

Written Answers.

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

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

Referendum Campaigns

10. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the referendums he is planning after the blasphemy referendum of 26 October 2018. [43912/18]

Minister for Justice and Equality (Deputy Charles Flanagan): Under the timetable approved by Government on 26 September 2017, it is proposed to hold a referendum on divorce together with the European Parliament and local elections in 2019. In that regard, I am advised that the timeframe for the European Parliament elections is 23 to 26 May 2019.

The Government has decided to support the Thirty-fifth Amendment of the Constitution (Divorce) Bill 2016, a Private Member's Bill introduced by Deputy (now Minister) Josepha Madigan. I am currently considering the question of the scope of the amendment that might be proposed, taking into account the issues raised by Deputies at the Committee Stage debate on the Bill. I intend to bring proposals to Government in that regard shortly, with a view to publishing early in the New Year the Government's proposal for an amendment on divorce.

The referendum on a woman's life within the home (Article 41.2 of the Constitution) did not proceed as planned in October as the Bill to amend the Constitution was not passed by both Houses of the Oireachtas in time. The Joint Oireachtas Committee on Justice and Equality conducted pre-legislative scrutiny of the general scheme of the Bill on 19 and 26 September and I understand that it will launch its Report on the matter on 6 December. Following this, I will consider how this matter might be taken forward.

Question No. 11 answered orally.

Magdalen Laundries

12. **Deputy Catherine Connolly** asked the Minister for Justice and Equality if testimonial evidence from women and relatives or friends providing corroborating information will be given equal, if not superior weight, as the records of the religious orders in respect of applications to the Magdalen restorative justice ex-gratia scheme; and if he will make a statement on the matter. [49815/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The Government is committed to complying with all of the recommendations of the Ombudsman in relation to the

operation of Magdalen Restorative Justice *Ex Gratia* Scheme. In relation to the Ombudsman's principal recommendation that the Scheme should be applied to women who worked in the laundry of one of the 12 'Magdalen' Institutions and who were resident in one of 14 adjoining institutions, the Addendum to the terms of the scheme giving effect to this recommendation has been finalised and published on the Department's website - www.justice.ie.

Letters have issued to all persons known to date to my Department who may be eligible for an award under the terms of the Addendum. These letters do not seek any information which the Department already has and any additional information sought is necessary to process the applications in as timely a fashion as possible. Further, the letters to the women concerned make it clear that any further relevant information sought relates to work in the laundry in as much detail as they can remember.

The Addendum provides that the first phase of processing a completed application is the making of a provisional assessment as to whether the applicant comes within the scope of the scheme. This assessment will be made based on the records of the institutions concerned, where available, and any other relevant records or statements, which may indeed include the applicant's testimony and in some cases testimony from other persons. If an applicant has any difficulty in obtaining records or if another form of practical assistance is requested, my Department will be glad to assist.

On this basis, a decision will be made as to whether on the balance of probabilities the applicant comes within the scope of the scheme. In addition, for those cases where there is insufficient documentary evidence available to make an assessment on their case, an interview process is in place so as to facilitate a fairer assessment of a woman's application. Each application will be assessed individually on its merits. The weight given to testamentary evidence will be decided on the unique facts and circumstances of each case.

I will take this opportunity to say that to date almost €27 million has been paid to 711 women under the scheme. Also, in line with two other recommendations of the Ombudsman, a Senior Counsel, Mary O'Toole, is carrying out a review of assistance to applicants who lack capacity to accept an award and a review of those cases where there is a dispute in respect of length of stay in a Magdalen Institution. Significant progress has been made in relation to the capacity cases, all of which have now been resolved and award payments have either been made or are in the course of being made.

Garda Misconduct Allegations

13. **Deputy Bríd Smith** asked the Minister for Justice and Equality if he will consider new legislation or new regulations to prevent members of An Garda Síochána from retiring when they are subject to an ongoing investigation into their conduct in view of recent cases; and if he will make a statement on the matter. [49789/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The issue raised by the Deputy's question is a very complex one. It is, however, based on the proposition that an investigation must, necessarily, relate to an individual rather than to conduct which falls below acceptable standards. For the sake of clarity, let me say that if a member, or indeed, former member of An Garda Síochána is accused of a criminal offence, then it is of no consequence whether that person is, or was or remains a member while the criminal investigation is on-going. The position may be different if the investigation is one of a non-criminal nature and for which the ultimate sanction may be some form of disciplinary process. Clearly a former member cannot be subject to disciplinary sanction.

I'm sure the Deputy can see the difficulty which will arise if a member seeks to retire from An Garda Síochána and it is sought to prevent him or her doing so, even where an investigation of a disciplinary nature into his or her conduct is underway.

But let me say that it is a matter to which my Department will be giving consideration in the context of new legislation which will arise in the implementation of the Report of the Commission on the Future of Policing. One possible option is to provide in law, as has been done in the UK, that a member remains subject to some form of sanction for a period after retirement in respect of a finding of a breach of discipline for actions which occurred prior to his or her retirement.

As the Deputy will be aware, in early 2017 the Government approved the drafting of the heads of a Bill to address a number of operational issues that had been brought to the attention of my predecessor by the Garda Síochána Ombudsman Commission - GSOC.

In May 2017, the Commission on the Future of Policing in Ireland was established and its remit involved reviewing the police oversight architecture including how complaints against members of An Garda Síochána are handled.

GSOC prepared a case for fundamental reform of the legislation relating to its structure and operation. One of the matters covered in GSOC's proposals was one which would make it possible to delay the retirement of a member who is under investigation. Given its remit, I referred these proposals to the Commission as an input to its work and I am aware that GSOC engaged with the Commission in its own right.

As the Deputy will be aware, the Commission on the Future of Policing in Ireland published its report on 18 September. One of the Report's recommendations is that GSOC's existing mandate to investigate allegations of criminal behaviour against members who have retired or resigned should be continued under any new complaints body. It also recommended that the investigation of incidents relating to former staff which do not involve alleged criminal behaviour should also be addressed in its remit. It is worth emphasising that the report stated that the complaints body should investigate incidents rather than individuals. The Government noted this Report on publication and my Department has consulted widely on the issues raised including with GSOC and with the Garda Commissioner in advance of my returning to Government in December with a high level implementation plan.

That high level plan is being prepared at the moment, taking into account the Commission Report itself and the observations of interested parties, including GSOC. Without wishing to pre-empt the Government's consideration of the Report in December, I can say that the proposals in relation to GSOC are ones that I broadly support, though the detail will have to be teased out in the drafting of legislation to give them effect.

Garda Operations

14. Deputy Alan Farrell asked the Minister for Justice and Equality if An Garda Síochána has the necessary resources for policing operations over the Christmas period; and if he will make a statement on the matter. [49665/18]

Minister for Justice and Equality (Deputy Charles Flanagan): In the first instance, I want to clarify that it is the Garda Commissioner who is responsible for the allocation of the very substantial resources that An Garda Síochána receives. I do not interfere in policing matters nor can I direct the Commissioner where to deploy resources. The allocation of Garda resources is solely a matter for the Commissioner, in the light of identified operational demands

over the festive season and is not a matter for which I, as Minister, have direct responsibility.

The resources available to the Commissioner have reached unprecedented levels. I am pleased that Budget 2019 provides for the continuation of this increase in resources with an increase of €110 million in the Garda Vote to bring total provision available in 2019 to €1.76 billion which includes up to €95 million for the payment of overtime.

Garda management keeps the distribution of resources under continual review in the context of crime trends and policing priorities including the need ensure community safety and the safety of our roads over the festive season, when there can be seasonal increases in burglary, public order and road traffic incidents and offences. To ensure that optimum use is made of resources policing plans are put in place by Divisional Officers which address the particular needs of each Division taking into account of seasonal factors which can have a bearing.

One such initiative is the *Lock up Light Up* campaign which is part of Operation Thor and encourages homeowners to protect their homes over the winter months, when burglaries traditionally tend to rise. I am informed by the Garda Commissioner that Operation Thor has led to concentrated Garda activity resulting, as of 18 November 2018, in over 168,636 targeted checkpoints and 234,277 crime prevention patrols nationwide. This concentrated policing activity against burglary and property-related crime has produced in the region of 8,837 arrests and 10,143 charges covering a range of offences, which, in addition to burglary, include handling stolen property, possession of firearms and drugs offences.

Since the reopening of the Garda College in September 2014, almost 2,200 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide. I look forward to attending the attestation of another 200 recruits tomorrow which will see Garda numbers reach 14,000 by the end of this year. This and on-going recruitment will clearly provide significant additional policing hours throughout the country, both in terms of the increase in new Gardaí and the redeployment of Gardaí to frontline policing duties due to civilianisation of their current roles.

I am informed by the Commissioner that to assist in ensuring that the necessary resources are available for policing operations over the festive period that, following their attestation this Friday the new probationer Gardaí, will be assigned, on a temporary basis, to urban areas including Dublin, Cork, Galway, Limerick, Waterford and Drogheda to increase Garda visibility and support the Divisional Roads Policing Units. Under direct supervision they will play an active role in delivering front line policing services, increasing safety in our communities and on our roads over the coming festive period.

I am satisfied that Garda management is acutely aware of the need to utilise the resources being made available to them in the most efficient and effective manner to ensure high visibility policing in our communities both urban and rural throughout the year including the festive season.

Commissions of Inquiry

15. **Deputy Bríd Smith** asked the Minister for Justice and Equality if he will commission a public inquiry into a case (details supplied) in view of the fact that the GSOC report on the tragic case has failed to provide answers to the family or the public that are needed to restore confidence in the state criminal justice system and the rule of law. [49788/18]

Minister for Justice and Equality (Deputy Charles Flanagan): In the first instance, let me again express my sympathy to the family concerned in this tragic case. As Minister, I am

very regularly engaged on this case.

The Garda Síochána Ombudsman Commission has a hugely important role in ensuring that public confidence in the Garda Síochána is safeguarded, and has extensive powers under the Garda Síochána Act to enable it to carry out its responsibilities. I do not share the Deputy's implied criticism of GSOC or its report into the tragic case that is the subject of her question.

This Government's position on GSOC is very clear; the Commission has our full support and we are providing it with the necessary resources to perform its important functions. It is incumbent upon this House to respect GSOC's independence, as it is this guarantee of independence which is the hallmark of effective oversight.

As the Deputy will be aware, there is a current investigation being conducted by GSOC into conduct which may lead to disciplinary proceedings against one or more Garda members. That investigation is on-going and I do not propose to comment further at this time. I respect GSOC's independence and it would be entirely inappropriate of me to comment in relation to a continuing investigation.

I can say that I have been informed by GSOC that the outcome of that investigation will be submitted to the GSOC Commissioners as soon as is practicable. Upon receipt of the report, GSOC will, in accordance with section 97 of the Garda Síochána Act 2005, submit a report to the Garda Commissioner outlining its findings. This report will also contain a recommendation as to whether or not disciplinary proceedings should be instituted under the Garda Síochána Disciplinary Regulations against any of the Garda members subject of the investigation.

As I have made clear to the House, both in response to the motion calling for an inquiry and subsequently in response to various Parliamentary Questions, it is imperative that the independence of the Ombudsman Commission be respected and a decision on any further action be deferred until the current investigation is completed. I reiterate the point that the question of what further action might be taken will be fully considered by Government as soon as the GSOC investigation is completed.

I am very mindful of the Dáil resolution passed earlier this year seeking to have a public inquiry to examine the circumstances leading to the death of a young man. In the course of the debate, I made it clear that both I and the Government recognise the failings that occurred in the period leading up to the fatal road traffic incident.

It is worth mentioning that the Dáil motion also referred to the need to examine the actions of the Gardaí, the Director of Public Prosecutions, GSOC and the courts. I do not need to point out again the statutory or constitutional independence of the DPP, the Courts and GSOC.

Having said that, I am anxious to see how I can progress matters, even while the GSOC investigation continues. Any further investigation, if it is to happen, must be focused on those questions to which answers have not been provided to date, rather than rehearsing what is already known about this tragic case.

To that end, I have written to the Attorney General seeking his advice on how I can best give effect to the wishes of the House. Upon receipt of a response from the Attorney General, I will be in a position to outline how I propose to proceed. In the meantime, it is important that GSOC be given the necessary time and space to complete the investigations free from hindrance and encumbrance.

Surveillance Operations

16. **Deputy Clare Daly** asked the Minister for Justice and Equality the reason the Garda have not been asked to examine allegations of unauthorised surveillance being carried out on prison staff and solicitors, including the placing of traffic devices on cars. [49714/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The details of the allegations which were published last week in the Irish Examiner are contained in an affidavit to the Court by a prison officer in relation to a personnel issue. The House will understand that I am constrained in what I can say about these proceedings before the courts. That said, these allegations raise serious issues which need to be addressed.

I have asked the Inspector of Prisons to carry out an urgent preliminary investigation into the allegations to determine as far as possible the facts. This investigation will be a statutory investigation under section 31 of the Prisons Act 2007. This report, when finalised, will allow me to consider whether further steps need to be taken, such as a more formal inquiry.

It should be noted that section 31 (7) of the 2007 Act provides that Governors, other prison officers and other persons employed in prisons shall, as far as reasonably practicable, comply with any request for information that the Inspector may make in the performance of her functions, which include the function of carrying out an investigation under subsection (2). In addition, the acting Director General of the Prison Service has made clear that the Prison Service will co-operate fully with an investigation by the Inspector of Prisons. The Inspector of Prisons will therefore have full access to relevant documentation and personnel in Prison Service Headquarters or elsewhere in the Prison Service in her investigation.

An Garda Síochána are also examining the allegations and I understand they will coordinate, if needed, with the Inspector in relation to her investigation.

Garda Operations

17. **Deputy Robert Troy** asked the Minister for Justice and Equality the measures being taken by An Garda Síochána to ensure welfare of cyclists on the road. [49635/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will be aware, roads policing is one of the key policing priorities contained in Garda annual policing plans.

One of the key goals in An Garda Síochána's Policing Plan for the current year was to reduce the number of deaths and serious injuries on Irish roads arising from collisions, including those involving cyclists and pedestrians. I am informed that, to this end, the following measures have been prioritised by An Garda Síochána:

- Targeted multi-agency road safety operations to enforce road traffic legislation;
- Targeted enforcement, based on intelligence and analysis, to reduce serious injuries and fatalities;
- Education and prevention programmes to challenge dangerous road user behaviour; and
- Working with partner agencies and stakeholders to:
 - Enhance cyclist, motorcyclist and pedestrian safety;
 - Ensure a balanced approach between enforcement and education of young drivers.

I am further informed that the Roads Policing Operations Plan for 2018 was developed with a particular road safety focus on the vulnerable road-user categories of:

- Pedal cyclists;
- Motor cyclists;
- Pedestrians;
- Learner permit holders.

According to the Garda authorities, vulnerable road-users continue to be the most ‘at-risk’ group on Irish roads. Garda statistics indicate that 9 of the provisional figure of 134 road traffic fatalities that have occurred in the year to 28 November 2018 have been cyclists.

An Garda Síochána is committed to educating all road-users in their attitudes and behaviour and, when necessary, detecting and intercepting dangerous drivers, cyclists and those who refuse to comply with road traffic laws. I am informed that this includes the enforcement of cycle lane access for cyclists during designated hour which is an ongoing challenge.

Of course, road safety is a shared responsibility for all road users and not just the Gardaí, the Road Safety Authority and other State bodies. We must all behave responsibly and considerately on the roads.

The Deputy will appreciate that road traffic enforcement is an operational matter for An Garda Síochána and I have requested an up to date Garda report in relation to any other specific information, as sought by the Deputy, concerning the welfare of cyclists on public roads. I will make contact again with the Deputy on receipt of this report.

Question No. 18 answered orally.

Drug and Alcohol Testing

19. **Deputy Alan Farrell** asked the Minister for Justice and Equality if he will provide information on MATs in view of the most recent changes to legislation in this area; and if he will make a statement on the matter. [49666/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The Deputy will appreciate that I have no direct role in the operation of Mandatory Intoxicant Testing (MIT) checkpoints, or the enforcement of road traffic legislation, which are operational matters for the Garda Commissioner. However, I have obtained a Garda report on the matters referred to in the Deputy’s question.

The Deputy will be aware that my colleague, the Minister for Transport, Tourism and Sport, brought forward the Road Traffic Act, 2018 (the 2018 Act), which came into effect on 26 October 2018. As of that date, a driving disqualification is now provided in legislation for all persons detected of drink-driving.

As the recent legislative amendment only amended penalties being imposed, there are no procedural changes to MIT checkpoints being conducted by An Garda Síochána. I am informed that, since commencement of the 2018 Act, 5,935 MIT checkpoints have been conducted by An Garda Síochána nationally, with 29,516 roadside breath-tests conducted, of which 129 tests indicated a presence of alcohol. Also at MIT checkpoints, 231 oral fluid tests were conducted during the same period, of which 31 indicated a presence of drugs.

I am also informed that, during the same period in 2017, there were 6,074 MIT checkpoints conducted, with 26,538 roadside breath-tests conducted, of which 168 tests indicated a presence of alcohol. Also at MIT checkpoints, 147 oral fluid tests were conducted of which 16 indicated a presence of drugs.

As this legislation only came into effect on 26 October 2018 and the statistics provided are valid to 26 November 2018, it is not possible, at this time, to provide any indication as to whether detections recorded at MIT checkpoints will result in an increase in the number of prosecutions commenced and / or convictions recorded as a result of the enactment of the relevant legislation under the 2018 Act, which primarily only amended the penalties imposed for certain offences to which a Fixed Charge Penalty applies. Ultimately, of course, the aim is not to increase the number of prosecutions but instead to positively change driver behaviour.

An Garda Síochána has confirmed that the statistics provided are provisional, operational and liable to change and relate to tests conducted at MIT checkpoints only and are valid to 26 November 2018.

Garda Resources

20. **Deputy Niamh Smyth** asked the Minister for Justice and Equality the capital investment being made in Garda resources in counties Cavan and Monaghan; and if he will make a statement on the matter. [49663/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The Deputy will be aware that there has been very significant investment in Garda resources across the State in recent years. €1.65 billion has been allocated to the Garda Vote for 2018 and I am pleased to confirm also that €1.76 billion has been allocated to the Garda Vote for 2019. This is an increase of over 6% over the initial allocation for 2018.

In terms of capital investment, €342 million is being invested in Garda ICT infrastructure between 2016 and 2021 to enable An Garda Síochána to deploy the latest cutting edge technologies and to deliver on reform. €46 million is being made available for investment in the Garda Fleet over the same period, in addition to the investment of almost €30 million in the fleet from 2013 to 2015. A further €60 million exchequer funding underpins the Garda Building and Refurbishment Programme, which is a 5-year programme based on agreed Garda priorities benefiting over 30 locations around the country. This is in addition to the investment of approximately €100 million in development of 3 major new Divisional and Regional Headquarters which have been completed and entered into operation use in 2017 and 2018 at Galway, Wexford and Kevin Street, Dublin.

This significant current and capital investment in An Garda Síochána is in support of the Government's commitment to ensure a strong and visible police presence throughout the country, to maintain and strengthen community engagement, provide reassurance to citizens and deter crime.

It is a matter for the Commissioner to efficiently manage the resources at his disposal and to determine the allocation of resources across all Divisions, including Cavan/ Monaghan Division, in light of operational requirements. In that regard, I am informed by the Garda authorities that the distribution of resources is kept under continual review to ensure their optimum use.

Further and as the Deputy is aware, the Office of Public Works (OPW) has the responsibility for the provision and maintenance of Garda accommodation. Accordingly, the programme of replacement and refurbishment of Garda accommodation is progressed by the Garda authorities

working in close cooperation with the OPW.

I am informed by the Garda authorities of a range of capital investment in the Cavan/Monaghan Division, as follows.

A new Garda station will be provided in Bailieborough, County Cavan in the context of the Garda Building and Refurbishment Programme 2016-2021. I am informed that the relevant planning application was lodged in August 2018 and that the OPW is currently examining the submissions received in that regard. It is not possible to give a definitive date for completion of the construction of the new station.

I am informed that in advance of that new development, essential works at the existing Garda station in Bailieborough were completed in 2016, involving enhancements to the public office and safety improvements throughout the building.

In addition, the Programme for a Partnership Government commits to a pilot scheme to reopen 6 Garda stations to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglaries, theft and public order. Bawnboy, County Cavan, is one of the 6 stations which will be reopened in the context of that pilot. I am informed that the OPW and An Garda Síochána are continuing to engage in relation to the works required to permit reopening of that station. I understand that implementation of the programme and reopening of all 6 stations is being pursued as a priority and the OPW expects works should be completed in each case in 2019.

Finally, I am advised by the Garda authorities that the strength of the Garda fleet in the Cavan/Monaghan Division was 55 vehicles as at 23 November 2018. I am informed that among the additional vehicles purchased for the Northern Region in 2018, 6 had been allocated to the Cavan/Monaghan Division as at 23 November 2018. I am further informed that an additional 3 unmarked cars will shortly be allocated to the Northern Region, one of which has been prioritised for allocation to Monaghan District by Garda management.

Commissions of Inquiry

21. Deputy Donnchadh Ó Laoghaire asked the Minister for Justice and Equality the progress made towards giving effect to the vote of Dáil Éireann on establishing a public inquiry into the death of a person (details supplied). [49715/18]

Minister for Justice and Equality (Deputy Charles Flanagan): In the first instance, let me again express my sympathy to the family concerned in this tragic case. As Minister, I am very regularly engaged on this case.

As the Deputy is aware, the Garda Síochána Ombudsman Commission conducted an investigation into certain matters related to the circumstances surrounding the tragic death of Shane O'Farrell. This investigation arose out of a series of complaints to GSOC from members of the family of Shane O'Farrell. Certain aspects of the case were also referred to GSOC for investigation by a previous Minister.

Both I and the Government have indicated that we recognise the failings that occurred in the run up to this tragic incident.

The outcome of GSOC's investigation was set out in a report earlier this year, which was provided to the family of Shane O'Farrell. The investigation concluded that no criminal misbehaviour by members of An Garda Síochána was disclosed. GSOC's investigation found that,

while no such conduct occurred which would require criminal sanction, certain aspects were identified as requiring further investigation which may lead to disciplinary proceedings against one or more members. The investigation of those matters by GSOC is still on-going. In the circumstances I do not propose to comment further while the investigation is proceeding.

I can say that I have been informed by GSOC that the outcome of that investigation will be submitted to the GSOC Commissioners as soon as is practicable. Upon receipt of the report, GSOC will, in accordance with section 97 of the Garda Síochána Act 2005, submit a report to the Garda Commissioner outlining its findings. It will also contain a recommendation about whether or not disciplinary proceedings should be instituted under the Garda Síochána Disciplinary Regulations against any of the Garda members subject of the investigation.

While the Deputy's Question refers to the motion passed by the House in June this year, I have previously made clear to the House that it is imperative that the independence of the Ombudsman Commission is respected and that there is no improper interference with its investigations.

The motion referred to the need to examine the actions of the Gardaí, the Director of Public Prosecutions, GSOC and the Courts. I would remind the Deputy of the constitutional independence of the Courts and the statutory independence of the Gardaí, the Director of Public Prosecutions and GSOC. These are important matters which must be taken into consideration.

I have been considering the motion passed by the Dáil and I have written to the Attorney General seeking his advice on how I can best give effect to the wishes of the House. When I have received the Attorney's response, I will be in a position to outline how I propose to proceed.

We are all aware of the significant amount of time that the GSOC investigation has taken. I am cognisant of the effect that this must be having on the family. I want to pay tribute to the family for their determination in pursuing the matter. There are clearly lessons to be learned from this tragedy and I am committed to doing all that is possible to ensure that the failings identified are not repeated.

Criminal Injuries Compensation Tribunal Funding

22. **Deputy John Curran** asked the Minister for Justice and Equality his plans to increase funding in 2019 to the Criminal Injuries Compensation Tribunal to allow it settle and reduce the backlog of cases that has built up in recent years; and if he will make a statement on the matter. [49586/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The Deputy will appreciate that the level of resources allocated for the Criminal Injuries Compensation Tribunal, as for any area of the Justice Vote, must be determined having regard to the overall budgetary context and the many demands for funding within the sector. Nevertheless, I can inform the Deputy that I have maintained the current level of funding for a number of years, and again into 2019, and moreover an increased allocation of some €2.4m is proposed as part of a Supplementary Estimate for the Vote in 2018. This is currently going through the parliamentary process.

Garda National Protective Services Bureau

23. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Justice and Equality the status

of the development of protective services units within An Garda Síochána. [49719/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The establishment by the Garda Commissioner of Divisional Protective Services Units are one of the actions outlined in the Second National Strategy on Domestic, Sexual and Gender-based Violence. The strategy, which is a commitment under the Programme for Partnership Government, is a whole of Government approach, involving seven Government Departments and a number of State bodies, including Tusla and An Garda Síochána.

As the Deputy is aware, another key element of this strategy was the enactment of the Domestic Violence Act in May of this year which improves the protections available to victims of domestic violence, most critically for those victims in crisis situations and is also intended to make the court process easier for victims of domestic violence.

Under the existing Garda reform programme, divisional units of Garda National Protective Services Bureau are being rolled-out in two phases. The Bureau is tasked with improving services to victims, improving the investigation of sexual and domestic violence incidents, and identifying and managing risk.

Phase One of this rollout is completed, with Divisional Units established in three areas - DMR West, Cork City, and Louth Division.

I welcome Commissioner Harris' comments last week, at the launch of the Dublin Rape Crisis Centre's 2017 Annual Report, regarding his commitment to the continued roll out of the Divisional Protective Services Units.

Following an evaluation of the pilot, the next phase will see an additional six Divisional Bureaus established in DMR South Central; Waterford; Kerry; Kilkenny/Carlow; Limerick and Galway Garda Divisions before the end of Q4, 2018 with the objective of extending them to all remaining Garda Divisions before the end of 2019. I understand that this objective is on track.

I am informed by the Commissioner that this initiative is being managed collaboratively between the Garda National Protective Services Bureau and each Divisional Officer.

Prison Mental Health Services

24. **Deputy Mick Wallace** asked the Minister for Justice and Equality his views on the fact that there may be an inadequate level of mental health support for prisoners here as highlighted by a recent report by the IPRT; his further views on the fact that Irish prisons may not be meeting the standards of best international practice; and if he will make a statement on the matter. [49796/18]

Minister for Justice and Equality (Deputy Charles Flanagan): It is assumed that the question refers to the Irish Penal Reform Trust (IPRT) report launched on 26 October 2018, called Progress in the Penal System 2018 which is the second in a series of annual reports benchmarking progress in Ireland's penal system. This deals with, inter alia, the issue of provision for mentally ill prisoners.

Before detailing below the services that are available in this respect, I would firstly say that the views of the IPRT are welcome. The provision of appropriate mental health services to those in custody is one of the major challenges to effective healthcare in prisons. Prisons form part of society and those in custody must not be discriminated against in terms of their mental health.

To address this issue, an Interdepartmental Group, involving representatives from the relevant Government bodies, has been established to examine issues relating to people with mental illness who come in contact with the criminal justice system. Its first interim report was published in September 2016. That deals with how diversion could be facilitated, where appropriate, at all stages of the criminal process up to the conclusion of a criminal trial.

The second report of the Interdepartmental Group explores matters relating to mental health services for prisoners and persons subject to community sanctions, matters relating to patients detained under the Criminal Law (Insanity) Act 2006 and post-release mental health services for former prisoners. This report is currently being finalised and will be published on completion. Upon publication of the second report, the work of the Interdepartmental Group will be complete and the implementation of their recommendations will then be considered.

In addition, a general review of healthcare in the prisons is being carried out by a Working Group involving officials from my Department, the Department of Health and the HSE. This flows from a report in 2016, from the then Inspector of Prisons on Healthcare in the Irish Prison Service.

Currently, a range of mental health services are available to prisoners, in collaboration with the Health Service Executive (HSE) and involving the National Forensic Mental Health Service (NFMHS).

In-reach mental health services involving the provision of weekly forensic mental health sessions are available in the Dublin and Portlaoise prisons. The HSE also provides specialist in-reach, psychiatric services to those in custody in Limerick and Cork prisons.

The Irish Prison Service has access to a limited number of places in the Central Mental Hospital for prisoners who require residential mental health treatment. There is currently an average of 25 prisoners each week awaiting transfer to the Central Mental Hospital, and the NFMHS has acknowledged the challenge of access for prisoners to in-patient treatment beds. It is anticipated that the opening of the new Central Mental Hospital in 2020 will help address capacity issues for prisoners in need of in-patient treatment.

The HSE has confirmed that approval has been granted for the appointment of a consultant-led team to Castlerea, Limerick, and Cork prisons. The HSE has also advised that difficulties have been encountered in recruiting a consultant psychiatrist for Castlerea Prison.

The NFMHS also provides an assessment and liaison service for all other prisons where a prisoner requires a forensic assessment, or access to an admission bed in the Central Mental Hospital. Consultant Forensic Psychiatrists are leading these services and can be supported by Non-Consultant Hospital Doctors, Community Psychiatric Nurses, and Social Workers.

Two dedicated areas have been established for the provision of high support to vulnerable prisoners with mental illness; D2 wing in Cloverhill Prison (for remand prisoners), and the High Support Unit in Mountjoy (for sentenced prisoners). Both units provide a dedicated area within the prison where mentally ill and vulnerable prisoners, who present with a risk of harm to self or to others, can be separated from the general prison population and closely monitored in a safer environment. A psychiatric in-reach and Court Liaison Service is available at Cloverhill Prison. The diversion service ensures, as far as possible, that those people presenting before the courts, or indeed at an earlier stage of the criminal justice system where the infraction is a reflection of an underlying mental illness, are referred and treated appropriately. This approach has reduced the number of mentally ill people committed to prison.

The IPS Psychology Service plays a key role in the provision of mental health services for

people in custody. In conjunction with the multi-disciplinary team the Psychology Service provides various evidence-based primary, secondary and tertiary care talking therapies for people in custody who experience mental health difficulties.

The Irish Prison Service is in the process of further developing the Psychology Service in order to better meet the mental health needs of those in custody.

The Irish Prison Service has also developed a bespoke mental health training programme for staff, which is currently being delivered to all staff. In addition, all persons in custody in closed prisons have access to the Samaritans Listeners Scheme.

Closed-Circuit Television Systems

25. **Deputy Martin Heydon** asked the Minister for Justice and Equality the number of CCTV schemes that have been approved for funding since the scheme commenced; if all local authorities are now signed up to the scheme; and if he will make a statement on the matter. [49791/18]

31. **Deputy Brian Stanley** asked the Minister for Justice and Equality the progress made to date to resolve the issues regarding data control and storage for community CCTV schemes. [49583/18]

50. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Justice and Equality if he will discuss the most recent developments in relation to community CCTV schemes. [49716/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I propose to take Questions Nos. 25, 31 and 50 together.

The Deputy will be aware that CCTV systems installed for the purposes of crime prevention and as aids to policing in areas to which the general public routinely have access, such as town centres, fall into two distinct but complementary categories, namely Garda CCTV systems and community-based CCTV systems. Neither type of CCTV system may be established without authorisation by the Garda Commissioner under section 38 of the Garda Síochána Act 2005, among other requirements.

Community CCTV is governed by section 38(3)(c) of the Garda Síochána Act 2005 and the Garda Síochána (CCTV) Order 2006 (SI No 289 of 2006). This legal framework requires that any proposed community CCTV scheme must-

- be approved by the local Joint Policing Committee,
- have the authorisation of the Garda Commissioner, and
- have the prior support of the relevant local authority, which must also act as data controller.

This is the legal basis for all community CCTV schemes, regardless of whether or not grant funding is sought from my Department to assist in their establishment. The legal requirement for local authorities to act as data controller for the purpose of community CCTV schemes has been in place since 2006.

The Deputy may wish to note that under the 2005 Act, as amended, the relevant secondary legislation is not a matter for me as Minister for Justice and Equality. Rather, the power to establish the criteria for community CCTV schemes is a matter for the Policing Authority, by order made with the approval of the Government.

In accordance with this legal framework, I understand that the large majority of local authorities have previously undertaken to act as data controllers in the context of specific community CCTV schemes. This has been the case either in the course of the current grant-aid scheme administered by my Department, in connection with the previous grant-aid scheme operated by Pobal on behalf of the Department, or in connection with schemes funded independently by local authorities. I understand from my Department's engagement with the Local Government Management Agency that the total number of local authorities which have undertaken the role of data controller for these purposes amounts to 28 out of the 31 local authorities nationwide.

The Deputy may also wish to be aware that the Data Protection Commissioner's Office has confirmed as recently as May of this year that it does not have any concerns on the legislative basis for CCTV. However it is currently conducting an audit of the practice, operation and governance of CCTV. We expect findings from this process to be of assistance to all concerned and in particular to local authorities. My Department is also engaging on an ongoing basis with the Local Government Management Agency and the County and City Management Association, to clarify any queries arising and to assist in resolving any concerns.

Finally, the Deputy will be aware that the Programme for a Partnership Government commits to supporting investment in CCTV systems. In furtherance of this commitment, a grant-aid scheme to assist groups in the establishment of community-based CCTV systems in their local areas is being administered by my Department. Eligible groups, including community groups and local authorities, can apply for grant-aid of up to 60% of the total capital cost of a proposed CCTV system, up to a maximum total of €40,000.

There have to date been 27 applications to the scheme. 20 applications have been approved for grants totalling more than €500,000. A further 4 applications to the scheme are currently being assessed and considered. The remaining 3 applications have been returned to the applicants concerned to enable them to supply the information necessary to qualify for grant aid.

I am keen to ensure that all interested groups, in both rural and urban areas, take advantage of the availability of this grant aid scheme. If the Deputy is aware of groups wishing to avail of the scheme, I would point out that full details of the grant aid package are available to download from my Department's website - www.justice.ie and support and guidance is available to help interested groups to apply for this funding through a dedicated email address communitycctv@justice.ie.

Garda National Protective Services Bureau

26. Deputy Jim O'Callaghan asked the Minister for Justice and Equality the status of the roll out of the new specially trained Garda units to handle cases involving vulnerable witnesses, such as, child abuse and sexual crimes; and if he will make a statement on the matter. [49600/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The establishment by the Garda Commissioner of Divisional Protective Services Units are one of the actions outlined in the Second National Strategy on Domestic, Sexual and Gender-based Violence. The strategy, which is a commitment under the Programme for Partnership Government, is a whole of Government approach, involving seven Government Departments and a number of State bodies, including Tusla and An Garda Síochána.

As the Deputy is aware, another key element of this strategy was the enactment of the Domestic Violence Act in May of this year which improves the protections available to victims of

domestic violence, most critically for those victims in crisis situations and is also intended to make the court process easier for victims of domestic violence.

Under the existing Garda reform programme, divisional units of Garda National Protective Services Bureau are being rolled-out in two phases. The Bureau is tasked with improving services to victims, improving the investigation of sexual and domestic violence incidents, and identifying and managing risk.

Phase One of this rollout is completed, with Divisional Units established in three areas - DMR West, Cork City, and Louth Division.

I welcome Commissioner Harris' comments last week, at the launch of the Dublin Rape Crisis Centre's 2017 Annual Report, regarding his commitment to the continued roll out of the Divisional Protective Services Units.

Following an evaluation of the pilot, the next phase will see an additional six Divisional Bureaus established in DMR South Central; Waterford; Kerry; Kilkenny/Carlow; Limerick and Galway Garda Divisions before the end of Q4, 2018 with the objective of extending them to all remaining Garda Divisions before the end of 2019. I understand that this objective is on track.

I am informed by the Commissioner that this initiative is being managed collaboratively between the Garda National Protective Services Bureau and each Divisional Officer.

Courts Service

27. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will consider introducing legislation to ensure that women alleging sexual offences are treated fairly and in accordance with the law and are not the victims of colourful courtroom vernacular demonstrations; and if he will make a statement on the matter. [49813/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy may be aware, a review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences is currently underway. The review will examine the entire legal process around sexual offences, from the initial reporting of an offence through to the end of any court proceedings and is concerned with the treatment of complainants and vulnerable witnesses throughout this process.

Terms of Reference for the review have been published. The review will examine the adequacy of the mechanisms available in law and practice to protect vulnerable witnesses in the investigation and prosecution of sexual offences, including access to specialist training for An Garda Síochána, members of the judiciary and legal professionals dealing with sexual offences; practical supports for vulnerable witnesses; provision of additional legal supports to witnesses during the court processes; measures in place to protect vulnerable witnesses during evidence; and restrictions on public attendance at, and media reporting on, trials of sexual offences.

Mr. Tom O' Malley BL., Senior Lecturer in Law at NUI Galway and member of the Law Reform Commission, has been appointed to chair the working group carrying out the review. He is joined by representatives of the Garda Síochána, the Director of Public Prosecutions, the Probation Service, the Courts Service and my own Department.

The working group will have regard to research published in this area, submissions from victims organisations and individuals and will carry out consultations with relevant stakeholders.

It is expected that the review group will provide a final report to me by the end of this year, or at the earliest date thereafter. While the outcome of the review cannot be pre-empted, I look forward to its recommendations which will be given careful consideration.

Irish Prison Service

28. **Deputy Clare Daly** asked the Minister for Justice and Equality the action he has taken to deal with the rising numbers in prisons in 2018 regularly reaching over 4000 and reversing a trend of falling numbers over previous years. [49713/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I am advised by my officials in the Irish Prison Service that the total number of prisoners in custody on 26 November 2018 was 3,944 compared with a bed capacity of 4,269. This represents an occupancy level of 92%. I can also advise the Deputy that according to the most recent snapshot of the prison population taken on 31 October 2018, there has been a total of 6,612 committals since 1 January 2018.

It has to be acknowledged that the Irish Prison Service does not have the option of refusing committals and must accept all prisoners committed by the Courts. The prison system is, of course, subject to peaks and troughs. Numbers are particularly high when the Courts are at their busiest, giving rise to a high number of committals. As a result, almost all of the closed institutions are operating at or near full capacity. The Irish Prison Service regularly approves transfers out of affected prisons to other locations in order to prevent unacceptable occupancy levels.

Alternatives to custody continue to be pursued and legislation has already been passed. This includes the Criminal Justice (Community Service) (Amendment) Act 2011 which requires a sentencing judge to consider the imposition of community service where a custodial sentence of 12 months or less is being considered. The Fines (Payment and Recovery) Act 2014 provides that the Court imposing a fine shall take into account a person's financial circumstances. It further provides, inter alia, that where a person fails to pay a fine by the due date, the Court may make an attachment order to earnings as a means of recovering the unpaid fine. As a result of this legislation, we are seeing a reduction in the number of committals to prisons on short sentences. Further, since its inception in 2011, 2,250 prisoners have been released early from prison to take part in the Community Return Scheme and 2,325 prisoners have been released to take part in the Community Support Scheme.

I regret the reversal of the trend towards lower prisoner numbers, however, the Deputy will appreciate that I must be respectful of the independence of the judiciary and their total discretion in deciding whether or not to imprison persons appearing before the Courts.

Court Orders

29. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Justice and Equality the legislation that governs the regulation of bailiffs, or those acting on behalf of a bailiff or the courts. [49717/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy may be aware, Sheriffs (or County Registrars acting as Sheriffs) are responsible to the Court for the enforcement of Court Orders. The law and procedures governing the execution of Court Orders is contained in the Enforcement of Court Orders Acts, 1926 to 1940 and the Rules of Court made thereunder. Sheriffs (or County Registrars acting as Sheriffs) are officers of the Court and are

independent in the exercise of their functions and duties under statute and rules of court.

The Enforcement of Court Orders Acts, 1926 to 1940 also govern the role, function and powers of Court Messengers who support Sheriffs (or County Registrars acting as Sheriffs) in the enforcement of Court Orders. Every Court Messenger when assisting in or executing an execution order is furnished with a warrant in writing authorising the Court Messenger to execute or take part in the execution of the execution order.

Enforcement of a Court Order is considered on a case-by-case basis and where additional support is required, for example where the Court has granted an Order for possession, the Sheriff (or County Registrar acting as Sheriff) assesses the risks involved and makes his/her recommendations to the bank or lending institution's solicitor as to what additional security arrangements are necessary. These additional personnel are sourced, contracted and paid for by the bank or lending institution and the Sheriff (or County Registrar acting as Sheriff) then appoints them as bailiffs. The employment of bailiffs in these circumstances is governed by section 2 of the Enforcement of Law (Occasional Powers) Act, 1924.

As the Deputy will be aware, the removal of individuals from property is not conducted by An Garda Síochána. In relation to recent protests about the removal of individuals from a property I am advised by the Garda authorities that the removal was conducted on behalf of a property's owner who had obtained an injunction order from the High Court directing people who had been occupying a premises to vacate it. The action was taken by a private firm acting for the owner of the premises on foot of this High Court Order.

A Working Group comprising of officials from my Department, An Garda Síochána, the Courts Service, the Department of Housing, Planning and Local Government, the Private Security Authority, the Office of the Revenue Commissioners and the County Registrars Association has been convened to examine the administrative, legislative, resources, security and any other matters in relation to conferring additional functions on the Private Security Authority for the regulation and licensing of security personnel assisting those enforcing court orders. The Working Group is due to report to me by January 2019.

Garda Deployment

30. Deputy Thomas Byrne asked the Minister for Justice and Equality if he is satisfied that County Meath has adequate levels of resources for frontline policing by An Garda Síochána. [49587/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will appreciate, 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.

The resourcing of each Garda division and Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategies, are continually monitored and reviewed in the context of crime trends and policing priorities. Such monitoring ensures that optimum use is made of Garda Resources and the best possible Garda service is provided to the general public.

The Deputy will be aware An Garda Síochána is currently undertaking a programme of accelerated recruitment, as part of the Government's commitment to a strengthened service through the Five Year High Level Reform and Workforce Plan to achieve an overall workforce of 21,000 personnel by 2021, including 15,000 Garda members. To support the Commissioner

in this recruitment, I have also secured funding in Budget 2019 which facilitates the recruitment of up to 800 more Gardaí next year. The Budget also provides for the necessary civilian Garda staff to fill critical skills gaps and enable the further redeployment of Gardaí to front line duties.

The Garda strength by Station and Rank for the Meath Division, in each of the years 2009 to 31 October 2018 is available on my Department's website through the link:

Garda Data

For more general information on Garda Facts and Figures please see the link:

http://www.justice.ie/en/JELR/Pages/An_Garda_Siochana_facts_and_figures.

Question No. 31 answered with Question No. 25.

Garda Resources

32. **Deputy Martin Heydon** asked the Minister for Justice and Equality the level of Garda resources in County Kildare; his plans for further recruitment; and if he will make a statement on the matter. [49790/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will appreciate, 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.

The resourcing of each Garda division and Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategies, are continually monitored and reviewed in the context of crime trends and policing priorities. Such monitoring ensures that optimum use is made of Garda Resources and the best possible Garda service is provided to the general public.

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The Garda strength by Station and Rank for the Kildare Division, as provided by the Garda Commissioner is available on my Department's website through the link:

Garda Data

For more general information on Garda Facts and Figures please see the link:

http://www.justice.ie/en/JELR/Pages/An_Garda_Siochana_facts_and_figures.

Community Policing

33. **Deputy Jim O'Callaghan** asked the Minister for Justice and Equality if he will address the drop in the number of community gardaí; and if he will make a statement on the matter.

[49601/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will appreciate, 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. Garda management keeps this distribution of resources under continual review in the context of crime trends and policing priorities so as to ensure that the optimum use is made of these resources.

Community policing is at the heart of An Garda Síochána as it recognises that every community, either urban or rural, has its own concerns and expectations. All Gardaí have a role to play in community policing in carrying out their duties. The official categorisation of Community Garda simply refers to those who are exclusively assigned to building relationships with local communities and civil society including giving talks to schools, community groups and others. It is a matter for the Divisional Chief Superintendent to determine the optimum distribution of duties among the personnel available to him or her having regard to the profile of the area and its specific needs.

I am advised that An Garda Síochána is currently developing a New Community Policing Framework which is in draft format awaiting approval of the Garda Executive. I understand that under this new Framework which will take into account the recommendations of the Report of the Commission on the Future of Policing in Ireland, it is envisaged that Community policing may be a specialism in some urban areas. In rural areas, it may be more of a hybrid model where all Gardaí in a District have a community responsibility but also having to attend normal policing duties.

The Deputy will appreciate that the moratorium on recruitment introduced in 2009 resulted in a reduction in Garda numbers across the organisation including Community Gardaí. I am informed by the Commissioner that since the reopening of the Garda College in September 2014, almost 2,200 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide. I look forward to attending the attestation of another 200 recruits tomorrow which will see Garda numbers reach 14,000 by the end of this year, for the first time since 2011. This and ongoing recruitment will clearly provide the Commissioner with the resources to increase Garda visibility in our communities and to support all Garda activity including community policing.

The information in relation to the number of Community Gardaí by Division in each of the years 2008 as to 31 October 2018, the latest date for which figures are available is available on my Department's website through the link:

Community Garda Strength

For more general information on Garda Facts and Figures please see the link:

http://www.justice.ie/en/JELR/Pages/An_Garda_Siochana_facts_and_figures.

Direct Provision Data

34. **Deputy Catherine Connolly** asked the Minister for Justice and Equality the number, location, capacity and occupancy of all temporary direct provision centres; the details of the contracts in place; if he is satisfied that adequate facilities are provided; and if he will make a statement on the matter. [49814/18]

Minister of State at the Department of Justice and Equality (Deputy David Stanton):

Following sustained demand for accommodation services from persons entering the state and seeking international protection and in order to meet the State's obligations under Directive 2013/33/EU which was transposed into Irish Law as the European Communities (Reception Conditions) Regulations 2018, the Reception and Integration Agency (RIA) of my Department was forced to procure a number of emergency beds as needed in a number of locations.

This situation was necessary as there were insufficient vacancies within the current contracted portfolio and the State is obliged under the Regulations to provide accommodation services to persons in the protection process that request them.

It should be noted that what is being provided under this arrangement is the provision of a bed and meals. There is no formal contract in place with any of the providers other than the provision of emergency accommodation and RIA have been actively sourcing appropriate accommodation to expand their portfolio to meet the demand.

As the Deputy is aware, properties in Moville, Co. Donegal, Rooskey, Co. Leitrim and in Wicklow Town have been identified and the Department is working to get these accommodation centres open. This will allow the Department to avoid utilising these emergency beds.

As of the 18th November the following properties were being used on an emergency basis:

Dun an Ri Hotel, Kingscourt, Co. Cavan - 35 persons

Lisanisk House Hotel, Carrickmacross, Co. Monaghan - 27 persons

Treacy's Hotel, Carrickmacross, Co. Monaghan - 103 persons

Westenra Arms Hotel, Rooskey, Co. Monaghan - 8 persons

The Grand Hotel, Wicklow town - 23 persons

As I have outlined above, these beds are being drawn down on an as required basis so there is no contracted capacity. RIA is liaising with state providers such as the Department of Employment and Social Protection and the Health Service Executive to ensure that required facilities and services are in place. I would accept that the use of these emergency beds is not ideal. The Department is focusing on the opening of the three new accommodation centres so that persons in the protection process can be allocated accommodation on contracted accommodation centres.

Drugs Seizures

35. **Deputy Louise O'Reilly** asked the Minister for Justice and Equality the quantity and value of illegal steroids and illegal performance enhancing drugs that have been seized in each of the years 2014 to 2017 and to date in 2018, in tabular form; and if he will make a statement on the matter. [49785/18]

Minister for Justice and Equality (Deputy Charles Flanagan): Information relating to the quantity and value of drugs seized by An Garda Síochána is set out in their Annual Reports. The Annual Reports for the years 2007 to 2017 are available on the Garda website (www.garda.ie). The information provided in the Annual Reports is prepared on the basis of records maintained by Forensic Science Ireland based on the quantity of drugs analysed annually at its laboratory.

With regard to the specific details sought by the Deputy in relation to seizures in 2018, I have requested a report from the Garda authorities in relation to this matter and I will further advise in this regard when the report is to hand.

As indicated in my reply to a similar question in July this year, the Health Products Regulatory Authority (HPRA) is the Competent Authority for the implementation of EU and national legislation relating to medicines in Ireland. The role of the Authority, which comes under the remit of my colleague, the Minister for Health, includes monitoring and inspecting products on the market to ensure their safety, efficacy and legality. One of HPRA's roles is to investigate potential breaches of legislation and where necessary to take corrective action including legal proceedings. The focus of the HPRA, when investigating breaches of the legislation relating to medicines, is on the supplier.

I am informed that prosecutions have been initiated by the HPRA in relation to the unauthorised supply of anabolic steroid containing medicines. These prosecutions have included the offences of manufacturing, advertising and supply without prescription to individuals and for wholesale supply. If any person is offering, facilitating the supply of, or supplying anabolic steroid containing medicines in breach of the legislation, they risk investigation by the HPRA and may face enforcement actions up to and including prosecution.

The Department of Health has advised that in 2017, the HPRA detained 449,411 anabolic steroid dosage units (tablets, capsules, vials, etc.), compared to 109,006 units detained in 2016. This reflects the impact of intelligence-led enforcement activity by the HPRA, acting in conjunction and in cooperation with Revenue's Customs Service and An Garda Síochána in such enforcement actions.

The Deputy may also wish to be aware of the recently launched public information campaign by the HPRA called 'Zero Gains', which is targeted at young men to raise awareness of the potentially serious side effects and health risks of using unprescribed anabolic steroids.

Road Traffic Legislation

36. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he has been discussing a consolidation of road traffic legislation with the Minister for Transport, Tourism and Sport; and if he will make a statement on the matter. [49660/18]

46. **Deputy Robert Troy** asked the Minister for Justice and Equality if his Department has had discussions with or input to the Department of Transport, Tourism and Sport with regards to the consolidation of the road traffic legislation. [49636/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I propose to take Questions Nos. 36 and 46 together.

The Deputies will be aware that road traffic legislation is the responsibility of my colleague, the Minister for Transport, Tourism and Sport, Mr Shane Ross, T.D.

I can inform the Deputies that I wrote to my colleague, the Minister for Transport, Tourism and Sport, Mr Shane Ross, T.D., on 15 January this year to request a progress update on the Minister's plans for the consolidation of road traffic legislation.

Minister Ross responded to my correspondence on 27 March this year, emphasising that the consolidation of road traffic legislation remains extremely challenging while the need for new legislation to address particular road safety matters continues to exist.

The Deputies will appreciate that the nature of road traffic legislation is such that it is amended and added to on an ongoing basis, with new legislation coming into effect on an almost annual basis. As such, the consolidation of this extensive body of legislation would constitute a significant project and require considerable resources over a substantial time period; it would also require continual review, as new provisions will continue to be brought forward in view of the nature of this subject matter. In view of the foregoing, I understand that the Department of Transport, Tourism and Sport is pursuing consolidation on a thematic basis, as recommended by the Law Reform Commission.

I will continue to support legislation that makes a valuable contribution to road traffic enforcement and road safety.

Direct Provision System

37. **Deputy Anne Rabbitte** asked the Minister for Justice and Equality his views on the welfare and well-being of children in direct provision centres following revelations that children there have been denied food while sick; and if this issue has been drawn to his attention. [45935/18]

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I am aware of the recent report of a sick child in an accommodation centre who was unable to access food on request.

This is a highly regrettable event, and I acknowledge that in this instance, the best interests of the child were not held paramount. RIA requires that all centre staff and management have regard to the best interests of the child in service delivery and additional training will be provided to the centre in question by Department officials.

The manager of the centre concerned has met with and apologised to the family.

All centres under contract to RIA are required to uphold the principles of Children First and to adhere to RIA's Child Protection and Welfare Policy. The Policy states that "The safety and wellbeing of all residents, but particularly children, is our paramount concern. This Policy recognises that all children have the right to be protected from harm, treated with respect, listened to and have their views taken into consideration...This Policy recognises that RIA and centres under contract have a duty of care to all residents". This is the standard that all centre staff and management must meet when providing services to children and their families.

The remit of the Ombudsman for Children has been extended to enable him to investigate complaints relating to the treatment of children in direct provision centres.

Surveillance Operations

38. **Deputy Mick Wallace** asked the Minister for Justice and Equality his views on reports that prison officers have been put under surveillance; the details the investigation he has ordered into same; and if he will make a statement on the matter. [49793/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The details of the allegations which were published last week in the Irish Examiner are contained in an affidavit to Court by a prison officer in relation to a personnel issue. The House will understand that I am constrained in what I can say about these proceedings before the courts. That said, these allegations raise serious issues which need to be addressed.

I have asked the Inspector of Prisons to carry out an urgent preliminary investigation into the allegations to determine as far as possible the facts. This investigation will be a statutory investigation under section 31 of the Prisons Act 2007. This report, when finalised, will allow me to consider whether further steps need to be taken, such as a more formal inquiry.

It should be noted that section 31 (7) of the 2007 Act provides that Governors, other prison officers and other persons employed in prisons shall, as far as reasonably practicable, comply with any request for information that the Inspector may make in the performance of her functions, which include the function of carrying out an investigation under subsection (2). In addition, the acting Director General of the Prison Service has made clear that the Prison Service will co-operate fully with an investigation by the Inspector of Prisons. The Inspector of Prisons will therefore have full access to relevant documentation and personnel in Prison Service Headquarters or elsewhere in the Prison Service in her investigation.

An Garda Síochána are also examining the allegations and I understand they will coordinate, if needed, with the Inspector in relation to her investigation.

Garda Resources

39. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which adequate resources continue to be made available to An Garda Síochána at organisational level and technical level to enhance its ability to tackle organised crime; and if he will make a statement on the matter. [49812/18]

Minister for Justice and Equality (Deputy Charles Flanagan): In the first instance, I want to clarify that it is the Garda Commissioner who is responsible for the allocation of the very substantial resources that An Garda Síochána receives. The allocation of Garda resources are a matter for the Commissioner, in light of his identified operational demands. Garda management keeps this distribution of resources under continual review in the context of crime trends and policing priorities.

A core focus of the work carried out by An Garda Síochána is aimed at tackling drugs and organised crime. An Garda Síochána continues to develop and implement operations and strategies to target, dismantle and disrupt organised criminal networks, utilising advanced analytical and intelligence methodologies. It is important to note that Gardaí, supported by the significant resources allocated to it by this Government, have made important progress in tackling the insidious threat of organised crime. The resources available to the Commissioner have reached unprecedented levels, I am pleased that Budget 2019 provides for the continuation of this increase in resources with an increase of €110 million in the Garda Vote to bring total provision available in 2019 to €1.76 billion which includes up to €95 million for the payment of overtime.

The Criminal Assets Bureau was established as a national multi-disciplinary agency specialising in the targeting of proceeds of crime. The Bureau draws together the necessary expertise from a number of Departments and agencies. The Bureau has for some considerable time maintained a presence in each of the Garda Divisions through the operation of the Divisional Assets Profiler Programme. Under this Programme asset profilers are providing a criminal asset profiling service across the Garda Divisions in relation to persons or suspects operating within the area, with particular reference to those involved in serious and organised crime. The Bureau utilises the local knowledge supplied to it by the asset profilers which allows the Bureau to target the proceeds of crime in local communities. I can inform the Deputy that a number of legislative measures have been introduced to tackle gang-related and associated crime including the Proceeds of Crime (Amendment) Act 2016 which provides additional powers for Gardaí; in

particular, powers to allow for the immediate seizure of assets suspected of being the proceeds of crime to prevent them being disposed of.

Since the reopening of the Garda College in September 2014, almost 2,200 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide. I look forward to attending the attestation of another 200 recruits tomorrow which will see Garda numbers reach 14,000 by the end of this year. This and on-going recruitment will clearly provide significant additional policing hours throughout the country, both in terms of the increase in new Gardaí and the redeployment of Gardaí to frontline policing duties due to civilianisation of their current roles. These new resources coming on stream has allowed the Commissioner to allocate additional resources to the specialist bureaus that comprise Garda Special Crime Operations including the Garda National Drugs and Organised Crime Bureau.

The Garda capital allocation has increased from €61 million to €92 million in 2019, a 50% increase. This will facilitate investment of around €65 million in ICT which is now an important element of the fight against organised crime. This substantial investment will provide new and leading edge technology to support our front line Gardaí in their daily work in tackling the scourge of organised crime in our communities.

I can assure the Deputy that I remain in close contact with the Commissioner to ensure that the necessary resources are available to An Garda Síochána to robustly confront and tackle those involved in organised criminal activity.

Asylum Seeker Employment

40. **Deputy Mick Wallace** asked the Minister for Justice and Equality the number of asylum seekers that have been granted the right to work since June 2018; his views on the fact that the limitations imposed are stopping asylum seekers from obtaining work; and if he will make a statement on the matter. [49792/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The European Communities (Reception Conditions) Regulations 2018, which I signed into effect from 30 June 2018, includes access to the labour market for qualified international protection applicants.

My Department provides confirmation in writing to any qualified applicant of their entitlement to access the labour market, for use when they apply for a job or become self employed. It is a free, easy to use, accessible service with a very short turn around from receipt of application to the sending out of the workplace permission. It is a very broad access to the workplace.

I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that since the introduction of the Regulations, 2,521 international protection applicants have applied for a permission to access the labour market of which 1,743 were granted a permission and 739 were ineligible mainly due to the fact that they had already received a first instance decision and were found not to have established their claim for international protection.

Qualified applicants are those who have not received a first instance decision within nine months, once the applicant meets that criteria there is no impediment in them getting the permission quickly and lawfully engaging in labour market activity.

A permission to access the labour market is valid for a period of six months which may be renewed if the applicant has not received a final decision on their application within this time-frame. As the Deputy will be aware, when an individual applies for international protection in Ireland they are given a temporary permission to remain in the State to allow their application to

be processed. The permission is temporary pending the processing of their application during which an applicant has not established a right to remain in the State on a permanent basis. The processing of an application for international protection may result in a person being granted status, in which case they are entitled to access the labour market on the same basis as an Irish national.

It is also the case that the examination of an application for international protection can conclude that the applicant is not entitled to international protection and is not entitled to remain in the State and in that context it is appropriate that the labour market access permission is valid for a defined period of time.

The Regulations I have referred to provide access to both employment and self-employment in all sectors and categories of employment with the exception of the Civil and Public Service, An Garda Síochána and Defence Forces. The rationale for this is that it is a standard requirement of the Public Appointments Service when advertising a position in the Irish Public Service that eligibility to complete is open to citizens of the European Economic Area (EEA). Similar provisions apply in respect of Garda and Defence Force recruitment. This is the only limitation in relation to the labour market imposed by the regulations.

I am unaware of any other limitation that the Deputy may be referring to other than in order to ensure that applicants are not exposed to the risk of exploitation or discrimination within the labour market, employers are required to apply the 50-50 rule when employing eligible applicants. This rule required employers to show that at least 50% of their employees are EEA nationals. Applicants will therefore have a national comparator within the workplace to safeguard their rights. I do not see this as a limitation but as an essential workplace protection for the workers involved.

Crime Prevention

41. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality the status of the Greentown programme; and when the report will be released. [45788/18]

Minister of State at the Department of Justice and Equality (Deputy David Stanton): The “Greentown Report”, about the influence of criminal networks on children in Ireland, was produced by the REPPP Project, (Research Evidence into Policy, Programmes and Practice), at the School of Law in the University of Limerick (UL), and was published in December 2016. The REPPP project is a strategic research partnership between UL and the Department of Children and Youth Affairs, and it also receives project funding from my own Department.

The Greentown Report identifies crime networks as a separate and plausible risk factor underlying criminal offending by certain children. It outlines how the influence of criminal networks increases the level of offending by a small number of children and entraps them in offending situations.

In the absence of international models of intervention that could be readily deployed, the original Greentown report recommended the design of a programme to include interventions with children and their families to help them withstand the influence of criminal networks. The REPPP project team implemented a bespoke design process to produce a model for an Irish evidence-informed intervention programme. This new “Greentown Programme” has been designed with the input of leading international expertise on crime and criminal networks, together with Irish scientific, policy and practice expertise in child protection and welfare, drugs and community development.

I understand that proposals for a Greentown Programme intervention model are expected to be finalised early in 2019. I am also advised that it is intended to commence a trial of the Greentown Programme approach, on a pilot basis, in one locality during 2019.

In addition, the Deputy may wish to note that further development of this work has seen the initial Greentown case study being repeated in two new locations and a national survey of specialist Garda Juvenile Liaison Officers (JLOs) has been carried out to gauge the prevalence of the issues identified.

I understand that the two case studies will be completed by the end of 2018 with the intention that the outcome of the case studies and the results of the national JLO survey will be published in 2019.

Garda Deployment

42. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality the number of gardaí in County Donegal in each of the past ten years; and if he will make a statement on the matter. [49590/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will appreciate, 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.

The resourcing of each Garda division and Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategies, are continually monitored and reviewed in the context of crime trends and policing priorities. Such monitoring ensures that optimum use is made of Garda Resources and the best possible Garda service is provided to the general public.

The Deputy will be aware that An Garda Síochána is currently undertaking a programme of accelerated recruitment, as part of the Government's commitment to a strengthened service through the Five Year High Level Reform and Workforce Plan to achieve an overall workforce of 21,000 personnel by 2021, including 15,000 Garda members. To support the Commissioner in this recruitment, I have also secured funding in Budget 2019 which facilitates the recruitment of up to 800 more Gardaí next year. The Budget also provides for the necessary civilian Garda staff to fill critical skills gaps and enable the further redeployment of Gardaí to front line duties.

The Garda strength by Station and Rank for the Donegal Division, in each of the years 2009 to 31 October 2018 is available on my Department's website through the link:

Garda Data

For more general information on Garda Facts and Figures please see the link:

http://www.justice.ie/en/JELR/Pages/An_Garda_Siochana_facts_and_figures.

Garda Code of Ethics

43. **Deputy Aindrias Moynihan** asked the Minister for Justice and Equality the steps being taken in relation to equality, diversity and inclusion in An Garda Síochána; and if he will make a statement on the matter. [49810/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will be aware, the Garda Commissioner is statutorily responsible for the management of An Garda Síochána.

I am informed by the Commissioner that the development of a Garda Diversity and Inclusion Strategy 2018-2021 is at an advanced stage and is expected to be completed in the near future. The strategy will aim to recognise, acknowledge and respect diversity in Irish society, to attract, retain and develop a diverse workforce, and to provide opportunities for people to self-develop and promote their mental, physical, social health and sense of belonging. The strategy will also have regard to the Irish Human Rights and Equality Commission Act, 2014, specifically Section 42 which states that a public body shall, in the performance of its functions, have regard to the need to, eliminate discrimination, promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and protect the human rights of its members, staff and the persons to whom it provides services.

The Garda Code of Ethic commits every person working in An Garda Síochána to recognising and respecting the dignity and equal human rights of all people. It also commits to opposing and challenging any behaviour or language that demonstrates discrimination or disrespect, in particular with regard to vulnerable individuals or minority groups. To date in excess of 10,900 Garda members and staff have received training in relation to the Code.

I am assured by the Garda Commissioner that he recognises the importance of recruiting into An Garda Síochána from a wide cross-section of the population so that the organisation provides a policing service that reflects the growing diversity of Irish society. To support this a concerted effort is being made to encourage minority communities to consider a career in An Garda Síochána. Recent recruitment campaigns have made a significant effort through on-line videos and other media to attract candidates from minority communities and diverse social groups. In the most recent recruitment campaign a series of videos and text were produced in multiple languages including English, Irish, French, Spanish, Italian and Arabic. They were published on the Garda Facebook page which has more than 180,000 followers.

As the Deputy will be aware the Commission on the Future of Policing in Ireland published its report on 18 September. One of the Report's key recommendations is that An Garda Síochána should reflect the diversity of Irish society, not only in gender and ethnicity, but also in terms of socio-economic, educational and geographical backgrounds. It also recommends that An Garda Síochána needs to develop recruitment strategies which reach a more diverse intake. The Government noted this Report on publication and my Department is currently consulting widely on the issues raised including with the Garda Commissioner in advance of me returning to Government in December with my views on the recommendations and a high level implementation plan.

Courts Service

44. **Deputy Jim O'Callaghan** asked the Minister for Justice and Equality the status of the review into the conduct of rape trials announced by him in June 2018; and if he will make a statement on the matter. [49599/18]

Minister for Justice and Equality (Deputy Charles Flanagan): In the first instance, I wish to state that it is vitally important that victims of sexual assault feel able to report the matter to An Garda Síochána. And it is equally important that complainants in sexual assault cases are spared any unnecessary distress in the investigation and prosecution of such cases.

As the Deputy has noted, a review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences is currently underway. The review will examine the entire legal process around sexual offences, from the initial reporting of an offence through to the end of any court proceedings. The review is particularly concerned with the treatment of complainants and vulnerable witnesses throughout this process.

Terms of Reference for the review have been published. The review will examine the adequacy of the mechanisms available in law and practice to protect vulnerable witnesses in the investigation and prosecution of sexual offences, including access to specialist training for An Garda Síochána, members of the judiciary and legal professionals dealing with sexual offences; practical supports for vulnerable witnesses; provision of additional legal supports to witnesses during the court processes; measures in place to protect vulnerable witnesses during evidence; and restrictions on public attendance at, and media reporting on, trials of sexual offences.

Mr. Tom O' Malley BL., Senior Lecturer in Law at NUI Galway and member of the Law Reform Commission, has been appointed to chair the working group carrying out the review. He is joined by representatives of the Garda Síochána, the Director of Public Prosecutions, the Probation Service, the Courts Service and my own Department.

The working group will have regard to research published in this area, submissions from victims organisations and individuals and will carry out consultations with relevant stakeholders.

In this context, I would like to point out that the impetus for this review arose from a round of consultations with NGOs that I undertook in April. I met with NGOs including the Rape Crisis Network Ireland, the Dublin Rape Crisis Centre, One in Four and the National Women's Council of Ireland in April. Their submissions - and in particular a recently published report by the Rape Crisis Network of Ireland entitled "Hearing Every Voice – Towards a New Strategy on Vulnerable Witnesses in Legal Proceedings" – influenced the terms of reference of the Working Group which has been asked to pay close attention to their recommendations. I'd like to thank the NGOs for their very valuable input into this process.

It is expected that the review group will provide a final report to me in early 2019. While the outcome of the review cannot be pre-empted, I very much look forward to its recommendations, which will be very carefully considered.

Garda Deployment

45. Deputy Brendan Smith asked the Minister for Justice and Equality his views on the need to provide additional staffing resources to the Border region; and if he will make a statement on the matter. [49658/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will appreciate, 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.

The resourcing of each Garda division and Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategies, are continually monitored and reviewed in the context of crime trends and policing priorities. Such monitoring ensures that optimum use is made of Garda Resources and the best possible Garda service is provided to the general public.

The Deputy will be aware that An Garda Síochána is currently undertaking a programme of accelerated recruitment, as part of the Government's commitment to a strengthened service through the Five Year High Level Reform and Workforce Plan to achieve an overall workforce of 21,000 personnel by 2021, including 15,000 Garda members. To support the Commissioner in this recruitment, I have also secured funding in Budget 2019 which facilitates the recruitment of up to 800 more Gardaí next year. The Budget also provides for the necessary civilian Garda staff to fill critical skills gaps and enable the further redeployment of Gardaí to front line duties.

The Deputy will also be aware that there is close and ongoing cooperation between An Garda Síochána and the PSNI on all aspects of policing, with a particular focus on combatting security threats and cross-border crime. The Garda Commissioner and the Chief Constable of the PSNI, who are responsible for operational policing cooperation, have repeatedly emphasised the value of this co-operation between the two police services in combating crime, protecting community safety and saving lives. The two police services operate a joint Cross-Border Policing Strategy which has as its aims to improve public safety throughout Ireland, to disrupt criminal activity and to enhance the policing capability of both police services on the island.

The Garda strength by Station and Rank for the Cavan/Monaghan Division, as provided by the Garda Commissioner is available on my Department's website through the link:

Garda Data

For more general information on Garda Facts and Figures please see the link:

http://www.justice.ie/en/JELR/Pages/An_Garda_Siochana_facts_and_figures.

Question No. 46 answered with Question No. 36.

Law Reform Commission

47. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality his views on the Garda submission to the Law Reform Commission on white-collar crime; the measures he is taking to address the areas highlighted by An Garda Síochána; and if he will make a statement on the matter. [49661/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As I understand it, An Garda Síochána made a submission directly to the Law Reform Commission during their public consultation phase. I have not received the submission in question, and so don't propose to comment on its detail.

For the information of the Deputy, Mr James Hamilton, former DPP and Anti-Corruption expert, is chairing a Review of Ireland's Anti-Fraud and Anti-Corruption structures. This review is an Action Point, assigned to the Department of Justice & Equality, contained in the Government's plan to tackle White Collar Crime, which was launched last November. Attendees include all State bodies involved in the detection, prevention, investigation and prosecution of White Collar Crime.

The Law Reform Commission report on Regulatory Powers and Corporate Offences will be considered in detail by Mr Hamilton and his review group who had preliminary discussions about the report on 1 November. The Group is working to a tight timeline and is due to report in June 2019.

In addition, as the Deputy will be aware, a number of important initiatives have recently

commenced and extensive legislation was passed into law on 5 June 2018 and commenced in full on 30 July. The Criminal Justice (Corruption Offences) Act introduces a number of additional offences to give better effect to the UN Convention against Corruption (UNCAC), the Council of Europe Criminal Law Convention on Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, as well as providing for some of the recommendations of the Mahon Tribunal.

The Act creates several new offences to strengthen the law on corruption in Ireland. New offences include:

- Offering or agreeing to accept a gift, consideration or advantage to induce another person to exert an improper influence over an act of a foreign or public official
- Making use of confidential information obtained in the course of duties by an official in order to gain an advantage.
- Giving a gift, consideration or advantage where a person knows or reasonably ought to know that the gift will be used to facilitate a corruption offence.
- A new strict liability offence for corporate bodies whose management, employees or subsidiaries commit a corruption offence with the intention of securing an advantage for the company. It shall be a defence for the body corporate to prove they took reasonable steps to prevent this. The penalty for conviction on indictment is an unlimited fine.

The Act extends the categories of persons, to whom the presumptions relating to corrupt donations will apply, to include family members and close business associates, as recommended by the Mahon Tribunal. It also creates a presumption of corrupt enrichment whereby a public official who has not declared an interest in land or other property, when obliged to do so, can be presumed to have obtained it as an inducement or reward for doing an act in relation to his or her office.

Penalties under the Act aim to be sufficiently strong to reflect the serious social and economic harm corruption can do, particularly when committed by public officials. Sentences of up to 10 years are provided for as well as unlimited fines upon conviction on indictment. The Act provides for a penalty of forfeiture of office if an Irish official is found guilty of corruption on indictment, as recommended by UNCAC. The forfeiture of office penalty will not apply where there is already a process for a position to be terminated by resolution of both Houses of the Oireachtas, or where the power of removal is derived from a Constitutional power.

More generally, the responsibility to develop and implement anti-corruption policies does not rest with any one single body or Department in Ireland. The competence to prevent, detect, investigate and prosecute corruption is spread across An Garda Síochána and a number of other agencies with a mandate to tackle corruption. These include tribunals of inquiry, commissions of investigation, inspectors, the Central Bank of Ireland, the Standards in Public Office Commission (SIPO), local authorities, the Ombudsman, Parliamentary Committees on Members' Interests, the Garda National Economic Crime Bureau, the Criminal Assets Bureau (CAB), the Office of the Director of Corporate Enforcement (ODCE), the Comptroller and Auditor General, the Public Accounts Committee and the Director of Public Prosecutions.

Equally, legislative provisions to prevent corruption are manifold and not exclusive to my Department. For example, the Ethics in Public Office Act 1995, as amended by the Standards in Public Office Act 2001, addresses the ethical conduct of public officials and the lobbying of public officials is covered by the Regulation of Lobbying Act 2015. The Standards in Public Office Commission is responsible for regulatory functions in relation to these statutes. Likewise,

transparency and whistleblowing provisions are provided for via the Freedom of Information Act 2014 and the Protected Disclosures Act 2014. Additionally, policy and procedures relating to public procurement are primarily the responsibility of the Office of Government Procurement. There are many further features to effective anti-corruption policy framework, including anti money laundering provisions, tax transparency, and the enforcement of company law.

Commission on the Future of Policing Reports

48. **Deputy Mick Wallace** asked the Minister for Justice and Equality his plans to implement the recommendations in the Commission on the Future of Policing Report; his views on the fact that some of the recommendations may dilute accountability; and the recommendations he will be implementing. [49794/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will be aware the Commission on the Future of Policing published its report on 18 September. The report contains a wide range of recommendations which comprehensively address all the themes set out in the Commission's terms of reference.

The Report makes many innovative proposals aimed at strengthening our national security arrangements; empowering the Garda Commissioner to ensure more effective management of the Garda organisation; supporting the governance of the Garda organisation through the introduction of a Board and reforming the method of recruitment and training of Gardaí. It also makes recommendations on external oversight arrangements as well as a recommendation on the Commissioner's future engagement with the Oireachtas.

This is a major report on one of the key functions of the State and it is receiving thorough consideration. My Department is undertaking a detailed consultation process with the Commissioner and the oversight bodies as well as other Departments which are potentially impacted by the report's recommendations. In addition, I look forward to hearing the response of the Joint Oireachtas Committee on Justice and Equality to the report in the coming days. Once this process is complete I will return to Government in December to discuss my substantive response to the report, as well as a high level implementation plan.

I would take this opportunity to refer to the public commentary to date on the Commission's proposals to ensure effective accountability, some of which appears to be based on a misunderstanding of the report, and in particular, a sense that public scrutiny of An Garda Síochána would disappear. It is clear from the report that public scrutiny, perhaps the strongest tool at the disposal of the Policing Authority would continue under any new arrangements. I note that the Chair of the Commission, Ms Kathleen O'Toole also took the opportunity to address this misunderstanding during her engagement with the Joint Justice and Equality Committee on 7 November.

On the publication of the report in September, I set out my intention to move quickly on establishing the implementation structures recommended by the Commission to drive forward the transformation programme. There has been very significant progress in this regard. The Implementation Group on Policing Reform (the IGPR) has been established as recommended by the Commission. I am pleased to say that Ms Helen Ryan, a member of the Commission, has agreed to act as chair. The IGPR is supported by an Implementation Programme Office established in the Department of the Taoiseach.

While the programme of reform that the Commission has outlined is undoubtedly an opportunity for transformational change, it is also extremely challenging, requiring actions across

Government. It is prudent that we take some time now to ensure that the necessary structures and resources are in place to deliver this programme of transformation. It will take time to fully implement the recommendations in the report and the Commission has suggested that the centenary of the establishment of An Garda Síochána in 2022 would be an appropriate target for the transformation to be completed. I share that ambition.

Direct Provision System

49. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Justice and Equality the steps being taken to ensure that residents in direct provision centres are being advised of their right to vote in local elections in 2019; and the way in which contact with candidates will be facilitated in order that residents can engage fully with the democratic process. [49718/18]

Minister of State at the Department of Justice and Equality (Deputy David Stanton): The Department of Justice and Equality, through the Reception & Integration Agency (RIA), has always facilitated and encouraged the registration of and voting by protection applicants in local elections.

The general policy in relation to local elections has been to allow candidates to drop off election leaflets which could be placed in a common area in the centre where they could be picked up by residents. Candidates can provide, on the leaflets, contact details or times of political meetings in the local community that residents can attend.

Residents are also advised as to how they may register with the relevant local authority so that they may vote in elections as appropriate.

A reminder of this policy will issue to all centre managers and residents in the run up to future local elections.

Given the particular nature of the accommodation provided in centres, there are a number of factors that would deter unrestricted access by candidates to the private living quarters of residents. These include, the communal nature of the accommodation system and the many practical and logistical difficulties that would arise for centre managers in providing unsupervised access in circumstances where families and children live together.

This general policy ensures that there are no restrictions placed on residents' voting rights, or on their rights to access whatever information candidates wish to convey to them, or on any rights to meet with candidates in the public areas of centres. It also ensures privacy in the residential units and the on-going protection of children in the centre.

There is also an opportunity for the newly established Friends of the Centre group at each centre to provide information to residents on how to register to vote and on the importance of local government within the political structure of the State. The Friends of the Centre groups can also raise awareness in an informal way about the importance of voting.

Question No. 50 answered with Question No. 25.

Naval Service Staff

51. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence further to Parliamentary Question No. 87 of 21 November 2018, the number of seamen by recruits, ordinary seamen and able seamen. [49932/18]

Minister of State at the Department of Defence (Deputy Paul Kehoe): The establishment figure for Seamen is 402. The Military Authorities have informed me that, as of 31 October 2018, the number of seamen by recruits, ordinary seamen and able seamen was as follows:

Able Seaman	Ordinary Seaman	Recruit
377	0	38

Naval Service Data

52. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence the breakdown of all Naval Service members by rank, branch and trade. [49945/18]

Minister of State at the Department of Defence (Deputy Paul Kehoe): It is not possible to provide the information requested by the Deputy in the time available. I shall revert with the information when it has been provided by the military authorities.

Army Personnel

53. **Deputy Willie O'Dea** asked the Taoiseach and Minister for Defence when a person (details supplied) will be appointed to a position in barracks; and if he will make a statement on the matter. [50045/18]

Minister of State at the Department of Defence (Deputy Paul Kehoe): Approval has been granted, for the person to whom the Deputy refers, to assume the role of Barrack Foreman of Works on an acting up basis, with effect from July 2018. This sanction does not constitute an appointment to the position on a substantive basis. This was advised to military management by my Department. Substantive appointments would only arise following completion of a competition for Barrack Foreman of Works.

Humanitarian Aid Provision

54. **Deputy John Lahart** asked the Tánaiste and Minister for Foreign Affairs and Trade his plans to increase Ireland's diplomatic efforts through the EU to assist peace talks in South Sudan; and if he will make a statement on the matter. [49839/18]

55. **Deputy John Lahart** asked the Tánaiste and Minister for Foreign Affairs and Trade his plans to continue to support humanitarian efforts in South Sudan; and if he will make a statement on the matter. [49840/18]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I propose to take Questions Nos. 54 and 55 together.

South Sudan continues to endure a terrible humanitarian crisis, primarily the consequence of conflict. I am deeply concerned by the continued high level of violence, and by reports of violations of human rights and international humanitarian law, which perpetuate the crisis and impact negatively on its scale.

The current conflict began in 2013 and has had devastating consequences for civilians. The war, compounded by drought, has led to severe food insecurity and caused massive population displacement and suffering throughout the country, with women and girls suffering the most. More than 400,000 people have died and an estimated 7 million people are currently in need of

humanitarian assistance.

On 12 September last, the President of South Sudan, Salva Kiir, signed a peace agreement with the opposition. While this peace agreement has the potential to mark a new departure, it is critical that South Sudan's leaders implement it without delay. Achieving lasting peace will require sustained effort and commitment as well as a genuinely inclusive approach to building the future South Sudan.

Ireland strongly supports efforts to build peace in South Sudan. In November 2017, during his visit to Addis Ababa, the Tánaiste met representatives of IGAD (Intergovernmental Authority on Development) and the African Union to discuss the situation in South Sudan. On that visit, the Tánaiste announced funding to the IGAD High Level Revitalization Forum, the process which delivered the revised peace agreement. Ireland will continue to support IGAD's work on monitoring and evaluating the implementation of the agreement in 2019.

Our Embassy in Addis Ababa, which is accredited to South Sudan, monitors the situation and engages with local, regional and international parties on an ongoing basis. The Irish Ambassador in Addis Ababa visits Juba frequently, including this week, where she meets with key government, UN, NGO, Red Cross and diplomatic partners, including the EU Delegation.

We are committed to supporting efforts towards peace in South Sudan, and have contributed to projects aimed at peacebuilding. In 2018, this has included supporting partners' meditation efforts and to empower civil society, in particular women's groups, to facilitate their engagement in peace processes. As well as our direct bilateral support, we are also actively involved in the efforts of the EU to support peace in South Sudan. Two officials from the Department of Foreign Affairs and Trade have been seconded to the EU Delegation in South Sudan, including one as head of Mission. The EU Delegation is strongly supportive of the peace process, in particular by providing support to the implementing and monitoring bodies of the peace agreement. The Tánaiste discussed these efforts with the EU Special Representative for the Horn of Africa, Alexander Rondos, when he visited Dublin on 7 November.

While a sustained resolution to the conflict is the ultimate goal, we have a duty now to deal with immediate humanitarian needs. Since 2012, Ireland has provided €61 million in direct humanitarian assistance to South Sudan. Over €10 million in Irish funding has been provided so far this year, including to Irish NGOs to assist them in reaching the most vulnerable. Christian Aid, Concern Worldwide, Oxfam, Trócaire and World Vision, with support from Irish Aid, are working in partnership with local organisations and NGO networks to provide lifesaving supplies to meet the basic needs of those suffering from the conflict.

As well as this direct bilateral aid, Ireland has also contributed significantly to humanitarian support in South Sudan through the multilateral system. Ireland is a significant contributor to the UN's Central Emergency Response Fund, which has allocated \$187 million to alleviate the crisis in South Sudan since 2011, as well as to the EU, which has provided more than €90 million so far this year.

With humanitarian needs likely to remain acute in 2019, Irish funding will continue to support both those in need inside South Sudan as well as South Sudanese refugees in neighbouring countries.

Brexit Issues

56. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if the United Kingdom will be leaving the European Economic Area on 29 March 2019

even if the transition arrangement is agreed; and if he will make a statement on the matter. [49878/18]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): While the United Kingdom's European Union (Withdrawal) Act 2018 does not make specific provision for withdrawal from the EEA Agreement, in the accompanying Explanatory Note it is stated that "withdrawing from the EU means the UK will also cease to participate in the European Economic Area (EEA) Agreement as the UK will fall outside the geographic scope of the Agreement and will therefore no longer be a member of the EEA."

Brexit Issues

57. **Deputy Michael McGrath** asked the Minister for Finance if analysis has been undertaken by his Department or by the Revenue Commissioners on the possible impact the United Kingdom leaving the European Union will have on the legislation governing the tax code and the application of the tax code; the potential legislative changes that will be required to account for this impact; and if he will make a statement on the matter. [49879/18]

58. **Deputy Michael McGrath** asked the Minister for Finance his plans to bring forward legislation that will add the United Kingdom of Great Britain and Northern Ireland to parts of the legislative tax code that refer to member states, member states of the European Union or EEA states, in particular with regard to the Stamp Duties Consolidation Act 1999 and the Tax Consolidation Act 1997; and if he will make a statement on the matter. [49880/18]

73. **Deputy Michael McGrath** asked the Minister for Finance the way in which section 80(10)(a) of the Stamp Duty Consolidation Act 1999 will operate once the UK leaves the EU and the EEA on 29 March 2019; if companies in Northern Ireland will no longer qualify for the provisions in section 80 of the Stamp Duty Consolidation Act 1999 after this date; and if he will make a statement on the matter. [49971/18]

74. **Deputy Michael McGrath** asked the Minister for Finance the way in which section 615(2)(b) of the Tax Consolidation Act 1997 will operate for the purposes of capital gains tax relief once the UK leaves the EU and the EEA on 29 March 2019; if companies in Northern Ireland will no longer qualify for capital gains tax relief; and if he will make a statement on the matter. [49972/18]

75. **Deputy Michael McGrath** asked the Minister for Finance the way in which agricultural relief from capital gains tax and stamp duty will apply for farms or agricultural land in cases in which a portion is in the territory of Northern Ireland and the other portion is in the territory of the Republic of Ireland; and if he will make a statement on the matter. [49973/18]

Minister for Finance (Deputy Paschal Donohoe): I propose to take Questions Nos. 57, 58 and 73 to 75, inclusive, together.

The Department of Finance has been assessing and preparing for the impact of Brexit since before the referendum on 23 June 2016. This work is being carried out within the whole-of-Government structures established by the Department of Foreign Affairs. It includes scoping legislative requirements and preparing draft legislation for all Brexit scenarios. As part of this work, the Department of Finance is working closely with the Revenue Commissioners on the implications of Brexit for the tax code to ensure that any necessary legislative arrangements are put in place. This work will be progressed as part of an overall Government legislative programme for managing Brexit.

In addition to the wider Governmental work, the Department undertakes a rolling analysis focusing on the key Brexit related policy issues, which includes taxation. The implications of Brexit on the tax code was analysed in two papers as part of the Tax Strategy Group (TSG) in 2017 and 2018. TSG 17-09 – BREXIT Taxation Issues and TSG 18-08 – Brexit.

On 25 November 2018 the European Council endorsed the Agreement on the withdrawal of the UK from the EU, and approved the Political Declaration setting out the framework for the future relationship. The Irish Government has been clear that it seeks the closest possible relationship between the EU and the UK, post Brexit, to ensure that the impact on our trade and economy is as minimal as possible.

As part of the Withdrawal Agreement, a transition period has been agreed within the context of the UK's withdrawal from the EU, during which the EU and the UK will negotiate an agreement on their future relationship. During the transition period, the whole of the EU acquis, will apply to the UK which will preserve the status quo during that period, thus avoiding any gaps or cliff edge effects between the UK leaving the EU and the intervening period before a future relationship agreement enters into force. It is therefore not appropriate to comment or speculate on the future EU-UK relationship and its implications for taxation or indeed any specific tax reliefs.

Brexit Issues

59. **Deputy Michael McGrath** asked the Minister for Finance if analysis has been undertaken by his Department or by the Central Bank on the possible impact the United Kingdom leaving the European Union will have on the legislation governing financial regulation, including consumer protection and the application of that regulation; the potential legislative changes that will be required to account for this impact; and if he will make a statement on the matter. [49881/18]

60. **Deputy Michael McGrath** asked the Minister for Finance his plans to bring forward legislation that will add the United Kingdom of Great Britain and Northern Ireland to legislation governing financial regulation, including consumer protection in cases in which member states, member states of the European Union or in a EEA state are referred to; and if he will make a statement on the matter. [49882/18]

Minister for Finance (Deputy Paschal Donohoe): I propose to take Questions Nos. 59 and 60 together.

The Department of Finance has been assessing and preparing for the impact of Brexit since before the referendum on 23 June 2016. This work is being carried out within the whole-of-Government structures established by the Department of Foreign Affairs. As part of this work all Departments have been tasked by the Government to rollout detailed action plans with a view to advancing, as appropriate, the mitigating measures which have been identified in the areas of their responsibility from the planning to the implementation phase.

My Department is actively engaged in this work which has intensified in recent months and is now well advanced. It includes examining relevant acts including the Financial Services and Pensions Act 2017, scoping legislative requirements and preparing draft legislation for all Brexit scenarios.

The Department is also working closely with the Central Bank on the implications of Brexit. The Central Bank have been engaged in Brexit planning since before the UK referendum. The Bank is working to ensure that financial services firms are adequately prepared to cope with the

possible effects of Brexit, with as little disruption to consumers as possible.

Vehicle Registration

61. **Deputy Fergus O'Dowd** asked the Minister for Finance if concerns raised in correspondence by a person (details supplied) will receive a reply; if the number of vehicles required on roads will increase, which would be contrary to emission reduction targets; and if he will make a statement on the matter. [49920/18]

Minister for Finance (Deputy Paschal Donohoe): Section 53, Finance Act 2017 amended section 130, Finance Act 1992 by moving category N1 vehicles with 4 or more seats and to which a BE bodywork code has not been assigned from the preferential VRT category B into the higher VRT category A.

The vehicles affected include a number of models that are commonly referred to as “sports utility vehicles” that are typically used for private purposes but their design placed them in the preferential VRT category. The purpose of the amendment is to move these vehicles into the higher VRT category. Vehicles with fewer than 4 seats remain in the preferential VRT category, as do vehicles that have any number of seats and are manufactured as pick-ups with the seating and goods compartments separated from each other. The conditions governing VAT and what is or is not reclaimable have not been affected by this amendment.

It is not expected that this measure will increase the number of vehicles on the road. The market offers a range of vehicles suitable for commercial purposes at the preferential category B rate. In fact, in time, the measure may have a modestly positive environmental impact, to the extent that it will reduce the financial incentives to purchase passenger-use vehicles with high levels of CO2 emissions, as is the case with many of the vehicles that have been reclassified.

Employment Investment Incentive Scheme

62. **Deputy Eamon Scanlon** asked the Minister for Finance if he will examine a case (details supplied) with the Revenue Commissioners; and if he will make a statement on the matter. [49909/18]

Minister for Finance (Deputy Paschal Donohoe): The Employment and Investment Incentive (“EII”) is an incentive whereby investors can claim relief for investments in qualifying companies.

EII is a State Aid. In 2015 it came within the scope of the European Commission’s General Block Exemption Regulation (“GBER”). A number of changes were made to EII in Finance Act 2015 and Finance Act 2017 to ensure conformity with GBER. The latter changes came into effect on 1 January 2018.

Revenue advise me that of the cases currently being processed by the EII Branch, over 80% have required follow-up correspondence. While some of those are requests for clarifications, the majority relate to incomplete applications. Revenue require that applications are completed in their entirety, with all necessary documentation included, as a decision will be delayed where Revenue must seek further information from a company. With regard to the particular case, Revenue advise me that the company applied for EII relief on 20 April 2018 and received a request for information on 22 June. The information requested was submitted to Revenue on 9 October and on 19 October. Revenue then issued a response on 23 November highlighting areas

where, based on the information provided, it believes the investment did not qualify for relief.

Regarding the issue of Revenue and contact from the public, Revenue advise me that its EII Branch has a dedicated phone line specifically for EII queries and the number is available at the following link:

www.revenue.ie/en/starting-a-business/initiatives-for-startup-businesses-and-smes/the-employment-and-investment-incentive-eii-for-companies.aspx.

This phone line is available between the hours of 9.30am to 1.30pm Monday to Friday to deal with queries from companies.

The Deputy also raised the issue of pre-approval; Revenue advise me that, under the EII legislative provisions currently in force, it offers “outline approval” to companies who are uncertain as to whether or not they are qualifying companies. Revenue further advise that this is an opinion that it issues, based on the information provided and processed in line with the presumption of honesty set out in their Customer Service Charter and that obtaining outline approval is not a guarantee that relief will be given. Whether or not an investment meets the criteria set out in law can only be determined once that investment is made.

Finally, as the Deputy may be aware, on foot of recommendations set out in the independent review of EII and the Start-Up Relief for Entrepreneurs scheme recently carried out by Indecon Economic Consultants, I have moved to change the administration of EII to a largely self-certification model in Finance Bill 2018. I expect that this change will enhance the efficient administration of the schemes.

The independent review was published in the annual Department of Finance Tax Expenditures Report 2018 and is available at the following link:

[www.budget.gov.ie/Budgets/2019/Documents/Tax%20Expenditures%20Report%202018%20FINAL%2017.10.18%20\(002\).pdf](http://www.budget.gov.ie/Budgets/2019/Documents/Tax%20Expenditures%20Report%202018%20FINAL%2017.10.18%20(002).pdf).

Tax Data

63. **Deputy Billy Kelleher** asked the Minister for Finance the cost in a full year based on latest data for a proposal (details supplied). [49914/18]

Minister for Finance (Deputy Paschal Donohoe): Companies are entitled to claim capital allowances in respect of certain capital expenditure, including expenditure on qualifying plant and machinery, intangible assets and industrial buildings. For example, plant and machinery is generally written down at a rate of 12.5% per year over 8 years.

I am informed by Revenue that information is not available on tax returns in respect of the annual amount of capital expenditure by companies on fixed assets. For this reason, it is not possible to provide an estimate of the cost of the proposal for a 100% first year allowance for smaller companies based on available Revenue data.

Tax Code

64. **Deputy Paul Murphy** asked the Minister for Finance if he will review the decision to subject refunds for medical treatment which are part of the terms and conditions of employees and pensioners of a company (details supplied) to tax; and if he will make a statement on the

matter. [49938/18]

Minister for Finance (Deputy Paschal Donohoe): The Deputy will be aware that the administration of the tax code is a matter for Revenue. The Deputy will also be aware that, in accordance with the provisions of the Taxes Consolidation Act as regards the confidentiality of a taxpayer's affairs, Revenue does not comment on the tax affairs of individual taxpayers.

On the general point raised by the Deputy, I am advised by Revenue that where an employer provides refunds to employees or former employees in relation to medical services paid for by the employees or former employees, the amounts refunded are subject to PAYE taxation. I am further advised by Revenue that certain medical services provided to employees as a benefit in kind, for example, where an employer employs or pays a retainer to a general practitioner, can be provided free of tax. These provisions are set out in published guidelines, and all employers are entitled to make use of them.

Carbon Tax Yield

65. **Deputy Michael McGrath** asked the Minister for Finance the estimated yield of increasing the carbon tax by values (details supplied) by each carbon fuel type in tabular form; and if he will make a statement on the matter. [49948/18]

66. **Deputy Michael McGrath** asked the Minister for Finance the estimated yield per year of increasing the carbon tax incrementally from €20 per tonne to €100 per tonne over a five year period by each carbon fuel type in tabular form; and if he will make a statement on the matter. [49949/18]

67. **Deputy Michael McGrath** asked the Minister for Finance the estimated yield per year of increasing the carbon tax incrementally from €20 per tonne to €100 per tonne over a ten year period by each carbon fuel type in tabular form; and if he will make a statement on the matter. [49950/18]

Minister for Finance (Deputy Paschal Donohoe): I propose to take Questions Nos. 65 to 67, inclusive, together.

I am advised by Revenue that increasing the Carbon Tax from €20 per tonne to €100 per tonne by the values supplied would give the estimated yield for each carbon fuel type as shown in the table below. These estimates are based on the current volumes for each commodity and include both the increased Carbon Tax and the net VAT chargeable on that amount.

Carbon Tax Rate	€25	€30	€35	€40	€80	€100
	€m	€m	€m	€m	€m	€m
Auto-diesel	207	248	289	331	661	827
Petrol	69	83	96	110	220	275
Kerosene	74	89	104	119	237	297
Marked Gas Oil	73	88	103	118	235	294
LPG	12	15	17	20	39	49
Fuel Oil	2	3	3	4	7	9
Natural Gas	67	81	94	107	215	269
Peat Briquette	6	8	9	10	21	26
Coal	21	26	30	34	68	85

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Carbon Tax Rate	€25	€30	€35	€40	€80	€100
	€m	€m	€m	€m	€m	€m
Total	533	639	746	852	1,704	2,130

I am further advised by Revenue that increasing the Carbon Tax from €20 per tonne to €100 per tonne over a five-year or ten-year period would give the estimated yield for each carbon fuel type as shown in the tables below. These estimates are based on the current volumes for each commodity and include both the increased Carbon Tax and the net VAT chargeable on that amount.

-	Year 1	Year 2	Year 3	Year 4	Year 5
Carbon Tax Rate	€36	€52	€68	€84	€100
	€m	€m	€m	€m	€m
Auto-diesel	298	430	562	694	827
Petrol	99	143	187	231	275
Kerosene	107	154	202	249	297
Marked Gas Oil	106	153	200	247	294
LPG	18	26	33	41	49
Fuel Oil	3	5	6	7	9
Natural Gas	97	140	183	226	269
Peat Briquette	9	13	18	22	26
Coal	31	44	58	71	85
Total	767	1,108	1,449	1,790	2,130

-	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
	1	2	3	4	5	6	7	8	9	10
Carbon Tax Rate	€28	€36	€44	€52	€60	€68	€76	€84	€92	€100
	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m
Auto-diesel	231	298	364	430	496	562	628	694	760	827
Petrol	77	99	121	143	165	187	209	231	253	275
Kerosene	83	107	131	154	178	202	226	249	273	297
Marked Gas Oil	82	106	129	153	176	200	223	247	270	294
LPG	14	18	22	26	30	33	37	41	45	49
Fuel Oil	2	3	4	5	5	6	7	7	8	9
Natural Gas	75	97	118	140	161	183	204	226	247	269
Peat Briquette	7	9	11	13	15	18	20	22	24	26
Coal	24	31	37	44	51	58	65	71	78	85
Total	597	767	937	1,108	1,278	1,449	1,619	1,790	1,960	2,130

Tax Agreements

68. **Deputy Brendan Smith** asked the Minister for Finance if his attention has been drawn to the concerns of Irish citizens that were born in the United States of America but came to

live in Ireland at a very young age and that have retained their US citizenship and are now classed as accidental Americans (details supplied); and if he will make a statement on the matter. [49958/18]

Minister for Finance (Deputy Paschal Donohoe): The issue which that the Deputy has raised refers to Irish resident individuals who are US citizens but do not have economic links with the US. These individuals are subject to US tax on the basis of having US citizenship. The phrase “*accidental Americans*” has been used to refer to these individuals.

Ireland signed an Intergovernmental Agreement with the United States in December 2012 to implement the US Foreign Account Tax Compliance Act (FATCA). This Agreement provides for a bilateral, and reciprocal, exchange of information with the US. The information exchanged includes information in relation to financial accounts held in Irish Financial Institutions by US citizens.

Part of the information Irish Financial Institutions are required to report to Revenue, for transmission to the US, is the US Tax Identification Number (TIN) of the US account holder and an Irish Financial Institution is obliged to obtain a TIN from a US account holder. As “*accidental Americans*” were born in the US and are US citizens subject to US tax, the relevant information – including a US TIN – in relation to their accounts must be reported to Revenue under FATCA.

The issue of “*accidental Americans*”, and how the US tax system impacts on such US citizens who are not resident in the US, has been brought to the attention of the US authorities at EU level.

EU Regulations

69. **Deputy Michael McGrath** asked the Minister for Finance the way in which the €70,000 limit is calculated with regard to section 21(c)(iii) of the Finance Bill 2018 if a young farmer inherits a family farm worth €1 million; if the relief going towards the €70,000 limit would be €10,000 (1%), €60,000 (6%), or €50,000 (the difference between the two); if any part of a subsequent purchase of land charged at 6% stamp duty would count towards the €70,000; and if he will make a statement on the matter. [49967/18]

70. **Deputy Michael McGrath** asked the Minister for Finance when the €70,000 limit in section 21(c)(iii) of the Finance Bill 2018 begins to accumulate; if it applies to relief obtained from the enactment of the Bill or if it is retrospective in nature; if stamp duty relief received by a farmer that inherited land last year would count towards the €70,000 limit; and if he will make a statement on the matter. [49968/18]

71. **Deputy Michael McGrath** asked the Minister for Finance the rationale to impose limits as outlined in Article 18 of Commission Regulation (EU) No. 702/2014 of 25 June 2014; and if he will make a statement on the matter. [49969/18]

Minister for Finance (Deputy Paschal Donohoe): I propose to take Questions Nos. 69 to 71, inclusive, together.

Commission Regulation (EU) No. 702/2014 of 25 June 2014, commonly known as the Agricultural Block Exemption Regulation (ABER), is the Regulation under which certain categories of State aid can be granted to the agricultural and forestry sectors. In relation to question 49969/18, ABER entered into force on 1 July 2014 and has had direct effect in all Member States since then. This means that the ABER rules apply directly to beneficiaries in Ireland

regardless of our domestic Irish law and without having to be enacted in our tax legislation. Sections 21 (income tax and corporation tax measures) and 48 (stamp duty measures) of Finance Bill 2018 as passed by Dáil Éireann propose amendments to the relevant domestic tax legislation to provide greater clarity for the farming sector in relation to the ABER rules.

Article 18 of ABER sets out the specific requirements for the granting of start-up aid to young farmers, and the development of small farms, and stipulates, inter alia, that the amount of aid per young farmer is to be limited to €70,000. This limit is a lifetime limit that applies to the cumulative aid received under all schemes covered by Article 18 of ABER. The relevant schemes are:

- transfers of land to young trained farmers under section 81AA Stamp Duties Consolidation Act 1999;
- stock relief under section 667B Taxes Consolidation Act 1997;
- farm succession partnerships under section 667D Taxes Consolidation Act 1997.

The limits contained in the Finance Bill, once enacted, will be applied to claims for relief made in relation to stamp duty for transfers or conveyances of land executed on or after 1 January 2019, and for the year of assessment 2019 and subsequent years of assessment for stock relief and succession farm partnership relief. Anyone submitting a stamp duty return for conveyances or transfers of land executed on or after 1 January 2019, or income tax or corporation tax returns for the 2019 year of assessment onwards, must have regard to the amount of relief claimed since 1 July 2014. The total amount claimed over the period must not exceed €70,000.

As regards question 49967/18 and the example mentioned by the deputy, the inheritance of a family farm does not attract a stamp duty charge and, thus, is not affected by the €70,000 limit.

In relation to question 49968/18, I am advised by Revenue that the amount of aid granted under any of the three relevant schemes since 1 July 2014 must be taken into account when claiming any further relief in relation to stamp duty for transfers or conveyances of land executed on or after 1 January 2019, and for the year of assessment 2019 and subsequent years of assessment for stock relief and succession farm partnership relief. It should be emphasized that this is not a case of the retrospective application of the limit, as, as noted above, the EU Regulation that introduced it on 1 July 2014 had immediate legal effect in all EU Member States.

Revenue Documents Issuance

72. **Deputy Michael McGrath** asked the Minister for Finance if there is guidance from the Revenue Commissioners or otherwise for the farming sector in relation to section 21 of the Finance Bill 2018; and if he will make a statement on the matter. [49970/18]

Minister for Finance (Deputy Paschal Donohoe): Section 21 of Finance Bill 2018 includes a range of amendments to Part 23 of the Taxes Consolidation Act 1997 (Farming and Market Gardening). The principal changes were the removal of restrictions relating to criteria enabling individuals to qualify for farm averaging and amendments to the stock relief provisions to ensure conformity with the EU Agricultural Block Exemption Regulation.

In relation to farm averaging, the section amends section 657 by extending the availability of income averaging to farmers who, or whose spouse or civil partner, carries on another non-farming trade or profession or who are directors of companies which carry on a trade or profession. At present such farmers are not entitled to elect for income averaging. The change

is intended to assist those farmers dealing with income volatility by maximising the number of farmers who are eligible to opt in to the regime, and should allow for increased uptake of the scheme, with the Irish Farmers' Association having previously estimated that some 5,000 farmers were unable to enter averaging as a result of the current restriction on those with off-farm trading income.

Section 21 also amends section 667B (stock relief for young trained farmers) and 667D (Succession Farm Partnerships) to ensure conformity of those sections with the applicable rules on State Aid under the Agricultural Block Exemption Regulation. Provision is made for aggregation of reliefs granted to young trained farmers under sections 667B, 667D and section 81AA of the Stamp Duties Consolidation Act 1999 to ensure that the €70,000 limit provided for in the regulation is not exceeded.

Revenue advise me that once the Bill is enacted it will provide guidance on the above changes both in their Notes for Guidance and in their Tax and Duty Manuals.

Questions Nos. 73 to 75, inclusive, answered with Question No. 57.

Tax Data

76. **Deputy Pearse Doherty** asked the Minister for Finance the allowances claimed by the top 5, 20, 50 and 100 companies, respectively in 2015 and 2016 with regard to the figures provided by him to the Oireachtas Committee on Finance, Public Expenditure and Reform and Taoiseach regarding annual claims for capital allowances; and if he will make a statement on the matter. [49975/18]

Minister for Finance (Deputy Paschal Donohoe): Following further clarification in correspondence with the Deputy's office, it is my understanding that the Deputy is seeking information in respect of capital allowances for intangible assets.

I am advised by Revenue that the available information on companies claiming the highest amounts of capital allowances in respect of intangible assets in 2015 and 2016 is contained in the table below. It is not possible to provide the full detail requested in respect of the top 5 highest claimant companies due to Revenue's obligation to protect the confidentiality of taxpayer information.

Capital Allowances Claimed - Intangible Assets	2015	2016
Top 20 claimants	€ 28.5 billion	€ 35.2 billion
Top 50 claimants	€ 28.8 billion	€ 35.6 billion
Top 100 claimants	€ 28.8 billion	€ 35.7 billion

General Government Debt

77. **Deputy David Cullinane** asked the Minister for Finance if he will provide Ireland's national debt as a percentage of Government total revenue in each of the years 1997 to 2017, in tabular form; and if he will make a statement on the matter. [49976/18]

Minister for Finance (Deputy Paschal Donohoe): When discussing debt it is important to note the distinction between national debt and general government debt. National debt is a presentation of the indebtedness of the Exchequer, net of cash and other financial assets, and excludes certain liabilities that are recognised in general government debt.

While the national debt is the principal component of general government debt, the latter measure also includes extra-budgetary funds, non-commercial state-sponsored bodies and the debt of local authorities.

My Department recently updated its *Annual Report on Public Debt in Ireland* which provides a comprehensive analysis of debt dynamics in Ireland. The report is available on my Department's website www.finance.gov.ie.

Net national debt as a percentage of general government revenue for the period 1997 to 2017 is presented in the table below.

Net National Debt

Year	National Debt (€bn)	As % of GG Revenue
2017	185.5	242.4
2016	185.6	252
2015	183.1	258.2
2014	182.3	276.2
2013	173.9	282.8
2012	137.6	231.3
2011	119.1	206.2
2010	93.4	168.7
2009	75.2	133.1
2008	50.4	77.1
2007	37.6	52.7
2006	35.9	53
2005	38.2	64.3
2004	37.8	70.2
2003	37.6	77.5
2002	36.4	81.9
2001	36.2	88.7
2000	36.5	94.2
1999	39.8	118.1
1998	37.5	127.5
1997	39	148.6

Departmental Operations

78. **Deputy Billy Kelleher** asked the Minister for Finance the progress to date for each of the action points made in the report Measures to Enhance Ireland's Corporate, Economic and Regulatory Framework published in November 2017 that fall under his remit; if each such action point has been completed, not completed or is ongoing, respectively; and the revised deadlines for action points not delivered by the original timeframes in tabular form. [50035/18]

Minister for Finance (Deputy Paschal Donohoe): My Department is the lead Department for ten key actions in the November 2017 report to enhance the State's corporate, economic and regulatory framework. The majority of actions have already been implemented and the others are in progress for implementation.

Markets in Financial Instruments Directive (MiFID II):

The Markets in Financial Instruments Directive 2 (“MiFID 2”) represents a major piece of financial markets reform and is ambitious in its scope. It seeks to make financial markets more efficient, resilient and transparent. It was transposed by S.I. (375/2017) and entered into application on 3 January 2018, simultaneously revoking the MiFID 1 Regulations. However, it is necessary to provide for criminal sanctions and penalties in respect of infringements outlined in MiFID 2 in primary law, hence the need for the Markets in Financial Instruments Bill 2018, recently enacted in October this year. The Bill provides that a person guilty of an offence under certain provisions of the MiFID 2 regulations, such as operating without authorisation, is liable on conviction on indictment to a maximum penalty of €10 million and/or imprisonment for ten years. This is a continuation of the criminal sanctions regime that existed under MiFID 1. I believe putting in place criminal sanctions for serious infringement of the MiFID rules will provide a deterrent effect against any blatant misbehaviour and thus promote orderly markets, market integrity & investor protection. This Bill has passed all stages in the Oireachtas and was signed into law by the President on 29 October 2018.

Revenue Commissioners:

Ireland has implemented the Common Reporting Standard which provides for the automatic exchange of financial account information between tax authorities. The first information exchanges were completed in September 2017, with the tax authorities of 50 jurisdictions participating. In September 2018, 91 jurisdictions’ tax authorities completed exchanges. The information received by the Revenue Commissioners is being used to identify tax defaulters. The Revenue Commissioners, in conjunction with my Department, continue to monitor whether any additional powers or resources are currently required. Any such measures identified are then proposed to me as Minister for Finance for appropriate action.

Last year, the Revenue Commissioners collected a record €70.96 billion for the Exchequer (net figure €50.76 billion).

- During 2017, Revenue completed 655,557 compliance interventions, which yielded €491.9 million in tax, interest and penalties.

- 5,220 audits were carried out yielding €196.3 million and 66 investigations yielding €7.5 million in tax, interest and penalties.

- In addition, Revenue has received €88.2 million from 2,890 disclosures in the final offshore disclosure settlement opportunity. Tax defaulters who use offshore facilities to hide undeclared income or assets can now no longer make a qualifying disclosure and Revenue are using the information they receive from other jurisdictions to identify such tax defaulters. They now face penalties of up to 100% of the tax evaded, publication as tax defaulters and potentially, criminal prosecution.

Where tax evasion is uncovered, Revenue will apply the maximum sanctions and deterrents including penalties, publication, and criminal prosecution.

- In 2017, there were 24 criminal convictions for serious evasion and fraud convictions, and 911 summary criminal convictions with a total of €2.44 million imposed in fines.

Since May 2018, with the assistance of the Revenue Commissioners, the Director of Public Prosecutions secured 2 high-profile criminal convictions relating to revenue offences. A significant prison sentence was imposed in one of the cases.

Anti-Money Laundering:

The Financial Action Task Force (FATF) Report on Ireland’s Anti Money Laundering

(AML) and Countering the Financing of Terrorism (CFT) was published on 7th September 2017, and found that overall, Ireland has a sound and substantially effective regime to tackle money laundering and terrorist financing. It also made a series of detailed recommendations in regard to all aspects of Ireland's AML/CFT regime.

An action plan to address those recommendations has been drafted and agreed. The action plan transposes all of the recommendations arising from Ireland's FATF review, and sets out to deliver improvements in the AML/CFT measures in place in Ireland between now and our 5th year FATF Follow-up Assessment. Article 30 of the 5th Anti-Money-Laundering Directive requires that Member States hold, in a central register, information on the beneficial ownership of corporate and other legal entities incorporated within their territories. My Department is currently transposing this provision by way of a Statutory Instrument. This work is well advanced and the transposition is expected to be concluded soon. Article 31 of the 5th Anti-Money-Laundering Directive requires that trustees of express trusts hold up-to-date information regarding the trusts' beneficial ownership and requires that, for trusts governed under its law, each Member State hold this information in a central register. My Department is currently transposing this provision by way of a Statutory Instrument. This work is well advanced and the transposition is expected to be concluded soon.

Banking Inquiry Recommendations Progress Report:

My officials are working to finalise the Progress Report on the implementation of the recommendations of the Report of the Joint Committee of Inquiry into the Banking Crisis and expect to publish this shortly. The progress report will illustrate the wholesale change in the regulatory culture since the financial crisis, characterised by a more intrusive supervisory approach by the Central Bank.

Joint Agency Task Force:

Officials from my Department joined the Joint Agency Task Force on Invoice Redirection Fraud. Revenue has well-established mechanisms, under data protection and disclosure legislation, for providing information to other public bodies, in response to requests from them, for the purposes of investigations and prosecutions and preventing crime.

Review of Ireland's Anti-Fraud and Anti-Corruption Structures:

In relation to anti-corruption and anti-fraud structures, a review group under the aegis of my colleague, the Minister for Justice and Equality, chaired by Mr James Hamilton, has been set up (first meeting in September 2018). Officials from my Department, the Central Bank and the Revenue Commissioners are participating.

Action Point No.	Action Point	Timeline	Lead/Owner	Progress
12	Publish Progress Report on the implementation of the recommendations of the Report of the Joint Committee of Inquiry into the Banking Crisis	Q4 2017	Department of Finance	Near completion – Report redrafted (to be up to date) will be published Q1 2019.
13	Monitor the implementation of further recommendations from the Report of the Joint Committee of Inquiry into the Banking Crisis	Ongoing	Department of Finance	Ongoing.

Action Point No.	Action Point	Timeline	Lead/Owner	Progress
18	Revenue, in conjunction with the Department of Finance, will continue to examine whether any additional powers or measures are currently required. Any such measures will then be proposed to the Minister for Finance for inclusion in Finance Bill 2018.	Ongoing	Department of Finance	Completed - funding allocated to Revenue in Budget 2018 will support them in undertaking a number of initiatives, including: - Significant reform of the administration of the PAYE system; and, - The enhancement of ICT systems capacity for data matching and data analytics.
19	Implement MiFID II, which broadens the powers of the Central Bank to remove (members of) the executive board from the management of ["failing"] MiFID companies	Q1 2018	Department of Finance	Completed.
20	Extend the Market Abuse Rules to a wider cross-section of individuals under MiFID II	Q1 2018	Department of Finance	Completed.
21	MiFID II Bill providing for criminal sanctions for serious infringements of MiFID II/MiFIR	Q1 2018	Department of Finance	Completed – enacted end October 2018.
22	Implement the automatic exchange of financial account information under the global Common Reporting Standard (CRS)	Q4 2017	Revenue Commissioners	Completed - the first information exchange began in September 2017.
23	Respond to the recommended actions of the FATF Report on Ireland's Anti Money Laundering and Countering the Financing of Terrorism framework	Ongoing	Department of Finance	Ongoing - The Financial Action Task Force (FATF) Report on Ireland's Anti Money Laundering (AML) and Countering the Financing of Terrorism (CFT) was published on 7th September 2017, and found that overall, Ireland has a sound and substantially effective regime to tackle money laundering and terrorist financing. It also made a series of detailed recommendations in regard to all aspects of Ireland's AML/CFT regime. An action plan to address those recommendations has been drafted and agreed. The action plan transposes all of the recommendations arising from Ireland's FATF review, and sets out to deliver improvements in the AML/CFT measures in place in Ireland between now and our 5th year FATF Follow-up Assessment.

Action Point No.	Action Point	Timeline	Lead/Owner	Progress
25	Establish a central register for beneficial ownership of companies and industrial and provident societies	Q1 2018	Department of Finance	In progress – the Department of Finance is currently transposing this provision by way of a Statutory Instrument. This work is well advanced and the transposition is expected to be concluded soon.
26	Transpose Article 31 4AMLD regarding trusts and similar legal arrangements	Q1 2018	Department of Finance	In progress – the Department of Finance is currently transposing this provision by way of a Statutory Instrument. This work is well advanced and the transposition is expected to be concluded soon.

Legislative Measures

79. **Deputy John Brassil** asked the Minister for Public Expenditure and Reform the progress to date on the Public Service Superannuation (Age of Retirement) Bill 2018; the date for implementation of this Bill; if employees that are forced to retire before this Bill is enacted will be given leeway to remain in employment; and if he will make a statement on the matter. [49886/18]

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): The Public Service Superannuation (Age of Retirement) Bill 2018, which was published on 9 July, passed all stages in the Seanad on 17 July. It passed Second Stage in the Dail on 7 November and is provisionally scheduled for Committee Stage in the Dail on 11 December. While ultimately, the scheduling of the Bill in the Dail is a matter for the Oireachtas, my intention is to secure enactment of the Bill as soon as possible.

In relation to the position of those public servants who are required to retire before the Bill is commenced, I refer the Deputy to my response to PQ 46505/18 of 13 November 2018.

Road Projects

80. **Deputy Michael Healy-Rae** asked the Minister for Public Expenditure and Reform when repairs will be carried out on a road (details supplied); and if he will make a statement on the matter. [49966/18]

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): I am advised by the Office of Public Works (OPW) engineering staff that any damage to the road referred to by the Deputy did not arise from OPW's activities. While this Office did undertake works in the area earlier this year, it did not involve the transport of heavy machinery along the road in question.

Accordingly, any remediation works to this road, if it a public road, would in the first instance be a matter for the Local Authority to consider.

Education Policy

81. **Deputy Willie O'Dea** asked the Minister for Education and Skills if the IDA and other State agencies only promote third level institutions abroad; his views on whether this is a missed opportunity; if his attention has been drawn to the way in which Canada's national and regional schools, public schools and private schools are promoted internationally and the success Canada has had in attracting international students; if he will consider including second level schools (details supplied) to promote the high quality Irish educational programmes abroad; and if he will make a statement on the matter. [50052/18]

Minister for Education and Skills (Deputy Joe McHugh): The Department of Education and Skills is supportive of short-term school-level exchanges for cultural and academic reasons but does not support longer term placements of international students in our State school system for commercial purposes.

At school level, this Department is focused on meeting the demand for school places that will arise from the significant demographic increases expected in the coming years from our own population, to ensure that every child here will have access to a school place and that our system will continue to be in a position to accommodate our own increasing pupil numbers.

The Government's International Education Strategy is focused on Higher Education (HE) and English Language Training (ELT). The promotion of international higher education is the responsibility of Enterprise Ireland, working with the sector through the Education in Ireland brand. It is also the Government's policy that ELT schools operating under the Education in Ireland brand will be promoted once the legislation and arrangements for the proposed new International Education Mark system are fully in place and operational.

Minor Works Scheme Payments

82. **Deputy Niall Collins** asked the Minister for Education and Skills when the minor works grant will issue to a school (details supplied); and if he will make a statement on the matter. [49841/18]

Minister for Education and Skills (Deputy Joe McHugh): The Minor Works Grant 2018/2019 will be paid this week to all primary schools throughout the country including the school referred to by the Deputy.

School Funding

83. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a decision has been made on the request by a school (details supplied) for additional funding; and if he will make a statement on the matter. [49843/18]

Minister for Education and Skills (Deputy Joe McHugh): My Department approved the provision of permanent classroom accommodation at the school to which the Deputy refers to replace prefabricated accommodation.

The school subsequently submitted a proposal to vary the accommodation brief and this is currently being considered. My Department is currently engaging with the school in this regard.

Schools Establishment

84. **Deputy Brendan Howlin** asked the Minister for Education and Skills the forward planning carried out in the Gorey feeder area to ensure that there are sufficient secondary school places available for all primary school children in the area in the context of recent large housing developments which will bring more children of school age into the area (details supplied). [49847/18]

Minister for Education and Skills (Deputy Joe McHugh): In order to plan for school provision and analyse the relevant demographic data, my Department divides the country into 314 school planning areas and uses a Geographical Information System, using data from a range of sources, to identify where the pressure for school places across the country will arise. With this information, my Department carries out nationwide demographic exercises to determine where additional school accommodation is needed at primary and post-primary level.

Major new residential developments in a school planning area have the potential to alter demand in that area. In that regard, as part of the demographic exercises, my Department engages with each of the local authorities to obtain the up-to-date data on significant new residential development in each area. This is necessary to ensure that schools infrastructure planning is keeping pace with demographic changes as there is a constantly evolving picture with planned new residential development, including additional residential developments arising from the Local Infrastructure Housing Activation Fund (LIHAF).

Where data indicates that additional provision is required, the delivery of such additional provision is dependent on the particular circumstances of each case and may, depending on the circumstances, be provided through either one, or a combination of, the following:

- Utilising existing unused capacity within a school or schools,
- Extending the capacity of a school or schools,
- Provision of a new school or schools.

As the Deputy may be aware, the Government recently announced plans for the establishment of 42 new schools over the next four years (2019 to 2022). 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.

In addition to the new schools announced, there will be a need for further school accommodation in other areas in the future. Based on the current analysis, this need can be addressed through either planned capacity increases in existing schools or additional accommodation or extensions to existing schools.

While the announcement did not include a new post primary school in Gorey (which is located in the Gorey school planning area), the requirement for new schools will be kept under on-going review and in particular would have regard for the increased rollout of housing provision as outlined in Project Ireland 2040.

My Department's responsibility is to provide sufficient accommodation to meet 20,000 new and replacement school places each year, to ensure that every child has a school place. It is open to an individual school to apply for accommodation under the additional accommodation scheme if the school does not have sufficient capacity to meet school places.

Summer Works Scheme Applications

85. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills when funding will be granted to a school (details supplied); and if he will make a statement on the matter. [49894/18]

Minister for Education and Skills (Deputy Joe McHugh): I can confirm that my Department is in receipt of an application under the Summer Works Scheme for a Category 10 - external environment project.

The Summer Works Scheme (SWS) 2016 -2017 was applied on a multi-annual basis. The Deputy will be aware that nearly 50% of schools applied for inclusion under the scheme which reflects a very high demand.

Almost €80 million has been approved to date under the SWS, in respect of over 640 school projects in categories 1 - 6. Details of the successful school applicants are published on my Department's website www.education.ie.

As the Deputy will be aware, 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 that context my Department is processing the remaining categories of project under SWS 2016-2017.

Education Policy

86. **Deputy James Lawless** asked the Minister for Education and Skills the timeframe for the delivery of an IEP report (details supplied); and if he will make a statement on the matter. [49896/18]

Minister for Education and Skills (Deputy Joe McHugh): At present, all schools are encouraged to use Education Plans. My Department's Inspectorate's advice is that the majority of schools are now using some form of education planning for children with special educational needs. In line with Circular 30/2014, schools are also required to put in place Personal Pupil Plan including a care plan for all pupils availing of SNA support.

Guidelines for schools on educational planning and monitoring of outcomes and the manner in which they should conduct educational planning, through the Student Support File, are contained in the Guidelines for Schools: Supporting Children and Young People with Special Educational Needs in Mainstream Schools, available at:

www.education.ie/en/The-Education-System/Special-Education/Guidelines-for-Primary-Schools-Supporting-Pupils-with-Special-Educational-Needs-in-Mainstream-Schools.pdf.

Matters such as this are best resolved between the parent and the school in the first instance. The NCSE is also available to provide support and training around education planning for pupils with special educational needs. Further information is available from the NCSE www.ncse.ie.

Schools Building Projects Status

87. **Deputy Jack Chambers** asked the Minister for Education and Skills the status of the development of a new secondary school (details supplied); and if he will make a statement on

the matter. [49941/18]

Minister for Education and Skills (Deputy Joe McHugh): As the Deputy is aware, the school to which he refers is included in my Department's 6 year construction programme. The acquisition of a suitable site is required to facilitate this project.

With the assistance of officials in Fingal County Council under the Memorandum of Understanding for the acquisition of school sites a number of site options were identified. These were comprehensively assessed and a preferred site option has been identified. Negotiations with the landowner in respect of the proposed acquisition of this site are currently at an advanced stage and officials are working to bring matters to a conclusion at the earliest possible date.

Due to commercial sensitivities relating to site acquisitions generally, the Deputy will appreciate that I am not in a position to provide further details at this time but I can confirm that the school patron is being kept apprised of developments in respect of the site acquisition process.

Once the site for the school is secured the project to deliver the school's permanent accommodation can progress into architectural planning. In the interim the school is based since September 2018 at the former Institute of Horology property, Mill Road, Blanchardstown, Dublin 15 on a temporary basis.

School Accommodation Provision

88. **Deputy James Browne** asked the Minister for Education and Skills if he will examine the case of a school (details supplied) and its need for additional accommodation; when prefabs will be installed for the school; if he is satisfied that the school must pay for the employment of an additional adult to be based off campus for child protection reasons; if he will examine the school's financial situation; and when the new information and communication technology classrooms grant will issue. [49951/18]

90. **Deputy Paul Kehoe** asked the Minister for Education and Skills when a school (details supplied) can expect the installation of a portacabin; and if he will make a statement on the matter. [49974/18]

Minister for Education and Skills (Deputy Joe McHugh): I propose to take Questions Nos. 88 and 90 together.

The school referred to by the Deputy was established in September 2015 under the patronage divesting process. In order to facilitate the opening of the school, its initial establishment, as with most new schools, has been in interim start-up accommodation, pending a permanent school becoming available.

In order to cater for the school's growing enrolment numbers, additional interim accommodation was required and in this regard, my Department devolved the delivery of this additional interim accommodation to the school patron body.

I understand from the school patron that consultant architects to oversee the provision of the additional accommodation have been appointed, planning permission has been secured and contracts are currently being signed with the contractor. The Patron has indicated that the necessary additional accommodation will be delivered in late January, 2019.

In the meantime, part of the school is operating from a rented premises, in line with the ar-

rangement put in place by the school authorities. The day-to-day running costs for schools are covered by capitation grants, which would allow for any temporary expenses incurred.

It is open to the school authorities to apply for an ICT grant to equip the additional interim accommodation and my Department has yet to receive an application from the school in this regard.

Education and Training Boards Establishment

89. **Deputy Fergus O'Dowd** asked the Minister for Education and Skills the status of the proposed LMETB headquarters project in Drogheda, County Louth; and if he will make a statement on the matter. [49952/18]

Minister for Education and Skills (Deputy Joe McHugh): As the Deputy is aware, the project to which he refers has been devolved for delivery to the local Education and Training Board (LMETB).

We expect to finalise the design-related issues that have arisen with this project very shortly. A change in the brief for the project and the re-tendering of the project will be required in that context.

Question No. 90 answered with Question No. 88.

School Expulsions

91. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the procedure to be followed by persons (details supplied); and if he will make a statement on the matter. [50015/18]

Minister for Education and Skills (Deputy Joe McHugh): My Department understands that the student referred to by the Deputy has returned to school. This follows a Section 29 Appeal that was upheld and a direction from my Department on 13 November to the Board of Management to re-admit the student.

School Accommodation Provision

92. **Deputy Brendan Smith** asked the Minister for Education and Skills the status of an application by a school (details supplied) for additional facilities; and if he will make a statement on the matter. [50031/18]

Minister for Education and Skills (Deputy Joe McHugh): The school to which the Deputy refers operates under the patronage of the local Education and Training Board (ETB). The ETB recently informed my Department that the long term accommodation needs of the school were being reviewed and that it would revert to my Department when this process had been completed.

My Department understands that the review has now been concluded and that the ETB will be making a proposal to my Department on the long-term needs of the area where the school in question is located. My Department will consider this proposal when received and it will revert to the ETB as quickly as possible with a decision in the matter.

Schools Building Projects Status

93. **Deputy Brendan Smith** asked the Minister for Education and Skills when a long approved building project for a school (details supplied) will proceed to the next stage in view of the inadequate accommodation at the school at present; and if he will make a statement on the matter. [50032/18]

Minister for Education and Skills (Deputy Joe McHugh): The school to which the Deputy refers operates under the patronage of the local Education and Training Board (ETB). The ETB recently informed my Department that the long term accommodation needs of the school were being reviewed and that it would revert to my Department when this process had been completed.

My Department understands that the review has now been concluded and that the ETB will be making a proposal to my Department on the long-term needs of the area where the school in question is located. My Department will consider this proposal when received and it will revert to the ETB as quickly as possible with a decision in the matter.

Services for People with Disabilities

94. **Deputy John Lahart** asked the Minister for Justice and Equality the third level apprenticeship, job opportunities, supports and interventions available for young adults with autism; and if he will make a statement on the matter. [49860/18]

Minister of State at the Department of Justice and Equality (Deputy Finian McGrath): The National Disability Inclusion Strategy 2017 – 2021, which is coordinated by the Department of Justice and Equality, is the key framework for policy and action to address the needs of people with disabilities.

Among the actions included in the Inclusion Strategy is the implementation of the Comprehensive Employment Strategy for People with Disabilities, which was launched in October 2015. The Strategy sets out a ten-year approach to ensuring that people with disabilities who are willing and able to work, are supported and enabled to do so. It is a cross-government approach that brings together actions by different departments and state agencies in a concerted effort to address the barriers and challenges that impact on employment of people with disabilities. In tandem with that, it seeks to ensure there will be joined-up services and supports at local level to support individuals on their journey into and in employment.

The Strategy's six strategic priorities are to:

- Build skills, capacity and independence;
- Provide bridges and supports into work;
- Make work pay;
- Promote job retention and re-entry to work;
- Provide coordinated and seamless support;
- Engage employers.

The Strategy is overseen by an implementation group (on which AsIAM, the charity and ad-

vocacy organisation for the autism community is represented), which was established under the independent chairmanship of Fergus Finlay. This group, which includes the National Disability Authority (NDA), members of the Disability Stakeholders Group and key government departments is tasked with monitoring the progress of the above six strategic priorities, ensuring that each Government Department is fulfilling its obligations and meeting its targets.

The Strategy contains commitments in relation to:

- An increase in the public service employment target on a phased basis from 3% to 6%.
- Special public service competitions for people with disabilities and the opening up of alternative recruitment channels for people with disabilities.
- The provision of an employer helpline to provide peer support to employers in relation to the employment of staff with disabilities, which was established in 2016.
- The Comprehensive Employment Strategy Annual Report for 2018 is currently being prepared and it will be available at justice.ie when it is published early in the new year.

Insurance Fraud

95. **Deputy Brendan Smith** asked the Minister for Justice and Equality the progress to date in establishing a dedicated fraud unit within An Garda Síochána in view of recent comments in relation to the urgent need to establish same (details supplied); and if he will make a statement on the matter. [50043/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The Deputy will be aware that the Cost of Insurance Working Group proposed exploring the possibility that a specific unit, funded by the insurance industry, be established within the Garda National Economic Crime Bureau (GNECB) to tackle insurance fraud.

I can inform the Deputy that the GNECB had exploratory talks with Insurance Ireland in relation to this matter, and submitted a mechanism for further cooperation to Insurance Ireland in 2017. Following receipt of the reply from Insurance Ireland in July 2018, I met with the GNECB and the Assistant Commissioner, Special Crime Operations, on 30 August 2018 to discuss this recommendation further. Following those discussions, I understand the recommendation is receiving further consideration within An Garda Síochána.

Insurance fraud is one of the central themes which has arisen out of the cost of insurance review and a number of recommendations relate to measures to combat fraud in the insurance sector. I am aware that Insurance Ireland held its Annual Fraud Conference on 23 November 2018 and that the former High Court President, Mr Nicholas Kearns, was among the conference speakers.

Judge Kearns chaired a Fraud Roundtable, a sub-group of the Cost of Insurance Working Group, overseen by the Minister of State at the Department of Finance, Mr Michael D'Arcy, T.D. The Fraud Roundtable is comprised of officials from my Department; An Garda Síochána; the Office of the DPP; the Courts Service; Insurance Ireland; as well as the Department of Finance. This forum has made a valuable contribution to the cost of insurance review, focusing specifically on insurance fraud, including the reporting of suspected fraudulent insurance claims to the Gardaí and where fraud or exaggeration is identified during a court hearing. The Roundtable has also consulted with relevant stakeholders to inform its deliberations, resulting in the publication of revised '*Guidelines for the Reporting of Allegations of Fraudulent Insur-*

ance Claims to An Garda Síochána' by An Garda Síochána on 1 October 2018.

I am aware that the Minister D'Arcy intends to meet with the Garda Commissioner in December to discuss this recommendation.

My officials remain in close, ongoing contact with An Garda Síochána in relation to this matter.

Criminal Law

96. **Deputy Eamon Ryan** asked the Minister for Justice and Equality the status of plans to legislate for a hate crime to be considered as an aggravating factor in the sentencing of crimes; and if he will make a statement on the matter. [49978/18]

Minister for Justice and Equality (Deputy Charles Flanagan): There is a wide body of criminal law which is used to combat hate crimes. Where criminal offences such as assault, criminal damage, or public order offences are committed with a racist motive, they are prosecuted as generic offences through the wider criminal law. The trial judge can take aggravating factors, including homophobic or racist motivation, into account at sentencing.

There is also specific legislation in place in the form of the Prohibition of Incitement to Hatred Act 1989 which creates offences of incitement to hatred on account of race, religion, nationality, ethnic origin or sexual orientation. Under the provisions of the Act, it is an offence to use words, engage in behaviour, publish or distribute written material, or broadcast any visual images or sounds which are threatening, abusive or insulting and are intended, or are likely, to stir up hatred. "Hatred" is defined as "hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation." The provisions of the 1989 Act are currently under review within my Department.

There has been significant research carried out into the nature and prevalence of hate crimes in Ireland recently, notably the 'Lifecycle of a Hate Crime' report published by the Irish Council for Civil Liberties and the University of Limerick. This work provides important input into Government policy around hate crimes and Minister Stanton has met with the authors of this report to gain insight into their research.

Minister Stanton and I remain committed to ensuring that Ireland is a safe and secure country for all who live here, regardless of their identity.

Crime Data

97. **Deputy Maurice Quinlivan** asked the Minister for Justice and Equality the number of murders in each of the years 2010 to 2017 and to date in 2018; the location in which each took place in tabular form; and if he will make a statement on the matter. [49865/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will be aware, the Central Statistics Office (CSO), as the national statistical agency, is responsible for the compilation and publication of all crime statistics and I have requested that the CSO forward the relevant information to the Deputy as soon as possible.

The Deputy will also be aware An Garda Síochána initiated a review of homicide classifications, initially for the period 2013-2015 but later extending the review to cover the period 2003-

2017. An Garda Síochána is currently working, in conjunction with the CSO and the Policing Authority, to resolve this issue. This is obviously a time consuming and complex process but it is important that both An Garda Síochána and the CSO are confident that their data is robust and accurate so that the public can have confidence in the data which informs the development of effective policies by the Department of Justice and Equality. The review by An Garda Síochána has not been published as it is not yet complete, however the details will be made public on completion.

While the most recent publication of the official recorded crime statistics for Q2 2018 remain 'Under Reservation', it is important to note the CSO, in conjunction with An Garda Síochána, continue to make good progress on returning the crime figures to the higher standard expected of our national crime statistics. I am determined that this body of work be completed as soon as possible and I welcome the continued diligence of the Policing Authority in monitoring this matter.

Garda Vetting Applications

98. **Deputy Sean Fleming** asked the Minister for Justice and Equality when Garda clearance will be approved for a person (details supplied); and if he will make a statement on the matter. [49876/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy will appreciate, given the nature of the functions of the Irish Prison Service, it is necessary for checks, secondary and in addition to vetting, to be carried out on persons considered for employment in the Irish Prison Service.

These checks can take time to complete for a variety of reasons depending on the individual case. However, I can assure the Deputy that every effort is made to expedite this process to the greatest extent possible and to ensure that there is no undue delay arising.

I have been in contact with the Garda Authorities to make the necessary enquiries in respect of the individual case the Deputy has raised and I will correspond directly with the Deputy when they have been completed.

Legal Aid Service Data

99. **Deputy Clare Daly** asked the Minister for Justice and Equality the number of persons in the past three years that have received civil legal aid from the Legal Aid Board in order to proceed with claims of discrimination under equality legislation against licensed premises; the number of these cases that were successful; and if he will make a statement on the matter. [49935/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The provision of civil legal aid in the State is delivered by the Legal Aid Board pursuant to the Civil Legal Aid Act 1995 and the Civil Legal Aid Regulations 1996 to 2017.

Civil legal aid is available for a wide variety of civil matters including applications to the District Court for redress under section 19(2) of the Intoxicating Liquor Act 2003, where the applicant claims that discrimination against, or sexual harassment or harassment of, or permitting the sexual harassment or harassment of a person in contravention of Part II (Discrimination and Related Activities) of the Equal Status Act 2000 has been directed towards himself or herself

on, or at the point of entry to, licensed premises.

All applicants for civil legal aid, including in connection with such proceedings, must meet the financial eligibility criteria under section 29 of the Civil Legal Aid Act 1995 and the Civil Legal Aid Regulations 1996 to 2017. The application must meet the merits criteria in sections 24 and 28(2) of the 1995 Act. These criteria include whether the applicant is reasonably likely to be successful in the proceedings, assuming that the facts put forward by him or her in relation to the proceedings are proved before the court or tribunal concerned.

The Board has not, in the time available to it to do so, been able to identify any case in the past three years where legal aid has been granted for an application pursuant to section 19(2) of the 2003 Act.

Sex Offenders Notification Requirements

100. **Deputy Michael McGrath** asked the Minister for Justice and Equality the details of the Garda approach to monitoring persons that are on the register of sex offenders; the responsibilities of the person on the register to inform gardaí of their movements; the position in relation to concerns in the local community that a person on the register is living in their area; and if he will make a statement on the matter. [49943/18]

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputy may be aware, the Sex Offenders Act 2001 provides for the monitoring of convicted sex offenders in the community. Under the 2001 Act, a person who has been convicted of a sexual offence must notify the Garda Síochána of their name and address within seven days. Where a sex offender is sentenced to a term of imprisonment of 2 years or more, he or she will be subject to notification requirements for a period of indefinite duration. The provisions of the Act also extend to any offenders convicted abroad of the same range of sexual offences who enter the State.

The 2001 Act also provides for sex offenders orders where the court can prohibit a convicted sex offender from doing things with a view to protecting the public from harm.

All offenders subject to the notification requirements are monitored by the Sex Offender Management and Intelligence Unit (SOMIU) at the Garda National Bureau of Criminal Investigation. The Unit is supported by Garda Inspectors nominated in each Garda Division throughout the State. I am informed that the nominated Inspector in each Division has access to all necessary resources within his/her Division to assist him/her in carrying out his/her duties. Where An Garda Síochána becomes aware that an offender subject to the notification requirements has breached those requirements, appropriate action is taken. I am advised that the appropriate level of monitoring is carried out by An Garda Síochána and all breaches of the requirements which come to notice are pursued.

In situations where the Garda authorities become aware that a convicted sex offender has left or is intending to leave the State, the Sex Offender Management and Intelligence Unit ensures that the relevant law enforcement agency in the country of destination is advised via Interpol.

The Government has introduced the Criminal Law (Sexual Offences) (Amendment) Bill 2018 which provides for presumptive minimum sentences for repeat sex offenders. This Bill is based on existing legislative precedent for presumptive minimum sentences and its introduction is not intended to impact on the review of the principle behind mandatory sentences, which is ongoing. In addition, I intend to bring to Government a Sex Offenders (Amendment) Bill which will strengthen the monitoring of sex offenders in the community, including reducing the notification period from seven to three days. On 28 November, the Scheme of this Bill was subject

to pre-legislative scrutiny by the Joint Oireachtas Committee on Justice and Equality.

Probate Applications

101. **Deputy Darragh O'Brien** asked the Minister for Justice and Equality the average waiting times for each probate office to provide a grant of probate and a grant of letters of administration; his views on whether probate offices are providing a timely service in all areas; his further views on whether it has adequate resources and staff to provide a timely and efficient service; and if he will make a statement on the matter. [49982/18]

102. **Deputy Darragh O'Brien** asked the Minister for Justice and Equality the status of the review of the probate system by the Courts Service; when it will be implemented; and if he will make a statement on the matter. [49983/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I propose to take Questions Nos. 101 and 102 together.

The Probate Office is an office of the High Court and management of the courts is the responsibility of the Courts Service, which is independent in exercising its functions under the Courts Service Act 1998. Probate functions are also carried out by County Registrars at District Probate Registries in 14 provincial court offices.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has provided the following information for each probate office/registry:

Average waiting times for grant of probate/grant of letters of administration applications:

County	Waiting time
Cavan	4 weeks
Cork	10-12 weeks
Donegal	20 weeks
Dublin	7-8 weeks
Galway	15 weeks
Kerry	14 weeks
Kilkenny	9-10 weeks
Limerick	12 weeks
Louth	12-14 weeks
Mayo	6 weeks
Sligo	12 weeks
Tipperary	4-6 weeks
Waterford	16 weeks
Westmeath	10-11 weeks
Wexford	8-10 weeks

As the Deputy will appreciate all applications for Grants in deceased persons' estates are made on foot of a number of mandatory legal documents which must be furnished by the applicants. These require detailed checking by the Dublin Probate Office or District Probate Registry to ensure that the estate of the deceased person is administered correctly and in accordance with the law. Where a person opts to apply for a Grant personally, without the assistance of a solici-

tor, the process requires significant extra support from the Dublin Probate Office or District Probate Registry.

I wish to inform the Deputy that waiting times are in line with normal waiting times for work of this nature. The Courts Service is aware of the variance in waiting times across District Probate Registries which is due to the volume of applications received, the skill sets within the Registries and the operational priorities within the offices. Priority is given to probate applications where there is a particular urgency or in extenuating circumstances. In such cases, it is open to applicants to bring the matter to the attention of the Probate Office or District Probate Registry.

The Courts Service has advised that the Dublin Probate Office is fully staffed and that there is no need for further resources at present. The staffing of the District Probate Registries forms part of the overall staff structure within the Combined Court Office and services are provided within the overall resource allocation. The staffing of all Court Offices is kept under review and is allocated on the basis of the spectrum of services provided, including the delivery of probate services.

As the Deputy will be aware, the Report of the Probate Services Review Group was approved by the Courts Service Board on 23 April 2018. The Review makes a number of recommendations as set out in the Report in relation to:

1. Improvements to existing business processes;
2. Communication with District Probate Registries;
3. Re-allocation of functions;
4. ICT efficiencies including the development of online filing functionality, through an eProbate system and electronic data exchange with the Revenue Commissioners.

The Courts Service has further advised that there are ongoing improvements to the internal processes in the Dublin Probate Office which will form part of a process of continuous business improvement into the future. The changes, in addition to the allocation of additional resources, have already provided significant improvement in waiting times.

The Courts Service has informed me that the management team in the Probate Office intends to meet with the Law Society before year end to discuss further proposed changes to help reduce the assessment times for papers lodged in the Probate Office. Work has also begun on changes to the probate information currently available on the Courts Service website, including a more detailed section highlighting issues in papers submitted that could cause a delay to processing papers. The Courts Service has also informed me that work on changes to the Rules of the Superior Courts, required to implement some of the recommendations, is underway.

The Courts Service has indicated that work will begin shortly developing a detailed business case for an online eProbate system which will replace most of the more traditional channels used heretofore and will represent a significant change in how this service will be delivered. The development of this online digital application and processing system with data exchange to Revenue Commissioners is in line with Government e-policies as set out in the Public Service ICT Strategy and Our Public Service 2020.

Northern Ireland

103. **Deputy Niall Collins** asked the Minister for Justice and Equality the status of the work of the Independent Reporting Commission; and if he will make a statement on the matter. [49986/18]

Minister for Justice and Equality (Deputy Charles Flanagan): To facilitate monitoring of the implementation of measures aimed at ending paramilitary activity in Northern Ireland, the *Fresh Start Agreement* provided for the establishment by the two Governments of the Independent Reporting Commission. An international agreement between Ireland and the UK establishing the Independent Reporting Commission was signed in September 2016 and the Agreement was given effect to by legislation in both jurisdictions.

The Commission's functions are to:

- report annually on progress towards ending continuing paramilitary activity connected with Northern Ireland (or on such further occasions as required);
- report on the implementation of the relevant measures of the three administrations – critical here will be the NI Executive's Strategy to tackle paramilitary activity and associated criminality; and
- consult the UK Government and relevant law enforcement agencies, the Irish Government and relevant law enforcement agencies and, in Northern Ireland, the Executive, PSNI, statutory agencies, local councils, communities and civic society organisations.

As the Deputy will be aware, on 23 October of this year, the two Governments published the Commission's first report. I commend the Commission for its work so far and the efforts it has put into this first report. I welcome the report as an opportune reminder to all of us of the continuing adverse impact on society in Northern Ireland of the culture of paramilitarism that persists in some communities there. The Commission's report is available at its website (ircommission.org).

In the report, the Commission expresses strong confidence in the whole-of-society approach to ending paramilitarism that underlies the measures set out in the *Fresh Start Agreement*. A striking feature of the report is the clear correlation displayed between the locations of paramilitary activity and areas of social and economic disadvantage in Northern Ireland.

The Commission has reported good progress across a range of the measures that are set out in the Executive's Action Plan for tackling Paramilitarism, Criminality and Organised Crime, and it reported also that there remains a significant amount of work to be done. I am sure the Deputy will join me in urging people on all sides in Northern Ireland, especially those in positions of political influence, to engage fully in this process of positive change for the people of Northern Ireland.

The Commission's report makes clear that there are a range of areas where the full and effective implementation of the Executive's action plan is hampered by the absence of an Executive in Northern Ireland. It is another reminder of the importance of re-establishing the power-sharing arrangements in order that they can work to address the issues of most importance for people in communities across Northern Ireland.

Cross-Border Co-operation

104. **Deputy Niall Collins** asked the Minister for Justice and Equality the status of the work of the cross-Border crime task force; the budget of the task force in 2018; the number of perma-

nent staff; and if he will make a statement on the matter. [49987/18]

Minister for Justice and Equality (Deputy Charles Flanagan): In November 2015, the British and Irish Governments and the Northern Ireland Executive agreed a series of measures in the agreement *A Fresh Start, The Stormont Agreement and Implementation Plan*, as part of a concerted and enhanced effort to tackle organised and cross jurisdictional crime. These measures included the creation of the Joint Agency Task Force.

The Joint Agency Task Force is just one positive example of the extensive North-South co-operation that is undertaken between the police and other law enforcement agencies aimed at tackling crime and enhancing the safety of all communities on this island.

This Task Force is led by senior officers from An Garda Síochána, the Police Service of Northern Ireland, the Revenue Commissioners and HM Revenue and Customs. A number of other relevant bodies, including the National Crime Agency and the Criminal Assets Bureau are also involved in operational activity. The objective of the Task Force is to build on existing law enforcement frameworks and to increase the collective effectiveness of operational law enforcement actions.

The Strategic Oversight Group of the Task Force is chaired jointly at senior management level by the two police services in order to provide strong strategic direction and oversight to front-line operational activities. This group also includes senior personnel from the other relevant agencies.

Senior officers from An Garda Síochána and the PSNI jointly chair the Operations Co-ordination Group, which is bringing forward the operational actions in six priority areas that have been the focus of the work of the task force: Rural Crime; Immigration-related Crime; Excise Fraud; Drugs; Financial Crime and Human Trafficking. These priorities are, of course, kept under ongoing review. There has been very considerable operational activity, with a variety of different operations undertaken across all of the priority areas since the establishment of the Task Force. I commend the efforts of all of the agencies involved in this important work.

As the Joint Agency Task Force is a multi-agency coordination structure it does not have a necessarily defined staffing complement or budget. Personnel from the participating agencies in both jurisdictions are assigned for specific operations and other capabilities from the relevant agencies are deployed as required consistent with operational demands.

Under the provisions of the Agreement, a report of the work of the Task Force is provided by the Strategic Oversight Group to the six monthly meetings of Justice Ministers in the framework of the Intergovernmental Agreement on Co-operation on Criminal Justice Matters. Two such reports covering the first twelve months of the operation of the Task Force have been prepared and submitted to the two Justice Ministers over the course of 2016.

While there has been a hiatus in the normal reporting arrangements given the current impasse in the Northern Ireland institutions, I want to assure the Deputy that this has not impacted on the continuing operational work being carried out by the Task Force, which maintains its focus on tackling serious cross-border crime.

Naturalisation Applications

105. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when it will be possible to progress the case for naturalisation in the case of a person (details supplied); and if he will make a statement on the matter. [49995/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that an application for residency, accompanied by a right to work, was received on 24 May 2018 from the person concerned based on their parentage of an Irish citizen child. The Deputy will appreciate that applications are dealt with in chronological order. I understand that the application is under consideration and the INIS will be in contact with the person concerned, in writing, in due course.

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

Immigration Status

106. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if a temporary residency status will issue in the case of a person (details supplied); and if he will make a statement on the matter. [50002/18]

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

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

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

Immigration Status

107. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will consider the regularisation of residency in the case of a person (details supplied); and if he will make a statement on the matter. [50003/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I have been informed by the Irish Naturalisation and Immigration Service (INIS) of my Department that the information provided by the Deputy is not sufficient to establish the correct identity of the individual concerned in order to provide a response on the matter.

Queries in relation to the status of individual immigration cases may be made directly to the INIS of my Department by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process.

The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Immigration Status

108. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when it will be possible to approve residency status in the case of a person (details supplied); and if he will make a statement on the matter. [50004/18]

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

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

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

Leave to Remain

109. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when long term residency or an alternative will be awarded in the case of a person (details supplied); and if he will make a statement on the matter. [50005/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the person concerned has been granted leave to remain in the State for the period to 14 January 2019. This decision was conveyed in writing to the person concerned by letter dated 15 January 2017.

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

Immigration Status

110. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when long-term residency will be extended in the case of a person (details supplied); and if he will make a statement on the matter. [50006/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I am advised by the Irish

Naturalisation and Immigration Service (INIS) of my Department that it would appear the person's presence in the State may be unlawful as their most recent permission to remain in the State expired in May 2013.

The Deputy will appreciate that, under the relevant provisions of the Immigration Act, 2004, a non-national may not be in the State other than within the terms of a permission from the Minister for Justice and Equality.

I am further informed that INIS received a request for permission to reside in the State from the person concerned on 28 September 2018. This request will be given detailed consideration and INIS will write to the person concerned in due course.

Should the person concerned wish to provide any additional information or documentation they should send it to Unit 2, Domestic Residence and Permissions Division, INIS, 13/14 Burgh Quay, Dublin 2.

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

Immigration Status

111. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when an upgrade of residency status will be awarded in the case of a person (details supplied); and if he will make a statement on the matter. [50007/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the person concerned was granted permission to remain in the State, on Stamp 4 conditions, as the parent of an Irish citizen child on 15 November 2013. This permission was subsequently renewed with the latest permission granted up to 14 February 2018 by the Garda National Immigration Bureau. An application for renewal of the permission to remain in the State was received by INIS from the legal representatives of the person concerned on 1 March 2018.

I am further advised that INIS wrote to the person's legal representative on 16 March 2018 seeking supporting documentary evidence. To date no correspondence has been submitted in response to that request. However, I understand that it remains open to the person concerned to provide the outstanding information to INIS.

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

Naturalisation Applications

112. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when an ap-

plication for naturalisation will be approved in the case of a person (details supplied); and if he will make a statement on the matter. [50008/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the processing of the application for a certificate of naturalisation from the person referred to by the Deputy is ongoing. On completion of the necessary processing the application will be submitted to me for decision as expeditiously as possible.

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

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

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

Naturalisation Applications

113. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when a naturalisation application will be concluded in the case of a person (details supplied); and if he will make a statement on the matter. [50009/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the processing of the application for a certificate of naturalisation from the person referred to by the Deputy is ongoing. On completion of the necessary processing the application will be submitted to me for decision as expeditiously as possible.

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

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

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

INIS is, in the Deputy's view, inadequate or too long awaited.

Immigration Status

114. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when a residency status will be upgraded in the case of a person (detail supplied); and if he will make a statement on the matter. [50010/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that it received a request for a change in the person's permission to reside in this State on 1 November 2018. I understand that INIS wrote to the person concerned on 19 November 2018 in relation to the grant of permission to reside in the State on Stamp 4 conditions until 18 November 2021.

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

Family Reunification Applications

115. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when family reunification will be offered to persons (details supplied); and if he will make a statement on the matter. [50011/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The person concerned submitted a proposal to bring her son to the State under the Irish Refugee Protection Programme - Humanitarian Admissions Programme (IHAP) 2, which was received by the Irish Naturalisation and Immigration Service of my Department on 30 June 2018.

The IHAP is a programme which allows holders of International Protection Status in the State, i.e Refugees with Convention or Programme Refugee Status, and holders of Subsidiary Protection grants, and Irish Citizens to seek to bring to the State their family members who are nationals of one of the top ten major source countries of refugees as identified by the UNHCR.

The first window for proposals under the IHAP closed on 30 June, and work has been ongoing since then on assessing and verifying proposals. No decision has yet issued to the person in question but it is anticipated that all proposals will have had a decision issued by mid December.

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

Organised Crime

116. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the degree to which his Department through An Garda Síochána continues to achieve progress in the fight against organised criminal gangs; and if he will make a statement on the matter. [50016/18]

117. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the extent to which An Garda Síochána can step up intelligence and surveillance of criminal gangs that are likely to target persons living in isolated areas or cash in transit in the run up to Christmas in particular; and if he will make a statement on the matter. [50017/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I propose to take Questions Nos. 116 and 117 together.

I can assure the Deputy that tackling organised crime activity in both rural and urban areas is a key ongoing priority for both the Government and An Garda Síochána. An Garda Síochána's Policing Plan sets out the priorities of An Garda Síochána in tackling organised crime activity, with an emphasis on its continued commitment to pro-actively target groups and individuals engaged in criminal activity, including organised criminal activities.

In tackling such activity, An Garda Síochána continues to develop and implement operations and strategies aimed at targeting, dismantling and disrupting criminal networks, utilising advanced analytical and intelligence methodologies. Multi-disciplinary approaches are also utilised to ensure the activities of individuals and groups involved in criminal enterprise are effectively targeted, including through the use of proceeds of crime legislation, money-laundering legislation, the provisions of the Criminal Justice (Amendment) Act 2009 relating to organised crime and the powers of the Criminal Assets Bureau. In addition, the increased Government investment in the Garda fleet will allow Gardaí to continue to effectively police our roads network.

The Programme for Government underlines the need for close engagement between An Garda Síochána and local communities. This is an essential feature of the strong community policing ethos which has long been central to policing in this jurisdiction. The Deputy will be aware that, as part of the overall strategy to oppose criminality, the Garda authorities pursue a range of partnerships with community stakeholders, including the farming organisations. In that connection, Operation Thor has yielded significant results in tackling property related crime and burglary, including in rural areas.

The Deputy will also be aware that Operation Hybrid was established to coordinate the response to violent crime in Dublin and address concerns about community safety. That Operation benefits from significant support by Armed Support Units.

As of 18 November, Operation Hybrid has resulted in: 84 arrests, 11 charges in total, 37 firearms seized, 283 searches carried out, 16,821 lines of enquiry conducted with more than 71,600 high visibility checkpoints, implemented with support from Armed Support Units. A significant amount of CCTV footage, mobile phone traffic, and forensic evidence has also been examined. Gardaí have had notable successes in targeting the drugs trade, which fuels the activities of organised criminals, resulting in significant seizures of drugs, firearms and information on financial transactions..

The Deputy will appreciate that for reasons of security it would not be appropriate to go into the details of the particular arrangements that the Garda Authorities have in place in respect of the security of cash-in-transit transfers. What I can say is that combatting and disrupting attempts by organised criminal gangs to commit cash robberies, often carried out with the threat or use of violence, is a priority for the Gardaí. The Gardaí work on an ongoing basis with the financial institutions and the security companies involved to enhance the protection of the indi-

viduals involved in carrying out this business and to facilitate the security of the arrangements in place for the transfer of cash.

While we should not underestimate the difficulties which the Garda authorities face in tackling organised criminal activity, we continue to see the significant results of their efforts in the arrests made and persons being brought before the Courts, as well as the ongoing drugs and firearms seizures made.

For its part the Government remains committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. A total budget of €1.76 billion has been provided to An Garda Síochána in 2019, an increase of over €100 million on the 2018 allocation. The Government will also continue to progress the accelerated Garda recruitment programme with a view to increasing overall Garda numbers (including civilians) to 21,000 by 2021.

Garda Data

118. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of extra gardaí likely to become available throughout the regions, including community gardaí, arising from recent graduations from the Garda college; and if he will make a statement on the matter. [50018/18]

121. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the degree to which Garda numbers in each division are likely to be enhanced following recent graduations from Templemore; and if he will make a statement on the matter. [50021/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I propose to take Questions Nos. 118 and 121 together.

As the Deputy will appreciate, 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.

The Deputy is aware that the moratorium on Garda Recruitment introduced in 2009 resulted in a reduction in Garda numbers across the organisation. Since the reopening of the Garda College in September 2014, almost 2,200 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide.

I look forward to attending the attestation of another 200 recruits tomorrow which will see Garda numbers reach 14,000 by the end of this year. This and ongoing recruitment will clearly provide the Commissioner with the resources to increase Garda visibility in our communities and to support all Garda activity including community policing.

In relation to the allocation of newly attested Gardaí, it is important to note that these probationer Gardaí have a further 16 months of practical and class-room based training to complete in order to receive their BA in Applied Policing. To ensure that they gain the breadth of policing experience required and are properly supervised, the Commissioner's policy is to allocate them to specially designated training stations which have the required training and development structures and resources in place, including trained Garda tutors and access to a permanently appointed supervisory Sergeant who is thoroughly familiar with their responsibilities under the training programme.

As the Deputy will be aware community policing is at the heart of An Garda Síochána.

Every community, whether urban or rural, is recognised as having its own concerns and expectations and to that end every Garda member while carrying out their duties is considered a community Garda. The official categorisation of “Community Garda” refers to those who are exclusively assigned to building relationships with local communities which includes giving talks to schools and community groups. Each Divisional Chief Superintendent determines the optimum distribution of duties among the personnel available to him or her having regard to the profile of the area and its specific needs and therefore the number of Gardaí with the official designation of Community Garda can vary.

I am further advised that a New Community Policing Framework is currently being developed in the light of the recommendations in the Report of the Commission on the Future of Policing in Ireland.

The information in relation to the allocation of Probationer Gardaí by Division and Station as provided by the Garda Commissioner is available on my Department’s website through the link:

Garda Deployment

The information in relation to the number of Community Gardaí by Division in each of the years 2008 as to 31 October 2018, the latest date for which figures are available is available on my Department’s website through the link:

Garda Strength

For more general information on Garda Facts and Figures please see the link:

http://www.justice.ie/en/JELR/Pages/An_Garda_Siochana_facts_and_figures.

Garda Promotions

119. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of vacant promotional positions to be filled at all levels throughout An Garda Síochána to date; and if he will make a statement on the matter. [50019/18]

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

Appointments to the ranks of sergeant and inspector are a matter for the Commissioner under section 14 of Garda Síochána Act 2005. I am pleased that the Budget 2019 provides resources to increase the number of sergeants in An Garda Síochána by 110 and the number of inspectors by 81 next year. As the numbers in An Garda Síochána continue to increase towards the target of 15,000 by 2021, it is imperative that the appropriate and commensurate numbers of supervisors are put in place.

I am advised by the Commissioner that competitions recently concluded for promotion to the rank of sergeant and inspector with the aim of bringing the number in these ranks up to the full strength as agreed under the Employment Control Framework (ECF). The allocation of successful candidates is currently underway, with 170 sergeants having been appointed to date and

appointments to the rank of inspector expected in the coming weeks.

The process of selecting and appointing members to the ranks of assistant commissioner, chief superintendent and superintendent lies with the Policing Authority since 1 January 2017. As Minister, I have no role in the selection and appointment of candidates to these ranks with the exception of members of the Police Service of Northern Ireland (PSNI) whose appointment by the Authority must be approved by the Government. The Authority held competitions for each of these ranks in 2017. A further superintendent competition was completed in July 2018 and a panel of candidates established by the Authority. A competition for the rank of chief superintendent has just been completed. The existence of panels ensures that vacancies arising can be filled without any undue delay.

Appointments to the ranks of Commissioner and Deputy Commissioner are made by Government upon the nomination of the Authority.

For the Deputy's information I have set out in the attached table the Garda strength of each rank as compared to the ECF as of 26 November 2018, the latest date for which figures are currently available, as supplied by the Garda Commissioner. I have requested the information sought in respect of Garda staff promotional vacancies from the Commissioner and I will forward it directly to the Deputy when it is available.

Strength of each rank as compared to the ECF as of 26 November 2018

Rank	Strength	ECF	Vacancies
Commissioner	1	1	0
D/Commissioner	1	2	1
A/Commissioner	9	9	0
Chief Superintendent	45	47	2
Superintendent	166	168	2
Inspector	233	300*	67
Sergeant	1986	2,000*	14

* The ECF will increase in 2019 for Inspector's by 81 to 381, and for Sergeant's by 110 to 2110.

Garda Data

120. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of women in An Garda Síochána; and if he will make a statement on the matter. [50020/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I have been informed by the Garda Commissioner that the total number of women in all ranks of An Garda Síochána as of the 31 October 2018, the latest date for which figures are readily available, was 3,720 or 27% of the total strength. This compares favourably with the number on 31 December 2008 which was approximately 3,100 or 22% of the total strength. While this is broadly in line with other police services in England and Wales, there is clearly plenty of scope for improvement.

The Garda Authorities have assured me that a concerted effort is being made to encourage women to consider a career in An Garda Síochána so that the membership of An Garda Síochána will reflect the community that it serves.

The Commission on the Future of Policing in Ireland (CoFPI) in the course of its work held

semi-structured focus group discussions with female Garda members to explore the experiences of female Garda personnel regarding their careers, training and development and future prospects. Among the recommendations made in the CoFPI report is the reform of the current roster and greater flexibility of work practices which would enhance the attractiveness and job satisfaction of a career in An Garda Síochána.

The Government noted this Report on publication and my Department is currently consulting widely on the issues raised including with the Garda Commissioner in advance of me returning to Government in December with my views on the recommendations and a High Level Implementation Plan.

For the Deputy's information I have set out below in tabular form the number of women by rank and as a percentage of the total by rank as of 31 October 2018.

	Total	Female	Female as % of Total
Commissioner	1	0	0%
Deputy Commissioner	1	0	0%
Assistant Commissioner	9	2	22%
Chief Superintendent	46	7	15%
Superintendent	166	17	10%
Inspector	236	34	14%
Sergeant	1988	390	20%
Garda	11429	3270	29%
Total	13876	3720	27%

*As of 31 October 2018

Question No. 121 answered with Question No. 118.

Gangland Crime

122. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if particular steps can be taken or are being taken to proscribe membership of criminal gangs in view of their threat to the security of the State; and if he will make a statement on the matter. [50022/18]

Minister for Justice and Equality (Deputy Charles Flanagan): I can assure the Deputy that tackling organised crime activity is a key ongoing priority for both the Government and An Garda Síochána. The Government's commitment in this regard is evidenced by the significant additional funding that has been provided to An Garda Síochána in recent years in response to increased gang-related violence and crime.

The question of providing for an offence of membership of a criminal gang, in a manner similar to the approach taken in the Offences Against the State Acts with regard to membership of a proscribed organisation, has arisen from time to time. In this regard, it is important to understand the issues which arise in seeking to simply outlaw membership of a criminal gang in such a manner. Most significant here is the fact that a criminal gang is not likely to have the permanency of organisation and structure that a subversive organisation or other more fixed group would have. Relationships in criminal gangs tend to be more fluid with shifting memberships, alliances and a membership which may depend on circumstance.

However, criminal legislation has been updated in recent years, with a view to ensuring that it provides a comprehensive range of provisions for the prosecution and punishment of crime, in particular the activities of those involved in organised crime. Part 7 of the Criminal Justice Act 2006 (as amended by the Criminal Justice (Amendment) Act 2009) establishes a number of offences targeting the activities of those involved in organised crime. These offences include participation in a criminal organisation and directing a criminal organisation. The latter offence specifically targets those in criminal organisations who give the orders without requiring their direct participation in the commission of criminal offences. On conviction, this offence carries a penalty of up to life imprisonment.

The Criminal Justice Act 2006 also makes it an offence to conspire with one or more persons to do an act that constitutes a serious offence, irrespective of whether such act actually takes place or not. Evidential provisions as to the existence of a criminal organisation were also introduced aiding prosecution of the offences provided for under the Act. The Act also provides that where a serious offence is committed as part of, or in furtherance of a criminal organisation, it shall be treated as an aggravating factor for the purpose of determining sentence.

I am advised that An Garda Síochána continue to utilise all available legislation, including the provisions of the Criminal Justice Act 2006 referred to above, in their ongoing efforts to tackle organised crime activity.

An Garda Síochána's Policing Plan sets out the priorities of An Garda Síochána in tackling organised crime activity including its continued commitment to pro-actively target groups and individuals engaged in criminal activity, including organised criminal activities.

An Garda Síochána continues to develop and implement operations and strategies aimed at targeting, dismantling and disrupting criminal networks utilising advanced analytical and intelligence methodologies. Multi-disciplinary approaches are also utilised to ensure the activities of individuals and groups involved in criminal enterprise are effectively targeted, including through the use of proceeds of crime legislation, money-laundering legislation, the provisions of the Criminal Justice (Amendment) Act 2009 relating to organised crime and the powers of the Criminal Assets Bureau.

While we should not underestimate the difficulties which the Garda authorities face in tackling organised crime activity, we continue to see the significant results of their efforts in the arrests made and persons being brought before the Courts, as well as the ongoing drugs and firearms seizures made.

Departmental Operations

123. **Deputy Billy Kelleher** asked the Minister for Justice and Equality the progress to date for each of the action points made in the report Measures to Enhance Ireland's Corporate, Economic and Regulatory Framework published in November 2017 that fall under his remit; if each such action point has been completed, not completed or is ongoing, respectively; and the revised deadlines for action points not delivered by the original timeframes in tabular form. [50036/18]

Minister for Justice and Equality (Deputy Charles Flanagan): The information requested by the Deputy, insofar as my Department is concerned, is outlined in the table below.

Progress on Measures to Enhance Ireland's Corporate, Economic, and Regulatory Framework

Questions - Written Answers

Action Point No.	Action Point	Timeline	Relevant Bodies	Lead/Owner	Progress
6	Review anti-corruption and anti-fraud structures.	Q2 2018	Department of Justice and Equality, Garda National Economic Crime Bureau, Department of Finance, Department of Public Expenditure and Reform, Office of the Revenue Commissioners, Office of the Director of Corporate Enforcement.	Department of Justice and Equality	The Review is being taken forward by former DPP and Anti-Corruption Expert Mr James Hamilton. The Review Group has already had preliminary discussions about the Report (on 1 Nov) and is due to meet again in December and will deliver its findings in June 2019.
7	Establish a Garda-led Joint Agency Task Force on a pilot basis as part of the overall review of structures & procedures	Q2 2018	An Garda Síochána, the Central Bank, industry representatives and any other relevant bodies.	Department of Justice and Equality	The Joint Agency Task Force will be established with the pilot basis examining in particular payment fraud. This will be influenced by the work done by the Steering Group on Invoice Redirection Fraud for which material for an information campaign is being prepared for a launch in early 2019 which will signal the formal commencement of the work of the Task Force.
					Enact the Criminal Procedure Bill
8	Publish the Criminal Procedure Bill	Q2 2018	Department of Justice and Equality, Office of the Attorney General, Oireachtas	Department of Justice and Equality	Currently being drafted by OPC in the Office of the Attorney General.
9	Enact Criminal Procedure Bill	Q4 2018	Department of Justice and Equality, Office of the Attorney General, Oireachtas	Department of Justice and Equality	Related to 8 above.
					Transpose 4th Anti-Money Laundering Directive (4AMLD)

Action Point No.	Action Point	Timeline	Relevant Bodies	Lead/Owner	Progress
24	Transpose 4th Anti-Money Laundering Directive (4AMLD)	Q1 2018	Department of Justice and Equality, Department of Finance, Office of the Attorney General	Department of Justice and Equality	Enacted 14 November 2018. Commenced 26 November 2018
					Publish and Enact the Criminal Justice (Corruption Offences) Bill
27	Publish the Criminal Justice (Corruption Offences) Bill	Q4 2017	Department of Justice and Equality, Office of the Attorney General, Oireachtas	Department of Justice and Equality	Completed.
28	Enact the Criminal Justice (Corruption Offences) Bill	Q4 2018	Department of Justice and Equality, Office of the Attorney General, Oireachtas	Department of Justice and Equality	Enacted 5 June 2018. Commenced 30 July 2018.

Work Permits Applications

124. **Deputy Marcella Corcoran Kennedy** asked the Minister for Business, Enterprise and Innovation when an application for an employment permit will issue to a person (details supplied); and if she will make a statement on the matter. [49861/18]

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): The Employment Permits Section of my Department inform me that the above named person was granted a Dependant/Partner/Spouse employment permit on 28th November 2018.

Brexit Supports

125. **Deputy Charlie McConalogue** asked the Minister for Business, Enterprise and Innovation the number of food businesses that have applied for working capital under the Brexit loan scheme that opened in March 2019; the number of such businesses that have been sanctioned financing to date; and the value of same. [49993/18]

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): The Brexit Loan Scheme provides affordable working capital to eligible businesses with up to 499 employees that are or will be impacted by Brexit and meet the scheme criteria. The €23 million exchequer funding (€14 million from my Department and €9 million from the Department of Agriculture, Food and the Marine) has been leveraged to provide a fund of up to €300 million.

It has been designed to assist eligible Irish businesses in the short-term to deal with the challenges of Brexit, which include the pressures of increased market instability and currency volatility. The scheme is open to both State Agency clients and businesses that do not have any relationship with State Agencies. Sole traders may also apply.

The scheme features a two-stage application process. First, businesses must apply to the

Strategic Banking Corporation of Ireland (SBCI) to confirm their eligibility for the scheme. This application process requires businesses to use guidelines provided on the SBCI website to determine if they are eligible, and if so, to complete the eligibility form. As part of the process, businesses must submit a business plan, demonstrating the means by which they intend to innovate, change or adapt to meet the challenges posed by Brexit. Guidance is available on the SBCI website on how to complete a business plan. The SBCI assess the applications and successful applicants receive an eligibility reference number.

Successful applicants can then apply for a loan under the scheme with one of the participating finance providers. Participating finance providers are the Bank of Ireland, Ulster Bank and Allied Irish Bank. Approval of loans under the Brexit Loan Scheme is subject to the finance providers' own credit policies and procedures.

The scheme was launched in March this year and, as of 23 November, there have been 307 applications received, of which 270 have been approved and 54 loans progressed to sanction at bank level to a value of €12.51 million. These figures were issued as an interim update, more detailed information is available on a quarterly basis. As of the most recent quarterly report, dated 02 October, the number of businesses in the "Food and Accommodation" sector approved for eligibility by the SBCI was six. A further two businesses were approved in the "Agriculture" sector. There were also 79 "Manufacturing" businesses, of which eighteen were food businesses. Given the time lag between approval by SBCI and sanction of loans by on-lenders, a detailed analysis of activity at on-lender level is not available at this point in time.

National Planning Framework

126. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation if forecasting and modelling of labour market participation rates have been carried out; and if employment forecasting and modelling to cater for Project Ireland 2040 population projections for the next 20 years has been carried out. [50033/18]

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): The National Planning Framework was developed through a detailed consultation process which received inputs from many Government Departments and stakeholders. The process was coordinated by the Department of Housing, Planning and Local Government. I understand that the population projections and modeling which informs much of the analysis presented in the Project Ireland 2040 National Planning Framework was derived from the ESRI's research presented in 'Prospects for Irish Regions and Counties: Scenarios and Implications' (December 2017). For further details on the methodologies used in the development of the Ireland 2040 plan I would refer the Deputy to the Department of Housing, Planning and Local Government and the Project Ireland 2040 National Planning Framework website: <http://npf.ie/draft-of-ireland-2040>

While the issue of participation rates relates more to Labour Market Policy which is outside of my Department's remit, my Department appreciates the importance of monitoring participation rates in the labour market and contributes analysis in this regard. As we draw closer to full employment, it is essential that enterprise in Ireland has access to high-quality, adaptable and flexible talent pools. My Department closely monitors the trends concerning labour market participation rates. As it stands the participation rate in Ireland (62.3%) is above the European average (58.1%) and this is the case for both men and women, as evidenced in the most recent Eurostat Labour Force Survey.

My Department actively contributes to ensuring that suitable policy responses are put in place to support continued and increased participation. For example, Action 28 of the Action

Plan for Jobs 2018 commits to identifying ‘*relevant policy issues for cohorts with low participation rates based on patterns of labour market participation*’. My Department has lead responsibility on this action. Policy responsibility for participation rates falls across multiple government departments and my Department is currently working with these departments to ensure the completion of this action by the end of the year.

On 18 July last, the Government agreed to the development of Future Jobs, a new programme of focused actions for 2019, and thereafter, which will form a key part of Ireland’s economic agenda over the medium term. This is a whole of government approach aiming to: enhance productivity; ensure quality and sustainable jobs; and build a resilient and innovative economy. It will ensure we are well positioned to adapt to the technological and other transformational changes our economy and society will face in the years ahead.

The development and implementation of Future Jobs is being led jointly by the Department of the Taoiseach and my Department and is organised around five pillars one of which is increasing participation in the workforce. Improving participation rates means a more equitable, balanced and sustainable development of our workforce and is premised on the view that policies must differentiate between the different needs of people as well as the different barriers to participation.

These objectives were strongly supported by participants at the successful national summit on Future Jobs which took place on 22nd November last which brought together over 200 attendees representing employers, workers, academia, civic society, state agencies and public administration to discuss future challenges and opportunities with myself and other ministerial colleagues.

Skills Development

127. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation the lifelong learning targets to be achieved. [50034/18]

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): Ireland’s targets in the area of lifelong learning are set out in *Ireland’s National Skills Strategy 2025*, which was developed and is being implemented by the Department of Education and Skills. As that strategy highlights, ‘Given the changing demand for skills, increasing people’s lifelong learning activity, especially those in the workforce, is a vital element of Ireland’s future skills development and can have a positive impact on productivity and innovation at firm level and nationally’.

The strategy aims to increase engagement in lifelong learning through increased promotion and communication of its benefits, more and easier opportunities for those in employment to engage in education and training, greater recognition of workplace learning and prior learning, and the significant strengthening of career guidance.

From a baseline lifelong learning participation rate of 6.7% in 2014 (population aged 25-64), the National Skills Strategy set a lifelong learning participation target of 10% by 2020, and 15% by 2025. In 2017, Ireland’s lifelong learning participation rate was 8.9%, compared with an EU average of 10.7%.

Lifelong Learning is key consideration in developing actions under *Future Jobs – Preparing Now for Tomorrow’s Economy*. Future Jobs will form a key part of Ireland’s economic agenda over the medium term to ensure we are well positioned to adapt to the technological and other transformational changes our economy and society will face in the years ahead.

The development and implementation of Future Jobs is being led jointly by the Department of the Taoiseach and my Department and is organised around five pillars, namely: Improving Productivity, particularly in Irish Small and Medium Sized Enterprises; Supporting Innovation and Technological Change; Enhancing Skills and Developing and Attracting Talent; Increasing Participation in the Labour Force; and Successfully Transitioning to a Low Carbon Economy.

A key factor to Ireland's successful transition to a digital and low carbon based economy will be having a well-skilled workforce capable of adapting to new challenges. Soft skills, transversal skills and the mastery of core competencies in numeracy, literacy and digital technologies remain critical for employees in all sectors, and opportunities to develop and enhance these skills are vital. Advanced cognitive skills, problem solving, logic, social and emotional skills are particularly important in the development of competences needed to adapt to and respond to the changes that may occur due to technological advancement. Students and learners at all levels of the education and training system need to be given the opportunity to acquire these skills both during their initial formal education and throughout their lives.

Therefore, we need to enhance Ireland's lifelong learning provision to help workers re-skill throughout their working lives. Enterprises, and SMEs in particular, also need to invest in upskilling and re-skilling their workforce, including their managerial capacity, to enhance and maintain productivity; to adapt to technological disruption; and to identify and exploit opportunities from the digital and low carbon economies as they emerge. Future Jobs, which will be launched early in 2019, will map out the supporting actions for 2019 as well as framing the longer term agenda.

These objectives were strongly supported by participants at the successful national summit on Future Jobs which took place on 22nd November last which brought together over 200 attendees representing employers, workers, academia, civic society, state agencies and public administration to discuss future challenges and opportunities with myself and other ministerial colleagues.

Employment Data

128. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation the number of persons as a percentage classified as underemployed out of the number employed in each of the years 2005 to 2017 and to date in 2018, in tabular form. [50040/18]

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): CSO data on underemployment is only available from 2008 onwards. The number underemployed as a percentage of employed was 4.7% in Q3 2008. It peaked during the recession at 8.0% in Q3 2012 and has since fallen to 4.9% in Q3 2018.

Table

Persons aged 15 years and over in Employment (Thousand), both sexes, Quarter 3

	2008Q3	2009Q3	2010Q3	2011Q3	2012Q3	2013Q3	2014Q3	2015Q3	2016Q3	2017Q3	2018Q3
In employment	2209.8	2006.8	1930.6	1885.2	1887	1961.8	2008.9	2079.9	2158	2206.5	2273.2
In employment part-time - underemployed	104.7	118.5	113.9	143.4	150.4	144.3	130.9	113.7	107.5	115.8	111.5

	2008Q3	2009Q3	2010Q3	2011Q3	2012Q3	2013Q3	2014Q3	2015Q3	2016Q3	2017Q3	2018Q3
Un-derem- ployed as percent- age of em- ployed	4.7%	5.9%	5.9%	7.6%	8.0%	7.4%	6.5%	5.5%	5.0%	5.2%	4.9%

Link to data on CSO website: www.cso.ie/px/pxeirestat/Staire/SelectVarVal/Define.asp?main=QLF01&PLanguage=0.

Enterprise Data

129. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation the number of enterprises here by firm size (details supplied); the percentage in each category as a proportion of total enterprises; and the number of employees in each such firm size category based on the latest CSO data in tabular form. [50041/18]

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): The data requested by the Deputy is collected by the Central Statistics Office, which is under the aegis of the Department of the Taoiseach.

In this regard, the Department of the Taoiseach have informed me that the latest Business Demography data was published on the CSO website on July 4th 2018, with reference year 2016, and is available at

www.cso.ie/en/releasesandpublications/er/bd/businessdemography2016.

The information in this release covers the private business economy, which is NACE Rev 2 Sectors B-N (excluding K64.20 Activities of holding companies).

The information requested by the deputy for reference year 2016 is in the table below. Persons engaged include employees, proprietors and family members. Persons engaged are the sum of Employees plus Working Proprietors. If an individual is paid a wage for any segment of a reference year they are included in the overall figures. Further breakdowns are available at

www.cso.ie/px/pxeirestat/Database/eirestat/Business%20Demography/Business%20Demography_statbank.asp?sp=Business%20Demography&Planguage=0.

Size Class	Enterprises	% of Total	Employees	% of Total	Persons Engaged	% of Total
Under 10	229,534	91.8%	252,709	18.9%	392,829	26.6%
10-49	16,914	6.8%	324,539	24.3%	327,572	22.2%
50-249	3,003	1.2%	290,275	21.7%	290,604	19.7%
250+	582	0.2%	466,774	35.0%	467,231	31.6%
Total	250,033	100.0%	1,334,927	100.0%	1,478,326	100.0%

European Globalisation Fund

130. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation if she has corresponded with the Minister for Education and Skills regarding whether he has

prepared or has completed a formal application to the EU Commission seeking an adaptation to the European globalisation adjustment fund to enable it to ensure exposed enterprises can avail of grant aid due to the economic fallout of Brexit. [50042/18]

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): The European Globalisation Adjustment Fund does not come under the remit of my Department but that of the Department of Education and Skills. Therefore, any adjustments to the strict qualifying criteria fall to that Department to address.

My Department and its agencies are providing extensive supports to ensure that businesses are prepared for Brexit. These supports aim to assist businesses in identifying key risk areas and the practical preparatory actions to be taken over the coming months.

A number of schemes have been developed to mitigate against the effects of Brexit. In late November 2017 a Rescue and Restructuring (R&R) Scheme was approved by the EU Commission. This scheme has been put in place as it is considered prudent to have contingency measures in place so that we can respond swiftly to changing circumstances as necessary.

The Brexit Loan Scheme was launched in April 2018 and provides affordable working capital financing to eligible businesses that are either currently impacted by Brexit or will be in the future, to help them innovate, change or adapt to mitigate their Brexit challenge.

In May 2018, the Rescue and Restructuring scheme was extended to include temporary restructuring aid for enterprises experiencing acute liquidity needs. The aid is granted in the form of loans repayable over a period of 18 months. Together with the Brexit Loan Scheme, this temporary restructuring aid will provide valuable stabilisation to businesses as they respond to the immediate and long-term impacts of the UK's decision to leave the EU.

The Future Growth Loan Scheme was announced in Budget 2019. The scheme will be available to eligible Irish businesses, including those in the primary agriculture and seafood sectors, to support strategic, long-term investment in a post-Brexit environment. It will provide low cost loans for terms of between 8-10 years, which is not readily available on the market. It is expected that this scheme will be operational in Q1 2019.

Local Enterprise Office funding has been increased and this increase is being used to assist micro-enterprises in becoming more competitive and better able to cope with the changing environment in which they are operating. The suite of LEO Brexit supports includes tailored mentoring to address Brexit-related business challenges and targeted training on specific Brexit challenges.

Enterprise Ireland has established a Prepare for Brexit online portal and communications campaign, as well as an online "Brexit SME Scorecard" to help Irish businesses self-assess their exposure to Brexit and a "Be Prepared Grant" to support SME clients in planning to mitigate risks arising from Brexit. It has also launched a new Eurozone Strategy to help SMEs broaden their export footprint beyond the UK.

InterTrade Ireland's Brexit advisory service was established in May 2017 to provide a focal point for SMEs working to navigate the changes in cross-Border trading relationships brought about by Brexit negotiations.

As part of awareness-raising activities, EI has rolled out regional Brexit Advisory clinics throughout the year. My Department and its agencies have also participated in the Getting Ireland Brexit Ready roadshow to inform businesses of supports available to them to prepare for Brexit.

Officials from my Department are point of a Technical Working Group on State aid which also comprises representatives from DG Competition, Enterprise Ireland and the Department of Agriculture, Food and the Marine. The objective of the Group is to scope and design schemes to support enterprises impacted by Brexit in line with State aid rules. Should issues arise that require an approach that does not fit within the existing State aid rules, this will be raised as part of the Working Group discussions.

Health Services Staff Remuneration

131. **Deputy Brendan Smith** asked the Minister for Health if an organisation (details supplied) will be included in the pay restoration process in view of the urgent need to improve the remuneration for these workers; and if he will make a statement on the matter. [50029/18]

Minister for Health (Deputy Simon Harris): As you know, in February 2018, an agreement was reached at the Workplace Relations Commission (WRC) between the Department, the HSE and health sector Trade Unions in relation to a process aimed at resolving the pay restoration issue for staff employed by section 39 bodies in 50 pilot organisations. The 50 organisations which were included were agreed at the WRC.

Following a data gathering exercise and the compilation of an interim report in June, the parties attended for conciliation talks at the WRC in July 2018. Following a reconvening of talks, an agreement was reached on 2 October 2018 between the parties. For those employed by the 50 organisations involved in the pilot, the following will apply:

- Pay restoration will commence with an annual pay increase of up to €1,000 in April 2019
- 50% of the outstanding restoration due will be paid on 1 October 2020
- The remaining 50% will be paid on 1 October 2021

Based on the information available, it appears that almost 90% of these staff who received a pay cut will have on average, 75% of it restored in 2019.

The above payments will be made based on the following criteria:

- This is pay restoration and not pay progression
- The intention is to restore pay reductions made, no more
- Only the 50 organisations in the pilot are eligible at this time
- Payment will be subject to a verification and validation process

It will be important that the employers involved in the WRC process continue to give their full co-operation in relation to the on-going verification and validation process referred to above.

It is recognised that some of the remaining organisations will have pay restoration issues also. A process of engagement to address this will commence in 2019.

Medical Card Administration

132. **Deputy Michael Healy-Rae** asked the Minister for Health the reason a person (details supplied) was refused a medical card; and if he will make a statement on the matter. [49853/18]

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

National Dementia Strategy

133. **Deputy Brendan Smith** asked the Minister for Health the number of persons with dementia that receive treatment in psychiatric units attached to general hospitals or in other psychiatric units instead of receiving appropriate treatment in general hospitals; if physical restraint is applied to dementia patients; and if he will make a statement on the matter. [49854/18]

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.

Hospital Appointments Status

134. **Deputy Michael Healy-Rae** asked the Minister for Health the status of a hospital appointment for a person (details supplied); and if he will make a statement on the matter. [49855/18]

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.

Disability Services Provision

135. **Deputy Michael Healy-Rae** asked the Minister for Health further to Parliamentary Question No. 506 of 6 November 2018, if he will address matters regarding the case of a person (details supplied); and if he will make a statement on the matter. [49857/18]

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.

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

As the Deputy's question relates to an individual case, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy.

Electronic Cigarettes

136. **Deputy Maurice Quinlivan** asked the Minister for Health his plans to introduce legislation to regulate shops selling vaping products; and if he will make a statement on the matter. [49868/18]

Minister for Health (Deputy Simon Harris): The Government has approved the drafting of a General Scheme of a Bill to provide for the introduction of a licensing system and other measures in relation to the sale of non-medicinal nicotine delivery systems, including e-cigarettes, as well as tobacco products. The legislation will include a prohibition on the sale of non-medicinal nicotine delivery systems, including e-cigarettes, by and to persons under 18 years of age. The drafting of a Regulatory Impact Assessment and the General Scheme is on-going.

Electronic cigarettes are already regulated under the EU (Manufacture, Presentation and Sale of Tobacco and Related Products) Regulations 2016. These Regulations transposed the Tobacco Products Directive (2014/40/EU) and came into effect on 20 May 2016.

The Regulations provide for certain safety and quality requirements for e-cigarettes containing nicotine including maximum nicotine concentrations and maximum volumes for cartridges, tanks and nicotine liquid containers. E-cigarettes must be child-resistant and tamper proof and have a mechanism that ensures refilling without spillage to protect consumers. E-cigarette ingredients must be of high purity and e-cigarettes must deliver the same amount of nicotine for puffs of the same strength and duration.

In addition the Regulations provide that health warnings for e-cigarettes are mandatory advising consumers that e-cigarettes contain nicotine and should not be used by non-smokers. Packaging must include a list of all ingredients contained in the product, information on its nicotine content and a leaflet setting out instructions for use and information on adverse effects, risk groups, addictiveness and toxicity. Promotional elements are not allowed on e-cigarette packaging and the cross-border advertising and promotion of e-cigarettes is prohibited.

Finally the Regulations provide that e-cigarette manufacturers must notify the HSE of all products that are placed on the market.

Medicinal Products Reimbursement

137. **Deputy John Brassil** asked the Minister for Health when a decision will be made on Translarna; if engagement with or inclusion of patient representation will occur as part of the assessment process for Translarna; and if he will make a statement on the matter. [49869/18]

Minister for Health (Deputy Simon Harris): The HSE has statutory responsibility for decisions on pricing and reimbursement of medicines under the community drug schemes, in accordance with the provisions of the Health (Pricing and Supply of Medical Goods) Act 2013; therefore, the matter has been referred to the HSE for reply to the Deputy.

Cancer Screening Programmes

138. **Deputy Niamh Smyth** asked the Minister for Health if a matter (detail supplied) in relation to BreastCheck in County Cavan will be reviewed; and if he will make a statement on the matter. [49873/18]

Minister for Health (Deputy Simon Harris): I am advised that BreastCheck makes every effort to ensure that their mobile units are located at sites that can serve the maximum number of eligible women taking account of population densities, transport routes and general accessibility. However, these considerations are balanced against the technical and operational requirements necessary to allow the screening programme to deliver a safe and quality assured service.

In the case of Cavan, the mobile unit was located on the grounds of Cavan General Hospital and, broadly speaking, I am advised that this has operated well. However, I acknowledge that a dedicated parking area was not available and I regret any inconvenience that this may have caused for some woman attending for screening.

Hospital Waiting Lists

139. **Deputy Fiona O'Loughlin** asked the Minister for Health the outpatient waiting times in Tallaght Hospital; and if he will make a statement on the matter. [49887/18]

Minister for Health (Deputy Simon Harris): Improving access to hospital treatment is a key priority for government. Each year, 3.3 million patients attend Hospital Outpatient clinics for appointments. While the total numbers on the outpatient waiting list continues to grow, a targeted approach by the HSE in late 2017 and into 2018 has impacted on the level of growth. From January to September 2018, the rate of growth of the outpatient waiting list was a quarter of what it was in the same period in 2017.

This year €55 million was allocated to the NTPF to provide treatment for patients. This has been increased to a total of €75 million for 2019 and as a result of this additional funding, my Department is working closely with the NTPF and the HSE to finalise a Scheduled Care Access Plan for inpatients/day case and outpatients for 2019.

I recently met with the CEO's of all hospital groups and requested that they develop innovative proposals to address their outpatient lists in 2019.

In 2019, the NTPF will continue to work closely with Hospital Groups, inviting proposals to facilitate the trialling of funded interventions, including weekend and out of hours clinics, to tackle Outpatient Waiting lists. This year has seen the NTPF approve almost 12,700 additional first-time outpatient appointments and this is projected to increase to 40,000 appointments next year. In addition, validation will play a key in ensuring the accuracy of the outpatient waiting list, and it is envisioned that 30,000 patients will be removed from the outpatient waiting list through the validation consultation process in 2019.

As part of its work to address long-waiters, I understand that Tallaght University Hospital has engaged with the NTPF to propose a number of insourcing and outsourcing initiatives that can help to address the outpatient lists. This has seen the NTPF approve proposals to treat more than 2,200 outpatients across a range of specialties at Tallaght, through the provision of an additional 177 outpatient clinics.

Tallaght University Hospital advises that it has also sought innovative solutions to long waiting lists, including investment in a Waiting List Decision Support System (DSS) which

plans and forecasts outpatient demand, allowing the hospital to ensure planned improvements are delivered. Tallaght has also recently recruited new consultants in orthopaedics, neurology, and ENT, in order to arrest the growth in waiting lists for these areas. In addition, the appointment of additional Advanced Nurse Practitioners (ANP) in areas such as Rheumatology, and the establishment of more physio led clinics in specialties like Gynaecology, is projected to have a positive impact on outpatient waiting lists as we move into 2019.

The information requested by the Deputy is contained in the table below.

Outpatient Waiting List in Tallaght Hospital - Based on latest published NTPF figures

0-3 mths	3-6 mths	6-9 mths	9-12mths	12-15mths	15-18 mths	18-21 mths	21-24mths	24-36 mths	36-48 mths	48+mths	Total
6893	5021	3466	2522	2516	1931	1419	1024	2740	1128	117	28777

Nursing Homes Support Scheme Administration

140. **Deputy Fiona O'Loughlin** asked the Minister for Health when the new arrangements in relation to the fair deal scheme will be introduced; if legislation is required to change the rules for same to introduce a three year cap on the inclusion of productive assets in the assessment or as part of the assessment for the scheme; and if he will make a statement on the matter. [49892/18]

Minister of State at the Department of Health (Deputy Jim Daly): The proposed policy change to the Nursing Homes Support Scheme (NHSS), to cap contributions from farm assets at 3 years where a family successor commits to working the productive asset, has been approved by Government. My Department is working on the development of draft Heads of Bill while considering a number of complex ancillary policy and operational matters which may need to be addressed in the proposed legislation.

It is intended that this proposed policy change, the 3 year cap, will be extended to eligible existing participants in long term residential care so that they are not disadvantaged, but that there would be no retrospective recoupment of contributions for those who have paid contributions over and above the 3 year period.

Work on the Heads of Bill is all but complete by my officials and the bill will shortly go forward for legal stress testing. Subject to legal advice, I expect to bring the bill to Government in the coming months.

The changes to the Scheme will come into effect in 2019 subject to the legislative process.

Mental Health Services Staff

141. **Deputy James Browne** asked the Minister for Health the position regarding the need for a psychiatrist appointment for a centre (details supplied); and if he will make a statement on the matter. [49895/18]

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.

Child and Adolescent Mental Health Services Staff

142. **Deputy James Browne** asked the Minister for Health when a CAMHS psychiatrist will be appointed to County Wexford; and if he will make a statement on the matter. [49901/18]

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.

Mental Health Services Provision

143. **Deputy James Browne** asked the Minister for Health the number of persons awaiting an appointment for a general adult psychologist in County Wexford; the number waiting longer than 12 months; and if he will make a statement on the matter. [49902/18]

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.

Trade Union Recognition

144. **Deputy James Browne** asked the Minister for Health his views on the fact that the HSE will not recognise an organisation (details supplied) or engage in negotiations with same; and if he will make a statement on the matter. [49903/18]

158. **Deputy Paul Murphy** asked the Minister for Health if he has communicated with the HSE in relation to a union recognition dispute with ambulance personnel; his plans to intervene in the matter; and if he will make a statement on the matter. [49937/18]

Minister for Health (Deputy Simon Harris): I propose to take Questions Nos. 144 and 158 together.

The union which is recognised by the HSE as representing ambulance grades is SIPTU. The Psychiatric Nurses' Association (PNA), which is a non ICTU affiliated union, have negotiating rights for nurses working in psychiatry and intellectual disability sectors. The National Ambulance Service Representative Association (NASRA), which is affiliated with the PNA is not recognised by the HSE and, therefore, does not have negotiating rights for HSE ambulance staff. The HSE can only engage with recognised unions with negotiation rights. This approach is in keeping with Government policy. Indeed, the principle of engaging only with recognised trade unions has been acknowledged previously by the Labour Court in a dispute involving the PNA but with a different public sector employer.

Whilst individuals have a right to membership of any trade union, HSE ambulance staff who choose to join an association which is not recognised by their employer should be aware that such membership is not facilitated by their employer. In light of all of the above, I can confirm that I have not communicated with the HSE in relation to this dispute as I do not believe it would be appropriate to intervene.

Hospital Appointments Administration

145. **Deputy Robert Troy** asked the Minister for Health if an appointment for a person (details supplied) will be expedited; and if he will make a statement on the matter. [49907/18]

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.

Services for People with Disabilities

146. **Deputy Sean Fleming** asked the Minister for Health the status of a project (details supplied); and if he will make a statement on the matter. [49908/18]

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.

National Maternity Hospital

147. **Deputy Gino Kenny** asked the Minister for Health the steps he will take to ensure that the national maternity hospital will be taken into public ownership as a condition of public funding; the further steps he will take to ensure that the €350 million earmarked for the new build will be conditional on the change of ownership and will be governed by a new secular charter; and if he will make a statement on the matter. [49917/18]

Minister for Health (Deputy Simon Harris): Considerable work has been undertaken to develop a legal framework to protect the State's significant investment in the new hospital and to ensure that the new hospital building will remain in State ownership. The proposals will require consideration by Government, the National Maternity Hospital and the St Vincent's Healthcare Group before they are finalised. This legal framework will underpin the operational and clinical independence of the new hospital, ensuring care in the new maternity hospital will be delivered without religious, ethnic or other distinction and any medical procedure which is in accordance with the laws of the land will be carried out there.

Hospital Beds Data

148. **Deputy Charlie McConalogue** asked the Minister for Health the maximum bed capacity at a hospital (details supplied); the number of these beds that are occupied; and if he will make a statement on the matter. [49921/18]

149. **Deputy Charlie McConalogue** asked the Minister for Health if a hospital (details supplied) is operating at maximum bed capacity; if not, the reason all available beds have not been brought into use; and if he will make a statement on the matter. [49922/18]

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

As these are service matters I have asked the Health Service Executive to respond directly to the Deputy as soon as possible.

Hospital Investigations

150. **Deputy Clare Daly** asked the Minister for Health if further external investigation into CPE deaths in UHL is planned in view of the fact that some persons with CPE that died during the period of the recent external review of CPE deaths in UHL were not included in the review (details supplied). [49923/18]

Minister for Health (Deputy Simon Harris): My Department and I have been kept informed of an external review commissioned last year by University of Limerick Hospitals Group (ULHG), regarding patients with CPE and concerns regarding whether CPE was a factor in the deaths of a number of these patients. In addition, University Hospital Limerick conducted an internal review. The HSE and ULHG have published a final anonymised report combining the two review findings and have advised that the review process was both robust and comprehensive.

As there has been both an internal and external review into CPE in University Hospital Limerick, the facts have been established using robust methodologies and clinical expertise.

As the Deputy's question refers to the details of a particular individual, I have referred your question to the HSE for direct reply.

Emergency Departments

151. **Deputy Pat Buckley** asked the Minister for Health his views on overcrowding in CUH Cork emergency department. [49925/18]

Minister for Health (Deputy Simon Harris): I wish to acknowledge the distress overcrowded EDs cause to patients, their families, and frontline staff working in very challenging working conditions in hospitals throughout the country.

This year has been characterised by high demand for unscheduled care, particularly among the 75 and over age group. By the end of October 2018, total attendances were up by 3.7% and admissions up by 2.5%, compared to the same period in 2017. For those aged 75 and over, by the end of October 2018, attendances were up by 5.7% and admissions up by 5.4%, compared to the same period in 2017. This increased demand was further exacerbated by the severe weather associated with Storm Emma and the extended Influenza outbreak earlier this year.

My Department is working with the HSE to ensure the most effective response to the winter

challenges to unscheduled care provision. The HSE Winter Plan 2018/19, which is currently under consideration by my Department, provides for a 4-week enhanced focus period from 17 December 2018 to 13 January 2019, targeting 9 key sites of concern. Cork University Hospital has been identified as one of these 9 sites, based on performance in previous winters.

As part of Budget 2019, an additional €10m in funding is being provided in 2018 for social care measures to enable older people to leave hospital and return to a more appropriate care setting, including their own home, as quickly as possible with the supports they need. The HSE has confirmed that measures to support older persons transition from acute care to the most appropriate setting have been identified and that the 2018 initiatives have now commenced.

Increasing bed capacity is a priority of this Government. Over the past 12 months an additional 240 beds have been opened nationally, which included 30 additional acute beds and 2 critical care beds in Cork University hospital. An additional 78 beds are due to come on stream nationally in early 2019, including 4 High Dependency Beds in Cork University Hospital.

This increase in capacity does not take account of the impact of the €10 million in funding in Budget 2019 to increase acute bed capacity in line with the recommendations of the Health Service Capacity Review. My Department is currently in discussions with the HSE, in the context of the National Service Plan 2019, to identify the sites for investment and the associated number of beds, as part of an agreed capacity programme for 2019.

I have asked the HSE to ensure that the National Service Plan 2019 provides for a significant uplift in activity across acute, primary and community care, to manage critical demand pressures, most particularly on Emergency Departments, at the beginning and the end of the year.

Hospital Waiting Lists Action Plans

152. **Deputy Pat Buckley** asked the Minister for Health the action he will take to address the long outpatient waiting times Cork University Hospital and Mercy University Hospital, Cork; and if he will make a statement on the matter. [49926/18]

Minister for Health (Deputy Simon Harris): Improving access to hospital treatment is a key priority for government. This year €55 million was allocated to the NTPF to provide treatment for patients. This has been increased to a total of €75 million for 2019 and as a result of this additional funding, my Department is working closely with the NTPF and the HSE to finalise a Scheduled Care Access Plan for inpatients/day case and outpatients for 2019.

I recently met with the CEO's of all hospital groups and requested that they develop innovative proposals to address their outpatient lists in 2019.

Each year, 3.3 million patients attend Hospital Outpatient clinics for appointments. While the total numbers on the outpatient waiting list continues to grow, a targeted approach by the HSE in late 2017 and into 2018 has impacted on the level of growth. From January to September 2018, the rate of growth of the outpatient waiting list was a quarter of what it was in the same period in 2017.

In addition, this year has seen the NTPF approve almost 12,700 additional first-time outpatient appointments nationally and this is projected to increase to 40,000 appointments next year.

Furthermore, validation will play a key role in ensuring the accuracy of the outpatient waiting list and it is projected that 30,000 patients will be removed from the national outpatient waiting list through the validation consultation process in 2019.

The South-South West Hospital Group and NTPF have advised that they are working closely to deliver initiatives aimed at tackling Outpatient Waiting lists. Initiatives to date include weekend and out of hour clinics in the specialities of Ophthalmology, Plastics and Urology. I expect this collaboration will be maintained into 2019.

Occupational Therapy Waiting Lists

153. **Deputy Pat Buckley** asked the Minister for Health the waiting lists for paediatric occupational therapy appointments in County Cork; and the action being taken to address long waiting times. [49927/18]

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.

Speech and Language Therapy Waiting Lists

154. **Deputy Pat Buckley** asked the Minister for Health the waiting lists for paediatric speech and language therapy appointments in County Cork; and the action being taken to address long waiting times. [49928/18]

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 Waiting Lists Action Plans

155. **Deputy Pat Buckley** asked the Minister for Health his plans to reduce the long waiting times for primary care ophthalmology appointments in County Cork. [49929/18]

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

Nursing Staff Recruitment

156. **Deputy Pat Buckley** asked the Minister for Health the number of nursing vacancies in St. Finbarr's hospital, Cork University Hospital, Mercy University Hospital, Mallow General Hospital and Midleton Community Hospital, County Cork; and the steps being taken to address the recruitment and retention crisis in same. [49930/18]

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

Hospital Consultant Recruitment

157. **Deputy Pat Buckley** asked the Minister for Health the number of consultant vacancies in St. Finbarr's, CUH, Mercy and the South Infirmary hospitals, County Cork; and the steps

being taken to address the recruitment and retention crisis in same [49931/18]

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.

Question No. 158 answered with Question No. 144.

Hospital Appointments Administration

159. **Deputy John McGuinness** asked the Minister for Health if an early appointment will be arranged for a person (details supplied) [49954/18]

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 Aids and Appliances Provision

160. **Deputy Bernard J. Durkan** asked the Minister for Health when special footwear will be provided in the case of a person (details supplied); if the service in general will be restored and made available to a facility; and if he will make a statement on the matter. [49999/18]

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

Health Services

161. **Deputy Bernard J. Durkan** asked the Minister for Health when a facility (details supplied) is likely to be restored, in particular to meet the needs of persons previously receiving treatment; and if he will make a statement on the matter. [50000/18]

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

Medical Card Applications

162. **Deputy Bernard J. Durkan** asked the Minister for Health when a medical card will

issue in the case of persons (details supplied); and if he will make a statement on the matter. [50001/18]

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

Home Help Service Provision

163. **Deputy Bernard J. Durkan** asked the Minister for Health if augmented home help or homecare package will be made available to a person (details supplied); and if he will make a statement on the matter. [50026/18]

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

Cannabis for Medicinal Use

164. **Deputy Michael Harty** asked the Minister for Health the stage of development the access programme for medicinal cannabis products is at; and if he will make a statement on the matter. [50027/18]

Minister for Health (Deputy Simon Harris): Considerable progress is being made in relation to the Cannabis for Medical Use Access Programme.

An Expert Group has drawn up clinical guidance for healthcare professionals treating patients through the Access Programme. These guidelines are available on the Department's website. The guidelines contain detailed information on medical cannabis, including clinical guidance on the use of medical cannabis and guidance on which cannabis products are appropriate for medical use.

Officials in my Department are working on secondary legislation in the form of three Statutory Instruments.

Whilst medical cannabis products are not medicines, ensuring that such products meet appropriate quality standards when they are made available to the Irish market is a critical aspect of facilitating safe access to medical cannabis for Irish-based patients. Department of Health officials are working intensively on this issue to ensure a supply of appropriate medical cannabis products to meet the needs of Irish patients. However, the Department of Health has no control in relation to business decisions taken by commercial product manufacturers and has no powers to compel such companies to supply their products to Irish market.

Pending full operation of the Access Programme, doctors continue to utilise the Ministerial licencing route to prescribe medical cannabis for their patients. Licences have now been granted for twelve individual patients. Until suitable medical cannabis products are made available in Ireland, prescribers and their patients are sourcing the prescribed product from a pharmacy in The Netherlands, on foot of their medical prescription. It is intended that the Ministerial licence application scheme will continue to operate in parallel with the Cannabis for Medical Use Access Programme, after the programme becomes operational, for exceptional cases only where there is an unmet clinical need.

Legislative Measures

165. **Deputy Michael Harty** asked the Minister for Health when a money message will be sanctioned to allow the Oireachtas Joint Committee on Health to proceed with the Committee Stage of the Cannabis for Medicinal Use Regulation Bill 2016, as directed by Dáil Éireann on 9 November 2017; and if he will make a statement on the matter. [50028/18]

Minister for Health (Deputy Simon Harris): I continue to support the recommendation of the Health Committee that the Bill, in its current form, should not proceed to Committee Stage, and the recommendations of the Health Products Regulatory Authority (HPRA) that access to cannabis, if permitted for medical purposes, should only be initiated under the direct supervision of an appropriate medical consultant, as part of a clearly defined monitored access programme.

Pending full operation of the upcoming Medical Cannabis Access Programme, doctors continue to utilise the Ministerial licencing route to prescribe medical cannabis for their patients. Licences have now been granted for twelve individual patients, the majority of whom are obtaining their medical cannabis from a Dutch pharmacy on foot of their medical prescription.

Cancer Screening Programmes

166. **Deputy Róisín Shortall** asked the Minister for Health further to Parliamentary Question Nos. 159, 163 and 164 of 22 November 2018, the outcome of the review of all 335 positive BRCA results processed by the department of clinical genetics in Our Lady's Children's Hospital, Crumlin; and when he expects to receive a report on the review of the negative BRCA tests. [50047/18]

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

Hospital Services

167. **Deputy Róisín Shortall** asked the Minister for Health further to Parliamentary Question No. 161 of 22 November 2018, the reason a report (details supplied) on the review of genetic services in Ireland 2014 has not been published; and if he will undertake to publish it without further delay. [50048/18]

Minister for Health (Deputy Simon Harris): The Donnai-Newman Report on the Review of Genetics Services in Ireland (2014) was commissioned by the HSE to recommend improvements in the governance, management and future development of the genetic services.

In relation to the matter of the publication of this report, I have asked the HSE to respond to you directly.

Hospital Services

168. **Deputy Róisín Shortall** asked the Minister for Health further to Parliamentary Question No. 161 of 22 November 2018, and the recommendations from a report (details supplied) which established a steering group by the HSE in early 2015, if he will report on the appointment of a national director and a clinical laboratory director of the National Genetic and Genomic Medicine Network; when these posts were advertised; and when it is proposed to provide funding for the commencement of these posts. [50049/18]

Minister for Health (Deputy Simon Harris): The HSE National Service Plan 2018 includes a commitment to commence development of the National Genetics and Genomic Network. As this is a service matter, I have asked the Health Service Executive to respond to you directly, as soon as possible.

Cancer Services Funding

169. **Deputy Róisín Shortall** asked the Minister for Health if there has been cuts in funding for mammograms at St. James's Hospital breast cancer history clinic; if so, the reason for such a decision in view of the importance of this clinic; if assurance that the clinic will continue at full capacity into the future will be provided; and if he will make a statement on the matter. [50050/18]

Minister for Health (Deputy Simon Harris): In parallel with the Rapid Access Clinic for Symptomatic Breast Disease in St James's Hospital, a Familial Breast Cancer Risk Assessment Service has evolved to provide a clinical service to women who are considered to be at higher than average risk of developing cancer in their lifetime. Due to increased referral rates to the symptomatic breast disease clinic, as well as to the 'family risk' clinic, the hospital is currently prioritising the symptomatic patients to ensure that a quality, timely and sustainable service is available to them. This has resulted in the suspension of the family risk service, other than for urgent cases.

One of the hospital's two mammography machines which was at end of life has recently been replaced. A third machine is on order and is expected to be installed either late this year or early in 2019. Capacity for mammography has been a major part of the challenge in meeting demand for breast services in St James's.

The intention is to restore the Familial Breast Cancer Risk Assessment Service in St James's as early as possible in the new year.

Single Payment Scheme Payments

170. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a single farm payment for 2018 will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [49856/18]

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 the 30th April 2018. EU Regulations governing the administration of these schemes require that full and comprehensive administrative checks, including in some cases on farm inspections, be completed before any payments issue.

The application of the person named was selected for a Ground Eligibility inspection. This inspection has been processed and the person named was notified of the findings on 27th November 2018. The notification issued outlines the options available at this stage, namely to accept the findings or to submit comments to my Department for consideration. On completion of this process, the inspection outcome will be finalised and any payments due will issue to the nominated bank account of the person named as soon as possible.

Agriculture Scheme Data

171. **Deputy Eugene Murphy** asked the Minister for Agriculture, Food and the Marine the number of applications received, approved and processed, respectively in relation to the low cost cashflow loan scheme for farmers announced in budget 2018, by county in tabular form; and if he will make a statement on the matter. [49862/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): The Future Growth Loan Scheme is being developed by my Department and the Department of Business, Enterprise and Innovation in partnership with the Department of Finance, the Strategic Banking Corporation of Ireland (SBCI) and the European Investment Fund (EIF).

It will be delivered through participating finance providers and make up to €300 million of long-term investment loans available to eligible Irish businesses, including the primary agriculture, agri-food & seafood sectors. The loans will be competitively priced and will be for terms of 8-10 years.

The fund is leveraged by exchequer funding of €62 million, of which 40% or some €25million will be provided by my Department. My Department's contribution announced as part of Budget 2018 will be paid to the Scheme by the end of 2018. The Scheme is expected to launch in early 2019.

Horticulture Sector

172. **Deputy Eugene Murphy** asked the Minister for Agriculture, Food and the Marine the financial value of the horticultural sector to the economy in 2017 and to date in 2018; his plans to further enhance the horticultural sector; and if he will make a statement on the matter. [49863/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): The farm-gate value of horticultural output for 2017 was estimated by my Department as just over €433million, of which the mushroom sector accounted for €118 million. This was followed in value terms by the protected crops and potato sectors which contributed over €80 million each.

Given that harvesting of certain horticultural crops is still on-going the output estimate for 2018 will not be available until after year-end.

In addition to considering the farm-gate value of horticultural output, it is important to bear in mind that the industry also contributes significantly to both upstream and downstream economic activity.

My Department operates two schemes which aim to facilitate development of Ireland's horticultural sector.

The Scheme of Investment Aid for the Development of the Commercial Horticulture Sector provides grant aid for specialised horticultural capital investments. This scheme is fully funded by the Irish Exchequer. The budget for the Scheme has been increased by €1m to €6m for 2019 and the Scheme is currently open to applications.

The Scheme of Aid for Producer Organisations in the Fruit and Vegetables Sector provides support for growers to come together to form a Producer Organisation that collectively markets the grower's production and engages in various measures to improve the competitiveness and sustainability of production. This Scheme is 100% EU funded and provides aid at a rate of 50% on approved expenditure.

Further information on both of these schemes is available at: <https://www.agriculture.gov.ie/farmingsectors/horticulture/horticultureschemes/>

GLAS Payments

173. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the status of a GLAS payment application by a person (details supplied); and if he will make a statement on the matter. [49871/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): The person named was approved into GLAS 1 with a contract commencement date of 1 October 2015 and has received payments in respect of 2015 and 2016 and the 2017 advance payment. The 2017 balance payment was delayed due to issues relating to an inspection. These issues will be concluded shortly and the 2017 balance payment will then issue. Once the 2017 balance payment is made the case will move forward for processing of the 2018 advance.

Budget 2018

174. **Deputy Eugene Murphy** asked the Minister for Agriculture, Food and the Marine the status of the suckler cow benefit announced in budget 2019; when he plans to move to the €200 suckler payment; and if he will make a statement on the matter. [49953/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): My Department has provided €20 million in budget 2019 for a new pilot scheme for suckler farmers, specifically aimed at further improving the carbon efficiency of beef production. The Beef Environmental Efficiency Pilot (BEEP) will target the weaning efficiency of suckler cows and calves - measuring the liveweight of the calf at weaning as a percentage of the cow's liveweight.

Building on the success of the Beef Data and Genomics Programme, the data collected will also be a valuable addition to Ireland's already impressive database on cattle genomics.

Details of the scheme will be announced in due course following further consultation.

I have no plans to move to a €200 suckler payment. As I have stated previously, targeted supports for the sector will continue to focus on economic and environmental efficiency in the sector in order to help ensure its long term viability. The following outlines the supports for the suckler sector which are currently in place. According to National Farm Survey data, suckler farmers currently receive support equivalent to approximately €500 per suckler cow on average.

My Department is examining all appropriate measures to support the different agrifood sectors, including the suckler sector in preparation for the next iteration of the CAP. The measures adopted will be informed by stakeholder consultation on the needs of the sector to develop in an economically and environmentally sustainable way, as well as the relevant research and the available budget and structure of the new CAP when it is finalised.

The Beef Data and Genomics Programme (BDGP) is currently the main support specifically targeted for the suckler sector, which provides Irish beef farmers with some €300 million in funding over the current Rural Development Programme (RDP) period. This scheme is an agri-environmental measure to improve the environmental sustainability of the national suckler herd by increasing genetic merit within the herd.

My Department has rolled out a range of schemes as part of the €4 billion Rural Development Programme (RDP), 2014 - 2020. In addition to the BDGP, other supports which are available for suckler and sheep farmers under Pillar II of the CAP include GLAS, ANCs and Knowledge Transfer Groups. Suckler farmers also benefit from the Basic Payment Scheme (BPS) and Greening payments under CAP Pillar I.

I am conscious that this has been a difficult year for the sector in terms of weather and the range of challenges associated with it. At the latest meeting of the Beef Roundtable on 3 October, I highlighted the need for stakeholders to recognise their inter-dependency. I urged processors to engage positively with their farmer suppliers to build the sustainability of the sector as a whole and to ensure a reasonable return for the farmers upon whom the sector relies for its development. It is essential that the position of the primary producer in the supply chain be secured if we are to build a sector for the future.

The Beef Roundtable also included discussions on the potential for producer organisations and the development of new technologies as ways of adding value along the whole supply chain, all tools to build resilience in the sector. Producer Organisations would allow farmers to engage collectively with processors, with the aim of strengthening farmers' bargaining power. Additionally, I have asked Bord Bia to conduct a detailed examination of market dynamics, with the cooperation of the industry, taking into account sales of particular cuts into particular segments of the market in order to improve price transparency.

I am strongly of the view that the existing range of supports available to suckler farmers, together with ensuring access to as many markets as possible, both for live animals and beef exports, are appropriate supports for the continued development of the sector. According to National Farm Survey data, suckler farmers receive support equivalent to approximately €500 per suckler cow on average.

I will continue to argue for as strong a CAP budget as possible, post-2020. In particular, I am committed to ensuring that suckler farmers continue to receive strong support in the next CAP. My view is that such payments should support and encourage suckler farmers to make the best decisions possible to improve the profitability, and the economic and environmental efficiency, of their farming system. The Beef Environmental Efficiency Pilot is a positive step in that direction.

Areas of Natural Constraint Scheme Eligibility

175. **Deputy Jackie Cahill** asked the Minister for Agriculture, Food and the Marine the new townlands in County Tipperary that will be eligible for the 2019 ANC scheme that were not eligible for the 2018 ANC scheme; the townlands in County Tipperary that will not be eligible for the 2019 ANC scheme that were eligible for the 2018 ANC scheme. [49964/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): A listing of Tipperary townlands newly eligible for the 2019 ANC scheme and the townlands no longer eligible for the 2019 ANC scheme is attached. In each case the total area of the townland and the agricultural area (ie the potential payable area) is included. Where townlands are no longer eligible in 2019, this may not necessarily lead to a direct financial loss for an individual farmer within that townland

[Townlands].

European Maritime and Fisheries Fund

176. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the 2013 to 2017 European Maritime and Fisheries Fund allocation to Ireland by Exchequer and EU funds; and the 2014 to 2020 EMFF funding allocation. [49988/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): My Department's European Maritime and Fisheries Fund Operational Programme is the vehicle for financial supports to the seafood sector for the period 2014 to 2020. The Programme delivers a wide range of supports for aquaculture, fisheries and seafood processing through a suite of schemes.

The Programme is co-funded by the Government of Ireland and the European Union and provides €239.3 million in funding - an investment of €91.7 million provided by the Government of Ireland and €147.6 million provided by the European Union.

The predecessor to the European Maritime and Fisheries Fund was the Seafood Development Operational Programme which was implemented over the period 2008 to 2015. An investment of €21.1million was provided by the Government of Ireland and €42.3 million provided by the European Union.

Agrifood Sector

177. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the measures in the proposed RDP for the 2021 to 2027 period published by the EU Commission on 1 June 2018 that give member states the option to introduce measures to mitigate risks from extreme weather events for farmers and the agrifood sector. [49989/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): In recent times we have seen the European agriculture sector, including Ireland, experiencing a series of extreme weather events. This has caused significant hardship and additional costs for many of our farmers.

So far, response options have been reactive in nature with ad hoc schemes being introduced to provide support to those who have been adversely affected by these weather related events.

Given the increase in the number of such weather events, I believe it is opportune to examine implementable solutions.

It is important in the first instance to acknowledge that the CAP itself, whether through price supports under Pillar 1, or physical measures under Pillar 2, does provide support to stabilise farm incomes, as well as improving on-farm structural and environmental resilience. However further consideration needs to be given as to how we can assist farmers in better managing risks. It is clear that we need to examine additional measures that will enhance the resilience of farmers in their ability to respond and adapt to adverse events. The CAP post 2020 proposals have rightly raised this issue.

There are nine principal objectives underpinning the future CAP. Amongst other issues, these are clear in recognising the role agriculture has to play in meeting our environmental and climate change targets. The agriculture sector is vulnerable to climate change, in terms of the impact adverse weather events have had on food production and crop yields. Actions under the CAP are expected to contribute 40% of the overall financial envelope of the CAP to climate objectives.

Pillar 2 schemes such as agri-environment and risk management measures can encourage farmers to farm in a more sustainable environmental friendly way, while at the same time provide support to farmers to help them better manage the risks. Since the needs and circumstances of farmers are very different between, and indeed within, Member States, it is important that Member States are afforded sufficient flexibility at national level to assess the risk management instruments appropriate to their farmers, whether these be based on combating income instability or addressing a range of physical risks. I am open to exploring other options including Insurance Schemes and Mutual Funds.

It is of course worth noting that we are in the process of negotiating these draft proposals. I will continue to work hard to ensure the best possible outcome for Irish farmers in the CAP post 2020.

Areas of Natural Constraint Scheme Eligibility

178. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the new townlands that will be eligible for the 2019 ANC scheme that were not eligible for the 2018 scheme; and the townlands that will not be eligible for the 2019 ANC scheme that were eligible for the 2018, scheme in tabular form. [49990/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): A listing of townlands newly eligible for the 2019 ANC scheme and the townlands no longer eligible for the 2019 ANC scheme is attached. In each case the total area of the townland and the agricultural area (ie the potential payable area) is included. Where townlands are no longer eligible in 2019, this may not necessarily lead to a direct financial loss for an individual farmer within that townland.

[List]

Rural Development Programme

179. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the status of the ex-ante assessment for the use of financial instruments within Ireland's European agricultural fund for rural development and European Maritime and Fisheries Fund operational programmes; and if the final report has been submitted to the RDP monitoring committee. [49991/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): The ex-ante assessment for the use of financial instruments within Ireland's European Agricultural Fund for Rural Development and European Maritime and Fisheries Fund Operational Programmes has been completed and is available on the Department's website at the following link:

<https://www.agriculture.gov.ie/ruralenvironmentsustainability/ruraldevelopmentprogram-merdp2014-2020/>.

The report involved a detailed evaluation of access to finance for enterprises in the agriculture and seafood sectors in Ireland and examined the required steps of an ex ante assessment as outlined in Article 37 (2) of EU Regulation 1303/2013.

The report was presented to the Rural Development Programme Monitoring Committee in

September 2017. Following this, a written public consultation on the Ex-Ante Assessment was held to hear the views of stakeholders on the proposed use of Financial Instruments.

My Department has assessed the feedback from the RDP Monitoring Committee and considered the public consultation responses. It also considered the effect of the changes in the implementation of Financial Instruments following the adoption of EU Regulation 2017/2393 during this period. Work on this issue is ongoing; the Monitoring Committee will be updated on any developments.

Departmental Staff Data

180. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 216 of 8 November 2018, the full year cost of the number of public servants deployed to work exclusively on market access and other associated costs. [49992/18]

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): One of my key priorities is to further increase the market opportunity for Irish food and drinks internationally. Market development is a key component of Food Wise 2025, and is particularly important in the context of Brexit.

My Department's market access effort includes work at political, diplomatic, and technical levels. The work of staff right across the Department is central to this effort. Veterinary, inspection and administrative staff involved in the protection of public and animal health, the provision of laboratory services and the certification of exports, are directly involved in supporting my Department's efforts to access new markets, for example through the provision of critical information to competent authorities in third countries, the facilitation of inspection visits by third country officials, or the agreement of export health certificates.

This wider effort work is co-ordinated by a team of 14 people working specifically on market access and the identification of technical barriers to trade across a range of commodities and livestock.

The salary scales for the grades included in the key cohort of staff working exclusively on market access issues are as illustrated in the table.

Grade	Number involved	Salary Scale
Assistant Principal	2	€66,495 - €77,460
Higher Executive Officer	1	€48,028 - €56,441
Administrative Officer	1	€31,848 - €56,441
Executive Officer	2	€29,316 - €46,891
Clerical Officer	3	€23,338 - €37,204
Veterinary Inspector	1	€56,055 - €84,825
Senior Veterinary Inspector	3	€89,795 - €96,761
Senior Superintending Veterinary Inspector	1	€98,948 - €110,602

However, as previously stated, it should be noted that there is a wider effort by staff in all grades right across my Department which together contribute to this important market access work.

Also, my Department has appointed agricultural attachés to embassies in Beijing, Washington, and Abu Dhabi to provide support to our trade development efforts in these critical third country markets. It keeps the locations of such appointments under review in line with the market opportunities in these regions.

My Department also funds the operations of Bord Bia and works closely with other Government Departments and agencies to increase the global footprint of Irish food, including by leading multi-agency trade missions.

I will continue to keep these arrangements under review to ensure that resources are optimally deployed and that our efforts to develop the global footprint of the Irish food sector are effective.

European Globalisation Fund

181. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the progress made on the application to the EU Globalisation Fund to aid affected Bord na Móna workers in their transition into new employment; and if he will make a statement on the matter. [49852/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): In relation to the European Globalisation Fund, I understand that Bord na Móna is currently assessing its eligibility in relation to an application to the European Globalisation Fund for assistance.

Inland Fisheries Ireland

182. **Deputy Peter Burke** asked the Minister for Communications, Climate Action and Environment if he will address a matter (details supplied); and if he will make a statement on the matter. [49872/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): Storm Callum recently felled 2 trees sited on IFI's Fish farm at Cullion, Mullingar which unfortunately entered onto the site of St. Bridget's Well. Following consultation with Local Authorities and other relevant stakeholders IFI established St. Bridget's Well site ownership and was granted permission to access the property in order to safely remove the storm damaged trees. IFI is in the process of arranging the removal works with suitably competent tree surgeons and will repair any consequential damage. This work will be scheduled for completion shortly.

National Broadband Plan

183. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment if he will release a copy of the pre-qualification questionnaire for the national broadband plan; and if he will make a statement on the matter. [49874/18]

184. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment if he will release a copy of the project information memorandum for the national broadband plan; and if he will make a statement on the matter. [49875/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I propose to take Questions Nos. 183 and 184 together.

The formal procurement for the State intervention was launched on 22 December 2015 with the publication of the Pre-qualification Questionnaire (PQQ) and Project Information Memorandum (PIM) in the Official Journal of the European Union (OJEU). The PQQ was issued to Bidders intending to submit a pre-qualification response before the closing date of 31 March 2016. This was the first step in the NBP procurement process. The PQQ assisted the Department in evaluating the eligibility, economic and financial standing and technical and professional capability of each Bidder to provide the services required.

With regard to the Project Information Memorandum (PIM), as outlined in the second paragraph of the Important Notice section on page 5, the information in the PIM as drawn up in 2015 is preliminary and indicative only and it was recognised that it would be superseded by subsequent information provided to the bidder.

A copy of both the PQQ and the PIM will be made available on my Department's website shortly.

Energy Resources

185. **Deputy Ruth Coppinger** asked the Minister for Communications, Climate Action and Environment if the importing of fossil fuels extracted using fracking will be prohibited; and if he will make a statement on the matter. [49883/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I refer to the reply to Question Nos. 534 and 549 of 20 November 2018. The position remains unchanged.

Energy Policy

186. **Deputy Ruth Coppinger** asked the Minister for Communications, Climate Action and Environment his views on the expansion of fossil fuel facilities here; and if he will make a statement on the matter. [49884/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): Ireland's energy policy is fully aligned with the EU's climate and energy objectives on the transition to decarbonisation, which includes continuous and on-going review of policies to reduce harmful emissions, improve energy efficiency, incentivise efficient and sustainable infrastructure investment, integrate markets, and promote research and innovation while ensuring our energy security of supply is maintained and enhanced. The 2015 Energy White Paper, Ireland's Transition to a Low Carbon Energy Future, sets out a road-map for Ireland to reduce its greenhouse gas emissions by 80-95% by 2050. The strategy is clear that non-renewable energy sources will make a significant – though progressively smaller – contribution to our energy mix over the course of the energy transition.

The National Mitigation Plan, published in July 2017, restates the Government's commitment to move from a fossil fuel-based electricity system to a low-carbon power system. Investment in further renewable generation will be incentivised. In addition to this the planned closure of Moneypoint by 2025 and the ending of peat for electricity generation will have a positive impact.

During this transition, gas has the potential to deliver significant and sustained benefits, particularly in terms of enhanced security of supply. Natural Gas has the potential to play an important role in reducing greenhouse gas emissions in the power generation, industrial and commercial, residential and transport sectors by replacing more CO₂-intensive fossil fuels. In Ireland gas powered generation also provides an important back-up for intermittent renewable wind generation.

I have secured government approval to develop an all of government plan which will set out the actions which must be taken in every government department and body to make Ireland a leader in responding to climate change. I will work with colleagues across government to develop new initiatives across electricity, transport, heat, as well as a range of other sectors.

Broadband Service Speeds

187. **Deputy Eugene Murphy** asked the Minister for Communications, Climate Action and Environment the status of the roll out of high speed broadband for counties Roscommon and Galway under the national broadband plan payment; and if he will make a statement on the matter. [49900/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): In April 2017 my Department published an updated High Speed Broadband Map which is available at www.broadband.gov.ie. This map shows the areas targeted by commercial operators to provide high speed broadband services and the areas that will be included in the State Intervention Area under the National Broadband Plan. The Map is colour coded and searchable by address/Eircode: - The AMBER areas represent the target areas for the proposed State led Intervention under the NBP and are the subject of an ongoing procurement process.

- The BLUE represent those areas where commercial providers are either currently delivering or have plans to deliver high speed broadband services.

- The LIGHT BLUE areas represent eir's commercial rural deployment plans to rollout high speed broadband to 300,000 premises as part of a Commitment Agreement signed with my Department in April 2017.

There are some 39,000 premises in Roscommon. Nearly 18,500 (47%) fall within the AMBER area and will be served under the State led Intervention. More than 17,000 (44%) of premises are in a BLUE area and are or will be served by commercial providers, while some 3,500 (9%) are LIGHT BLUE and fall to be served by eir's planned rural deployment.

There are some 135,000 premises in Galway. Just over 39,000 (29%) fall within the AMBER area and will be served under the State led Intervention. Nearly 85,500 (63%) of premises are in a BLUE area and are or will be served by commercial providers, while nearly 10,500 (8%) are LIGHT BLUE and fall to be served by eir's planned rural deployment.

Information on categories of specific premises can be accessed on the Department's website, www.broadband.gov.ie, by entering the relevant Eircode into the High Speed Broadband Map.

According to data for Q3 2018 submitted by eir to my Department the company has passed almost 210,000 premises nationwide as part of its ongoing deployment to 300,000 premises. Further detail on this progress is provided on its website www.fiberrollout.ie.

My priority is bringing the procurement process to a fair and impartial conclusion as quickly as possible. My Department will now conclude its assessment of the final tender submission

received by the bidder on 18 September 2018 and I will bring a recommendation to Government in the coming weeks.

Environmental Protection Agency Licences

188. **Deputy Marcella Corcoran Kennedy** asked the Minister for Communications, Climate Action and Environment the position regarding the awarding by the Environmental Protection Agency of an integrated pollution prevention licence to operators; the exact methodology used to calculate the cost of the licence to be paid by the operator annually; and if he will make a statement on the matter. [49905/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): The Environmental Protection Agency (EPA) was established by the Environmental Protection Agency Act 1992 as an independent body whose primary function is to monitor the quality of our environment and to ensure compliance with environmental protection legislation. This includes issuing specified licences under the principal Act and also under the Waste Management Act 1996, as amended. The EPA charges licensed facilities in proportion to the risk their activity poses to the environment, and for the enforcement effort in monitoring and determining compliance. The EPA has published a “Licensing and Enforcement Charging Policy” on its website. The policy encompasses both licensing application fees (including related fees such as objection/oral hearing, etc.) and annual licence enforcement charges. The policy document sets out:

- Enforcement charge setting principles
- What enforcement charges do, and do not, fund within the EPA’s activities
- Corporate governance and accountability
- How enforcement charges are calculated

The EPA enforcement charges are determined by the EPA using the following six principles which are outlined in the charging policy:

- The “polluter pays” principle
- Risk-based charging
- Burden sharing
- Ring-fencing of costs
- Appropriate cost recovery
- Balance

The full methodology for the calculation of the annual enforcement charge is set out in section 4 of the aforementioned “Licensing and Enforcement Charging Policy” which is available on the Agency’s website at:

<https://www.epa.ie/pubs/reports/enforcement/EPA%20Licensing%20&%20Enforcement%20Charging%20Policy.pdf>.

The policy also sets out the arrangements in place should a licensee form the view that the enforcement charge set by the EPA is incorrect or unreasonable.

Foreshore Licence Applications

189. **Deputy Catherine Connolly** asked the Minister for Communications, Climate Action and Environment the details of all costs incurred in the preparation of the foreshore lease application (details supplied) made by SEAI for an offshore site in County Mayo, including the costs of all consultations, studies, assessment documents and reports relating to the entire project; and if he will make a statement on the matter. [49913/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I am advised by the Sustainable Energy Authority of Ireland (SEAI) that costs incurred in the preparation of the environmental impact study and foreshore lease application for the Atlantic Marine Energy Test Site (AMETS) were €818,871. This covers costs for all studies conducted between 2010 and 2011 in preparation for the Foreshore application. Costs relating to one study completed in 2009 which informed the selection and development of the site have been more difficult to locate due to change of financial system. However, these are being sought by the Authority and will be forwarded directly to the Deputy as soon as possible. The Offshore Renewable Energy Development Plan (OREDPA) 2014 sets the policy framework for the sustainable development of our offshore renewable energy resources. Ireland is currently developing a suite of world class ocean energy test facilities capable of taking an ocean energy technology through the main technology readiness levels. The Lir National Ocean Test Facility in Cork consists of state of the art wave tanks and electrical rigs that allow for scaled testing in a controlled environment. The Galway Bay Marine and Renewable Energy Test Site (GBM-RETS) allows ¼ scale devices to be tested in real sea conditions.

The AMETS is being developed by the SEAI to facilitate testing of full scale wave energy converters in an open ocean environment. AMETS will be located off Annagh Head, west of Belmullet in County Mayo and will be connected to the national grid. At present all development in Irish coastal waters from the high tide mark out to 12 nautical miles must receive consent to develop from the Minister for Housing Planning and Local Government in order to proceed. The AMETS foreshore lease was granted by the Minister for Housing Planning and Local Government in 2015.

Planning permission for the onshore aspects of the AMETS, including the electrical substations, was awarded in April 2017. The next steps are to commission a detailed design of the substation and tender for construction and connection to the electricity network.

Medical Waste Disposal

190. **Deputy Michael Healy-Rae** asked the Minister for Communications, Climate Action and Environment his plans to introduce financial support for persons (details supplied) that use incontinence pads in view of increased refuse costs associated with same; and if he will make a statement on the matter. [49918/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): My Department is continuing the work of developing a mechanism to provide a €75 support for vulnerable persons with a condition such as lifelong or long-term medical incontinence to help meet the average annual cost of disposing of their domestic waste. I am informed that this process has taken longer than envisaged, due to a number of issues, including data protection issues that have arisen since the introduction of GDPR. However, I can assure the Deputy that I am committed to introducing an annual support as soon as practically possible in conjunction with relevant agencies and stakeholders.

Postal Codes

191. **Deputy Niamh Smyth** asked the Minister for Communications, Climate Action and Environment if he will review a matter (details supplied); and if he will make a statement on the matter. [49933/18]

193. **Deputy Niamh Smyth** asked the Minister for Communications, Climate Action and Environment if his attention has been drawn to the fact that lack of publicity in relation to difficulties receiving an Eircode is causing long delays for persons with new homes acquiring broadband from certain providers; and if he will make a statement on the matter. [50046/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I propose to take Questions Nos. 191 and 193 together.

Eircodes are assigned to new property addresses using a valid postal address and verified geo-locations. An Post collects information on new and existing buildings, as well as changes to existing addresses and Ordnance Survey Ireland provides the geo-locations for these buildings. An Post GeoDirectory, issue a new release of the GeoDirectory database file on a quarterly basis to Capita Business Support Services Ireland, trading as Eircode, in accordance with their licence agreement.

Each new address assigned an Eircode is published on the free to use Eircode Finder website, a notification letter is issued to the occupant containing the Eircode of that address and an updated Eircode Database is provided to licenced businesses for their use. Eircode have informed my Department that 22,503 new addresses were assigned an Eircode in 2017.

Eircode have advised my officials they have been in contact with the individual in question on a number of occasions regarding an Eircode for the new address and will liaise further with the individual. In relation to the Eircode website, Eircode has informed my officials they will update their website to improve and clarify information in relation to the allocation of new Eircodes for new buildings in conjunction with An Post.

My officials are working with An Post, Ordnance Survey Ireland, An Post GeoDirectory and Capita to improve and expedite the process of assigning Eircodes for new build properties.

Offshore Exploration Licences

192. **Deputy Bríd Smith** asked the Minister for Communications, Climate Action and Environment if the recent findings of the ObSERVE Programme into marine life will inform his policy on issuing licences for the exploration of oil and gas in view of the fact that such activity is known to destroy plankton, damage breeding grounds for many species and cause disorientation to many whale species listed in the ObSERVE study; and if he will make a statement on the matter. [49955/18]

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): In advance of the 2015 Atlantic Margin Licencing Round, the Irish Offshore Strategic Environmental Assessment (IOSEA) 5 Environmental Report in respect of oil and gas exploration activities in the Irish offshore was undertaken by my Department. Policy in respect of exploration activities carried out under an exploration licence offshore Ireland is informed by IOSEA5. The ObSERVE Programme has highlighted the rich diversity of cetaceans and seabirds offshore Ireland. The findings of the Programme are already informing the environmental aspects of decision making in respect of applications for explora-

tion activities offshore Ireland through the statutory consent process. Exploration or production activities proposed to be carried out under an exploration licence or petroleum lease (e.g. a seismic survey or drilling of a well) are subject to assessment of compliance with the Environmental Impact Assessment Directive, the Habitats Directive and the Birds Directive. In addition, the observations of the National Parks and Wildlife Service regarding potential impacts on Annex IV Protected Species and sites protected under the Birds and Habitats legislation are sought.

Scientific research regarding the potential for exploration activities to have an adverse impact on plankton and fish with trophic links to cetaceans is limited and not settled. My Department is mindful of the need to keep abreast of current international research projects in this regard.

Question No. 193 answered with Question No. 191.

Driver Licences

194. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if further progress has been made regarding allowing asylum seekers to apply for an Irish driver licence. [49906/18]

Minister for Transport, Tourism and Sport (Deputy Shane Ross): As the Deputy is aware, historically Ireland has not issued driving licences to asylum-seekers.

As I advised in response to Question no. 3 on 19 September 2018, I have asked my officials to re-examine the question of whether we should issue driving licences to asylum-seekers, this matter is still under consideration in consultation with my colleague the Minister for Justice and Equality.

Taxi Regulation Review Report

195. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the status of the ongoing efforts by the NTA to review the small public service vehicle industry; the planned actions arising from this review; and if there will be a public consultation period or other mechanism for public representatives to submit their views in relation to same. [49858/18]

Minister for Transport, Tourism and Sport (Deputy Shane Ross): Under the provisions of the Taxi Regulation Act 2013, the National Transport Authority (NTA) is responsible for the development and operation of a regulatory framework for the licensing of, and the standards to be applied to, small public service vehicles and their drivers in addition to the provision of services involving small public service vehicles.

In line with that responsibility the NTA is undertaking a review of key aspects of taxi, hackney and limousine operations with the intention of developing a five year strategy for the small public service vehicle industry that will guide its regulatory development over that timeframe.

This review is considering, with the assistance and input of the Advisory Committee on Small Public Service Vehicles, a variety of issues including issues related to vehicle licensing, vehicle standards, driver licensing, wheelchair accessible vehicles, fixed payment offences and technological developments.

The NTA intends to conduct a public consultation process in the first half of 2019 in relation to the proposals emerging from the review process. As part of that procedure, public represen-

tatives will have the opportunity to submit their views. Where any recommendations emerging from the review were to involve a significant revision of a policy nature and/or require legislative change, then these would be subject to full consideration by the Department.

Traffic Regulations Implementation

196. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport further to Parliamentary Question No. 871 of 6 November 2018, if councillors are free to make changes to speed limits (details supplied); and if he will make a statement on the matter. [49864/18]

Minister for Transport, Tourism and Sport (Deputy Shane Ross): As I explained to the Deputy in response to Question No. 871 of 6 November, the Road Traffic Act 2004 sets default speed limits for various categories of roads but elected members of local authorities have statutory responsibility for deciding on and making appropriate Special Speed Limit bye-laws for roads within their administrative area and, in the case of national roads, subject to the consent of Transport Infrastructure Ireland (TII). The making of such bye-laws is a reserved function of the elected members of the council.

To assist local authorities in the application of Special Speed Limits, my Department's updated *Guidelines for Setting and Managing Speed Limits in Ireland*, which is available on my Department's website, reiterate the statutory responsibilities of elected members in relation to the making of such Special Speed Limit bye-laws, while providing Guidelines taking account of relevant national policy and local circumstances - including road safety.

Fáilte Ireland Funding

197. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the level of funding allocated through Fáilte Ireland to County Westmeath for the purpose of promoting tourism within the county in 2019. [49893/18]

198. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if the level of funding allocated through Fáilte Ireland to County Longford for the purpose of promoting tourism within the county in 2019 will be examined. [49898/18]

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I propose to take Questions Nos. 197 and 198 together.

My Department's role in relation to tourism lies primarily in the area of developing national tourism policy, while the tourism agencies have operational responsibility for the implementation of this policy. Although my Department provides funding to Fáilte Ireland for investment in tourism, it has no role in the administration of the agency's funding programme.

I have asked Fáilte Ireland to provide the Deputy with further details with regard to funding for the development of tourism in Longford and Westmeath and the promotion of those counties. Please contact my private office if you do not receive a reply within ten working days.

Noise Pollution Legislation

199. **Deputy Alan Farrell** asked the Minister for Transport, Tourism and Sport the estimat-

ed cost of the establishment of the designated authority for noise regulation at Dublin Airport as required under EU Regulation 598/2014; the estimated annual running costs for the competent authority to carry out this regulatory function; and if he will make a statement on the matter. [49904/18]

Minister for Transport, Tourism and Sport (Deputy Shane Ross): It is estimated that the set-up cost of establishing the Competent Authority under EU Regulation 598/2014 will be in the region of €350,000. It is further estimated that when the Competent Authority is making a regulatory determination - which will typically be in five year cycles - the cost of this peak activity will be in the region of €1 million. In years where activity is related to monitoring and reporting only - in other words, the years between each regulatory determination - the running costs will of course be less than this.

It is intended that these costs will be met by a levy that the Competent Authority can impose on the daa. The daa will be liable to pay this levy on a monthly, biannual or annual basis, as determined by the Competent Authority, and it will be based on costs incurred by or reasonably expected to occur in the performance of its functions as the Competent Authority.

Early Childhood Care and Education Expenditure

200. **Deputy Fiona O'Loughlin** asked the Minister for Children and Youth Affairs the estimated cost of increasing the number of programme weeks in the early childhood care and education and ECCE programmes by one week to 14 weeks, respectively in tabular form. [49890/18]

Minister for Children and Youth Affairs (Deputy Katherine Zappone): The Early Childhood Care and Education (ECCE) programme provides for a programme of early learning for children before commencing primary school.

With effect from September 2018, all children meeting the minimum age requirement of 2 years and 8 months will be eligible for a full two programme years on the ECCE scheme. This further enhancement delivers fully on a commitment in the Programme for a Partnership Government that is good for children and families.

The below table shows the cost of increasing the number of weeks available to children in 2019, based on estimated registration figures:

Increase in ECCE Programme Weeks (€m)

Additional	Number of Weeks	Total Cost	Increase
0	38	298.1	0
1	39	305.9	7.8
2	40	313.8	15.7
3	41	321.6	23.5
4	42	329.5	31.4
5	43	337.3	39.2
6	44	345.2	47.1
7	45	353.0	54.9
8	46	360.9	62.8
9	47	368.7	70.6
10	48	376.5	78.4

Additional	Number of Weeks	Total Cost	Increase
11	49	384.4	86.3
12	50	392.2	94.1
13	51	400.1	102.0
14	52	407.9	109.8

School Completion Programme

201. **Deputy Fiona O'Loughlin** asked the Minister for Children and Youth Affairs the first and full-year cost of restoring the school completion programme to peak levels of funding. [49891/18]

Minister for Children and Youth Affairs (Deputy Katherine Zappone): This question has been answered previously. I would refer the Deputy to the answer to PQ48526/18 answered on November 21st 2018 and the answer to PQ 43136/18 answered on October 18th 2018. The response to those questions was as follows:

“As the Deputy may be aware, responsibility for the National Educational Welfare Board which included the School Completion Programme (SCP) was transferred to my Department on its establishment in 2011.

Upon the establishment of Tusla, the Child and Family Agency on January 1st 2014, operational responsibility for the SCP was transferred to the Agency.

The SCPs are funded in line with the academic year commencing in September each year. The funding available to the SCP for the school year 2018/2019 stands at €24.7 million.

The Educational Welfare Service (EWS) of Tusla has advised that the first and full-year cost of restoring the SCP to peak levels of funding would be €7.3 million.”

Early Childhood Care and Education

202. **Deputy Paul Kehoe** asked the Minister for Children and Youth Affairs the options for a person (details supplied) applying for an overage exemption for the ECCE programme; and if she will make a statement on the matter. [49899/18]

Minister for Children and Youth Affairs (Deputy Katherine Zappone): Current policy requires that any request for an overage exemption from the Early Childhood Care and Education (ECCE) programme eligibility criteria must be supported by a letter from a HSE/Medical Specialist, (not a GP or Public Health Nurse (PHN)), specifically recommending an extra year of pre-school to be in the best interests of the child.

This requirement is not intended to undermine the view of any parent, teacher, GP or PHN in relation to a child's needs but rather to maintain a clear and standard basis for applying for exemptions.

Examples of the type of specialist/medical letters accepted in order to approve an exemption are as follows:

Speech and Language Therapist Occupational Therapist Senior Psychologist Neurologist-
Psychiatrist Cardiologist Oncologist Ophthalmologist Otolaryngologist (ENT Specialist) Gastro-
enterologist

This is not an exhaustive list however, it provides an example of what may be accepted.

There is no specific deadline for overage exemptions at present however the issue of overage exemptions is being reviewed as part of a wider consultation process carried out by the National Disability Authority.

The Access and Inclusion Model (AIM) is a model of supports designed to ensure that children with a disability can access and fully participate in the Early Childhood Care and Education (ECCE) programme. AIM is a child-centred model, involving seven levels of progressive support, moving from the universal to the targeted, based on the needs of the child and the pre-school setting they are attending. A child does not require a diagnosis of a disability in order to avail of AIM supports. It is open to the parents and pre-school provider of the child in question to make an application for targeted AIM supports on the child's behalf. Further information about AIM can be found on the website www.aim.gov.ie.

All ECCE overage exemption requests must be submitted via email to: eyqueries@dcya.gov.ie or alternatively by post to Overage Exemptions, Early Years Division, Department of Children and Youth Affairs, Block 1 Floor 2, Miesian Plaza, 50-58 Baggot Street Lower, Dublin 2.

Childcare Services Data

203. **Deputy Denise Mitchell** asked the Minister for Children and Youth Affairs the number of private sector childcare facilities that benefitted from capital grants under the National Childcare Investment Programme 2006 to 2010; the number of these childcare facilities which are still operating in 2018; and if she will make a statement on the matter. [49940/18]

Minister for Children and Youth Affairs (Deputy Katherine Zappone): The NCIP (National Childcare Investment Programme, 2006 - 2010) Capital Programme was a strategic infra-structural programme within the childcare sector with an aim to address local needs and meet local demands in the provision of childcare places.

Under the NCIP, the maximum funding available per childcare facility for community-based groups was €1.2m; for private providers, the maximum funding available per childcare facility was €100,000, with a ceiling of €500,000 per applicant across multiple facilities. Private providers were required under the programme to contribute at least 25% of the total cost of the capital project.

The total number of childcare facilities funded under the NCIP Capital Programme was 847.

501 of these were private providers, receiving a total of €33m in funding.

A total of €177.8m was awarded under the programme, to both private and community services.

Depending on the scale of the individual grant in question, grants under the NCIP were awarded on the condition that services remain in operation for a period from three years (for grants of €30,000 or less) to twenty years (for grants of €1m or more) following the grant award.

Pobal manage the operation of capital childcare programmes and contracting on behalf of the Department of Children and Youth Affairs. Since 2010, a total of €883,233 in capital payments have been recouped by the state due to closures, decommitals, etc. under the NCIP. The following figures have been provided by Pobal and show the break-down of capital recoup-

ments as follows:

Year	NCIP recoupments
2010	€541,637
2011	€154,923
2012	€103,520
2013	€42,929
2014	€14,581
2015	€7,244
2016	€4,211
2017	€7,212
2018	€6,976
Total	€883,233

At present it is not possible to provide an accurate number of services that received funding under the NCIP, both community and private, that remain in operation to this day. This is a complex task due in part to changes in addresses, ownership circumstances and reference numbers for many services.

As part of planning for future capital investment in childcare, my Department is having due regard to the performance and operation of previous large scale capital investment programmes, including closures and de-committals of childcare services where state interests exist. This exercise will help inform our plans looking forward for investment in childcare over the next ten years.

Childcare Services Funding

204. **Deputy Niamh Smyth** asked the Minister for Children and Youth Affairs the funding available for outdoor play areas for a facility (details supplied); if they are open at present; if not, when they will open; the application process; and if she will make a statement on the matter. [49956/18]

Minister for Children and Youth Affairs (Deputy Katherine Zappone): Applications under the Capital Grants Programme for 2018 closed on 9th March 2018 with services receiving their funding on 1st June 2018. Under the 2018 programme, strand 3 was designated to support the construction of Early Years Natural Outdoor Play Areas.

While the specifics of the 2019 Capital Programme are still under discussion between officials in my department and colleagues in Pobal, it is expected that there will be a focus on building capacity as well as other capital initiatives to support the transition to the Affordable Childcare Scheme.

Once this process is completed, an announcement will issue to all childcare providers in the coming months to inform them of the general guidelines for the programmes, as well as a timeline for their delivery.

Rural Regeneration and Development Fund

205. **Deputy Brendan Smith** asked the Minister for Rural and Community Development

the projects approved to date in counties Cavan and Monaghan under the Rural Regeneration and Development Fund; when the next tranche of projects will be approved; and if he will make a statement on the matter. [49994/18]

Minister for Rural and Community Development (Deputy Michael Ring): The first call for applications for the Rural Regeneration and Development Fund closed at the end of September. €1 billion is committed to the Fund over a 10 year period to support rural economic development and help build strong communities.

There was an excellent response to the first call, with nearly 300 applications received. Applications for the Fund are currently being examined by the Project Advisory Board, made up of representatives from key Government Departments and external experts, which was established to oversee the assessment process. Category 1 “shovel ready” projects have been prioritised in the assessment process and Category 2 projects - those which need development funding to become potential Category 1 applications in future calls for applications - will be considered at a later date.

I announced the first set of successful Category 1 projects for funding on the 23rd November 2018 and I can confirm that Cavan County Council received funding of €867,174 for a project to enhance Cootehill Industrial Estate, an important business site located close to the Cavan and Monaghan border.

The announcement on the 23rd November was just the beginning of the process and further announcements of successful Category 1 and Category 2 projects will take place early in 2019 with a further call for the Fund taking place in mid-2019.

Disability Allowance Appeals

206. **Deputy Michael Healy-Rae** asked the Minister for Employment Affairs and Social Protection the status of a disability allowance for a person (details supplied); and if she will make a statement on the matter. [49842/18]

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath): Following a successful appeal, this gentleman has been awarded disability allowance (DA) with effect from 7 March 2018 when he sent in his application. The first payment will be made by his chosen payment method on 5 December 2018.

Arrears of payment due will issue as soon as possible.

I trust this clarifies the matter for the Deputy.

Invalidity Pension Appeals

207. **Deputy Michael Healy-Rae** asked the Minister for Employment Affairs and Social Protection the status of an application by a person (details supplied); and if she will make a statement on the matter. [49844/18]

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 department received a claim for IP for this lady on 18 May 2018. Her claim was disallowed on the grounds that the medical conditions for the scheme were not satisfied. She was notified on 14 June 2018 of this decision, the reasons for it and of her right of review and appeal.

The lady concerned subsequently appealed the decision to the independent Social Welfare Appeals Office (SWAO) and submitted further medical evidence in support of her appeal. Where additional medical evidence is submitted in support of an appeal, this evidence is reviewed by a deciding officer to see if it warrants a revised decision before a case is referred to the SWAO. If it is decided that the person concerned satisfies the conditions for IP as a result of the review, IP is awarded and the request for appeal is withdrawn. If the decision is unchanged following this review, the file is sent to the SWAO for further determination by an Appeals Officer.

Unfortunately, the further medical evidence submitted in support of the appeal in this case was not brought to the attention of the deciding officer until 28 November 2018. The lady referred to has been awarded invalidity pension with effect from the 24 May 2018. Payment will issue to her nominated bank account on the 13 December 2018. Arrears due from 24 May 2018 to 12 December 2018 less overlapping social welfare payment will issue in due course. The lady was notified of this decision on the 28 November 2018 and the Department has contacted directly her to apologise for the undue delay.

I hope this clarifies the matter for the Deputy.

Invalidity Pension Eligibility

208. **Deputy Michael Healy-Rae** asked the Minister for Employment Affairs and Social Protection the status of an application by a person (details supplied); and if she will make a statement on the matter. [49845/18]

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 department received a claim for IP for the lady concerned on the 15 November 2018. In order to establish whether the medical condition for IP is satisfied in this case, the Department sent two forms to the lady on 19 November 2018. On receipt of the completed forms the claim will be processed as quickly as possible and she will be notified directly of the outcome.

I hope this clarifies the matter for the Deputy.

Disability Allowance Applications Waiting Times

209. **Deputy Maurice Quinlivan** asked the Minister for Employment Affairs and Social Protection the estimated time for a payment to be awarded for a disability allowance; and if she will make a statement on the matter. [49848/18]

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 DA claim in October 2018 was eleven weeks. My department is committed to ensuring that claims are processed as expeditiously as possible. The DA scheme area is continuously monitored and reviewed to ensure applications are processed and customers are responded to as quickly as possible.

I hope this clarifies the matter for the Deputy.

Invalidity Pension Waiting Times

210. **Deputy Maurice Quinlivan** asked the Minister for Employment Affairs and Social Protection the estimated time for a payment to be awarded for an invalidity pension; and if she will make a statement on the matter. [49849/18]

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 October was six weeks. 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.

Carer's Allowance Waiting Times

211. **Deputy Maurice Quinlivan** asked the Minister for Employment Affairs and Social Protection the estimated time for a payment to be awarded for a carer's allowance; and if she will make a statement on the matter. [49850/18]

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

In general, 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 often the case with carer's allowance applications.

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.

The average waiting time in October for new CA applications was 17 weeks. Staff have recently been re-assigned to the CA area to work on claims processing and this should lead to a reduction in processing times.

I hope this clarifies the matter for the Deputy.

Domiciliary Care Allowance Applications

212. **Deputy Maurice Quinlivan** asked the Minister for Employment Affairs and Social Protection the estimated time for a payment to be awarded for a domiciliary care allowance; and if she will make a statement on the matter. [49851/18]

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath): The Department has a processing target to finalise 90% of domiciliary care allowance (DCA) applications within 10 weeks. Processing times can be affected at particular times of the year by the volume of applications received, the complexity of individual cases and the availability of resources. While a small number of applications take longer to process than the norm, the overall average time taken to process DCA applications in 2018 has not exceeded 10 weeks.

I hope this clarifies matters for the Deputy.

Domiciliary Care Allowance Applications

213. **Deputy Michael Healy-Rae** asked the Minister for Employment Affairs and Social Protection the status of a domiciliary care allowance application by a person (details supplied); and if she will make a statement on the matter. [49870/18]

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath): This domiciliary care allowance application has been finalised. The person concerned was notified in a letter dated 27th November 2018 that domiciliary care allowance has been awarded from 1st April 2018. This includes a back-dating payment for the maximum six months allowable in respect of the months April to September 2018. Payment will commence in December 2018 and arrears due will issue with that payment along with the 2018 Christmas bonus.

I hope this clarifies the matter for the Deputy.

One-Parent Family Payment Eligibility

214. **Deputy Brendan Griffin** asked the Minister for Employment Affairs and Social Protection the reason a review was carried out on a one-parent family payment for a person (details supplied) in County Kerry; and if she will make a statement on the matter. [49885/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The customer is currently in receipt of One Parent Family (Jobseekers Transition) Payment. I understand from my Department that this claim was reviewed at the customer's request as she is no longer receiving maintenance payments in respect of her child.

I trust this clarifies the matter.

JobPath Data

215. **Deputy Brian Stanley** asked the Minister for Employment Affairs and Social Protection the number of participants in the JobPath scheme that have been referred back to the scheme for a second time. [49919/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): All

persons in receipt of Jobseeker's Allowance must be capable of, available for and actively seeking full time employment. The Social Welfare (Consolidated) Act 2005, as amended, specifies that participation in activation meetings is mandatory and that applies to all activation services provided by the Department including those provided by the contracted providers JobPath; Local Employment Services and Jobs Clubs. 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 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.

Jobseekers referred for a second time will start working with a Personal Advisor, who will review their development during their previous time with the service and together they will prepare a new personal progression plan to build on that progress. The actions and tasks agreed will be based on their previous engagement, with particular focus on the identified barriers, which are preventing the person moving into full time suitable employment.

As of the end of October 2018 just over 15,000 jobseekers had commenced a second engagement period with the service, having availed of the service previously.

I trust this clarifies the matter for the Deputy.

Social Welfare Benefits Waiting Times

216. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the processing times in which additional information is sought for all social welfare payments including fuel allowance; and if she will make a statement on the matter. [49934/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): Whenever a claim is made for a Social Welfare payment, a Deciding Officer must have sufficient information to assess whether all of the necessary eligibility criteria for that payment have been met, as laid down in the Social Welfare Consolidation Act and/or the applicable Regulations and Guidelines.

For example, Fuel Allowance is an administrative scheme where a claimant must meet the following eligibility criteria (full details are available at https://www.welfare.ie/en/Pages/820_National-Fuel-Scheme.aspx):

1. Legally resident in the State;
2. Mainly responsible for the heating of a household;
3. In receipt of a specified qualifying Social Welfare payment from my Department, or a Social Security Payment from a qualifying country;
4. Living alone or only with:
 - i. a qualified spouse/civil partner/cohabitant or qualified child(ren);
 - ii. a person in receipt of a qualifying payment who would be entitled to the allowance in

their own right;

iii. a person who is receipt of Carer's Allowance or Carer's Benefit in respect of providing full time care and attention to the Fuel Allowance applicant or their qualified spouse/civil partner/cohabitant or qualified child(ren).

iv. a person receiving short term Jobseeker's Allowance or Basic SWA (less than 391 days for JA and less than 15months/456 days for BASI).

5. Unable to provide for their heating needs from the resources of their household, as shown by the results of a means test.

So, for Fuel Allowance as for most Social Welfare schemes, there are multiple eligibility criteria, each of which may require detailed interactions with the claimant in order to ensure that enough evidence is available to decide the claimant's overall eligibility.

Moreover, in many cases, and especially for means-tested schemes, a visit to the claimant by a Social Welfare Inspector is a standard part of the eligibility assessment process.

This complexity means that there is not one single category for 'additional information is sought' in my Department's computer systems, and I therefore regret that I am not in a position to provide the information requested by the Deputy.

Illness Benefit Applications

217. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection when an application for an illness benefit by a person (details supplied) will be processed as a matter of urgency as this person has submitted their sixth medical certificate and has not received payment; and if she will make a statement on the matter. [49939/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The Illness Benefit claim for the person concerned has been processed and arrears owing to him have been issued.

The claim is both certified and paid up to the 22nd November 2018.

If the person concerned remains ill and unfit for work, a further medical certificate should be submitted to the Department as soon as possible in order for further payments to issue.

I trust this clarifies the matter for the Deputy.

Occupational Injuries Benefit Applications

218. **Deputy Pearse Doherty** asked the Minister for Employment Affairs and Social Protection when an occupational injury benefit application, including child dependants, by a person (details supplied) will be processed; the reason for the delay; and if she will make a statement on the matter. [49942/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The person concerned is currently in receipt of Illness Benefit pending a decision on her Occupational Injury Benefit claim. According to our records she does not qualify for payment of an increase by way of Child Dependant Allowance (CDA) due to the level of her spouses earnings in the current tax year. If her spouses earnings are less than €400 per week she should forward

proof of this to my Department and her entitlement to CDA will be reviewed.

The Illness Benefit claim for the person concerned is medically certified to the 14th December 2018 and paid to the 4th December 2018.

If the person concerned remains ill and unfit for work after the 14th December 2018, a further medical certificate should be submitted to the Department as soon as possible in order for further payments to issue after this date.

Her Occupational Injury Benefit claim will be processed shortly and any arrears due will be issued.

I trust this clarifies the matter for the Deputy.

Paternity Leave Data

219. **Deputy Anne Rabbitte** asked the Minister for Employment Affairs and Social Protection the number of parents that took part in the paternity leave scheme in 2016, 2017 and to date in 2018, by county in tabular form; and if she will make a statement on the matter. [49946/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The information requested in respect of the number of people that have availed of paternity benefit in 2016, 2017 and from 1st January 2018 to 31st October 2018, by county, is set out in the table below:

PATERNITY BENEFIT Claimants by County Breakdown

County	Awarded 1st September 2016 - 31st December 2016	Awarded 2017	Awarded 1st January 2018 – 31st October 2018	Total Awarded
Carlow	66	304	234	604
Cavan	79	431	340	850
Clare	107	607	437	1151
Cork	643	3385	2556	6584
Donegal	157	710	587	1454
Dublin	1345	7633	5787	14765
Galway	292	1536	1133	2961
Kerry	130	707	509	1346
Kildare	238	1394	1007	2639
Kilkenny	115	513	342	970
Laois	68	408	286	762
Leitrim	44	190	142	376
Limerick	205	1041	784	2030
Longford	41	199	144	384
Louth	143	655	483	1281
Mayo	145	668	451	1264
Meath	214	1115	803	2132
Monaghan	70	330	297	697
Offaly	74	403	324	801

County	Awarded 1st September 2016 - 31st December 2016	Awarded 2017	Awarded 1st January 2018 – 31st October 2018	Total Awarded
Roscommon	59	340	213	612
Sligo	75	339	283	697
Tipperary	151	833	599	1583
Waterford	129	589	477	1195
Westmeath	102	526	390	1018
Wexford	147	769	553	1469
Wicklow	148	786	572	1506
Others	26	148	104	278
TOTAL	5013	26559	19837	51409

I hope that this clarifies the matter for the Deputy.

Maternity Leave

220. **Deputy Anne Rabbitte** asked the Minister for Employment Affairs and Social Protection the number of parents that took part in the maternity leave scheme in 2016, 2017 and to date in 2018, by county in tabular form; and if she will make a statement on the matter. [49947/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I regret that the county breakdown requested by the Deputy is not readily available in my Department.

However, the Department holds a county by county breakdown of maternity benefit claims currently in payment. Please see table below, giving a listing of recipients by county at the end of October 2018.

Maternity Benefit in payment at the end of October 2018

County	Recipients
CARLOW	244
CAVAN	341
CLARE	473
CORK	2456
DONEGAL	627
DUBLIN	6122
GALWAY	1160
KERRY	525
KILDARE	1086
KILKENNY	368
LAOIS	316
LEITRIM	150
LIMERICK	767
LONGFORD	166

County	Recipients
LOUTH	508
MAYO	467
MEATH	902
MONAGHAN	292
OFFALY	274
OTHER	186
ROSCOMMON	253
SLIGO	249
TIPPERARY	666
WATERFORD	494
WESTMEATH	389
WEXFORD	588
WICKLOW	625
TOTAL	20694

Social Welfare Benefits Eligibility

221. **Deputy Michael Healy-Rae** asked the Minister for Employment Affairs and Social Protection if she will address a matter regarding the case of a person (details supplied); and if she will make a statement on the matter. [49957/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): My officials are currently examining the claim for the person concerned with a view to addressing the query. Officials will revert directly to the Deputy at the earliest opportunity with the information he has requested and will also contact the person concerned directly.

I trust this clarifies the matter for the Deputy.

Domiciliary Care Allowance Applications

222. **Deputy Michael Healy-Rae** asked the Minister for Employment Affairs and Social Protection the status of an application by a person (details supplied); and if she will make a statement on the matter. [49959/18]

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath): An application for Domiciliary Care Allowance was received from the person concerned on the 26th October 2018. The case was referred to the Department's Medical Assessors for a medical opinion. The Medical Assessor requested further information before proving an opinion. The person concerned was contacted on November 26th and asked to furnish further medical evidence. When the medical opinion is to hand the claim will be passed to a Deciding Officer for a decision. Once this decision has been made the person concerned will be notified of the outcome in writing.

It is currently taking approximately ten weeks to process an application for Domiciliary Care Allowance.

I hope this clarifies the matter for the Deputy.

Back to Education Allowance Eligibility

223. **Deputy Michael Healy-Rae** asked the Minister for Employment Affairs and Social Protection the status of an application by a person (details supplied); and if she will make a statement on the matter. [49961/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The customer is currently in receipt of the One Parent Family Payment and the Working Family Payment. She made an application for Back to Education Allowance on 6 September 2018.

Customers in receipt of the Working Family Payment are not eligible for Back to Education Allowance.

A decision letter issued to the customer on 11 September 2018 advising her that her application had been refused as she was in receipt of the Working Family Payments. That letter also advised that the decision could be reviewed by another officer of the Department. To date no request to review the decision has been received.

I trust this clarifies the matter.

Fuel Allowance Eligibility

224. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection the reason a person (details supplied) is not entitled to the fuel allowance when they are a recipient of carer's allowance which would indicate that they are entitled to the household benefits package; and if she will make a statement on the matter. [49962/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): A fuel allowance is a payment under the National Fuel Scheme to help with the cost of heating a home during the winter months. It is paid to people who are in receipt of certain qualifying social welfare payments and who also satisfy certain other conditions.

Carer's allowance (CA) is not a qualifying payment for receipt of fuel allowance. The person concerned is in receipt of CA and a household benefits package (HHB) from my department.

It may be that another member of the household may qualify for fuel allowance if they are in receipt of a qualifying social welfare payment and satisfy the qualifying conditions for same. Only one fuel allowance may be claimed per household.

I hope this clarifies the matter for the Deputy.

Carer's Benefit Applications

225. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection if she will take steps to ensure that a person (details supplied) who has taken time off work to care for an elderly relative has an application for carer's benefit immediately processed; and if she will make a statement on the matter. [49963/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): 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. An increased payment can be made where full-time care is being provided to two people.

I confirm that my department received an application for CARB from the person concerned on the 1 October 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

226. **Deputy Brendan Griffin** asked the Minister for Employment Affairs and Social Protection if a decision has been made on an illness benefit application by a person (details supplied) in County Kerry; and if she will make a statement on the matter. [49965/18]

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 all arrears owing to her have issued.

The claim is both medically certified and paid up to the 26th November 2018.

If the person concerned remains ill and unfit for work, a further medical certificate should be submitted to the Department as soon as possible in order for further payments to issue.

I trust this clarifies the matter for the Deputy.

Exceptional Needs Payment Eligibility

227. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection if an exceptional needs payment will be made available in the case of a person (details supplied); and if she will make a statement on the matter. [49996/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The person concerned contacted the Community Welfare Service on 22/11/2018. An application form for Supplementary Welfare Allowance issued to the person concerned on the same date. The application will be assessed upon receipt of completed documentation and the person concerned will be notified of the outcome.

I trust this clarifies the matter for the Deputy.

Illness Benefit Payments

228. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the correct level and amount of illness benefit payable in the case of a person (details supplied). [49997/18]

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath): The person concerned is in receipt of his full entitlement under the Illness Benefit scheme and any arrears due for his dependent wife and child have issued.

The claim is medically certified up to the 21st December 2018 and further payments will automatically issue up to that date.

If after the 21st December 2018 the person concerned remains ill and unfit for work, a further medical certificate should be submitted to the Department as soon as possible in order for further payments to issue.

I trust this clarifies the matter for the Deputy.

Invalidity Pension Eligibility

229. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection when an application for an invalidity pension claim will be processed in the case of a person (details supplied); and if she will make a statement on the matter. [49998/18]

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was referred on 26 November 2018 to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral 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 trust this clarifies the matter for the Deputy.

Jobseeker's Allowance Payments

230. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection if, in cases of persons in receipt of jobseeker's allowance that may occasionally have access to one day's employment only, they can receive consideration in the social welfare payment other than full reduction in lieu in view of the fact that attendance at a single day's employment has associated costs; and if she will make a statement on the matter. [50013/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): My Department's main social welfare schemes for people who are unemployed are the jobseeker's allowance and the jobseekers benefit schemes. Both schemes provide significant support to individuals so that they can work up to 3 days a week and still retain access to a reduced jobseeker's payment. The 2018 Estimates for my Department provide for expenditure this year on the jobseeker's schemes of €2.17 billion.

Where a claimant or their spouse or partner has earnings from insurable employment, earnings less PRSI contributions, pension contributions and trade union subscriptions are assessed as means under jobseekers allowance. I want to advise the Deputy that a disregard of €20 per day is being applied, which can cover associated costs, to the earnings for each day worked subject to a maximum of €60 per week (3 days). The balance is then assessed at 60%. A person working four or more days a week will not qualify for jobseeker's allowance.

The current days based system can also provide significant income supports to jobseekers who are part-time workers or casually employed. For instance an individual can earn a little over €20,190 per year and still retain a small jobseeker's allowance payment, while the equivalent threshold for an individual with a qualified adult is almost €34,700 if they are both working.

I trust that this information clarifies the matter for the Deputy if he has a particular case that

should be examined, the details should be provided to my Department.

Disability Allowance Applications

231. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection when disability allowance will be paid in the case of a person (details supplied); and if she will make a statement on the matter. [50014/18]

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath): The officials have contacted the Deputy's office to discuss this PQ, if the Deputy wishes to supply information including a PPS number I will have the matter examined.

Dietary Allowance Administration

232. **Deputy Lisa Chambers** asked the Minister for Employment Affairs and Social Protection the annual cost of the dietary supplement allowance for the five years running up to its abolition in 2014. [50030/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): Diet supplement, administered under the supplementary welfare allowance (SWA) scheme, is payable to qualifying persons, in receipt of the supplement prior to February 2014, who have been prescribed a special diet as a result of a specified medical condition. There are currently 2,500 in receipt of diet supplement at a cost of €1.4 million in 2018.

Following the outcome of a review of the costs of healthy eating and specialised diets by the Irish Nutrition and Dietetic Institute commissioned by the Department during 2013, the scheme has been closed to new applicants from 1 February 2014. This independent research showed that the average costs across all of the retail outlets of the diets supplemented under the scheme can be met from within one third of the minimum personal rate of social welfare payment, i.e. the SWA rate which was then paid at €186 per week. The weekly rate of SWA is €196 and will increase to €201 from March further to Budget 2019. The diet supplement scheme was discontinued for new applicants on the basis of this evidence and I have no plans to reverse this decision.

Existing recipients continue to receive the diet supplement at the current rate of payment for as long as they continue to have an entitlement to the scheme or until their circumstances change.

In cases of particular hardship, officials continue to have the legislative power to award a SWA payment in cases of exceptional need. Any person who considers that they may have an entitlement to financial support should contact their local Community Welfare Service who may be able to offer assistance.

The annual cost of the dietary supplement allowance for 2009 to 2013 is provided in the attached tabular statement.

Tabular Statement: Expenditure on Dietary Supplement 2009 to 2013

Year	Expenditure
	€000
2009	4,606
2010	4,300
2011	3,996
2012	3,690
2013	3,084

Social Welfare Benefits Eligibility

233. **Deputy Billy Kelleher** asked the Minister for Employment Affairs and Social Protection further to Parliamentary Question No. 611 of 20 November 2018, if 340,000 self-employed contributors will be eligible for jobseeker's benefit when introduced in late 2019; if not, the estimated number of eligible contributors that will join; the reason the number quoted in her Budget 2019 departmental press release indicated a much smaller figure (details supplied); the estimated cost of extending the benefit in 2019; and the full year to cost of extending this benefit. [50037/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The new scheme for the self-employed, which I announced as part of the 2019 Budget measures, will extend a PSRI insurance based benefit to the self-employed who lose employment. This measure builds on other significant improvements for the self-employed in recent years such as access to invalidity pension and treatment benefits in Budget 2017.

Applicants will have to satisfy the qualifying conditions for the new scheme including, satisfying a PRSI contribution requirement and have sustained a substantial loss of employment and as a consequence, a significant loss of income. The statutory conditions and requirements for the scheme are being worked through by officials at this time.

It is difficult to estimate the numbers of self-employed that will apply and qualify for the new scheme. The expected take up and costs for this scheme are reliant on the labour market as it evolves and the overall performance of the economy. It is estimated that some 1,000 could benefit from the scheme in 2019 and approximately 6,500 could benefit at any point in time in a full year. It is intended that the scheme will be introduced in November 2019 with an estimated cost of approximately €2 million. The cost in 2020 which will be the first full year of the scheme year is estimated at approximately €31 million.

I trust that this is of assistance.

Social Insurance

234. **Deputy Billy Kelleher** asked the Minister for Employment Affairs and Social Protection the estimated cost of extending carers and illness benefit to eligible self-employed class S PRSI contributors in 2019; and the full year cost of extending these benefits, in tabular form. [50038/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The issue of extending additional social insurance benefits to the self-employed paying class S PRSI was considered in the Actuarial Review of the Social Insurance fund (SIF) as at 31 December, 2015, which I published on the 18 October 2017. The review, required by legislation, was car-

ried out by independent consultants, KPMG. It examines the projected income and expenditure of the SIF over the course of the 55 year period from 2016 to 2071.

As part of the review the independent consultants were required to project the additional PRSI expenditure if invalidity pension and illness, jobseeker's and carer's benefits were extended to class S self-employed workers and the PRSI contribution rates required to provide these benefits on a revenue neutral basis.

The Actuarial Review calculated the first year cost in 2018 and the cost of the schemes out to 2071. The table below shows the estimated cost of extending carer's and illness benefits in the first year and the estimated cost by 2025 as follows:

	First Year	2025
Carer's Benefit	€3m	€6m
Illness Benefit	€40m	€108

The review indicates that, where these benefits are extended to the self-employed, the class S rate of PRSI contribution would need to increase substantially in order to ensure that the benefits are delivered in a revenue neutral manner. It estimates that when expenditure on the additional benefits is considered over the entire projection period, PRSI rates would need to increase by 94% under a scenario of no subvention from the exchequer. This is equivalent to an increase of the Class S contribution rate from the current 4% rate to 7.8%.

This increased contribution is attributable to the costs of extending these additional benefits to PRSI class S contributors. It does not take account of the value to PRSI class S contributors of access to the range of existing benefits, and in particular State pension contributory. The consultants estimated that the typical cost of State pension (contributory) on its own is of the order of 10% to 15%, depending on other factors including rate of average earnings and date of commencing paying PRSI. Adding in the other benefits referenced the total class S rate of contribution to ensure revenue neutrality would be of the order of 20% per annum.

Self-employed workers who earn €5,000 or more in a contribution year, are liable for PRSI at the class S rate of 4%, subject to a minimum annual payment of €500. This provides them with access to the following benefits: State pension (contributory), widow's, widower's or surviving civil partner's pension (contributory), guardian's payment (contributory), maternity benefit, adoptive benefit, paternity benefit and treatment benefit. Entitlement to invalidity pension was extended to the self-employed from December 2017. As you aware extension of jobseeker's benefit was announced in Budget 2019.

This compares favourably with employees who, in general, are liable to the class A rate of 4%. In addition their employers are liable to PRSI at the rate of 8.6% on weekly earnings up to and including €376 or at the rate of 10.85% where weekly earnings exceed €376. Accordingly the combined rate of PRSI rate paid in respect of class A employees is 12.6% or 14.85%, depending on the level of weekly earnings. These class A employees are entitled to the full range of social insurance benefits.

The findings of the Review will play an important role in informing the overall debate on policy developments in relation to the SIF in the years ahead, including the financial sustainability of the Fund given the expected demographic challenges and consideration of extending the scope of benefits for workers generally, including the self-employed.

Illness Benefit Applications

235. **Deputy Michael Healy-Rae** asked the Minister for Employment Affairs and Social Protection the status of an illness benefit payment for a person (details supplied); and if she will make a statement on the matter. [50044/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The letter received by the person concerned dated the 8th November 2018 regarding Illness Benefit inadvertently issued and can be ignored. The Department apologises for any confusion this may have caused.

The person concerned was paid Invalidity Pension up to 12/9/18. She has returned to work. An entitlement to Partial Capacity Benefit has been considered, and a Deciding Officer determined that the person concerned does not have an entitlement to Partial Capacity Benefit. A letter advising her of this, and her right of appeal, issued to her on 21st November 2018.

I trust this clarifies the matter for the Deputy.

Community Employment Schemes Funding

236. **Deputy Róisín Shortall** asked the Minister for Employment Affairs and Social Protection the reason funding is being stopped for a youth employment programme (details supplied) in Dublin 11; if she will respond to an invitation from the group to meet with them; if she will reconsider this decision and reinstate funding for this important scheme; and if she will make a statement on the matter. [50051/18]

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): Re-Engage Youth Employment Programme was a pilot initiative funded under the Department's Community Employment programme (CE) over the past three years. The programme engages young people in Ballymun in a number employment, education and training activation supports. The initiative brings a number of real benefits to the participants.

Officials from the Department are in on going contact with BRYR management to explore how best the target group for this programme can be supported.

I trust this clarifies the matter.

Urban Development

237. **Deputy John Lahart** asked the Minister for Housing, Planning and Local Government the status of a project (details supplied); if funding has been secured; when the project will commence; and if he will make a statement on the matter. [49846/18]

246. **Deputy Billy Kelleher** asked the Minister for Housing, Planning and Local Government the amount announced in budget 2019 for the urban regeneration and development fund in 2019 to fund a number of initial projects. [50039/18]

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I propose to take Questions Nos. 237 and 246 together.

The Urban Regeneration and Development Fund (URDF) was launched as part of Project Ireland 2040, to support the compact growth and sustainable development of Ireland's five cities, regional drivers and other large urban centres. I initiated the first call for proposals under the Fund in July 2018 and the deadline for submission of applications was 28 September. A to-

tal of 189 applications were submitted to my Department and on 26 November I announced the successful applicants for funding, details of which are available on my Department's website at www.housing.gov.ie/sites/default/files/publications/files/urdf_-_2019_funding_allocations_0.pdf.

Projects with a value of €100 million have been approved in principle through this process, and having regard to likely draw down of funds, a provision of €71m has been made available through my Department's Vote in 2019 to fund projects for delivery in 2019.

The proposal in question did not receive an allocation for this round of funding. However, the URDF is a rolling fund, with €2 billion available to 2027, and it is my intention to announce a second call for proposals under the Fund early in 2019.

Commercial Rates Exemptions

238. **Deputy Fiona O'Loughlin** asked the Minister for Housing, Planning and Local Government the estimated cost of providing full relief from commercial rates for all registered childcare providers here. [49889/18]

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists, prepared by the independent Commissioner of Valuation under the Valuation Acts 2001 - 2015. The levying and collection of rates are matters for each individual local authority and all rates income accrues to the local government sector. Local authority total gross rates income is reported in the Income and Expenditure Account of their Annual Financial Statements. However, as this data is not categorised by the different types of property used for business purposes, information in relation to the amount of rates contributed by registered childcare providers is not available in my Department.

Foreshore Issues

239. **Deputy Catherine Connolly** asked the Minister for Housing, Planning and Local Government the details of the public notices issued informing the public of the receipt on 1 March 2016 of the application for a foreshore lease (details supplied) on Galway Bay; and if he will make a statement on the matter. [49910/18]

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): All of the information in respect of the foreshore lease applications for the Galway Bay Marine and Renewable Energy Test Site, at Spiddal, Co. Galway can be viewed on my Department's website by selecting the following application link:

www.housing.gov.ie/planning/foreshore/applications/overview?title_1=Marine+Institute&field_date_received_value%5Bvalue%5D%5Byear%5D=&field_application_status_tid=All&field_fa_county_tid=All&items_per_page=20&=Apply.

Since taking over the Foreshore functions in 2010 my Department makes available to the public, through the website, all of the information relating to such foreshore applications that come before me for determination.

Foreshore Licence Applications

240. **Deputy Catherine Connolly** asked the Minister for Housing, Planning and Local Government the details of all costs incurred in the processing of foreshore lease application (details supplied) made by SEAI for an offshore site in County Mayo including all public notifications, all public and prescribed bodies consultations, statutory assessment processes and reports in relation to same; and if he will make a statement on the matter. [49911/18]

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): The costs incurred by my Department, beyond the normal staffing administration costs for the processing of a particular application which are not itemised separately, are the legal costs associated with the drafting of the lease and the cost associated with the statutory requirement to publish the Notice of Determination for the foreshore lease in Iris Oifigiúil.

The legal costs incurred in the preparation of the foreshore lease documents for this lease are being recouped from Sustainable Energy Authority Of Ireland (SEAI) and to date, my Department has recouped €43,154.39. The cost of the notice in Iris Oifigiúil was €305.00.

Foreshore Licence Applications

241. **Deputy Catherine Connolly** asked the Minister for Housing, Planning and Local Government the details of all costs incurred in legal representation fees involved in challenges to consenting decisions made by his Department relating to foreshore and land planning decisions in the lifetime of this Government to date; and if he will make a statement on the matter. [49912/18]

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): My Department does not directly incur legal representation costs involved in defending challenges to foreshore consent decisions. Such costs are borne by the Chief State Solicitor's Office and accordingly, the information sought by the Deputy is not held by my Department.

My Department does not make decisions in relation to land planning consents. Decisions in relation to land planning applications are made by the Local Authorities and An Bord Pleanála.

Planning Data

242. **Deputy Bríd Smith** asked the Minister for Housing, Planning and Local Government the number of planning applications for the development of social housing by local authorities and approved housing bodies in each of the years 2010 to 2017 and to date in 2018, in tabular form. [49915/18]

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): Overall planning statistics are collated and available on my Department's website at this link <https://www.housing.gov.ie/planning/statistics/planning-statistics-1>

It is not possible to extract specific Approved Housing Body (AHB) applications from this data.

In most cases Local Authorities use the Part 8 process for Local Authority own develop-

ment, which is not a planning application, and data on Part 8 cases is not collated in the planning statistics as these applications are a matter for each relevant Local Authority.

Construction projects listed in the Social Housing Construction Status Report include projects which are both within and outside the Part 8 process. Non-part 8 projects include those being advanced by Approved Housing Bodies and projects by private developers that are being secured on a turn-key basis by local authorities.

The latest Construction status report, which relates to the position at end Q2 2018, is available at the following link:

<http://rebuildingireland.ie/news/minister-murphy-publishes-latest-social-housing-construction-report/>.

Local Authority Housing Data

243. **Deputy Bríd Smith** asked the Minister for Housing, Planning and Local Government the number on social housing waiting lists nationally; the number of applicants (details supplied); and the number of cases in which the applicant is applying for a family; and the size of families on the waiting list; and if he will make a statement on the matter. [49916/18]

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): Details on the number of households qualified for social housing support in each local authority area are provided in the statutory Summary of Social Housing Assessments (SSHA). The most recently published SSHA, carried out this year, details the number of households on all local authority waiting lists as at 11 June 2018.

The results of the SSHA are available on my Department's website and include breakdowns by each local authority across a range of categories, including household composition. The 2018 report also includes the results of the 2017 summary for comparative purposes. Full details in relation to the 2018 assessment are available on my Department's website at the following link:

Local Authority Housing Data

Vacant Sites Levy

244. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the number of vacant site levy registrations appealed to An Bord Pleanála; the number of market valuation appeals; and the number of payment appeals; the number appeals rejected, accepted and yet to be decided, respectively. [49984/18]

245. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the number of vacant site levy registrations in place; the estimated value of the sites; the estimated vacant site levy revenue due in 2019; and if he will make a statement on the matter. [49985/18]

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I propose to take Questions Nos. 244 and 245 together.

Under the vacant site levy provisions in the Urban Regeneration and Housing Act 2015, planning authorities are empowered to apply a vacant site levy of 3% of the market value of relevant vacant sites where a site exceeds 0.05 hectares in area, was in the planning authority's

opinion vacant or idle in 2018, and is in an area identified by the planning authority in its development plan or local area plan for residential or regeneration development. As signalled in Budget 2018, the rate of the levy has been increased to 7% for sites on a local authority vacant sites register from 2019 onwards.

My Department does not maintain a central register of vacant sites, as each local authority administers the vacant site register in respect of their functional area. As provided for under the Act, the register in respect of each local authority is available for inspection at its offices and online on its website. However, on foot of a recent review of the on-line vacant site registers across all local authority areas, I understand that there are collectively almost 300 individual sites currently on the local registers. Over 140 of these sites were entered on the local vacant site registers on 1 January 2018 and will therefore be subject to the levy in 2019, unless development works are activated in the interim.

Based on the current legislative provisions and a recent review of the sites currently listed on local authority registers, it is estimated that the levy proceeds nationally could be €9m in 2019 (applying the current 3% levy rate on the overall market value of sites of €300m) and €28.2m in 2020 (applying the increased 7% levy rate on the overall market value of sites of over €400m). The latter estimate for 2020 is based on the number of sites currently included on the local vacant site registers and in respect of which market valuations have been attached to the registered sites. It is expected that the number of registered sites in respect of which market valuations will be obtained will increase in the coming months which should result in an increase in the estimated levy proceeds nationally for 2020.

Owners of vacant sites may make an appeal to An Bord Pleanála against the entry of a site on the register, the notice of entry on the register and the demand for payment of the levy by a planning authority. An appeal can also be made to the Valuation Tribunal against a planning authority's determination of the market value of a site.

To date, 137 appeals have been made to An Bord Pleanála as follows:

Appeal	Received	Disposed (formally decided)	Otherwise Disposed (Invalid/Withdrawn)	Appeal rejected (Entry confirmed)	Appeal accepted (entry to be cancelled)	Appeal yet to be decided
Entry on the register	122	80	13	43	37	29
Notice of entry on register	15	1	1	1	0	13

There have been no appeals to the Board against the demand for payment of the levy as under the provisions of the Act, 1 January 2019 is the earliest date on which a demand for payment can be made in respect of a site on the register in 2018.

In addition, to date there have been 9 appeals submitted to the Valuation Tribunal against market valuation determinations made by planning authorities. One appeal has been withdrawn and the other 8 appeals remain to be decided.

Question No. 246 answered with Question No. 237.

Compulsory Purchase Orders

247. **Deputy Maurice Quinlivan** asked the Minister for Culture, Heritage and the Gaeltacht if she has considered buying or compulsorily purchasing a site (details supplied) in view of the fact that it is an important historic landmark in the area; and if she will make a statement on the matter. [49867/18]

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): The property referred to by the Deputy is included in the statutory Record of Monuments and Places and, as such, is protected under the National Monuments Acts.

Because of the resource implications, the State is only ever in a position to acquire, maintain and present to the public a relatively small number of heritage properties and monuments. My Department makes such acquisitions from time to time in exceptional circumstances in line with their archaeological, architectural, historical or other special significance.

There are already approximately 1000 national monuments in State care which demand very extensive resource allocations, both in terms of funding and personnel. The care, maintenance and presentation of each of these national monuments is undertaken by the Office of Public Works in consultation and with the advice of my Department's National Monuments Service. Against the background of the resources needed to service the extensive portfolio of monuments already in State care, I regret that it is not possible at present to consider adding this particular site to that list.

National Parks and Wildlife Service

248. **Deputy Paul Murphy** asked the Minister for Culture, Heritage and the Gaeltacht if she has considered acquiring an estate (details supplied) in County Wicklow in view of its strategic importance, its use by hillwalkers, climbers and the public in general; and if she will make a statement on the matter. [49897/18]

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): As outlined in my responses of 18th September, (Parliamentary Question No. 823), and 02 October (Parliamentary Question No. 69) there is no change to my Department's position. The sale and any apportionment of the property into lots is a commercial matter for the vendor.

While the lands in question would represent a significant addition to the stock of publicly owned heritage properties and lands, my Department could, as stressed previously, only consider acquiring this property if the price fell to within a certain range, or in the context of a donation or bequest. This is known to the Vendors. Through the National Parks and Wildlife Service (NPWS), my Department manages a property portfolio in respect of national parks and reserves of approximately 87,000 hectares. These important biodiversity areas are located all around the country including a large area of County Wicklow, and the 5,000 hectares of lands in Glenasmole purchased in recent years.

Clearly, the Glenasmole purchase of 5,000 hectares sets a precedent, and although the circumstance pertaining are very dissimilar, it is certainly a market factor. As the Deputy will no doubt appreciate, it would not be appropriate of me to seek to negotiate indirectly or publicly. Suffice it to say that I am aware of the public-good value of this property, balanced across a range of demands across my Department.

With regard to the use of the area by hillwalkers, climbers and the public in general, as I

have stated previously, I have no statutory function regarding the provision of access to private lands. Nevertheless, it should be noted that the Estate has allowed a permissive access to its hugely popular walking route for many decades and I would hope that this would continue under any new ownership arrangements and my Department has conveyed this desire directly to the vendors and their agent.

As outlined in my earlier replies, my Department's relationship with the Guinness Estate here, and more generally, has been positive. It is one of mutual respect and good neighbours, and indeed often working together on shared issue of interest. These include herd management and husbandry, habitat oversight, film-making, signage, visitor accommodation, trail maintenance and designation management. Indeed, for the most part, the boundary between the private estate and the National Park is invisible to the visitor and tourist, with pre-imminence being given to the idyllic shared land, lake and mountainscape.

Irish Coursing Club

249. **Deputy Clare Daly** asked the Minister for Culture, Heritage and the Gaeltacht if footage of a coursing event (details supplied) in November 2018, in County Limerick available to view on a website will be reviewed; her views regarding the coursing industry; her plans in relation to same in view of the evidence that it is beyond regulation; and if she will make a statement on the matter. [49944/18]

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): The meeting in question in Co. Limerick was not attended by officials of the National Parks and Wildlife service of my Department. My Department is examining the footage in question in the context of compliance with the conditions of the licences granted to the Irish Coursing Club.

Last season officials of the National Parks and Wildlife Service of my Department monitored some 35 coursing events which was a significant increase in the level of monitoring compared to the 17 meetings monitored during the 2016/17 season. While it is not possible to provide 100% attendance at coursing meetings my Department endeavours to attend as many meetings as possible as staffing resources will allow.