elected representatives and organisations.

The review is now complete and a full report has been prepared setting out findings and recommendations.

In finalising the report some further consultation was necessary and due consideration had to be given to possible implementation arrangements. These matters are now almost completed and I expect to be in a position to publish the outcome of the review shortly.

### **Invasive Plant Species**

261. **Deputy Mattie McGrath** asked the Minister for Culture, Heritage and the Gaeltacht the plans her Department has for the treatment of and eradication of Japanese knotweed throughout the country; and if she will make a statement on the matter. [38929/18]



**Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan):** My Department is responsible for the implementation of the Wildlife Acts and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011), both of which prohibit the spreading of invasive species.

In law, control of invasive species such as Japanese Knotweed is a matter in the first instance, for landowners. In this regard, my Department carries out considerable work on controlling invasive species in National Parks and Nature Reserves but has neither the legal ambit nor the resources required to extend such work into urban areas or the wider countryside.

There is significant work, however, being carried out at present by a range of agencies in this area, including a number of local authorities. In addition, the Management of Invasive Alien Plant Species (IAPS), launched in 2016 and led by Transport Infrastructure Ireland, is a €5.5 million project aimed at managing invasive knotweed and other non-native invasive plant species on the national road network and its interactions with regional roads. The project involves collaboration with the Department of Transport, Tourism and Sport.

Information on general management approaches to invasive plant species is available from the Invasive Species Ireland website:

*<http://invasivespeciesireland.com/toolkit/invasive-plant-management/>*.

### **Structures at Risk Fund**

262. **Deputy Thomas Pringle** asked the Minister for Culture, Heritage and the Gaeltacht if an application by a church (details supplied) in County Donegal will be expedited; and if she will make a statement on the matter. [38976/18]

**Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan):** I refer the Deputy to my response to Parliamentary Question No. 549 of 25 September 2018, in relation to the same structure. The position has not changed. My Department and the Local Authority in question have been working closely with the project promoters with a view to a proposal coming forward for the next round of funding under the relevant scheme.

### **Acmhainní Stáit**

263. D'fhiafraigh **Deputy Éamon Ó Cuív** den Aire Cultúir, Oidhreachta agus Gaeltachta maidir leis an mbord a rinneadh as adhmaid a tháinig ó Armáid na Spáinne agus ar fhógair a úinéir le gairid go ndíolfadh sé é (sonraí tugtha), an bhfuil sé i gceist aici é a cheannach ar son phobal na hÉireann de bharr a thábhachtaí atá se ó thaobh na staire de; agus an ndéanfaidh sí ráiteas ina thaobh. [39059/18]

**Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan):** Tá mo Roinn agus Ard-Mhúsaem na hÉireann ar eolas faoin 'Bhord Armada' agus na tuarascálacha le déanaí maidir lena dhíol nó a chur ar cheannt. Tá sé mar pholasaí ag mo Roinn gan aon ní a rá maidir le nithe atá ar cheannt.