

## Written Answers.

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

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*Questions Nos. 1 to 5, inclusive, answered orally.*

### State Pension (Contributory)

6. **Deputy Éamon Ó Cuív** asked the Minister for Employment Affairs and Social Protection the number of cases due for review under the new total contribution system for assessing pensioners for contributory State pensions; the number of cases reviewed and finalised to date; the number of these cases that resulted in an increase in pension of between up to €10, between €10 and €20, between €20 and €30 and over €30 per week; and if she will make a statement on the matter. [22847/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Since late September 2018, my Department has been examining the social insurance records of approximately 90,000 pensioners, born on or after 1 September 1946, who have a reduced rate State pension contributory entitlement based on post Budget 2012 rate-bands. These payments are being reviewed under a new Total Contributions Approach (TCA) to pension calculation which includes provision for homecaring periods.

Reviews commenced from 13 February 2019, the day after I signed the necessary Regulations which, together with provisions in the Social Welfare, Pensions and Civil Registrations Act 2018, allows the increased payments to be made.

Regardless of when a review is conducted, where an increase in payment is due, the person's rate of payment is adjusted without delay and arrears paid, backdated to 30 March 2018 or the person's 66th birthday if later. Where a person's rate does not increase following review, the person will continue to receive their existing rate of payment.

As at 23 May 2019, 47,755 reviews - which is over half of all pensioners identified for review - have been completed. Of these, 23,523 pensioners received an increase in their rate of weekly rate of pension and 24,232 are remaining on their existing rate of payment.

The detailed breakdown requested by the Deputy is not readily available.

However, based on a sample analysis of some of the increases awarded, the best estimate at this stage is that 13% of those who received an increase received a weekly increase of €30 or more; 36% received a weekly increase of between €20 and €30; 7% received an increase of between €10 and €20; with the highest proportion, 44%, receiving an increase of up to €10 per week. Importantly, most of those who received less than €10 following their review achieved maximum personal contributory pension rate, which cannot be further improved upon.

I hope this clarifies the matter for the Deputy.

### **Data Protection**

7. **Deputy Mick Wallace** asked the Minister for Employment Affairs and Social Protection if she or officials from her Department discussed the issue of the publication of the full final report of the investigation by the Data Protection Commission into the public services card with the commission since the meeting of the Oireachtas Joint Committee on Justice and Equality on 3 April 2019; and if she will make a statement on the matter. [22995/19]

33. **Deputy Mick Wallace** asked the Minister for Employment Affairs and Social Protection if she will consent to the publication of the full final report of the investigation by the Data Protection Commission into the public services card following the comments by the Deputy Commissioner at the Oireachtas Joint Committee on Justice and Equality on 3 April 2019 that the DPC has no objection to the publication and that it is the legal position of the DPC that the commission must get the permission of her Department to publish the report; and if she will make a statement on the matter. [22994/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I propose to take Questions Nos. 7 and 33 together.

My Department received the Data Protection Commissioner's draft investigation report in respect of the Public Services Card in August 2018.

The draft report contained a number of provisional findings and requested further information and clarifications on certain matters. The Department was specifically asked by the office of the Data Protection Commissioner not to share the draft report with any other party and it intends to abide by that request.

My Department was also given an opportunity to make submissions on the draft report so that the Commissioner could take account of such matters in their further considerations and in finalising their report. Those detailed and comprehensive submissions were provided in late November 2018. A response from the Commissioner is now awaited.

I can confirm that neither myself nor any of my officials have discussed the matter of the publication of the full final report with the Office of the Data Protection Commissioner since 3rd of April last.

I hope this clarifies the matter for the Deputy.

*Questions Nos. 8 and 9 answered orally.*

### **Child Poverty**

10. **Deputy Gino Kenny** asked the Minister for Employment Affairs and Social Protection her views on the statistic that 132,000 children here are growing up in consistent poverty; her further views on whether this is unacceptable in a wealthy society such as Ireland and is indicative of policy failure in view of the fact the number continues to rise; and if she will make a statement on the matter. [22692/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I am committed to reducing child poverty levels in Ireland. My Department is currently working

on a new Roadmap for Social Inclusion which includes concrete commitments, policies and strategies in to reduce child poverty. The Roadmap will include targets designed to address poverty and social exclusion including specific targets in relation to child poverty. I expect to bring the Roadmap to Government for approval in the near future and to publish it prior to the summer recess.

The existing National Policy Framework for Children and Young People, called Better Outcomes, Brighter Futures, includes a target to reduce, by two-thirds, the number of children in consistent poverty from its 2011 level of 106,000 to no more than 37,000 by 2020. Given the impact of the deep recession this target is extremely challenging. In fact the number of children recorded as being in consistent poverty increased to just over 148,000 during 2013.

The latest data from the 2017 Survey on Income and Living Conditions, or SILC, show a significant reduction in the consistent poverty rate for children, which decreased from 10.9% to 8.8%, a reduction of just over 2 percentage points, the second highest reduction in the rate since the collection of SILC data began in 2004. In terms of numbers, there were on average 105,000 children in consistent poverty during 2017 - a reduction of 30% on its peak level in 2013; so contrary to the proposition set out in the question the number of children in poverty is falling, not as much as we would like or as fast as we would like but still we are making progress. We have yet to receive the up to date data for 2018 and 2019, however, if this rate of reduction continues (and given the continued recovery in our economic fortunes, we expect that it has) we should get close to the national target by the end of 2020.

We will be helped in meeting that target by changes I made to child related welfare payments over the past two budgets the impact of which have yet to be reflected in the SILC data. These include the first increases for many years in payments for child dependents, the introduction of a new higher rate of payment in respect of children over 12 and increases in income thresholds and disregards for the Working Family payment and the One Parent Family payment. I have also provided increased funding for free school meals and launched a new Hot School Meals pilot programme this year. In making these changes I have, together with other colleagues who have, for example, extended free GP and affordable child care services, specifically targeted the issue of child poverty and we expect that these changes will bear fruit.

The new Roadmap for Social Inclusion takes a whole-of government approach, and will collect in one place the range of policy measures across government Departments that are designed to address the different aspects of poverty and social exclusion. This Roadmap sets out our ambition to significantly reduce poverty levels and identifies a specific set of commitments to help deliver on this ambition for different groups, including children. It also identifies the Departments responsible for delivering on these commitments and the timeline for delivery of these commitments. In this way I, as Minister, intend to hold all of Government agencies and Departments to account for ensuring that we become the most socially inclusive State in the EU.

*Questions Nos. 11 to 15, inclusive, answered orally.*

### **Farm Assist Scheme Administration**

16. **Deputy Charlie McConalogue** asked the Minister for Employment Affairs and Social Protection if the level of bureaucracy involved in the annual forms that applicants for farm assist are required to fill out and return will be reviewed; if the level of information required on an annual basis will be reduced; and if she will make a statement on the matter. [22789/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):**

Farm Assist is a means-tested income support scheme for farmers. The annual Farm Assist review form is designed to ensure that the correct level of payment is made to the customer, taking into account any changes in circumstances that may have occurred in the past year.

The means test for Farm Assist takes account of all income sources with certain disregards applicable to specific income sources. Different rules apply to income from farming and other forms of self-employment. Income from certain schemes such as Direct Payments, income from employment and income from property and capital are taken into account. An examination of farm outgoings is also included in the assessment process.

Farm Assist was audited by the Comptroller and Auditor General in 2014 and one of the recommendations from that audit was to enhance the annual declaration review form. The annual review process for Farm Assist has been comprehensively changed to incorporate several elements of means which had not previously been sought and examined during the annual review stage. This revised annual declaration process requires all recipients to make a return to the Department with supporting documentation as to income and expenditure over the preceding year. In line with the recommendation of the C and AG the review form now encompasses 4 pages of information that the customer is requested to provide to my Department. Because the scheme is means tested, these questions focus on possible changes in farm income as well earnings of the partner, if any.

In addition, the form also makes provision for the customer to set out in some detail changes in their outgoings related to the farm expenses. This was introduced in 2016, following discussions with the Farm Representative Bodies who considered that customers should be able to outline the impact of these expenses from year to year.

Given that the form now complies with recommendations from the C and AG and takes account of suggestions made by the Farm Representative Bodies there is limited scope for any further revision. However if the Deputy has specific suggestions he would like to make my Department will be pleased to receive these suggestions and will consider if they can be implemented.

### **Pensions Reform**

17. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection the status of her plans to introduce an auto-enrolment pension system; the progress made to date in this regard, in particular, changes she is considering to the Strawman proposal and the proposed date for introduction; and if she will make a statement on the matter. [22986/19]

31. **Deputy John Curran** asked the Minister for Employment Affairs and Social Protection the progress being made to introduce an auto-enrolment pension scheme; the timeframe for the development and introduction of such a scheme; and if she will make a statement on the matter. [23013/19]

40. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection the consideration that has been given to women, young persons and minorities earning below €20,000 as part of her plans to introduce pension auto-enrolment; if auto-enrolment for this cohort will be considered with the option to opt-out; and if she will make a statement on the matter. [22915/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I propose to take Questions Nos. 17, 31 and 40 together.

As stated in the ‘The Roadmap for Pensions Reform’, the Government proposes to begin implementation of a supplementary retirement savings system, known as Automatic Enrolment, by 2022. It will see employees without personal retirement savings automatically enrolled into a quality assured retirement savings system, with freedom of choice to opt-out.

I was pleased to launch ‘A Strawman Public Consultation Process for an Automatic Enrolment Retirement Savings System in Ireland’ last August as the basis for a national public consultation. I have said that the Strawman should not be construed as a confirmation of what form this system will ultimately take. The Strawman is a high level draft intended to generate and prompt discussion and improve ideas.

In excess of one hundred written submissions were received in response to the Strawman from employer and employee representatives, pensions industry bodies, advocacy groups and interested individuals. My officials have met with many of these groups. I also chaired a number of public consultation seminars held in Dublin, Galway and Cork. Most recently, in March, a series of focus groups was held with the target population for automatic enrolment.

Overall, the responses to the Strawman have been positive and constructive. In the vast majority of cases, our proposals were welcomed and nearly every stakeholder agreed with most of the design features. However, there have been diverging and conflicting views from stakeholders on some of the specific aspects at a more detailed level.

My Department is continuing to analyse the substantial material collated from the consultation process, in order to determine how the feedback received may assist with the design process. Furthermore, my Department is continuing its research and consultation with experts from around the world.

My Department has also commissioned the ESRI to examine the potential macro and micro-economic impacts of automatic enrolment. Part of the analysis being undertaken by the ESRI includes the impact of reducing the earnings threshold on the composition of the target population for automatic enrolment, including the gender impact. Any decision on the earnings threshold for automatic enrolment will need to balance the benefits of enrolment with concerns regarding affordability.

It is anticipated that reports of findings from the consultation process - including how it impacts on the Strawman proposals - and the research being undertaken will be brought to Government in the coming months. These reports will assist the Government in making decisions as to the next steps for implementation to enable the scheme to commence, as planned, in 2022.

I hope this clarifies the matter for the Deputies.

### **Departmental Programmes**

18. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection the reason the new national action plan for social inclusion has not been published; the definitive date for its publication; and if she will make a statement on the matter. [22985/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** My Department is currently finalising a new Roadmap for Social Inclusion for the period 2019-2025. It will have a ‘whole of government’ approach which recognises the shared responsibility across Government to achieve improved outcomes for the most vulnerable and marginalised in our society.

I am bringing the Roadmap for Social Inclusion to Government very soon and expect to publish it in the next few weeks. This roadmap will state a clear ambition to achieve the long-held, but as yet unrealised, target of reducing consistent poverty to 2% and aspires to go beyond that by making Ireland the most socially inclusive State in the EU. Towards this end, it sets a number of specific targets to be achieved across various sectors of Government and identifies commitments to be delivered by each Department with a timeline for delivery.

It has taken some time to develop this roadmap - both to ensure that it is based off the most recent data and to enable stakeholders to contribute through a focused consultation process. The most up to date data from the 2017 Survey on Income and Living Conditions was released by CSO in mid-December 2018. This data was examined and is being incorporated into the draft document which is now the subject of consultations with other departments. The outline approach which was developed following a prolonged consultation process was also discussed at the Social Inclusion Forum hosted by my Department last week and feedback from that forum will also be incorporated into the final draft.

With regard to the SILC data, this shows that the consistent poverty rate has decreased to 6.7% in 2017, from a high of 9% in 2013 and from 8.2% in 2016. The percentage of the population experiencing deprivation also significantly decreased, falling to 18.8% from a high of over 30% in 2013 and 21% in 2016. These figures, which do not include the full-year impact of budget changes in 2017 nor any impact from the 2018 and 2019 changes, demonstrate that the Government's approach to tackling poverty through the provision of income supports, access to quality services and supports for people in taking up employment is working.

It is my intention that the Roadmap will be published at the earliest opportunity, most likely during June.

### **Social Welfare Appeals**

19. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection if she will take the necessary steps to ensure a speedy processing of appeals in respect of various payments administered by her Department with a view to the elimination of hardship; and if she will make a statement on the matter. [23015/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Social Welfare Appeals Office functions independently of the Minister for Employment Affairs and Social Protection and of the Department and is responsible for determining appeals against decisions in relation to social welfare entitlements.

All claim decisions taken by the Department's Deciding Officers and Designated Persons are appealable to the Chief Appeals Officer. In any year about 85% of all claims are awarded by the Department and just 1% are appealed. Nevertheless, the Department is concerned that these cases are dealt with as quickly as possible.

Accordingly, significant efforts and resources have been devoted to reforming the appeal process in recent years. As a result, appeal processing times in respect of all schemes improved between 2011 and 2017 from 52.5 weeks for an oral hearing in 2011 to 26.4 weeks in 2017 and from 25.1 weeks for a summary decision in 2011 to 19.8 weeks in 2017. The corresponding processing times for the year 2018 were 30 weeks for an oral hearing and 24.8 weeks for a summary decision. The figures for the first four months of 2019 show some improvement with 27.9 weeks taken to process an oral hearing and 23.6 weeks taken to process a summary decision.

The time taken to process an appeal reflects a number of factors including that the appeals

process is a quasi-judicial process with Appeals Officers being required to decide all appeals on a 'de-novo' basis. In addition, appeals decisions are themselves subject to review by the High Court and decisions have to be formally written up to quasi-judicial standards. Other factors that influence appeals processing times include the quality of the initial decision – in this respect the Department has changed the decisions process in respect of medical schemes, in order to provide more information to the claimant. I am advised by my Department that this will help to reduce the number of appeals over time.

In addition, a number of new Appeals Officers have joined the Appeals Office over the past 12-18 months, to replace staff leaving on retirement. Additional staff have also been allocated to the office in recent weeks. Given the complexity of the appeals process it takes some time for new staff to be trained and develop expertise and this has led to somewhat longer processing times during this period. The Chief Appeals Officer has advised me that appeal processing times continue to be a priority for her Office.

Finally, where a claimant has been refused a social welfare payment, regardless of the scheme involved, and is appealing that decision, if their means are insufficient to meet their needs it is open to them to apply for supplementary welfare allowance in the interim.

If their application for supplementary welfare allowance is refused, they can also appeal that decision. The supplementary welfare allowance appeal will be prioritised for attention within the Appeals Office as soon as the appeal file and submission is received from my Department.

I trust this clarifies the matter for the Deputy.

### **Carer's Allowance Review**

20. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection when the last review of carer's allowance took place; if she will consider reviewing the criteria in place particularly in relation to the 15 hour rule and the means test in order to make it easier for carers to qualify; and if she will make a statement on the matter. [23006/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Carer's Allowance (CA) is a means tested payment, made to people who are providing full-time care and attention to elderly people or to people with disabilities and whose income falls below certain limits. The principal conditions for receipt of the allowance are that full time care and attention is required and being provided and that the means test which applies is satisfied.

It is important to note that my Department continually reviews its schemes and consults the sector. Consultation is undertaken through, for example, the Annual Carers Forum organised by the department each year (the most recent of which was held on 21 May and was attended by over 70 participants who were individual carers or representatives of carers organisations) and through the department's Pre-Budget Forum, held each year as part of the budgetary process.

The full-time care and attention condition is moderated by legislation allowing the carer to work or engage in training outside the home for an aggregate total of 15 hours per week. Any further changes to this condition would need to be considered in a budgetary context and would also need to maintain a reasonable balance between the requirement to provide full-time care for the care recipient and the needs of the carer.

The means test for Carer's Allowance is one of the most generous in the social protection system in that €332.50 of gross weekly income is disregarded in the calculation of means for a single person; the equivalent for someone who is married, in a civil partnership or cohabiting is

€665 of combined gross weekly income. A married couple with 2 children could have weekly earnings of €734 net of PRSI, superannuation and union subscription costs and still qualify for the full rate of Carer's Allowance. This is equivalent to over €38,000 per annum.

At the end of December 2018, there were 79,914 people in receipt of CA. The projected expenditure on CA in 2019 is approximately €840 million. Combined spending on all my Department's payments to carers in 2019 is expected to exceed €1.2 billion.

Finally, there are currently two reviews relating to Carers Allowance being undertaken. The Department of Public Expenditure and Reform are conducting a spending review of Carer's Supports (including Carer's Allowance, Carer's Benefit and Carer's Support Grant) and, as the Deputy will be aware, as part of the debate on the Social Welfare, Pensions and Civil Registration Bill 2018, I agreed that the Department would carry out a review on the Carers Allowance payment.

I trust that this clarifies the matter for the Deputy.

### **Treatment Benefit Scheme**

21. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection if she will review the hearing aid grant available under the treatment benefit fund in view of the health inequality when it comes to the affordability of hearing aids for those without a medical card; and if she will make a statement on the matter. [23004/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Department's Medical Appliance scheme, which provides grants to assist in the purchase of hearing aids, is available to those who have the required number of PRSI contributions and their dependant spouse / partners. The numbers claiming under the scheme over recent years and the payments made by my Department bear testimony to the important contribution the scheme is making for PRSI contributors and their dependant spouse/partners who are experiencing hearing loss.

In 2018, some 14,689 grants, at a cost of €12.74m were provided; this represents a 53% increase in the number of grants provided since 2016 and a 95% increase since 2009. The increase in 2018 over 2016 is due in large part to the extension of the scheme to the self-employed for the first time in March 2017.

The grant available under the Treatment Benefit scheme covered approximately 30% of the cost of the average hearing aid supplied under the scheme and is a valuable assistance to those who need it. The Department regularly reviews the variety of devices and price ranges on the market to ensure the grant amount reflects the cost of hearing aids.

The parallel HSE scheme provides digital hearing aids, at no cost to the customer, and is available to those of all ages with medical card eligibility, which would include the vast majority of the over 70's age group.

Any increase in the grant or variation in the percentage contribution towards hearing aids can only be considered in the overall budgetary context.

### **Disability Allowance Eligibility**

22. **Deputy Éamon Ó Cuív** asked the Minister for Employment Affairs and Social Protec-

tion if she has examined the negative social effects of the method of assessing capital for means testing purposes for those in receipt of disability allowance; if she is satisfied that this is not acting as a poverty trap; and if she will make a statement on the matter. [22848/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Department operates a range of means-tested social assistance payments. Social welfare legislation provides that the means test takes account of the income and assets of the person (and spouse / partner, if applicable) applying for the relevant scheme.

The assessment of capital reflects an expectation that people with reasonable amounts of capital and property are in a position to use that capital, or to realise the value of the property, to support themselves without having to rely solely on a means-tested welfare payment.

Disability allowance has the most generous capital disregard of any scheme operated by the Department. A recipient can have up to €50,000 in savings and still receive the full rate of payment.

This is compared to €20,000 for most social welfare payments. A recipient can also have about €112,000 means from capital and still claim the minimum rate of disability allowance.

People receiving disability allowance may also be eligible for secondary benefits such as free travel, fuel allowance, the household benefits package, living alone allowance and the telephone support allowance.

In addition, disability allowance recipients may also work and earn up to €120 per week without their payment being affected.

Data regarding capital means tests for disability allowance customers is available from 2012 onwards, which covers 70% of current customers. Of these customers, about one fifth have capital. Of those that have capital, 98% of customers have means below €50,000 which results in no means being assessed. Less than one per cent of the disability allowance customers analysed are impacted by the capital means test and, of these, the average amount assessed as means is €49.

Any proposals to change the capital means assessment for means-tested social assistance schemes would have to be considered in the overall budgetary context.

### **Labour Activation Measures**

23. **Deputy Pat Deering** asked the Minister for Employment Affairs and Social Protection the steps she is taking to further tackle long-term unemployment; her views on the recent CSO labour force survey report; and if she will make a statement on the matter. [23045/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Government policy to reduce unemployment is twofold. The policies set out in the Action Plan for Jobs have created an environment in which business can succeed and has led to the creation of more than 400,000 jobs since the economic low point. Secondly, through the Pathways to Work strategy, my Department ensures that as many new jobs as possible are filled by people taken from the live register, particularly the long-term unemployed.

Activation Policy continues to focus on support measures for the long-term unemployed. My Department's Intreo service offers a range of education, training and employment support measures during the activation process to help jobseekers secure and sustain full-time employ-

ment.

The Pathways to Work strategy prioritises long-term unemployed people, most notably through targeted wage subsidies under JobsPlus; and through reserved places for long-term unemployed jobseekers on employment and training programmes. Furthermore, activation services provided by, or on behalf of my Department through contracted services, provide appropriate activation services for jobseekers in a one-to-one case managed way.

To date these policies have been effective in reducing long-term unemployment. I welcome the most recent data from the CSO Labour Force Survey which shows that the rate of long-term unemployment in Ireland which peaked at 9.5% in 2012 has fallen to 1.7% by the first quarter of 2019. Ireland has therefore already brought the long term unemployment rate below 2.5%, a target set out in Pathways to Work 2016-2020.

This downward trend is welcome and reflects the impact of government policy to create more jobs and reduce unemployment. However, we can't be complacent. My Department continues to review its labour market activation policies to ensure that they remain effective and aligned to labour market requirements. For example, my Department is currently reviewing options to help long-term unemployed people in the over-50 age bracket for whom conventional approaches in the past have not worked.

Over the coming years, we must make sure that our citizens are equipped with the skills to take up jobs of the future and avail of the opportunities arising from a modern economy. Future Jobs Ireland 2019 has been launched by Government, replacing the Action Plan for Jobs to deliver the required policy reforms to build a resilient workforce and innovative and competitive economy in a changing world of work. One of its five key pillars focuses on 'Increasing Participation in the Labour Force' and includes specific measures to address barriers to participation and develop a more equitable and sustainable workforce.

The policies being pursued by Government to create jobs and reduce unemployment have been effective and they will support further reductions in long-term unemployment and add to the substantial improvements that have already been seen over the last few years.

## **Employment Rights**

24. **Deputy Joan Collins** asked the Minister for Employment Affairs and Social Protection when discussions will commence with the relevant bodies to bring in a sectoral employment order to ensure that tips in cash and credit cards from customers to employees across the industry go directly to the employee; and when same will be introduced. [22792/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Industrial Relations (Amendment) Act 2015, which comes under the remit of the Minister for Business, Enterprise and Innovation, provides the legal basis for Sectoral Employment Orders (SEOs). SEOs can cover a broad range of issues such as pay, pensions or sick pay schemes for workers in an economic sector.

Separately, I have met with relevant stakeholders and industry bodies (including the Restaurants Association of Ireland, Irish Hotels Federation and the Vintners Federation) who have expressed their support for an agreement or code of practice in this area. I appreciate the support of these bodies, and it may form a basis for progress in relation to addressing the issue of tips and gratuities more broadly.

In the short term, however, I would like to bring greater clarity and transparency around this

complex issue. I intend to progress an amendment to the Payment of Wages Act 1991 in order to distinguish between tips, gratuities and service charges and to place tips outside the scope of a person's contractual wages. I am currently awaiting legal advice on the proposed amendment.

I hope this clarifies the matter for the Deputy.

### **Social Welfare Benefits Reviews**

25. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection if she will make specific provision in order to ensure that persons whose welfare payments come under periodic review do not suffer a loss of another vital payment such as rent support or carer's allowance until such time that a final decision has been made; and if she will make a statement on the matter. [23014/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Basic weekly supplementary welfare allowance (SWA) may be paid to customers awaiting the outcome of a claim or an appeal for a primary social welfare payment. In certain circumstances, if a person is not eligible for other social welfare payments and their weekly income is below the SWA rate for their family size, a payment may be made to bring their income up to the appropriate SWA rate. The Community Welfare Service (CWS) officer will engage with a claimant to establish eligibility as quickly as possible and limit any delay to payments. If there is a specific risk of homelessness, this should be communicated to the CWS officer at the earliest opportunity.

Staff in the Department are engaged with customers throughout the entire lifecycle of their claim, including on regular reviews for all schemes on an ongoing basis. A person's entitlement to a social welfare payment is reviewed on a continuing basis to ensure that they continue to satisfy the conditions of the scheme. A person's means may also be reviewed from time to time. A customer may also request a review of their means in the light of changed circumstances at any time.

Review decisions are not delayed unnecessarily once all the information requested from the customer at the time of review is made available to my Department. Payments are not suspended unless there is a valid reason for doing so, for example the provision of insufficient information by the customer in response to a query, or no reply from the customer. Undue hardship for customers should not arise if there is ongoing co-operation from the customer with the Deciding Officer / Designated Person in my Department.

Continued entitlement to a rent supplement payment from the Department is not linked to entitlement to other social welfare schemes. However, the rent supplement claim may be reviewed following a decision to suspend or disallow a primary social welfare payment as there may be a change to the claimant's circumstances that could affect eligibility. During a review of a rent supplement claim, the CWS officers will engage with a claimant to establish continued eligibility as quickly as possible and limit any delay to payments.

Any person in this situation is encouraged to contact the Department's CWS office responsible for their rent supplement claim to discuss their circumstances. Any persons who consider that they have an entitlement to a basic weekly SWA payment should contact the CWS at their local Intreo centre.

If the Deputy has concerns in respect of a particular case, he should bring the details to the attention of the Department and my officials will follow up on them.

I trust this clarifies the matter for the Deputy.

### **Local Employment Service**

26. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection her plans in relation to the future of the local employment service; and if she will make a statement on the matter. [23003/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Local Employment Services and Job Clubs contracts are reviewed on an annual basis to ensure they are fit-for-purpose in the context of the Irish labour market, as well as providing value for money for taxpayers.

Indecon, in its reviews of LES and Job Clubs published last January, recommended that the Department should consider multiannual contracts and a competitive procurement model for future provision of these services. The Department has also received official legal advice that simply renewing the LES and Job Clubs contracts annually, without any effort to procure competitively is no longer sustainable or legally sound.

Accordingly a new process for procuring the public employment services currently provided by the LES and JobClubs is currently in the early stages of development.

My officials are working to design a procurement model that will balance the need for value for money for taxpayers with the importance of preserving high-quality employment advisory and counseling services. Officials will engage with and consult practitioners and stakeholders to gather their views on an appropriate tender design. I am on the record in recognising the valuable work performed by Local Employment Services and Job Clubs and it is my view that the tender criteria should give due recognition to track records in delivering high quality, locally based services.

It is in this context that the process of procuring contracted public employment services for 2020 and beyond is being progressed. While the precise format of any future contracts is still under consideration, there is no intention to exclude those with a strong track record of providing employment services from bidding for any future contracted employment service.

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

27. **Deputy Niamh Smyth** asked the Minister for Employment Affairs and Social Protection the status of her plans to re-examine the situation for women who lost out on a full State pension (contributory) due to leaving the workforce to raise children; and if she will make a statement on the matter. [22821/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** As announced in January 2018 pensioners born on or after the 1st September 1946, affected by the 2012 changes in rate bands, will have their state pension (contributory) entitlement calculated under an interim 'Total Contributions Approach' (TCA). These changes also provide for up to 20 years of home caring periods in the pension entitlement calculation, for those who took time out of the workplace for parenting or caring duties.

The reviews relates to the pension payments of some 90,000 pensioners who reached pension age on or after 1 September 2012. To date we have completed over 47,000 reviews with nearly half of those reviewed receiving an increase in their pension payment. It is important to

note that nobody is worse off as a result of these reviews, with pensioners receiving the same amount as they previously did if the reviews do not warrant an increase.

The Government intends to introduce a Total Contributions Approach (TCA) to establishing the level of entitlement for all new state pension contributory claims from 2020 onwards.

I launched a public consultation on the design of the full TCA on the 28th of May 2018 to which a wide variety of stakeholder groups were invited. A number of workshops were also held on the day to elicit views and feedback. All Oireachtas members were invited to a detailed briefing in Leinster House by my officials shortly afterwards. The consultation was open for over 3 months and the Department received almost 300 responses from individuals and organisations. Those submissions outlined the views of respondents on a number of issues, including the number of years required for a full pension, as intended as part of the consultation process.

Having carefully examined the outputs of the consultation process, my Department is now designing the scheme and I intend to shortly bring a proposal to Government setting out that design. When the Government has agreed the approach to be taken, I will initiate the work required to introduce this reform.

I hope this clarifies the matter for the Deputy.

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

28. **Deputy Aindrias Moynihan** asked the Minister for Employment Affairs and Social Protection when the review process into those persons affected by the 2012 changes to the State pension (contributory) will be completed; and if she will make a statement on the matter. [23040/19]

42. **Deputy Aindrias Moynihan** asked the Minister for Employment Affairs and Social Protection the number of reviews which have been completed into those persons affected by the 2012 changes to the State pension (contributory); and if she will make a statement on the matter. [23041/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I propose to take Questions Nos. 28 and 42 together.

Since late September 2018, my Department has been examining the social insurance records of approximately 90,000 pensioners, born on or after 1 September 1946, who have a reduced rate State pension contributory entitlement based on post Budget 2012 rate-bands. These payments are being reviewed under a new Total Contributions Approach (TCA) to pension calculation which includes provision for homecaring periods.

Wherever possible, reviews are processed based on information already held by my Department. Where there are unexplained gaps in an individual's social insurance record, a written request for further information about time spent outside the workforce for parenting or caring reasons is issued. Over 45,000 requests for information have been issued to date.

Reviews commenced from 13 February 2019, the day after I signed the necessary Regulations which, together with provisions in the Social Welfare, Pensions and Civil Registrations Act 2018, allows the increased payments to be made. Regardless of when a review is conducted, where an increase in payment is due, the person's rate of payment will be adjusted without delay and arrears issued backdated to 30 March 2018, or the person's 66th birthday if later. Where a person's rate does not increase following review, the person will continue to receive

their existing rate of payment. Outcomes will continue to issue to individuals as soon as their reviews are completed.

As at 23 May 2019, 47,755 reviews - over half of pensioners identified for review - have been completed. Of these, 23,523 pensioners received an increase in their rate of payment and 24,232 are remaining on their existing rate of payment.

It will take a number of months to complete the reviews due to the numbers involved and the individual nature of social insurance records. This work will continue until all identified pensioners have received their review outcome.

I hope this clarifies the matter for the Deputy.

### **Social Welfare Benefits Waiting Times**

29. **Deputy Charlie McConalogue** asked the Minister for Employment Affairs and Social Protection the processing times for carer's allowance and carer's benefit applications; the reason for the backlog of applications; her plans to address same; if additional staff will be allocated in order to clear same; and if she will make a statement on the matter. [22790/19]

**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.

Currently the average time taken to process new carer's allowance (CA) applications is 12 weeks and the average time taken to process new carer's benefit (CARB) applications is 11 weeks.

In general, social welfare schemes with a number of complex qualifying conditions can take longer to process. For example, before a decision can be made on entitlement to CA, evidence must be provided in respect of the carer's habitual residence in the State, the level of care they provide, their means and also that the person being cared for has such a disability that they require full-time care and attention.

It is also the case that in order to register their claim and establish an early entitlement or claim date many people submit a claim without first securing all of the necessary supporting documentation. While this does ensure that people will be paid with arrears from an early "effective" date it does mean that claims take longer to process.

I wish to reassure you that claim processing is kept under active review, with all possible steps taken to improve processing times. This includes the temporary assignment of additional resources and the review of business processes, to ensure the efficient processing of applications. These steps have resulted in a significant reduction in the number of carers claims awaiting decision and the processing time continues to improve from an average of 17 weeks at the end of December 2018 to an average of 12 weeks currently. It is intended that the current review of business processes will identify opportunities to implement further improvements and efficiencies.

I trust this clarifies the matter for the Deputy.

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

30. **Deputy Peter Burke** asked the Minister for Employment Affairs and Social Protection the number of pensioners in counties Longford and Westmeath that will be positively affected by the change in pension rules for persons who took time out of the workforce to care for dependants; and if she will make a statement on the matter. [22784/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Since late September 2018, my Department has been examining the social insurance records of approximately 90,000 pensioners, born on or after 1 September 1946, who have a reduced rate State pension contributory entitlement based on post Budget 2012 rate-bands. These payments are being reviewed under a new Total Contributions Approach (TCA) to pension calculation which includes provision for homecaring periods.

Wherever possible, reviews are processed based on information already held by my Department. Where there are unexplained gap periods in an individual's social insurance record, a written request for information is issued. Over 45,000 requests for information have been issued to date.

Reviews commenced from 13 February 2019, the day after I signed the necessary Regulations which, together with provisions in the Social Welfare, Pensions and Civil Registrations Act 2018, allows the increased payments to be made.

Regardless of when a review is conducted, where an increase in payment is due, the person's rate of payment will be adjusted without delay and arrears issued backdated to 30 March 2018, or the person's 66th birthday if later. Where a person's rate does not increase following review, the person will continue to receive their existing rate of payment. Outcomes will continue to issue to individuals as soon as their reviews are completed.

As at 23 May 2019, 47,755 reviews, representing over half of all identified for review, have been completed. Of these, 23,523 pensioners received an increase in their rate of pension and 24,232 are remaining on their existing rate of payment.

The detailed geographical statistics the Deputy requests are not readily available at this time.

Increases, where awarded, vary depending on the nature and extent of a person's social insurance record. The rate of increase awarded under this review is influenced by the extent to which a person benefits from the new calculation method, or the inclusion of new HomeCaring Periods, or both.

I hope this clarifies the matter for the Deputy.

*Question No. 31 answered with Question No. 17.*

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

32. **Deputy Joe Carey** asked the Minister for Employment Affairs and Social Protection the reason the file of a person (details supplied) has not yet been received from the carer's allowance section two months later; when it is expected that the carer's allowance section will forward the file; the length of time it will then take for a decision on the appeal once the file is received; and if she will make a statement on the matter. [22785/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** 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.

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

An application for CA was received from the person concerned from the person concerned on 10 August 2018.

The evidence submitted in support of this application was examined and the deciding officer decided that the evidence did not indicate that the requirement for full-time care was satisfied.

The person concerned was notified on 1 November 2018 of this decision, the reasons for it and of his right of review and appeal.

A review of this decision was requested on 14 November 2018, a deciding officer re-examined the evidence, including that submitted to support this review.

The outcome of this review was that the decision remained unchanged. The person concerned was notified of this outcome on 18 January 2019.

My Department were notified on 20 February 2019 that the person concerned had appealed this decision to the Social Welfare Appeals Office (SWAO). On foot of this a deciding officer re-examined all the evidence, including that submitted in support of this appeal.

As a result the application was awarded to the person concerned on 10 May 2019, first payment issued to his nominated bank account on 16 May 2019.

Arrears of allowance due from 16 August 2018 to 15 May 2019 have also issued.

The person concerned was notified on 10 May 2019 of this decision, the reason for it and of his right of review and appeal.

*Question No. 33 answered with Question No. 7.*

### **School Meals Programme**

34. **Deputy Pat Deering** asked the Minister for Employment Affairs and Social Protection the status of the hot school meals scheme pilot project; and if she will make a statement on the matter. [23046/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The school meals programme provides funding towards the provision of food to some 1,580 schools and organisations benefitting 250,000 children at a total cost of €57.6 million in 2019 representing an increase of €3.6 million over the previous year. The objective of the scheme is to provide regular, nutritious food to children who are unable, due to lack of good quality food, to take full advantage of the education provided to them.

As part of Budget 2019, it was announced that my Department would commence a pilot scheme from September 2019, providing Hot School Meals in 36 primary schools for an estimated 7,200 children at a cost of €1m for 2019 and €2.5m in 2020.

All 3,239 primary schools have been issued with an invitation to submit an expression of interest to participate in the pilot.

Schools that are interested in participating in the pilot are in the process of identifying a supplier capable of supplying, preparing and delivering hot meals in line with HACCP and food safety regulations in compliance with the Healthy Ireland nutrition standards for school meals. Expressions of interest will be accepted from schools up to the closing date: Wednesday 12 June 2019.

Schools will be selected having regard to geographical spread, numbers enrolled, range of suppliers and the overall budget available for the pilot in 2019 and 2020 (€1m and €2.5 respectively). All expressions of interest received will be considered and 36 schools will be selected to participate in the pilot. All schools who submit an expression of interest to participate in the pilot will be contacted by the end of June 2019.

### **Social Welfare Benefits Waiting Times**

35. **Deputy James Browne** asked the Minister for Employment Affairs and Social Protection her plans to address the delays in processing reviews for social welfare payments, including carer's allowance, disability allowance and domiciliary care allowance; and if she will make a statement on the matter. [22786/19]

**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 reviews are processed and that decisions on entitlement are made as quickly as possible.

In general, reviews of entitlement to social welfare schemes with a number of complex qualifying conditions can take longer to process. Requests for review of a decision can include additional information or evidence not originally submitted for consideration. This may involve a review of documentation relating to habitual residence, means information or medical evidence before a decision can be made.

Where a customer requests a review of a decision, every effort is made to ensure that this request is processed as quickly as possible. Where any scheme area experiences delays, all possible steps are taken to improve processing times. This includes the assignment of additional resources, where available, and the review of business processes, to ensure the efficient processing of reviews of social welfare payments.

I hope this clarifies the matter for the Deputy.

### **JobPath Programme**

36. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection if she has had an engagement with JobPath providers in relation to extending referrals beyond 2019; and if she will make a statement on the matter. [23005/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The JobPath employment service commenced in 2015 and, under the terms of the contracts signed with the providers will run for at least six years. This includes a period of at least four years of client referrals to the end of 2019, and a run off period of at least two years. The contract includes an option to extend the term of referrals for a period of up to two years beyond the end of 2019.

The process of procuring contracted public employment services for 2020 and beyond is in

its early stages of development and my officials are working to design a procurement model that will balance the need for value for money for taxpayers with the importance of preserving high-quality employment advisory services. As part of this process the ongoing requirements of the public employment service including the period for client referrals under the JobPath programme are currently being considered.

To date no decisions have been taken in this regard and I have not had any engagement with JobPath providers in relation to extending referrals beyond 2019. However, my Department is currently considering how best to continue to provide a high quality public employment service that meets the needs of all jobseekers, while looking to provide employment services to those most distant from the labour market and to people who have not previously availed of these services.

### **Parental Leave**

37. **Deputy Tom Neville** asked the Minister for Employment Affairs and Social Protection the status of the new parental leave scheme due to commence in November 2019; and if she will make a statement on the matter. [23043/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** In Budget 2019, I announced the introduction of a new social insurance based parental benefit scheme to take effect this November.

The new scheme will provide two weeks paid leave to both parents, including those who adopt a child, who are employees or self-employed and who take parental leave from their employment to care for their child. The scheme will support parents during the first year of the child's life, in line with the Programme for Government commitment, and allows parents more flexibility in achieving and managing a work life balance. This new support will be available to parents in respect of children born on or after the date of its implementation in November.

The legislation for paid parental leave and benefit will be provided for in a Parental Leave and Benefit Bill 2019 sponsored by the Department of Justice and Equality, which has overall responsibility for parental leave policy. On 16 April, Government approved the priority drafting of this legislation. Officials in my Department are working with the Department of Justice and Equality to progress this work. Arrangements are also underway in my Department to advance the necessary administrative and technical requirements to be in a position to accept applications from November.

I trust this clarifies the matter.

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

38. **Deputy Joan Collins** asked the Minister for Employment Affairs and Social Protection the reason a person (details supplied) does not meet the qualifying criteria for a full rate of pension. [22791/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Since late September 2018, my Department has been examining the social insurance records of approximately 90,000 pensioners, born on or after 1 September 1946, who have a reduced rate State pension contributory entitlement based on post Budget 2012 rate-bands. These payments

are being reviewed under a new Total Contributions Approach (TCA) to pension calculation which includes provision for homecaring periods.

In May 2019, the person concerned submitted an application for HomeCaring periods. My Department has requested further information in order to make a determination on the person's eligibility for HomeCaring period(s). Following receipt of the requested information, a pension review outcome will issue to the person concerned in writing.

Where a pensioner qualifies for an increase, their weekly rate will be adjusted without delay and they will receive arrears backdated to 30 March 2018, or their 66th birthday if later. Where pension rates do not increase as a result of this review, the person will continue to be paid at their existing rate.

I hope this clarifies the matter for the Deputy.

### **Youth Unemployment Data**

39. **Deputy Thomas P. Broughan** asked the Minister for Employment Affairs and Social Protection her views on youth unemployment figures remaining in double digits despite a number of initiatives and schemes to support young persons in training and employment; if she is considering new measures or schemes for 2020; and if she will make a statement on the matter. [22788/19]

*Question No. 40 answered with Question No. 17.*

### **Pension Provisions**

41. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection her plans to ensure representative organisations of retired workers can have access to forums that will decide or discuss their pension entitlements and benefits; and if she will make a statement on the matter. [20566/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Scheme trustees have duties and responsibilities under the Pension Act 1990, as amended, under trust law and under other relevant legislation. The duties of pension scheme trustees include administering the scheme in accordance with the law and the terms of the trust deed and scheme rules as well as ensuring compliance with the requirements that apply to these schemes. Trustees must act in the best financial interests of all scheme members, whether active, deferred or retired, and must serve all beneficiaries of the scheme impartially. If there is a conflict of interest then a person's duty as a trustee must take precedence over interests.

Measures were introduced in 2015 to facilitate engagement between the trustees of a pension scheme and groups representing the interests of pensioner and deferred scheme members.

Changes to guidance issued by the Pensions Authority require the trustees of a pension scheme to notify groups representing the interest of scheme members of proposals by the trustees of a defined benefit pension scheme to issue a direction under section 50 of the Pensions Act to restructure scheme benefits. This affords the representative group an opportunity to make a submission to the trustees of a pension scheme in relation to proposals to restructure scheme benefits. These changes facilitate engagement between groups representing the interests of pensioner and deferred scheme members and the Pension Authority and the trustees of a pension scheme.

Groups representing the interests of pensioners and deferred scheme members have a right to appeal a section 50 direction by the Pensions Authority to the High Court on a point of law.

Current legislation does not specifically provide that member trustees must include at least one or more members from each scheme membership cohort, namely, active, deferred and pensioners, it does provide an opportunity for membership from each cohort and such members may avail of the opportunity to become scheme trustees or nominate others to act on their behalf.

The Pensions Authority is the regulatory body charged with the supervision of pension schemes and has the necessary powers under statute to investigate the conduct of a pension scheme should it become aware that a scheme is not in compliance with the provisions of the Pensions Act. Where a pension scheme member is of the view that the scheme is not in compliance with legislative requirements he or she may make a formal complaint to the Pensions Authority.

Any questions relating to access to the State's industrial relations machinery is a matter for the Minister for Business, Enterprise and Innovation.

I hope this clarifies the matter for the Deputy.

*Question No. 42 answered with Question No. 28.*

### **Paternity Benefit**

43. **Deputy Tom Neville** asked the Minister for Employment Affairs and Social Protection the number of persons that availed of paternity benefit both nationally and in County Limerick since its introduction in September 2016; and if she will make a statement on the matter. [23044/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The following tabular statement presents the average number of Paternity Benefit recipients, nationwide and for County Limerick, in each of the periods 2016 (October - December), 2017, 2018, and 2019 (January - April).

I note that the share of Paternity Benefit recipients in County Limerick - about 4% of the national total - is what would be expected given that County Limerick accounts for just over 4% of Ireland's population.

As Paternity Benefit is payable for two weeks only, the nationwide total of Paternity Benefit claims awarded in a given year is also provided in order to give a fuller picture of the number of fathers availing of the scheme.

### **Paternity Benefit**

Year	Average Recipients (State)	Average Recipients (Limerick)	Total Claims Awarded (State)
2016 (Oct-Dec)	296	10	5,013
2017	529	21	26,559
2018	645	20	24,080
2019 (Jan-Apr)	646	26	6,954

44. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection if she will address a matter regarding issues arising with the back to education allowance in relation to adult education (details supplied); and if she will make a statement on the matter. [23042/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The back to education allowance scheme (BTEA), operated by my Department, provides people with a second chance education that will improve their prospects of securing employment. It enables eligible people to pursue approved education courses and to continue to receive income support for the duration of a course of study, subject to meeting certain conditions. There are currently 8,570 students supported through BTEA.

The BTEA is not intended to provide a basis for a long-duration participation in extended education and it mirrors the approach to general education grants such as the Student Universal Support Ireland (SUSI).

This approach is informed by research evidence. Evidence from econometric studies shows that the ‘lock-in’ effect of long duration return to education programmes can exceed the ‘progression effect’ and reduce employment prospects.

In limited cases, post-graduate courses can be supported via BTEA, in particular in circumstances where a postgraduate qualification is a pre-requisite to take up employment. For example, BTEA can be approved where the jobseeker intends to undertake studies leading to a Higher Diploma (H.Dip) in any discipline, the Professional Masters in Education or a Masters degree based solely on life experience where the applicant holds no other third level qualification.

The Professional Masters in Adult and Community Education is not one of the courses covered under the BTEA as it is not a pre-requisite for employment in adult education services nor, according to our information, does it serve as an alternative to the Professional Masters in Education required for a general teaching role.

If there is a particular case that the Deputy has a concern about, then my officials would be happy to examine it.

I trust this clarifies the position for the Deputy.

### **Defence Forces Personnel Data**

45. **Deputy Sean Fleming** asked the Taoiseach and Minister for Defence the number of applications for discharge from the Defence Forces that took in excess of four months to be completed in 2018; the number on hand in which the process has not been completed within four months of the application date; and if he will make a statement on the matter. [23103/19]

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** The reasons and process for discharge of enlisted personnel from the Permanent Defence Force are governed by Defence Force Regulations and this is reflected in the manner data is collated by the military authorities. The specific information requested by the Deputy is not maintained in a readily available format. The task of accessing this information is not possible in the timeframe given. The military authorities are working on the request.

I will revert to the Deputy with a response as soon as possible.

## **Insurance Coverage**

46. **Deputy Clare Daly** asked the Minister for Finance if consideration will be given to the creation of a national community insurance bond, possibly funded by local authorities, to provide insurance cover for small community events in view of the fact that private insurance costs are prohibitive for such events and consequently stifling community events and initiatives. [23078/19]

**Minister for Finance (Deputy Paschal Donohoe):** As Minister for Finance, I am responsible for the development of the legal framework governing financial regulation. The Deputy will be aware that neither I, nor the Central Bank of Ireland, have the power to direct insurers on the pricing or provision of insurance products. Indeed, the EU framework (the Solvency II Directive) for insurance expressly prohibits Member States from adopting rules which require insurers to obtain prior approval of the pricing or terms and conditions of insurance products. The provision of insurance cover and the price at which it is offered is a commercial matter for insurers and is based on an assessment of the risks they are willing to accept and adequate provisioning to meet those risks. These are considered by insurers on a case-by-case basis, including with regard to community events, whether large or small, that may be organised.

In light of the above, I would be cautious about the introduction of a publicly funded insurance scheme that would provide insurance cover to such events in this jurisdiction. There is no reason to believe that the State would be any better at managing this risk than private insurance companies, and as a result there potentially could be a large financial exposure to the State if significant losses were incurred.

In addition, any such insurance scheme would be required to comply with the same prudential rules as private companies, thereby meaning that the cost of that insurance would still have to reflect the risk involved. Also, while it may appear that such a scheme might alleviate problems in the short term, the introduction of such a scheme could ultimately decrease competition in the Irish insurance market over the longer term, as some insurers may stop insuring particular risks completely if there is a view that the State/local authorities are insuring these risks instead, particularly those lines of business that are considered to be unprofitable. This could mean there would be even less of a choice for those seeking cover which could result in the cost of insurance becoming even more expensive than it is now. Such outcomes would be of detriment to consumers, community groups, voluntary organisations or businesses.

In view of these issues, I am not convinced therefore that a State/local authority-backed insurance scheme, whether it be to insure community events or other risks, would be a solution to the current problem regarding the cost or availability of insurance for such events and initiatives. Instead, I think that we need to continue to implement the recommendations of both reports of the Cost of Insurance Working Group (CIWG). Indeed, the reforms already introduced by the CIWG's work are having a significant impact with regard to private motor insurance (CSO figures from April 2019 show that the price of motor insurance is now 24.4% lower than the July 2016 peak) and I am determined to continue working to ensure that these positive pricing trends can be extended to other forms of insurance, including those relevant in this case.

Notwithstanding this progress, it is widely recognised and accepted that the single most essential challenge which must be overcome if there is to be a sustainable reduction in insurance costs particularly for small businesses, or event organisers, is to bring the levels of personal injury damages awarded in this country more in line with those awarded in other jurisdictions. In that regard, the Personal Injuries Commission, which was established under a recommendation of the CIWG, has highlighted the significant differential between award levels in Ireland and other jurisdictions, and has made a number of recommendations to address this issue, in

particular the establishment of a Judicial Council to compile guidelines for appropriate general damages for various types of personal injury.

Both I and Minister of State D'Arcy believe that this awards gap needs to be significantly closed and we are working with the Minister for Justice and Equality, Mr Charlie Flanagan TD, to ensure that this happens at the earliest opportunity. The Judicial Council Bill has recently completed Committee Stage in the Seanad and the Government has approved the drafting of amendments for Report Stage in the Seanad, which will provide for the establishment of a Personal Injuries Guidelines Committee whose sole purpose will be to develop such guidelines which will fall to be adopted by the Judicial Council. With the cooperation of all members of the Oireachtas, it is hoped that the Bill can be enacted as soon as possible.

In addition, arising from another recommendation of the CIWG, the Law Reform Commission (LRC) has commenced its work to undertake a detailed analysis of the possibility of developing constitutionally sound legislation to delimit or cap the amounts of damages which a court may award in respect of some or all categories of personal injuries, as part of its Fifth Programme of Law Reform. It is hoped that if there was a significant move in this area, it could have an impact on insurance pricing and could also help attract new entrants into the market. Such outcomes would be of benefit to all concerned.

Finally, I would like to assure the Deputy that the Cost of Insurance Working Group will continue to focus on implementing the recommendations of the Report on the Cost of Employer and Public Liability Insurance in parallel with implementing those from the Report on the Cost of Motor Insurance. I am hopeful that the cumulative effects of the completion of the two Reports' recommendations will include increased stability in the pricing of insurance for the citizens of this State and a more competitive insurance market.

### **Mortgage Debt**

47. **Deputy Michael McGrath** asked the Minister for Finance if guidance has been issued by the Central Bank or if there is an industry-wide approach being adopted by banks in cases in which a couple has separated and there is no agreement between the parties in relation to the mortgage; the position in cases in which one party, for example, wishes to be removed from the mortgage; and if he will make a statement on the matter. [23108/19]

**Minister for Finance (Deputy Paschal Donohoe):** In general, under the terms of mortgage credit contracts both of the parties to a joint mortgage will be jointly and severally liable for the debt. Accordingly, the removal of persons from a liability for some or all of the debt under a mortgage agreement is a contractual matter for the parties to the agreement or will, having regard to the particular circumstances of any individual case, be governed by contract or any other applicable law. Therefore, the Central Bank is limited in what it can prescribe in this area.

However, in respect of separated borrowers in or facing mortgage arrears on their primary residence, the Central Bank's Code of Conduct on Mortgage Arrears (CCMA) will apply. The CCMA provides that in the case of joint borrowers who notify the lender in writing that they have separated or divorced, the lender should treat each borrower as a single borrower under the Code (except to the extent that an action requires, as a matter of law, the agreement of both borrowers).

### **Corporation Tax Regime**

48. **Deputy Michael McGrath** asked the Minister for Finance the anticipated full year impact on corporation tax receipts of implementing the OECD pillar 1 proposals as they are currently drafted; the details of the set of proposals; and if he will make a statement on the matter. [23137/19]

49. **Deputy Michael McGrath** asked the Minister for Finance the anticipated full year impact on corporation tax receipts of implementing the OECD pillar 2 proposals as they are currently drafted; the details of the set of proposals; and if he will make a statement on the matter. [23138/19]

50. **Deputy Michael McGrath** asked the Minister for Finance the work plan to be agreed on tax issues relating to digitalisation; the anticipated full year impact of this work plan on corporation tax receipts here; and if he will make a statement on the matter. [23139/19]

**Minister for Finance (Deputy Paschal Donohoe):** I propose to take Questions Nos. 48 to 50, inclusive, together.

On 28 May the OECD Inclusive Framework on BEPS agreed a programme of work aimed at developing a consensus solution to the tax challenges arising from the digitalisation of the economy. The programme of work will be undertaken under the auspices of the OECD over the coming months, on a without prejudice basis. I understand that this work programme is due to be published by the OECD at the end of May.

The programme is structured under two broad pillars, known as Pillar one and Pillar two. In very broad terms, Pillar one is examining where profits of multinationals are allocated and examining mechanisms for potentially amending existing approaches. Pillar two is to examining the concept of minimum effective taxation.

The work on both Pillars is at a very early stage and the OECD work programme provides a framework for technical work to begin in the OECD's technical working parties. The discussions on both Pillars are not yet formulated as draft proposals which can be fully analysed by countries at this stage.

The proposals on the table under Pillar one are, as yet, quite diverse and there is no clarity on what might ultimately be agreed. While clearly a change in how profits are taxed in different jurisdictions would result in a shift in profits being allocated from one location to another, upward and downward adjustments won't become clear until technical work advances.

As regards Pillar two, the work programme will detail some of the potential mechanics of how a minimum taxation proposal may operate but there is not sufficient detail at this stage to estimate the impact of any eventual proposal on corporation tax receipts.

In the circumstances, it is not possible to calculate the impact on corporation tax receipts of implementing the proposals as they are currently drafted. Officials in my Department and Revenue will be actively engaged in the work at OECD, including the estimation of the impact of the options as they emerge in more detail.

The Deputy will be aware that on 23 May, I delivered a speech on this important topic at the Harvard Kennedy School and Irish Tax Institute Global Tax Policy Conference where I signalled that change is coming in the international tax rules as a result of the work now underway at the OECD to find a globally agreed solution to the challenges in relation to the taxation of an increasingly digitalised international economy.

In that speech, I outlined my belief that it might be possible to find a globally acceptable agreement within the broad Pillar 1 proposals that provides certainty. I also set out the principles

that would need to be observed in order for the OECD process to result in an agreed outcome. Those principles include aligning taxing rights with value creation, respecting the long established international corporate tax framework as well as the primary taxing rights of exporting countries and not disproportionately benefiting large countries at the expense of smaller ones.

As I have outlined, a minimum effective tax proposal had not, until recently, been part of the discussions at the OECD on addressing the tax challenges of digitalisation and I remain to be convinced of the validity and appropriateness of this aspect of the work.

Nevertheless, Ireland is positively engaged in the discussions at OECD and I remain open to solutions which respect our right to compete fairly and which respect the legitimacy of Ireland's longstanding 12.5% corporate tax rate. In all of these discussions my key priority will be to ensure that as this important work advances, Ireland's interests are central to the process of forming that globally agreed consensus.

Within those parameters, if the outcome of this work can, in these changing times, provide tax certainty for governments and for business, it will be very worthwhile.

### **Tax Appeals Commission**

51. **Deputy Michael McGrath** asked the Minister for Finance the number of outstanding appeals at the Tax Appeals Commission; the value of same; and if he will make a statement on the matter. [23142/19]

**Minister for Finance (Deputy Paschal Donohoe):** There were 3,652 appeals on hand before the Tax Appeals Commission (TAC) as at 20 May, 2019. I am advised by the TAC that it is difficult to provide an actual quantum figure because the original quantum of tax under appeal may be modified post filing of the notice of appeal (i.e. where an aspect of the appeal is settled or withdrawn), the parties may disagree in relation to the precise quantum of tax in dispute, or the monetary value of an appeal is not always calculable (e.g. in appeals where the rate of tax is in dispute or where the quantum in dispute represents a refusal of loss relief or of deductions or in appeals in relation to the refusal of Tax Clearance Certificates). Subject to these caveats, as at 20 May, 2019 the TAC recorded the quantum of tax under appeal amounting to approximately €3.7 billion. Of this amount, €2.5 billion is comprised in 10 appeals, five of which were received by the TAC in the last week of December 2018.

Some appeals before the TAC cannot be progressed when the Commission has to await the outcome of court proceedings. For example, a stay may have been placed on the progression of the appeals by the TAC by Order of the High Court, Court of Appeal or Supreme Court. Of the 10 highest-value appeals before the TAC, two appeals with a combined value of €1.67 billion are currently stayed by Court Order and cannot be progressed by the TAC until the stays are lifted.

In view of the growing backlog of appeals, I commissioned an independent review of the workload and operations of the TAC in 2018. In line with the review's recommendations, I sanctioned the doubling of the TAC's annual budget in 2019, to allow for additional staffing resources at all levels and additional funding for improved ICT systems. In June 2018 the TAC moved to a new, larger premises that allow for the scheduling of simultaneous hearings, to ensure greater and more efficient use of Commissioner's time. This is resulting in a reduction in the time parties have to wait for their appeal to be heard.

In addition, a Public Appointments Service competition for the recruitment of Temporary Appeal Commissioners was completed recently and details of appointments from the resulting

panel will be announced shortly. Legislation is also in progress to create the role of Chairperson of the TAC, as per a recommendation of the independent review.

With the substantial increase in resources at the TAC, I expect the overall number of appeals on hand, and consequently the quantum of tax under appeal before the TAC, to begin to decrease steadily over the coming year.

### **Brexit Staff**

52. **Deputy Michael McGrath** asked the Minister for Finance the number of Revenue Commissioners and customs officials that have been hired in order to deal with Brexit; the number operational; the number in training; and when they are expected to be operational. [23143/19]

**Minister for Finance (Deputy Paschal Donohoe):** I am informed by Revenue that since the start of 2019, Revenue has appointed over 500 staff from open recruitment and interdepartmental competitions. The majority of these have been assigned to customs roles or to backfill positions from which existing Revenue staff have been assigned to customs duties. As serving staff take up their new Brexit-related roles, Revenue is back-filling the vacancies created, from panels established in its general recruitment activity. Additional staff recruited in preparation for Brexit are deployed across a number of functions with approximately half on import and export trade facilitation activities.

To date, Revenue has trained over 400 staff in preparation for Brexit. There are approximately 50 staff members currently training and it is expected that these will be deployed to active duties in Summer 2019. The impact of the decision to extend the deadline on Brexit to 31 October 2019 is being assessed by Revenue having regard to resources, infrastructure and trader engagement. This will include broadening the scope of training for new staff, to include customs and other compliance functions as appropriate, based on business need.

### **Legislative Programme**

53. **Deputy Michael McGrath** asked the Minister for Finance when he will introduce legislation on limited partnerships; and if he will make a statement on the matter. [23144/19]

**Minister for Finance (Deputy Paschal Donohoe):** The updating of the Investment Limited Partnership Act, 1994 is a priority on the Government's legislative programme and, one of the strategic priorities in the recently published Ireland for Finance strategy document.

The drafting of the amendments to the Act has been recently completed. It is my intention to bring forward the draft Bill to Government in the coming weeks to seek permission to publish the Bill and, if approved, introduce the Bill into the House thereafter.

### **Tax Credits**

54. **Deputy Michael McGrath** asked the Minister for Finance the annual cost of the research and development tax credit for the previous five years; the number of companies that availed of the scheme in each of these years by multinational and SME companies; and if he will make a statement on the matter. [23145/19]

55. **Deputy Michael McGrath** asked the Minister for Finance the annual cost of the knowl-

edge development box in each year since its creation; the number of companies that availed of the scheme in each of these years by multinational and SME companies; and if he will make a statement on the matter. [23146/19]

**Minister for Finance (Deputy Paschal Donohoe):** I propose to take Questions Nos. 54 and 55 together.

I am advised by Revenue that the annual cost of the Research and Development (R&D) tax credit and the number of companies that availed of it for years up to 2017, the most recent year for which data is available, is published on the Revenue website at the following link:

*<https://www.revenue.ie/en/corporate/information-about-revenue/statistics/tax-expenditures/r-and-d-tax-credits.aspx>* .

The available information in respect of multinational and SME companies is split between companies administered by Revenue's Large Corporates Division (LCD) and non-LCD companies. Most of the companies administered by LCD are multinational companies. Also shown is the distribution of the R&D claims by the number of employees of the companies.

A review of the research and development tax credit is being undertaken by my Department in 2019. This review will examine the interaction of SMEs with the credit as part of its scope.

In relation to the Knowledge Development Box (KDB), the number of claimants and cost are published in Revenue's recent paper on 2018 Corporation Tax payments and 2017 tax returns, which is available on the Revenue website at link *<https://www.revenue.ie/en/corporate/documents/research/ct-analysis-2019.pdf>* (Table 13 shows the KDB claims). Due to the small numbers of taxpayers claiming KDB, Revenue cannot comment further on the size of the claimant companies.

### Tax Reliefs Costs

56. **Deputy Michael McGrath** asked the Minister for Finance the annual cost of the entrepreneurial relief for each year since its establishment; the number of companies that availed of the scheme in each of these years by multinational and SME companies; and if he will make a statement on the matter. [23147/19]

**Minister for Finance (Deputy Paschal Donohoe):** It is assumed the Deputy is referring to the revised Entrepreneur Relief (section 597AA TCA 1997) that is available in respect of Capital Gains Tax (CGT). The available information is published on the Revenue website at the following link - *<https://www.revenue.ie/en/corporate/information-about-revenue/statistics/tax-expenditures/entrepreneur-relief-statistics.aspx>*.

The estimated cost of the relief and the number of claims is provided in the following table for the Deputy's convenience.

Year	Estimated Exchequer Cost €m	Number of Claims
2017 (provisional)	81.2	873
2016	20.4	412

Information is not available in respect of multinational and SME companies as the relief applies to individuals only.

**Tax Reliefs Costs**

57. **Deputy Michael McGrath** asked the Minister for Finance the annual cost of the special assignee relief programme for the previous five years; the number of companies that availed of the scheme in each of these years by multinational and SME companies; and if he will make a statement on the matter. [23148/19]

**Minister for Finance (Deputy Paschal Donohoe):** SARP was introduced in Budget 2012 as part of a strategy to promote Foreign Direct Investment into Ireland, and to allow us to compete internationally to attract highly skilled and mobile executives who act as key decision makers within organisations.

The measure provides income tax relief on a portion of income earned by employees, who are assigned by their employer to work in Ireland, and who previously worked abroad for that employer for a minimum of six months. There is no exemption or relief from USC and PRSI is payable where the individual is not liable to social insurance contributions in the home country.

The 2016 annual Revenue report on SARP shows that for the years 2012 to 2016 (the most recent year for which data are available) the annual cost of the measure was as follows:

Tax Cost 2012	Tax Cost 2013	Tax Cost 2014	Tax Cost 2015	Tax Cost 2016
€0.1 million	€1.9 million	€5.9 million	€9.5 million	€18.1 million

Regarding the Deputy’s question as to the number of companies that have availed of the scheme in each of these years by multinational companies and SME companies, Revenue have advised me that a breakdown of company types, whether SME or multinationals, is not available. However, the following table sets out the numbers of individual claimants for the period 2012-2016.

2012	2013	2014	2015	2016
11	121	302	586	793

As the Deputy is aware, following on from concerns I had regarding the increasing cost of the incentive, I amended the SARP legislation in Finance Bill 2018 to reinstate an upper salary threshold at the level of €1 million. This change came into effect for new entrants to the programme from 1 January 2019 and for existing beneficiaries of the programme from 1 January 2020.

In accordance with the Department of Finance Tax Expenditure Guidelines, SARP will be fully reviewed in 2019 ahead of Finance Bill 2019. This review will afford an opportunity to look at all elements of the relief. It will also include consultation with all relevant stakeholders.

**Tax Reliefs Costs**

58. **Deputy Michael McGrath** asked the Minister for Finance the annual cost of the foreign earnings deduction for the previous five years; the number of companies that availed of the scheme in each of these years by multinational and SME companies; and if he will make a statement on the matter. [23149/19]

**Minister for Finance (Deputy Paschal Donohoe):** The Foreign Earnings Deduction (FED) is provided for in section 823A of the Taxes Consolidation Act 1997 (TCA). It provides relief from tax on up to €35,000 of salary for employees who travel out of State to certain countries

on behalf of their employer. In order to qualify for FED, an employee must spend a minimum of 30 days abroad in a year and each trip must consist of at least three (3) consecutive days in a qualifying country.

I am advised by Revenue that the most recent data available on the annual cost and the number of individuals who have availed of the scheme are as follows:

Year	No. of individuals	Exchequer Cost (€m)
2016	413	3.5
2015	472	3.2
2014	144	1.1
2013	135	1
2012	108	0.8

I am further advised by Revenue that FED is an allowance that is applied for by the employee through their own tax returns and is not returned at a company level. Therefore, it is not possible to provide the information on the number of companies associated with employees availing of the scheme broken down by multinational companies and SMEs, as requested by the Deputy.

Finally, I would like to advise the Deputy that FED will be reviewed this year, along with the Special Assignee Relief Programme, with the aim of ensuring that it operates as an efficient and effective tax relief. It is expected that the reports of these reviews will be completed and published as part of the Budget and Finance Bill process this year.

### Small and Medium Enterprises Supports

59. **Deputy Michael McGrath** asked the Minister for Finance the take-up of the key employee engagement programme in each month since its establishment; the number of companies that availed of the scheme in each of these years by multinational and SME companies; and if he will make a statement on the matter. [23150/19]

**Minister for Finance (Deputy Paschal Donohoe):** S128F of the Taxes Consolidation Act 1997 provides for the Key Employee Engagement Programme (KEEP) which came into effect on 1 January 2018. The aim of the incentive is to support SMEs in Ireland in competing with larger enterprises to recruit and retain key employees, by way of a targeted share option programme.

I am advised by Revenue that the ‘KEEP 1’ returns in relation to shares issued in 2018, which was the first year of the Programme, were due to be filed by 31 March 2019. Returns received to date indicate that 38 employees have received shares under KEEP.

Due to Revenue’s obligation to maintain taxpayer confidentiality, it does not disclose information in circumstances where the number of cases is so small that it might facilitate identification of the taxpayers involved. For this reason, Revenue cannot provide the level of detail requested by the Deputy at this time.

Finally, as the Deputy may be aware, my Department is carrying out a consultation process on tax incentives that are intended to support SMEs, which includes a focussed consultation on KEEP.

As part of the process, a Stakeholder Consultation Event is scheduled to be held next week (Thursday, 6 June 2019). Relevant details will be made available on my Department’s website

later this week. Specifically in relation to KEEP, the aim is to ensure that the incentive operates as intended in an efficient and effective manner.

### Employment Investment Incentive Scheme Data

60. **Deputy Michael McGrath** asked the Minister for Finance the annual cost of the employment and investment incentive scheme for each year since it commenced; the number of companies that availed of the scheme in each of these years by multinational and SME companies; and if he will make a statement on the matter. [23151/19]

**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.

The annual cost and number of companies that have availed of the scheme between 2012 and 2017, the latest year for which data are currently available, can be found in the following table.

Year	No. of qualifying companies	Estimated Tax Cost (First tranche) €M	Estimated Tax Cost (Second tranche) €M
2011/2012	255	15.7	3.2
2013	248	17.3	2.9
2014	297	23.3	2.0
2015	270	28	
2016	203	31	
2017	87	18.6	

I am advised by Revenue that while applicant companies for EII must be micro, small or medium sized enterprises they are not required by Revenue to identify whether they have a multi-national character. Accordingly, the breakdown the Deputy has asked for in relation to multi-national companies is not available.

As the Deputy is aware, in 2018 I commissioned a review of the Employment and Investment Incentive. An initial response to the review was provided for in Finance Act 2018, which brought forward a priority package of measures to address certain issues with the incentive and to increase its efficiency and effectiveness. This included the extension of the scheme to 31 December 2021.

It was always the intention that other measures identified in the review would be examined in due course, with the potential for further amendments in future Finance Bills. To assist with consideration of these proposals, a consultation process is underway on tax incentives that are intended to support SMEs, which includes a focused consultation on the Employment and Investment incentive.

As part of the process, a Stakeholder Consultation Event is scheduled to be held next week (Thursday, 6 June 2019). Relevant details will be made available on my Department’s website later this week. The intention is to ensure that the incentive operates in an efficient and effective manner, as a targeted SME support measure.

### Tax Reliefs Data

61. **Deputy Michael McGrath** asked the Minister for Finance the annual cost of the start-up refunds for entrepreneurs for the previous five years; the number of companies that availed of the scheme in each of these years; and if he will make a statement on the matter. [23152/19]

**Minister for Finance (Deputy Paschal Donohoe):** Start Up Refunds for Entrepreneurs (SURE) provides a refund of tax paid in the previous six tax years to those previously in PAYE employment, or recently unemployed, where they invest funds into a new business set up by them.

The most recent year for which statistics are available on this incentive is 2016. The cost and number of individuals who have availed of SURE for each year from 2012 to 2016 inclusive are as follows:

Year	Cost €m	Claimants
2016	1.9	80
2015	1.8	86
2014	1.8	59
2013	1.3	60
2012	1.6	88

As the Deputy will be aware, in 2018 I commissioned a review of the Employment and Investment Incentive (EII) and SURE. Following on from the recommendations made in this review, I have extended both incentives to 31 December 2021.

### Insurance Coverage

62. **Deputy Michael McGrath** asked the Minister for Finance the number of persons in 2019 that availed of the declined insurance arrangement of a body (details supplied); and if he will make a statement on the matter. [23153/19]

**Minister for Finance (Deputy Paschal Donohoe):** At the outset, as the Deputy is aware, I, in my role as Minister for Finance, have no responsibility for the operation of the Declined Cases Agreement (DCA) and therefore neither I, nor my Department, have direct access to the data that is being requested.

However, in order to be as helpful as I can, my officials contacted Insurance Ireland about your information request. In response they have provided me with statistics on the number of cases they have dealt between 2009 and 2018. Insurance Ireland informed my officials that data for 2019 is not yet available. However, I understand that the figures for the first four months of 2019 will be available in mid-June. The available figures are set out in the following table.

Insurance Ireland data Year	Total DCA
2018	1,147
2017	1,423
2016	1,941
2015	1,164
2014	669
2013	308
2012	178
2011	169

Insurance Ireland data Year	Total DCA
2010	130
2009	115

In relation to these cases, Insurance Ireland has informed my officials that all applications made to them were accepted for processing under the Declined Cases Agreement. They have also stated that a quotation was secured for the applicants in question through the Agreement and that they therefore consider all applications to have been successful.

### Public Sector Staff Retirements

63. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform if a person who was placed on an interim measure after reaching the age of retirement in 2018 can continue working in the Civil Service; if it is prohibited; and if he will make a statement on the matter. [23156/19]

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** On 5 December 2017, the Government made the decision to increase the compulsory retirement age to 70, for public servants recruited prior to 1 April 2004. Primary legislation was necessary in order to bring that change into effect. It was made clear at the time that until such legislation was enacted, the compulsory retirement age of 65, which applied to the vast majority of this cohort, remained in effect and pre-2004 public servants reaching that age would be required to retire.

Interim arrangements were provided for the cohort of public servants who reached their compulsory retirement age of 65 after the Government Decision because, while they would be aware of the Government's decision, they would be unable to avail of it. Those arrangements permitted these individuals to be rehired post-retirement for a period of 1 year until they reached the age of eligibility for the State Pension (Contributory). Without that specific arrangement, they would have been required to cease working on reaching the age of 65.

The Public Service Superannuation (Age of Retirement) Act 2018 was enacted on 26 December 2018. Under the Act, any relevant public servant who had not already reached their compulsory retirement age of 65 before that date has a new compulsory retirement age of 70. Enactment of the legislation had no effect on those public servants who retired at 65 prior to the 26 December 2018 and who availed of a one year contract under the interim arrangements.

Section 3 of the 2018 Act also provides that I, as Minister for Public Expenditure and Reform, within three months of the passing of the Act, would prepare and lay before the Oireachtas a report on the public servants who were forced to retire between 6 December 2017 and the commencement of the Act, due to reaching the age of 65 years, and on potential remedies to assist this cohort of worker. This Report was laid before the Oireachtas on 26 March 2019 and is publicly available on the [www.gov.ie](http://www.gov.ie) website and in the Oireachtas Library online catalogue.

Having considered all of the issues outlined in the Report, I am satisfied that the interim arrangements were an appropriate temporary policy response at the time of the Government Decision, pending enactment of the legislation. The terms of those arrangements were clear, unambiguous and made known to those who availed of them. Accordingly, for the reasons set out in the report, I do not propose to make any changes to those terms.

The contract terms for the interim cohort will, therefore, continue to apply and they will cease working when they reach the age of 66 as previously provided for.

## State Examinations

64. **Deputy Timmy Dooley** asked the Minister for Education and Skills if 2019 is the first year that junior certificate students can only take their written final examination in no more than ten subjects or eleven with CSPE in accordance with circular 0015/2017; and if he will make a statement on the matter. [23058/19]

**Minister for Education and Skills (Deputy Joe McHugh):** The Junior Cycle Framework 2015 sets out Government policy in relation to Junior Cycle. Under that Framework students can take between 8 and a maximum of 10 subjects for final examination and for reporting through the Junior Cycle Profile of Achievement (JCPA). The maximum of 10 subjects was designed to provide a broad curriculum experience to students, while allowing for the adequate depth of study of the subject matter, as well as avoiding stress to students as a result of taking a higher number of subjects (Students taking the old CPSE exam, being examined for the last time in 2019, are permitted to take 11 subjects this year).

Changes to the curriculum and policies that affect students are not made lightly. The Framework was published following a complete review of the earlier junior cycle programme, involving consultation with a wide range of education stakeholders including students. The changes to the number of subjects a student should study were notified to schools in 2014 when schools were advised to begin limiting the overall number of subjects they offer to students for certification and that a limit of ten subjects for certification will be in place for students entering first year in September 2015. This advice has been repeated in advice issued to schools in the years since 2014, including Circular 0015/2017 (superseded by 0079/2018). It was also included in an information leaflet produced for parents of post-primary students. 2018 was the first year in which Junior Certificate students were required to sit no more than 10 subjects under Circular 0015/2017.

The majority of schools promptly followed the instruction issued by this Department and advised students of the maximum number of subjects permitted. Students would in a number of cases have reduced the number of subjects they were taking.

The student is at the heart of the policy set out in the Framework for Junior Cycle. The Framework embodies a number of features designed to provide a learning experience that addresses the needs of the 21st century. It presents a curriculum designed for all students, not just for some. Under the Framework students study subjects in greater depth. Students are more likely to retain the knowledge as they have opportunities to apply their learning in a number of different contexts, engage in research, investigation and experimentation and present their work in a variety of different modes. They are encouraged to think critically and reflect on and evaluate their own learning, either as individuals or in collaboration with their peers. The Framework supports the move away from rote learning and instead is designed to help the students to become better learners, and better citizens. This is done through embedding key skills for successful learning across the curriculum and for learning beyond school. More relevant learning like this leads to deeper learning and achievement.

## School Enrolments

65. **Deputy Kathleen Funchion** asked the Minister for Education and Skills if he is satisfied with the current section 29 appeal system for schools; the number of appeals recorded as successful under the process of appeals; the number of complaints made in relation to the appeals process itself; his plans to review the appeals system; and if he will make a statement on

the matter. [23096/19]

66. **Deputy Kathleen Funchion** asked the Minister for Education and Skills the number of appeals lodged to date under the section 29 appeals process at a school (details supplied); and the number of appeals accepted. [23097/19]

**Minister for Education and Skills (Deputy Joe McHugh):** I propose to take Questions Nos. 65 and 66 together.

Section 29 of the Education Act, 1998 provides for an appeal by a parent or guardian or student who has reached the age of 18 years to the Secretary General of my Department, or in the case of an Educational Training Board (ETB) school to the ETB in the first instance, where a Board of Management of a school, or a person acting on behalf of the Board, refuses to enrol a student in a school, expels a student or suspends a student for 20 or more days in any school year.

The most recently available statistics on Section 29 appeals are from the calendar year 2018. In 2018, my Department received a total of 432 Section 29 appeals. Of these, 256 went to a full oral hearing before an independent Section 29 Appeals Committee. Of the appeals heard by an independent Section 29 Appeals Committee, 113 (44%) were upheld. My Department does not provide information on section 29 appeals in relation to individual schools.

The Deputy will be aware that the Education (Admission to Schools) Act 2018 is providing for a new Section 29 to be put in place to replace the existing Section 29 of the Education Act, 1998. Section 7 of the Education (Admissions to School) Act 2018, when commenced, will provide for a number of significant changes to the appeals process under section 29 of the Education Act. The main aim of these changes being put in place is to make the process fit for purpose and less cumbersome for parents and schools. Many of the changes relate to operational matters and seek to align the legislation with actual practice and procedures as they have developed over the years and increase the efficiency of the processes. However, there are also a number of changes which relate to policy matters. These include the following matters:

- setting in statute that the cumulative number of days on suspension that has to elapse before an appeal can be lodged at 20 days;

- removing the additional layer of appeal currently provided in section 29 which requires that appeals in relation to ETB schools must be heard in the first instance by the ETB;

- clarifying that an appeal against a decision to suspend, expel or refuse to admit where the decision to refuse admission is not due to oversubscription, is an appeal 'de novo', which encompasses a full re-hearing of the matter by an appeals committee, based on the evidence and materials properly available to the committee;

- providing that an appeal against a decision to refuse to admit where the decision to refuse admission is due to oversubscription is an appeal on the record, where the evidence and materials which are properly relied on by the appeals committee will be the same as those which were before the school;

- providing that procedures for appeals shall be determined by the Minister, including the timeframes for appeals;

- providing for an appeals committee to issue a preliminary decision, following an oral hearing (i.e. in the case of appeals against a decision to suspend, expel or refuse to admit where the decision to refuse admission is not due to oversubscription). The applicant and board can provide observations on the preliminary decision and following consideration of any observa-

tions received, an appeals committee will make a final decision to confirm or amend the preliminary decision;

- providing that in the case of a decision to refuse admission which is due to a school being oversubscribed, an applicant must request a board of management to review the decision before an appeal can proceed and where an error or failure has been identified the Board must correct that error or failure. However, in the case of a decision to refuse admission which is not due to a school being oversubscribed, the applicant may request, but is not required to request, a review by the Board prior to proceeding to an oral hearing. This provides a fast track for appeals against a decision to refuse enrolment where a school has places available but for some reason is refusing to offer a place contrary to one of the most fundamental provisions of the Admissions Bill;

- introducing a compellability that where an appeal is allowed the school must admit the student, readmit the student or adjust the ranking of the student on the waiting list as applicable;

The new section 29 provisions are designed to operate within the broader admissions framework being put in place under the Education (Admission to Schools) Act 2018. In that regard, I have outlined that it is my intention to commence the relevant provisions of the Act, including those relating to the new section 29, so that they will apply to applications for admission in respect of the 2021/22 school year.

### **State Examinations Data**

67. **Deputy Timmy Dooley** asked the Minister for Education and Skills the number of students sitting the junior certificate in 2018 that took more written final exams than ten or eleven subjects in circumstances in which CPSE was included; and if he will make a statement on the matter. [23100/19]

**Minister for Education and Skills (Deputy Joe McHugh):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

### **Educational Disadvantage**

68. **Deputy Michael Harty** asked the Minister for Education and Skills when the analysis on educational disadvantage and resource allocation will be complete in the context of extending the DEIS programme to further schools; and if he will make a statement on the matter. [23176/19]

**Minister for Education and Skills (Deputy Joe McHugh):** My Department is currently undertaking data analysis in the context of resource allocation to match identified need, including the examination of variables known to be strong predictors of educational disadvantage. All schools at both Primary and Post Primary are being assessed using the new identification model. Until this analysis is complete, it is not intended to extend the DEIS programme to any further schools.

### **Garda Resources**

69. **Deputy Micheál Martin** asked the Minister for Justice and Equality the number of Garda vacancies in Cork city and county; and if he will make a statement on the matter. [23070/19]

**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.

I have asked the Garda Commissioner for information in relation to the matter raised by the Deputy and when it is received I will write directly to the Deputy.

### **Residency Permits**

70. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress to date in the determination of an extension of residency status in the case of a person (details supplied); and if he will make a statement on the matter. [23079/19]

**Minister for Justice and Equality (Deputy Charles Flanagan):** I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that a valid passport is normally required to enable an applicant to register their permission to reside in the State. Where an applicant does not hold a valid passport, a temporary registration can be issued, at the discretion of an immigration officer, to give the applicant time to arrange for a new passport.

I am further advised that the applicant referred to by the Deputy currently has permission to reside in the State, and that a temporary registration is being processed for him. This temporary registration permission will be extended when the applicant presents a new passport to the INIS Registration Office.

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**

71. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied); and if he will make a statement on the matter. [23110/19]

**Minister for Justice and Equality (Deputy Charles Flanagan):** As the Deputy is aware, if an application for asylum or subsidiary protection has been made in the State, for confidentiality reasons it is not the practice to comment on such applications and the applicant or their legal representative should contact either the International Protection Office (IPO) or the International Protection Appeals Tribunal (IPAT) directly, as appropriate.

The IPO may be contacted either by email to [info@ipo.gov.ie](mailto:info@ipo.gov.ie), by telephone to the IPO Customer Service Centre at 01 6028008 or in writing to Customer Service Centre, International Protection Office, 79-83 Lower Mount Street, Dublin 2. The International Protection Appeals Tribunal may be contacted either by email to [info@protectionappeals.ie](mailto:info@protectionappeals.ie), by telephone at 01-4748400 (or Lo-Call 1890 201 458), or in writing to Corporate Services Division, The Interna-

tional Protection Appeals Tribunal, 6-7 Hanover Street East, Dublin D02 W320.

Following the commencement of the International Protection Act 2015 on 31 December 2016, new arrangements for the investigation and determination of applications for international protection (refugee status and subsidiary protection) and cases involving permission to remain in the State have been introduced. Such applications are now processed, as part of a single application procedure, by the International Protection Office (IPO) which has replaced the Office of the Refugee Applications Commissioner (ORAC) from that date. The staff of that Office (the Chief International Protection Officer and International Protection Officers) are independent in the performance of their protection functions.

For your information, on 27 February 2017, the Chief International Protection Officer, following consultation with the United Nations High Commissioner for Refugees (UNHCR), published a statement on the Prioritisation of Applications under the International Protection Act 2015 which is available on the website of the International Protection Office ([www.ipo.gov.ie](http://www.ipo.gov.ie)).

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**

72. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if temporary residency or an alternative will be available in the case of a person (details supplied); and if he will make a statement on the matter. [23111/19]

**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 they do not appear to hold a current permission to reside in the State or have an on-going application for an immigration permission.

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. In order to allow for a full examination of the person's circumstances, the person concerned should write to Unit 2, Domestic Residence and Permissions Division, INIS, 13/14 Burgh Quay, Dublin 2 and provide a detailed account and documentary evidence of their personal circumstances since the expiration of any permission to visit or reside in this State they may have previously held.

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**

73. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if consideration for naturalisation can proceed in the case of a person (details supplied); and if he will make a statement on the matter. [23112/19]

**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 had their permission to remain in the State renewed for a further one year period to 14 December 2019. This decision was conveyed in writing to the person concerned by letter dated 07 January 2019. This permission was renewed to enable the person concerned to obtain a valid passport or alternatively submit evidence as to what effort they have made to secure a passport.

There is no record of the requested documentation having been submitted to date. The position in the State of the person concerned can be further considered upon receipt of the requested documentation.

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**

74. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if consideration for naturalisation can proceed in the case of a person (details supplied); and if he will make a statement on the matter. [23113/19]

**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 had their permission to remain in the State renewed for a further one year period to 14 December 2019. This decision was conveyed in writing to the person concerned by letter dated 07 January 2019. This permission was renewed to enable the person concerned to obtain a valid passport or alternatively submit evidence as to what effort they have made to secure a passport.

There is no record of the requested documentation having been submitted to date. The position in the State of the person concerned can be further considered upon receipt of the requested documentation.

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**

75. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if permission to remain or an extended residency renewed work permit is applicable in the case of a person (details supplied); and if he will make a statement on the matter. [23116/19]

**Minister for Justice and Equality (Deputy Charles Flanagan):** As the Deputy is aware, if an application for asylum or subsidiary protection has been made in the State, for confidentiality reasons it is not the practice to comment on such applications and the applicant or their legal representative should contact either the International Protection Office (IPO) or the International Protection Appeals Tribunal (IPAT) directly, as appropriate.

The IPO may be contacted either by email to [info@ipo.gov.ie](mailto:info@ipo.gov.ie), by telephone to the IPO Customer Service Centre at 01 6028008 or in writing to Customer Service Centre, International Protection Office, 79-83 Lower Mount Street, Dublin 2. The International Protection Appeals Tribunal may be contacted either by email to [info@protectionappeals.ie](mailto:info@protectionappeals.ie), by telephone at 01-4748400 (or Lo-Call 1890 201 458), or in writing to Corporate Services Division, The International Protection Appeals Tribunal, 6-7 Hanover Street East, Dublin D02 W320.

Following the commencement of the International Protection Act 2015 on 31 December 2016, new arrangements for the investigation and determination of applications for international protection (refugee status and subsidiary protection) and cases involving permission to remain in the State have been introduced. Such applications are now processed, as part of a single application procedure, by the International Protection Office (IPO) which has replaced the Office of the Refugee Applications Commissioner (ORAC) from that date. The staff of that Office (the Chief International Protection Officer and International Protection Officers) are independent in the performance of their protection functions.

For your information, on 27 February 2017, the Chief International Protection Officer, following consultation with the United Nations High Commissioner for Refugees (UNHCR), published a statement on the Prioritisation of Applications under the International Protection Act 2015 which is available on the website of the International Protection Office ([www.ipo.gov.ie](http://www.ipo.gov.ie)).

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**

76. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected position in regard to the determination of eligibility for naturalisation in the case of a person (details supplied); and if he will make a statement on the matter. [23117/19]

**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. Should further documentation be required it will be requested from the applicant in due course.

The records indicate that the current permission to reside in the State granted to the person concerned is due to expire on 2 June 2019. It is up to the person concerned to seek permission to remain beyond the expiry of her current permission. All non-EEA nationals are required to keep their permission to remain in the State up to date at all times, and to have such permission registered. Failure to do so may adversely affect an application for a certificate of naturalisation

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**

77. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied); if further documentation is required in their case; and if he will make a statement on the matter. [23121/19]

**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. Should further documentation be required it will be requested from the applicant in due course.

The records indicate that the current permission to reside in the State granted to the person concerned expired on 15 June 2018. It is up to the person concerned to seek permission to remain beyond the expiry of her current permission. All non-EEA nationals are required to keep their permission to remain in the State up to date at all times, and to have such permission registered. Failure to do so may adversely affect an application for a certificate of naturalisation.

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

78. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if the relevant section has received the required and requested correspondence, a response to which is awaited by a person (details supplied); and if he will make a statement on the matter. [23123/19]

**Minister for Justice and Equality (Deputy Charles Flanagan):** I am advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that there is no record of a current application for a certificate of naturalisation from the person referred to by the Deputy.

A previous application was returned in its entirety on 25 July 2018 as it was accompanied by an incomplete statutory declaration form and no application fee or supporting documents.

It is open to any individual to lodge an application for a certificate of naturalisation if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956, as amended.

Full details of the eligibility criteria and extensive guidelines are available on the INIS website at [www.inis.gov.ie](http://www.inis.gov.ie)

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 I know the Deputy will appreciate that it is important that appropriate procedures are in place to preserve the integrity of the process.

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

## Direct Provision Data

79. **Deputy Thomas Pringle** asked the Minister for Justice and Equality the amount of funding paid to catering contractors for each direct provision centre, temporary or permanent, in each of the years since 2016, in tabular form; and if he will make a statement on the matter. [23157/19]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** The Reception and Integration Agency in my Department is responsible for the procurement and management of accommodation and ancillary services for persons in the protection process. All accommodation centres for those persons seeking protection, whether State-owned or privately owned, are operated by commercial companies. There are currently 39 accommodation centres being operated under the direct provision system.

RIA contracts for an all-inclusive service, which includes catering services, as well as cleaning, security, maintenance and laundry services. It is not possible to isolate the cost of catering services from the overall cost.

Extensive and detailed information on the amount paid by my Department to each company contracted to provide direct provision accommodation every year up to and including 2016 can be found on the RIA website [www.ria.gov.ie](http://www.ria.gov.ie) under the 'Contract Values' section of the web-

site. This is in accordance with the Reception & Integration Agency's policy on disclosure of financial information which was agreed with the Office of the Information Commissioner. The Deputy will appreciate that it is not appropriate to provide values for current contracts entered into by my Department. Negotiations take place with a number of commercial entities on an on-going basis with a clear focus on achieving the best value for money in respect of each contract. It is not in the interests of yielding best value for the taxpayer that details of current individual contracts are made available to other commercial bodies which are, or may be in the future, engaged in these negotiations.

### **Trade Agreements**

80. **Deputy Charlie McConalogue** asked the Minister for Business, Enterprise and Innovation the status of the Mercosur trade talks; if beef will not form a part of a final agreement; if the European Commission has indicated it will offer additional beef access to Mercosur countries greater than the 70,000 tonnes that was signed off at EU level in October 2017; if she will not support a final deal that has beef as a component; the status of discussions at the recent EU Trade Policy Council Committee meeting regarding Mercosur; and the formal position taken by Ireland on same. [23164/19]

**Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys):** Negotiations for a Free Trade Agreement (FTA) between the EU and Mercosur are ongoing. If concluded, an EU-Mercosur Free Trade Agreement would be the EU's largest trade deal to date. The most recent formal round of negotiations took place in Buenos Aires on 11th – 15th March 2019. A week of intersessional meetings also took place between the European Commission and Mercosur in Buenos Aires between 13th – 17th May 2019.

At the October 2017 round of talks, an offer was made to Mercosur of an annual quota of 70,000 tons of beef to secure an FTA. This offer was divided into 35,000 tons of fresh beef and 35,000 tons of frozen meat. During discussions in January 2018, the Mercosur region made it clear that an increased offer on beef would be required to conclude the Agreement. However, the European Commission - which leads on such trade negotiations for the Member States under the EU Treaties - has not formally tabled a revised EU market access offer to date, as it awaits further movement from Mercosur on the EU's offensive interests. In this regard, Ireland and other Member States remain clear that the EU's offensive goals must be achieved in the negotiations, particularly for Ireland's dairy industry, before any final discussions on beef quota arrangements take place.

Overall, Ireland remains committed to these negotiations, especially in the view of the important economic and political gains expected for both sides from a comprehensive, ambitious, and balanced EU-Mercosur Agreement. Sectoral opportunities for Ireland in further enhancing a trading relationship with this region include software and services in telecommunications, financial services, digital content and travel, engineering products and services, life sciences, food and beverages, and education services.

Negotiations are ongoing with the likelihood of an agreement dependent on a number of factors, including whether there is an additional EU offer on beef. Ireland continues to engage with our colleagues in the Commission and other Member States on the matter and they are aware of Ireland's trade sensitivities in relation to agricultural products (especially beef), and the cumulative impacts for the agriculture sector across the suite of FTAs. Ireland's view on any Agreement reached, will be informed on the aggregate benefits the Agreement offers our economy as a whole.

In relation to the EU Trade Council meeting on Monday 27th May, the substantive agenda items were discussions on WTO Reform, EU-US trade relations, and the EU-Vietnam Free Trade and Investment Protection Agreements. The Commission also gave a debrief over lunch-time on ongoing Free Trade Agreements, including Mercosur. Ireland expressed our commitment to the negotiations with Mercosur, but also expressed our concerns in relation to agriculture – in particular, sensitive tariff lines in relation to beef and Tariff Rate Quota (TRQ) volume. The Commission confirmed that they are keenly aware of Ireland's national sensitivities on agriculture in the context of this and other FTA negotiations.

### **Hospital Appointments Delays**

81. **Deputy Kevin O'Keeffe** asked the Minister for Health if an appointment will be provided to a person (details supplied). [23054/19]

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

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

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

### **Occupational Therapy Provision**

82. **Deputy Eugene Murphy** asked the Minister for Health if occupational therapy services will be provided to a person (details supplied); and if he will make a statement on the matter. [23056/19]

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

### **Occupational Therapy**

83. **Deputy Eugene Murphy** asked the Minister for Health the position regarding occupational therapy in Roscommon town, County Roscommon; and if he will make a statement on the matter. [23057/19]

**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.

## **HSE Funding**

84. **Deputy James Browne** asked the Minister for Health the position regarding funding for an organisation (details supplied); and if he will make a statement on the matter. [23064/19]

**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.

## **Primary Medical Certificates Applications**

85. **Deputy Eugene Murphy** asked the Minister for Health if there are designated persons dealing with applications for primary medical certificates in County Roscommon; the number dealing with such applications; the waiting period to process applications for a primary medical certificate in County Roscommon; and if he will make a statement on the matter. [23066/19]

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

## **Speech and Language Therapy Staff**

86. **Deputy James Lawless** asked the Minister for Health when the recruited speech therapist is due to commence further to the vacancies in the mid-Kildare NDT; and his plans to address a backlog in referrals which have arisen from the position being vacant. [23067/19]

**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.

## **Audiology Services Provision**

87. **Deputy Robert Troy** asked the Minister for Health when the audiologist position in the eye and ear department at the Midland Regional Hospital will be filled (details supplied). [23068/19]

**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.

## **Services for People with Disabilities**

88. **Deputy Clare Daly** asked the Minister for Health the reason payments have ceased to

residents of a centre (details supplied); and if he will make a statement on the matter. [23076/19]

**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.

The Deputy's office were unable to provide more details about which specific service or payment the Deputy is referring to in the question, and understood that this may impact the HSE's ability to provide an answer to the question.

### **Hospital Procedures**

89. **Deputy Michael Healy-Rae** asked the Minister for Health the status of a procedure for a person (details supplied); and if he will make a statement on the matter. [23082/19]

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

### **Medicinal Products Availability**

90. **Deputy Fergus O'Dowd** asked the Minister for Health the position in relation to the availability of Versatis patches for persons on a medical card or long-term illness card; and if he will make a statement on the matter. [23084/19]

**Minister for Health (Deputy Simon Harris):** Medicines play a vital role in improving the health of Irish patients. Securing access to existing and new and innovative medicines is a key health service objective. However, the challenge is to do this in a safe and sustainable manner. Treatment must be appropriate and proportionate and clinical decision-making, such as prescribing, should be based on both patient needs and sound medical evidence.

Lidocaine 5% medicated plasters are licensed for localised relief of post-shingles pain in adults. This is the patch's only licensed use in Ireland. It has been reimbursed in the community drug schemes since 2010.

Clinical concern arose as usage increased significantly, to the point where more plasters were being used in Ireland than in the entire UK National Health Service. In such situations, it is important and appropriate for clinicians to review usage and, in 2016, the HSE Medicines Management Programme (MMP) reviewed the use of the plasters. The review estimated that only 5-10% of prescribing was for the licensed indication.

From September 2017, following the clinical review, the HSE introduced a new reimbursement approval system for the patches, to support appropriate use and patient care. Under these arrangements, the patient's GP or consultant applies to the MMP for reimbursement approval on behalf of the patient. If an application is refused, the clinician may submit an appeal to the MMP, making a clear clinical case for the patient. Information for patients and practitioners is

on the HSE MMP website at: [hse.ie/yourmedicines](http://hse.ie/yourmedicines).

The outcome of an application or an appeal for reimbursement of lidocaine patches is a matter between the MMP and the treating clinician. The Deputy will appreciate that, as Minister for Health, I cannot intervene in individual cases.

The decision to introduce a new reimbursement approval process for a particular treatment is a matter for the HSE. I fully support the objectives of the HSE Medicines Management Programme.

### **Child Abuse**

91. **Deputy Michael McGrath** asked the Minister for Health the steps he will take further to the report investigating the abuse of a number of children in a foster home in the west of Ireland; the way in which persons within the HSE involved in this case will be held accountable; the steps he plans to take to ensure this will not occur again; and if he will make a statement on the matter. [23095/19]

**Minister for Health (Deputy Simon Harris):** Responsibility for child protection and welfare services transferred to Tusla, the Child and Family Agency, under the aegis of the Department of Children and Youth Affairs a number of years ago. However, I have referred the Deputy's question to the HSE's National Director of HR for a direct reply to the Deputy regarding persons who may have remained in the employ of the HSE.

I am advised that with regard to the investigative report mentioned, my colleague the Minister for Children and Youth Affairs is giving the findings and recommendations due consideration.

### **Hospital Appointments Status**

92. **Deputy Peter Burke** asked the Minister for Health the status of an appointment for a person (details supplied); and if he will make a statement on the matter. [23098/19]

**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 Card Reviews**

93. **Deputy Charlie McConalogue** asked the Minister for Health when a medical review of a medical card application by a person (details supplied) will be finalised; if this will be processed as soon as possible in view of the significant medical need; and if he will make a statement on the matter. [23099/19]

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

### **Medical Card Eligibility**

94. **Deputy Charlie McConalogue** asked the Minister for Health the reason further financial evidence is being sought in the case of a person (details supplied) for a medical card eligibility when the review was sought on the basis of medical need; the reason further financial evidence has now been requested for a second time despite the previously requested financial information being provided in full; if the application will be finalised immediately in view of the medical need associated with same; and if he will make a statement on the matter. [23101/19]

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

### **Medical Card Applications**

95. **Deputy Charlie McConalogue** asked the Minister for Health if a decision will be made on a medical card application by a person (details supplied) in view of the complex medical need involved in same; the reason further financial details are being requested despite a review being sought on medical need and in view of the fact that financial details have already been provided as part of the review; and if he will make a statement on the matter. [23106/19]

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

### **HSE Funding**

96. **Deputy Thomas P. Broughan** asked the Minister for Health the detail of 40% budget cuts to an organisation (details supplied) from 1 July 2019; the background to such large cuts; if this decision will be urgently reviewed and full funding restored; and if he will make a statement on the matter. [23109/19]

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

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

### **Medical Card Eligibility**

97. **Deputy Bernard J. Durkan** asked the Minister for Health if a person (details supplied) qualifies for a medical card; and if he will make a statement on the matter. [23115/19]

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

### **Orthodontic Services Provision**

98. **Deputy Bernard J. Durkan** asked the Minister for Health if a person (details supplied) can obtain orthodontic treatment on their medical card; and if he will make a statement on the matter. [23122/19]

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

### **Health Services Provision**

99. **Deputy Peter Burke** asked the Minister for Health the status of treatment for a person (details supplied); and if he will make a statement on the matter. [23135/19]

**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.

### **Orthodontic Services**

100. **Deputy Robert Troy** asked the Minister for Health the steps which can be taken by a person (details supplied) in relation to orthodontic treatment [23136/19]

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

### **Medical Card Eligibility**

101. **Deputy Willie Penrose** asked the Minister for Health the steps he will take in the course of budgetary negotiations to review the cap imposed in respect of means testing for medical cards for persons over 70 years of age; and if he will make a statement on the matter. [23154/19]

**Minister for Health (Deputy Simon Harris):** Under the Health (Alteration of Criteria for Eligibility) (No. 2) Act 2013, when a person attains the age of 70, the medical card income limits are €500 gross income per week for a single person and €900 gross income per week for a couple. While there are no plans at present to revise the income thresholds for medical cards, it is vitally important that the medical card system is responsive and sensitive to people's needs. In that regard my Department keeps medical card issues, including existing thresholds under constant review. The gross medical card income limits for the over 70's are reviewed annually in line with the Consumer Price Index and considered in the context of the budget. It is

important to note that if a person's sole income is derived from a social welfare payment, even where this payment is in excess of the current income thresholds, the persons will be awarded a medical card. In addition, the Deputy may be aware, that from August 2015 all persons aged 70 or over qualify for a GP visit card, regardless of income.

### **Health Services Provision**

102. **Deputy Kevin O'Keeffe** asked the Minister for Health if a person (details supplied) will be called for an assessment as soon as possible. [23155/19]

**Minister of State at the Department of Health (Deputy Finian McGrath):** As the Deputy's question relates to a service matter, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### **Afforestation Programme**

103. **Deputy Jackie Cahill** asked the Minister for Agriculture, Food and the Marine his views on the recent forestry proposal put forward by the European Commission and the one hectare initiative in the next CAP. [23102/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I welcome Commissioner Hogan's support of afforestation and, in particular, his recognition that farmers, through planting trees, have an important role to play in producing public goods which contribute to our biodiversity and climate objectives. We currently support afforestation by farmers with generous grants and premiums under the Forestry Programme 2014 -2020 and encourage farmers to avail of the opportunity to complement their farming enterprise with income support from afforestation.

I recognise that the new CAP offers opportunities for farm forestry and these will be fully examined by my Department in the context of producing a CAP Strategic Plan for the next programming period.

### **Animal Disease Controls**

104. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the contingency plans he has deployed in terms of monitoring and biosecurity measures to prevent the spread of African swine fever here; and the supports which will be available to pig farmers. [23158/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** African Swine Fever (ASF) is a very serious and usually fatal viral disease of pigs. The disease has spread to a number of EU Member States (Lithuania, Latvia, Estonia, Poland, Czech Republic, Hungary, Romania, Bulgaria and Belgium) as well as to countries in Asia. The disease does not affect other animal species or humans and there are no food safety implications.

ASF has never been detected in Ireland. The introduction of ASF into Ireland would have very serious implications for the pig industry here. For this reason, it is important that everyone plays their part in keeping these disease out of Ireland. The most likely routes of introduction would be through the import of infected live pigs (including wild boar) or pig products from affected countries.

Members of the public should not bring in pigmeat products from affected countries and should ensure that all food waste is disposed in a way that animals cannot get access to it. Keepers of pigs are reminded that they must be registered with my Department. Keepers of pigs, including those with only one or two pigs, are reminded that the feeding of food waste containing meat and meat products is strictly prohibited.

To protect their animals and their businesses, all keepers of pigs should implement strict biosecurity measures including tight controls on who has access to their pigs. Under the current Rural Development Programme (2013-2020), funding is available to all commercial pig farmers, through the Targeted Advisory Service for Animal Health (TASAH) mechanism, to have a comprehensive and objective 'Biocheck.UGent' biosecurity review carried out on their farms by a trained private veterinary practitioner. This service is *free of charge* to pig farmers. Animal Health Ireland (AHI) delivers the TASAH funded biosecurity reviews on behalf of my Department. To avail of the Biocheck review, farmers should contact their private veterinary practitioner or Animal Health Ireland.

As part of measures aimed at minimising the risk of the introduction of exotic diseases such as ASF into Ireland, my Department has been involved in a range of activities including monitoring the international disease situation, working with international partners and monitoring the movement of pigs into Ireland via the EU TRACES online platform. Keepers of pigs are reminded that the import of wild boar into Ireland is prohibited.

My Department has engaged in an intensive communications programme aimed at highlighting the risk of ASF entering Ireland to all stakeholders. Disease factsheets are available for both vets and farmers, and a letter was circulated to all registered pig keepers as part of the annual pig census. Posters have been placed in airports and on ferries warning people travelling abroad about the risk of bringing home meat products. Tailored biosecurity information including a multilingual poster has been produced for farmers and farm personnel. The Department circulated specific advice regarding ASF for international general hauliers in conjunction with the Department of Transport, Tourism and Sport. Tailored biosecurity leaflets have been produced for international livestock hauliers and hunters who may travel to ASF affected countries. An awareness campaign reminding all that the feeding of food waste containing meat products to pigs is prohibited is now being launched. Checks are carried out by both Revenue and the Department at ports and airports using a risk based approach. Manual checks along with a trained Customs dog and scanning equipment is used at Dublin airport to detect food in luggage.

Specific EU legislation (Directive 2002/60/EC) is in place that sets out the control measures to be implemented in the event of an ASF outbreak in an EU member state in order to control the disease and prevent any spread. These control measures include, for example, culling of animals in affected herds, animal and animal product movement restrictions, investigation into the source of disease and surveillance of susceptible populations. These control measures are being implemented in the affected countries and my Department stands ready to implement such measures in the event ASF were to be introduced into Ireland.

### **Brexit Staff**

105. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the number of SPS and fisheries control officials that are operational out of the planned recruitment of 116 staff for SPS and fisheries controls as agreed on 18 September 2018; and if he will make a statement on the matter. [23159/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** My Depart-

ment continues to participate actively in the Whole-of-Government approach to preparedness and contingency planning for Brexit. The Government sanctioned in the region of €4m for the commencement of a phased process for the recruitment of additional staff to carry out increased volumes of import controls and export certification arising from Brexit.

These requirements are significant, and arise in relation to the carrying out of documentary, identity and physical checks on imports of animals, plants, and products of animal and plant origin, as set out in EU legislation. The Department had previously carried out an extensive analysis exercise, based on examination of trade and container movement data, to establish the potential volumes of controls that will need to be carried out. This exercise has been used to guide relevant planning in relation to putting in place the staff that will be required.

Regarding staffing requirements in the run up to potential Brexit deadlines in March and April, my Department sought to use a combination of recruitment, redeployment and temporary flexible solutions where appropriate and as necessary. My Department worked with our recruitment partners, the Public Appointments Service to engage Veterinary Inspectors, Portal Inspectors, Plant Health Inspectors and Administrative support staff. Mechanisms to temporarily redeploy experienced people within my Department were also initiated and the engagement of contracted temporary service arrangements was also progressed to address contingencies.

My Department has up to 230 staff resources available for deployment across a range of disciplines in both front line control and back up administrative spheres.

Overall, I remain confident that my Department is in a position to deliver the services required in terms of both imports and exports at the appropriate time.

### **State Aid**

106. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the details of the recent confirmation by the European Commission of a €50 million beef compensation aid package for Ireland; if this funding requires further formal approval at Council or Commission level; if so, the steps required; and if this funding is being granted for exceptional aid under Article 219 of (EU) Regulation No. 1308/2013. [23160/19]

107. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine if a 100% top-up through Exchequer funding will be provided to bring the total European Commission fund of €50 million for a beef compensation aid package for Ireland; if he has had discussions with the Minister for Public Expenditure and Reform in this regard; and when a formal announcement will be issued on the beef compensation package on matching funding. [23161/19]

108. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine when farmers will be able to apply for the European Commission €50 million beef compensation aid package for Ireland; when compensation payments will issue; the state aid rules for producers that apply over a one year or three year period; and if factory owned or controlled feedlots will not be eligible for compensation payments. [23162/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I propose to take Questions Nos. 106 to 108, inclusive, together.

As the Deputy will be aware, I have had ongoing discussions with Commissioner Hogan regarding the potential impact of a disorderly Brexit. I have stressed the need for the Commission to be ready to deploy a range of measures to mitigate the potential impacts on the agri-food

and fisheries sector. Avoiding a no-deal Brexit continues to be the Government's overriding policy priority.

I am also keenly aware that the past few months have been very difficult for beef farmers in particular, following a difficult year for farm incomes in 2018 due to weather conditions. There has been a prolonged and exceptional period of depressed prices since last autumn, with the ongoing uncertainty surrounding the outcome of Brexit, among other factors, contributing to this market disturbance.

The recent announcement by Commissioner Hogan of EU exceptional aid for the Irish beef sector is really welcome in this context. I have been making the case for some time for an exceptional aid package from the EU Commission for Irish beef farmers, at EU Council of Agriculture Minister meetings, and in direct consultation with the Commission.

The announcement by the Commissioner is another example of the importance of EU solidarity when it comes to facing significant economic challenges.

Details of the proposal are being discussed with the Commission and I will make information available to farmers as soon as possible. The legal provisions used to provide the aid (Council Regulation 1308/2013) were put in place by the Irish Presidency of the EU in 2013. It is expected that this decision will be given effect through an Implementing Regulation. My officials will examine its provisions, when published, and engage with the Commission on the next steps.

Further details on the aid package will be announced in due course following the appropriate stakeholder consultation.

## **Trade Agreements**

109. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the status of the Mercosur talks; if beef will not form part of a final agreement; if the European Commission has indicated it will offer additional beef access to Mercosur countries greater than the 70,000 tonnes that was signed off at EU level in October 2017; and if he will not support a final deal that has beef as a component. [23163/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The EU-Mercosur trade negotiations are ongoing. Ireland's position in relation to these negotiations is well-known, and has not changed. We have consistently opposed any agreement that would have negative consequences for the Irish and EU agriculture sectors, and for the beef sector in particular.

Under these negotiations, the EU made an offer to Mercosur of a beef Tariff Rate Quota of 70,000 tonnes in October 2017. Ireland objected strenuously to this development, consistent with the approach which it has taken for many years, and we have continued to work closely with other Member States, and with the European Commission, to ensure that no further concessions are made by the EU in relation to beef market access.

As regards recent developments in these talks, an intersessional round of discussions took place in Buenos Aires in the week beginning 13 May 2019, but no date has yet been set for the next formal round of negotiations.

In an overall sense, there is undoubtedly a need for continued vigilance in relation to the conduct of these trade negotiations. I will continue to insist that they are handled appropriately,

and in a manner that safeguards the interests of the Irish and European beef sector. I also continue to stress that full account must be taken of the findings of the Commission's own assessment of the cumulative impact of trade deals on the agri food sector, and the potentially very damaging impact of Brexit on an already delicately balanced EU beef market.

### **Beef Data and Genomics Programme**

110. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine his plans to review the beef data genomics scheme. [23165/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** My Department is examining all appropriate measures to support the different agri-food sectors, including the beef sector in preparation for the next iteration of the CAP. As the Deputy will be aware, I have committed to reviewing the BDGP as part of this exercise.

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. It is my view that existing RDP supports, including the BDGP, are delivering this for farmers.

We are now approaching the final year of the BDGP scheme under the current RDP and the lessons learnt from the current programme will inform our assessment of the most appropriate supports for the suckler sector going forward.

### **Common Agricultural Policy Negotiations**

111. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the status of discussions at the most recent Agriculture and Fisheries Council meeting regarding CAP proposals post-2020 and specifically national strategic plans; and the position Ireland took in respect of the latter. [23166/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** At the May Agri-Fish Council of Ministers, the Council held an exchange of views in public session on the new delivery model of the post-2020 CAP reform package on the basis of a paper prepared by the Romanian Presidency. Ministers structured their interventions around questions posed by the Presidency in relation to annual reporting.

A number of Member States expressed misgivings on annual milestones and preferred either biennial milestones or the possibility to set milestones only in the middle and at the end of the implementation period. In principle, Ireland can accept a requirement for annual reporting providing it is not unduly burdensome from an administrative point of view but has reservations in relation to some of the detail relating to measuring outputs.

Negotiations on the CAP post-2020 are continuing and there is still much to be decided upon before agreement can be achieved. Ireland remains ready to work closely with the Presidency, Commission and the Member States to achieve the best outcome.

## **Food Prices**

112. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine his views on a proposed European Commission draft regulation (details supplied) regarding greater transparency in the way in which prices are reported throughout the chain; the timeline for same to be adopted; and when the reporting requirements involving operators as set out in the regulation will be operational once it is European law. [23167/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I welcome initiatives to improve market transparency on EU agricultural markets. The establishment of Market Observatories for the various commodities has been widely recognised as having a beneficial effect and have resulted in a significantly improved market overview in terms of increased transparency, dissemination of market data, and analysis.

The draft Commission implementing regulation, published on 22 May, aims to further increase market transparency by collecting more detailed price data at various points along the food supply chain. It is currently under consideration by my Department.

The draft regulation can be accessed at the following link:

[https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-5108370\\_en#isc-2019-03111](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-5108370_en#isc-2019-03111)

The Commission has launched a public consultation running to 19 June, and I would encourage all stakeholders to submit their views to the EU Commission directly via the consultation process.

## **Beef Exports**

113. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the progress on obtaining access for Irish meat product, such as, beef, lamb and pig meat to China; the remaining stages in the approval process outstanding; the approximate timetable for all stages to be completed and full access granted; and the number of approved plants for exporting beef to China. [23168/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** My officials continue to work towards opening and enhancing access to as many markets as possible. This is a key part of our response to the challenges and uncertainty posed by Brexit, and in line with the market development theme of the Food Wise 2025 strategy.

The opening of the Chinese market for Irish beef in 2018 was the culmination of significant work, over a number of years, and I am delighted that seven Irish beef plants are currently approved to export beef to China. Exports of Irish beef to China commenced in the second half of 2018 and are expected to grow considerably during 2019.

My Department's market access priorities for this year include advancing further beef plant approvals by the Chinese authorities, and also beginning the process for market access for sheepmeat.

During my recent trade mission to China, I submitted further detailed documentation on an additional tranche of beef plants to Vice Minister Zhang of the General Administration of Customs (GACC), in a new template agreed following previous technical discussions. At our productive meeting in Beijing, Vice Minister Zhang committed to an inspection visit in August

2019 for the further tranche of beef plants, and in respect of sheepmeat, both a systems audit and plant inspections. While this represents good progress, the exact timelines for gaining and improving market access for any product remain a matter for the Chinese authorities.

As you may know, Ireland has access to the Chinese market for pigmeat . In 2018 Ireland exported €76.6 million (58,142 tonnes) of pigmeat to China, our second most important export market after the UK.

Further details of Irelands access to third country markets can be found on my Department's dedicated market access portal.

<http://www.marketaccess.agriculture.gov.ie/>

### **Beef Exports**

114. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the progress on obtaining access for Irish meat product such as, beef, lamb and pigmeat to South Korea; the remaining stages in the approval process outstanding; and the approximate timetable for all stages to be completed and full access granted. [23169/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** Total Irish agri-food exports to South Korea in 2018 amounted to around €36.1 million according to the CSO. The majority of this, some €27 million, was accounted for by fish & pigmeat exports.

The process of gaining access for Irish beef has been ongoing for a number of years and Ireland is currently at step five in an eight step process for beef market access. The next step should be transmission of the file to the Nation Assembly. This matter will be raised as a priority issue during my forthcoming trade mission, which will take place in the week commencing 10th June. As with other markets, the timing of access to the Korean beef market remains ultimately the decision of the Korean authorities.

In relation to pigmeat, trade is ongoing and there are no particular issues around pigmeat access. According to the CSO, exports of €13.77 million (6,193 tonnes) took place in 2018. This compares with Exports of €8.3 million (3,174 tonnes) in 2017, and represents an increase of around 95% in terms of tonnage.

In February 2018, my officials wrote to the South Korean authorities requesting access for sheepmeat. This matter will also be raised during my forthcoming trade mission.

Further details of Irelands access to third country markets can be found on my Department's dedicated market access portal.

<http://www.marketaccess.agriculture.gov.ie/>

### **Beef Exports**

115. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the progress on obtaining access for Irish meat product, such as, beef, lamb and pig meat to Japan; the remaining stages in the approval process outstanding; and the approximate timetable for all stages to be completed and full access granted. [23170/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** Irish meat,

dairy and food products have a highly rated and hard earned reputation in terms of quality, safety, animal welfare and sustainability all over the world. My officials continue to work towards opening and enhancing access to as many markets as possible.

The Japanese market has been open to exports of beef from Ireland since December 2013. Trade has built up slowly and consists mainly of frozen beef offal, tongues in particular. Figures from CSO indicate exports of around €3.6 million or 842 tonnes in 2018. The Japanese audit in relation to the lifting of the 30 month ban on the export of Irish beef took place in March 2019. The audit team indicated that all plants visited were being operated to a high standard. The 30 month ban was subsequently lifted with effect from May 17th 2019. This a significant achievement for Ireland and it is expected to give rise to an increase in beef exports to Japan.

My Department has written to the Japanese authorities formally seeking market access for sheepmeat. Detailed documentation has been submitted and reviewed by the Japanese authorities. Earlier this month my officials submitted further documentation, including a revised Draft Animal Health Regulations (AHR), Export Verification programme (EVP) and Proposed Draft Veterinary Health Certificate. Progressing sheepmeat access will be a focus during my forthcoming trade mission to Japan in week commencing 10 June, but, of course, timelines for market access for any product remain a matter for the Japanese authorities.

Ireland has access to the Japanese market for pigmeat with exports of 14,805 tonnes valued at €41.364m in 2018. There are no particular market access issues at present. Exports can only take place from establishments approved by my Department and recommended to the Japanese authorities as meeting the requirements for export of pigmeat to that country.

Further details of Ireland's access to third country markets can be found on my Department's dedicated market access portal:

<http://www.marketaccess.agriculture.gov.ie/>

### **European Maritime and Fisheries Fund**

116. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the allocation to Ireland under the European Maritime and Fisheries Fund operational programme 2014-2020 in each year over the period; the amount expended in each year and to date in 2019; and if unused funds can be carried forward post-2020. [23171/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** My Department's €240 million European Maritime and Fisheries Fund (EMFF) Operational Programme is the vehicle for financial supports to our 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 18 schemes.

Some €147.6 million in EU funds are allocated to Ireland from the EMFF Fund. The Government co-finances the Programme to the amount of €91.7 million, making a total of €240 million. The following table sets out the annual allocation to Ireland from the EMFF Fund. A further €8.8 million is held in reserve by the European Commission as part of the Performance Framework and this will be allocated to Ireland once certain milestones and targets have been achieved.

	2014 €m	2015€m	2016 €m	2017 €m	2018 €m	2019 €m	2020 €m	Total €m
EU Al- location	0.0	38.3	19.4	19.7	20.2	20.3	20.7	138.6

The following table sets out details of the total expenditure (EU and National) by year.

	2014/15 €m	2016 €m	2017 €m	2018 €m
Expenditure	12	18	28	43

Any unused funds allocated to the EMFF OP and committed by the end of 2020 can be recouped from the EU Commission up to the end of 2023. This is known as the “N+3 rule”. In practice, this means that the Commission’s annual budget allocation to Ireland must be claimed in full by the end of the third financial year following the allocation. Any portion of this commitment remaining unclaimed at the end of the 3-year period would be automatically decommitted by the Commission and lost to Ireland. My Department has met the N+3 rule to date and is in a good position to continue to do so. The N+3 rule is a rolling process and will continue throughout the Programme.

I anticipate that Ireland will drawdown all of the available EAFD funds.

### GLAS Payments

117. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the average payment for GLAS nationally and by county based on current participation levels in tabular form; and if he will make a statement on the matter. [23172/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** My Department has overseen the processing of 48,777 GLAS 2018 advance payments since payments commenced in November 2018. This represents over 99% of all eligible scheme participants. Balancing payments commenced two weeks early this year at the beginning of May.

Total average payment for GLAS advance and balance as of 24/05/18 is as follows:

Average Payments	Advance 85%	Balance 15%
€4,138	€3,517	€621

Active GLAS participants by county set out in tabular form.

	GLAS 1	GLAS 2	GLAS 3
County	Cases	Cases	Cases
Carlow	269	123	124
Cavan	897	423	525
Clare	1,593	682	784
Cork	2,098	973	913
Donegal	1,907	980	1389
Dublin	56	17	18
Galway	3,018	1,268	1,556

	GLAS 1	GLAS 2	GLAS 3
Kerry	1,746	862	747
Kildare	236	74	111
Kilkenny	416	203	183
Laois	363	189	225
Leitrim	1,009	415	518
Limerick	1,031	293	395
Longford	508	336	325
Louth	144	77	91
Mayo	2,519	1,305	1,637
Meath	416	194	241
Monaghan	569	142	326
Offaly	468	272	283
Roscommon	1,502	540	702
Sligo	924	356	483
Tipperary	1,102	489	482
Waterford	348	123	116
Westmeath	634	256	273
Wexford	741	254	302
Wicklow	322	150	196
TOTAL	24,836	10,996	12,945

### Common Agricultural Policy Reform

118. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine if he has examined the possibility of introducing a whole farm scheme such as REPS here for the next CAP reform; and if it is possible to introduce a whole farm scheme post-2020 based on the European Commission proposals published in June 2018. [23173/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** Agri-environment policy is subject to the CAP reform negotiations that are currently under way. A CAP consultation process with farming bodies and stakeholders in relation to this process commenced this week.

Any future agri-environment scheme will be dependent on the outcome of these CAP negotiations.

### LEADER Programmes

119. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the EU and national Exchequer co-financing rates that existed under the 2007-2013 LEADER programme. [23174/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The EU co-financing rate of 55% and a national funding rate of 45% applied for LEADER as part of the Rural Development Programme 2007-2013 up to the end of 2011.

The EU co-financing rate was amended from the beginning of 2012 to 85% with 15% na-

tional funding.

### Basic Payment Scheme Data

120. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the annual breakdown of actual expenditure incurred in each of the years 2014 to 2018, and to date in 2019, on the pillar 1 payments under the basic payment scheme in tabular form; the budget allocations in each of the years 2014 to 2018 and to date in 2019; the annual budget allocations for each year in the 2019 to 2020 period; the way in which underspend accruing in each year was dealt with; and if he will make a statement on the matter. [23175/19]

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The information requested in relation to CAP Pillar 1 expenditure under the 2014 Single Payment Scheme, and under the Basic Payment Scheme (BPS), Greening and the Young Farmers Scheme for the years 2015 - 2018, is provided in the table.

These schemes are paid from EU and not national funding. EU Regulation 1307/2013 sets out the ceilings to apply for these payments each year, rather than a budget per se, and Ireland's ceiling decreases each year.

The ceilings set by the EU Commission are the maximum payment amount allowable within the scheme for each year. Where the ceiling has not been utilised in full, these amounts remain available to the member states to pay applicants who subsequently become eligible for payment. Such payments are made on an on-going basis as cases are resolved.

Please note that there has been no expenditure to-date under CAP Pillar 1 in relation to the 2019 scheme year.

Year	National Ceiling (Net)	Total Expenditure (Net) under Pillar 1
2014	€1,216,500,000	€1,170,262,970
2015	€1,214,800,000	€1,203,698,590
2016	€1,213,500,000	€1,200,134,204
2017	€1,211,900,000	€1,178,454,324
2018	€1,211,500,000	€1,176,860,786
2019	€1,211,100,000	N/A

### Air Quality

121. **Deputy James Browne** asked the Minister for Communications, Climate Action and Environment if his attention has been drawn to the recent vote by Wexford County Council to make County Wexford a smoke free zone based on significant air quality issues in New Ross and Enniscorthy; his views on the decision; and if he will make a statement on the matter. [23055/19]

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** The ban on the marketing, sale and distribution of bituminous coal, or 'the smoky coal ban' as it is commonly known, has proven very successful since first introduced in Dublin in 1990 and subsequently extended so that it now applies in 26 urban areas nationwide. On each of the occasions that the ban has been extended, it has been done through statutory instrument made by my predecessors under powers conferred by the Air Pollution Act, 1987.

I am disappointed that a number of coal firms have indicated they would legally challenge the decision of two former Ministers to extend the ban nationwide. As I have previously indicated, the current ban on bituminous coal will not be extended nationwide for the 2019/20 heating season. I also do not propose to extend the smoky coal ban to other individual towns in the meantime.

I am working with the Attorney General to finalise a legally robust plan which will improve air quality by reducing particulate matter in the air.

I am aware that Wexford County Council recently passed a motion to introduce a county-wide ban the sale and use of smoky fuels. It is a matter for the Council to decide how they wish to proceed in this matter.

### **Telecommunications Infrastructure**

122. **Deputy Dara Calleary** asked the Minister for Communications, Climate Action and Environment the progress to date for each of the 41 action points made in the mobile phone and broadband taskforce report published in December 2016 in which his Department has lead or joint responsibility for implementing; 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. [23062/19]

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** The Report of the Mobile Phone and Broadband Taskforce, published in December 2016, contained 40 actions aimed at accelerating the delivery of telecommunications infrastructure by commercial operators and also at facilitating the rollout of the State led Intervention under the National Broadband Plan.

An Implementation Review Report was published in February 2018 and provides a detailed account of progress made on all 40 of the actions included in the original report. The review shows that 29 of the actions were completed, or substantially completed, by the end of 2017, and 11 actions were carried forward to the 2018 work programme. In addition to the actions carried over from 2017, a number of new actions were identified for inclusion in the 2018 work programme resulting in a total of 34 actions for delivery in 2018.

A further Implementation Review was published on 21 February 2019 which details progress made on the 34 actions identified for delivery throughout 2018. Similarly, the 2018 Implementation Review Report identifies additional actions for inclusion in the 2019 work programme.

In addition to the above mentioned Implementation Review Reports, the Taskforce publishes quarterly progress reports. All reports, including both the 2017 and 2018 Implementation Reviews, can be accessed at [www.dcae.gov.ie](http://www.dcae.gov.ie).

### **Electric Vehicles**

123. **Deputy Michael McGrath** asked the Minister for Communications, Climate Action and Environment if he will address a matter raised in correspondence by a person (details supplied) in County Cork in relation to climate action; and if he will make a statement on the matter. [23069/19]

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** The correspondence supplied was received in my office on 8 May 2019 and a detailed

response was issued on 23 May 2019.

Providing adequate charging infrastructure is critical to ensure continued growth in electric vehicles. Home charging is the most cost-effective way to charge an electric vehicle and is the primary method of charging for the majority of electric vehicles both internationally and in Ireland. A Government grant of up to €600 is available, via the SEAI, to the purchasers of new and second-hand electric vehicles to support the installation of home chargers.

There are currently over 650 standard public charge points and 78 fast chargers as a part of the ESB eCars network. A map showing these charge points, including their status and availability, is available on the ESB's website at [www.esb.ie/ecars](http://www.esb.ie/ecars). In addition there are public chargers provided by local authorities, retail outlets and private companies.

Under the first call for applications from the Climate Action Fund, I approved funding of up to €10 million to support ESB eCars to develop a nationwide, state-of-the-art electric vehicle fast charging network. The project includes the installation of 90 high-power chargers, upgrading 50 existing standard chargers to fast chargers and replacing over 250 existing standard chargers with next generation high reliability models.

My Department, in conjunction with the SEAI, is also working on how best to support the provision of greater levels of on-street public charging.

### **Broadband Service Provision**

124. **Deputy Eugene Murphy** asked the Minister for Communications, Climate Action and Environment when broadband service will be available under the National Broadband Plan at the home of a person (details supplied). [23072/19]

125. **Deputy Eugene Murphy** asked the Minister for Communications, Climate Action and Environment when broadband service will be available under the National Broadband Plan at a location (details supplied). [23077/19]

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** I propose to take Questions Nos. 124 and 125 together.

Both premises referenced by the Deputy are in the AMBER area on the National Broadband Plan (NBP) High Speed Broadband Map, which is available on my Department's website at [www.broadband.gov.ie](http://www.broadband.gov.ie) The AMBER areas represent the target areas for the proposed State led Intervention under the NBP.

This intervention is the subject of the procurement process to engage a company to build, operate and maintain the NBP State intervention network. Following rigorous evaluation by my Department, I recently brought a recommendation to Government to confer Preferred Bidder status on Granahan McCourt, the remaining bidder in the NBP procurement process and Government agreed to this at its meeting on 7 May.

The Government Decision of 7 May 2019 means that it is intended to award the State Intervention contract to the Bidder. This award is subject to contract close including finalisation of financial and legal documents. Deployment of the NBP State Intervention network will commence shortly after that. The Bidder has indicated that the NBP State intervention will take an estimated 7 years from the beginning of deployment

In the first year of this roll out, the Bidder will deploy approximately 300 Broadband Con-

nection Points (BCPs) across all counties. It is anticipated that between 7 and 23 BCPs will be deployed in each county. BCPs will provide a community based high speed broadband service, enhancing online participation and allowing for the establishment of digital work hubs in these locations. A deployment plan will be made available by the bidder once the contract is signed. The Bidder is aiming to pass 133,000 premises by end of the second year of the overall deployment, with 70-100,000 passed each year thereafter until roll out is completed.

### **National Broadband Plan Data**

126. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the role of a company (details supplied) in the national broadband plan during periods; and if he will make a statement on the matter. [23085/19]

127. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the reason his Department indicated that a company (details supplied) was described as an ultimate investor in replies to parliamentary questions which were subsequently corrected; if the company was ever an ultimate investor; and if he will make a statement on the matter. [23086/19]

131. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the timeline of the entities within a company (details supplied) within the bidding process as reported to his Department; and if he will make a statement on the matter. [23090/19]

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** I propose to take Questions Nos. 126, 127 and 131 together.

The NBP procurement process set out a mechanism for the Department to assess and approve or reject changes to the membership of any of the bidders. In demonstrating financial and economic capacity, Granahan McCourt relied on the resources of Tetrad Corporation and McCourt Global LLC. who were approved by the Department as bidder members in September 2018.

The ability to rely on resources of another entity or entities and the requirements for doing so are set out in the Project Information Memorandum, including at section 10.2 and the Pre-Qualification Questionnaire. Tetrad Corporation and McCourt Global LLC both reiterated their support at Final Tender, and Tetrad Corporation also provided a commitment letter at Final Tender in relation to the equity required for the project.

In relation to a previous parliamentary question on the investors in National Broadband Ireland my Department provided a clarification where an earlier response had inadvertently conflated the roles of the Bidder Members with investors.

### **National Broadband Plan**

128. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the position regarding the potential sale of the holding company or a company (details supplied) in the context of the national broadband plan; and if he will make a statement on the matter. [23087/19]

129. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the shareholders of the holding company of the national broadband plan; the shareholding of each; and if he will make a statement on the matter. [23088/19]

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** I propose to take Questions Nos. 128 and 129 together.

National Broadband Ireland (NBI) is a new entity established by the bidder Granahan McCourt for the purposes of delivering the NBP. The equity of NBI will be invested via a holding company as would be typical for projects such as this.

The holding company will be wholly owned by Granahan McCourt Dublin (Ireland) Limited, subject to the Minister's special share in NBI. The Minister will hold one special share in National Broadband Ireland; the special share does not count as equity share capital.

The NBP Contract contains a suite of measures in relation to changes in ownership and control. For example, NBI is obliged to notify the Minister of any Change in Ownership that is restricted by the NBP Contract throughout the life of the Contract and there are provisions in the Contract in relation to clawback payments in the event of a sale of NBI prior to year 10 of the contract. If a Change in Ownership occurs, NBI (in new ownership) will continue to be bound by the NBP Contract.

NBI is obliged to seek the written consent of the Minister prior to the occurrence of a Change in Ownership of NBI that occurs at any time from the commencement of the contract up until one year after the completion of deployment. After the one year anniversary of the completion of deployment, the shares of NBI can (subject to certain exceptions) be sold without Ministerial consent but not to Unsuitable Third Parties. Unsuitable Third Parties include excluded parties specifically set out in EU procurement regulations, parties materially involved in the arms trade, parties who have been convicted of a criminal offence related to business, parties who have materially failed to comply with tax rules and parties whose activities pose a threat to national security.

The NBP Contract requires that the Minister's consent is obtained for a Change of Control in respect of a Shareholder (i.e. Granahan McCourt Dublin (Ireland) Ltd) in National Broadband Ireland at any time until 12 months after the Deployment Completion Date. The Minister cannot unreasonably withhold his consent in this regard.

Also, if any shareholder has a contingent commitment to make a loan or equity or capital contribution to NBI, NBI is required, until that commitment has been delivered, to seek the written consent of the Minister to a Change in Ownership which results in the shareholder ceasing to have Control of NBI.

### **National Broadband Plan**

130. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the status of the national broadband plan contract; if it exists in a draft form; and if he will make a statement on the matter. [23089/19]

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** The National Broadband Plan (NBP) agreement sets out the contractual framework for delivery of the project. The Agreement is a very detailed contract tailored specifically for the unique requirements of the NBP, running to over 1,500 pages.

The Agreement has been subject to detailed and extensive dialogue with bidders over the past 3 years, resulting in a number of revised versions being issued, including a last draft before Final Tender.

The recent Government decision to appoint a Preferred Bidder means work is progressing to close the contract, including the finalisation of financial and legal documents. A period of final due diligence on all elements of the contract is part of the normal conclusion of a procurement process.

NBI will be supported by a number of experienced subcontractors and is currently tasked with finalising negotiations on contracts with approximately 40 subcontractors to assist in the delivery of the NBP. In order to support deployment it is anticipated that a subset of approximately 15 to 20 of these subcontracts will be required prior to contract close.

It is anticipated these elements will require a number of months, with contract close expected later this year and deployment commencing shortly after that.

*Question No. 131 answered with Question No. 126.*

### **National Broadband Plan**

132. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the position regarding contractual links which exist with the ultimate investors for the national broadband plan; and if he will make a statement on the matter. [23091/19]

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** The National Broadband Plan (NBP) agreement sets out the contractual framework for delivery of the project. The Agreement is a comprehensive contract tailored specifically for the unique requirements of the NBP, running to over 1,500 pages.

The Government decision on 7 May 2019, means that it is intended to award the NBP State intervention contract to National Broadband Ireland, subject to conclusion of the contract close process, including the finalisation of financial and legal documents. A period of final due diligence on all elements of the contract is part of the normal conclusion of a procurement process.

National Broadband Ireland (NBI) is a new entity established by Granahan McCourt for the purposes of delivering the NBP. The equity of NBI will be introduced by the investors via a holding company (or holding companies) as would be typical for projects such as this.

The precise manner in which National Broadband Ireland will be capitalised by its investors will be contractualised prior to contract close. Those contracts will be reviewed by the Department and its advisers to ensure they are in an acceptable form and content for agreements of that nature and reflect the investors commitments in respect of NBI's capitalisation. The Minister will have the right through those contracts to enforce any outstanding funding commitments on behalf of the project if necessary. The finalisation and review of those contractual arrangements are an important part of the due diligence process that my Department is carrying out with the Bidder in advance of Contract Award.

### **National Broadband Plan Data**

133. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the meetings which have taken place between his Department and representatives of companies (details supplied) since December 2015; the dates on which these meetings took place; and if he will make a statement on the matter. [23092/19]

134. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and

Environment if he or his predecessor met with a person (details supplied) since December 2015; and if he will make a statement on the matter. [23093/19]

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** I propose to take Questions Nos. 133 and 134 together.

The National Broadband Plan procurement process, by its nature, has required a significant level of interaction with each of the bidders that participated in that process. This includes meetings between the National Broadband Plan Procurement Team and representatives of the final bidder, Granahan McCourt, since the Competitive Dialogue process commenced in July 2016. I have not been involved in any of those meetings.

It is a matter of public record that my predecessor attended a meeting which took place in New York in July 2018. A minute of this meeting together with a record of the attendees was published last year.

To date, my Department has held over 800 hours of dialogue with bidders in the procurement process, including Granahan McCourt. No meetings were held with Tetrad Corporation or McCourt Global LLC.

### **Mobile Telephony Services**

135. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport the progress to date for each of the 41 action points made in the mobile phone and broadband taskforce report published in December 2016 in which his Department has lead or joint responsibility for implementing; 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. [23061/19]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** My Department participates in the Mobile Phone and Broadband Task Force Implementation Group. This Group meets quarterly and publishes progress reports each quarter. The Quarter 1 Report for 2019 has just recently been published and can be found under ‘Progress Reports of The Mobile Phone and Broadband Taskforce’ on Gov.ie. The Reports are available on the Department of Communications, Climate Action and Environment website and also on the website of the Department of Rural and Community Development. In addition, a 2018 Implementation Review was published in February of this year.

These reports detail progress with the actions outlined in the original Mobile Phone and Broadband Task Force in addition to new actions outlined in the 2019 Work Programme. A number of the actions for which my Department has lead responsibility have already been delivered while significant progress has been made with others.

### **Road Projects**

136. **Deputy Joe Carey** asked the Minister for Transport, Tourism and Sport if he will respond to a query (details supplied); and if he will make a statement on the matter. [23081/19]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** As Minister for Transport, Tourism & Sport, I have responsibility for overall policy and funding in relation to the national roads programme. Under the Roads Acts 1993-2015, the planning and design, including the feasibility of bringing a national road project through to construction phase, is a matter

for Transport Infrastructure Ireland (TII), in conjunction with the local authorities concerned.

Noting the above position, I have referred the question to TII for a direct reply. Please advise my private office if you do not receive a reply within 10 working days.

### **Ferry Services**

137. **Deputy Michael McGrath** asked the Minister for Transport, Tourism and Sport the domestic and EU wide obligations placed on ferry companies in the event of a cancellation; if there is an obligation to pay compensation to passengers similar to airlines; if so, the level of compensation that is required; if there is an obligation to provide viable alternatives for passengers; the responsible State organisation responsible for monitoring the compliance with these obligations; and if he will make a statement on the matter. [23140/19]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passenger when travelling by sea and inland waterway entered into force on the 18 December 2012.

S.I. 394 of 2012 designated the National Transport Authority (NTA) as the independent national enforcement body for these Regulations. The NTA provide details of the EU Regulations and passenger rights under it on their website at the following link: <https://www.nationaltransport.ie/public-transport-services/maritime-passengers-rights-2/>.

### **Ferry Services**

138. **Deputy Michael McGrath** asked the Minister for Transport, Tourism and Sport the value of compensation paid out in 2018 and to date in 2019 to passengers for the cancellation of ferry services to other countries; and if he will make a statement on the matter. [23141/19]

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** Ferry Services in and out of the country are provided by private commercial companies and my Department provide no funding for such services. Compensation for the cancellation of ferry services is a matter for the service provider.

### **Child Abuse**

139. **Deputy Michael McGrath** asked the Minister for Children and Youth Affairs the steps she will take further to the report investigating the abuse of a number of children in a foster home in the west of Ireland; the way in which persons within Tusla involved in this case will be held accountable; the steps she plans to take to ensure this will not occur again; and if she will make a statement on the matter. [23094/19]

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I take it that the Deputy is referring to a National Review Panel report that was published on 28 May 2019, the summary report entitled “Review of a serious incident: abuse of children in the care of the health board/HSE (2003 – 2011)”. I am currently considering the recommendations in the light of the ongoing changes being implemented by Tusla in terms of their workforce and social work practice. It is important to note that a person has been convicted in this case, and was sentenced in April last year.

I would like to reiterate my sincere acknowledgement of the pain and distress suffered by the three women at the centre of this report.

The period in question relates primarily to 2003 to 2011, when the child protection and welfare services were part of the HSE. However, these services are now with Tusla, the Child and Family Agency, which was established in 2014. By way of context the report notes that the decisions in the case were made in good faith and that the social work department were very committed to the children in their care. It presents a clear analysis of the failures that occurred in managing the case.

The HR and performance management functions were, at the time, within the structures of the HSE. I have been advised that the Child Care Manager at the time did not have line management of the staff involved, and staff supervision policy and caseload weighting was not as developed as it is now. Currently, Tusla's processes for managing staff include the following: all staff working with Tusla are required to practice in line with agreed policies and procedures; a management team is in place to actively manage individual and team performance; staff are supervised in line with the guidance set out in Tusla's Supervision Policy; and, since 2011, all social workers are registered with CORU which regulates the profession.

The report published on 28 May last includes four recommendations for Tusla. In summary the recommendations refer to a) reviewing the role of the link social worker; b) developing a service that brings the relevant agencies together to minimise the re-traumatisation of re-interviewing and this recommendation appears to refer to the One House/Barnahus model which will be piloted in Galway this year; c) greater co-operation between agencies in managing complex cases which may take the form of a steering/management style group, in particular with An Garda Síochána and the HSE; and d) the inclusion of child sexual abuse risk assessment and knowledge/skills as a core element of the Signs of Safety approach. The Report acknowledges that the findings may have been addressed through existing reforms.

The detail of the recommendations need consideration but much of the work needed to address the findings is addressed in the five year Child Protection and Welfare Strategy launched in 2017. I am determined that the reforms underway and the roll out of the Child Protection and Welfare Strategy will be completed to ensure that the risks of this happening again are being fully mitigated.

### **Departmental Expenditure**

140. **Deputy Dara Calleary** asked the Minister for Rural and Community Development the capital spend to date in 2019 including the capital carry-over from 2018, by subhead; the provision under each subhead including the capital carry-over from 2018 provided for in the Revised Estimates Volume for 2019; the details of the significant overspends or underspends under each subhead; the action to be taken to deal with same; and if he will make a statement on the matter. [23059/19]

**Minister for Rural and Community Development (Deputy Michael Ring):** The Further Revised Estimates for 2019 in respect of the Department of Rural and Community Development provides for gross capital expenditure of €138 million. There was no capital funding carried forward from 2018.

€22.2 million of my Department's capital allocation has been spent to date which represents 96% of profiled expenditure. I have set out expenditure to date in the following table against the total capital provision for 2019.

*Questions - Written Answers*

At this stage of the year gross capital expenditure is in line with the expected spend profile. However, as is usual for capital programmes, the majority of claims for payment will be made in the final quarter of the year as projects progress to completion and capital grant approvals are drawn down. Therefore, continued close monitoring of expenditure is a matter of significant priority so as to ensure full use of our allocated resources, and that value for money is delivered in respect of our funding.

I intend to ensure that the resources made available to my Department this year are fully utilised, delivering benefits for all communities and for rural Ireland.

Capital Expenditure to date

-	REV 2019	YTD - Actual
V42 – GROSS (€'000s)	138,000	22,216
A - REGIONAL DEVELOPMENT & REGIONAL AFFAIRS	122,882	21,391
A.2 - ADMINISTRATION - NON PAY	182	69
A.4 - NATIONAL RURAL DEVELOPMENT SCHEMES	15,000	4,190
A.5 - LEADER - RURAL ECONOMY SUB PROGRAMME	30,000	13,062
A.7 - TOWN AND VILLAGE REGENERATION	15,000	2,261
A.8 – REGIONAL ECONOMIC DEVELOPMENT	700	4
A.9. - LOCAL IMPROVEMENT SCHEMES	10,000	1,805
A10 - RURAL REGENERATION & DEVELOPMENT FUND	52,000	-
B - COMMUNITY DEVELOPMENT	15,118	826
B.2 - ADMINISTRATION - NON PAY	151	49
B.3 - SUPPORTS FOR COMMUNITY & VOLUNTARY SECTOR	1	-
B.6- SUPPORTS FOR DISADVANTAGED COMMUNITIES	1,767	9
B.7- DORMANT ACCOUNT MEASURES	2,500	140
B.8- PROGRAMME FOR PEACE AND RE-CONCILIATION	650	-

-	REV 2019	YTD - Actual
B.10 - LIBRARY DEVELOPMENT AND ARCHIVE SERVICE	6,049	628
B.11 - COMMUNITY ENHANCEMENT PROGRAMME	4,000	-

### Mobile Telephony Services

141. **Deputy Dara Calleary** asked the Minister for Rural and Community Development the progress to date for each of the 41 action points made in the mobile phone and broadband taskforce report published in December 2016 in which his Department has lead or joint responsibility for implementing; 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. [23060/19]

**Minister of State at the Department of Rural and Community Development (Deputy Seán Canney):** The Report of the Mobile Phone and Broadband Taskforce was published in December 2016 and included 40 actions to alleviate barriers to mobile phone reception and broadband access. A Taskforce Implementation Group was established in early 2017 to oversee the delivery of the actions in the report.

A Review of the Mobile Phone and Broadband Taskforce report was published on 21 February 2017, and provides a comprehensive progress report on all 40 of the actions included in the original report. In addition, the Review presented the 2018 Work Programme of the Implementation Group, composed of 34 new actions to be progressed during 2018.

The Implementation Review for 2018 was published in January 2019 and provides a progress report on the 2018 Work Programme, as well as setting out 35 new actions for the Implementation Group's 2019 Work Programme, which is currently being progressed.

Now in its third year of operation, the Taskforce continues to identify solutions to barriers to the roll out of telecommunications infrastructure and aims to improve mobile phone and broadband coverage nationwide. The Implementation Reviews and quarterly progress reports highlighting the status of each action can be found on the Gov.ie website at: <https://www.gov.ie/en/collection/215136-mobile-phone-and-broadband-taskforce/>. The most recent progress report, for Quarter 1 2019, was published on 23rd. May.

### Mobile Telephony Services

142. **Deputy Dara Calleary** asked the Minister for Rural and Community Development the local authorities supported in applications for WiFi4EU funding; the local authorities that have and have not been successful in their applications to date; and the amount of funding to each local authority that has been successfully approved in tabular form. [23063/19]

**Minister of State at the Department of Rural and Community Development (Deputy Seán Canney):** WiFi4EU is a European initiative aimed at providing free public WiFi throughout Europe by allocating monetary vouchers, worth €15,000 each, through a competitive process. Decisions on the allocation of vouchers are made by the European Commission.

*Questions - Written Answers*

Each Local Authority in Ireland can apply for up to 4 vouchers throughout the lifetime of the scheme which runs to 2020. My Department will provide matched funding for the initiative of up to €15,000 for each voucher successfully secured.

My Department has been assisting all 31 Local Authorities throughout the process of registration for, and application to, the scheme. The first call for applications from the European Commission took place in November 2018. Arising from this call, Ireland secured 62 vouchers, worth €930,000, which placed the country as one of the most successful throughout Europe under that call.

The second call for applications was announced earlier this month and Ireland secured a further 22 vouchers, worth €330,000 in total.

These vouchers will have a significant impact on rural communities throughout Ireland, in terms of providing free access to WiFi for members of the public and improving connectivity and access to mobile services.

The details of the successful Local Authorities and the number of vouchers secured are provided on the following table.

Local Authority	Vouchers secured in 1st Call	Vouchers secured in 2nd call*
Carlow County	4 (€60,000)	-
Cavan County	4 (€60,000)	-
Clare County	2 (€30,000)	-
Cork City	1 (€15,000)	-
Cork County	-	-
Donegal County	4 (€60,000)	-
Dublin City Council	4 (€60,000)	-
Dun Laoghaire County	-	-
Fingal County	4 (€60,000)	-
Galway City	4 (€60,000)	-
Galway County	1 (€15,000)	3 (€45,000)
Kerry County	4 (€60,000)	-
Kildare County	1 (€15,000)	-
Kilkenny County	-	3 (€45,000)
Laois County	-	-
Leitrim County	3 (€45,000)	1 (€15,000)
Limerick County	4 (€60,000)	-
Longford County	1 (€15,000)	-
Louth County	-	-
Mayo County	4 (€60,000)	-
Meath County	1 (€15,000)	3 (€45,000)
Monaghan County	-	2 (€30,000)
Offaly County	2 (€30,000)	-
Roscommon County	1 (€15,000)	3 (€45,000)
Sligo County	1 (€15,000)	1 (€15,000)
South Dublin County	1 (€15,000)	1 (€15,000)
Tipperary County	4 (€60,000)	-

Local Authority	Vouchers secured in 1st Call	Vouchers secured in 2nd call*
Waterford County	4 (€60,000)	-
Westmeath County	-	4 (€60,000)
Wexford County	-	-
Wicklow County	3 (€45,000)	1 (€15,000)

\* Second call vouchers are pending until each Grant Agreement is signed by the Local Authority and returned to the EU Commission within the requisite timeframe.

### Invalidity Pension Applications

143. **Deputy Michael Healy-Rae** asked the Minister for Employment Affairs and Social Protection the status of an invalidity pension application by a person (details supplied); and if she will make a statement on the matter. [23074/19]

**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 gentleman concerned on 05 April 2019. This claim was disallowed on the grounds that the medical conditions for the scheme were not satisfied. He was notified on 27 May 2019 of this decision, the reasons for it and of his right of review and appeal.

I hope this clarifies the matter for the Deputy.

### Household Benefits Scheme

144. **Deputy Maureen O'Sullivan** asked the Minister for Employment Affairs and Social Protection if the reintroduction of the household benefits package for carers who do not live with the person they care for which ceased in 2012 will be considered; and if she will make a statement on the matter. [23075/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The household benefits package (HHB) comprises the electricity or gas allowance, and the free television licence. My Department will spend approximately €248 million this year on HHB for over 446,000 customers. The package is generally available to people living in the State aged 66 years or over who are in receipt of a social welfare type payment or who satisfy a means test. The package is also available to some people under the age of 66 who are in receipt of certain welfare type payments.

Since 1 April 2012, new applicants in receipt of Carers Allowance who are not living with the person for whom they provide care do not have an automatic entitlement to the household benefits package. Carers who live with the person they are caring for still have an entitlement of their own to the household benefits package and do not have to satisfy the household composition criteria.

The Government values the role of carers very much and it is for this reason that they receive significant income supports from the Department. In addition to carer's allowance carers

receive additional support in the form of free travel and household benefits (for those who live with the person for whom they care) and the annual carers support grant (€1,700) in respect of each person for whom they care. Where a person is in receipt of certain qualifying social welfare payments, and also providing full time care and attention to another person, they can keep their primary social welfare payment and also get the half-rate carer's allowance.

It should be noted that Carer's payments are made at a higher level than other working age income-maintenance payments made by my Department. The weekly rate for Carer's Allowance is €219 where one person is being cared for, and €328.50 where it is two or more, compared to €203 for most other income-maintenance payments to those below pension age. The means test for Carer's Allowance is also significantly more generous than those applying to other schemes.

Any decision to change the qualifying criteria for HHB would have budgetary consequences and would have to be considered in the context of budget negotiations.

I hope this clarifies the matter for the Deputy.

### **Public Sector Staff Recruitment**

145. **Deputy Robert Troy** asked the Minister for Employment Affairs and Social Protection when temporary clerical officer interviews will be scheduled for County Longford; and if a panel will be set up for summer contracts for those students available for the summer months only. [23083/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The Public Appointments Service (PAS) has responsibility for the recruitment of temporary clerical officers (TCOs) for all Government Departments.

I am advised that they are to shortly commence the interview stage for County Longford TCO candidates, who have stated on their application form that their availability is June to September only.

### **Carer's Allowance Review**

146. **Deputy Joe Carey** asked the Minister for Employment Affairs and Social Protection when a means review will be carried out in relation to carer's allowance for a person (details supplied) in view of the fact that this request was made in October 2018; and if she will make a statement on the matter. [23107/19]

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

The person concerned has been in receipt of a half-rate CA since 19 June 2014 as her husband had been claiming an increase for a qualified adult on his jobseeker's allowance in respect of her. On 22 October 2018 she requested a re-assessment of her CA entitlement as her husband is now self-employed and ceased to claim jobseeker's allowance.

As his means from employment may affect that entitlement, a full means re-assessment is being carried out and the matter was referred to a local social welfare inspector (SWI) on 11

February 2019 to assess the level of care being provided, assess means and confirm that all the conditions for receipt of carer's allowance are satisfied.

Once the SWI has reported, a decision will be made and the person concerned will be notified directly of the outcome.

I hope this clarifies the matter for the Deputy.

### **Illness Benefit Eligibility**

147. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection when an illness benefit or disability allowance will become payable in the case of a person (details supplied); and if she will make a statement on the matter. [23114/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** An application for Illness Benefit was received from the person concerned on 8th May 2019.

The person concerned does not satisfy the PRSI qualifying conditions for payment of Illness Benefit.

One of the qualifying conditions for Illness Benefit is that a person must have 39 weeks of PRSI contributions paid or credited in the relevant tax year (or 26 weeks of PRSI contributions paid or credited in the relevant year and the tax year immediately before the relevant year), of which 13 must be paid contributions at class A, E, H or P.

The person concerned has a total of 31 weeks of paid and credited contributions in 2017 (of which 16 are paid contributions) and 47 weeks of paid and credited contributions in 2016 (of which 12 are paid contributions) and therefore he does not satisfy this contribution condition.

The person concerned will receive credited contributions for the duration of his claim. A decision letter has issued to the person concerned explaining the position.

The Department does not, to date, have a record of receiving an application for Disability Allowance from the person concerned.

I trust this clarifies the matter for the Deputy.

### **Jobseeker's Payments**

148. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection in the situation in which a person (details supplied) works 20 hours per week, if the balance of their income derived from social welfare will continue to be allowed as previously; and if she will make a statement on the matter. [23118/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** If a person secures part-time or casual work (up to and including 3 days per week), they may be entitled to a Jobseekers payment for days in which they are not employed. The person concerned must demonstrate that they meet the other conditions that apply to qualify for a Jobseekers payment, for example, be available for and genuinely seeking work and in the case of Jobseekers Allowance, satisfy a means test.

I trust this clarifies matter for the Deputy.

### **Disability Allowance Applications**

149. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the position in regard to a claim for disability allowance in the case of a person (details supplied); and if she will make a statement on the matter. [23119/19]

**Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath):** I can confirm that my department received an application for disability allowance (DA) from this gentleman on 15 March 2019.

On 28 May 2019 the person concerned was requested to supply supporting documentation required by the deciding officer in order to make a decision on his eligibility. On receipt of this information a decision will be made on his DA application and the person concerned will be notified of the outcome.

I trust this clarifies the matter for the Deputy.

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

150. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the position in respect of a carer's allowance for a person (details supplied); and if she will make a statement on the matter. [23120/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Carer's benefit (CARB) is a PRSI based payment, made to a person who is providing full-time care and attention to a child or an adult who has such a disability that as a result they require that level of care.

Before a decision can be made on entitlement to CARB, evidence must be provided in respect of the care recipient's care requirement, the level of care the carer provides, the carer's hours of employment and their PRSI record.

An application for CARB was received from the person concerned on 1 February 2019.

Additional information in relation to the person's application was requested by a deciding officer on 14 May 2019.

Once the information is received the application will be processed without delay and the person concerned will be notified directly of the outcome.

I hope this clarifies the matter for the Deputy.

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

151. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the extent to which women or men who are previously deemed to have insufficient contributions to meet requirements for payments of State pension can now be facilitated; and if she will make a statement on the matter. [23124/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** A person is required to have 520 contributions paid to qualify for the State Pension (contributory). It is reasonable to require people who seek a contributory pension to have made at least 10 years

paid contributions into the Social Insurance Fund which finances it, over 50 years of working age life.

While it was lower in the past when PRSI coverage was less widespread, legislation was introduced in 1997 to increase this threshold to 520 weeks, or 10 years of contributions. A fifteen year period was allowed pass between that legislation being enacted and the threshold being raised to this level, which would have been sufficient for most people to achieve the required contributions.

For those who do not qualify for the State Pension (contributory) (SPC), there are other state pension payments available. Notably, they may qualify for the State Pension (non-contributory) which is a means-tested payment (based on their share of household means) with a maximum payment of 95% of the SPC. If their spouse has a contributory pension, they may qualify for an increase for a qualified adult (based on their own means), amounting up to 90% of a full rate SPC pension.

Consequently, if a person doesn't receive a State pension after pension age, they have both significant means and have made little or no contribution to the Social Insurance Fund over their working life. Introducing a new pension entitlement for such people would reduce the resources available for other pensioners, most of whom have less means than they do, and have contributed significantly more to the Social Insurance Fund.

I hope this clarifies the matter for the Deputy.

### **Carer's Allowance Waiting Times**

152. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the degree to which she can expedite the process of applications for carer's allowance; and if she will make a statement on the matter. [23125/19]

**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. One such example is the carer's allowance (CA) scheme.

To qualify for CA, the carer must show that they are habitually resident in the State, that they are providing full-time care and attention to a person who requires this level of care and that their means are less than the statutory limit.

It is also the case that in order to register their claim and establish an early entitlement or claim date many people submit a claim without first securing all of the necessary supporting documentation. While this does ensure that people will be paid with arrears from an early "effective" date it does mean that claims take longer to process.

The claim processing is kept under active review, with all possible steps taken to improve processing times. This includes the temporary assignment of additional resources and the review of business processes, to ensure the efficient processing of applications. These steps have resulted in a significant reduction in the number of carers claims awaiting decision and the processing time continues to improve from an average of 17 weeks at the end of December 2018 to an average of 12 weeks currently.

I trust this clarifies the matter for the Deputy.

### **Social Welfare Appeals Delays**

153. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the extent to which she can expedite appeals; and if she will make a statement on the matter. [23126/19]

155. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the timeframe for dealing with appeals in respect of various social welfare payments; and if she will make a statement on the matter. [23128/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I propose to take Questions Nos. 153 and 155 together.

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

All claim decisions taken by the Department's Deciding Officers and Designated Persons are appealable to the Chief Appeals Officer. In any year about 85% of all claims are awarded by the Department and just 1% are appealed. Nevertheless, the Department is concerned that these cases are dealt with as quickly as possible.

In addition, a number of new Appeals Officers have joined the Appeals Office over the past 12-18 months, to replace staff leaving on retirement. Additional staff have also been allocated to the office in recent weeks. Given the complexity of the appeals process it takes some time for new staff to be trained up and develop expertise and this has led to somewhat longer processing times during this period. The Chief Appeals Officer has advised me that appeal processing times continue to be a priority for her Office.

Accordingly, significant efforts and resources have been devoted to reforming the appeal process in recent years. As a result, appeal processing times in respect of all schemes improved between 2011 and 2017 from 52.5 weeks for an oral hearing in 2011 to 26.4 weeks in 2017 and from 25.1 weeks for a summary decision in 2011 to 19.8 weeks in 2017. The corresponding processing times for the year 2018 were 30 weeks for an oral hearing and 24.8 weeks for a summary decision. The figures for the first four months of 2019 show some improvement with 27.9 weeks taken to process an oral hearing and 23.6 weeks taken to process a summary decision.

The time taken to process an appeal reflects a number of factors including that the appeals process is a quasi-judicial process with Appeals Officers being required to decide all appeals on a 'de-novo' basis. In addition, appeals decisions are themselves subject to review by the High Court and decisions have to be formally written up to quasi-judicial standards. Other factors that influence appeals processing times include the quality of the initial decision – in this respect the Department has changed the decisions process in respect of medical schemes, in order to provide more information to the claimant. I am advised by my Department that this will help to reduce the number of appeals over time.

Finally, where a claimant has been refused a social welfare payment, regardless of the scheme involved, and is appealing that decision, if their means are insufficient to meet their needs it is open to them to apply for supplementary welfare allowance in the interim.

If their application for supplementary welfare allowance is refused, they can also appeal that

decision. The supplementary welfare allowance appeal will be prioritised for attention within the Appeals Office as soon as the appeal file and submission is received from my Department.

I trust this clarifies the matter for the Deputy.

### Exceptional Needs Payment Data

154. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of exceptional need requests submitted in each of the past 12 months; the extent to which all have been determined in order with the request; and if she will make a statement on the matter. [23127/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Under the supplementary welfare allowance (SWA) scheme, the Department may make a single exceptional needs payment (ENP) to help meet essential, once-off, exceptional expenditure which a person could not reasonably be expected to meet out of their weekly income. There is no automatic entitlement to a payment under this scheme. Payments are made at the discretion of the officers administering the scheme taking into account the requirements of the legislation and all the relevant circumstances of the case in order to ensure that the payments target those most in need of assistance. An urgent needs payment (UNP) may be made to persons who may not normally qualify for SWA but who have an urgent need which they cannot meet from their own resources or where an alternative is not available at that time. In total €38.8 million has been provided for exceptional and urgent needs payments in 2019.

Statistics are maintained relating to payments under the ENP and UNP schemes, however they are not maintained on the number of applications or the outcome of those applications. The following tabular statement shows the number of ENPs and UNPs made in each of the previous 12 months to end April 2019.

I trust this clarifies the matter for the Deputy.

#### Tabular Statement

#### Number of Exceptional Needs Payments and Urgent Needs Payments between May 2018-April 2019:

Month	Number of Payments (rounded)
May 2018	9,200
June 2018	8,000
July 2018	9,000
August 2018	9,900
September 2018	9,000
October 2018	13,300
November 2018	11,500
December 2018	9,200
January 2019	9,400
February 2019	7,600
March 2019	7,800
April 2019	7,300

*Question No. 155 answered with Question No. 153.*

### **Rent Supplement Scheme Payments**

156. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the extent to which rent support payments are under review at a given time; and if she will make a statement on the matter. [23129/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Rent supplement continues its important role in housing families and individuals, with the scheme supporting some 21,250 recipients for which the Government has provided €132.4 million for 2019.

Staff in this Department engage with customers throughout the entire lifecycle of their claim, including on regular reviews for all schemes on an ongoing basis, as a control measure and to ensure that they continue to satisfy the conditions of the scheme. A person's means may also be reviewed from time to time. A customer may also request a review of their means in the light of changed circumstances at any time.

Rent supplement claims may be reviewed following a decision to suspend or disallow a primary social welfare payment as there may be a change to the claimant's circumstances that could affect eligibility. During a review of a rent supplement claim, the CWS officers will engage with a claimant to establish continued eligibility as quickly as possible and limit any delay to payments. Payments are not suspended unless there is a valid reason for doing so, for example the provision of insufficient information by the customer in response to a query, or where there is no reply from the customer. Undue hardship for customers should not arise if there is on going co-operation from the customer with the Deciding Officer/Designated Person in this Department.

Any person in this situation is encouraged to contact the Department's CWS office responsible for their rent supplement claim to discuss their circumstances.

If the Deputy has concerns in respect of a particular case, he should bring the details to the attention of the Department and DEASP officials will follow up on them.

I trust this clarifies the matter for the Deputy.

### **Social Welfare Overpayments**

157. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the extent to which recovery of overpayments is set at a level within the ability of the applicant to meet same; and if she will make a statement on the matter. [23130/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Effective debt management is a key part of the overall control work of the Department. Ensuring that persons who have been overpaid make an on-going contribution to the recovery of their debts is a key element of this work.

Overpayments of social welfare assistance and benefit payments arise as a consequence of decisions made under the relevant sections of the Social Welfare (Consolidation) Act, 2005 (as amended). Where an overpayment is raised, the Department is obligated to make every effort to recover sums overpaid.

As part of the process of decision-making and assessing an overpayment, the Department is required and is willing to engage with the customer to agree a suitable rate of repayment. In each case, the customer must be given an opportunity to clarify any relevant matters.

Overpayments may be recovered through regular periodic payments, deduction from the customer's on-going benefit payments or by way of a single payment covering the full amount owed.

The Social Welfare Act 2012 introduced a provision that allows the Department, in the absence of engagement by the debtor, to apply a deduction of up to 15% of the weekly personal rate of assistance or benefit payable to a customer for the purposes of recovering a debt. The deduction applies to the person's personal rate only and does not affect payment of any adult or child dependent allowances, or any other allowances that are in payment.

Customer may, at any time, also seek to review the terms of any recovery arrangement(s) they have in place with the Department.

I hope this clarifies the matter for the Deputy.

### **Jobseeker's Allowance Data**

158. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of persons in receipt of long-term jobseeker's allowance; and if she will make a statement on the matter. [23131/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The total number of persons in receipt of a jobseeker's allowance payment at the end of April was 144,026; of these, 93,626 recipients had been in receipt of this allowance for a period exceeding one year.

### **Youth Unemployment Data**

159. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the level of youth unemployment; and if she will make a statement on the matter. [23132/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Government policy to reduce unemployment is twofold. The policies set out in the Action Plan for Jobs have created an environment in which business can succeed and has led to the creation of more than 400,000 jobs in Ireland since the economic low point of 2012. Secondly, through the *Pathways to Work* strategy, my Department ensures that as many new jobs as possible are filled by people taken from the live register, particularly the young unemployed.

To date these policies have been effective in reducing youth unemployment. Recently released data from the CSO, Labour Force Survey shows that youth unemployment has fallen from a peak of 31.2% in 2012 to 10.9% in the first quarter of 2019 and now lies below the EU average of 15%. Additionally, the number of young people in employment has increased by 25% since 2012, with 262,600 young people in work in the first quarter of 2019.

Under the Government's policies to support the young unemployed, the first intervention is to provide case officer support to help newly unemployed young people find and secure sustainable jobs. There is monthly engagement with all young jobseekers by a case officer, and

a personal progression plan is developed to chart the steps to be taken to facilitate a return to employment, which may include further education and training.

For those who do not find employment through this process, additional offers are provided for through further education and training programmes or in existing community-based employment programmes/workplace based interventions such as Community Employment and Tús; or in subsidies to employers, through JobsPlus Youth. Long-term unemployed jobseekers under-25 are also referred to JobPath, a contracted, payment-by-results employment service that provides additional resources and case managed supports to those long-term unemployed.

In October 2018, I introduced a new work experience programme targeted specifically at young jobseekers who are long term unemployed or who face significant barriers to employment. The Youth Employment Support Scheme (YESS) provides young jobseekers with the opportunity to learn basic and social skills in a supportive work-based environment. Participants received a payment of €229.50 per week. My Department is aiming to place up 1,000 young jobseekers in the scheme this year.

My Department continues to reviews its activation programmes and policies to make sure that they remain aligned to labour market requirements. Given the progress made during the lifecycle of *Pathways to Work 2016-2020* and the improved nature of the labour market, my Department has begun preparations to develop an activation framework for a time of economic prosperity. The new framework aims to support further reductions in youth unemployment and add to the substantial improvements in the labour market that have been seen over the last few years.

Over the coming years, we must make sure that our citizens are equipped with the skills to take up jobs of the future and avail of the opportunities arising from a modern economy. *Future Jobs Ireland 2019* has been launched by Government replacing the *Action Plan for Jobs* to deliver the required policy reforms to build a resilient workforce and innovative and competitive economy in a changing world of work. The strategy includes a number of youth specific measures which will be delivered on a whole of Government basis.

### Social Welfare Appeals Data

160. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the number of social welfare appeal hearings facilitated in each of the past three years to date; and if she will make a statement on the matter. [23133/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** 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.

Appeals legislation provides that it is a matter for an Appeals Officer to decide whether an appeal can be fairly determined by means of a summary decision or if an oral hearing is required. In addition it is open to an appellant to request an oral hearing of their appeal. If an oral hearing is requested it will generally be given, except in cases where there is nothing manifestly to be gained from such a hearing, for example where the appeal question relates to PRSI contribution conditions or means and the underlying calculations are not being contested.

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

Year	Number of Appeal Decisions finalised by way of Oral Hearing
2016	6,527
2017	5,412
2018	5,397
2019 - 1st January to April 30th	1,698

I trust this clarifies the matter for the Deputy.

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

161. **Deputy John Brassil** asked the Minister for Employment Affairs and Social Protection if she will examine an anomaly in the case of a person (details supplied) in relation to the new total contribution approach; and if she will make a statement on the matter. [23134/19]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Since late September 2018, my Department has been examining the social insurance records of approximately 90,000 pensioners, born on or after 1 September 1946, who have a reduced rate State pension contributory entitlement based on post Budget 2012 rate-bands. These payments are being reviewed under a new Total Contributions Approach (TCA) to pension calculation which includes provision for homecaring periods.

A HomeCaring period application form has issued to the person concerned. On receipt of the completed form, a determination will be made on the person's eligibility or otherwise for HomeCaring periods. The pension rate of the person concerned will be re-examined, taking account of the HomeCaring period(s) determination.

I hope this clarifies the matter for the Deputy.

### **Housing Issues**

162. **Deputy Catherine Martin** asked the Minister for Housing, Planning and Local Government his plans to put in place provision for persons currently in a house with an approved housing body which is not suitable for their specific needs with no possibility to transfer to the local authority list which would have a wider range of suitable properties; his further plans to create a policy for such transfers in certain scenarios related to mobility and access; and if he will make a statement on the matter. [23073/19]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** The oversight and management of housing waiting lists, including the allocation and transfer of tenancies, is a matter for the relevant housing authority in accordance with the Housing (Miscellaneous Provisions) Act 2009, and associated regulations.

Section 22 of the Housing (Miscellaneous Provisions) Act 2009 requires all housing authorities, as a reserved function, to make an allocation scheme determining the order of priority to be accorded in the allocation of dwellings to households qualified for social housing support and to households approved for a transfer, the allocation of which would, in the opinion of the authority, meet the accommodation needs and requirements of the households.

Where an AHB tenant was drawn from a local authority social housing waiting list in the

first instance, there is no particular legislative provision that prevents that tenant from applying to go onto a local authority transfer list. Requests for housing transfers are considered and determined solely by the relevant local authority concerned in accordance with that authority's allocation scheme.

Section 22(17) of the 2009 Act provides that the Minister's power to direct a housing authority regarding the operation of its allocation scheme shall not be construed or operate to enable the Minister to direct the allocation of a dwelling to a particular household. I am, therefore, precluded from intervening in relation to the procedures followed, or decisions made, by housing authorities in the allocation of particular dwellings.

### **Private Rented Accommodation**

163. **Deputy Fergus O'Dowd** asked the Minister for Housing, Planning and Local Government his plans in relation to the possible introduction of lifelong tenancies which are being evaluated at present; the details of his remit in relation to same; if impact studies have been carried out to assess the impact the introduction of such a tenancy will have in the immediate future in terms of termination notices in advance of a prescribed date of implementation; his views on whether large-scale property investors will be receptive to such a policy; and if he will make a statement on the matter. [23080/19]

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** The Residential Tenancies Acts 2004-2016 provide that where a tenant has been in occupation of a dwelling for a continuous period of 6 months, with no valid notice of termination having been served during that time, a 'Part 4' tenancy is established to cover the next 5 years and 6 months.

Section 34 of the 2004 Act provides that a landlord must state a reason for the termination in any tenancy termination notice served, in accordance with the grounds for terminations set out in the table to that section. A Part 4 tenancy may be terminated by a landlord or tenant, without reason, at the end of its term.

A number of measures have been introduced in recent years with the objective of improving security of tenure for tenants. The Planning and Development (Housing) and Residential Tenancies Act 2016 extended the term of Part 4 tenancies from 4 to 6 years, for tenancies commencing on or after 24 December 2016; this delivered on a commitment, in Action 8 of the Government's 2016 Strategy for the Rental Sector, to provide for 6-year tenancies as part of a transition to tenancies of indefinite duration.

The Residential Tenancies (Amendment) Act 2019 enhances further the security of tenure for tenants by significantly extending the duration of tenancy termination notice periods; for example, a minimum of 180 days (approx. 6 months) notice must be provided by landlords who terminate a tenancy of between 3 and 7 years' duration. In addition, further measures have been introduced to enhance and enforce tenancy termination provisions, including:

- the application of the Residential Tenancies Board (RTB)'s new investigation and sanctioning regime to improper conduct by a landlord who contravenes the tenancy termination provisions; and

- a new requirement for landlords to copy a tenancy termination notice to the RTB.

The transition to tenancies of indefinite duration is being considered in the context of a further Housing and Residential Tenancies Bill which I will be bringing forward later this year

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and is expected to be the subject of pre-legislative scrutiny by the Joint Oireachtas Committee on Housing, Planning and Local Government in Q4 2019. A Regulatory Impact Assessment will be undertaken by my Department in relation to the Bill, taking into account the views of stakeholders.