

## 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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### **Illicit Trade in Tobacco**

1. **Deputy Arthur Spring** asked the Minister for Finance if he has investigated the use of a smartphone app to be used by gardaí to scan barcodes on cigarettes to determine if tax has been paid and identify illegal cigarettes; and if he will make a statement on the matter. [54752/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the process of embossing secure tax stamps on cigarette packaging is the method currently used to assist in the detection of illicit cigarettes. Tax stamps are examined using a range of hand held devices that are available to all Revenue enforcement staff. The Revenue Commissioners advise that in 2009 the technical specification for tax stamps was significantly upgraded to make it more difficult for the stamps to be counterfeited. The stamp was further enhanced in 2011. The Revenue Commissioners further advise that this latest version has proven to be extremely robust in that regard.

Furthermore, the Revenue Commissioners are constantly exploring ways to improve their methods of detecting illicit cigarettes. One of the key elements of any security feature on cigarette packaging is that it must be extremely difficult to copy. The Commissioners advise that it is not fully clear to them that bar coding would satisfy that particular requirement. However, as part of Revenue's ongoing research and analysis into the latest developments in security features that appear on packaging, Revenue will examine any additional potential opportunities that bar coding and the use of phone apps for that purpose may present. It is my understanding that where the Gardai suspect that tax has not been paid on cigarettes that they come across, they contact the appropriate Revenue enforcement staff who examine the product to determine its tax status.

### **Liquor Licence Numbers**

2. **Deputy Michelle Mulherin** asked the Minister for Finance the number of intoxicating liquor licences that have lapsed for each year over the past five years; the reasons the licences have lapsed; and if he will make a statement on the matter. [54628/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the numbers of lapsed licences for each of the past 5 years, is set out below under various categories. The function of the Revenue Commissioners under the Licensing Acts 1833 to 2010 is to issue licences, when granted or revived by the District and Circuit Courts. Therefore, the figures below relate only to those licences, which have not subsequently been revived in the Courts. Revived licences will no longer appear on Revenue's records as lapsed. I am further advised by the Revenue Commissioners that, where a licence is not renewed, traders

are not obliged to advise Revenue of the reasons for this. Accordingly, statistics on the reasons for non-renewal are not available.

Licence Type	2012	2011	2010	2009	2008
Beer & Wine Retailer's Off Licence					
Cider Retailer's Off Licence	2				
Publican's Licence (6-Day)	2				
Publican's Licence (7-Day Ordinary)	212	124	100	81	53
Publican's Licence (Ordinary) Hotel - 1902 Act (Public Bar)	1			1	
Publican's Licence (Ordinary) Hotel - 1902 Act (Resident's Bar)		1			
Publican's Licence (Ordinary) Hotel - BF - 1902 Act (Public Bar)	16	13	12	11	6
Publican's Licence (Ordinary) Hotel - BF - 1902 Act (Resident's Bar)	4	2	2	5	2
Publican's Ordinary Railway Refreshment Rooms Licence			1		
Special Restaurant Licence	27	21	18	12	3
Spirit & Beer Retailer's Off Licence		1			1
Spirit & Wine Retailer's Off Licence	1				
Spirit, Beer & Wine Retailer's Off Licence	19	11	9	5	2
Wholesaler Dealer in Beer	7	4	9	3	5
Wholesaler Dealer in Beer & Spirits	1	1			
Wholesaler Dealer in Beer & Wine		2	1		
Wholesaler Dealer in Beer & Wine Retailer's Off Licence				1	

Licence Type	2012	2011	2010	2009	2008
Wholesaler Dealer in Beer, Wine & Spirits	10	11	8	5	3
Wholesaler Dealer in Wine & Spirits, & Wine Retailer's off Licence		1	1		
Wholesaler Dealer in Wine & Wine Retailer's Off Licence	1	2	4	2	
Wine Retailer's Off Licence	154	127	162	106	39

### Budget Submissions

3. **Deputy Finian McGrath** asked the Minister for Finance if he will support the SIPTU proposals on the economy towards a new course. [54658/12]

**Minister for Finance (Deputy Michael Noonan):** I have received a document from SIPTU entitled "Towards a New Course". As with other pre-Budget submissions it has been circulated to the relevant officials so that its contents can be considered in the context of the forthcoming Budget and Finance Bill. As the Deputy is aware it would not be appropriate for me to comment in advance on possible Budget decisions.

### Tax Code

4. **Deputy Seán Ó Fearghail** asked the Minister for Finance if he will abolish the level of VAT levied on student textbooks accessed via tablet computer; and if he will make a statement on the matter. [54720/12]

**Minister for Finance (Deputy Michael Noonan):** The VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. In Ireland the zero rate applies to printed books, including atlases, children's picture, drawing and colouring books and books of music. It is possible for Ireland to apply the zero rate to printed books because Ireland applied the zero rate to these books on and before 1 January 1991, and the EU VAT Directive provides a derogation for such exceptional VAT treatment to continue to apply. However, the VAT Directive does not allow goods and services to apply at the zero rate which were not in place at that rate on 1 January 1991. As student textbooks accessed via tablet computers were not applied at the zero rate in 1991 it is not possible to apply the zero rate to them now. Furthermore, under the EU VAT Directive, all digitised publications, regardless of their rate when printed (for example, a book liable at zero rate), are treated as the supply of a service liable at the standard rate of VAT, which in Ireland is 23%. E-books, online newspaper subscriptions and online information services purchased via download over the Internet are also considered the supply of services liable for VAT at the standard rate. There is no option under EU VAT law to exempt from VAT student textbooks accessed via tablet computers, or to apply a reduced rate to them.

### Tax Code

5. **Deputy Eoghan Murphy** asked the Minister for Finance his views on a residential scheme (details supplied). [54746/12]

**Minister for Finance (Deputy Michael Noonan):** The interest restriction of 75% applying to residential lettings was introduced in the April 2009 supplementary budget as part of an urgent revenue-raising package aimed at stabilising the public finances. The context in which the 2009 measure was introduced, i.e. the need to stabilise public expenditure, still exists. Under the terms of the EU/IMF Programme of Financial Support for Ireland, the State is committed to further substantial reductions in public expenditure. I am informed by the Revenue Commissioners that a breakdown between rent received from residential property and other types of property is not sought or provided in tax returns. However based on personal income tax returns filed by non-PAYE taxpayers for the year 2010, the latest year for which this information is available, and making certain assumptions about the data it is estimated that the estimated cost of restoring the level at which individuals can claim interest repayments against tax for residential rental properties from 75% back to 100% could be in the region of €112m in a full year. The estimated cost is based on assuming that tax relief was allowed at the top income tax rate of 41% and the figure provided could therefore be regarded as the maximum Exchequer cost in respect of those taxpayers. This figure is subject to adjustment in the event of late returns being filed or where returns already filed are subsequently amended.

As rental income of companies is returned as net of interest on borrowings, the figures for interest are not separately distinguishable and there is, therefore, no basis on which an estimate of the cost in respect of companies can be given. It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return form 12 is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return form 11. This return is the source of the figure provided in this reply in respect of individuals.

### **Tax Code**

6. **Deputy Arthur Spring** asked the Minister for Finance if he has considered reducing the VAT on newspapers to a similar level as seen in Northern Ireland; and if he will make a statement on the matter. [54753/12]

**Minister for Finance (Deputy Michael Noonan):** Any proposed changes in VAT must be considered in the context of the EU VAT Directive, with which Irish VAT law must comply. The zero rate of VAT applies to the supply of newspapers in the UK, as well as in Belgium and Denmark. The VAT Directive provides that where Member States applied a zero rate of VAT to goods and services on 1 January 1991 they are entitled to retain those zero rating provisions, but cannot introduce any new ones. It is under this provision that the UK applies a zero rate to sales of newspapers as they applied the zero rate to the supply of newspapers on 1 January 1991. In the same way Ireland applies the zero rate to foods and medicines because the zero-rating provision dates back to 1991. However, as Ireland did not apply a zero rate to newspapers on 1 January 1991 we are not in a position to apply a zero rate to such supplies.

I would draw to the Deputy's attention, however, that the VAT rate on newspapers was reduced from 1 July 2011 in the Finance (No. 2) Act 2011 from the 13.5% reduced rate to the new lower reduced rate of 9%. This VAT reduction was welcomed in general by the print media at the time.

### **Tax Yield**

7. **Deputy Stephen S. Donnelly** asked the Minister for Finance the amount of duty collected annually for rapeseed oil; if a cost benefit analysis has been conducted on this duty; and if he will make a statement on the matter. [54797/12]

**Minister for Finance (Deputy Michael Noonan):** The Revenue Commissioners, who are responsible for collecting duty on motor vehicle fuel, inform me that rapeseed oil, when used as a fuel in diesel motor engines, is categorised as a substitute fuel for auto-diesel and is chargeable to duty at the rate for auto-diesel. However, as it is a biofuel, rapeseed oil is relieved from carbon charges. No differentiation is made between the different types of substitute auto-fuel upon which tax is paid. Accordingly, the duty paid on rapeseed oil cannot be ascertained specifically. In 2011 duty was collected on 73,400 litres of substitute fuel for auto-diesel amounting to €31,247. To date in 2012, duty of €42,188 has been collected on 99,000 litres of such fuel. The duty on substitute fuels, including rapeseed oil, is imposed by Council Directive 2003/96/EC (the Energy Tax Directive) and consequently a cost benefit analysis is not relevant.

### **Banking Sector Remuneration**

8. **Deputy Michelle Mulherin** asked the Minister for Finance if the Covered Institutions Remuneration Oversight Committee is still in place; the frequency with which it reports; its latest recommendations; and if he will make a statement on the matter. [54813/12]

**Minister for Finance (Deputy Michael Noonan):** The Covered Institutions Remuneration Oversight Committee (CIROC) was established, as part of the previous Administration's response to the banking crisis, to oversee all remuneration plans of senior executives of the covered institutions. It fulfilled its mandate in February 2009 (and is no longer in place) when reporting to the then Government who accepted its recommendations but decided to impose a lower base salary cap of €500,000 than the CIROC recommended maximum figure of €690,000. Present Government policy on remuneration – which goes beyond previous policy - dictates that no employee at any of the four covered institutions may receive annual remuneration (excluding pension contributions) of more than €500,000. The Government's commitment to honouring this policy is evidenced by the appointment of new Chief Executive Officers at AIB & PTSB respectively being within this threshold. The payment of performance bonuses to employees at the covered institutions is prohibited except in certain circumstances such as on foot of a court order.

My Department is presently engaged in a Review of Remuneration Practices and Frameworks at the covered institutions. I am expecting the consultant's report to be delivered by year end whereupon consultations with the various stakeholders will commence. As I have said previously, I fully recognise that there is a real public interest in the levels of remuneration at the covered institutions and have committed to placing the details underpinning the review into the public domain.

### **Student Grant Scheme Applications**

9. **Deputy John McGuinness** asked the Minister for Education and Skills the position regarding an application for a grant under the Student Universal Support Ireland in respect of a person (details supplied) in County Kilkenny. [54593/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Officials in my Department have confirmed with Student Universal Support Ireland (SUSI) that, in the case of the student referred to by the Deputy, a grant has already been awarded and an award letter issued on 22nd

November 2012.

### **Emergency Works Scheme Applications**

10. **Deputy Patrick Nulty** asked the Minister for Education and Skills the emergency funding a school (details supplied) in Dublin 15 can apply for to have the carpark near the school resurfaced in view of the road traffic incidents that have occurred at this location and the need to undertake urgent works. [54597/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school in question submitted an application in September 2012 for funding under the Emergency Works Grant to resurface the car park. As the scope of works for this project is outside the terms of the Emergency Works Scheme it cannot be considered for emergency funding. The school authorities were advised of this on 24th September, 2012.

### **Student Grant Scheme Application Numbers**

11. **Deputy Paul J. Connaughton** asked the Minister for Education and Skills the position regarding the number of Student Universal Support Ireland grant applications refused, those allowed and those still in progress; and if he will make a statement on the matter. [54603/12]

20. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the number of grants Student Universal Support Ireland have processed to date; the number of applications currently being processed each week; and if he will make a statement on the matter. [54659/12]

28. **Deputy Timmy Dooley** asked the Minister for Education and Skills the total number of applications received by Student Universal Support Ireland and the total number of applications paid to date; and if he will make a statement on the matter. [54820/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 11, 20 and 28 together.

I understand from Student Universal Support Ireland (SUSI) that, as at the close of business on the 4th December, it has received 66,827 student grant applications for this year. Processing of 31,973 applications are now complete - 19,157 have been awarded, or awarded pending submission of final course details and 12,816 applications have been refused or cancelled. SUSI has 8,049 applications on hand which are currently being processed. Only 295 of these are new applications that have yet to commence processing. SUSI is awaiting submission of documentation by the student on the remaining applications.

As at 30th November 7,132 students awarded a maintenance grant have been paid. Maintenance grant payment runs are continuing on a weekly basis to ensure students get paid as soon as possible after they submit their bank accounts details and their institutions confirm their attendance. In addition, 3,193 have been awarded a “fees only” grant (either the student contribution or fees) – these payments are being made directly to the relevant institution. The number of applications being processed has been increasing incrementally in recent weeks. 5,545 were processed in the week ending Sunday 25th November. 7,666 applications were processed in the week ending Sunday 2nd December. SUSI has indicated that it is on target to progress all applications received to date with the necessary supporting documentation between now and the end of the year.

## School Curriculum

12. **Deputy Regina Doherty** asked the Minister for Education and Skills his plans to introduce any secondary school initiatives to deal with obesity; and if he will make a statement on the matter. [54604/12]

13. **Deputy Regina Doherty** asked the Minister for Education and Skills his plans to introduce any national school initiatives to deal with obesity; and if he will make a statement on the matter. [54610/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 12 and 13 together.

Our young people are educated about the dangers of eating food which is unhealthy during their primary and second level education. It is important to realise that school is just one small but influential aspect of their lives. The Social Personal and Health Education (SPHE) programme is a mandatory part of the curriculum in primary schools and in junior cycle. The programme is supported by comprehensive teacher guidelines and curriculum support services which provide training and advice for schools and also a resource directory. At primary level, one of the SPHE strand units ‘Taking care of my body’ specifically addresses the need for regular exercise and activity as well as the area of nutrition and food and the need for a balanced diet. This unit is built upon from Infants classes onwards. By Fifth and Sixth classes children are encouraged to realise and accept responsibility for making wise food choices and for adopting a healthy, balanced diet, and in that, exploring and examining the food pyramid.

Elements of this strand are supported by the “Food Dudes” programme which encourages children to eat more fruit and vegetables both in school and in the home. The programme is managed by Bord Bia and funded by the Department of Agriculture, Food and Fisheries and also by the EU through the School Fruit Scheme. Physical Education also forms a mandatory part of the primary curriculum. Aims of the PE curriculum include promoting enjoyment of, and positive attitudes towards, physical activity and its contribution to lifelong health related fitness. Many primary schools operate healthy eating policies with the support of parents.

At post-primary level, SPHE for Junior Cycle builds on the primary SPHE Curriculum. Nutrition and physical activity are specifically addressed in the SPHE module on ‘Physical Health’. In addition cross-curricular links with other subjects such as Home Economics, PE and Junior Science that deal with SPHE-related topics are encouraged. In 2009, the Department carried out a Lifeskills Survey to establish policy and practice in relation to nutrition, exercise, health, growing up, bullying and other aspects of the SPHE programme. The results of the survey showed that 98% of the primary schools which responded promote healthy lunches, and have policy on a balanced diet, regular exercise and the food pyramid, 95% encourage physical activity in school breaks and 89% have sport outside of school hours, while 85% have a healthy food policy. At post primary level 97% of the schools which responded have a policy on a balanced diet and regular exercise, 88% have sport outside of school hours and 90% encourage physical activity in school breaks. The survey was re-issued to schools in May of this year and results will be expected early in the new year.

The new Framework for Junior Cycle which I launched in October, promotes “ Staying Well” as one of its key skills. In addition a number of the statements of learning promote well-being, confident and competent participation in physical activity along with the students understanding the importance of food and diet and in their making healthy lifestyle choices. Short courses will be available in SPHE and in PE for schools from 2014. Good lifestyle habits can be promoted in schools but it is also the responsibility of the family and the wider community to

play their part so as to minimise the unacceptable levels of obesity that are now becoming more the norm among our young people.

### **Schools Building Projects Expenditure**

14. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills in view of recent developments at a school (details supplied) in County Limerick, if he will consider proposals that were made by this Deputy during the course of a topical issue debate on 27 November 2012 including a greater level of due diligence in advance of awarding school building contracts, a more enhanced role for local quantity surveyors who would be part of assessing the submitted tenders and their likelihood to be successfully delivered at what could be regarded as excessively low tenders, a system of certified retention where sub-contractors would have to certify that they have been paid up to date before the final amount of retention is paid by his Department, school or publicly funded body to the main contractor, the introduction of project specific bank accounts where only invoices related to the project can be paid from; and if he will make a statement on the matter. [54618/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** School building projects are tendered in line with public procurement procedures. There are two methods of tendering (the Restricted procedure and the Open procedure). In both procedures there are minimum standards for participation (including previous experience, turnover, insurances, capacity to obtain a bond etc). The minimum standards for participation are stated in the Contract notice/ eTenders advertisement.

For less complex projects of a small to medium scale, the open procedure is generally used and all contractors meeting the minimum standards are entitled to submit a tender (thus facilitating the inclusion of small to medium enterprises and those with no experience in educational projects). For larger or more complex projects, where it is considered that pre-qualification of contractors is warranted, the Restricted procedure is normally used. In the Restricted procedure, there is an intermediary qualification stage during which the numbers of applicants is reduced (or restricted) to a specified amount (normally 10). The criteria for suitability assessment, which are taken from the Department of Public Expenditure and Reform's Capital Management Works Framework, include company turnover, insurances, capacity to obtain a bond, personnel for the project, previous experience, and Health and Safety competence. Guidance on this process and standard questionnaires used are available on my Department's website.

In any procurement process my Department adheres to the rules and guidelines set down by the Department of Public Expenditure and Reform and the EU Commission in relation to public procurement. This includes the Department of Finance Circular 10/10, which aims to remove obstacles to SMEs in tendering for public sector contracts.

On the issue of the administration of construction contracts, the Deputy will be aware that the Construction Contracts Bill 2010 as currently drafted will address some of the issues he has raised. The main aim of this Bill is to address the issue of non-payment to construction sector contractors, subcontractors and subcontractors of subcontractors who have completed work to the required standard on construction projects. The Bill as currently drafted makes provision to address these issues by providing statutory arrangements for payments under construction contracts, including providing for interim payments, thus reducing a payee's exposure to non-payment, and by introducing a new mechanism for the swift resolution of payment disputes through a process of adjudication. The sponsoring Department of this Bill is the Department of Public Expenditure and Reform which is best placed to expand on the provisions of this Bill.



## Public Procurement Tenders

15. **Deputy Brendan Griffin** asked the Minister for Education and Skills if there was an instruction given by him for schools to buy all their stationary from a central location; and if he will make a statement on the matter. [54625/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Government's Public Service Reform Plan recognises the key strategic importance of public procurement and provides for the development of a new policy framework for procurement. The Department of Public Expenditure and Reform has recently notified Departments and public bodies of the mandatory requirement to use central contracts, put in place by the National Procurement Service (NPS), when procuring a range of commonly acquired goods and services. These national contracts are targeted at securing best value for money and facilitating Departments and agencies to deliver services within their budgetary constraints. Within the Education Sector, the mandatory arrangement relating to stationery currently applies to the Higher Education and VEC Sectors.

The NPS is supporting Small and Medium Business Enterprises (SMEs) through its education and guidance strategies and many Irish SMEs have been successful in winning NPS frameworks in areas such as stationery, managed print services and ICT consumables. These SMEs may, in turn, source many of their services and products from local manufacturers and agents. While I appreciate the Deputy's concerns, given the budgetary pressures under which we all now operate, savings on the procurement of goods and services across the public sector can go some way to ensure that the level of service provided to the community is greater than what it might otherwise be.

## Teacher Training Provision

16. **Deputy Michael McCarthy** asked the Minister for Education and Skills if he will outline in tabular form the number of students per country who are currently attending teacher training colleges; and if he will make a statement on the matter. [54630/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The number of students currently enrolled in each of the five state funded primary colleges of education are set out in the following table. The statistics are not available centrally by county. Hibernia College is a private provider of initial teacher education and provides a part-time online post graduate course. The College has two intakes per year in October and March. The average number of graduates is 650 per annum.

State Funded Primary Initial Teacher Education Providers	Bachelor of Education Years 1-3 Current Enrollment	Postgraduate Students commenced February 2012	Total
Mary Immaculate College of Education	1204	71	1275
Church of Ireland College of Education	90	0	90
St.Patricks College of Education	1169	74	1243
Froebel College of Education	191	34	225
Marino Institute of Education	324	58	382
	2978	237	3215

**Schools Refurbishment**

17. **Deputy Brendan Smith** asked the Minister for Education and Skills the funding provided on a yearly basis under the minor works grants scheme in counties Cavan and Monaghan in each year since 2007; and if he will make a statement on the matter. [54635/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information that the Deputy has requested regarding the Minor Works Scheme Payments for Cavan and Monaghan 2007-2011 is contained in the following table. Please note that the PE Equipment Grant is included in the figures provided for 2010. Each school received €1000 plus €10 per capita in respect of the PE Grant.

Minor Works Grant

County	2007	2008	2009	2010	2011
Cavan	592,096.00	600,828.00	609,097.50	775,076.50	608,611.00
Monaghan	472,226.00	468,372.50	464,741.00	595,941.50	468,977.50

**Student Grant Scheme Delays**

18. **Deputy Arthur Spring** asked the Minister for Education and Skills his views on difficulties facing students who are unable to provide social welfare offices with proof of being enrolled in full-time education when applying for social welfare payments as they are unable to pay registration fees while waiting for Student Universal Support Ireland to approve their grant applications and are designated as temporarily registered in college, a status which is not accepted as full time enrolment by the Department of Social Protection; and if he will make a statement on the matter. [54647/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** It is understood that the Deputy is referring to students who are on the back to education allowance (BTEA). Officials in my Department have confirmed with officials in the Department of Social Protection dealing with BTEA claims that students who have not yet received a decision from Student Universal Support Ireland on their student grant are not being disadvantaged in relation to their approval of their back to education allowance.

**Student Grant Scheme Delays**

19. **Deputy Arthur Spring** asked the Minister for Education and Skills the contingency plans in place when awarding the Student Universal Support Ireland grant application processing contract to Dublin Vocational Education Committee should a delay in the processing of grants arise; if a contingency plan for dealing with delays was submitted by each entity that tendered for the contract; if a condition of the contract stipulated that each company should have employees with appropriate project management experience; and if he will make a statement on the matter. [54648/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In January 2011, VECs, local authorities or other public bodies interested in taking on administrative responsibility for the centralised student grants awarding and payments function were invited to submit proposals to the Department detailing how they might best deliver the overall service. The criteria used to evaluate the proposals were set out in the Expressions of Interest invitation and were as follows:

- Organisational capacity to perform the function

- Experience in dealing with comparable schemes/services
- Existing core management, expertise and resources available to be deployed to the function
- Capacity to deliver strong cost and efficiency benefits
- Overall quality of the proposal for delivery of a central student grants function.

While a contingency plan for dealing with delays was not specifically part of the proposals submitted by each of the bodies, the ability of the bodies to perform the function and respond to challenges was however considered by the independent selection panel when evaluating the proposals against the evaluation criteria. The project management capacity and proposed organisation structure were also considered in the context of the evaluation criteria. The resource structures proposed and subsequently put in place by SUSI provided it with the flexibility to ramp up and resources to respond to unforeseen challenges in the processing of grants.

*Question No. 20 answered with Question No. 11.*

### **Student Grant Scheme Payments**

21. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if existing student grant payments have been paid by all local authorities and vocational education committees; and if he will make a statement on the matter. [54666/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy may be aware, continuing students who are renewing their student grant for attendance on an existing course with their existing awarding authority, which will be either a local authority or a VEC, will continue to have their applications processed and paid by the relevant grant awarding authority. Continuing students on a level 6 or level 7 course in the Institutes of Technology will continue to be paid their grant directly by their institution. The 66 grant awarding authorities as at the 16th November, 2012 awarded grants to some 34,764 students and paid student grants to some 22,695 students. In addition some 4,967 students have been paid directly by their Institute. This data has been compiled from information provided to my Department by the 66 grant awarding authorities and the Institutes of Technology.

A student grant comprises of two elements, maintenance and fees, with a number of students only qualifying for one of those elements. Those students qualifying for the fees element only would be included in the number of renewals awarded by the grant awarding authorities. However, the number of students paid by the grant awarding authorities and the institutes is only reflective of those paid the maintenance element of a student grant. The migration of the new applications to SUSI has enabled the 66 grant awarding authorities to process renewal applications on a more efficient basis - these are generally more straightforward and require significantly less documentary evidence.

### **Schools Building Projects Status**

22. **Deputy John Deasy** asked the Minister for Education and Skills if funding has been allocated for the provision of a new school (details supplied) in County Cork; if a site has been acquired; when building will commence; and if he will make a statement on the matter. [54677/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm to the Deputy that the East Cork area has been identified as one of those projected to experience a significant increase in demand for school accommodation in the coming years and my Department is working to identify suitable land or buildings to meet this demand. The requirements of the school referred to by the Deputy are being considered in this context. The acquisition of a site for a new building for the school concerned is being progressed by my Department through the Chief State Solicitor's Office and is currently at pre-contract stage. Once the acquisition is finalised, it is intended to proceed to appoint a Design Team and apply for Planning Permission, with the project listed to go to construction in 2014/15. Projects that are in a state of readiness on this list will proceed to be delivered within this timeframe.

### **Student Grant Scheme Applications**

23. **Deputy Joe O'Reilly** asked the Minister for Education and Skills if a person (details supplied) will be considered for a continuation of the maintenance grant; and if he will make a statement on the matter. [54718/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Officials in my Department have confirmed with Student Universal Support Ireland (SUSI) that in the case of the student referred by the Deputy, he appealed the decision in relation to the rate of grant awarded to the appeals officer in SUSI on the 1st December 2012. SUSI aims to issue determinations on appeals as promptly as possible and within the specified timeframes defined in the Student Support Act, 2011. Where an individual applicant has had an appeal turned down, in writing, by SUSI, and remains of the view that SUSI has not interpreted the scheme correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to the independent Student Grants Appeals Board.

### **School Textbooks**

24. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he will address the situation in which students using tablet computers in the course of their studies pay VAT on their school textbooks while those purchasing the traditional textbooks do not; if he has had any discussions in relation to this matter with the Department of Finance; and if he will make a statement on the matter. [54719/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The use of tablet computers and e-books is a welcome innovation and demonstrates the commitment of schools to the full integration of ICT in teaching and learning. In relation to the VAT rate charged on the purchase of e-books, this matter has been raised with the Department of Finance and I am advised that the VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. The general position is that school books are zero-rated. The zero rate applies to printed books. All digitised publications are treated as the supply of a service liable at the standard rate of VAT. The EU position is that digital information services are not the direct equivalent of traditional printed products, including books. Even where the content is similar, the additional functionality (e.g. search facilities, hyperlinks, archives, etc) associated with electronic content produces a fundamentally different product.

### **Capitation Grants**

25. **Deputy Jack Wall** asked the Minister for Education and Skills his views on correspondence (details supplied) regarding the financial difficulties facing schools; his plans to address the issue; and if he will make a statement on the matter. [54724/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department provides capitation funding to all recognised primary schools within the free education scheme. As the Deputy is aware Budget 2012 provided for a 2% reduction in the funding for capitation and related grants to primary and second level schools in both 2012 and 2013 and a further 1% in 2014 and 2015. Due to my decision of 21st February last, to retain posts from previous disadvantage schemes in DEIS Band 1 and Band 2 primary schools, it was necessary to generate alternative savings within the primary education budget. This has been achieved by bringing forward to this year 1.5% of the 2% reduction in overall capitation funding originally scheduled for 2013. The Deputy may wish to note that Circular 40/2009 clarifies issues relating to the allocation of funding for primary schools. The circular states that capitation funding provided for general running costs and funding provided for caretaking and secretarial services may be regarded as a common grant from which the Board of Management can allocate according to its own priorities. Given the scale of our economic crisis, I have no scope to introduce new or additional funding measures to assist primary schools.

### **School Management**

26. **Deputy James Bannon** asked the Minister for Education and Skills his plans to issue guidelines to boards of management in respect of the contentious issue of pupils purchasing presents for teachers; and if he will make a statement on the matter. [54744/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** It is my view that, in the current economic circumstances, the practice of parents or pupils purchasing gifts for teachers or other staff members places an unnecessary financial burden on parents and is not appropriate. I would therefore encourage all schools to take any steps necessary, in consultation with their Parents Association as appropriate, to ensure that such practices are discontinued in their own individual school.

### **Residential Institutions Statutory Fund Bill**

27. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will support an organisation (details supplied). [54798/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am aware of the position adopted by the Munster Survivors Support Services Ltd that the contributions from the congregations should be given directly to the survivors and that the congregations should only deal directly with survivors on the issue of reparation whether offered in cash or via property. While I am aware that some survivors advocated a simple distribution of the available money rather than the establishment of the Residential Institutions Statutory Fund, the Government believes that the Fund should target resources at services to support former residents' needs. The Residential Institutions Statutory Fund Act 2012 was enacted in July of this year and work is now underway to establish the Board which will operate the Fund. The legislation followed a comprehensive consultation process which included a Freefone Service operated by Barnardos on behalf of my Department.

I would also point out that it was envisaged from the outset that the contributions sought from the congregations would be used towards the costs of the response to residential institu-

tional abuse which have been mainly borne by the taxpayer. I am satisfied that the Residential Institutions Statutory Fund will help meet the range of needs of former residents and I am pursuing its establishment at the earliest opportunity.

*Question No. 28 answered with Question No. 11.*

### **Public Procurement Tenders**

29. **Deputy Patrick O'Donovan** asked the Minister for Public Expenditure and Reform in view of recent developments at a school (details supplied) in County Limerick, if he will consider proposals that were made by this Deputy during the course of a topical issue debate on 27 November 2012 including a greater level of due diligence in advance of awarding school building contracts, a more enhanced role for local quantity surveyors who would be part of assessing the submitted tenders and their likelihood to be successfully delivered at what could be regarded as excessively low tenders, a system of certified retention where sub-contractors would have to certify that they have been paid up to date before the final amount of retention is paid by his Department, school or publicly funded body to the main contractor, the introduction of project specific bank accounts where only invoices related to the project can be paid from; and if he will make a statement on the matter. [54619/12]

32. **Deputy Jack Wall** asked the Minister for Public Expenditure and Reform his views on correspondence (details supplied) regarding construction contract payments; his plans to address this issue; if the matter will be finalised in this Dáil term; and if he will make a statement on the matter. [54725/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 29 and 32 together.

The specific details in relation to the school in County Limerick referenced by the Deputies are a matter for my colleague, the Minister for Education and Skills. Appropriate professional advice is employed to administer public works contracts and the prices returned in a tender must be considered in the context of each tender competition. Under the EU Procurement Directive a contracting authority may not automatically reject a tender because it considers it abnormally low and must first seek clarifications from the tenderer on the constituent elements of its tender before it reaches its decision to reject or accept the tender. Contractors must qualify according to pre-determined criteria designed to ensure that only those competent contractors with the capacity to deliver the project are admitted to the tender process.

Under a public works contract the contractual relationship is between the public body and the main contractor. A public body has no contractual ties with a subcontractor engaged by a main contractor. Any contractual relationship is exclusively a matter between the main contractor and its sub-contractor. Because of the interfaces that exist between the trades that are traditionally employed on a construction contract there is considerable scope for claims for delay and disruption should a body directly engage all the entities who are actually involved in constructing a project. Public works contracts are awarded to a single party (the Contractor) who is responsible for the delivery of the project. It is generally accepted that the successful completion of a works project is dependent on a single point of responsibility to ensure delivery on time and within budget.

It is clear that the present arrangements in relation to construction contracts and conditions of engagement in the industry generally can be too imprecise and informal and as a result do not offer a cost effective, timely solution to payment disputes for consultants, contractors, subcon-

tractors in the supply chain. The Programme for Government contains a commitment to introduce new legislation to protect small building subcontractors that have been denied payments from bigger companies. In this regard, my colleague Minister of State Mr Brian Hayes has been working with Senator Feargal Quinn to develop the Senator's private member's Construction Contracts Bill to which Deputy O'Donovan referred to in the topical issue debate.

During the Second Stage reading of the Bill, Minister Hayes signalled to the House his intention to bring proposals to Government on Committee Stage amendments dealing with the following issues:

**Thresholds:** In order to ensure that the legislation applies to majority of Construction Contracts the scope of the legislation will be broadened by reducing or removing the current monetary thresholds contained in the Bill.

**Adjudication:** This issue of making adjudication awards binding for both the public and private sectors is a complex issue. It is important to strike the right balance between giving this legislation the necessary enforcement provisions, whilst ensuring that the application of the legislation is equitable and the taxpayer is safeguarded.

**Supplies:** Proposals are being developed to broaden the scope of the legislation to include bespoke construction supply contracts. However, as I understand it this is likely to be difficult to define in a manner that is easy to interpret.

When these and a number of other technical issues have been examined, Minister Hayes will bring proposals to Government in advance of Committee Stage early in the New Year. This is a complex piece of legislation which affects both private and public sector works contracts and it is essential that the solution to this issue needs to be balanced so as to avoid imposing regulatory or cost burdens on parties in dispute, the State or others.

### **Departmental Staff Redeployment**

30. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform if a person (details supplied) in County Westmeath will be given a position in the social welfare office either in Mullingar or Longford, further to their approval for re-deployment recently. [54657/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The person referred to is currently employed by the Central Statistics Office (CSO) and consideration is currently being given to an application to have her re-graded to the position of Clerical Officer. If this application is successful, the CSO propose to arrange to have her post included on the Public Appointments Service (PAS) Resource Panel of Civil Service staff, which has been put in place to support the redeployment arrangements agreed under the Croke Park Agreement.

It should be noted that while staff may be moved between different locations as a consequence of the redeployment arrangements, they were not designed as a staff mobility scheme. The purpose of the Resource Panel arrangements is to facilitate the targeted reduction in public service numbers in the period 2010 to 2014 while sustaining the ongoing delivery of services. Under the arrangements, redeployment opportunities are offered locally in the first instance, within the various sectors (e.g. health, education, local authority, etc.). Where staff are not available for redeployment in a particular location, the post, if approved for filling by my Department, may be offered to staff who had already indicated an interest in transferring there.

### **Flood Relief Schemes Expenditure**

31. **Deputy Brian Stanley** asked the Minister for Public Expenditure and Reform the amount the Office of Public Works spent on flood relief works in 2011 and the total budget allocated to the OPW for flood relief in 2011. [54685/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** Flood relief services are provided by the Office of Public Works, either directly through its own resources or in conjunction with local authorities, under the following main headings:

1. Major Capital Works Schemes,
2. Minor Coastal and Non-Coastal Schemes,
3. Arterial Drainage Maintenance,
4. Catchment Flood Risk Assessment and Management (CFRAM) Programme,
5. Hydrometric data collection and dissemination.

The total allocation included in the OPW's Vote in 2011 for the above services was €58.64m. Total expenditure in the year was €51.58m, of which €48.48m was in respect of works, including related professional fees and other costs (headings 1-3 above). There were seven major schemes at construction stage during 2011 with a total contract commitment of over €60m. In addition, 72 minor works schemes with a total value of €5.6m were funded through the local authorities in that year.

*Question No. 32 answered with Question No. 29.*

### **Industrial Development**

33. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the total grants awarded by the Industrial Development Agency or other agency, to Intel for each year of the past ten years; and the number employed by Intel for each of the past ten years. [54620/12]

34. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation if he will provide an update in progress made to promote additional manufacturing and safeguard employment at the Leixlip site of Intel, County Kildare. [54621/12]

35. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation if the purchase of sites adjacent to the Intel site is proceeding; and the date by which they will be completed. [54622/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 33 to 35, inclusive, together.

Data on grants approved for companies is confidential information between IDA Ireland and its clients. However, details of grants actually paid to the company are given in the Appendix. Precise employment data in IDA Ireland client companies is also confidential; however, I can confirm that the approximate average numbers employed in Intel in each of the last 10 years is 4,000 employees.

In January 2011 Intel announced a \$500m investment in design and construction works at Fab 14 in preparation for a new leading edge technology wafer fabrication operation. This investment is very significant. The construction phase of the project is nearing completion and



has created a large number of jobs over the last two years. In May 2012, the CEO of Intel, Mr Paul Ortellini announced that Ireland is on Intel's roadmap for future technologies. However no specific additional investment has been announced to date. IDA Ireland continues to work closely with the company to seek to secure such additional investment.

IDA is not acquiring land specifically for Intel. However, earlier this year, the Agency initiated a process to consider the possible acquisition - through CPO - of some lands in Blakestown, County Kildare as part of its mandate to secure future Foreign Direct Investment and employment for Ireland. IDA purchases sites and lands on a national basis to meet expected future demand from clients. As part of this process, the IDA appointed an independent adjudicator to consider representations from all parties affected by the possible acquisition of these lands. The process was designed to help inform the board of whether it is appropriate to use its powers under the Industrial Development Authority Act 1986.

After considering representations from parties affected by this acquisition, the board of IDA Ireland has decided that it is appropriate to use the powers contained in that legislation to acquire the lands at Blakestown. These lands are considered by the IDA to be of national strategic importance to ensure future investment and employment. IDA Ireland has now informed all affected parties of the decision. It is the intention of the Agency to work proactively with the current landholder to ensure an agreed transitional period.

## Appendix

Grant Payments made to Intel over the past 10 years.

Year	Grants Paid
2000	€4,444,083.28
2001	Nil
2002	€54,004,627.00
2003	€23,466,420.00
2004	€1,468,688.00
2005	€29,158,562.00
2006	€4,638,301.00
2007	€5,493,795.00
2008	€2,884,332.00
2009	€5,571,717.00
2010	€3,773,502.00
2011	€4,173,407.00

## Pension Provisions

36. **Deputy Mary Mitchell O'Connor** asked the Minister for Social Protection if permission to early draw down pensions would positively influence younger persons to start their pension; her plans to tackle low pension investments especially by young persons; and if she will make a statement on the matter. [54697/12]

**Minister for Social Protection (Deputy Joan Burton):** Pensions are a long-term investment aimed at ensuring that people have an adequate income in retirement. Government policy supports this aspiration through generous tax reliefs. At present, people are generally only permitted to access their pension savings at the retirement age defined in their pension schemes. Schemes may also have early retirement provisions from age 50 and when retirement is caused

by ill-health, benefits may be paid regardless of age. In the case of Personal Retirement Savings Accounts (PRSAs) and Retirement Annuity Contracts (RACs), benefits may be taken at any time after age 60 and from any age in the case of ill-health.

There are a number of reasons why early withdrawals of pension savings are generally not permitted, the principal one being that funds, and the associated tax relief on contributions, are designed to support people in later life to ensure they have an adequate income. This requires that pensions must be long term vehicles based on the principle that savings will be “locked away” until retirement. The issue of early access has been considered in detail by an inter-departmental ad-hoc group, chaired by the Department of Social Protection. The group concluded that the principle of pension savings being “locked away” until pension age should be maintained. The Interdepartmental Group on Mortgage Arrears also examined the issue of early access to pensions and did not recommend such an approach.

Younger people in pension schemes are unlikely to have significant pension savings and where their pension scheme has incurred losses, as many have over the past number of years, early withdrawal of funds would mean very poor value for money. There is no guarantee the funds could be repaid or that people could make up these losses. Where people are close to retirement, an early withdrawal of funds could significantly diminish the pension they receive as they may not have time before retirement age to fill the gap left by such a withdrawal.

The Deputy will be aware that the Government has recently engaged the OECD to conduct an independent review of long term pension policy in Ireland. I have asked the OECD to consider the issue of early access to pension savings as part of its review and the report and this will help to inform future government policy in this area.

The OECD review will also consider the coverage levels and adequacy and sustainability of pensions, with a particular focus on lower and middle income groups. In terms of overall coverage, it has been estimated that 51% of people in employment aged 20 to 69 have a pension and this figure may well have reduced given the difficult economic environment. This relatively low rate of pension coverage is a concern. In terms of increasing coverage amongst younger people and others, the Programme for Government includes a commitment to reforming the pension system to progressively achieve universal coverage, with particular focus on lower-paid workers, and a National Employment Pensions Scheme based on an automatic enrolment approach is under consideration, although it is recognised that introduction of such an initiative would be better supported by a more favourable economic environment than is currently the case.

### **Invalidity Pension Appeals**

37. **Deputy Noel Coonan** asked the Minister for Social Protection when an application for invalidity pension appeal will be finalised in respect of a person in (details supplied) County Offaly; and if she will make a statement on the matter. [54590/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned has not been received by that office. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

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

38. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on an application for a carer's allowance. [54594/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department received an application for carer's allowance from the person in question on the 10th February 2012. The application is with a deciding officer for a decision. Once processed, the person concerned will be notified directly of the outcome.

### **Community Employment Schemes Funding**

39. **Deputy Eric Byrne** asked the Minister for Social Protection if the issue of secondary payments to community employment scheme workers will be revisited; specifically if a projects long term viability comes under threat the steps she will take to ensure that such an occurrence will not happen; and if she will make a statement on the matter. [54595/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department is committed to enhancing the viability of CE, including the support for the delivery of services, value for money and the progression of participants. The broad policy direction for CE in 2013 and future years will be based on the main action points detailed in the CE Financial Review recently published by the Department. In general the objective is to assist schemes develop more focused actions that will enhance their capacity to meet the objectives of CE sponsors and participants. Future funding of employment programmes, particularly CE, will reinforce the key objectives required by the Department. This will require a more focused engagement with people on programmes such as CE and a greater targeting of activation places and opportunities to further the progression of unemployed people into work.

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

40. **Deputy Paul J. Connaughton** asked the Minister for Social Protection the reason officials in her Department are no longer providing applicants with information on what month is currently being worked on in terms of the backlog of applications for carer's allowance; her plans to introduce greater transparency into the application system so that applicants can see how long the oldest applications in the system are; the average length of time being taken to determine appeals; in what month they might reasonably expect to have an outcome in relation to their application; and if she will make a statement on the matter. [54601/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department is committed to ensuring that claims are processed as expeditiously as possible. The average time taken to award a carer's allowance application is 25 weeks, however individual cases may vary. Some will be processed quicker, others will take longer depending on complexity and whether all information is supplied by the customer at the outset. In addition, where a customer requests a review of an initial decision to refuse an application, this will take additional time. I acknowledge that the time taken to process carer's allowance claims at present is not satisfactory but I am satisfied that the Department is taking appropriate action to resolve the situation.

Following the completion of a major modernisation project, an in-depth business process improvement (BPI) project was completed for the carer's allowance scheme. This project focused on optimising output and customer service and the reduction of backlogs. The outcome of the review is the division of work into two streams. One concentrates on dealing with new claim intake and processes these without delay and the other on the backlog which is ring-fenced

with a clear and targeted plan for its elimination. Implementation of the plan commenced on Monday 3 September and is being closely monitored and managed to ensure it achieves its objectives. A noted increase in the number of new claims processed has been achieved in recent months where claims processed have substantially exceeded claim intake. However, it will take a number of months before the backlog is reduced to an acceptable level. Significant additional temporary resources have been allocated to the backlog elimination effort and the situation continues to be monitored in order that the backlog is eliminated in the shortest possible timeframe.

The current average time taken to process carer's allowance appeals decided by summary decision is approximately 32 weeks, while the current average time for those requiring an oral hearing is approximately 43 weeks. Generally the vast majority of cases fall within these average times but extenuating factors, often outside of the control of the Social Welfare Appeals Office, will cause greater delays in some cases.

*Question No. 41 withdrawn.*

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

42. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive a decision on their application for carer's allowance; and if she will make a statement on the matter. [54634/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department received an application for carer's allowance from the person in question on the 11th October 2012. Once all the necessary investigations have been carried out in relation to all aspects of this application, a decision will issue directly to the person in question.

### **Jobseeker's Benefit Applications**

43. **Deputy Thomas Pringle** asked the Minister for Social Protection the number of claimants of jobseeker's benefit who have been removed from benefit after the change to assessing their claims on a five day basis in July this year and the number projected to be removed when Sunday working will be assessed in April 2013; and if she will make a statement on the matter. [54656/12]

**Minister for Social Protection (Deputy Joan Burton):** The jobseeker's benefit and jobseeker's allowance schemes provide income support for people who have lost work and are unable to find alternative employment. It is a fundamental qualifying condition for these schemes that a person must be available for full-time work. Budget 2012 provided for a change in payment week for jobseeker's benefit. Where a benefit recipient is working part-time or in casual employment their rate of benefit is calculated with reference to a 5 day, rather than a 6 day, week. The Budget also provided for the inclusion of Sunday working when calculating the amount of jobseeker's benefit/allowance payable. The change to the calculation of jobseeker's benefit was implemented in July 2012 and the inclusion of Sunday working will be implemented in February 2013.

The change to the calculation method for part-time or casual jobseeker's benefit recipients does not, in general, act to remove persons from the scheme as the rule whereby a person must be fully unemployed for three days in any consecutive period of six days, known as the '3 in

6' rule, is retained. However, under the Sunday working measure this rule will be changed to a '4 in 7' basis. As a result persons currently working three days plus Sunday will no longer be entitled to benefit. It is estimated that some 800 people may lose entitlement in this context of having four days of work per week.

### **Domiciliary Care Allowance Appeals**

44. **Deputy Jack Wall** asked the Minister for Social Protection the reasons a family (details supplied) in County Kildare was refused a domiciliary care allowance payment; if the decision may be appealed; and if she will make a statement on the matter. [54662/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance (DCA) was received on the 26th June 2012. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for DCA. A letter issued on the 16th August 2012 refusing the allowance, the person concerned subsequently lodged an appeal against this decision. As part of the appeal process, the case has been forwarded to another of the Department's Medical Assessors for further consideration, including a review of any new information supplied. Upon receipt of the Medical Assessor's opinion, the case will be further examined and will be forwarded for consideration by the Appeals Office, if necessary.

### **Supplementary Welfare Allowance Applications**

45. **Deputy Arthur Spring** asked the Minister for Social Protection the reason a person (details supplied) in County Kerry was awarded supplementary welfare allowance when residing in Ireland in 1998; if they met all conditions necessary for the entitlement to supplementary welfare allowance in that year, the reason they are not entitled to SWA at present; and if she will make a statement on the matter. [54669/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal was registered in that office on 06th November 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Illness Benefit Appeals**

46. **Deputy John McGuinness** asked the Minister for Social Protection if a decision on an appeal for illness benefit will be expedited in respect of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [54680/12]

**Minister for Social Protection (Deputy Joan Burton):** Payment of illness benefit, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work. An appeal was registered on the 31st October 2012 and the Social Welfare Appeals Office has

advised me that, in accordance with statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. In that context, an examination by another Medical Assessor will be carried out. The person concerned will be notified when arrangements for the examination have been completed. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits Applications

47. **Deputy Terence Flanagan** asked the Minister for Social Protection the position regarding social welfare entitlements in respect of a person (details supplied) in Dublin 3; and if she will make a statement on the matter. [54681/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned should contact her local social welfare office or Citizens' Information Centre whereupon her full details can be provided and any possible entitlements outlined in this regard.

### Rent Supplement Scheme Expenditure

48. **Deputy Brian Stanley** asked the Minister for Social Protection the amount spent annually for 2010 and 2011 on rent allowance in the counties Laois and Offaly. [54684/12]

**Minister for Social Protection (Deputy Joan Burton):** There are approximately 88,000 persons in receipt of rent supplement for which the Government has provided a sum of €436 million for 2012. The total expenditure on rent supplement was €517 million in 2010 and €503 million in 2011. These expenditure figures are not available broken down by county. The following tabular statement provides details of the number of rent supplement recipients in counties Laois and Offaly at end 2010 and 2011.

#### Number of rent supplement recipients in County Laois and County Offaly:

	End 2010	End 2011
County Laois	1,151	1,178
County Offaly	1,273	1,349

### Disability Allowance Appeals

49. **Deputy Seán Kenny** asked the Minister for Social Protection when a decision will issue on a disability allowance appeal in respect of a person (details supplied) in Dublin 5. [54732/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal for Illness Benefit from the person concerned was assessed by a Medical Assessor of the Department of Social Protection who was of the opinion that she was capable of work. She appealed this decision and in that context the appeal was assessed by another Medical Assessor who also expressed the opinion that she was capable of work. In the light of this, it was decided to afford the person concerned an opportunity of setting out the complete and up to date grounds of her appeal and to furnish any further medical evidence that she wished to submit in support of her appeal. She did this and, at this stage, the Department of Social Protection have been requested to submit relevant documents to this office on her case.

On receipt of their response her appeal will be referred to an Appeals Officer who will make a summary decision in the case or arrange an oral hearing if warranted. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Community Employment Schemes Places**

50. **Deputy James Bannon** asked the Minister for Social Protection the position regarding a community employment extension scheme in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [54742/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was in receipt of Jobseeker's Allowance up until March 2010. He then commenced a Community Employment Scheme which is due to finish in March 2013. Based on the eligibility criteria for participation on CE Schemes, there is no provision to extend his participation beyond March 2013 as he will have completed 3 years on the scheme.

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

51. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [54743/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance from the person in question was refused on the ground that the caree in question was not medically eligible for carer's allowance. A letter issued on the 14th June 2012 refusing the allowance. The person in question subsequently submitted further medical evidence for review on 22nd June 2012 and the 16th July 2012. This medical evidence is awaiting assessment by a medical assessor. On completion of all the necessary investigations as part of this review the original decision will be either confirmed or revised by the deciding officer, as appropriate, and the person in question will be contacted directly with the outcome.

### **Social Welfare Appeals Status**

52. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an appeal for a respite grant in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [54819/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 19th November 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When received, the case in question will be referred to an Appeals Officer who will make a summary decision on the appeal based on documentary evidence presented or, if required, hold an oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

## Supplementary Welfare Allowance Applications

53. **Deputy Dan Neville** asked the Minister for Social Protection the position regarding supplementary welfare allowance in respect of a person (details supplied) in County Limerick. [54822/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for Disability Allowance and was refused. He has appealed this decision to the independent Social Welfare Appeals Office and is awaiting the result of this appeal. In the meantime, he has applied for Supplementary Welfare Allowance and this is currently being investigated by the Designated Officer as this allowance is subject to a means test. He will be notified of the outcome of this application as soon as possible.

## Arts Funding

54. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht his views of the propensity for Arts groups to attract voluntary financial support throughout the community sector; if he will ensure that adequate core funding remains in place to facilitate this process and as a consequence contribute towards economic recovery and job creation; and if he will make a statement on the matter. [54723/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Government policy on the arts is set out in the *Programme for Government*. As Minister responsible for the arts and culture sectors, I am committed to securing the best possible funding provision for them during my term of office.

Government policy is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, to make the arts an integral and valued part of our national life, and maximise the potential for cultural tourism. Primary responsibility for the promotion of the arts at all levels throughout the country is devolved to the Arts Council, which, under the Arts Acts, is independent in its funding decisions. In 2012, the Arts Council received an allocation of over €63 million – a curbing of the budgetary decline of previous years.

The Government appreciates the importance of the arts, culture and the creative industries to both our society and to our economy. I am fully aware of the challenges for those involved in the arts and culture sectors and of the tremendous work they are doing. I am committed to supporting the essential elements of the arts and culture sectors, within the available financial resources and in the light of the evolving budgetary and Estimates processes. The Programme for Government includes a commitment to “work with stakeholders in the Arts community to develop new proposals aimed at building private support of the Arts in Ireland exploring philanthropic, sponsorship or endowment fund opportunities”.

The Deputy may be aware that, in May, I announced the introduction of a new philanthropic initiative on a pilot basis for arts and culture organisations. The initiative - the *Philanthropic Leverage Initiative* - was designed to encourage philanthropic sponsorship and endowment of the arts from private sources. The initiative, established with funding of €230,000 for 2012, has provided an incentive to arts organisations to proactively seek new funding relationships with sponsors which deliver private sector financial support, thereby increasing overall funding available to the arts. The initiative was available across projects of varying scale, geography and art forms to not-for-profit organisations for arts programming projects. The organisations approved for funding under the initiative were required to procure matching philanthropic funds and complete their drawdown from my Department in 2012. Matched funding cannot come



from public funds or from any public sector organisation. It is anticipated that a multiple of 3.5 on the pilot initiative funds of €230,000 will result in philanthropic funding of some €800,000 being raised for the arts.

The Leverage Initiative will run in parallel with a second initiative - the Arts Council's *RAISE: Building Fundraising Capacity* pilot initiative. This will provide one-to-one professional support to eight selected organisations for two years through planning and implementing a tailored fundraising programme. This initiative will help those art organisations build and resource their capacity to attract philanthropic giving. In developing this complementary programme, the Arts Council has identified that it is vital for art groups to develop, agree and implement an effective fundraising strategy and to properly resource that fundraising function.

### **Broadband Services Provision**

55. **Deputy Tom Hayes** asked the Minister for Communications, Energy and Natural Resources in respect of the 100Mb/sec broadband programme for all post-primary schools nationwide launched in May 2009, the timeframe for the next stage of the programme; and if he will make a statement on the matter. [54623/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Following the completion of the initial pilot phase of this project, a total of 78 post primary schools were provided with 100Mbps broadband. I announced in February 2012 the full rollout of 100Mbps to all second level schools in Ireland, to be completed over a 3 year period. 202 post primary schools were selected this year for the first phase of the national rollout. Of these, 195 schools have been fully completed to date and already are using their enhanced broadband. The remaining schools could not be connected because of building and renovation work in each school. As soon as these works are completed the schools in question will be connected. I hope to be in a position shortly to announce details of a further 200 schools to be connected during 2013 with the remaining 250 schools being connected in 2014, after which all second level schools in Ireland will have a high speed broadband connection.

### **Broadband Services Provision**

56. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if he will review the broadband service being provided under the national broadband scheme (details supplied) in County Kerry; and if he will make a statement on the matter. [54712/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I wish to advise that my Department's officials have been engaged in ongoing contact with "3", the National Broadband Scheme ("NBS") service provider since it was made aware of recent service performance problems being experienced by some NBS customers in County Kerry. I understand that these NBS customers in the Ballydavid area experienced intermittent service loss and degradation of service over a protracted length of time. "3" have advised my officials that service problems arose last month on two sites, at Ballydavid and Ventry and that these problems have been rectified with the sites being fully operational since 27th November last. "3" continue to monitor these sites very closely. Throughout the period, those customers whose service was affected were advised of the position via text message from 3's customer care centre.

The contract which my Department has in place with "3" provides for the monitoring of

service availability. It provides for the payment of service performance rebates where service performance does not meet the minimum specified service levels and where service restoration is delayed beyond the target 5 working days. My Department operates a dedicated mailbox, [nationalbroadbandscheme@dcenr.gov.ie](mailto:nationalbroadbandscheme@dcenr.gov.ie), which NBS customers can contact with relevant details where they consider that their service performance issues have not been resolved to their satisfaction by 3's customer care centre. I wish to advise the Deputy that service rebates will be applied to the accounts of all those customers whose service has been affected by these site outages.

### **Broadband Services Provision**

57. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources his views on the unavailability of broadband in the Newtowncashel, County Longford. [54713/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Since market liberalisation in 1999, broadband services are delivered in the first instance through private sector operators. The State only becomes involved in the provision of services in instances of clear market failure. The National Broadband Scheme (NBS) and the more recent Rural Broadband Scheme (RBS) are examples of such interventions.

Prior to the launch of the NBS my Department had a full national mapping exercise carried out to determine precisely where the gaps in service provision existed. As a result Newtowncashel was one of the areas in the country that was excluded from the scheme as it was deemed to be already served by at least one private operator. Under the RBS my Department received a total of 81 applications from County Longford with a total of 17 applicants taking up an offer of service from one of the commercial operators participating in the scheme.

The recently published National Broadband Plan (NBP) commits industry and the Government to rolling out high speed broadband throughout the country in the next few years. The plan contains specific and ambitious targets, most of which are expected to be delivered by the private sector. The Government is committed to ensuring that high speed broadband will also be available in rural areas which might not be deemed commercially viable by the private sector to invest in. My Department expects to commence a national mapping exercise in early 2013 aimed at identifying precisely the areas of the country that the private sector will invest in and those rural parts that will require State intervention to ensure that our NBP and Digital Agenda for Europe targets are fully met.

### **Motor Tax Collection**

58. **Deputy James Bannon** asked the Minister for the Environment, Community and Local Government the position regarding motor taxation in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [54745/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Motor tax for private cars is calculated on the basis of CO<sub>2</sub> emissions or engine capacity, depending on the date of first registration of the car. There is no provision for adjustment of motor tax on the basis of personal circumstances. Specific personal needs are addressed through other codes, as appropriate, such as under the health services or social protection. I am not in a position to comment on potential increases in motor tax ahead of the Budget to be delivered today.

## Private Rented Accommodation Standards

59. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government the plans he has to introduce regulations for landlords who are committed to three year guaranteed tenancy agreements and are obliged to give their tenants time to vacate their accommodation when new legislation on bed sits is introduced in January 2013; and if he will make a statement on the matter. [54613/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Minimum standards for rental accommodation are prescribed in the Housing (Standards for Rented Houses) Regulations 2008, made under section 18 of the Housing (Miscellaneous Provisions) Act 1992. They specify requirements in relation to a range of matters such as structural repair, sanitary facilities, heating, ventilation, natural light and safety of gas and electrical supply. All landlords have a legal obligation to ensure that their rented properties comply with these regulations and responsibility for the enforcement of the regulations rests with the relevant local authority supported by a dedicated stream of funding provided from part of the proceeds of tenancy registration fees collected by the Private Residential Tenancies Board (PRTB).

On 1 February 2013, Articles 6, 7 and 8 of the Housing (Standards for Rented Houses) Regulations 2008 will come into effect for all existing residential rented accommodation. This means that from that date all rental accommodation must have its own separate sanitary facilities. This will result in the phasing-out of the traditional “bed-sit” where sanitary facilities are shared between different rental units. The requirements in relation to heating and facilities for cooking, food storage and laundry have also been updated.

The Regulations took effect in their entirety for all rented properties being let for the first time from 1 February 2009. However, in some cases Articles 6, 7 and 8 of the regulations may have required significant refurbishment works for existing tenancies and as such, a four year phasing-in period was afforded to these properties to facilitate any improvement works that needed to be carried out. This phasing-in period was introduced to take account of views expressed in wide-ranging consultations during the development of the Housing (Standards for Rented Houses) Regulations 2008, that it would be necessary to allow time for the carrying out of any significant remedial work that could be involved in achieving compliance.

My Department engaged in an extensive consultation process during the development of the Regulations involving landlord and tenant representative groups, local authorities and the social and voluntary pillar under the social partnership agreement Towards 2016. In addition, a period of public consultation was carried out during July and August 2008 inviting submissions from members of the general public on the proposed new standards regulations. Following the making of the Regulations in December 2008, copies were provided to various sectoral interests, including landlord and tenant representative bodies, and the coming into effect of the Regulations was advertised in the national print media.

The Residential Tenancies Act 2004 provides the main regulatory framework for the private rented residential sector and for the operation of the Private Residential Tenancies Board (PRTB). The Act provides for minimum entitlements in relation to security of tenure based on four year tenancy cycles, known as a Part 4 tenancy. The Act also sets out the grounds for the termination of a Part 4 tenancy. However, the Act does not preclude a landlord giving rights to tenants in a tenancy agreement in addition to those provided for in the Act. Where additional security of tenure rights are given to a tenant in a tenancy agreement, the termination of those rights will depend on the terms of that agreement. The parties to a tenancy may refer any matter relating to the tenancy, in respect of which there is a dispute between them, to the PRTB for

resolution.

### **Electoral Divisions Report**

60. **Deputy Mary Mitchell O'Connor** asked the Minister for the Environment, Community and Local Government if he has considered the request from the persons currently living in the southside constituency to maintain this title rather than the title Dublin – Rathdown as proposed; and if he will make a statement on the matter. [54699/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 437 of 13 November 2012. In publishing the Electoral (Amendment) (Dáil Constituencies) Bill 2012 the Government has accepted in full the recommendations in the Constituency Commission Report 2012. This is consistent with established practice since the first independent constituency commission reported in 1980. The determination of Dáil constituencies is a matter for the Oireachtas to prescribe in legislation. Debate on the Bill commenced in the Dáil on 20 November 2012.

### **Voluntary Housing Sector Issues**

61. **Deputy Seán Ó Feargháil** asked the Minister for the Environment, Community and Local Government the history of engagement that his Department has had with a body (details supplied) in County Kildare; the funding provided to date by his Department towards the provision of accommodation by this body; if in allocating the finance, his Department had an understanding of the way the facility in question would be administered and financed on an ongoing basis; if his Department communicated with the Department of Health or the Health Service Executive in relation to this issue; and if he will make a statement on the matter. [54721/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** My Department's Capital Assistance Scheme (CAS) provides funding to approved housing bodies of up to 100% of the approved costs of accommodation for people with specific categories of housing need, including victims of domestic violence. My Department's involvement with the CAS relates primarily to the provision of funds for individual projects. The detailed administration of the schemes, the certification that projects comply with the terms and conditions of those schemes, and the processing of applications for funding are the responsibility of the relevant local authority.

My Department has no record of an application for funding from Kildare County Council in respect of a proposed women's refuge at Newbridge. However, funding of €663,256 was approved under the CAS in respect of the provision of 8 units of accommodation to be provided by Teach Tearmann Housing Association at Coolaghknock in Kildare Town. An additional €30,000 was made available for the provision of communal facilities. My Department was not party to any discussions, involving the local authority, the approved housing body and the HSE in relation to operational costs. It was understood, however, that funding would be available from the HSE to assist in the ongoing running costs of the project.

### **Fire Service Issues**

62. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government his views on manning levels in Dublin City's Fire and Rescue Services (details

supplied). [54751/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 492 of 27 November 2012, which sets out the position in this matter.

### Derelict Sites

63. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will respond to the issue raised concerning a site at a location (details supplied) under the Derelict Sites Act . [54754/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department has been in contact with Dublin City Council and I understand that the Council is actively dealing with a number of the properties mentioned. The City Council has, in fact, already served notices under the Derelict Sites Act in relation to a number of the locations. My Department has requested the City Council to provide updates on developments with regard to the properties concerned and I will arrange for an update to be provided by direct correspondence to the Deputy on foot of this.

### Proposed Legislation

64. **Deputy John Browne** asked the Minister for Justice and Equality when he intends to repeal of the 1871 Lunacy Regulations Act; and if he will make a statement on the matter. [54717/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Programme for Government includes a commitment to introduce a Mental Capacity Bill. The Bill will provide for the repeal of the Lunacy Regulation (Ireland) Act 1871 and the replacement of the Wards of Court system provided under that Act with a modern statutory framework to support persons with impaired decision-making ability. My intention is to ensure that the Bill is in line with the UN Convention on the Rights of Persons with Disabilities. The proposals in the Scheme of the Bill, as published, have required extensive revision in order to meet that objective. Drafting of the Bill is at a very advanced stage and I expected it to be published early in the New Year.

### Legal Services Regulation

65. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality if he will outline the measures to date, throughout the past 18 months, by the State to reduce costs in the legal practitioner sector of our economy in response to our economic difficulties; and if he will make a statement on the matter. [54675/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Legal Services Regulation Bill 2011, which completed Second Stage in the Dáil on 23 February and is due to commence Committee Stage early in the new year, gives legislative expression to the commitment in the Programme for Government to “*establish independent regulation of the legal professions to improve access and competition, make legal costs more transparent and ensure adequate procedures for addressing consumer complaints*”. Furthermore, as a sectoral objective under the EU/IMF/ECB Troika Memorandum of Understanding, it supports the objectives of structural reform, national competitiveness and early economic recovery, building on the relevant recommendations of the Legal Costs Working Group and the Competition Authority. Indeed, the new

business models and technologies for the provision of legal services, that are already being rolled out across other common law jurisdictions similar to our own, pose additional competitiveness challenges to those relating solely to cost.

The Legal Services Regulation Bill addresses these challenges on both fronts and provides the means to help ensure that our legal services sector will not be left to languish at a competitive disadvantage and will continue to thrive on the high reputation it enjoys internationally. The Bill is, therefore, a key component of the Government's strategy to reduce legal costs in this country by way of increasing our competitiveness, both nationally and sectorally, and I will address other aspects of this strategy later in this reply.

The Legal Services Regulation Bill makes extensive provision, particularly in Part 9, for a new and enhanced legal costs regime that will bring greater transparency to how legal costs are charged along with a better balance between the interests of legal practitioners and those of their clients. The Bill sets out, for the first time in legislation, a series of Legal Costs Principles. These are contained in Schedule One and enumerate the various matters that may be taken into account if disputed costs are submitted for adjudication. For the first time, these cost transparency measures will apply to barristers as well as to solicitors.

Under the Bill it will no longer be permissible to set fees as a specified percentage or proportion of damages payable to a client from contentious business. It will no longer be permissible to charge Junior Counsel fees as a specified percentage or proportion of Senior Counsel fees. Legal practitioners will be obliged to provide more detailed information about legal costs from the outset of their dealings with clients. This will be in the form of a Notice written in clear language which must be provided when a legal practitioner takes instructions. Among other things, the Notice must, as set out in Section 90 of the Bill, disclose the costs that are involved, or, where this is not practicable, the basis upon which such costs are to be calculated. A cooling-off period is to be allowed for the consideration of costs by the client. When there are any significant developments in a case which give rise to further costs the Bill provides that a client must be duly updated and given the option of whether or not to proceed with the case in question.

The Bill also provides that a new Office of the Legal Costs Adjudicator will deal with disputes about legal costs – at present these are dealt with by the Office of the Taxing-Master. The new Office, headed by a Chief Legal Costs Adjudicator, will modernise the way disputed legal costs are adjudicated with greater transparency. The Office will be empowered to prepare Legal Costs Guidelines. It will establish and maintain a publicly accessible Register of Determinations which will include the outcomes and reasons for its determinations about disputed legal costs. Two new Taxing-Masters have been appointed by public competition under the enhanced qualification criteria of Part 14 of the Civil Law (Miscellaneous Provisions) Act 2011 to prepare the way for these modernisation measures.

As the Deputy will be aware, the Oireachtas Committee for Public Accounts continues to highlight and address the unsustainable burden of legal costs that had previously been carried by the State. At the same time, a concerted drive to reduce expenditure and increase efficiency across all government Departments, is being led by my colleague, Minister Brendan Howlin, at the Department of Public Expenditure and Reform. The Government has undertaken a comprehensive review of public spending on legal services, and the manner in which public bodies procure those services. This active review covers both direct employment of solicitors, engaging solicitors or barristers for particular cases and other related items of expenditure that arise from time to time.

The Minister for Public Expenditure and Reform recently outlined to the Dáil actions that have already been taken to address the issue of legal fees incurred by the State, a number of

them having been taken by my Department. Among these are:

- an 8% reduction to all legal fees with effect from 1 March 2009 applied to legal counsel fees in the Chief State Solicitor's Office; Brief and Refresher fees in the Director of Public Prosecution's Office; Payment of Witness Expenses; State Solicitors fees (this came into effect on 5th May 2009); Criminal and Civil Legal Aid fees including barrister, private practitioner, medical and legal fees; and Tribunal fees,

- on foot of budget 2010, a further 8% reduction with effect from 1 January 2010 applied to legal counsel fees in the Chief State Solicitor's Office; Brief and Refresher fees in the Director of Public Prosecution's Office; and Criminal and Civil Legal Aid fees,

- a fee reduction of 10% on Criminal Legal Aid fees was applied with effect from 13 July 2011 and 1 October 2011 for District, and Circuit and Higher Courts, respectively,

- a reduction of 50% in the rate paid in respect of travel and subsistence and a reduction of 50% in the rate paid for sentence fees in respect of adjourned sentence hearings in the Circuit and higher courts was applied,

- in October 2011, a further 10% reduction was applied to brief and refresher fees paid by the Director of Public Prosecutions Office to reduce the level of fees in parallel with the reductions applied to fees payable under the Criminal Legal Aid Scheme, and

- a further 10% reduction was applied to Tribunal fees on 1 March 2012.

In August of this year, the Legal Aid Board withdrew from an agreement with the Bar Council on Civil Legal Aid fees and adopted new arrangements for the retention of counsel. The new arrangements will have the effect, over time, of significantly reducing fees payable to barristers. In relation to procurement policy, the Department of Public Expenditure and Reform, following consultations with the Attorney General's Office, will issue a circular underlining the importance of competitive tendering for such services to all public bodies. In addition, the National Procurement Service set up a working group on legal services earlier this year to examine ways to assist public bodies that procure legal services and to examine how resources can be leveraged to achieve best value for money. The Working Group consists of representatives from the National Procurement Service, the Department of Public Expenditure and Reform, my Department, the Chief State Solicitor's Office and the Office of the Attorney General.

Through the extensive legal costs transparency provisions contained in the Legal Services Regulation Bill 2011 and the comprehensive review of public spending on legal services across Departments and State bodies already underway in the Department of Expenditure and Reform, this Government is providing an unprecedented opportunity to achieve greater transparency and competitiveness in relation to legal costs. I am confident that this concerted approach will be of lasting benefit, not just to consumers and legal practitioners, but also to early economic recovery and the long-term prosperity of the State.

### **Domestic Violence Incidence**

66. **Deputy Mary Mitchell O'Connor** asked the Minister for Justice and Equality the concerted action he intends to take in view of the fact that figures show that the number of women receiving support from domestic violence charities has more than doubled in the past five years; and if he will make a statement on the matter. [54696/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Cosc, the National Office for

the Prevention of Domestic, Sexual and Gender-based Violence, an Executive Office in my Department, has been working on a 'whole of Government' approach to tackling domestic violence since the office was established in 2007. Its primary work at present is coordination of the implementation of the National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014.

In terms of future legislation on the matter, the Programme for Government commitment - to introduce consolidated and reformed domestic violence legislation to address all aspects of domestic violence, threatened violence and intimidation, in a way that provides protection to victims - will be progressed as soon as possible having regard to the need for consultations and the need to dispose of urgent legislative matters in my Department including under the EU/IMF Programme of Financial Support for the State. In advance of wider reform, I have introduced reforms to domestic violence legislation by means of the Civil Law (Miscellaneous Provisions) Act 2011. That Act removed the minimum required period of cohabitation before one of a cohabiting couple may apply for a safety order (previously, the applicant was required to have resided with the respondent for at least six of the previous twelve months) and gave equal access to the protections of the Domestic Violence Act to opposite-sex and same-sex couples (the relevant provision previously referred only to couples "living together as husband and wife"). The 2011 Act also widened the scope of section 2 of the 1996 Act, which specifies who may apply for a safety order, to enable a person to obtain a safety order against a person with whom they have a child in common. This is the only exception to the general rule that the protections available under the Domestic Violence Acts are for the benefit of persons who have lived together in the same household.

Finally, I would like to state that funding for front-line community and voluntary domestic violence services is provided at present by the Health Service Executive for whom the Minister for Health has responsibility. I understand that responsibility for funding these services will transfer to the Child and Family Support Agency when established and that agency will come under the remit of the Minister for Children and Youth Affairs.

### **Prisoner Rehabilitation Programmes**

67. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality the number of teachers, scheduled classes, work training programmes that have been curtailed and or cancelled in each prison and the comparable numbers for six and 12 months ago; the impact of the reduction in prison officers and prison office hours on the availability of services for prisoners including education, psychology, work training, health care and drug addiction service; and if he will make a statement on the matter. [54734/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Irish Prison Service, in common with the Public Service in general, has been affected by the moratorium on recruitment. In addition, the savings required of the Irish Prison Service under the Public Service Agreement 2010 – 2014 requires a reduction in staff numbers. The reality is that governors have to run their prisons with fewer staff and therefore there have been occasions where governors have had to prioritise tasks within the prisons. Where it is necessary to reassign certain staff members to frontline areas for security and operational reasons this is done on a rotational basis to ensure minimum disruption to other services. The detailed statistics, in relation to closures and curtailments, requested by the Deputy are not readily available and would require a manual examination of records in 14 prisons. This would involve an inordinate amount of staff time and effort that could not be justified where there are other significant demands on resources.



The reduction in staff numbers is being brought about through a joint staff/management in-depth review of all tasks in the Irish Prison Service, that will examine all aspects of prison work, including the provision of services to prisoners. Current staffing levels are some 300 below authorised numbers. To ensure that this reduction in staff numbers does not lead to a reduction in levels of service delivery, the joint task review process is creating new staffing configurations for all prisons. These new configurations take account of the reduced staff numbers and set out new work processes, new business processes and new policies with a view to maintaining and, in many cases, increasing services delivered to prisoners. In particular, the staff configuration is being rebalanced in favour of work training activities to support the introduction of the Incentivised Regimes programme and the continued application of an Integrated Sentence Management approach. Governors are aware of the importance of prisoners having access to a range of appropriate programmes and every effort is made to minimise the impact of any curtailment on prisoner programmes.

The Deputy will also be aware that I launched the Irish Prison Service Three Year Strategic Plan 2012 - 2015 in April of this year. The development of prisoner programmes forms a central part of this Strategy. There is a clear commitment in the Strategy to enhance sentence planning including Integrated Sentence Management and the delivery of prison based rehabilitative programmes such as education, work training and resettlement programmes. The Strategy Statement is available on the Irish Prison Service's website [www.irishprisons.ie](http://www.irishprisons.ie).

### Garda Deployment

68. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of Gardaí deployed to each Garda division and sub-division on an annual basis over the past ten years to date; the areas in which the greatest degree of fluctuation in numbers has occurred during this period; if cognisance has been taken of demographic trends; and if he will make a statement on the matter. [54799/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the personnel strength at the end of 2002 - 2007, 2008, 2009 - 2011 and as of 31 October 2012, the latest date for which figures are readily available, was as set out in the tables hereunder. Due to changes in Regional, Divisional and District boundaries in 2008 and 2009 it is not possible to present information in one single table.

The Deputy will be aware that the Commissioner is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no direct function in the matter. The allocation of Garda personnel is determined by Garda Management taking a number of factors into account including population, crime trends and as the policing needs of each individual Division dictates.

*The tables for 2002-2007, 2008 and 2009-2012 are available in attachment Q68.xls at the top of the web page.*

#### As of 31 October 2012

Division	District	Station	Grand Total
CAVAN / MONAGHAN	BAILIEBORO	BAILIEBORO	39
		BALLYJAMESDUFF	4
		COOTEHILL	9
		KINGSCOURT	2
		MULLAGH	2

Questions - Written Answers

Division	District	Station	Grand Total
		SHERCOCK	1
		VIRGINIA	12
	BAILIEBORO Total		69
	BALLYCONNELL	BALLYCONNELL	25
		BAWNBOY	1
		BELTURBET	4
		BLACKLION	3
		DOWRA	1
		KILLESHANDRA	1
		SWANLINBAR	1
	BALLYCONNELL Total		36
	CARRICKMACROSS	BALLYBAY	4
		CARRICKMACROSS	46
		CASTLEBLANEY	24
		CORRINSHIGAGH	1
		ROCKCORRY	1
		SHANTONAGH	1
	CARRICKMACROSS Total		77
	CAVAN	ARVA	3
		BALLINAGH	2
		CAVAN	61
		KILNALECK	4
		REDHILLS	1
	CAVAN Total		71
	MONAGHAN	CLONES	6
		EMYVALE	4
		MONAGHAN	82
		NEWBLISS	1
		SCOTSTOWN	2
	MONAGHAN Total		95
CAVAN / MONAGHAN Total			348
CLARE	ENNIS	CRUSHEEN	1
		ENNIS	110
		IMMIGRATION OF- FICE	4
		NEWMARKET ON FERGUS	3
		QUIN	1
		SHANNON	62
		SIXMILEBRIDGE	4
	ENNIS Total		185
	ENNISTYMON	BALLYVAUGHAN	1
		COROFIN	1
		ENNISTYMON	28
		INAGH	1

Division	District	Station	Grand Total
		LISDOONVARNA	1
		MILTOWN MALBAY	2
	ENNISTYMON Total		34
	KILLALOE	BROADFORD	1
		KILLALOE	30
		SCARIFF	5
		TULLA	2
	KILLALOE Total		38
	KILRUSH	KILDYSART	2
		KILKEE	3
		KILMIHIL	1
		KILRUSH	30
	KILRUSH Total		36
CLARE Total			293
CORK CITY	ANGLESEA STREET	ANGLESEA STREET	271
		BARRACK STREET	18
		BLACKROCK	33
		BRIDEWELL	24
	ANGLESEA STREET Total		346
	GURRANABRAHER	BALLINCOLLIG	25
		BLARNEY	16
		GURRANABRAHER	56
		RATHDUFF GRENAGH	2
	GURRANABRAHER Total		99
	MAYFIELD	MALLOW ROAD	6
		MAYFIELD	51
		WATERCOURSE ROAD	50
	MAYFIELD Total		107
	TOGHER	BISHOPSTOWN	22
		CARRIGALINE	19
		CROSSHAVEN	3
		DOUGLAS	26
		PASSAGE WEST	3
		TOGHER	56
	TOGHER Total		129
CORK CITY Total			681

## Tables

CORK NORTH	COBH	CARRIG NA BHFEAR	2
		CARRIGTWOHILL	3
		COBH	37
		GLANMIRE	23

Questions - Written Answers

		WATERGRASSHILL	1
	COBH Total		66
	FERMOY	BALLYNOE	1
		CASTLETOWNROCHE	2
		FERMOY	59
		KILDORRERY	1
		KILWORTH	
		MITCHELSTOWN	22
		RATHCORMAC	21
	FERMOY Total		88
	MALLOW	BUTTEVANT	1
		CHARLEVILLE	17
		DONERAILE	2
		GLANTAINE	1
		LISCARROLL	1
		MALLOW	49
		MILFORD	1
	MALLOW Total		72
	MIDDLETON	BALLYCOTTON	1
		CLOYNE	1
		KILLEAGH	1
		MIDDLETON	51
		WHITEGATE	1
		YOUGHAL	23
	MIDDLETON Total		78
CORK NORTH Total			304
CORK WEST	BANDON	BALLINEEN	2
		BALLINHASSIG	2
		BANDON	82
		INNISHANNON	1
		KILBRITTAIN	1
		KINSALE	16
		TIMOLEAGUE	1
	BANDON Total		105
	BANTRY	BANTRY	33
		CASTLETOWNBERE	5
		DRIMOLEAGUE	1
		DURRUS	1
		GLENGARRIFF	1
		KEALKIL	1
		SCHULL	5
	BANTRY Total		47
	CLONAKILTY	BALTIMORE	1
		CLONAKILTY	29
		DRINAGH	1
		DUNMANWAY	9
		ROSSCARBERY	2
		SKIBBEREEN	11

	CLONAKILTY Total		53
	KANTURK	BOHERBUE	1
		KANTURK	30
		MEELIN	1
		MILLSTREET	11
		NEWMARKET	2
		RATHMORE	2
	KANTURK Total		47
	MACROOM	BAILE BHUIRNE	3
		BÉAL ÁTHA AN GHA- ORTHA	2
		COACHFORD	2
		CROOKSTOWN	5
		MACROOM	41
		STUAKE	1
		TARELTON	1
	MACROOM Total		55
CORK WEST Total			307

## Tables

D.M.R. EAST	BLACKROCK	BLACKROCK	83
		DUNDRUM	74
		STEPASIDE	34
	BLACKROCK Total		191
	DUN LAOGHAIRE	CABINTEELY	41
		DALKEY	2
		DUN LAOGHAIRE	98
		KILL-O-GRANGE	27
		SHANKILL	65
	DUN LAOGHAIRE Total		233
D.M.R. EAST Total			424
D.M.R. NORTH	BALBRIGGAN	BALBRIGGAN	69
		GARRISTOWN	2
		LUSK	10
		SKERRIES	10
	BALBRIGGAN Total		91
	BALLYMUN	BALLYMUN	117
		DUBLIN AIRPORT	31
		SANTRY	102

Questions - Written Answers

	BALLYMUN Total		250
	COOLOCK	COOLOCK	114
		MALAHIDE	34
		SWORDS	77
	COOLOCK Total		225
	RAHENY	CLONTARF	74
		HOWTH	39
		RAHENY	66
	RAHENY Total		179
D.M.R. NORTH Total			745
D.M.R. NORTH CENTRAL	BRIDEWELL	BRIDEWELL	173
	FITZGIBBON STREET	MOUNTJOY	207
	STORE STREET	IMMIGRATION D/ DOCKS	5
		STORE STREET	269
	STORE STREET Total		274
D.M.R. NORTH CENTRAL Total			654
D.M.R. SOUTH	CRUMLIN	CRUMLIN	98
		SUNDRIVE ROAD	69
	CRUMLIN Total		167
	RATHMINES	RATHMINES	64
		TERENURE	98
	RATHMINES Total		162
	TALLAGHT	RATHFARNHAM	74
		TALLAGHT	188
	TALLAGHT Total		262
D.M.R. SOUTH Total			591
D.M.R. SOUTH CENTRAL	DONNYBROOK	DONNYBROOK	120
		IRISHTOWN	50
	DONNYBROOK Total		170
	KEVIN STREET	KEVIN STREET	143
		KILMAINHAM	78

	KEVIN STREET Total		221
	PEARSE STREET	PEARSE STREET	315
D.M.R. SOUTH CENTRAL Total			706
D.M.R. WEST	BLANCHARD- STOWN	BLANCHARD- STOWN	162
		CABRA	86
		FINGLAS	117
	BLANCHARD- STOWN Total		365
	CLONDALKIN	BALLYFERMOT	93
		CLONDALKIN	95
		RATHCOOLE	26
	CLONDALKIN Total		214
	LUCAN	LUCAN	73
		RONANSTOWN	92
	LUCAN Total		165
D.M.R. WEST Total			744
DONEGAL	BALLYSHANNON	BALLINTRA	1
		BALLYSHANNON	45
		BUNDORAN	6
		DONEGAL TOWN	33
		MOUNTCHARLES	1
		NA CEALLA BEA- GA	6
	BALLYSHANNON Total		92
	BUNCRANA	BUNCRANA	53
		BURNFOOT	6
		CARNDONAGH	3
		CLONMANY	2
		MALIN	1
		MOVILLE	4
		MUFF	3
	BUNCRANA Total		72
	GLENTIES	AILT AN CHOR- RÁIN	1
		AN BUN BEAG	14
		AN CHARRAIG	2
		AN CLOCHÁN LIATH	9
		ANAGAIRE	1

Questions - Written Answers

		ARD AN RÁTHA	2
		GLEANN CHOLM CILLE	1
		NA GLEANNTA	22
	GLENTIES Total		52
	LETTERKENNY	BALLYBOFEY	23
		CARRIGANS	5
		CASTLEFIN	4
		CONVOY	3
		LETTERKENNY	108
		LIFFORD	15
		NEWTOWNCUN- NINGHAM	2
		RAPHOE	4
	LETTERKENNY Total		164
	MILFORD	AN CRAOSLACH	1
		AN FÁL CAR- RACH	9
		CARRAIG AIRT	2
		DÚN FIONNACH- AID	2
		KERRYKEEL	4
		KILMACRENNAN	1
		MILFORD	26
		MÍN AN LÁBÁIN	1
		RAMELTON	2
		RATHMULLEN	1
	MILFORD Total		49
DONEGAL Total			429
GALWAY	BALLINASLOE	BALLINASLOE	41
		BALLYGAR	1
		CREGGS	1
		KILCONNELL	1
		MOUNT BELLEW	8
		MOYLOUGH	1
	BALLINASLOE Total		53
	CLIFDEN	AN MÁM	2
		CARNA	2
		CLIFDEN	28
		CLOCH NA RÓN	1
		LENNAUN	1



		LETTERFRACK	1
		SRAITH SALACH	1
	CLIFDEN Total		36
	GALWAY	ATHENRY	5
		GAILLIMH	214
		KILTULLAGH	1
		LOUGH GEORGE	5
		MONIVEA	1
		ÓRÁN MÓR	31
	GALWAY Total		257
	GORT	ARDRAHAN	1
		CRAUGHWELL	5
		GORT	30
		KILCHREEST	1
		KILCOLGAN	1
		KINVARA	2
	GORT Total		40
	LOUGHREA	EYRECOURT	1
		KILLIMOR	1
		KILRICKLE	1
		LOUGHREA	41
		PORTUMNA	9
		TYNAGH	1
		WOODFORD	1
	LOUGHREA Total		55
	SALTHILL	AN CHEATHRÚ RUA	6
		AN SPIDÉAL	3
		CILL RÓNÁIN	3
		INDREABHÁN	1
		LEITIR MÓIR	1
		MAIGH CUILINN	2
		ROS MUC	1
		SALTHILL	53
		UACHTARARD	5
	SALTHILL Total		75
	TUAM	BARNADERG	1
		COROFIN	2
		DUNMORE	6
		GLENAMADDY	1
		HEADFORD	4

Questions - Written Answers

		MILLTOWN	1
		TUAM	53
		WILLIAMSTOWN	1
	TUAM	Total	69
GALWAY Total			585

Tables

KERRY	CAHERCIVEEN	BAILE AN SCEILG	1
		CAHERCIVEEN	19
		CASTLEMAINE	1
		GLENBEIGH	1
		KILLORGLIN	12
		PORTMAGEE	1
		SNEEM	1
		VALENTIA ISLAND	1
	CAHERCIVEEN Total		37
	KILLARNEY	BEAUFORT	1
		CASTLEISLAND	25
		FARRANFORE	2
		KENMARE	9
		KILGARVAN	1
		KILLARNEY	52
	KILLARNEY Total		90
	LISTOWEL	BALLYBUNION	6
		BALLYDUFF	1
		BALLYHEIGUE	1
		BROSNA	1
		KNOCKNA- GOSHALL	1
		LISTOWEL	42
		LIXNAW	1
		TARBERT	2
	LISTOWEL Total		55
	TRALEE	ABBAYDORNEY	1
		AN DAINGEAN	10
		ANNASCAUL	1
		ARDFERT	2
		BAILE AN FHEIRTÉARAIG	1
		CASTLEGREGORY	2

		FENIT	1
		TRALEE	99
	TRALEE	Total	117
KERRY Total			299
KILDARE	KILDARE	ATHY	34
		BALLYTORE	1
		CASTLEDERMOT	3
		KILDARE	27
		MONASTEREVIN	4
		NEWBRIDGE	49
		RATHANGAN	3
	KILDARE	Total	121
	LEIXLIP	CARBURY	5
		CELBRIDGE	17
		KILCOCK	10
		LEIXLIP	29
		MAYNOOTH	14
	LEIXLIP	Total	75
	NAAS	BALLYMORE EU- STACE	2
		CLANE	9
		KILCULLEN	2
		KILL	2
		NAAS	103
		ROBERTSTOWN	2
	NAAS	Total	120
KILDARE Total			316
KILKENNY/CAR- LOW	CARLOW	BALLON	1
		BORRIS	2
		CARLOW	76
		HACKETSTOWN	1
		LEIGHLINBRIDGE	2
		MUINEBHEAG	12
		MYSHALL	1
		RATHVILLY	1
		TULLOW	17
	CARLOW	Total	113
	KILKENNY	BALLYRAGGET	1
		CALLAN	6
		CASTLECOMER	12
		JOHNSTOWN	2
		KILKENNY	100

Questions - Written Answers

		URLINGFORD	1
	KILKENNY Total		122
	THOMASTOWN	BALLYHALE	1
		BENNETSBRIDGE	1
		GLENMORE	1
		GORESBRIDGE	2
		GRAIGUE- NAMANAGH	5
		INISTIOGE	1
		KILMACOW	1
		KILMOGANNY	1
		MOONCOIN	13
		MULLINAVAT	2
		PILTOWN	1
		THOMASTOWN	38
	THOMASTOWN Total		67
KILKENNY/CAR- LOW Total			302
LAOIS / OFFALY	BIRR	BANAGHER	5
		BIRR	31
		CLOGHAN	1
		FERBANE	5
		KILCORMAC	2
		KINNITTY	1
		SHANNON- BRIDGE	1
		SHINRONE	1
	BIRR Total		47
	PORTLAOISE	ABBEYLEIX	24
		ARLES	2
		BALLACOLLA	1
		BALLINAKILL	1
		BALLYLINAN	2
		BORRIS-IN-OSSO- RY	1
		CLONASLEE	1
		DURROW	2
		MOUNTMELICK	6
		MOUNTRATH	3
		PORTARLINGTON	13
		PORTLAOISE	93
		RATHDOWNEY	4
		STRADBALLY	2

	PORTLAOISE Total		155
	TULLAMORE	CLARA	5
		DAINGEAN	2
		EDENDERRY	15
		RHODE	1
		TULLAMORE	67
	TULLAMORE Total		90
LAOIS / OFFALY Total			292

## Tables

LIMERICK	ASKEATON	ADARE	2
		ASKEATON	23
		CROOM	4
		FOYNES	2
		GLIN	1
		RATHKEALE	6
	ASKEATON Total		38
	BRUFF	BALLYLANDERS	1
		BRUFF	26
		BRUREE	1
		CAPPAMORE	3
		HOSPITAL	2
		KILFINANE	1
		KILMALLOCK	6
		MURROE	3
		OOLA	1
		PALLAS	2
	BRUFF Total		46
	HENRY STREET	ARDNACRUSHA	4
		CASTLECONNELL	5
		HENRY STREET	243
		MARY STREET	14
		MAYORSTONE PARK	76
	HENRY STREET Total		342
	NEWCASTLE WEST	ABBAYFEALE	9
		ATHEA	1
		BALLINGARRY	1

Questions - Written Answers

		CASTLETOWN CONYERS	1
		DRUMCOLLOGH- ER	2
		KILMEEDY	1
		NEWCASTLE WEST	30
		TOURNAFULLA	1
	NEWCASTLE WEST	Total	46
	ROXBORO ROAD	BALLYNEETY	2
		CAHERCONLISH	2
		PATRICKSWELL	1
		ROXBORO ROAD	133
	ROXBORO ROAD	Total	138
LIMERICK Total			610
LOUTH	ARDEE	ARDEE	28
		CASTLEBELLING- HAM	4
		COLLON	6
		LOUTH	1
	ARDEE	Total	39
	DROGHEDA	CLOUGHERHEAD	3
		DROGHEDA	94
		DUNLEER	5
	DROGHEDA	Total	102
	DUNDALK	BLACKROCK	4
		CARLINGFORD	6
		DRUMAD	7
		DUNDALK	123
		HACK- BALLSCROSS	6
		OMEATH	4
	DUNDALK	Total	150
LOUTH Total			291
MAYO	BALLINA	BALLINA	44
		BALLYCASTLE	1
		BONNICONLON	1
		CROSSMOLINA	4
		KILLALA	1
		LAHARDANE	1

	BALLINA Total		52
	BELMULLET	BALLYCROY	1
		BANGOR ERRIS	3
		BÉAL AN MHUIRTHEAD	27
		GLEANN NA MUAIDHE	1
	BELMULLET Total		32
	CASTLEBAR	BALLA	1
		BALLYVARY	1
		CASTLEBAR	74
		PARTRY	3
	CASTLEBAR Total		79
	CLAREMORRIS	BALLINDINE	1
		BALLINROBE	9
		CLAREMORRIS	36
		CONG	1
		HOLLYMOUNT	1
		KNOCK	1
		SHRULE	1
	CLAREMORRIS Total		50
	SWINFORD	BALLYHAUNIS	9
		CHARLESTOWN	5
		FOXFORD	3
		KILKELLY	6
		KILTIMAGH	2
		SWINFORD	27
	SWINFORD Total		52
	WESTPORT	ACHILL SOUND	3
		KEEL	1
		LOUISBURGH	2
		NEWPORT	2
		WESTPORT	28
	WESTPORT Total		36
MAYO Total			301
MEATH	ASHBOURNE	ASHBOURNE	46
		DULEEK	5
		DUNBOYNE	15
		DUNSHAUGHLIN	21

Questions - Written Answers

		LAYTOWN	23
	ASHBOURNE Total		110
	KELLS	BAILE ÁTHA BUÍ	3
		KELLS	47
		OLDCASTLE	4
	KELLS Total		54
	NAVAN	NAVAN	76
		NOBBER	4
		SLANE	4
	NAVAN          Total		84
	TRIM	BALLIVOR	3
		ENFIELD	7
		KILMESSAN	1
		LONGWOOD	2
		SUMMERHILL	3
		TRIM	32
	TRIM          Total		48
MEATH          Total			296

Tables

ROSCOMMON / LONGFORD	BOYLE	BOYLE	25
		ELPHIN	1
		KEADUE	1
		ROOSKY	5
		STROKESTOWN	3
	BOYLE          Total		35
	CASTLEREA	BALLAGHADER- REEN	8
		BALLINLOUGH	2
		CASTLEREA	32
		FRENCHPARK	2
		TULSK	1
	CASTLEREA Total		45
	GRANARD	ARDAGH	1
		BALLINALEE	1
		DRUMLISH	2
		EDGEWORTSH- TOWN	8
		GRANARD	26
		SMEAR	1



	GRANARD Total		39
	LONGFORD	BALLYMAHON	5
		KENAGH	1
		LANESBORO	6
		LONGFORD	59
		NEWTOWN- CASHEL	1
	LONGFORD Total		72
	ROSCOMMON	ATHLEAGUE	1
		BALLYFORAN	1
		CLONARK	7
		ROSCOMMON	77
		TAUGHMACON- NELL	1
	ROSCOMMON Total		87
ROSCOMMON / LONGFORD To- tal			278
SLIGO / LEITRIM	BALLYMOTE	ACLARE	1
		BALLYFARNAN	1
		BALLYMOTE	30
		EASKEY	1
		ENNISCRONE	7
		GURTEEN	2
		RIVERSTOWN	2
		TUBBERCURRY	5
	BALLYMOTE Total		49
	CARRICK-ON- SHANNON	BALLINAMORE	6
		CARRICK-ON- SHANNON	44
		CARRIGALLEN	2
		CLOONE	1
		DROMOD	1
		KESHCARRIGAN	1
		MOHILL	6
	CARRICK-ON- SHANNON Total		61
	MANORHAMIL- TON	DROMAHAIR	2
		DRUMSHAMBO	8
		GLENFARNE	1

Questions - Written Answers

		KINLOUGH	5
		MANORHAMIL- TON	22
	MANOR- HAMILTON Total		38
	SLIGO	CLIFFONEY	1
		COLLOONEY	5
		GRANGE	4
		ROSSES POINT	2
		SKREEN	1
		SLIGO	142
	SLIGO Total		155
SLIGO / LEITRIM Total			303
TIPPERARY	CAHIR	ARDFINNAN	2
		BALLYPOREEN	1
		CAHIR	44
		CASHEL	14
		CLOGHEEN	1
		NEW INN	1
	CAHIR Total		63
	CLONMEL	CARRICK-ON- SUIR	16
		CLONMEL	48
		FETHARD	3
		GRANGEMOCK- LER	1
		KILSHEELAN	1
		MULLINAHONE	1
	CLONMEL Total		70
	NENAGH	BORRISOKANE	6
		CLOUGHJORDAN	1
		LORRHA	1
		NENAGH	38
		NEWPORT	11
		PORTROE	1
		TOOMEVARA	1
	NENAGH Total		59
	TEMPLEMORE	BORRISOLEIGH	2
		MONEYGALL	1
		REARCROSS	1
		ROSCREA	20
		TEMPLEMORE	32
		TEMPLETUOHY	1
	TEMPLEMORE Total		57

	THURLES	BALLINGARRY SOUTH	1
		KILLENAULE	4
		LITTLETON	1
		THURLES	79
	THURLES Total		85
	TIPPERARY TOWN	BANSHA	1
		DUNDRUM	2
		EMLY	1
		GOLDEN	1
		TIPPERARY TOWN	32
	TIPPERARY TOWN Total		37
TIPPERARY Total			371
WATERFORD	DUNGARVAN	AGLISH	1
		AN RINN	1
		ARDMORE	2
		BALLYMACARBERRY	1
		CAPPOQUIN	2
		DUNGARVAN	45
		LISMORE	4
		TALLOW	3
	DUNGARVAN Total		59
	TRAMORE	KILMACTHOMAS	4
		KILMEADEN	1
		LEAMYBRIEN	1
		PORTLAW	1
		RATHGORMACK	1
		TRAMORE	37
	TRAMORE Total		45
	WATERFORD	DUNMORE EAST	2
		FERRYBANK	6
		PASSAGE EAST	1
		WATERFORD	169
	WATERFORD Total		178
WATERFORD Total			282
WESTMEATH	ATHLONE	ATHLONE	67
		BALLYMORE	1
		GLASSON	2

Questions - Written Answers

		KILBEGGAN	5
		MOATE	17
	ATH-LONE Total		92
	MULLINGAR	BALLYNACARGY	2
		CASTLEPOLLARD	3
		CASTLETOWN GEOGHEGAN	1
		DELVIN	12
		FINEA	1
		KILLUCAN	5
		KINNEGAD	5
		MULLINGAR	128
		MULTYFARNHAM	1
		RATHOWEN	1
		ROCHFORT- BRIDGE	3
	MULLINGAR Total		162
WESTMEATH Total			254
WEXFORD	ENNISCORTHY	BLACKWATER	2
		CLONROCHE	2
		ENNISCORTHY	38
		FERNS	2
		OULART	1
		OYLEGATE	1
	ENNISCORTHY Total		46
	GOREY	BUNCLODY	8
		COURTOWN HAR- BOUR	4
		GOREY	47
	GOREY Total		59
	NEW ROSS	BALLYCULLANE	2
		CARRICKBYRNE	2
		CARRICK-ON- BANNOW	1
		DUNCANNON	4
		NEW ROSS	40
	NEW ROSS Total		49
	WEXFORD	CASTLEBRIDGE	3
		KILMORE QUAY	4
		ROSSLARE HARBOUR	6

		ROSSLARE STRAND	2
		TAGHMON	3
		WEXFORD	89
	WEXFORD Total		107
WEXFORD Total			261
WICKLOW	BALTINGLASS	BALTINGLASS	35
		BLESSINGTON	18
		CARNEW	4
		DONARD	1
		DUNLAVIN	2
		HOLLYWOOD	1
		SHILLELAGH	1
		TINAHELY	2
	BALTINGLASS Total		64
	BRAY	BRAY	123
		ENNISKERRY	6
		GREYSTONES	35
		NEWTOWN-MOUNTKENNEDY	4
	BRAY Total		168
	WICKLOW	ARKLOW	34
		ASHFORD	9
		AUGHRIM	2
		AVOCA	2
		RATHDRUM	4
		ROUNDWOOD	4
		WICKLOW	48
	WICKLOW Total		103
WICKLOW Total			335

### Garda Retirements

69. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of Gardaí who have retired or resigned in each of the past five years and to date in 2012; and if he will make a statement on the matter. [54800/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Garda Commissioner that the number of Gardaí who have departed the Force in the years 2007-2011 and up to 30 November 2012 is as set out in the table.

Year	2007	2008	2009	2010	2011	2012
Voluntary Retirement	177	243	719	353	428	384

Year	2007	2008	2009	2010	2011	2012
Compulsory Retirement	7	16	3	9	8	4
Medical Discharge	29	21	9	16	6	5
CNER	n/a	n/a	n/a	1	2	2
Death	8	13	13	7	8	7
Dismissal	5	2	4	5	2	3
Resignation	63	46	28	16	26	19
TOTAL	289	341	776	407	480	424

\*CNER, Cost Neutral Early Retirement

### Garda Resources

70. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality arising from the new rosters, the number of shifts to cover a 24 hour period; the duration of each shift; and if he will make a statement on the matter. [54801/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Garda Commissioner that arising from the new rosters which commenced 30 April 2012, there are three shifts to cover a 24 hour period. These shifts have a duration of 10 hours on Monday to Saturday and a duration of 8 hours on a Sunday. The new rosters are designed to better match the availability of Gardaí with policing demands at national and local level, while also safeguarding the welfare of members. This and other reforming measures seek to maximise the efficiency of the Garda Síochána so that, even with reduced strength, an effective policing service will continue to be delivered across the country.

### Garda Deployment

71. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of Gardaí currently being deployed to deal with serious crime with particular reference to organised criminal gang activity; and if he will make a statement on the matter. [54802/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Commissioner is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no direct function in the matter. This allocation of resources is constantly monitored in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public. The Deputy will appreciate that it is not the practice to disclose the number of Gardaí involved in particular operations. However, I can assure the Deputy that the duty of all members of the Garda Síochána is to deal with all forms of criminal activity including serious and organised crime.

### Recidivism Rate

72. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which recidivism is being studied or monitored with a view to identification of a means to address the issue; and if he will make a statement on the matter. [54803/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The recently published recidivism report produced by the Probation Service was a joint project conducted in conjunction with the Central Statistics Office. This study, the first of its kind in Ireland, focused on a cohort of offenders under probation supervision and community service during 2007. The study has established reliable recidivism data on offenders under probation supervision and on community service orders and considers variations in recidivism as they relate to the type of original order, gender and age of offenders, category of offence and subsequent offence. Its findings show that the recidivism or re-offending rate was 37.2% for the particular cohort of offenders who were under probation supervision in the two years after their supervision ended.

I believe the value of the work that has been done to produce this report is that it provides a clearer overview of community sanctions outcomes which will better inform the work of the Probation Service in helping to make our communities safer. I look forward to receiving such evidence based material on an annual basis. The Deputy will also be aware that the Irish Prison Service facilitated a major study of prisoner re-offending by the UCD Institute of Criminology which was published in May 2008. The recidivism rate was found by this study to be under 50% after 4 years which is in the mid to lower range of recidivism rates when compared to similar countries internationally. The Irish Prison Service is currently working with the Central Statistics Office on a number of projects, including a comprehensive study of recidivism rates.

### **Prison Accommodation**

73. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the steps in hand to address the issue of the shortage of prison accommodation; and if he will make a statement on the matter. [54804/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** On 4 December, 2012 there were 4,275 prisoners in custody against a bed capacity of 4,395 which represents an occupancy level of 97%. The average number of prisoners in custody in Ireland has risen in the last 5 years, from 3,321 during 2007 to 4,389 during 2011, an increase of over 32%. Likewise the total number of committals to prison has also risen sharply during the same period, from 11,934 in 2007 to 17,318 in 2011 – an increase of over 45%. There does appear, however, to be a stabilising or levelling off in the increase in prisoner numbers being committed annually with 2011 recording only a 0.8% increase on the previous year. This compares to increases of 13.6%, 13.8% and 11.4% respectively year on year for 2008, 2009 and 2010.

I published the Irish Prison Service 3 Year Strategic Plan in April this year. The Strategy also include a 40 month capital plan to provide in-cell sanitation in all cells and radically improve prison conditions. Significant investment has already taken place in our prison estate in recent years with in excess of 900 new prison spaces having been constructed and brought into use since 2007. A new 300 space prison wing in the Midlands Prison has been completed and is currently being opened on a phased basis. The first cohort of prisoners were accommodated in the new wing in November. In addition a new Unit in the Dóchas centre which provided an additional 20 spaces has now opened.

The Programme for Government outlines the commitment of this Government to finding alternatives to custody as a means of reducing overcrowding. In conjunction with the Probation Service, the Irish Prison Service has introduced an incentivised scheme for earned temporary release, the Community Return Programme, under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. The Deputy will also be aware that I have also established a working group to conduct a strategic review of penal policy which will also help address the future needs of the prison system.

### Garda Strength

74. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of gardaí by gender at all ranks; and if he will make a statement on the matter. [54805/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have however been informed by the Garda Commissioner that the personnel strength of An Garda Síochána broken down by rank and gender on 31 October, 2012, the latest date for which figures are readily available, was as set out in the table.

Rank	Total	Male	Female
Commissioner	1	1	0
D/Commissioner	2	1	1
A/Commissioner	9	9	0
C/Superintendent	41	37	4
Superintendent	154	139	15
Inspector	263	242	21
Sergeant	1916	1633	283
Garda	11087	8042	3045
Total	13473	10104	3369

### Garda Stations Closures

75. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if arising from the closure of Garda stations at various locations throughout the country, his attention has been drawn to the difficulty for gardaí to respond to requests for assistance in the more remote regions; and if he will make a statement on the matter. [54806/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Policing Plan for 2013, which I am laying before the House today, outlines the Commissioner's proposal for the continued re-organisation and consolidation of the Garda station and District network and includes details of station closures and District re-organisation throughout the country. I must stress that the principal aim of this consolidation process is to allow the more efficient deployment of personnel and the more effective delivery of policing services to the public across the country and including in remote areas. It is also the case that, even after the proposed closures, we will still have a high number of police stations by international standards.

### Garda Stations Closures

76. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he is satisfied that no Garda stations in County Kildare will close in view of the threat of organised crime arising from close proximity to the capital city; and if he will make a statement on the matter. [54807/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Policing Plan for 2013, which I am laying before the House today, outlines the Commissioner's proposal for the continued re-organisation and consolidation of the Garda station and District network including in particular the closure of some Garda Stations. I must stress that the principal aim of closing Garda stations around the country is to allow the more efficient deployment of personnel and the more effective delivery of policing services to the public. It is also the case that, even after



the proposed closures, we will still have a high number of police stations by international standards.

### **Witness Intimidation**

77. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the measures he will take to address the ongoing issue of witness or jury intimidation; and if he will make a statement on the matter. [54808/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The intimidation of a witness or juror is an offence under Section 41 of the Criminal Justice Act 1999, which specifies the offence as harming, threatening or menacing or in any other way intimidating or putting in fear another person who is assisting in the investigation of an offence by the Garda Síochána, or is a witness or potential witness or a juror or potential juror in proceedings for an offence, or a member of his or her family, with the intention of causing the investigation or course of justice to be obstructed, perverted or interfered with. Conviction on indictment for this offence carries a penalty of up to 15 years imprisonment reflecting the gravity with which the offence is viewed.

Since 1997 the Garda Síochána has operated a Witness Security Programme in response to attempts by criminal and other groups to prevent the normal functioning of the criminal justice system, including threats of violence and systematic witness intimidation. Legislation was not required to establish this Programme, but its operation is supported by Section 40 of the Criminal Justice Act 1999 which makes it an offence for any person, without lawful authority, to try to identify the whereabouts or any new identity of a witness who has been relocated under the Programme. The offence is punishable on indictment by a fine or a term of imprisonment of up to five years.

The Garda Síochána rigorously enforces the provisions in the law relating to witness intimidation and protection. In circumstances where the Senior Investigation Officer in a case has identified a witness who is crucial to the case and the evidence to be preferred is not available elsewhere, and there is a serious threat to the life of the witness or his/her family an application can be made, with the consent of the witness, to have him/her included in the Witness Security Programme. Where a threat to or intimidation of a witness or a potential witness arises during the course of criminal proceedings, the matter may be addressed through the trial judge, who has discretion to revoke bail or place other sanctions on the accused/suspect.

Section 16 of the Criminal Justice Act 2006 allows a Court to admit in certain specified circumstances previous witness statements where a witness recants or refuses to testify at trial. This provision is designed to ensure that witness statements may still be available to the Courts even though the witness subsequently refuses to co-operate because of intimidation. Section 26 of the Criminal Justice Act 2007 empowers a Court, following the conviction of a person for a serious offence, to make a 'protection of persons' order. The purpose of the order is to protect the victim of the offence or any other person named in the order from harassment or intimidation by the offender. Other persons that might be listed include relatives of the victim or witnesses.

### **Garda Síochána Ombudsman Commission Issues**

78. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of instances in which viable explosive devices have been found in each of the past five years to date; if the number of instances represent a particular threat; and if he will make a statement on

the matter. [54809/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the number of viable improvised explosive devices (I.E.D.) found over the last five years is as set out in the table below.

2008	2009	2010	2011	2012
40	63	53	70	92 (to date)

The Gardaí are committed to eradicating this particular form of criminality and An Garda Síochána's Policing Plan 2012 sets out its commitment to pro-actively target groups and individuals engaged in serious and organised crime, including those involved with improvised explosive devices. There are substantial Garda operations in place to tackle this problem with strategies very firmly focused on disrupting the use of pipe bombs and bringing those involved before the Courts. In particular, Operation Enchant was established in April 2011 to provide national coordination for investigations into the manufacture, supply and deployment of I.E.D.

In April 2012, Operation Enchant was expanded to incorporate a co-ordination unit comprising personnel from the Special Detective Unit, Organised Crime Unit and Garda National Drugs Unit. The co-ordination unit works closely with each Senior Investigating Officer in relation to each I.E.D. incident and also with the Garda Technical Bureau which has responsibility for identifying commonalities between each I.E.D. found in the jurisdiction. The Unit also works closely with the Garda Analysis Service and the National Criminal Intelligence Unit amongst others and assists local investigators in their investigations including, where appropriate, interviewing arrested persons and conducting searches.

### Prisoner Transfers

79. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of prisoners serving sentences for serious crimes that have been transferred to lower level security prisons or have received compassionate day or longer period of release, supervised or unsupervised in the past four years and to date in 2012; and if he will make a statement on the matter. [54810/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that it is not possible for the Irish Prison Service to provide a detailed response to his question within the timeframe available. I will however revert to him in due course.

### Crime Levels

80. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which he continues to monitor the number of incidents wherein further serious crimes continue to be committed by prisoners while on bail and in some cases while on bail for a second offence; the action or actions he will take to address this issue; and if he will make a statement on the matter. [54811/12]

81. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the steps normally taken to prevent a person on bail for a serious offence from absconding from this juris-

diction; if such procedure is followed on all occasions; and if he will make a statement on the matter. [54812/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 80 and 81 together.

While figures available from the Central Statistics Office show some reduction in recent years in the number of recorded crimes where the suspected offenders were on bail, I share the public concern about the extent to which offences continue to be committed by persons on bail. As the Deputy will be aware, the criminal law takes a serious view of offences committed by persons on bail. Section 11 of the Criminal Justice Act 1984 provides that any sentence of imprisonment passed on a person for an offence committed while on bail must be consecutive on any sentence passed on him or her for a previous offence, or on the sentence last due to expire, if more than one is being served. It also provides that the fact that an offence was committed while on bail must be treated as an aggravating factor at sentencing and that the court shall impose a sentence that is greater than that which would have been imposed otherwise, unless there are exceptional circumstances.

A decision to grant bail in a particular case is a matter for the court, which is, subject only to the Constitution and the law, independent in the exercise of its judicial functions. There is a constitutional presumption in favour of bail, since, in the eyes of the law, a person is innocent until proven guilty. The provisions of the European Convention on Human Rights also restrict the extent to which the right to bail can be limited. Prior to the Sixteenth Amendment of the Constitution, bail could be refused essentially only on the grounds that a person would be likely to abscond or interfere with witnesses. The Bail Act 1997, which gave effect to the terms of the Sixteenth Amendment of the Constitution, provides for the refusal of bail to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person. In addition, section 6 of that Act, as amended by section 9 of the Criminal Justice Act 2007, provides that every bail recognisance is subject to the condition that the accused person shall not commit an offence while on bail.

A court in granting bail may impose certain conditions designed to help avoid the person absconding such as surrender of passports and a requirement to report at a Garda station. I believe that bail law must be continually reviewed to ensure that all possible avenues are taken to protect the public against the commission of crime, particularly serious crime, by persons on bail. Accordingly, my Department has been engaged in work to consolidate and update bail law with a view to presenting a clear, accessible and modern statement of the law. In the context of that modernisation of the law, I will be seeking to restructure the law so that it has a focus on the protection of the individual and of the public. My intention is that the new proposals will provide better guidance to the courts on how such protection might be provided. I am also taking the opportunity to introduce some general improvements to bail law to improve the overall working of the bail system. I will bring proposals to Government on the matter in the near future.

### **Child Protection Issues**

82. **Deputy Finian McGrath** asked the Minister for Justice and Equality his views on correspondence (details supplied) regarding emergency services for children. [54815/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I understand that the Deputy has tabled an identical question to my colleague the Minister for Children and Youth Affairs. I am informed by the Garda authorities that, in accordance with Section 7.7 of the Children First

National Guidance for the Protection and Welfare of Children 2011, An Garda Síochána will formally notify the Health Service Executive (HSE) when they suspect that a child has been or is being the victim of emotional, physical or sexual abuse or neglect. It is not necessary for An Garda Síochána to have sufficient evidence to support a criminal prosecution before notifying the HSE.

Rape and sexual assault are serious offences which can have a traumatic effect on the victim. It is critically important that victims of such crimes continue to be supported and encouraged to come forward and report these crimes to An Garda Síochána. An Garda Síochána's Policing plan for 2012 puts a particular emphasis on tackling sexual crime and crime against children as well as pro-active cooperation with all relevant Departments, organisations and agencies to improve the safety of children. A comprehensive policy document on the investigation of sexual crimes against children and child welfare was developed by An Garda Síochána with Children First National Guidance 2011 adopted as Garda policy. Interaction with the HSE and Children and Family Services is an integral part of that policy in relation to all investigations of child abuse.

I am advised that a strategic committee has been established within an An Garda Síochána, chaired at Assistant Commissioner level, to liaise with the HSE's National Director of Children and Family Services, to ensure that all matters of strategy and policy in the field of inter-agency working receive proper direction. A Sexual Crime Management Unit has also been established within the Garda Domestic Violence and Sexual Assault Investigation Unit, which is part of the National Bureau of Criminal Investigation. The Unit is responsible for evaluating and monitoring the number of investigations each year into child sexual abuse, child neglect and other sexual offences, to ensure that they are receiving appropriate attention, advising on the investigation of such crimes and promoting best investigative practice. The unit interacts, as appropriate, with contact points in relevant agencies in relation to complaints of sexual abuse made to An Garda Síochána.

I am also assured that members of An Garda Síochána and HSE personnel have undergone joint and intensive training in the specialised skills necessary for interviewing children. The Garda College, in conjunction with HSE colleagues, is constantly reviewing the training to ensure it is accordance with best international practice. Furthermore, given the need for sensitivity and confidentiality surrounding sexual crimes, there is a clear advantage from an investigative perspective both for the victims and for An Garda Síochána in conducting relevant interviews away from Garda stations. A country wide network of dedicated interview suites has been established by the Department of Justice and Equality and An Garda Síochána in six strategically chosen locations throughout the State which are used by the Garda authorities to record interviews with such victims. The roll out and utilisation of these interview suites is a huge step forward in terms of how child victims of sexual and violent abuse are dealt with by the criminal justice system.

### **Tribunals of Inquiry Reports**

**83. Deputy Stephen S. Donnelly** asked the Minister for Justice and Equality if he will disclose any ongoing or planned investigations as a result of the Tribunal of Inquiry into certain Payments to Politicians and Related Matters, the Moriarty tribunal; and if he will make a statement on the matter. [54821/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the examination of the Report of Moriarty Tribunal, referred to the Garda Commissioner to identify what, if any, criminal offences have been disclosed which may required

investigation by An Garda Síochána has recently been completed. An Garda Síochána has now sought the advice of the Director of Public Prosecutions (DPP) on the findings of this examination before a decision can be made as to whether, or not, a full Garda investigation should now be commenced. The examination of the Report of the Mahon Tribunal, which was referred to the Garda Commissioner by the Government, is ongoing.

### **Single Payment Scheme Payments**

84. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the position regarding single farm and area based payments in respect of a person (details supplied) in County Mayo. [54611/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An error was identified during processing of the application, which, following direct contact with the person named, has now been resolved. The application is, therefore, now being further processed with a view to payment issuing shortly.

### **Single Payment Scheme Payments**

85. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the position regarding single farm and area based payments in respect of a person (details supplied) in County Mayo. [54612/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The advance payment under the 2012 Single Payment Scheme issued to the person named on 30 October 2012 and the balancing payment on 3 December 2012. Payment under the 2012 Disadvantaged Areas Scheme payment will shortly issue. All payments issue directly to the nominated bank account.

### **Disadvantaged Areas Scheme Payments**

86. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will be paid their 2012 disadvantaged areas payment; and if he will make a statement on the matter. [54615/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** As processing of the 2012 Disadvantaged Areas Scheme application has recently been finalised, payment will shortly issue to the nominated bank account.

### **Rural Environment Protection Scheme Payments**

87. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will be paid their REP scheme; and if he will make a statement on the matter. [54616/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in September 2008 and received payments for the first four years of their contract. REPS 4 is a measure under the current 2007-13 Rural Development Programme

and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before any payments can issue. In the course of the administrative check an area discrepancy was discovered between the Single Farm Payment application for 2012 and the REPS Agri-environmental Plan which has resulted in the necessity for further clarification. This issue is currently being investigated with the intention of an early resolution and payment in respect of 2012.

### **Disadvantaged Areas Scheme Payments**

88. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a disadvantaged payment for 2012 will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [54626/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Payment under the 2012 Disadvantaged Areas Scheme issued to the person named on 29 November 2012, directly to the nominated bank account.

### **Single Payment Scheme Payments**

89. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 548 of 13 November the position regarding a single farm payment in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [54664/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The status of this case as of 13 November was that the applicant had sought a review of a decision to reduce the payment arising from an over-claim. However, in the interim, the applicant has written to my Department accepting the reduced payment and the application is being processed for payment as soon as possible on this basis. My Department has, nonetheless, been in direct contact to ensure the person concerned is fully apprised of the available appeal options.

### **Single Payment Scheme Payments**

90. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine when a single farm payment will issue in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [54665/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In order to comply with EU requirements, the applicant was one of a number selected for a cross compliance inspection which took place on 20th April 2012. The inspection recorded breaches relating to both cattle and sheep animal identification and registration requirements. As a result, a penalty of 5% arises. The person named was notified of this decision on 8th of May 2012 and of the right to seek a review. To date, no such request has been received. However this option remains open should the person concerned wish to exercise it. In addition, in this case, issues arose relating to the eligibility of areas declared during processing of the application. These have now been resolved and processing of the application has recently been finalised. Payment, taking account of the above cross-compliance penalty, will shortly issue to the nominated bank account.

## Disadvantaged Areas Scheme Payments

91. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will be paid their 2012 disadvantaged area payment; and if he will make a statement on the matter. [54679/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Payment under the 2012 Disadvantaged Areas Scheme has not yet issued as, at this stage, the holding concerned has not yet satisfied the Scheme minimum stocking density requirements for 2012. Immediately the holding concerned is confirmed as having met these requirements, the case will be further processed with a view to payment at the earliest possible date thereafter.

## Departmental Expenditure

92. **Deputy Mary Mitchell O'Connor** asked the Minister for Agriculture, Food and the Marine if he will provide in tabular form the moneys provided by his Department to the Food Dudes programme yearly since its inception; and if he will make a statement on the matter. [54689/12]

93. **Deputy Mary Mitchell O'Connor** asked the Minister for Agriculture, Food and the Marine if his Department has undertaken a value for money review of the Food Dudes programme; and if he will make a statement on the matter. [54690/12]

94. **Deputy Mary Mitchell O'Connor** asked the Minister for Agriculture, Food and the Marine his plans to extend the reach of the Food Dudes programme; and if he will make a statement on the matter. [54691/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 92 to 94, inclusive, together.

Scientific studies of Children's Diet by IUNA (Irish Universities Nutrition Alliance) have shown that children's intake of fruit and vegetables is less than that recommended. This is being addressed in Ireland with some success through the Food Dude Programme, managed by Bord Bia (the Irish Food Board), with funding from my Department and the European Union School Fruit Scheme.

The Food Dude Programme was developed by Professor Fergus Lowe of Bangor University, Wales, and aims to encourage increased consumption of fruit and vegetables by primary school children. The programme is based on positive role models cartoon peer models (Food Dudes), repeated tastings of raw fruit and vegetables and small prizes to change attitudes and cultivate a liking for fruit and vegetables. Fruit and vegetable portions are provided to school children over an intervention period of 16 consecutive school days. Consumption diaries, DVD of Food Dude superheroes, small prizes, certificates and school room wall charts are also provided to maintain fruit and vegetable consumption in the longer term.

The national roll out of the programme commenced in 2007. The EU funded School Fruit Scheme which commenced in 2009 enabled the expansion of the programme. To date, over 70% of all primary schools in Ireland have participated in the programme, with 384 schools and 63,644 children participating in the 2011/2012 school year. The EU School Fruit Scheme contributes 50% of the cost of fruit and vegetables and my Department contributes matching funds as well as the full costs of the rewards, videos and programme co-ordinators.

The programme has been evaluated a number of times since it was first rolled out. The feed-

back has been overwhelmingly positive with high satisfaction rates being recorded amongst both parents and children. The most recent evaluation was carried out by an expert team from University College Dublin in 2011 and it showed that the Food Dude Programme has effectively increased the consumption of fruit and vegetables among the school going children that participated in the evaluation.

The amounts contributed by my Department since 2009 are as follows:

Year	Amount Paid
2009	€1,966,000
2010	€1,500,000
2011	€1,826,711.62
2012*	€1,127,500

\*Contributed year to date

My Department is currently in the process in extending the reach of the Food Dude Programme to target new intake of children in schools that have already participated in the Food Dude Programme.

### Departmental Staff Numbers

95. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine the current staffing complement in the disadvantaged area scheme office; and if there is any plans to add additional staff to assist processing applications; and if he will make a statement on the matter. [54741/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I can confirm that the vast majority of applications under the 2012 Disadvantaged Areas Scheme have been fully processed and that adequate staff resources are in place to deal with outstanding applications. Any delay in payment is not simply an issue of staff resources. It should be noted that many applicants that are fully processed are not yet currently eligible for payment under the Terms and Conditions of the 2012 Disadvantaged Areas Scheme. These applicants have yet to satisfy the six-month minimum stocking density requirement and/or the twelve-month annual average minimum stocking density requirement of 0.15 livestock units per hectare. Payments continue to issue each week as individual cases are confirmed eligible.

### Single Payment Scheme Payments

96. **Deputy Billy Timmins** asked the Minister for Agriculture, Food and the Marine if he will provide a statement of single payment, area based initiative, rep scheme and agri environment option scheme payment details for 2011 in respect of a person (details supplied) in County Wicklow [54818/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** A statement is issuing to the person in this case confirming that no payments were made to him by my Department under any scheme for 2011.

### Preschool Services



97. **Deputy Maureen O’Sullivan** asked the Minister for Children and Youth Affairs the reason for the withdrawal of Health Service Executive funding to a preschool (details supplied) in Dublin 1; and if she will make a statement on the matter. [54729/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

### **Child Protection Issues**

98. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs his views on correspondence (details supplied) regarding emergency services for children. [54816/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have received the relevant correspondence and my officials have been in contact directly with the person in question. As the Deputy will appreciate the issues raised in this correspondence must be dealt with on a confidential basis.

### **HSE Staff Remuneration**

99. **Deputy Patrick O’Donovan** asked the Minister for Health if the increment that was paid to staff nurses who took on additional responsibilities and moved to the position of senior staff nurse which was discontinued in 2009 will be reinstated; if the change in the allowance was covered by the Croke Park agreement; the number that were affected; the savings that have been made; if he has had discussions with the relevant union on same; and if he will make a statement on the matter. [54731/12]

**Minister for Health (Deputy James Reilly):** Under the moratorium on staff recruitment and promotions in place since 2009, appointments to the post of Senior Staff Nurse, which had been granted after 20 years service, have been withheld since November 2009, on the basis that such appointments constitute promotion. The position has been explained to the relevant unions. This matter does not come within the scope of the Public Service Agreement. I have asked the HSE to reply directly to the Deputy in relation to the number of nurses not promoted and the savings that have been made since such promotions ceased.

### **Hospital Waiting Lists**

100. **Deputy Patrick Nulty** asked the Minister for Health when a person (details supplied) will be admitted to St. Clare’s unit, Temple Street Children’s University Hospital, Dublin, for urgent medical treatment and support. [54596/12]

**Minister for Health (Deputy James Reilly):** As advised to the Deputy’s office by telephone on 3rd December the sensitivities of this case are such that my Department is corresponding directly with the Children and Family Services Directorate of the HSE on this matter and when the information is received I will forward it to the Deputy.

### **Nursing Homes Support Scheme Oversight**

101. **Deputy Mattie McGrath** asked the Minister for Health the progress he has made with the review of the fair deal scheme; if in this review, active consideration will be given to the role the sheltered housing provided by non-profit housing associations could play in the housing and care needs of older persons; and if he will make a statement on the matter. [54606/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** A public consultation process to inform the review of the Nursing Homes Support Scheme concluded in mid-July. The Department will be publishing a summary report of the submissions received. I can confirm that the role of sheltered housing was raised during the consultation process. After the summary report is published, the Department will be seeking tenders through the public procurement process for the carrying out of the review.

The Terms of Reference for the review of the Nursing Homes Support Scheme are:

Taking account of Government policy, demographic trends and the fiscal situation -

1. To examine the on-going sustainability of the Nursing Homes Support Scheme,
2. To examine the overall cost of long-term residential care in public and private nursing homes and the effectiveness of the current methods of negotiating/setting prices,
3. Having regard to 1. and 2. above, to consider the balance of funding between long-term residential care and community based services,
4. To consider the extension of the scheme to community based services and to other sectors (Disability and Mental Health), and
5. To make recommendations for the future operation and management of the scheme.

As the scheme is statutory based, the implementation of any recommendations arising from the review may require significant amendments to the Nursing Homes Support Scheme Act, 2009.

A considerable amount of preparatory work for the review has already been completed. It will progress within the constraints of available staff and other priorities. At this stage I envisage that the review will be completed in 2013.

### **HSE Funding**

102. **Deputy Mattie McGrath** asked the Minister for Health the bodies that are funded under section 38 of the Health Act 2004; and if he will make a statement on the matter. [54607/12]

**Minister for Health (Deputy James Reilly):** Section 38 of the Health Act 2004 provides for the Health Service Executive, subject to its available resources, to enter into an arrangement with a group or agency to provide services on its behalf. It is for the Executive to determine the maximum amount of funding that it proposes to make available in any year and the level of service it expects to be provided for that funding. I am not directly involved in decisions regarding these grants, which are determined locally/regionally within the HSE. I have asked the Executive to reply directly to the Deputy with regard to this matter.

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

103. **Deputy Mattie McGrath** asked the Minister for Health the funding that has been allocated in 2012 for the transfer of residents living in congregated settings into supported housing in the community; his plans in the next three years in relation to funding this transition; and if

he will make a statement on the matter. [54608/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Over 3,600 people with disabilities currently reside in segregated and congregated settings. The report sets out a framework to guide the transfer of identified individuals from congregated settings to live in the community. The HSE is currently developing a national plan and change-programme for transferring these people to the community. The Government approved a National Housing Strategy for people with disabilities in October 2011, which sets out a framework for the delivery of housing for people with disabilities through mainstream housing policy, in the period 2011-2016. The Strategy was developed on a partnership basis by a National Advisory Group Chaired by the Department of Environment, Community and Local Government and involving the Department of Health, the Health Service Executive, local authorities and organisations representing people with disabilities

The Minister for Housing & Planning, Ms. Jan O'Sullivan, TD, and the Minister for Disability, Equality, Mental Health & Older People, Ms. Kathleen Lynch, TD, published the National Implementation Framework to support the Government's National Housing Strategy for People with a Disability, 2011-2016 on 20th July 2012. The Framework sets out a range of priority actions to support people with disabilities to live in communities as independently as possible, by providing mainstream assessment of housing need and appropriate housing solutions. Despite the extremely difficult economic conditions, initial funding of €1 million will be made available in 2013 to support the commencement of the transitioning programme. The funding, which will be ring fenced to meet the housing needs of people leaving institutions in 2013, will enable housing authorities to provide up to 150 new homes in the community for people with disabilities.

Over the past few years, disability service provision has been moving towards a community based and inclusive model rather than being institutional and segregated. The key lessons from these Reports as well as the Value for Money and Policy Review will provide a catalyst for achieving a more effective, person centered disability service provision, in line with international best practice. The implementation of these reports will be progressed through the HSE's National Disability Governance Group and through the National Consultative Forum. The radical change is not the sole responsibility of the Health Sector but rather, a collaborative responsibility shared between the person, their families and carers, a multiplicity of agencies, Government and society as a whole.

### **Symphysiotomy Report**

104. **Deputy Eric Byrne** asked the Minister for Health when the Walsh report in relation to symphysiotomy will be issued; his plans to deal with the fall out from this treatment; and if he will make a statement on the matter. [54617/12]

**Minister for Health (Deputy James Reilly):** My first priority is to ensure that the women who have had this procedure have their health needs comprehensively and professionally met. In this regard, the HSE provides a range of services to women who continue to suffer the effects of having had this procedure. These services include the provision of medical cards, the availability of independent clinical advice and the organisation of individual pathways of care and the arrangement of appropriate follow-up.

As the Deputy is aware, my Department has commissioned an independent research report in relation to the practice of symphysiotomy in Ireland. The Research included a consultation process involving patient groups, health professionals and in particular the women who have

experienced symphysiotomy. It is expected that this report will be presented to the Department in the near future. The research report will inform the Department's overall consideration of this matter, including the consideration of any actions that may be required and possible legal implications. It would be premature for me to make any other comments at this stage on what actions might be taken, prior to giving full consideration to the recommendations of the report.

### **Home Help Service Provision**

105. **Deputy Michelle Mulherin** asked the Minister for Health the reason home help workers in the direct employment of the Health Service Executive in County Mayo are having their hours reduced; and if he will make a statement on the matter. [54629/12]

106. **Deputy Michelle Mulherin** asked the Minister for Health the reason home help workers in the direct employment of the Health Service Executive in County Mayo are having their hours reduced while at the same time the HSE in County Mayo is retaining a private company (details supplied) for 2,000 home help hours per month; and if he will make a statement on the matter. [54632/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 105 and 106 together.

As these are service matters they have been referred to the Health Service Executive for direct reply.

### **Medical Card Reviews**

107. **Deputy Róisín Shortall** asked the Minister for Health his plans regarding providing legislation to allow for comprehensive data sharing among State agencies to underpin the medical card self-assessment system in respect of the renewal of medical cards; the timescale he is working to for the passing and commencement of this legislation; and if he will make a statement on the matter. [54633/12]

**Minister of State at the Department of Health (Deputy Alex White):** The Department for Health is currently preparing legislative proposals to facilitate the exchange of relevant data between the Health Service Executive (HSE), the Revenue Commissioners and the Department of Social Protection. This will reduce the need for medical card applicants to provide documentation to the HSE. The exchange of data will also improve the accuracy of the medical card database and payments to GPs. It is the Government's intention to have the legislative proposals passed into law as soon as possible.

### **Medical Card Eligibility**

108. **Deputy Brendan Griffin** asked the Minister for Health if medical cards will be provided to mature students who are over the age of 25 years and return to education and have no source of income. [54636/12]

**Minister of State at the Department of Health (Deputy Alex White):** Under the provisions of the Health Act 1970, medical cards are provided to persons who are, in the opinion of the Health Service Executive (HSE) unable without undue hardship to arrange GP services for themselves and their dependants. Assessment for a medical card is determined primarily by

reference to the means, including the income and reasonable expenditure, of the applicant and his or her partner and dependants. The HSE has produced national assessment guidelines to provide a clear framework to assist in the making of reasonable, consistent and equitable decisions when assessing an applicant for the General Medical Services scheme. These guidelines are publicly available and can be downloaded from the HSE's medical card website.

### **Home Care Packages**

109. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive a decision on their application for a home care package; the reason for the delay in making a decision; and if he will make a statement on the matter. [54637/12]

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

### **Vaccination Programme**

110. **Deputy Bernard J. Durkan** asked the Minister for Health if his attention has been drawn to the increased incidence of narcolepsy in children and adolescents in Ireland as a result of a side-effect of the Pandemrix vaccine; if he will outline his future plans to support the network of families now affected by this with particular reference to a package of supports he proposes to put in place in the coming months; and if he will make a statement on the matter. [54667/12]

**Minister for Health (Deputy James Reilly):** The association between Pandemic vaccination and an increased risk of narcolepsy in children/adolescents is acknowledged in the epidemiological report of the National Narcolepsy Study Steering Committee. However, causation has not been established. My priority is to ensure that children/adolescents affected by narcolepsy with symptom onset post pandemic vaccination are provided with services and supports to meet their health needs.

The HSE and the Department of Education and Skills together provide a comprehensive range of services and supports to those affected. These supports and services include access to rapid diagnosis, clear treatment pathways, temporary medical cards and reimbursement of expenses incurred. Multi-disciplinary assessments which allow for the appropriate individualised health and educational supports to be put in place are ongoing. The National Educational Psychological Service (NEPS) is also engaging with the HSE and with the individual schools and parents of children concerned to identify and provide educational supports for the children and adolescents affected.

### **Lourdes Hospital Redress Scheme Extension**

111. **Deputy Michael McCarthy** asked the Minister for Health when a review undertaken by his Department on the case of the 35 Neary women who were excluded from the redress scheme in Our Lady of Lourdes Hospital, Drogheda, County Louth, will be completed; and if he will make a statement on the matter. [54673/12]

**Minister for Health (Deputy James Reilly):** The Programme for Government contains a commitment to seek a mechanism to compensate those women who were excluded on age

grounds alone from the Lourdes Hospital Redress Scheme. My Department has been engaged in a review to identify the most appropriate mechanism to compensate the women concerned. This review has included taking instructions and legal advice, including advice from the Office of the Attorney General, with a view to bringing proposals to Government for a decision. This process is ongoing and will be concluded as quickly as possible.

### **Health Services Provision**

112. **Deputy Róisín Shortall** asked the Minister for Health the reason a person (details supplied) in Dublin 9 received a bill for legal fees; and if he will clarify the legitimacy of this charge. [54674/12]

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

### **HSE Staff Remuneration**

113. **Deputy Paschal Donohoe** asked the Minister for Health if he will outline the measures to date, throughout the past 18 months, by the State to reduce costs by dental practitioners and medical practitioners in our economy in response to our economic difficulties; and if he will make a statement on the matter. [54676/12]

**Minister of State at the Department of Health (Deputy Alex White):** In relation to GPs, regulations made in 2009 and 2010 under the Financial Emergency Measures in the Public Interest Act 2009 (FEMPI) reduced fees payable under the General Medical Services (GMS) Scheme; the Maternity & Infant Care Scheme; the Health (Amendment) Act 1996 (Hepatitis C patients); and the HeartWatch Programme, resulting in full year savings of approximately €78million. Regulations made in November 2011 reduced fees payable in respect of primary childhood immunisations (by 7.5%) and other immunisations, such as influenza and pneumococcal (by 33%), resulting in an estimated full year saving of €6.7million. Regulations made in 2009 and 2011 reduced fees payable to dentists who provide services under the Dental Treatment Services Scheme. In addition, funding for the Scheme has been capped at the 2008 level of €63million.

### **Home Help Service Provision**

114. **Deputy Patrick O'Donovan** asked the Minister for Health the number of persons currently in receipt of private home care hours; the cost to the State for the provision for this service; and if he will make a statement on the matter. [54678/12]

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

### **HSE Properties**

115. **Deputy Brian Stanley** asked the Minister for Health the amount the Health Service Executive spent annually for 2009, 2010 and 2011 on renting residential accommodation in the counties Laois and Offaly. [54683/12]

**Minister for Health (Deputy James Reilly):** Management of the health property estate is a service matter. Therefore your question has been referred to the Health Service Executive for direct reply.

### **Medicinal Products Licensing**

116. **Deputy Terence Flanagan** asked the Minister for Health if he will respond to a query regarding generic substitutions for medication (details supplied); and if he will make a statement on the matter. [54686/12]

**Minister of State at the Department of Health (Deputy Alex White):** Under the Health (Pricing and Supply of Medical Goods) Bill, the Irish Medicines Board has statutory responsibility for establishing and publishing a List of Interchangeable Medicinal Products. In deciding whether to add a group of medicinal products to the List of Interchangeable Medicinal Products, the Board must be satisfied that each medicinal product which falls within the group:

(a) has the same qualitative and quantitative composition in each of its active substances as each of the other medicinal products which fall within the group;

(b) is in the same pharmaceutical form as, or in a pharmaceutical form that is appropriate for substitution for, each of the other products in the group; and

(c) has the same route of administration as each of the other medicinal products which fall within the group.

In addition, the Bill provides that the Board is not permitted to add a group of medicinal products to the List of Interchangeable Medicinal Products where, for example, any of the medicinal products cannot be safely substituted for any one or more of the other medicinal products in the group. To further enhance the patient safety aspect of generic substitution, Section 13 of the Bill allows a prescriber to indicate on a prescription that a branded interchangeable medicinal product should, for clinical reasons, not be substituted.

I am satisfied that these provisions address the concerns raised by the Deputy. It is important to point out that generic medicines must meet exactly the same standards of quality and safety and have the same effect as the originator medicine. All of the generic medicines on the Irish market are required to be properly licensed and meet the requirements of the Irish Medicines Board. The Health (Pricing and Supply of Medical Goods) Bill 2012 was published on the 13th of July 2012. The Bill completed its passage through the Seanad on Wednesday, the 19th of September, and is currently continuing its passage through the Dáil. An Implementation Group on Generic Substitution and Reference Pricing has been established and it held its inaugural meeting on the 9th of August 2012. The Group met with the Irish Epilepsy Association, amongst others, on the 20th of November as part of its stakeholder meetings.

### **Food Labelling**

117. **Deputy Mary Mitchell O'Connor** asked the Minister for Health if he is introducing legislation to mandate for food nutrition traffic light labelling and when this legislation will be published; and if he will make a statement on the matter. [54688/12]

**Minister for Health (Deputy James Reilly):** Food labelling is currently governed by Council Directive 2000/13/EC (general labelling) and Council Directive 90/496/EEC (nutrition labelling). In November 2011, a new food labelling Regulation was accepted by the European

Parliament, Council and Commission. The provisions of this Regulation will be effective from 2014 in most cases, and from 2016 in others.

The main changes proposed include an extension of compulsory country of origin labelling to fresh meat of swine, sheep, goats and poultry, a minimum font size on food labels for ease-of-reading and the introduction of a mandatory nutrition declaration on pre-packed foods. This declaration will entail the presentation of the amounts of energy, fat, saturates, carbohydrates, protein, sugars and salt (per 100g or per 100ml) in the same field of vision, with scope for also presenting per portion. Allowance will be made for the presentation of this information through both Guideline Daily Amounts (mandatory) and Traffic Lights (voluntary).

These changes will further empower the consumer to make healthy food choices. An EU Working Group has now been set up to interpret any ambiguous sections of the Regulation and to provide clarity to all Member States. My Department is represented on this group which has had six meetings so far in 2012. This group is expected to issue its final guidelines in early 2013, soon after which this legislation will be introduced into Irish law. All provisions relating to the nutrition declaration will come into effect in December 2016.

### **Health Promotion Issues**

118. **Deputy Mary Mitchell O'Connor** asked the Minister for Health if his attention has been drawn to the media report that pro-anorexia websites are running starvation contests; the action he is taking to tackle this issue; and if he will make a statement on the matter. [54692/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The internet is an international and worldwide phenomenon which has no borders and no single organisation controlling it. Therefore efforts to combat harmful materials and activities on it can be hampered by the multiplicity of jurisdictions, differing legal systems and differing societal norms. Many of the pro-anorexia websites which the Deputy refers to may be hosted outside of this jurisdiction, and as such, the action that can be taken against them here is limited.

While acknowledging these difficulties, it should be emphasised that there is a self-regulatory framework in place for internet service providers in Ireland. The Internet Service Providers Association of Ireland Code of Practice and Ethics sets out clear guidelines and minimum standards in relation to handling complaints regarding suspected illegal material on-line. The Association is a member of the Government's Safer Internet Advisory Committee which advises the Office for Internet Safety, an Executive Office of the Department of Justice and Equality, on matters of internet safety. I should also mention that the HSE provides funding to BodyWhys, the national voluntary organisation supporting people affected by eating disorders. BodyWhys has in the past indicated that if persons are concerned that a young person is accessing such websites, they should guide them towards healthier, more constructive alternatives such as online support meetings, message boards, etc. offered by reputable organisations supporting people towards recovery from eating disorders.

### **Infectious Diseases Incidence**

119. **Deputy Mary Mitchell O'Connor** asked the Minister for Health the concerted action he intends to take to educate and inform persons, especially the young, to look after their sexual health in view of the fact that 320 people were newly diagnosed with HIV here last year; and if he will make a statement on the matter. [54695/12]



**Minister for Health (Deputy James Reilly):** The 2011 figures on HIV and AIDS in Ireland were compiled by the Health Protection Surveillance Centre (HPSC). There were 320 new HIV diagnoses reported to the Health Protection Surveillance Centre (HPSC) in 2011, which is less than the number reported in 2010 (330). With the exception of 2005, this is the lowest number since 2001 (Table 1). 6,287 people have been diagnosed with HIV in Ireland since the early 1980s but this number does not represent the number of people living with HIV (PLHIV) in Ireland, as it does not take factors such as death and migration into account.

**Table 1: HIV in Ireland 2001-2011 (Source: Health Protection Surveillance Centre)**

Year	No. of new cases	Cumulative total
2011	320	6,287
2010	330	5,967
2009	395	5,637
2008	405	5,243
2007	362	4,781
2006	337	4,419
2005	318	4,082
2004	356	3,764
2003	399	3,408
2002	364	3,009
2001	299	2,645

There were 136 (42.5%) new diagnoses among men who have sex with men (MSM). This remains high and sex between men is now the predominant mode of transmission in Ireland. Heterosexual transmission accounted for 33.8% of new cases (108), down from 63.7% of cases in 2002. In particular, there has been a reduction in the number of cases among people from high prevalence countries. 5% of new infections were among injecting drug users (IDUs) which is slightly down from the previous year (6.6%). 28 diagnoses were in the 15 to 24 year old age group (8.8%) and there were three Mother to Child Transmission (MTCT) cases diagnosed in 2011. 119 (37.3%) of the new cases were born in Ireland.

My Department has established a steering group to oversee the drafting of a National Sexual Health Strategy which will provide a strategic direction for the delivery of sexual health services across the country. It will focus on improving sexual health and wellbeing and address the surveillance, testing, treatment and prevention of HIV and STIs, crisis pregnancy, and sexual health education and promotion. Moreover, the Strategy will be in line with the forthcoming Framework for Health and Wellbeing which will provide a policy framework that addresses the wider determinants of health and health inequalities. The steering group is supported by three working groups whose members come from a diverse range of backgrounds including from NGOs, the HSE and Government Departments and a variety of clinical and academic settings including consultants, GPs, nurses and counsellors among others.

In December 2011 a National HIV Prevention and Sexual Health Awareness Programme for men who have sex with men (MSM) was launched. The programme targeted younger MSMs with messages designed and delivered by their peer groups and aimed at raising awareness, building self-esteem and equipping them to be able to make safer sex choices. The programme was in line with the recommendations of the National AIDS Strategy Committee's '*Education and Prevention Plan, 2008 – 2012*' which provides a roadmap for HIV and AIDS Education and Prevention.

### Substance Misuse

120. **Deputy Mary Mitchell O'Connor** asked the Minister for Health the concerted action he intends to take in view of the findings in the growing up in Ireland report that 15% of 13 year olds had tried alcohol; and if he will make a statement on the matter. [54698/12]

**Minister for Health (Deputy James Reilly):** The National Substance Misuse Strategy Steering Group reported in February of this year. The report contains a range of recommendations to, among other things, reduce the consumption of alcohol in general. These recommendations are grouped under five pillars of Supply Reduction (availability), Prevention, Treatment, Rehabilitation and Research. The Report contains a range of recommendations that impact directly and indirectly on the problem of excessive youth alcohol consumption. My Department is developing concrete proposals on the basis of the recommendations of the report of the National Substance Misuse Strategy Steering Group and these are being prepared for the purposes of submitting them to Government at the earliest opportunity for the consideration and approval of the Cabinet.

### Dental Services Provision

121. **Deputy Mary Mitchell O'Connor** asked the Minister for Health the concerted action his Department plans to take, in view of a recent behaviour and attitudes study stating that dental health is at crisis point and the finding that the majority of dentists believe that the State dental scheme is not fit for purpose; and if he will make a statement on the matter. [54700/12]

**Minister of State at the Department of Health (Deputy Alex White):** The Dental Treatment Services Scheme (DTSS) provides access to dental treatment for adult medical card holders. As funding has been capped at the 2008 level of €63 million, the HSE prioritises for treatment patients with special needs, high risk patients and those who have greater clinical needs. A free oral examination every calendar year and free emergency dental treatment with a focus on relief of pain and sepsis are available to all eligible patients, regardless of their medical condition. This includes 2 fillings, all extractions and a number of complex treatments. The National Oral Health Office of the HSE issued Standard Operating Procedures to dental contractors in November 2011 to support equitable and priority funding and provide clearer guidance to dentists on the application of DTSS prior approval requests. The HSE monitors monthly DTSS expenditure and has confirmed that the funding of €63 million will be spent by year end. Given the growing demands and current budgetary constraints, it is not possible to expand the service at present. The HSE will continue to monitor the operation of the DTSS to ensure the most beneficial, effective and efficient use of available resources.

### Services for People with Disabilities

122. **Deputy John Browne** asked the Minister for Health when he intends to implement the disability related promises in the 2011 Programme for Government especially individual budgets; and if he will make a statement on the matter. [54717/12]

**Minister for Health (Deputy James Reilly):** The Government is fully committed to the implementation of all disability-related undertakings in the Programme for Government. In respect of individual budgets, the commitment in the Programme for Government is to *'move a proportion of public spending to a personal budget model so that people with disabilities or their families have the flexibility to make choices that suit their needs best'*. It has not yet been

determined whether this will require legislative change.

A personal budget model is one aspect of individualised budgeting, which describes an approach whereby a monetary value is placed on the supports required by an individual with disabilities to live a fulfilled life. It may be implemented in many ways, but the essence of individualised budgeting is that the individual is given more choice and control over how the money allocated to meet their needs is utilised. This approach must be underpinned by a standardised needs assessment to ensure fairness and transparency in the way in which funding is allocated.

The move towards a personal budget model is encompassed by the recommendations in the recently published Value for Money (VFM) and Policy Review of Disability Services, which addresses the wider area of individualised budgeting and person-centred supports and services. In that context, it is intended that the actions recommended in the VFM Review will lay the groundwork for individualised budgeting, once sufficient analysis of the benefits is carried out in the Irish context and adequate financial management, resource allocation and governance structures are in place to ensure its long-term viability. The priority is to further improve current services, while expediting the analysis of the benefits to be gained from a person-centred supports model and developing the administrative and governance infrastructure necessary for a more accountable and individualised service.

As part of the groundwork for individualised budgeting, the Health Service Executive (HSE) will be asked to put a structure around VFM implementation activities in the 2013 Service Plan. The immediate priority will be to achieve greater efficiency in the delivery of current services, including improved unit costing, activity recording and financial reporting, with a view to obtaining a more effective use of resources in the first instance.

The process of evaluating demonstration projects for sustainability and wider applicability will also be put in train. The Department, the HSE and the National Disability Authority have commenced work on the identification of a common assessment tool and the development of a resource allocation methodology, which will provide essential components of the framework necessary to support individualised budgeting and expect to make significant incremental progress on this work during 2013. The allocation of a unique identifier is also necessary to support the delivery of a more individualised service. The Health Information Bill, which is currently being drafted, will provide a legal framework for the use of identifiers in the health system. The Bill is expected to be ready for publication next year.

### **Domestic Violence Incidence**

123. **Deputy Seán Ó Feargháil** asked the Minister for Health the proposals his Department has made with regard to meeting the administrative and operational costs of a facility (details supplied) in County Kildare; if prior to the development of this facility the Health Service Executive had a clear understanding and agreement with his Department providing the capital funding, the local authority and or the facility provider in relation to ongoing operational costs; his views on whether the funding on offer is adequate to allow the facility to be open; and if he will make a statement on the matter. [54722/12]

**Minister for Health (Deputy James Reilly):** In 2010 the National Strategy on Domestic, Sexual and Gender-based Violence was published. It aims to provide a framework for sustainable intervention to prevent and effectively respond to domestic, sexual and gender-based violence and is lead by Cosc which is the National Office for the Prevention of Domestic, Sexual and Gender-based Violence. The HSE subsequently published its own Policy on Domestic, Sexual and Gender-based Violence. The principal actions are in line with the National Strategy.

The HSE's policy states that a health-focused analysis of violence is crucial, not only because the consequences of such violence require a significant amount of healthcare system resources, but most importantly because the health care system is often the first route through which victims seek to access supports.

Nationally the HSE funds 42 frontline domestic violence service providers. 20 of these provide refuge accommodation and this number has risen from 15 since 2000. The services provide a wide range of supports such as crisis refuge, advocacy and counselling and were funded to the amount of €13.465M in 2012. In relation to the specific query raised by the Deputy, as this is a service matter it has been referred to the Health Service Executive for direct reply.

### **General Medical Services Scheme Administration**

124. **Deputy Róisín Shortall** asked the Minister for Health the reason sodium chloride for infusion is not reimbursable under the GMS scheme in respect of patients in nursing homes who are not eating a normal diet. [54727/12]

**Minister of State at the Department of Health (Deputy Alex White):** I have asked the HSE to supply this information and it will be forwarded to the Deputy as soon as it is available.

### **Hospital Waiting Lists**

125. **Deputy Paschal Donohoe** asked the Minister for Health the hospital in which a person (details supplied) in Dublin 9 will receive an operation; and if he will make a statement on the matter. [54728/12]

**Minister for Health (Deputy James Reilly):** The management of waiting lists for patients awaiting public health care is based on the principle that urgent and cancer patients are prioritised for treatment, then clinically assessed routine patients should be seen in chronological order (i.e. longest waiter first). Should the patient's general practitioner consider that the patient's condition warrants an earlier prioritisation, he/she would be in the best position to take the matter up with the consultant and hospital involved. In relation to the particular issue raised by the Deputy, I have asked the Health Service Executive to respond directly to the Deputy in this matter.

### **HSE Properties**

126. **Deputy Brian Stanley** asked the Minister for Health if he will provide in tabular form details of the amount of rent paid by the Health Service Executive on renting property for both administration purposes and service provision in counties Laois and Offaly for the years 2008, 2009, 2010 and 2011. [54730/12]

**Minister for Health (Deputy James Reilly):** Management of the health property estate is a service matter. Therefore your question has been referred to the Health Service Executive for direct reply.

### **Primary Care Centres Provision**

127. **Deputy Brendan Smith** asked the Minister for Health his plans to develop primary care facilities at a centre (details supplied) in County Monaghan; and if he will make a statement on the matter. [54733/12]

**Minister for Health (Deputy James Reilly):** The Capital Plan 2012-2016 - expenditure for year 2012, has been approved. It contains Exchequer capital provision for the delivery of a primary care centre for Monaghan town to be located at Monaghan General Hospital. The Health Service Executive has commenced the procurement of a design team for this project.

### **Dental Services Provision**

128. **Deputy Sean Fleming** asked the Minister for Health if he will outline on a county basis or an area basis in the Health Service Executive the class in which children in primary schools receive their first dental check; the steps he will take to ensure that there is an equal service countrywide; and if he will make a statement on the matter. [54736/12]

129. **Deputy Sean Fleming** asked the Minister for Health the year in which children in primary schools in County Laois receive their first dental check; if he is satisfied that this is sufficient and should there be earlier checks; and if he will make a statement on the matter. [54737/12]

**Minister of State at the Department of Health (Deputy Alex White):** I propose to take Questions Nos. 128 and 129 together.

The Public Dental Service of the HSE provides dental services for children and patients with special needs. In the majority of areas children receive their first dental check between the ages of 6 and 8 years. Currently, in Laois/Offaly, Galway, Kerry and part of Cork (North Lee) the priority is emergency care, special needs and screening of children aged from 11 to 13 years. Once these priorities are addressed and subject to availability of resources, the HSE endeavours to provide screening to children between the ages of 6 and 8 years. The HSE Public Dental Service is currently being re-structured with areas being merged, e.g. Laois and Offaly. It is expected that the new structures will facilitate standardisation of services available nationally.

### **Medical Card Applications**

130. **Deputy Jack Wall** asked the Minister for Health the reasons a medical card was refused in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [54738/12]

**Minister of State at the Department of Health (Deputy Alex White):** The Health Service Executive has been asked to examine this matter and to reply to the Deputy as soon as possible.

### **Medical Aids and Appliances Applications**

131. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the reason a sensory dynamic orthosis lycra suit has not yet been provided by the Health Service Executive in respect of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [54739/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Dep-

uty'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.

### **Health Services Provision**

132. **Deputy Eoghan Murphy** asked the Minister for Health if he is planning any cuts in budget or service to CoAction West Cork in 2013. [54748/12]

**Minister for Health (Deputy James Reilly):** The level of funding which the HSE will allocate to specific organisations in 2013 will have to be determined by the Executive in the context of the overall level of resources which will be made available to it next year, and priorities identified in the National Service Plan.

### **Hospital Staff Issues**

133. **Deputy Eoghan Murphy** asked the Minister for Health his views on a possible shortage of suitably trained nurses in hospitals here. [54749/12]

**Minister for Health (Deputy James Reilly):** At present, some 1650 nurses/midwives graduate per annum from our Universities and other colleges. The Department of Health has recently completed a review of undergraduate nursing and midwifery education programmes. As part of this review an analysis of the number of student places required to ensure sufficient numbers of nurse and midwife graduates was completed. This indicates that the overall numbers of students at undergraduate level meets demand.

The Government has determined that, in line with its commitment to reduce the size of the public service, health sector employment numbers must be reduced substantially in 2013 and 2014. Spending on health services will also have to be very tightly controlled. The cumulative impact of staff reductions from this year and previous years represents a significant challenge for the health system in delivering services. The priority is to reform how health services are delivered in order to ensure a safe, more productive and cost-effective health system.

The changes implemented through the moratorium on recruitment have had an impact on the number of nurses and midwives available. Directors of Nursing/Midwifery will continue to examine closely improvements in flexible working arrangements, changes to rosters, changes to the role of staff and other approaches to minimise impact on patient safety and the quality of care. The Croke Park Agreement has been crucial to the health service's ability to manage through the very difficult circumstances of recent years. The flexibility and adaptability shown by staff has meant that even with reducing staff numbers, service levels have largely been maintained and indeed performance in relation to Emergency Departments and hospital waiting lists has markedly improved.

The continued reduction in staffing increases the need for reform, including greater flexibilities in work practices and rosters, as well as redeployment and the HSE is committed to fast-tracking new, innovative and more efficient ways of using reduced resources under the Croke Park Agreement.

### **Nursing Education**

134. **Deputy Eoghan Murphy** asked the Minister for Health if his attention has been

drawn to the number of nurses who have qualified here and subsequently emigrated since 2010. [54750/12]

**Minister for Health (Deputy James Reilly):** There are no statistics available regarding the number of nurses who graduated in this country and subsequently emigrated in the period 2010 to date. The number of Irish nursing graduates in the period is set out under. The Nursing and Midwifery Board of Ireland hold information on the number of new Irish Graduates who apply for Certificate of Current Professional Status documents (CCPS documents). The CCPS documents establish the graduates qualification for working outside of Ireland. It is important to note that applying for CCPS documents does not necessarily mean that the graduate actually emigrated.

Year	Number of Nurse Graduates	Number of New Irish Graduates who applied for CCPS documents
2010	1629	320
2011	1701	213
2012	1672	176 (to date)

### Hospital Services

135. **Deputy Róisín Shortall** asked the Minister for Health the number of bed days lost through delayed discharges in each hospital to date in 2012 [54814/12]

**Minister for Health (Deputy James Reilly):** This information is collected and collated by the Business Intelligence Unit within the Health Service Executive. Therefore, I have asked the Health Service Executive to respond directly to the Deputy.

### Parking Regulations

136. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport if he intends to make provision to allow for the partial review of local authority parking by-laws; if such an arrangement is possible under the Local Government Act of 2001 either in respect of the powers granted to local authorities or by statutory instrument; if he is considering such a proposal with the aim of reducing administrative costs and burdens placed upon local authorities which wish to revise some parking by-laws without having to engage in an entire review process as is the current situation; and if he will make a statement on the matter. [54670/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The making of pay-parking bye-laws by road authorities, under section 36 of the Road Traffic Act 1994, is a reserved function of each authority. Guidelines issued by the Minister under that section, provide assistance to authorities when making pay-parking bye-laws, including examples of the structure and content of such bye-laws. Where changes are being made to existing bye-laws, other than those relating to fees, new bye-laws must be made. This obliges road authorities to consult with the Garda Commissioner, give public notice of the authority's intention to make new bye-laws and the consideration of any observations or objections arising from that process. This requirement ensures that any significant changes to pay-parking bye-laws are carried out in an open and transparent way, with the public having the opportunity to be involved in the process. I do not have any plans to alter that requirement. However, if the Deputy has specific proposals in mind for the changing of this legislation I will, of course, give it due consideration.

### **Road Safety Issues**

137. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if he will ensure that funding is allocated to Westmeath County Council for the provision of street lighting at Tang, County Westmeath (details supplied). [54726/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism & Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Within is capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

### **Tourist Accommodation**

138. **Deputy Arthur Spring** asked the Minister for Transport, Tourism and Sport if he will provide accommodation occupancy statistics for hotels, guest houses, bed and breakfasts, hostels and self-catering accommodation for year to date in 2012, or alternatively accommodation occupancy statistics for any part of 2012, for Dublin city, the south-west region and County Kerry. [54650/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The collection of statistics, including tourism statistics, is primarily a matter for the Central Statistics Office (CSO). Although the CSO does not compile any statistics on accommodation occupancy for hotels, guest houses, bed and breakfasts, hostels or self-catering accommodation, I understand some information on occupancy levels is gathered by Fáilte Ireland through its surveys of accommodation providers. However, I am advised that the only accommodation occupancy statistics available at regional level relate to hotel occupancy – Fáilte Ireland does not have regional breakdowns for occupancy across other categories of accommodation. This information is available in the research section of the Fáilte Ireland website [www.failteireland.ie](http://www.failteireland.ie). With regard to the statistics requested, I have asked Fáilte Ireland to provide the Deputy with whatever relevant information they may have. Please advise my private office if you do not receive a reply within 10 working days.

### **Tourism Industry Issues**

139. **Deputy Arthur Spring** asked the Minister for Transport, Tourism and Sport the change in tourist numbers that has been experienced for the years to date in 2012, or alternatively for the first six months of 2012, from the same period in the previous year in Dublin city, the south-west region and in County Kerry. [54651/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The collection of statistics is primarily a matter for the Central Statistics Office (CSO). I understand that the CSO does not provide a regional breakdown of statistics in their monthly 'Overseas Travel' publication. I am aware, however, that Fáilte Ireland, provides an estimated regional breakdown of overseas visits on an annual basis, based on research of its own as well as available CSO statistics. The most recent full year figures are for 2010 with provisional figures available for 2011.



The data is available, on a regional and county basis, in the research section of the Fáilte Ireland website [www.Failteireland.ie](http://www.Failteireland.ie). In regard to 2012 figures, I have asked Fáilte Ireland to provide the Deputy with whatever information they may have of the number of tourists to each area in 2012. Please advise my private office if you do not receive a reply within 10 working days.

### **Air Services Provision**

140. **Deputy Arthur Spring** asked the Minister for Transport, Tourism and Sport the total number of passengers between 1 June 2012 and 31 August 2012 into Dublin Airport, Shannon Airport and Kerry Airport. [54652/12]

141. **Deputy Arthur Spring** asked the Minister for Transport, Tourism and Sport the average number of passengers per week to date in 2012 for Dublin Airport, Shannon Airport and Kerry Airport. [54653/12]

142. **Deputy Arthur Spring** asked the Minister for Transport, Tourism and Sport the change in the total number of passengers in months June, July and August 2012 from the same tourist season 2011 into Dublin Airport, Shannon Airport and Kerry Airport. [54654/12]

143. **Deputy Arthur Spring** asked the Minister for Transport, Tourism and Sport the number of extra flights into Dublin Airport, Shannon Airport and Kerry Airport to date in 2012 compared to 2010. [54655/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 140 to 143, inclusive, together.

The matters raised by the Deputy in relation to passenger numbers at Dublin and Shannon Airports fall within the operational responsibilities of Dublin Airport Authority and I have referred the questions to the company for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten working days. In relation to Kerry Airport, which is a privately owned company, the Deputy should address any queries regarding the airport's performance to the airport management.

### **Sport and Recreational Development**

144. **Deputy Mary Mitchell O'Connor** asked the Minister for Transport, Tourism and Sport the negative impact abuse of youth in sport has had on participation levels; and if he will make a statement on the matter. [54693/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Irish Sports Council, which is funded by my Department, is the statutory body with responsibility for the promotion, development and co-ordination of sport, including increasing participation at all levels and the promulgation of guidelines and codes of practice to facilitate standards of good conduct and fair play in sport. The Irish Sports Council has been actively engaged on improving the sport environment for young people through the comprehensive implementation of the Code of Ethics and Good Practice for Young Peoples Sport in Ireland. To date more than 35,000 people have completed basic training in the Code. I have referred the Deputy's question to the Irish Sports Council for a more detailed response. I would ask the Deputy to inform my office if a reply is not received within 10 days.

## **Road Safety Authority Campaigns**

145. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport if the Road Safety Authority will consider using some of its safety advertising budget on a campaign that encourages cyclists to follow the rules of the road and to cycle safely. [54747/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The subject matter of this particular question, i.e. how the Road Safety Authority spends its budget, is a matter for that Authority and I have referred the question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

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