

Written Answers.

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

Questions Nos. 1 to 6, inclusive, answered orally.

Garda Investigations

7. **Deputy Denis Naughten** asked the Minister for Justice and Equality further to Parliamentary Question No. 8 of 20 June 2012, the position regarding the Garda review into the murder of Fr. Niall Molloy in Clara, County Offaly, in July 1985; if he will accede to the request by the family for an independent inquiry into the priest's violent death; and if he will make a statement on the matter. [5660/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Garda authorities that the examination surrounding the circumstances of the death of Father Niall Molloy is almost complete and that a report of this examination will be submitted to the Commissioner in the coming weeks. Upon receipt of a report from the Commissioner I will review the situation. I understand that the officers carrying out the examination are continuing to keep the family members of the deceased updated on progress. While I fully appreciate the concerns of the family, in any case where criminal behaviour is suspected it is only through a Garda investigation, and where evidence of criminal wrongdoing is available through the submission of a file by the Gardaí to the Director of Public Prosecutions, that persons can be brought fully to account. Therefore, I hope that the Deputy will agree that, in the first instance, we need to allow the present Garda examination to proceed to its conclusion.

Garda Transport Provision

8. **Deputy Anthony Lawlor** asked the Minister for Justice and Equality his plans to replace and upgrade the Garda transport fleet; the condition of the fleet when he took office; the provision that was made to upgrade the fleet by the previous Administration; if he is satisfied that Garda patrol cars and other vehicles are safe to be used on our roads; and if he will make a statement on the matter. [5655/13]

28. **Deputy Pat Deering** asked the Minister for Justice and Equality his plans to replace and upgrade the Garda transport fleet; the condition of the fleet when he took office; the provision that was made to upgrade the fleet by the previous Administration; if he is satisfied that Garda patrol cars and other vehicles are safe to be used on our roads; and if he will make a statement on the matter. [5652/13]

40. **Deputy Derek Keating** asked the Minister for Justice and Equality his plans to replace and upgrade the Garda transport fleet; the condition of the fleet when he took office; the provi-

sion that was made to upgrade the fleet by the previous Administration; if he is satisfied that Garda patrol cars and other vehicles are safe to be used on our roads; and if he will make a statement on the matter. [5653/13]

50. **Deputy Regina Doherty** asked the Minister for Justice and Equality his plans to replace and upgrade the Garda transport fleet; the condition of the fleet when he took office; the provision that was made to upgrade the fleet by the previous administration; if he is satisfied that Garda patrol cars and other vehicles are safe to be used on our roads; and if he will make a statement on the matter. [5654/13]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 8, 28, 40 and 50 together.

Decisions in relation to the provision and deployment of Garda vehicles are a matter, in the first instance, for the Garda Commissioner in the context of his identified operational requirements and in the light of available resources.

The Garda transport fleet consisted of 2,414 vehicles in December 2012. The comparative figure for December 2007 was 2,305. With regard to vehicle safety, I am informed by the Garda authorities that the safe operation of the Garda vehicle fleet is a priority for the Force. Within that framework specific measures are in place to ensure that all of the vehicles concerned are maintained to a high standard, so that they can function under safe conditions for both Garda personnel and the general public.

The Deputies will be aware that an additional 213 new vehicles were purchased in 2012 on foot of an investment of €4 million. These new vehicles are currently being rolled out to Garda Divisions throughout the country. In addition, a further provision of €5 million has been made available for the purchase and fit-out of Garda transport in 2013. This represents a very considerable financial investment in Garda transport, particularly at a time when the level of funding available across the public sector is severely limited. It is a clear indication of my commitment to ensure that, to the greatest extent possible, An Garda Síochána are provided with sufficient resources to enable them to provide an effective and efficient policing service.

Proposed Legislation

9. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality his plans to introduce legislation that would provide for the recognition of Traveller ethnicity. [6004/13]

Minister for Justice and Equality (Deputy Alan Shatter): I have no immediate plans to introduce such legislation though, as I have indicated in the past, serious consideration is being given to this issue.

I am aware of the long standing wish of many Travellers that such status be granted but there are also some divergent views. I am also aware that the previous Government was of the view that Travellers are not an ethnic minority. Dialogue between staff of my Department and representatives of Traveller organisations has taken place in the past on the issue, for example, during the course of a seminar on the third State report under the Council of Europe Convention on National Minorities. In addition, the National Traveller Monitoring and Advisory Committee, on which sit representatives of all the national Traveller organisations as well as officials of the Department of Justice and Equality, in 2012 established a sub-group specifically to consider the issue of Traveller ethnicity. Arising from the work of this group, among other things, a conference was held in Dublin Castle, supported by my Department. At this conference various aspects of the ethnicity subject were considered from a wide spectrum of opinion.

I would like to remind the house that Travellers in Ireland have the same civil and political rights as other citizens under the Constitution. The key anti-discrimination measures, the Prohibition of Incitement to Hatred Act, 1989, the Unfair Dismissals Acts 1977, the Employment Equality Acts and the Equal Status Acts specifically identify Travellers by name as a group protected. The Equality Act 2004, which transposed the EU Racial Equality Directive, applied all the protections of that Directive across all of the nine grounds contained in the legislation, including the Traveller community ground. All the protections afforded to ethnic minorities in EU directives and international conventions apply to Travellers because the Irish legislation giving effect to those international instruments explicitly protects Travellers.

I would like to inform the Deputy that consideration of this issue remains ongoing with a view to ensuring that full analysis of all aspects of the granting of ethnic status to Travellers is available to Government when coming to a decision on the matter.

Departmental Budgets

10. Deputy Bernard J. Durkan asked the Minister for Justice and Equality if he is satisfied regarding the adequacy of the budget for his Department to maintain an adequate level of policing throughout the country in both urban and rural areas, keeping in mind the activities of criminal gangs, the requirements to provide a sufficient network of Garda stations, personnel, motorised and electronic equipment in line with the needs of a modern police force and in keeping with international standards; and if he will make a statement on the matter. [5982/13]

Minister for Justice and Equality (Deputy Alan Shatter): Among the many headaches I inherited when I was appointed Minister for Justice and Equality in March 2011 was the need to unravel the expenditure for the Justice Sector contained in the Fianna Fáil-led Government's National Recovery Plan 2011-2014, which, if applied, would have resulted in devastating cuts in Garda services which I would not, and could not, stand over. The budgetary resources in the Fianna Fáil National Recovery Plan were unacceptable and would have put the Garda Commissioner in an impossible position. Fortunately, I was able to secure additional funding for the three-year period 2012 to 2014 to ensure that sufficient money was available to the Commissioner to allow the Garda Síochána to continue to deliver an effective policing service.

Specifically, I secured Euro 2.243 billion for the Justice Sector for 2012 which was Euro 118 million more than had been allocated by Fianna Fáil. For 2013, I secured funding of Euro 2.2 billion which was Euro 191 million more than the Fianna Fáil allocation. For 2014, I secured Euro 2.065 billion, which was Euro 105 million more than the original Fianna Fáil allocation. Overall, had I not obtained this additional finance, the Gardaí would have stood to lose an average of Euro 90 million each year under the Fianna Fáil plan over the years 2012 to 2014.

In 2013 the Garda financial allocation, which in gross terms amounts to over Euro 1.4 billion, is a substantial amount and I can assure the Deputy, and the House, that this allocation will be spent in the most effective way with the emphasis on the delivery of front-line services. In that general context, a budget of Euro 5 million has been made available in 2013 for the purchase of additional Garda vehicles and, indeed, the modernisation of the Garda fleet is a crucial part of supporting policing operations throughout the State.

As the Deputy will be aware, a programme of consolidating the Garda station network is currently under way. This programme, which has been undertaken on the basis of recommendations made by the Garda Commissioner, yielded the freeing-up of over 160 Garda members in 2012 for operational policing duties. Moreover, the Garda authorities have indicated that the consolidation measures for 2013 will result in an extra 61,000 Garda patrol hours.

The overall objective of the consolidation process is to ensure effective policing. Furthermore, it has been supplemented by the new Garda roster system which ensures that resources are optimally deployed when and where they are required, to every part of the community, both rural and urban. In addition, the Garda Síochána has available to it a class-leading computer system and a state of the art digital radio system.

With regard to the fight against crime, the most recent crime statistics published by the Central Statistics Office show a welcome reduction in 12 of the 14 crime groups for which figures are given, compared with the previous 12 months. The figures reflect how the Gardaí are making an impact on crime and the Commissioner has indicated that the Force will maintain its focus on criminal activities. In response to the rise in burglaries, Operation Fiacla has been set up by the Commissioner. The operation has been very successful and up to the end of December 2012 it has resulted in 3,538 arrests and 1,924 charges.

I am determined, as Minister for Justice and Equality, that the resources of our Garda Síochána will be used in the best, most effective and efficient way possible. Overall, I believe that the primary Garda objective of combating crime will be continue to be achieved, and that, despite the pressure on the public finances, it will be possible for the Force to operate to the optimum benefit of our communities in a manner that will facilitate the prevention and detection of offences.

EU Directives

11. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if he will provide an update on the State's participation in discussions on guidelines on the Family Reunification Directive; if the guidelines will include defining dependency regarding a sponsor for the purpose of family reunification; and if he will provide clarification on the evidence required to establish family links. [6001/13]

Minister for Justice and Equality (Deputy Alan Shatter): The European Commission has indicated that it will during the course of 2013 publish some guidelines on the interpretation of Council Directive 2003/86/EC on the Right to Family Reunification. Since Ireland, like the UK, does not participate in the Directive it would not be in a position to contribute formally to the development of the guidelines. Nevertheless Ireland did participate in the Expert Group on Family Reunification convened in September by the Commission where Member States had an exchange of views on various issues covered by the Directive but which are also relevant to national policies in Ireland. We would likewise hope to attend any future meetings in this area.

The range of issues to be covered in any guidelines are not known at this stage and ultimately that is a matter for the Commission but could be expected to deal with most matters referenced in the Directive, including presumably that of dependency.

In terms of family reunification in Ireland it is my intention to publish in the coming period a detailed policy document on family reunification both where the sponsor is an Irish national and where he/she is from outside the EEA. Work has been underway on this for some time and it will include guidelines on all of the main issues including eligibility, dependency, the financial resources necessary to sponsor a dependent and any personal requirements the person seeking entry must meet. The purpose is to update the existing policies in operation and to address any gaps in the current regime in the interests of applicants, practitioners and staff. The aim is to achieve an appropriate balance between the legitimate aspirations of the family and the interests of society at large recognising of course that in many cases these will coincide.

It should also be noted that our existing policies in respect of certain classes of migration, for high skilled workers, Researchers, PhD Students, Entrepreneurs and Investors, providing for immediate family reunification of spouse and dependent children would compare very favourably with many other jurisdictions. Substantial numbers of cases are processed annually. Therefore it is not a case that Ireland does not offer family reunification and the new guidelines which my Department is working on will provide further clarity on the criteria and the process that will be applied.

Garda Síochána Ombudsman Commission Issues

12. **Deputy Dara Calleary** asked the Minister for Justice and Equality the further progress that has been made under Operation Fiacla to date; the amount that has been spent to date; and if he will make a statement on the matter. [6027/13]

Minister for Justice and Equality (Deputy Alan Shatter): Operation Fiacla is the subject of regular monitoring and review by senior Garda management and is focused on identifying and targeting gangs involved in burglaries around the country so as to disrupt their activities and bring them before the Courts.

The operation is intelligence driven, and specific burglary initiatives have been implemented in each Garda Region to target suspect offenders. These initiatives optimise the use of existing structures and local Garda management ensure that all personnel are fully briefed on the initiative, with Divisional Crime Management Teams playing a key coordination and implementation role.

I am further informed that, as of 31 January 2013, 3,903 persons have been arrested and 2,142 persons have been charged as part of the operation, reflecting the very substantial efforts being made to tackle this problem by the Gardaí.

In relation to the cost of the operation, it is understood that a separate dedicated budget has not been established for this initiative and it would necessitate a disproportionate amount of Garda time and resources to calculate this. However, every effort is being made by Garda management, under the remit of the respective regional policing plans prepared under Operation Fiacla, for duty associated with these initiatives to be conducted as part of routine, rostered, policing activities.

I am, of course, conscious of the deep distress which burglary can cause to householders and of the broader impact it can have in terms of fear of crime in our communities. I therefore very much welcome the fact that the Garda Commissioner is deploying the substantial resources available to him in a targeted approach to confront those engaged in this form of criminality. The latest quarterly figures from the Central Statistics Office for burglary suggest that Operation Fiacla is having an impact, when compared with the quarterly figures prior to its introduction, and I am hopeful that the success of the operation will be continue to be reflected in future crime statistics as they become available.

Garda Industrial Relations Issues

13. **Deputy Micheál Martin** asked the Minister for Justice and Equality the discussions he has held with the Association of Garda Sergeants and Inspectors regarding Garda working conditions; and if he will make a statement on the matter. [6044/13]

Minister for Justice and Equality (Deputy Alan Shatter): Working conditions for members of the Garda Síochána are the subject of discussions under the Garda Conciliation and Arbitration Scheme. The scheme, which is similar to schemes operating elsewhere in the public service, provides for a Conciliation Council, an Arbitration Board and an Adjudicator, all of which are designed to deal with conditions of service of members of all ranks of the Garda Síochána up to and including the rank of Chief Superintendent.

In addition to this more formal approach, I have also met with AGSI on a bilateral basis. These meetings provide both sides with an opportunity to discuss work related issues, including working conditions. The last such meeting took place on 17 October 2012.

The Deputy will be aware that talks have recently commenced with the trade unions and staff associations on a revision to the Croke Park Agreement. The Deputy will also be aware that AGSI have chosen not to participate further in those talks.

I do not wish to pre-empt the outcome of the talks by making any further comment at this time other than to say that the talks are at an early stage and I would encourage all the Public Service Unions and staff associations to engage constructively in the dialogue being facilitated by the Labour Relations Commission.

Garda Stations Closures

14. **Deputy Niall Collins** asked the Minister for Justice and Equality his plans for the total number of Garda stations by the end of 2013, 2014 and 2015; and if he will make a statement on the matter. [6018/13]

Minister for Justice and Equality (Deputy Alan Shatter): At the end of 2013 there will be 564 Garda stations in the State. By comparison with other similar jurisdictions this is still a high number. By way of comparison, there are 83 police stations in Northern Ireland for its population of 1.4 million and 340 stations in Scotland for its population of 5.2 million. In the London Metropolitan area, 66 police stations are due to close, leaving 73 police stations open to the public.

Each year the Commissioner prepares a Policing Plan which outlines his proposals for providing the policing service in the country for the following year. Among other things, these plans must include any proposals he has for the re-organisation of the Divisional or Regional network together with any plans he has for the closure of a Garda station. The plans for 2014 and 2015 have not yet been prepared, however, from discussions with the Garda Commissioner I understand that the current consolidation process will be largely completed by the end of this year and it seems unlikely at this point in time that there will be any further station closures in 2014 and 2015.

The delivery of the most effective policing service possible to the public will of course remain the objective of future policing plans. It will be for the Garda Commissioner, using his professional judgement, to formulate such proposals, and he will continue to have my support in seeking to maximise the number of Gardaí on active frontline duty, preventing and detecting crime right across the country.

Prison Visiting Committees Remit

15. **Deputy Dessie Ellis** asked the Minister for Justice and Equality his plans to review the

existing functions and powers of the Prison Visiting Committees. [5994/13]

Minister for Justice and Equality (Deputy Alan Shatter): I announced plans some time ago to strengthen the independent oversight of our prisons. To this end, the Government has approved the drafting of a General Scheme of an Inspection of Places of Detention Bill which will include provisions to make Visiting Committees more effective while they continue their role of visiting prisons, meeting with prisoners, and liaising on their behalf with prison authorities.

A link will be established between the Visiting Committees and the Inspector of Prisons. As part of these plans, it is intended to expand the role of the Inspector of Prisons. I believe this will greatly enhance the Inspector's independent oversight of the prison system. Under the new proposed arrangements, it is my intention that Visiting Committees will report regularly to the Inspector of Prisons. In addition, Visiting Committees will be able to report any urgent or major matter to the Inspector at any time. They will continue their role of visiting prisons. They will also continue to meet with prisoners and liaise on their behalf with prison authorities, and they will be more effective.

Subject to competing legislative priorities, it is expected that the General Scheme will be published early this year. When work on preparation of the General Scheme has been completed, I will be seeking Government approval for its publication to facilitate a consultation process in advance of drafting and publication of the Bill.

Garda Retirements

16. **Deputy Sandra McLellan** asked the Minister for Justice and Equality the number of gardaí that he expects to retire this year. [6009/13]

Minister for Justice and Equality (Deputy Alan Shatter): Members of An Garda Síochána may retire on a voluntary basis once they have reached 50 years of age and have accrued 30 years service. Members must retire on compulsory age grounds on reaching the age of 60.

In actual fact, most Gardaí take voluntary retirement ahead of their compulsory retirement age and it is not possible to predict with any certainty the number of Gardaí who will leave the Force during the course of any one year. There are approximately 1,450 Garda members who could retire in 2013 on full pension. However, there is no basis for expecting that all those who could retire will actually do so.

Equally it is difficult to establish an average figure for Garda retirements, particularly as the annual rate of retirements has been affected in the past by one-off factors such as the grace period which lasted until the end of February last year. While it would not be unreasonable, therefore, extrapolating from recent experience, to expect that retirements might range somewhere between 300 and 400, it is not possible to give a scientific estimate.

I have however, been informed by the Garda authorities that as of 1 February 2013, the number of Gardaí who have retired or declared their intention to retire during the course of 2013 is 58.

Prisoner Complaints Procedures

17. **Deputy Brian Stanley** asked the Minister for Justice and Equality his plans to ensure that the outcome of investigations conducted as a result of complaints made by prisoners will be published. [5992/13]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy is aware, the new prisoner complaints procedure was introduced with effect from the 1 November 2012. The new procedure allows for all complaints made by prisoners alleging serious ill treatment, use of excessive force, serious intimidation/discrimination or threats by a member of staff of the Irish Prison Service to be investigated by an independent investigator. The Inspector of Prisons has oversight of all investigations, has access to any material relevant to any such investigation and may investigate any aspect that he considers relevant.

I have been informed by the Director General of the Irish Prison Service that, in line with the provisions of SI No. 11 of 2013 Prison Rules (Amendments) 2013, it is not intended that investigation reports or the outcomes of individual complaints will be made public. However, an overview of the outcomes of investigations will be included in the Service's Annual Reports.

I can advise the Deputy that in accordance with the provisions of SI No. 11 of 2013 the complainant and any person against whom the complaint was made shall be given a general outline of the contents of the investigation report and shall be advised of the findings.

Garda Overtime

18. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality the total amount of Garda overtime hours worked in 2010, 2011 and 2012; and if he will make a statement on the matter. [6025/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the number of overtime hours worked by members of An Garda Síochána during 2010, 2011 and 2012 was: 2010, 2,462,484 hours; 2011, 2,565,684 hours; and 2012, 1,310,954 hours.

The 2011 figure also includes overtime in respect of duties carried out during the State Visits of President Obama and Queen Elizabeth II which amounted in total to 765,598 hours.

As the Deputy will be aware, it has been necessary to reduce expenditure across the public sector due to the very difficult economic situation. That being said, I can also assure the Deputy that the 2013 Garda financial allocation, which in gross terms amounts to over Euro 1.4 billion, will be spent in the most effective way with the emphasis on the delivery of front-line services.

In that general context I can confirm for the Deputy that the Garda overtime budget for this year is Euro 43.9 million. On any analysis this is a substantial sum of money and it also represents an increase of approximately 3.5% on the actual expenditure on Garda overtime in 2012, which came to Euro 42.4 million. In addition, separate provision has been made in the Garda Vote in 2013 for certain Garda overtime costs that will arise in connection with the current Irish EU Presidency.

With regard to the fight against crime, the most recent crime statistics published by the Central Statistics Office reflect how the Gardaí are making an impact on crime and the Commissioner has indicated that the Force will maintain its focus on criminal activities.

Overall, I believe that the primary Garda objective of combating crime will be continue to be achieved, and that, despite the pressure on the public finances, it will be possible for the Force to operate to the optimum benefit of our communities in a manner that will facilitate the prevention and detection of offences.

Sentencing Policy

19. **Deputy Michael Colreavy** asked the Minister for Justice and Equality his plans to introduce sentencing guidelines. [6003/13]

43. **Deputy Billy Kelleher** asked the Minister for Justice and Equality the discussions he has held with the Law Reform Commission with regard to mandatory sentencing guidelines; and if he will make a statement on the matter. [6039/13]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 19 and 43 together.

The Deputy will appreciate that judges are independent in the matter of sentencing, as in other matters concerning the exercise of judicial functions, subject only to the Constitution and the law. In accordance with this principle, the role of the Oireachtas has been to specify in law a maximum penalty and a court, having considered all the circumstances of the case, to impose an appropriate penalty up to that maximum. The court is required to impose a sentence which is proportionate not only to the crime but to the individual offender, in that process identifying where on the sentencing range the particular case should lie and then applying any mitigating factors which may be present.

There are, of course, a small number of situations where statute has created exceptions to this approach most notably by providing for mandatory sentences for murder and presumptive minimum sentences in the case of certain firearms and drug trafficking offences. Except for exceptional circumstances, I am of the view that the Oireachtas should be cautious in prescribing mandatory sentences. An important safeguard rests in the power of the Director of Public Prosecutions to apply to the Court of Criminal Appeal to review a sentence she regards as unduly lenient. The Law Reform Commission is currently examining the law in relation to mandatory sentences and I understand this work will be completed this year.

The Deputy may be aware that the Law Reform Commission, after detailed study some years ago, recommended against the introduction of statutory sentencing guidelines but favoured non-statutory sentencing principles. The Superior Courts have developed a substantial body of case law setting out general principles of sentencing. Sentencing practice is also being developed by a steering committee of the judiciary which developed the Irish Sentencing Information System (ISIS) website, a pilot initiative designed to gather information about the range of sentences and other penalties that have been imposed for particular types of offences across court jurisdictions. Information on over 1,000 cases is detailed on the website and the Committee recently announced that it is shortly to recommence populating the online database with information on sentencing in the criminal courts.

The Deputy may be aware that the ISIS committee also announced they are planning to recommence providing information on sentencing in relation to specific issues in which context an analysis has been published on rape sentencing prepared by the Judicial Researchers Office under the guidance of Mr. Justice Peter Charleton. I understand that seminars are also planned, including one focusing on the work of the Sentencing Council in the UK.

Finally, as the Deputy may be aware, in September 2012, I announced a strategic review of penal policy. I have established a working group to carry out this review which will examine all aspects of penal policy and I expect the Group to report later this year.

Prison Accommodation

20. **Deputy Aodhán Ó Ríordáin** asked the Minister for Justice and Equality the reason there are only nine detoxification beds in a 4,500 bed prison system in view of the fact that 80% of persons there suffer from some form of drug problem and need services to help them detox and rehabilitate; and if he will make a statement on the matter. [5651/13]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that the Irish Prison Service provides a comprehensive range of drug treatment services tiered to meet the needs of the prison population. The nine beds referred to by the Deputy are allocated specifically for the therapeutic Drug Treatment Programme (DTP) based in the Medical Unit, Mountjoy Prison. This programme is 8 weeks in duration and the model used is a collaborative one using prison based staff and the community/ voluntary sector. Its aim is to assist prisoners in achieving a drug free status. At present, any person entering prison giving a history of opioid use and testing positive is offered a medically assisted symptomatic detoxification if clinically indicated. Patients can, as part of the assessment process, discuss with healthcare staff other treatment options.

Drug rehabilitation programmes for prisoners involve a significant multidimensional input by a diverse range of general and specialist services provided both by the Irish Prison Service and visiting statutory and non-statutory organisations. Prisoners who on committal are engaged in an opioid substitution programme in the community will have their substitution treatment continued while in custody. Methadone substitution treatment is available in 9 of the 14 prisons (accommodating over 80% of the prison population). Drug Treatment Pharmacist services are available in Mountjoy, Dóchas, Midlands and Portlaoise Prisons. Pharmacists are responsible for all aspects of drug treatment (mainly methadone) dispensing, administration, recording, ordering, storage etc in those prisons, thus ensuring that drug treatment is provided on an equivalent basis to that available in the community while meeting all legal and professional requirements in those particular prisons.

The Health Service Executive provides consultant led in-reach addiction services to Cloverhill and Wheatfield Prisons. Merchants Quay Ireland provides a national addiction counselling service for prisoners with drug and alcohol problems in prisons and places of detention where prisoners require such a service (with the exception of Arbour Hill Prison). Drug Free Units currently operate in Mountjoy Prison, Wheatfield Prison, Cloverhill Prison and St. Patrick's Institution. As part of the Irish Prison Service Strategic Plan 2012- 2014 Drug Free Units will be established in all closed prisons. Mountjoy Prison currently has two addiction nurses assigned. A clinical addiction team comprising the Primary Care Addiction Specialist GP, Addiction Nurses, Chief Nurse Officers, Merchants Quay Ireland personnel and Addiction Pharmacists provide a comprehensive overview of addiction services, which has resulted in a more streamlined service, better assessment and through-care outcomes.

In line with Action 43 of the National Drug Strategy, the Irish Prison Service ensures the seamless transition of prisoners established on drug treatment into community drug treatment settings as agreed in the protocol developed with the Health Service Executive. If the prisoner is on a community programme prior to committal to prison, the maintenance programme is continued during the prison term. Prior to a patient being commenced on methadone maintenance in prison, a drug treatment place in the community must be secured to ensure continuation of treatment upon release.

The Irish Prison Service has conducted a review of its existing Drug Treatment programmes and proposals have been developed to reorient and extend the treatment options. Recent trends across prisons indicate a significant number of prisoners currently self-detoxing from methadone and a marked reduction in the average dose of methadone. The proposals which have been adopted by the Irish Prison Service and are currently being rolled out on a phased basis

include:

- The establishment of a therapeutic Detoxification and Rehabilitation Treatment Programme (DRTP) with the allocation of 10 additional places from March 2013. The DRTP will also operate in the Medical Unit and will be in addition to the existing DTP which has 9 places;
- Circa 50 beds in the Medical Unit, Mountjoy Prison will be used exclusively for Drug Treatment Programmes including:
 - The Drug Treatment Programme (DTP) – 8 week duration;
 - Dextoxification & Rehabilitation Treatment Programme (DRTP) – 6 week duration,
 - Slow Detoxification Programme – maximum duration 6 months,
 - Stabilisation Programme – maximum duration 6 months’.
- The Training Unit and Shelton Abbey are being designated as suitable for prisoners on methadone maintenance treatment. Loughan House will be designated as a facility for the treatment of prisoners seeking to return to a drug free lifestyle.

The proposals set out above will provide an increased number of options for prisoners who demonstrate a commitment to addressing their substance misuse. Progression from these Programmes will include access to Drug Free Units, open prisons and ultimately the Community Return Scheme, subject to normal operational considerations.

The Deputy will note that the Irish Prison Service is adding to the range of programmes, support services and through-care options for prisoners demonstrating a commitment to addressing their substance misuse.

Visa Agreements

21. **Deputy Timmy Dooley** asked the Minister for Justice and Equality the follow up action he has taken in the wake of his call for an extension of the British-Irish common travel area to assist tourism; and if he will make a statement on the matter. [57224/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that in March last year the Government decided to extend for a four year period the Irish Short-stay Visa Waiver Programme to the end of October, 2016. The programme, which was devised by the Irish Naturalisation and Immigration Service (INIS) of my Department, was originally scheduled to run on a pilot basis until last October. The Programme allows tourists or business people from certain countries who have lawfully entered the UK, including Northern Ireland, on a valid UK visa to travel on to Ireland without the requirement to obtain an Irish visa. There has been a very positive response from tourism agencies and operators to this initiative. Figures from the Central Statistics Office indicate that the number of visits to Ireland from the countries included in the programme increased by 21% in the twelve months following its introduction. This is a significant increase and a very positive indicator of the success of the Programme.

INIS is continuing to work closely with their UK counterparts towards the implementation of a common visa for short stay visitors. It is anticipated that such a visa will prove an attractive option for tourists and business visitors, particularly in the context of the island of Ireland by facilitating visitors to travel freely between Northern Ireland and Ireland without the need for a separate Irish or UK visa.

One of the prerequisites to its introduction is the requirement that all visa applicants supply fingerprint (biometrics) data electronically which is currently an essential element of applying for a UK visa. Obviously Ireland does not have the capacity to capture such data for all visa

applications worldwide; currently for UK visas this is done in over 150 countries. Work is ongoing, through the regular Common Travel Area Forum meetings between INIS and the UK Home Office, on an agreed approach to this and other aspects prior to its introduction.

The project demonstrates the mutual benefits of working in close cooperation with the UK immigration authorities and of adopting a practical approach which will both enhance the preservation of the integrity of the CTA as well as harnessing the potential to deliver economic and tourism benefits for both countries. Finally, I personally had discussions with the UK Minister for Immigration on 4th February where we reviewed progress on this Joint objective.

Garda Investigations

22. **Deputy Denis Naughten** asked the Minister for Justice and Equality if he will have the case of the murder of Garda Richard Fallon, on 3 April 1970, independently reviewed; and if he will make a statement on the matter. [5661/13]

Minister for Justice and Equality (Deputy Alan Shatter): The murder of Garda Richard Fallon was a terrible tragedy for his family and I want to, again, express my deepest sympathy to them. On top of that personal tragedy, his murder was also an event that can only be described as a heinous crime carried out by ruthless individuals.

As the Deputy will be aware, this case is currently being reviewed by An Garda Síochána's Serious Crime Review Team and it is expected that the results will be available to the family shortly. I am conscious that this is a matter of great concern to the Fallon family but I am sure the Deputy will appreciate that it would be best to await the outcome of the Garda review.

Proposed Legislation

23. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he plans to introduce legislation to rectify legal anomalies around the issue of surrogacy. [5997/13]

Minister for Justice and Equality (Deputy Alan Shatter): As I indicated in response to Question No. 789 of 16 January 2013, I am presently engaged in the preparation of a Family Relationships and Children Bill, which will, among other matters, deal with parentage issues arising from surrogacy. I intend to publish the Heads of the Bill as soon as possible in 2013 having regard to the need for consultations and the need to dispose of urgent legislative matters in my Department under the EU/IMF Programme of Financial Support for the State.

In preparing my proposals for legislation, I am considering the detailed recommendations of the Law Reform Commission in its Report on the Legal Aspects of Family Relationships. The Commission recommends that legislative provisions be introduced to facilitate the extension of guardianship (parental responsibility) to civil partners and step-parents either by agreement with the other parties who have parental responsibility for the child or by application to court.

In that context, I am considering the Commission's specific recommendations on legislative reform, which would put same-sex couples and step-parents on an equal footing with other couples in relation to their children. I am also reviewing existing legislation worldwide addressing the issues of parentage, assisted human reproduction and surrogacy and considering the recommendations contained in the Report of the Commission on Assisted Human Reproduction published by the Department of Health in 2005. Those reforms must ensure that children are able to form a legal connection with their non-biological parent and that kindred relationships

flow from such legal connection. In particular, reform of the law is needed in the areas of guardianship, custody and access, and to ensure maintenance and inheritance rights for the children of civil partners.

Garda Transport Data

24. **Deputy Barry Cowen** asked the Minister for Justice and Equality the total number of Garda vehicles in the fleet in 2010, 2011, 2012 and to date in 2013; and if he will make a statement on the matter. [6030/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Garda authorities that the strength of the Garda fleet for the years 2010 to date is as outlined in the table below:

YEAR	FLEET TOTAL
2010	2,740
2011	2,623
2012	2,414
31st January 2013	2,402

The Deputy will be aware that an additional 213 new vehicles were purchased in 2012 on foot of an investment of €4 million. These new vehicles are currently being rolled out to Garda Divisions throughout the country. In addition, a further provision of €5 million has been made available for the purchase and fit-out of Garda transport in 2013. This represents a very considerable financial investment in Garda transport, particularly at a time when the level of funding available across the public sector is severely limited. It is a clear indication of my commitment to ensure that, to the greatest extent possible, An Garda Síochána are provided with sufficient resources to enable them to provide an effective and efficient policing service.

Refugee Numbers

25. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the number of programme refugees accepted by the State during each of the past ten years. [6000/13]

Minister for Justice and Equality (Deputy Alan Shatter): The number of programme refugees accepted by the State during each of the past ten years is as follows:

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total
28	50	58	115	184	114	101	192	20	45	49	956

Garda Career Breaks

26. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the number of gardaí on career breaks; the number of gardaí due to begin career breaks; and if he will make a statement on the matter. [6007/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that there are currently 40 members on a career break and there are no applications pending.

Garda Stations Closures

27. **Deputy Seamus Kirk** asked the Minister for Justice and Equality the total savings to the State of the 139 Garda stations closed since March 2011; and if he will make a statement on the matter. [6042/13]

34. **Deputy John Browne** asked the Minister for Justice and Equality the total savings to the State of the 139 Garda stations closed since March 2011; and if he will make a statement on the matter. [6022/13]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 27 and 34 together.

The Garda Commissioner is the Accounting Officer for the Garda Vote and I have been informed by the Garda authorities that financial cost statements are maintained at District Headquarters level rather than at Garda station level. In the circumstances the Deputies will appreciate that the specific financial information they have sought is not readily available and I understand that the provision of such information would involve a disproportionate amount of Garda time and resources which are required for other purposes.

However, I have also been advised by the Garda authorities that the average financial saving estimated to arise in respect of the closure of the stations designated for closure in the Garda Policing Plan for 2013 is Euro 4,000 per station. To a large extent this estimate relates to heating and lighting costs and it does not take account of specific repair bills, which will vary from premises to premises.

As the Deputies will be aware, the closure of the stations has been proposed by the Garda Commissioner in his Policing Plan for 2013 and I would stress that the key objective involved is to promote the more efficient and effective deployment of resources rather than to secure modest cash savings. In this context the Commissioner has concluded in relation to certain stations that Garda resources could be better deployed and more effectively used on the front line if the stations no longer had to be staffed and maintained. In making his recommendations on the closure of Garda stations, the Commissioner reviewed all aspects of An Garda Síochána's policing model, including the deployment of personnel, the utilisation of modern technologies and the overall operation of Garda stations. In addition, the Commissioner has given a commitment that where a station is to be closed local Garda management will consult with local communities on the alternative policing arrangements to be put in place in their area.

Furthermore, the Garda Commissioner has indicated he is confident that the implementation of the restructuring proposals contained in the 2013 Policing Plan will not lead to any diminution in the service provided by An Garda Síochána. In that regard he has stated that the revised structures will continue to support the Garda community philosophy through the clustering of services at policing hubs. This centralisation of services will facilitate the introduction of enhanced patrolling arrangements which, in turn, will provide increased Garda visibility as well as maintaining existing Garda links with communities throughout the country.

Question No. 28 answered with Question No. 8.

Garda Equipment

29. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality his views on whether there are enough intoxilyser machines in Garda stations to implement road safety leg-

isolation on the testing of drivers involved in a serious collision; and if he will make a statement on the matter. [5658/13]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, the Medical Bureau of Road Safety (MBRS), which is under the aegis of the Department of Transport, Tourism and Sport, has statutory responsibility for the testing, approval and supply of evidential testing machines and roadside breath testing screening devices to An Garda Síochána.

I am informed by the Garda authorities that there are currently 64 evidential breath testing (intoxilyser) machines allocated by the MBRS to Garda stations nationwide. The requirement for additional machines is kept under ongoing review by the Garda authorities. In this regard the Deputy will also be aware that an Garda Síochána has requested an additional 22 intoxilyser machines from the MBRS. I am further informed that the Garda authorities and the MBRS are preparing for the roll out of the additional machines during 2013.

Proposed Legislation

30. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the date on which he will publish legislative proposals to enhance the protection of children against sexual abuse and exploitation, including grooming; and if he will make a statement on the matter. [6006/13]

Minister for Justice and Equality (Deputy Alan Shatter): As stated in my reply to parliamentary question no. 740 answered on 16 January, I expect to bring legislative proposals to Government shortly. Subject to Government approval, I intend to publish these proposals when they have been considered by the Cabinet. It is not possible to specify a precise date for publication.

Refugee Status Applications

31. **Deputy John Halligan** asked the Minister for Justice and Equality if he will grant refugee status in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [5666/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned applied for asylum on 14th August, 2007. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following the consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

The person concerned would then appear to have left the State, on a date unknown, and travelled to the United Kingdom (UK). Given that he had no permission to remain in the UK, and in accordance with the provisions of Article 16(1)(c) of the Dublin II Regulations, a formal request was received from the UK's immigration authorities, on 23rd December, 2010, to 'take back' the person concerned. Ireland agreed to the 'take back' request on the basis that Ireland was the Member State responsible for examining the asylum claim by the person concerned. The person concerned was returned to Ireland on 3rd March, 2011 and was returned to the stage of the asylum/immigration process where he had been before he departed for the UK.

Arising from the refusal of his asylum application, and in accordance with the provisions

of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30th December, 2010, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the then Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision, and the consequences of the decision, will be conveyed in writing to the person concerned.

The Deputy might also wish to note that the person concerned contacted the Irish Naturalisation and Immigration Service in early April, 2011 indicating that he wished to return voluntarily to his country of origin. In response to that request, the Irish Naturalisation and Immigration Service advised the person concerned of the voluntary return options open to him. Specifically, he was advised to contact the Dublin Office of the International Organisation for Migration (IOM) and while he did so, there were practical reasons as to why the voluntary return arrangement could not be concluded at that time. The person concerned again contacted the Irish Naturalisation and Immigration Service on 15th June, 2012 indicating that he wished to return voluntarily to his country of origin, but he later withdrew that request. As a result, his case will now be determined in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006 and, if necessary, the provisions of Section 3 (6) of the Immigration Act 1999 (as amended), in the order set out above.

The Deputy will appreciate that as the asylum claim of the person concerned has already been determined and refused, there is no basis under which he can now be granted refugee status. However, his ultimate position in the State remains to be determined so he should await the outcome of his application for Subsidiary Protection.

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

Law Reform Commission Recommendations

32. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality if his attention has been drawn to the fact that the Law Reform Commission provisionally recommended that it would be appropriate to include provision in the proposed mental capacity legislation for limited administration of the property of a missing person, in particular in circumstances in which it could not be established that a presumption of death order could be made; and if he will make a statement on the matter. [5989/13]

35. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality his plans to introduce legislation to amend aspects of the civil law concerning missing persons. [5987/13]

38. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality his plans to implement the 2009 Council of Europe Recommendation on Missing Persons. [5988/13]

Minister for Justice and Equality (Deputy Alan Shatter): I presume that the Deputies are referring to the Report of the Law Reform Commission on Civil Law of Missing Persons. Since the Report only came to our attention on 30 January 2013, you will appreciate that I am not in a position to comment on its recommendations at this stage. However, as normally happens with Reports of the Law Reform Commission, the recommendations are being examined in my Department for any necessary response, including in relation to the necessity for and content of legislation on foot of the report. The Law Reform Commission's recommendation to include in the proposed capacity legislation provisions for interim administration of the property of a missing person will be examined in the course of the wider consideration of the Report and in terms of the appropriateness of such provisions in this particular legislation. Other Departments will also be required to examine the Report in regard to matters concerning their areas of responsibility.

Judicial Council Legislation

33. **Deputy Michael McGrath** asked the Minister for Justice and Equality the progress that has been made on the establishment of a judicial council; and if he will make a statement on the matter. [6033/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Programme for Government undertakes to "*legislate to establish a Judicial Council, with lay representation, to provide an effective mechanism for dealing with complaints against judges*" and this commitment is being given expression in the form of the proposed Judicial Council Bill. As well as providing for the establishment of a Judicial Council and Board that will promote excellence and high standards of conduct by judges, the proposed Bill is aimed at providing a means of investigating allegations of judicial misconduct supported by the establishment of a Judicial Conduct Committee which will have lay representation.

In November 2011, the judiciary agreed to establish an Interim Judicial Council pending the publication and enactment of the proposed Judicial Council Bill. A sub-committee of the Board of the Interim Judicial Council was subsequently established to consider the General Scheme for a Judicial Council Bill, a version of which had been published by the previous Government in August 2010. The observations of the sub-committee were conveyed to me by the Chief Justice on 8 May 2012. These observations were duly considered at my Department taking account of intervening developments and of current Government policy. Following this consideration, I conveyed the relevant drafting instructions to the Attorney General in November 2012. Work on the drafting of the new Bill continues, therefore, in conjunction with the Offices of the Attorney General and of Parliamentary Counsel and I very much appreciate the ongoing support being given to this initiative by the Chief Justice and her judicial colleagues. Under the Government's Legislation Programme for the Spring Session, announced by the Chief Whip on 15th January 2013, publication of the Bill is expected later this year.

Question No. 34 answered with Question No. 27.

Question No. 35 answered with Question No. 32.

Question No. 36 answered with Question No. 6.

Crime Levels

37. **Deputy Martin Ferris** asked the Minister for Justice and Equality if his attention has been drawn to the fact that in 2011 the figure for racist assaults causing harm rose to 21 from seven the previous year; and his plans to address hate crimes such as this. [5998/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am of course concerned about any level of racist crime and can assure the Deputy that An Garda Síochána monitors this type of crime, and indeed all other types of crime, very carefully. All members of An Garda Síochána are tasked with enforcing all legislation relating to criminal matters, including the relevant provisions relating to racist behaviour. On receipt of any complaint the matter will be subject of a full investigation by An Garda Síochána and on completion of such investigation an Investigation File will be submitted to the Law Officers who, on being satisfied that there is sufficient evidence available to warrant a prosecution, will direct what charges, if any, are to be proffered.

The Garda Racial Intercultural and Diversity Office (GRIDO) has responsibility for co-ordinating, monitoring and advising on all aspects of policing Ireland's diverse communities. GRIDO monitors the reporting and recording of hate and racist crime on a continual basis. There are currently a total of 311 Garda Ethnic Liaison Officers (ELOs) appointed to work with minority communities at local level. These officers combined with GRIDO play a fundamental role in liaising with minority groups and work in partnership to encourage tolerance, respect and understanding within communities in the pursuit of preventing the commission of hate and racist crime. GRIDO and ELOs provide advice and assistance to victims of hate or racist crime where required or deemed necessary.

In addition to the work of the Gardaí, the Office for the Promotion of Migrant Integration, which operates under my Department's remit, provides substantial funding to local authorities around the country to support local programmes that educate the public on issues such as immigration, integration and anti-racism.

Question No. 38 answered with Question No. 32.

Garda Vetting of Personnel

39. **Deputy John McGuinness** asked the Minister for Justice and Equality the average waiting time for Garda vetting in 2009, 2010, 2011 and 2012; and if he will make a statement on the matter. [6049/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Central Vetting Unit (GCVU) provides employment vetting for approximately 20,000 organisations in Ireland which employ personnel to work in a full time part time, voluntary or student capacity with children and or vulnerable adults. The Unit processed approximately 328,000 vetting applications on behalf of these organisations in 2012.

I am informed by the Garda authorities that the average processing time for Garda vetting applications for the years 2009 to 2012 are as follows:

2009	2010	2011	2012
6.5 weeks	12 weeks	8 weeks	8 weeks

The GCVU, which will become the National Vetting Bureau under the provisions of the National Vetting Bureau Act 2012 Act enacted in December last, will have a substantially expanded role under the new legislation. I am currently engaged with An Garda Síochána and the Department of Public Expenditure and Reform in addressing the staffing issues relevant to the coming into force of the 2012 Act.

It is my objective that processing times should be kept to a minimum, while maintaining the overall integrity of the vetting system.

Question No. 40 answered with Question No. 8.

Sentencing Policy

41. **Deputy Robert Troy** asked the Minister for Justice and Equality the funding that has been earmarked for the Irish Sentencing and Information Service; and if he will make a statement on the matter. [6038/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Irish Sentencing Information System, or ISIS, results from the work of the judiciary to oversee the development of an electronic system to gather information about the range of sentences and other penalties that have been imposed for particular types of offences across court jurisdictions.

The project was developed and is overseen by a Committee of the Court Service Board set up in 2004 and chaired by the Chief Justice. The Courts Service funded the work of the Committee in initially engaging a junior barrister to carry out research into the area of sentencing and sentencing information systems; funding a visit from Director of the Centre for Sentencing Research at Glasgow Law School who made a presentation in 2005 on the sentencing information system in use in the Scottish High Court and other jurisdictions and funding a visit by Court Service officials to Edinburgh to observe the use of the sentencing information system by the Scottish Courts Service. The Courts Service also funded the provision of legal advice to the Committee on data protection issues which arose. The project was progressed by way of a series of pilot projects between 2005 and 2009. During this period the Courts Service retained the services of a further 9 barristers to collect and collate information on sentencing outcomes. The Courts Service through its ICT Unit also supported the development of a computer system for the storage of the sentencing data collected and a pilot website which can be accessed by members of the judiciary and the public. The resulting website became operational as a pilot in August 2010 with information published on over 1000 cases. The Service has informed me that total expenditure to the end of 2010 was €397,060.

I consider the website has the potential in time to be a valuable tool not only to members of the judiciary but also for lawyers, researchers and those of us concerned with the needs of victims and their families and I welcome the recent announcement by the steering committee that two interns are shortly to be appointed under the JobBridge National Internship Scheme in order to recommence the detailed work of gathering and providing information via the website. The Courts Service has confirmed that it will continue to support the development and implementation of the ISIS project.

Proposed Legislation

42. **Deputy Martin Ferris** asked the Minister for Justice and Equality the date on which he will introduce a new immigration Bill; and if he will make a statement on the matter. [5999/13]

Minister for Justice and Equality (Deputy Alan Shatter): Work on the details of the Immigration, Residence and Protection Bill 2010 is ongoing at my Department pursuant to current Government policy which is committed, under the Programme for Government, to “introduce comprehensive reforms of the immigration, residency and asylum systems, which will include a statutory appeals system and set out rights and obligations in a transparent way”. As I have outlined previously to the Joint Committee on Justice, Equality and Defence, several hundred amendments to the Bill are anticipated, the majority of a technical nature. On that occasion, I also expressed the considered view that instead of engaging in an extremely cumbersome process of tabling hundreds of amendments to the 2010 Bill it would be much more efficient to publish a new and enhanced text. Such an approach can incorporate the many anticipated amendments while addressing key outstanding issues, several of which have been of concern to Members. This proposition was broadly welcomed by the Joint Committee.

Work on the Bill continues, therefore, on that basis, including in cooperation with the Offices of Parliamentary Counsel and of the Attorney General while also taking account of any relevant rulings by the Courts. It remains my objective under this new approach, and mindful of our having to deal with the competing legislative demands of our EU/IMF/ECB Programme commitments, to be in a position to bring a revised Bill to Government for approval and publication later this year.

Question No. 43 answered with Question No. 19.

United Nations Conventions

44. **Deputy Gerry Adams** asked the Minister for Justice and Equality his plans to ratify the Optional Protocol to the UN Convention against Torture, and establish effective National Preventative Mechanisms under the Protocol; and if he will make a statement on the matter. [5995/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that a number of bodies in this jurisdiction already have responsibility for inspecting places of detention. The Optional Protocol to the UN Convention against Torture (OP-CAT) provides for a system of inspections of places of detention at UN level, and at national level by what the optional protocol refers to as National Preventative Mechanisms.

The Government has approved the drafting of a General Scheme of an Inspection of Places of Detention Bill, which will include provisions to enable ratification of OP-CAT. The Bill will make provision for the designation of National Preventative Mechanisms. Subject to competing legislative priorities, it is expected that the General Scheme will be completed early this year.

Once work on preparation of the General Scheme has been completed, I will be seeking Government approval for its publication to facilitate a consultation process in advance of drafting and publication of the Bill.

Arrangements will be made to ratify the optional protocol as soon as possible after the necessary legislation has been enacted.

Asylum Applications

45. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality if he will revoke the deportation order in respect of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [5662/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is a failed asylum applicant. A subsequent application for Subsidiary Protection was also refused and a Deportation Order was made in respect of the person concerned on 3rd October, 2011. This Order was served by registered post dated 11th October, 2011 which placed a legal obligation on the person concerned to leave the State and to remain out of the State.

Further representations were submitted by and on behalf of the person concerned, requesting that his Deportation Order be revoked. These representations are under consideration at present. Once a decision has been taken i.e. to 'revoke' or to 'affirm' the Deportation Order, this decision will be conveyed in writing to the person concerned.

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

Penalty Points System

46. **Deputy Clare Daly** asked the Minister for Justice and Equality if he will confirm the number of fixed charge penalty notices that were issued as a result of images captured by GoSafe operators and the numbers that were terminated. [6013/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that Fixed Charge Notices for speeding offences are classified into 'intercept' and 'non-intercept' detections. 'Non-intercept' offences are recorded by fixed and mobile speed cameras, which include speed cameras operated by Go Safe as well as Garda mobile speed detection 'Robot' vehicles. These are distinct from 'intercept' speeding offences which are detected by members of An Garda Síochána in person.

I am further informed by An Garda Síochána that information in relation to speeding offences detected by Go Safe is included in the overall number of 'non-intercept' detections. In this regard, I am informed by the Garda authorities that in the period November, 2010 to December, 2012, 409,296 fixed charge notices issued in respect of 'non-intercept' speeding offences and 44,592 such notices were cancelled. It should be noted that the figures provided by an Garda Síochána are provisional, operational and subject to change.

As I have set out in response to other questions on this subject today, there can be circumstances where a Fixed Charge Notice may be cancelled, in accordance with Garda procedures drawn up in the light of legislative exemptions and prosecutorial guidelines. Cancellation occurs where it is believed the evidence would not sustain a prosecution or a prosecution would not be appropriate, fair or proportionate. The procedures provide authority to District Officers, or Inspectors Acting as District Officers, and an Inspector in the Fixed Charge Processing Office to cancel Fixed Charge Notices.

Cancellation can occur in circumstances where, for example, exemptions apply in relation to emergency vehicles or the wearing of seatbelts, or where there are evidential difficulties, such as where the registration number registered by a speed camera does not correspond to the vehicle in question, or where there are emergency medical circumstances such as, for example, a sick child being driven to hospital, an imminent birth, or a medical professional rushing to a sick or elderly patient.

Court Orders

47. **Deputy Michael Colreavy** asked the Minister for Justice and Equality his plans to allow claimants with a human rights or public interest element to their case to apply for and receive protective cost orders. [6002/13]

Minister for Justice and Equality (Deputy Alan Shatter): It has always been a matter for the courts to determine liability for costs and the general rule, with limited statutory exception, is that costs follow the event. The courts may of course, in exceptional circumstances, direct otherwise and have done so in the past where significant issues of public interest have been raised and they continue to have that discretion.

I am, therefore, mindful of the proven benefits of the existing judicial discretion on this issue and of the need for any new approach to recognise this while avoiding any unintended consequences or prohibitive cost burden for the State, especially in the current economic circumstances. I note, too, the Law Reform Commission's previous cautious approach to pre-emptive costs as expressed in its Report on Judicial Review Procedure (LRC 71-2004). These are among the many factors which I have been taking into account in my consideration of the issue of protective costs orders and of their possible future application - including in the context of the Legal Services Regulation Bill 2011 which, though not making specific provision for such orders, provides a new framework for the regulation of the legal professions and of legal costs. The consideration of these various aspects of the issue of protective costs orders is, therefore, ongoing at my Department and its outcome will be made known at the appropriate time.

Inspector of Prisons Remit

48. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality the actions that have been thus far completed that are contained in the Irish Prison Service action plan on the recommendations contained in the Inspector of Prisons' report into the circumstances surrounding the death of a person (details supplied) at Cloverhill Courthouse on 20 December 2011. [5990/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that the Inspector's Report was published by me on 24 January 2013. The Action Plan contained a number of recommendations requiring action by the Irish Prison Service and my officials in the Prison Service are giving the matter urgent consideration. I have been assured by the Director General of the Irish Prison Service that action has already been taken by prison management in relation to a number of issues. Enhanced arrangements have been introduced in relation to the notification of the vulnerable status of prisoners to escort staff. Furthermore, all vulnerable prisoners are now returned to Cloverhill Prison immediately upon completion of their Court appearance. As detailed in the Action Plan, which has also been published on the Department's website, a timeframe has been established to address the other issues identified by the Inspector in his Report.

Crime Data

49. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which crimes continue to be committed by persons while remanded on bail; the extent to which such crimes have been monitored and enumerated in each of the past five years to date; the number of such persons who have committed more than one crime while on bail in respect of a previous serious offence; if any comparisons have been made with trends of a similar nature in other jurisdictions; if it is expected to bring bail laws in this country into line with similar democracies; and if he will make a statement on the matter. [5983/13]

163. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of offences committed by persons while remanded on bail in each of the past three years to date; and if he will make a statement on the matter. [6226/13]

164. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of prisoners recorded as having absconded while on bail in the past ten years to date; the number recaptured or still at large; and if he will make a statement on the matter. [6227/13]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 49, 163 and 164 together

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.

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 as soon as possible, having regard to other legislative priorities.

In relation to the statistics requested by the Deputy regarding the number of offences committed by persons while remanded on bail, the Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide relevant statistics directly to the Deputy.

Regarding the number of persons recorded as having absconded while on bail, I have requested the Courts Service to supply information on the number of bench warrants issued where a person on bail fails to attend court. I will contact the Deputy again when the information is to hand.

Question No. 50 answered with Question No. 8.

Road Safety Issues

51. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Justice and Equality if he is satisfied with the operation of the GoSafe system; his plans to expand same; and if he will make a statement on the matter. [6015/13]

62. **Deputy Mick Wallace** asked the Minister for Justice and Equality if his attention has been drawn to any problems in relation to the manner in which data is collected by the GoSafe system; and if he will make a statement on the matter. [6016/13]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 51 and 62 together.

I am informed by An Garda Síochána that the outsourced safety camera network commenced operations in November, 2010. The objective of the network is to reduce the number of speed related collisions and so save lives, as excessive or inappropriate speeding is a major factor in road traffic collisions and fatalities.

A targeted approach to speed enforcement is being undertaken in order to significantly reduce the incidence of fatal and serious injuries and improve road safety. To this end, An Garda Síochána, in conjunction with the National Roads Authority, completed an extensive analysis of the collision history on the road network. Sections of road have been identified where a significant proportion of collisions occurred whereby speed was deemed the primary contributory factor.

Based on this analysis, a list of speed enforcement zones has been developed with the aim of providing information to motorists in order to raise awareness of speeding in these zones. An Garda Síochána utilises these zones in order to direct speed enforcement activity, in a proportionate and targeted manner.

I am also advised that safety cameras only operate on sections of road which have a history of collisions occurring where speed was a contributory factor. The locations of these speed enforcement zones are in the public domain and are available on the Garda website www.garda.ie.

These speed enforcement zones are continually reviewed in light of survey data, collision history and local feedback to ensure that enforcement activity is properly targeted. Surveys

continue to be conducted to ensure the appropriate deployment of safety cameras on roads which have been identified as subject of inappropriate speed and where fatal and serious injury collisions continue to occur.

I am assured by the Garda authorities that, in accordance with the contract with Go Safe, the service provider is responsible for ensuring that all equipment used in connection with the service is installed, calibrated and maintained in accordance with approved standards. I am further advised that An Garda Síochána is not aware of any issues with regard to equipment or technology utilised by the service provider in the provision of the safety camera service or any issue in terms of data or data transfer.

I am determined that resources of An Garda Síochána are used in the most efficient and effective way possible. In that regard, the outsourced safety camera network represents a considerable increase in capacity in terms of road safety enforcement while using Garda resources to the best possible effect.

Garda Civilian Staff Numbers

52. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality his plans to increase civilianisation of the Garda in order to ensure that they are freed from desk duties. [6005/13]

Minister for Justice and Equality (Deputy Alan Shatter): The number of civilian staff in the Garda Síochána has increased in recent years to just over 2,000 full-time-equivalent staff in the Garda Síochána. These staff provide vital services in a wide range of areas, such as human resources, training & development, IT and telecommunications, finance and procurement, internal audit, research and analysis, accommodation and fleet management, scene-of-crime support and medical services. In doing so, they release highly trained Gardaí from administrative tasks to operational policing. Civilian staff have also been appointed to the senior management positions of Executive Director of Finance, Executive Director of IT and Head of Legal Affairs. A competition for the appointment of a new Chief Administration Officer has also recently concluded and an appointment to that position is expected shortly.

Asylum Applications

53. **Deputy John Halligan** asked the Minister for Justice and Equality if he will revoke the deportation order in respect of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [5663/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is a failed asylum applicant. A subsequent application for Subsidiary Protection was also refused and a Deportation Order was made in respect of the person concerned on 3rd October, 2011. This Order was served by registered post dated 11th October, 2011 which placed a legal obligation on the person concerned to leave the State and to remain out of the State.

Further representations were submitted by and on behalf of the person concerned, requesting that his Deportation Order be revoked. These representations are under consideration at present. Once a decision has been taken i.e. to 'revoke' or to 'affirm' the Deportation Order, this decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for

this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Prison Inspections

54. **Deputy Dessie Ellis** asked the Minister for Justice and Equality his plans to make the Inspector of Prisons accountable to the Oireachtas; and his plans to put the inspector's standards on a statutory footing and introduce a binding mechanism for the implementation of recommendations [5993/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Inspector of Prisons has been established on a statutory basis since 2007 by virtue of Part 5 of the Prisons Act, 2007 and is independent in the performance of his functions. I believe it is an important role ensuring an effective independent oversight of our prison system which has my full support in carrying out its remit.

As Minister, I am obliged to publish all of the Inspector's reports and it is my intention to continue doing this with all reports presented to me. While I have no plans to put the Inspector's Standards on a statutory footing or to introduce a binding mechanism for the implementation of recommendations, I can assure the Deputy that I receive regular updates on the implementation of the Inspector's recommendations, and I expect them to be acted upon and implemented to the fullest extent possible.

I have also previously stated my intention to strengthen the independent oversight of our prisons. Under new legislation being prepared, I intend to make Visiting Committees more effective while they continue their role of visiting prisons, meeting with prisoners, and liaising on their behalf with prison authorities. The arrangements for membership of the Committees will be changed and a link will be established between the Visiting Committees and the Inspector of Prisons. As part of these plans, it is intended to expand the Inspector of Prison's role which I believe will greatly enhance his independent oversight of the prison system.

Refugee Status Applications

55. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality if he will grant refugee status in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [5665/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned applied for asylum on 14th August, 2007. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following the consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

The person concerned would then appear to have left the State, on a date unknown, and travelled to the United Kingdom (UK). Given that he had no permission to remain in the UK, and in accordance with the provisions of Article 16(1)(c) of the Dublin II Regulations, a formal request was received from the UK's immigration authorities, on 23rd December, 2010, to 'take back' the person concerned. Ireland agreed to the 'take back' request on the basis that Ireland

was the Member State responsible for examining the asylum claim by the person concerned. The person concerned was returned to Ireland on 3rd March, 2011 and was returned to the stage of the asylum/immigration process where he had been before he departed for the UK.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30th December, 2010, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the then Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision, and the consequences of the decision, will be conveyed in writing to the person concerned.

The Deputy might also wish to note that the person concerned contacted the Irish Naturalisation and Immigration Service in early April, 2011 indicating that he wished to return voluntarily to his country of origin. In response to that request, the Irish Naturalisation and Immigration Service advised the person concerned of the voluntary return options open to him. Specifically, he was advised to contact the Dublin Office of the International Organisation for Migration (IOM) and while he did so, there were practical reasons as to why the voluntary return arrangement could not be concluded at that time. The person concerned again contacted the Irish Naturalisation and Immigration Service on 15th June, 2012 indicating that he wished to return voluntarily to his country of origin, but he later withdrew that request. As a result, his case will now be determined in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006 and, if necessary, the provisions of Section 3 (6) of the Immigration Act 1999 (as amended), in the order set out above.

The Deputy will appreciate that as the asylum claim of the person concerned has already been determined and refused, there is no basis under which he can now be granted refugee status. However, his ultimate position in the State remains to be determined so he should await the outcome of his application for Subsidiary Protection.

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

Proposed Legislation

56. **Deputy Sandra McLellan** asked the Minister for Justice and Equality his plans to introduce legislation on corporate manslaughter; and if he will make a statement on the matter.

[6008/13]

Minister for Justice and Equality (Deputy Alan Shatter): A Government decision has approved, in principle, the preparation of a general scheme of a Criminal Justice (Corporate Manslaughter) Bill. This will be complex legislation with wide implications and an inter-Departmental working group is currently preparing a Regulatory Impact Analysis, including consultations with key stakeholders, to assess the costs, benefits and impacts associated with such legislation. The working group is expected to complete its work in the coming months and the Regulatory Impact Analysis will inform the development of specific legislative proposals in this area. At this stage, it is not possible to indicate when legislation will be introduced.

Personal Insolvency Act

57. **Deputy Alan Farrell** asked the Minister for Justice and Equality the number of persons expected to seek assistance from the Personal Insolvency Agency in 2013; the expected time-frame in which the agency will deal with individual cases and, therefore, an appropriate waiting time for persons to be dealt with once the process is under way; the order persons will be seen; and if he will make a statement on the matter. [5656/13]

Minister for Justice and Equality (Deputy Alan Shatter): As I indicated in my Press Release of 19 December, 2012, it is difficult to ascertain the likely demand on the new Insolvency Service. The tentative estimate of applications for the two main debt resolution processes - the Debt Settlement Arrangement and Personal Insolvency Arrangement - is roughly 15,000 applications plus a further 3,000 to 4,000 applications for Debt Relief Notices in the first full year. We would also expect about 3,000 bankruptcy applications during this time.

The Insolvency Service of Ireland aims to open its office, launch its website, commence an information campaign with the issuing of publications and relevant guidelines in Quarter 1 of 2013.

The regulatory and IT frameworks required for the Service to accept and process applications for the three new debt arrangements should be in place during Quarter 2 of 2013.

The Act allows for the registration and regulation of personal insolvency practitioners and authorised intermediaries who can advise individuals of their eligibility to seek debt resolution under the three new arrangements. It is not possible to say at this stage the time it will take to process cases.

Question No. 58 answered with Question No. 6.

Garda Complaints Procedures

59. **Deputy Clare Daly** asked the Minister for Justice and Equality his views that the Office of the Garda Confidential Recipient is operating in a manner that facilitates and protects gardai who wish to come forward with complaints of malpractice. [6012/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007 provide for the appointment, and functions, of a Confidential Recipient to whom members of the Force can report, in confidence, instances where they believe there may be corruption or malpractice within the Force. The Confidential Recipient is required to transmit each report to the Commissioner but, in doing so, is bound to protect the identity of the confidential reporter. Any communication between

the Confidential Recipient and the Commissioner is absolutely confidential and there are strong safeguards in the Regulations for the protection of confidential reporters.

Question No. 60 answered with Question No. 6.

Prisoner Complaints Procedures

61. **Deputy Brian Stanley** asked the Minister for Justice and Equality his plans to increase training of staff and management in the way to deal with prison complaints professionally; and his plans to inform prisoners of the new complaints system and ensure it is accessible. [5991/13]

Minister for Justice and Equality (Deputy Alan Shatter): Following a report by the Inspector of Prisons to the Minister for Justice and Equality in March 2012, regarding the introduction of a new complaints model in the Irish Prison Service which meets best practice and our international obligations in this regard, a new complaints model is being introduced in the Irish Prison Service on a phased basis.

The model which is being introduced contains four separate categories of complaints and three separate complaints procedures.

Category A Complaints are most serious level of complaints (assault, serious intimidation of prisoners by staff etc) and involves two elements of independent investigation/appeal – initial investigation by external investigator/s on behalf of the Irish Prison Service with a right of appeal to the Inspector of Prisons (the latter is subject to the introduction of primary legislation).

Category B Complaints are mid range in terms of seriousness (discrimination, verbal abuse of prisoners by staff, inappropriate searches etc) and fall to be investigated by a Chief Officer with recourse to appeal to the prison Governor and a subsequent recourse of appeal to the Inspector of Prisons if a prisoner is unhappy with the outcome of his/her original appeal (the latter is subject to the introduction of primary legislation).

Category C Complaints are essentially service complaints where a prisoner is unhappy with the level of service in a particular prison (visits, phone calls, etc.) and fall to be investigated by a Prison Officer with the possibility of appeal to a Chief Officer if the prisoner is unhappy with the outcome or resolution of his/her complaint.

Category D Complaints relate to complaints against professionals such as dentists, doctors etc. Such complaints will be referred in the first instance to the prisons' medical officer for possible resolution and, if this is not possible, to the relevant professional body responsible for regulating the professional involved.

The full complaints model will be introduced during the lifetime of the Irish Prison Service Three Year Strategic Plan (April 2012-April 2015).

The Inspector of Prisons will have oversight of all categories of complaints.

I am informed by the Director General of the Irish Prison Service that a comprehensive awareness campaign has been carried out in relation to the Category A Complaints procedure which was introduced with effect from the 1 November 2012.

The Director General of the Irish Prison Service issued a Standard Operating Procedure (SOP) to all Governors on the operation of the new process which Governors were instructed to bring to the attention of all staff. Hard copies of the SOP were also issued to each staff member.

The Irish Prison Service Training and Development Centre has developed a staff awareness/training pack in relation to the Prisoner Complaints procedure for delivery by the Training Liaison Officers in all prisons. Further training for staff will be provided as the new procedures for dealing with the other complaints categories are introduced.

I have also been informed by the Director General that an information poster for prisoners on the Category A Complaints process is displayed in all prisons and information leaflets were distributed.

Question No. 62 answered with Question No. 51.

Dissident Republican Activity

63. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality the discussions he has held with his Northern Ireland counterpart with regard to tackling the threat of dissident republicanism; and if he will make a statement on the matter. [6047/13]

Minister for Justice and Equality (Deputy Alan Shatter): I meet frequently and have ongoing discussions with the Northern Ireland Minister of Justice, David Ford, and the Secretary of State for Northern Ireland, Theresa Villiers, with regard to the security situation and ongoing efforts to combat threats from criminal terrorists, the so-called ‘dissident republican’ groups. The threat which these groups present is a matter of shared concern North and South. We also share a strong resolve to take all necessary actions within the law to bear down on these groups.

The Deputy will know, of course, that these so-called ‘dissident republicans’ are criminal terrorists who use lethal violence in pursuit of their own, often personal, ends. They are deeply and inextricably involved in serious crime in order to fund their activities and their lifestyles.

I can assure the House that countering the paramilitary threat has always been a priority for the Garda Síochána and nothing has changed in that regard. The Gardaí will continue in their efforts to counteract these groups and their activities.

The Gardaí co-operate seamlessly with their counterparts in Northern Ireland in actively bearing down on these groups. Operational policing co-operation is the responsibility of the Garda Commissioner and the Chief Constable of the PSNI and both have repeatedly emphasised that the close, high quality co-operation between their forces has been instrumental in preventing attacks, combating criminality and saving lives.

There is also a close and ongoing working relationship between our officials. By working together on matters of mutual concern and interest we can improve community safety for all the people on this island. We will continue, in co-operation with the authorities in Northern Ireland and Great Britain, to spare no effort to ensure that those criminal terrorists who seek to subvert the democratic will of the people will face the full rigours of the law.

Question No. 64 answered with Question No. 6.

Departmental Staff Rehiring

65. **Deputy Eoghan Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department’s payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to

his Department; the services being delivered for the money; and the way that the positions were originally advertised. [6266/13]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Details are set out in the following table of the retired officials of my Department who are currently contracted to the Department:

GRADE	POSITION HELD	DURATION	COST 2012 / 2013
Assistant Secretary	Passport Appeals Officer	Three-year contract from 20 January 2012 to deal with appeals as and when they arise	Dependent on the number of appeals processed (no costs incurred in 2012)
Counsellor	To assist in preparations for the Irish Presidency of the European Union in January-June 2013	Contract from 1 May 2012 to 30 June 2013	€8,866 in 2012
Temporary Clerical Officer	Presidency position	Contract from 7 January to 12 July 2013	€13,136
Temporary Clerical Officer	Presidency position	Contract from 17 September 2012 to 7 February 2013	€12,220

The temporary Clerical Officers were recruited through an open competition organised by the Public Appointments Service (PAS).

My Department's Development Cooperation Division also occasionally engages a small number of retired staff for short duration specialist consultancy projects connected with the activities of Irish Aid.

The policy of my Department regarding the re-engagement of retired officials is to do so to the minimum extent possible. However, for certain once-off or short-duration projects, it is more productive and cost-effective to re-engage retired staff who already have the relevant expertise and experience than to go through a time-consuming and relatively expensive recruitment, induction and training process. Where it occurs, retired staff are usually re-engaged on a pension abatement basis, which means in effect that they continue to receive their pensions and are paid correspondingly reduced salaries by the Department.

The records currently available to my Department do not enable me to respond in full as regards retired public sector workers currently employed. However, under the provisions of the Public Service Pensions (Single Schemes & Other Provisions) Act 2012, new employees are required to declare if they are in receipt of, or entitled to, a pension from previous service in the public sector.

Humanitarian Aid

66. **Deputy Eoghan Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to an organisation (details supplied); and his views on whether its work merits support from Irish Aid. [6286/13]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): I, and Irish Aid officials in the Department of Foreign Affairs and Trade, have been in communication with the organisation referred by the Deputy on a number of occasions over the past six months.

In my correspondence with the organisation, I have acknowledged the importance of strengthening access to ICT infrastructure in the immediate aftermath of natural disasters. The organisation initially sought support to attend a disaster response learning exercise in California. In the latest correspondence, the organisation sought funding to attend a round table discussion on innovation in disaster response organised by the US Federal Emergency Management Agency in the White House today. The Department of Foreign Affairs and Trade was not in a position to allocate such financial assistance.

I have outlined for the organisation some of Irish Aid's existing engagement in this area of work. In particular, I noted that Irish Aid's Rapid Response Initiative already works closely with the United Nations agencies through the Standby-Partnership Programme and Emergency Telecommunications Cluster to support the UN in providing information management and communications systems in disaster settings. Under the Rapid Response Initiative, since 2007, ICT specialists have been deployed to a number of humanitarian crises, including those in Haiti, the Philippines, Sudan, Cameroon, Kenya and Mali.

Last week, at my request, officials from Irish Aid met with the founder of the organisation to discuss its work and the humanitarian approach of Irish Aid. The meeting allowed officials to provide advice and contacts for the organisation which I believe will prove very useful.

Official Engagements

67. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will report on his recent bilateral meetings with the Prime Ministers of France, Finland and Belgium at the recent EU-Latin America Meeting; and if he will make a statement on the matter. [6316/13]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): In the course of my recent visit to the EU Latin America Summit I had a number of bilateral meetings, two of which were with the Prime Ministers of France and Finland. Although a bilateral meeting had been scheduled, the Prime Minister of Belgium was detained in Brussels by urgent business. The focus of my discussions with Prime Ministers Ayrault and Katainen was primarily on the priority issues currently being addressed during the Irish Presidency of the European Union. The meetings offered the opportunity for me to update both Prime Ministers on Ireland's domestic situation, in particular in relation to the EU-IMF Programme and bank debt.

In the context of issues which are to the fore of our efforts as Presidency, we concentrated in both meetings on progress on Banking Union, and in particular in that context on advancing agreement with the European Parliament on the Single Supervisory Mechanism. It was agreed in each discussion that this was a very important first step in meeting the mandate of the European Council on Banking Union. We also had an opportunity to have an exchange of views on the next steps including on Bank Resolution and Deposit Guarantees. This discussion was in the context of bringing stability to the Eurozone through early delivery of the political commitments made by Heads of State and Government.

On the MFF, the importance of the work underway amongst Member States and in discussions with the institutions was also a focal point in these bilateral exchanges. Both Prime Min-

isters Ayrault and Katainen agreed that it would be extremely important to find a basis on which the European Council could agree at its forthcoming meeting and I briefed them on the informal consultations already underway with the European Parliament.

On the matter of jobs and growth, we discussed the potential for progress on a series of single market measures, including the digital single market, public procurement and professional qualifications. The issue of youth unemployment was emphasised as a key priority for the EU as a whole and in that context it was agreed that special effort should be made to reach agreement on the Youth Guarantee. The important contribution which trade agreements with key strategic partners can make to the growth agenda received our full attention and in both meetings the prospects for agreement on a mandate on EU-US Trade, and completion of the EU-Canada agreement were discussed.

Finally, I was happy to inform the Prime Ministers of Ireland's ongoing achievements in fulfilling the terms of 8 Troika Reviews of our EU-IMF Programme, which incorporate more than 190 actions, fully signed up to and fully delivered. Both Prime Ministers were generous in their praise of Ireland's delivery on its Programme and welcomed the update in terms of the positive news in terms of our exports and growth prospects. However, I underlined a major concern which remains in terms of the unacceptably high level of unemployment in Ireland, particularly amongst young people. Both Prime Ministers expressed political support for Ireland's ongoing negotiation with the ECB in an effort to resolve the issue of the Promissory Notes. While the negotiations with the ECB remain confidential, I assured the Prime Ministers that the Government was approaching the negotiations in a solution-oriented manner, but that time was not on our side and that we urgently need to resolve the issue in advance of 31 March when the next payment becomes due.

Departmental Banking

68. **Deputy Simon Harris** asked the Tánaiste and Minister for Foreign Affairs and Trade the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6336/13]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are four bodies operating under the aegis of my Department. These are: the Ireland - United States Commission for Educational Exchange (the Fulbright Commission); the Development Education Advisory Committee, the Irish Aid Expert Advisory Group, and the Emigrant Services Advisory Committee. None of these bodies has money on deposit or in short term bank investments.

Tax Settlements

69. **Deputy James Bannon** asked the Minister for Finance if he will state, regarding each quarterly list of tax settlements published pursuant to the provisions of section 1086 of the Taxes Consolidation Act 1997, in each of the four years ended 31 December 2012, the total amount comprised in each list in respect of tax; the total amount in each list in respect of interest; the total amount in each list in respect of penalties; if he will state in respect of the annual total of the published quarterly figures for tax, interest and penalties for each of the four years ending 31 December 2012; the amount the annual total sum of tax, interest and penalties in question was actually paid at the end of each year and the amount still outstanding at the end of each of the

four years in question; if he will further state the amount of each annual total paid by post-dated cheque or other instalment arrangement and the amount, if any, of default arising in respect of the published figures for each year, as at 31 December 2012; if post-dated payment arrangements entered into between Revenue and the published defaulters are included in the published figures; and if he will make a statement on the matter. [6109/13]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that data are not maintained in a manner to enable all the details sought by the Deputy to be supplied. However, they have supplied me with the following information for the information of the Deputy. Tax Settlements made in accordance with Section 1086 of the Taxes Consolidation Act (TCA), 1997 are published in *Iris Oifigiúil* on a quarterly basis. That section provides for the publication of cases where a qualifying disclosure is not made, where the total settlement consists of tax, interest and penalties and is over €33,000 and where the penalty element exceeds 15% of the tax. Publication takes place in the quarter following the quarter in which the settlement is finalised. Until the passing of the Finance Act 2011 on 6 February 2011, settlements reached with Revenue could not be published unless the settlement was either paid in full or was the subject of an agreed phased payment arrangement. That Act brought in changes to the publication rules and extended the publication requirement to tax defaulters who either failed to agree a settlement or who failed to pay all or part of a settlement. The change was designed to ensure that the public is aware of the identity of all relevant Tax Defaulters whether or not they have agreed a settlement with the Commissioners or made the relevant payments.

Accordingly the Commissioners now publish Tax Settlement details where payment in full has not been made and this new requirement first applied to the List of Tax Defaulters published in respect of Quarter 2 of 2011. In a further change, interest and penalty amounts included in Tax Settlements which up to and including Quarter 3 of 2011 were published as a composite figure in the Lists of Tax Defaulters, are now, since Quarter 4 of 2011, shown separately.

The Table below sets out quarterly details of Tax Settlements published in accordance with Section 1086 TAC 1997 for the years 2009-2012 inclusive. Details of publishable cases settled in Quarter 4 of 2012 will be included in the next defaulters list which is due to be published in March 2013.

2009	No. of Cases	Tax	Interest & Penalties	Total	
Quarter 1	105	€15,285,637	€17,315,583	€32,601,220	
Quarter 2	87	€7,848,528	€9,709,283	€17,557,811	
Quarter 3	76	€8,106,761	€9,550,390	€17,657,151	
Quarter 4	88	€11,510,309	€17,442,427	€28,952,736	
Total	356	€42,751,235	€54,017,603	€96,768,838	
2010	No. of Cases	Tax	Interest & Penalties	Total	
Quarter 1	88	€7,733,199	€8,695,830	€16,429,029	
Quarter 2	83	€8,581,891	€8,589,044	€17,170,935	
Quarter 3	72	€6,283,075	€6,980,450	€13,263,525	
Quarter 4	62	€9,070,419	€11,785,513	€20,855,932	
Total	305	€31,668,584	€36,050,837	€67,719,421	
2011	No. of Cases	Tax	Interest & Penalties	Total	
Quarter 1	78	€6,972,700	€8,585,120	€15,557,820	

2009	No. of Cases	Tax	Interest & Penalties	Total	
Quarter 2	114	€13,519,296	€12,732,398	€26,251,694	
Quarter 3	84	€9,290,456	€9,654,552	€18,945,008	
		Tax	Interest	Penalties	Total
Quarter 4	90	€7,532,809	€3,642,052	€3,790,073	14,964,934
Total	366				€75,719,456
2012	No. of Cases	Tax	Interest	Penalties	Total
Quarter 1	129	€15,383,510	€7,320,923	€6,893,250	€29,597,683
Quarter 2	106	€9,284,194	€5,618,572	€4,896,928	€19,799,694
Quarter 3	113	€10,534,248	€5,261,727	€5,556,466	€21,352,441
Total	348	€35,201,952	€18,201,222	€17,346,644	€70,749,818

Regarding the amount of tax actually paid at the end of each of the four years, 2009 to 2012 in respect of these specific cases, I am advised that the information is not available without carrying out an extensive review of Revenue files. However, the Revenue Commissioners advise in relation to the years 2009 and 2010, since by law they were in a position to publish only amounts for those years where full payment was secured or an instalment arrangement was in place, they are satisfied that the vast bulk of the tax, interest and penalties that formed part of the published Tax Settlement was paid. The Commissioners further advise that due to the Finance Act 2011 changes, they are in a position to provide the Deputy with some details of amounts unpaid from Quarter 2 of 2011 to Quarter 3 of 2012 as follows:

For 2011 – For Quarters 2,3 and 4, the total amount publishable was €60.16m. Of this, the total amount paid or subject to agreed phased payment arrangements was €47.60m. A further €6.38m was referred for Collection Enforcement Proceedings. The balance of €6.18m was uncollected on the grounds of the taxpayer's inability to pay.

For 2012 – For Quarters 1,2 and 3, the total amount publishable was €70.75m. Of this, the total amount paid or subject to agreed phased payment arrangements was €43.79m. A further €12.46m was referred for Collection Enforcement Proceedings. The balance of €14.50m was uncollected on the grounds of the taxpayer's inability to pay. To put these figures in context, the Commissioners advise me that the total yield from Revenue's Audit programme in the same period was €275.45m. of which €32.59m was referred for Collection Enforcement and €15.26m was uncollected on the grounds of the taxpayers inability to pay.

Before the Commissioners accept that there is a substantive inability to pay a tax settlement, the taxpayer is subject to rigorous procedures, including the submission and examination of a formal Statement of Affairs. I am further advised that in considering enforcement options or write off of liabilities, the Commissioners have a clear focus on ensuring that that the tax and associated liabilities arising from an audit will be enforced as vigorously as properly declared liabilities which remain unpaid.

Finally, I am satisfied that the publication procedures contained in Section 1086 represent a significant power for the Revenue Commissioners, but a balanced one which is important in the Commissioners' efforts to optimise the level of tax compliance in the State. In addition, the change introduced in the 2011 Finance Act now ensures that the public is aware of the identity of all significant Tax Defaulters audited by Revenue whether they have paid an agreed settlement with the Commissioners or not.

70. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary question No. 77 of 30 January 2013, if a borrower who held a loan with an institution that was a party to the mortgage arrears resolution process may potentially have a lower level of protection in the event of finding themselves in mortgage difficulties should their loan be sold to an institution that is not subject to the MARP process; and if he will make a statement on the matter. [6165/13]

Minister for Finance (Deputy Michael Noonan): Firstly, I must confirm to the Deputy that I have no statutory role in relation to the sale of mortgage books by regulated financial institutions. This is a commercial matter for each institution concerned. The Central Bank's Code of Conduct on Mortgage Arrears applies to mortgage lending activities with borrowers in respect of their principal private residence in the State. Compliance with the Code is mandatory on all mortgage lenders regulated by the Central Bank. The Central Bank has the power to administer sanctions for a contravention of the Code under Part 111C of the Central Bank Act 1942. The Code provides a number of protections to borrowers. These include the establishment of a formal Mortgage Arrears Resolution Process (MARP) to deal with mortgage customers who are in arrears or in pre-arrears, the establishment of a dedicated Appeals Support Unit and a separate internal appeals process by lenders to deal with individuals on a case by case basis. A copy of the Code is available on the Central Bank's website www.centralbank.ie.

As I stated in the House in answer to Question Number 77 on 20 December 2012, the Code of Conduct on Mortgage Arrears applies to the mortgage lending activities of all regulated financial institutions (except credit unions), operating in the State, including:

- a financial services institution authorised, registered or licensed by the Central Bank of Ireland and
- a financial services institution authorised, registered or licensed in another EU or EEA Member State and which has provided, or is providing, mortgage lending activities in the State.

Where a regulated financial institution sells part, or all, of its mortgage book to another regulated financial institution, the same protections apply to borrowers, namely, the Code of Conduct on Mortgage Arrears and the Consumer Protection Code. Where a regulated financial institution outsources part, or all, of its mortgage book, the same protections apply to borrowers, and the institutions have responsibility for ensuring that these protections are applied by the outsourced company.

However, if the loan book is sold to a financial institution that is not regulated by the Central Bank, then the provisions of Code of Conduct on Mortgage Arrears do not apply.

The Deputy may wish to note that Central Bank is due to commence a review of the Code of Conduct on Mortgage Arrears shortly and a Consultation Paper will be published on the Central Bank's website.

Tax Yield

71. **Deputy Patrick Nulty** asked the Minister for Finance the amount that will be raised for the Exchequer in a calendar year if the maximum pension fund was reduced from € 2.3 million to €1 million; and if he will make a statement on the matter. [6250/13]

Minister for Finance (Deputy Michael Noonan): The Standard Fund Threshold (SFT) is the maximum allowable pension fund on retirement for tax purposes which was introduced in Budget and Finance Act 2006 to prevent over-funding of pensions through tax-relieved ar-

rangements. The SFT was reduced in Budget and Finance Act 2011 by over 50% to a level of €2.3 million with effect from 7 December 2010 with transitional arrangements to protect the capital values of the pension rights of individuals where these exceeded the reduced SFT on that date. There is currently no underlying data available to my Department or to the Revenue Commissioners on which to base reliable estimates of the savings from a further significant reduction in the SFT to the level indicated in the question. Information on the numbers and values of individual pension funds or on individual accrued benefits are not generally required to be supplied to the Revenue Commissioners by the administrators of pension schemes and personal pension arrangements. The estimated savings indicated at the time in respect the Budget and Finance Act 2011 change in the SFT were quite conservative, based as they were, on incomplete data and using very broad assumptions. Indeed, those underlying data and assumptions may not be directly applicable to determining the effect of a further significant reduction.

The Deputy will be aware of the announcement which I made in my Budget 2013 speech that changes to the SFT regime and other possible changes to give effect to the commitment in the Programme for Government to cap taxpayers' subsidies for pension schemes which deliver pension income of more than €60,000 will be put in place in 2014.

On page A.10 of the Budget 2013 booklet which accompanied my Budget speech, I indicated that the full year yield from these changes is estimated at €250 million. The Budget 2013 booklet made clear, however, that the estimated full year savings are provisional at this time as further detailed analysis of the necessary changes and their impact will be required.

In this regard, my Department has been engaging with representatives of the pensions sector over some time with a view, among other things, to gathering private pensions-related data which may be of value into the future in estimating the costs of potential changes in the pensions' tax area. Those engagements will continue in the context of the further detailed analysis of the changes announced in the Budget.

Departmental Staff Rehiring

72. **Deputy Eoghan Murphy** asked the Minister for Finance if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6265/13]

Minister for Finance (Deputy Michael Noonan): Information regarding the number of retired public servants who have been re-hired is detailed in the Appropriation Accounts. The Appropriation Accounts are available online at www.audgen.gov.ie. One former staff member is providing contractual services to this Department and is paid at a per diem rate. I am advised by the Revenue Commissioners that having examined their Personnel records, Declarations received following the implementation of the Public Service Pension Related Deduction, and Declarations under Section 51 (Duty to make declarations, etc.) of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012, that they have one such case, a retired member of the Defence Force is currently employed by Revenue, he is in receipt of a Defence Forces Pension, they have no record of any other such case.

Property Taxation Exemptions

73. **Deputy Eoghan Murphy** asked the Minister for Finance further to Parliamentary Ques-

tion No. 86 of 16 January 2013, if he intends to make property tax paid in respect of a rented property deductible for income or corporate tax purposes; if this provision will be introduced on a phased basis; and the way that such phasing will work. [6277/13]

Minister for Finance (Deputy Michael Noonan): The Thornhill Group, the interdepartmental group chaired by Dr Don Thornhill to consider the design of a property tax, recommended that “at least a portion” of the Local Property Tax paid in respect of a rented property should be deductible for income tax or corporation tax purposes, in a similar manner to commercial rates. This is not provided for in the Finance (Local Property Tax) Act 2012 but it is the intention of the Government to introduce deductibility of LPT on a phased basis. The manner or timeframe in which this will happen has not been decided. Such change would be provided for by way of primary legislation.

Bank Guarantee Scheme Termination

74. **Deputy Billy Kelleher** asked the Minister for Finance if he will provide a definitive date for the termination of the ELG bank guarantee; and if he will make a statement on the matter. [6291/13]

Minister for Finance (Deputy Michael Noonan): As the Deputy may be aware, when the ELG (Amendment) Scheme 2012 was before the Houses of the Oireachtas late last year, Minister for State at my Department Mr. Brian Hayes, T.D. indicated that it was the Government’s intention to begin winding down the Scheme as soon as was practicable in 2013. This strategy has been agreed with the Troika and its implementation remains my clear objective. It is my intention therefore to announce a definitive date in this regard, at the earliest possible opportunity, subject to the advice of the Irish Authorities on the most appropriate timing and conditions.

Illicit Trade in Tobacco

75. **Deputy Thomas P. Broughan** asked the Minister for Finance if he has plans for a new national print media, national radio station and TV campaign reminding members of the public of a hotline to report cigarette smuggling; and if he will make a statement on the matter. [6314/13]

Minister for Finance (Deputy Michael Noonan): This is a matter for the Revenue Commissioners who are responsible for the collection of tobacco products tax. I am advised by the Revenue Commissioners that in the past they have used paid advertising to promote the confidential free phone number. More recently, it is promoted through their website and the phone number is included in press releases relating to cigarette and tobacco seizures which has resulted in the number being referenced frequently in the print media and more recently in social media. In addition, the free phone number is promoted, for example, in radio and television coverage of the illicit tobacco trade and on relevant trade websites and in trade publications.

The Commissioners’ experience with the hotline is that very few calls are specific enough to lead to seizures of tobacco or other successful control interventions. I recently advised the House in reply to a previous question that 431 calls led to just 18 seizures. Assessing these calls absorbs skilled resources with limited evidence of impact and in light of this experience, there are not plans at present for advertising of the type envisaged on the Deputy’s question, which can be extremely costly.

Revenue employs a multi-faceted strategy for tackling the illicit trade in cigarettes and other

tobacco products. It includes ongoing analysis of the nature and extent of the problem, developing and sharing intelligence on a national, EU and international basis, ongoing review of operational policies, development of analytics and deployment of detection technologies, optimum deployment of resources at point of importation and inland to intercept the contraband product and to prosecute those involved.

Revenue will continue to encourage the public to assist in the fight against the illicit tobacco trade by providing information to Revenue, by means of the confidential freephone or otherwise, on the smuggling and sale of untaxed tobacco products, and will keep the matter of advertising under review.

Excise Duties Reliefs

76. **Deputy Gerry Adams** asked the Minister for Finance if he will consider extending the excise rebate on diesel for haulage companies announced in budget 2013 for haulage companies to include passenger transport companies; and if he will make a statement on the matter. [6317/13]

Minister for Finance (Deputy Michael Noonan): The proposal to introduce an auto-diesel excise duty relief for licensed road hauliers that I announced in the Budget is confined to licensed and tax compliant hauliers. However, I have received a number of submissions from, and on behalf of, private coach operators seeking to have this relief extended to them. I will consider these proposals and the level of the rebate in the context of the Finance Bill. It is worth noting that one of key arguments for introducing a rebate for the haulage industry is the fact that a large quantity of fuel purchased by this industry is purchased abroad thus generating no tax revenue for the State. A rebate should encourage hauliers to start purchasing their fuel in Ireland thus offsetting some of the costs involved. Such an argument does not exist for the most part for the coach industry.

The fuel rebate scheme proposed is governed by the terms of Council Directive 2003/96/EC of 27 October 2003 which limits its application to auto diesel used in defined categories of road vehicles.

Departmental Banking

77. **Deputy Simon Harris** asked the Minister for Finance the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which these deposits are held; and if he will make a statement on the matter. [6335/13]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy's question I have received the following information in relation to bodies under the aegis of my Department. Irish Bank Resolution Company (IBRC)

At 30 June 2012 IBRC held €0.2Bn of short term interbank placements and nostro accounts of which €0.1Bn is placed with entities covered under the Eligible Liabilities Guarantee (ELG) scheme (see note 17 page 42 of 2012 Interim Report). The weighted average interest rate at 30 June 2012 for these short term deposits was 0.18%.

National Assets Management Agency

I have been informed by the National Asset Management Agency that the information re-

quested by the Deputy is available in National Asset Management Agency's unaudited quarterly accounts, for the quarter ending 30th September 2012 which were recently laid before the houses of the Oireachtas in accordance with Section 55 of the NAMA Act, this information can also be found on the Agency's website.

Office of the Revenue Commissioners

I am advised by the Revenue Commissioners that they do not invest money on deposit or in short term bank investments. Any balances held in Revenue Bank Accounts are amounts held pending completion of processing through Revenue's accounting systems. The amount held varies on a daily basis.

Schools Building Projects Status

78. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the status of a new school build (details supplied) in County Wexford; and if he will make a statement on the matter. [6255/13]

Minister for Education and Skills (Deputy Ruairí Quinn): The school, referred to by the Deputy, has applied to my Department for large scale capital funding for a new school. The current status of all projects on the school building programme, including the school in question, may be viewed on my Department's website at www.education.ie. and this is being updated regularly throughout the year.

The 5 Year Construction Plan that I announced on 9 March 2012 last, outlines the major school projects that will commence construction over the duration of the Plan. The primary aim at the core of the Five Year Plan is focussed on meeting demographic demands to ensure that every child will have access to a physical school place and that our school system is in a position to cope with increasing pupil enrolments. It is not possible therefore at this point to indicate when a project for the school in question will be progressed.

Schools Building Projects Status

79. **Deputy Emmet Stagg** asked the Minister for Education and Skills if the tender has now been awarded to the successful contractor in respect of the completion of a school (details supplied) in County Kildare; when the contractor will be on site; and the timeframe stipulated in the contract for the completion of the work. [6130/13]

Minister for Education and Skills (Deputy Ruairí Quinn): The project is at an advanced stage of the tender process. The tender report was recently submitted to my Department for review. Subject to no issues arising, it is anticipated that work will commence on site later this year and will be completed in quarter 2.

Special Educational Needs Services Provision

80. **Deputy Pat Breen** asked the Minister for Education and Skills if special provision for an additional resource can be made in respect of a school (details supplied) in County Clare; and if he will make a statement on the matter. [6175/13]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy

that the National Council for Special Education (NCSE), through its network of local Special Educational Needs Organisers (SENOs), is responsible for processing applications from schools for special educational needs supports, including the allocation of Special Needs Assistants (SNAs) to schools. SNAs are allocated to schools in order to provide for the care needs of children with special educational needs attending such schools. The policy of my Department in relation to the SNA scheme is set out in Circular 07/02, which also provides details regarding the role and duties of an SNA.

The NCSE operates within my Department's established criteria for the allocation of Special Education supports and the staffing resources available to my Department.

I wish to advise the Deputy that SNAs are not allocated to individual pupils. The NCSE allocates a quantum of SNA support for each school annually taking into account the care needs of all of the qualifying children enrolled in the school, and on the basis of the assessed care needs of the children, rather than solely by reference to a pupils' disability categorisation.

SNAs should then be deployed by schools in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

All schools have been advised by the NCSE of their SNA staffing allocations for the current school year. Details of the SNA allocations which have been made to each school are available at www.ncse.ie, detailed on a County basis. Where a school considers that they do not have adequate SNA support from within their allocated provision to provide for the care needs of all qualifying pupils, or where schools have enrolled new students with special educational needs, they may apply to the NCSE to have their SNA allocation reviewed and the NCSE has capacity to make additional allocations to schools.

Home-School Liaison Scheme

81. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills if he will clarify whether section 21(9) of the Education Welfare Act (2000) (details supplied) allows individual schools the discretion to come to flexi-school arrangements with parents, similar to those operated in some schools in the UK, whereby a child is homeschooled for a portion of the school week, if such an arrangement is authorised by the school principal and the school principal is satisfied with both the curriculum being delivered at home and the records of said curriculum delivery; and if such an arrangement is authorised at the discretion of the school, if he will further clarify if the school is obliged by the Act to report the homeschool days to the NEWB or does it suffice that the school has a record of the homeschool days. [6249/13]

Minister for Education and Skills (Deputy Ruairí Quinn): The school system operates under standardised arrangements for all recognised schools aimed at enabling them to deliver education in the most efficient manner possible to over half a million pupils at primary level and over 350,000 at post-primary. Section 21(9) of the Education Welfare Act states that 'for the purposes of this section a student shall be deemed not to be absent from school where any period of absence is authorised by the principal and relates to activities organised by the school or in which the school is involved'. This would cover activities off-site such as a school tour or inter-school competitions. It does not include the type of arrangement suggested by the Deputy which I regard as neither feasible or practical.

Higher Education Courses Deferrals

82. **Deputy Tony McLoughlin** asked the Minister for Education and Skills if he has considered pushing back the deferral dates for students following the delays around the Student Universal Support Ireland grant application process (details supplied). [6252/13]

Minister for Education and Skills (Deputy Ruairí Quinn): Decisions on course deferrals are an issue between the student and the relevant higher education institution. Institutions have different rules on the particular circumstances that may be considered as reasons for a deferral. As the Deputy will appreciate, higher education institutions are autonomous bodies. As such, the governing authority of each institution is responsible for the day-to-day operational affairs, including conditions governing deferral of places. It would not be appropriate for me to intervene in the practice of individual institutions on deferrals. I would however say that individuals, for a variety of reasons and circumstances, consider deferring their courses.

Departmental Staff Rehiring

83. **Deputy Eoghan Murphy** asked the Minister for Education and Skills if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6263/13]

Minister for Education and Skills (Deputy Ruairí Quinn): The information requested by the Deputy is set out in the attached table, which shows payments made from my Department's staff payroll system to retired public servants during 2012, which is the latest period for which payment information is available. My Department additionally maintains details of retired Civil Servants re-engaged, usually on a short-term basis, to carry out specific tasks that require their particular experience and expertise. As appropriate, such engagements are subject to the abatement principle, whereby the fees payable are set at a level that ensure that the individual's pensions plus fees do not exceed the salary level of their positions to retirement. This information is compiled retrospectively on an annual basis. The information for 2012 is not yet available but the attached table includes details in respect of 2011 payments made to individuals from various subheads on my Department's Vote.

Details of retired public servants paid from Department's staff payroll during 2012*

Name	Gross Amount paid in 2012 - €**	Services Delivered	Way in which the positions were originally advertised
David O'Callaghan	11,970	Chairman of the Education Sector Implementation Group for the Implementation of the Public Service Agreement 2010 - 2014 (Croke Park).	Appointed by the National Implementation body as a Sectoral chair for the Education sector.
Julie O'Neill	3,420	External member of the Department's Audit Committee	Appointed by Department's Accounting Officer in line with Audit Committee Charter.
P Mac Conmhara	2,850	Vice Chairperson Student Grants Appeals Board	Appointed by the Minister

Name	Gross Amount paid in 2012 - €**	Services Delivered	Way in which the positions were originally advertised
Maureen Waldron	2,700	Chairperson Student Grants Appeals Board	Appointed by the Minister
Eithne Frost	2,550	Member of the Student Grants Appeals Board	Appointed by the Minister
Brenna Clarke	2,400	Member of the Student Grants Appeals Board	Appointed by the Minister
Kevin Ryan	1,950	Member of the Student Grants Appeals Board	Appointed by the Minister
Total	27,840		

* Note. Payments in 2012 in respect of some retired persons were made from subheads outside of the Department's staff payroll but consolidated details in this regard are not currently available.

** Note. Payments made in 2012 may in some cases be in respect of periods outside of that year.

Department of Education & Skills 2011 - details of re-engaged retired civil servants

Name:	Grade at Retirement:	Department /Office from which the Officer Retired	Amount Payable in 2011 €
Jim Duffy	Assistant Secretary General	Finance (CMOD)	3,024
Joan Williams	Inspector Post Primary	Education & Skills	2,902
Frank Murray	Principal Officer Higher (equivalent)	Education & Skills	1,923
Julie O'Neill	Secretary General	Transport	855
Ian Murphy	Assistant Chief Inspector	Education & Skills	22,365
Eamonn Stack	Chief Inspector	Education & Skills	13,000
Sean MacConmara	Divisional Inspector Primary	Education & Skills	1,715
Tadhg O'Ruairc	Assistant Principal Officer	Education & Skills	690
Con O'Caoimh	Assistant Chief Inspector	Education & Skills	928
Sean OCearbhaill	Divisional Inspector Primary	Education & Skills	1,859
Liam O hEigearta	Assistant Chief Inspector	Education & Skills	6,720
Caitlin NiBhraonain	Inspector Post Primary	Education & Skills	3,315
Mícheál Ó Leonáird	Divisional Inspector Primary	Education & Skills	1,314
David O'Callaghan	Secretary General	Defence	14,395

Name:	Grade at Retirement:	Department /Office from which the Officer Retired	Amount Payable in 2011 €
Michael Kelly	Secretary General	Finance	695
Eddie Bracken	Divisional Inspector Primary	Education & Skills	655
Dermot Ryan	Principal Officer	State Examinations Commission	230
Torlach O'Connor	Assistant Chief Inspector	Education & Skills	15,088
Lorcan Mac Conaonaigh	Assistant Chief Inspector	Education & Skills	4,572
		Total:	96,245

Student Grant Scheme Applications

84. **Deputy Barry Cowen** asked the Minister for Education and Skills when a person (details supplied) in County Offaly may expect a decision on an application for a student grant. [6287/13]

Minister for Education and Skills (Deputy Ruairí Quinn): Officials in my Department have confirmed with Student Universal Support Ireland, that on 28th January 2013, a request for further documentation was issued to the student referred to by the Deputy. When the requested documentation is returned the student will be notified directly of the outcome.

Apprenticeship Programmes

85. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills if he will provide statistics in tabular form on the number of apprenticeship registrations with FÁS in each of the past three years per training category; and if he will make a statement on the matter. [6311/13]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): FAS have provided the statistics as requested by the Deputy in the attached document.

Apprentice Registrations by Trade by Family of Trade 2010 to 2012

Sector	Trade	2010	2011	2012	National Total
		Jan.-Dec.	Jan.-Dec.	Jan.-Dec.	2010 - 2012
Construction					
	Brick & Stonelaying	10	11	6	27
	Cabinet making*	9	3	1	13
	Carpentry & Joinery	96	72	91	259

Sector	Trade	2010	2011	2012	National Total
	Floor & Wall Tiling	4	1	1	6
	Painting & Decorating	8	18	11	37
	Plastering	12	5	4	21
	Plumbing	91	146	97	334
	Wood Machining*	1		0	1
	Wood Manufacturing & Finishing	13	12	11	36
	Total	244	268	222	734
Electrical					
	Aircraft Mechanics	18	35	36	89
	Electrical	373	355	397	1,125
	Electrical Instrumentation	15	18	24	57
	Electronic Security Systems	11	8	7	26
	Instrumentation	2	4	8	14
	Refrigeration & Air Conditioning	26	29	34	89
	Total	445	449	506	1,400
Engineering					
	MAMF	65	101	110	276
	Farriery	3	9	5	17
	Industrial Insulation	5		1	6
	Metal Fabrication	57	60	103	220
	Sheet Metalworking	10	8	11	29
	Toolmaking	31	42	57	130
	Total	171	220	287	678
Motor					
	Agricultural Mechanics	26	21	19	66
	Construction Plant Fitting	30	32	45	107

Sector	Trade	2010	2011	2012	National Total
	Heavy Vehicle Mechanics	65	59	74	198
	Motor Mechanics	191	221	253	665
	Vehicle Body Repairs	28	32	23	83
	Total	340	365	414	1,119
Printing					
	Print Media	4	5	5	14
	Total	4	5	5	14
	National Total	1,204	1,307	1,434	3,945

* Cabinet Making and Wood Machining amalgamated into a new trade of Wood Manufacturing & Finishing

Schools Building Projects Status

86. **Deputy Jack Wall** asked the Minister for Education and Skills when tender documents for a school building project (details supplied) in County Galway will be issued; and if he will make a statement on the matter. [6322/13]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that tenders for the appointment of the contractor for the school building project in question issued on 11 January 2013. Subject to the normal statutory approvals and no issues arising the project will proceed to construction once the contractor is appointed.

Departmental Banking

87. **Deputy Simon Harris** asked the Minister for Education and Skills the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6333/13]

Minister for Education and Skills (Deputy Ruairí Quinn): Details relating to banking and investments in respect of bodies/institutions under my Department's remit are a matter for each body/institution. However, if the Deputy has a specific interest in a particular Body/Institution I will have my officials follow up with the relevant organisation. The Office of the Paymaster General, which operates under the auspices of the Department of Finance, provides a banking service to all Government Departments/Offices.

My Department operates a number of commercial bank accounts which are principally used to facilitate the making of payments or the collection of receipts. In the case of payments, my Department instructs the Office of the Paymaster General to transfer specific funds to these commercial bank accounts to meet the value of electronic funds transfer payments, which are issued on a regular basis from the Department. In the case of receipts into the commercial bank accounts, these funds are transferred onwards at short intervals to the Exchequer account held

in the Central Bank. While interest accrues on certain bank accounts operated by my Department the Department does not routinely hold money on deposit in commercial bank accounts nor does it hold money in short term bank investments.

My Department operates a single interest bearing account in the Central Bank, to bring to account cash contributions from the religious congregations towards the Residential Institutions Statutory Fund. The balance on that account at 31 January 2013 was €41.315 million. These sums are held pending the establishment of the Residential Institutions Statutory Fund Board and the transfer of these sums to the NTMA for deposit in the investment account to be established by the Agency pursuant to Section 29 of the Residential Institutions Statutory Fund Act, 2012. My Department has regard to the terms of the Public Financial Procedures relating to the issue of funds. Care is taken to avoid over-issue of funds, particularly at year end.

Schools Building Projects Status

88. **Deputy Pat Breen** asked the Minister for Education and Skills further to Parliamentary Question No. 96 of the 10 October 2012, if he will report on the status of a project (details supplied) in County Clare; and if he will make a statement on the matter. [6344/13]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy is aware, a process is underway in relation to the request for permanent recognition from the school referred to by the Deputy. This process is based on ten undertakings committed to by the school's Patron in 2007 in accordance with the requirements of the Education Act 1998 and the Rules for National Schools. My Department met with the school authorities in October last to discuss the school's current position in relation to the undertakings and with a view to enabling the school to meet the permanent recognition criteria as soon as possible. I understand substantial progress has been made, however, significant issues do remain to be resolved. In that regard, further correspondence has been received recently in respect of the school which are under consideration. It is important to note that the decision regarding full recognition depends upon the satisfactory implementation of all the undertakings.

Emergency Works Scheme Applications

89. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position regarding an application for emergency works for a school (details supplied) in County Wexford; and if he will make a statement on the matter. [6356/13]

Minister for Education and Skills (Deputy Ruairí Quinn): Co. Wexford VEC submitted applications in 2010, 2011 and 2012 on behalf of the school referred to by the Deputy for funding under my Department's Emergency Works Scheme for roof works, demolition of old boys NS, upgrade Home Economics Room, universal access, extraction system in Metalwork Room, Ventilation in Science Laboratory, Fire Door, Gas Works and Chemical Storage Cabinet in Woodwork Room.

All of these works, with the exception of the upgrade of the Home Economics Room, were approved for funding under the Emergency Works Scheme.

As the scope of works for the upgrade of the Home Economics Room is outside the terms of the scheme it cannot be considered for funding. Co. Wexford VEC has been informed of this decision.

School Accommodation

90. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position regarding funding for a school (details supplied) in County Wexford; and if he will make a statement on the matter. [6357/13]

Minister for Education and Skills (Deputy Ruairí Quinn): The school referred to by the Deputy was approved grant aid for the replacement of prefabs under the Prefab Replacement Initiative which I announced in 2012. The Board of Management sought additional funding for the provision of a lift and this was approved.

The school authority have been advised that the original grant sanction included funding for the removal of prefabs and my Department is satisfied that the grant allocation is sufficient to provide the level of accommodation approved.

Schools Building Projects Status

91. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position regarding a new school (details supplied) in County Wexford; and if he will make a statement on the matter. [6358/13]

Minister for Education and Skills (Deputy Ruairí Quinn): The building project referred to by the Deputy is currently at an advanced stage of architectural planning. The Design Team are currently working on Stage 2b of the project which includes application for Planning Permission, Fire Certification, Disability Access Certification (DAC) and the preparation of tender documents. The project is listed on the five year school building programme to go to construction in 2014/15.

Schools Building Projects Status

92. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position regarding a new school building-extension (details supplied) in County Wexford; and if he will make a statement on the matter. [6359/13]

Minister for Education and Skills (Deputy Ruairí Quinn): The building project for the school referred to by the Deputy is currently at an advanced stage of architectural planning. The Stage 2b Submission (Detailed Design) was approved by my Department's School Building Unit on 30th January 2013.

Due to competing demands on my Department's capital budget, imposed by the need to prioritise the limited funding available for the provision of additional school accommodation to meet increasing demographic requirements, it was not possible to include this project in the five year construction programme announced last March.

Schools which have not been included in the five year construction programme, but which were announced for initial inclusion in the building programme continue to be progressed to final planning stages in anticipation of the possibility of further funds being available to my Department in future years. The project referred to by the Deputy remains available to be considered for further progression in that context.

Garda Stations Closures

93. **Deputy Willie Penrose** asked the Minister for Public Expenditure and Reform if he will indicate, the policy of the Office of Public Work regarding Garda stations that have been closed in recent weeks; if, in this context, he will take steps to have a barracks, at a location (details supplied) in County Westmeath, handed over to the local development association who wish to acquire same in order to utilise it for community purposes; and if he will make a statement on the matter. [6110/13]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works is required to manage its property portfolio in the most efficient and effective manner that provides the optimum value to the taxpayer.

The policy with regard to closed Garda stations is as follows:

1. Identify, in the first instance, if other State Bodies, including government departments and the wider public sector has a use for the property.
2. If there is no other State use for a property the OPW will then consider disposing of the property on the open market, if and when conditions prevail, in order to generate much needed revenue for the Exchequer.
3. If no State requirement is identified or if a decision is taken not to dispose of a particular property the OPW would consider, community involvement subject to the receipt of an appropriate business case which would indicate that the community/voluntary group has the means to insure, maintain and manage the property.

Public Procurement Regulations

94. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform if it is the case that the managed print services framework requires companies, that wish to tender for work, to have a €10 million turnover for each of the past three years; his views on whether the criteria would exclude more than 95% of the companies in the sector; whether he accepts that the provision is anti-competitive and will lead to job losses in the small and medium enterprise sector; and if he will make a statement on the matter. [6166/13]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Managed Print Services (MPS) is a unique office print solution, where a supplier provides an all-inclusive service charged on a per click basis, that includes the provision of print/imaging devices at no capital cost to the public sector body. The supplier, in effect, provides the full infrastructure required for all day-to-day office printing. Research carried out by the National Procurement Service (NPS) has indicated that such an approach gives best value to the Irish public sector.

The majority of public sector bodies currently have ad-hoc print arrangements in place. A typical Government office has multiple print and imaging devices including photocopiers, scanners and faxes. These devices can potentially come from a wide range of different suppliers with separate supply and servicing arrangements. The ratio of print devices to staff is often in the region of 1:2 and in some cases as low as 1:1 where a large number of staff have their own desktop printer.

The MPS Framework Agreement offers all public sector bodies in the State access to a print solution that is strategic, cost efficient and that can be tailored to the specific needs of the individual organisation. Following an open competition, advertised on e-tenders and in the Official

Journal of the European Union (OJEU), the Framework Agreement for MPS was established on 8 February 2012. The Framework Agreement will be in place for two years, with an option to extend for a further two years. The minimum turnover requirement for entry into the Framework was an average of €10 million per annum for the three most recent years of audited accounts or where the date of establishment is more recent for each year the entity has been established.

The value of the Framework Agreement over two years was estimated to be €100 million. Taking into account the value of the Framework and the fact that suppliers are required to provide all of the print devices upfront, from their own resources, the view was taken by the NPS that the €10 million minimum turnover requirement was proportionate. Tenderers who did not have the required turnover in their own right were invited to partner with other entities to satisfy this requirement. All of the Framework Members have operations in Ireland and provide local employment. Four of the successful tenderers are indigenous small and medium enterprises (SMEs) (MJ Flood, Bryan S Ryan, Hibernian Business Equipment and Ergo). One of the tenderers did not have the required turnover in their own right to qualify for the Framework and formed an alliance with a large manufacturer to satisfy the turnover requirement. Furthermore, the Framework Members have indicated in their tender submissions that they will use a further 11 indigenous SMEs in the delivery of MPS.

Circular 6/12 specifies that the MPS Framework is mandatory from 1 September 2012. However, it is important to note that this Framework is only mandatory where a public sector body opts for an MPS solution. If a public sector body simply wishes to purchase a printer or a photocopier they do not have to use the MPS Framework. It is a matter for each public sector body to determine which route offers the best value for their organisation.

Pension Provisions

95. **Deputy Patrick O'Donovan** asked the Minister for Public Expenditure and Reform the constitutional and legal changes required to make changes to the pension arrangements for retired politicians and civil-public servants; and if he will make a statement on the matter. [6238/13]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I am advised that as a pension is generally taken to be deferred income it is therefore covered by the constitutional protections that apply to property. I cannot comment on the legal or constitutional changes which might be required to alter this position.

For the information of the Deputy, a number of significant reforms have been introduced in recent years which have impacted on Public Service pension arrangements:

- Under the Public Service Superannuation (Miscellaneous Provisions) Act 2004, pensions are not payable to new entrant Public Servants (as defined in the Act) before 65 years of age. This includes new Oireachtas Members as defined in the Act.

- Under the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act 2009, Ministerial pensions are no longer payable to sitting Members of the Oireachtas following the last general election, or to Members of the European Parliament following the next elections to the Parliament.

- Public Service pensions for persons (including former Ministers and members of the Oireachtas) who retired after February 2012 are reduced in line with the substantial pay reductions applied across the Public Service under the Financial Emergency Measures in the Public

Interest (FEMPI) Acts. For those who retired before the end of February the Public Service Pension Reduction (PSPR) applies. I recently provided for an increase in the rate of PSPR that applies to pensions over €100,000 to 20%.

- The Public Service Pensions (Single Scheme and Other Provisions) Act 2012, introduced a new Single Public Service Pension Scheme with a new minimum pension age of 66, rising in due course with the age at which the State Pension (Contributory) will become payable. This scheme will also apply to all new Members of the Oireachtas, including new entrant Ministers, as defined in the Act. The Act also provides pensions for all Public Servants who are subject to this Act to be based on career average earnings, as opposed to the current final salary basis.

Departmental Properties

96. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform further to Parliamentary Question No. 199 of 13 February 2012, if he will identify, in tabular form, the location, building title, lease number, landlord, existence of upward only rent clause, whether under the supervision of National Assets Management Agency, and the rent paid on each lease for the years 2010, 2011 & 2012 in which a Government body or agency is the tenant. [6144/13]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The data requested in respect of lease expenditure by the Office of Public Works for the year-end 2012 is currently being collated and, along with the 2010 & 2011 data set, will be made available to the Deputy within a week.

Public Procurement Regulations

97. **Deputy Tony McLoughlin** asked the Minister for Public Expenditure and Reform if he will conduct a cost benefit analysis of central purchasing which, while reducing the cost to Departments and agencies, threatens the viability of many smaller companies who have, and are supplying, goods and services on a regional and local basis to Government offices, schools and hospitals; if he will justify his policy of saving public money, on one hand, and on the other hand risking the loss of jobs to small indigenous supplier companies; and if he will make a statement on the matter. [6148/13]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Public Service Reform Plan published by the Department of Public Expenditure and Reform in November 2011 identified procurement reform as a key instrument that can assist in maintaining the delivery of public services in an efficient manner. The national arrangements put in place by the National Procurement Service (NPS) are designed to enable the State to do more with less by aggregating procurement to secure better value for money. The majority of the aggregated arrangements are not new and have been available to the public service for a number of years. In utilising the national contracts, public bodies are able to take advantage of the NPS's buying power and as a result can purchase supplies at competitive prices. This facilitates ongoing service delivery within tighter operating budgets.

In relation to the potential impact of aggregated procurement arrangements, it is worth noting that such arrangements can be implemented in a manner that achieves value for money and also facilitates SME access. While certain categories of goods and services may be suited to single supplier arrangements (e.g. electricity and gas), it should not be taken that single supplier frameworks are to be accepted as the norm. The greater use where appropriate of multi-supplier frameworks – for example the supply of managed print services - can address local supplier

issues while also ensuring ongoing cost competitiveness of the framework itself. In order to facilitate SMEs, the NPS has encouraged tenderers who did not have the capability in their own right of providing goods and services nationally to partner with other entities to satisfy this requirement. Such multi-supplier frameworks can also offer SMEs the opportunity to participate in national level contracts, thereby offering valuable reference work when competing for public procurement contracts in other jurisdictions.

In order to encourage greater SME participation the NPS over the past 3 years has conducted a targeted programme of education for suppliers who wish to learn more about doing business with the Irish Public Service. This programme consists of seminars, workshops and large scale 'meet the buyer' events hosted nationwide. In 2012 the NPS, working with InterTradeIreland, for the first time brought together a number of the lead Government agencies to create a programme of major events for the Island of Ireland. Attendees could avail of educational seminars on a variety of topics ranging from the technicalities of public service procurement to procedures around consortia-building for SMEs. To date the NPS has facilitated workshops and presented at seminars to over 3,000 SMEs nationwide. Parallel with these events the NPS also works closely with business representative bodies such as ISME and IBEC to provide briefings for their members.

Departmental Staff Rehiring

98. **Deputy Eoghan Murphy** asked the Minister for Public Expenditure and Reform if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6270/13]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In response to the Deputy's question the Public Appointments Service (PAS), in the course of running recruitment competitions for the public service, avails, inter alia, of trained and experienced retired public servants as interviewers, assessors and as decisions arbitrators. At any given time, PAS would have approximately sixty active on their database that would be used from time to time for short periods. For this work, retired members are paid on a fee-per-day basis and are subject to tax and other relevant deductions. The fees are linked to pre-retirement grades and take account of the principle of pension abatement. These positions are not advertised but any trained professionals can apply to PAS to be placed on the data base for our selection boards. The total cost for these services in 2012 was €385,856.67.

The outgoing Chairman of the Public Appointments Service Board, who is a former Civil Servant, was reappointed by me in September 2011 and is paid a stipend €11,970 per annum. The Chairperson of the PAS Internal Audit Committee is also former Public Servant and was paid a fee of €2,137.50 in 2012. She was appointed by the former Chief Executive of PAS on the basis of her experience in the area of corporate governance.

The Office of Public Works has engaged the services of a former member of staff for the period of the EU Presidency. This person was selected because of previous experience of EU Presidencies and other important events. The abatement principle was considered to be a cost effective way of contributing to the smooth running of all EU Presidency events in Dublin Castle. The cost of his services is approximately €28,000. There are no other retired public sector workers currently on my Department's payroll.

Exchequer Revenue

99. **Deputy Simon Harris** asked the Minister for Public Expenditure and Reform the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6340/13]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In response to the Deputy's question deposits (including the Exchequer Account) held at the Central Bank earn interest at the Euro OverNight Index Average (EONIA) rate which is the overnight rate calculated by the ECB.

Moneys in the National Lottery Fund are transferred into the Exchequer on a regular basis and a significant proportion of the amount held in the fund, currently of the order of €75m, will shortly be transferred into the Exchequer, with the bulk of the balance required to be available to meet prizes as they arise.

The balance in the State Property (Miscellaneous Deposits) Account is approximately €2.5m. The funds in this account are held by the Minister as a quasi trustee on behalf of parties who may be entitled under the relevant provisions of the State Property Act, 1954 and the Companies Acts.

The Economic and Social Research Institute and the Institute of Public Administration are also part funded by my Department but both operate autonomously.

Funding for the Special EU Programmes Body (SEUPB) is requested one quarter in advance from the Department in order to make payments to PEACE III and INTERREG IVA projects and to cover SEUPB administration costs. These cash balances are short term and cleared each quarter end. Interest earned is between 0.35% and 0.4% respectively and repayable to the Department on a quarterly basis.

Job Creation Numbers

100. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation if he will provide in tabular form the number of Enterprise Ireland supported jobs in each county in 2010, 2011 and 2012. [6104/13]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The following table sets out the total employment in Enterprise Ireland supported companies in each county in 2010, 2011 and 2012 including a breakdown between full-time and part-time jobs.

County	Data	2010	2011	2012
Carlow	Part-Time/Other Jobs	200	204	190
	Full Time Jobs	1,952	2,106	2,137
	Total Jobs	2,152	2,310	2,327
Cavan	Part-Time/Other Jobs	315	366	396
	Full Time Jobs	3,925	4,021	4,151
	Total Jobs	4,240	4,387	4,547

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County	Data	2010	2011	2012
Clare	Part-Time/Other Jobs	227	270	194
	Full Time Jobs	1,618	1,552	1,580
	Total Jobs	1,845	1,822	1,774
Cork	Part-Time/Other Jobs	1,950	2,144	2,199
	Full Time Jobs	16,411	17,784	18,629
	Total Jobs	18,361	19,928	20,828
Donegal	Part-Time/Other Jobs	665	722	706
	Full Time Jobs	2,662	2,784	2,655
	Total Jobs	3,327	3,506	3,361
Dublin	Part-Time/Other Jobs	9,588	11,854	11,612
	Full Time Jobs	48,859	49,477	50,159
	Total Jobs	58,447	61,331	61,771
Galway	Part-Time/Other Jobs	653	908	1,119
	Full Time Jobs	5,494	5,901	6,063
	Total Jobs	6,147	6,809	7,182
Kerry	Part-Time/Other Jobs	514	503	478
	Full Time Jobs	3,092	3,230	3,318
	Total Jobs	3,606	3,733	3,796
Kildare	Part-Time/Other Jobs	546	655	632
	Full Time Jobs	4,450	5,160	5,450
	Total Jobs	4,996	5,815	6,082
Kilkenny	Part-Time/Other Jobs	581	570	580
	Full Time Jobs	2,920	2,869	3,089
	Total Jobs	3,501	3,439	3,669
Laois	Part-Time/Other Jobs	96	107	182
	Full Time Jobs	1,059	991	929
	Total Jobs	1,155	1,098	1,111
Leitrim	Part-Time/Other Jobs	71	71	62
	Full Time Jobs	537	536	574
	Total Jobs	608	607	636
Limerick	Part-Time/Other Jobs	723	693	745
	Full Time Jobs	6,113	6,048	6,279
	Total Jobs	6,836	6,741	7,024

County	Data	2010	2011	2012
Longford	Part-Time/Other Jobs	132	121	120
	Full Time Jobs	1,575	1,529	1,557
	Total Jobs	1,707	1,650	1,677

County	Data	2010	2011	2012
Louth	Part-Time/Other Jobs	662	741	681
	Full Time Jobs	4,247	4,225	4,328
	Total Jobs	4,909	4,966	5,009
Mayo	Part-Time/Other Jobs	338	343	362
	Full Time Jobs	2,942	3,127	3,054
	Total Jobs	3,280	3,470	3,416
Meath	Part-Time/Other Jobs	681	772	597
	Full Time Jobs	4,288	4,450	4,771
	Total Jobs	4,969	5,222	5,368
Monaghan	Part-Time/Other Jobs	309	361	408
	Full Time Jobs	3,195	3,311	3,463
	Total Jobs	3,504	3,672	3,871
Offaly	Part-Time/Other Jobs	165	199	193
	Full Time Jobs	2,730	2,731	2,699
	Total Jobs	2,895	2,930	2,892
Roscommon	Part-Time/Other Jobs	140	125	106
	Full Time Jobs	1,191	1,165	1,119
	Total Jobs	1,331	1,290	1,225
Sligo	Part-Time/Other Jobs	198	191	130
	Full Time Jobs	1,281	1,332	1,508
	Total Jobs	1,479	1,523	1,638
Tipperary	Part-Time/Other Jobs	620	632	700
	Full Time Jobs	4,862	4,480	4,313
	Total Jobs	5,482	5,112	5,013
Waterford	Part-Time/Other Jobs	558	455	414
	Full Time Jobs	3,919	4,217	4,063
	Total Jobs	4,477	4,672	4,477
Westmeath	Part-Time/Other Jobs	242	231	240
	Full Time Jobs	2,151	2,181	2,352

County	Data	2010	2011	2012
	Total Jobs	2,393	2,412	2,592
Wexford	Part-Time/Other Jobs	518	481	521
	Full Time Jobs	3,942	3,793	3,881
	Total Jobs	4,460	4,274	4,402
Wicklow	Part-Time/Other Jobs	564	518	424
	Full Time Jobs	3,137	3,122	3,339
	Total Jobs	3,701	3,640	3,763

Prompt Payments

101. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the current interest penalty payable by statutory bodies under section 10 of the Prompt Payments of Accounts Act 1997; and the value of penalties imposed for each year since 2007. [6139/13]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): My Department promotes improved payment practices and monitors the operation of the Prompt Payment of Accounts Act, 1997, and the Late Payment in Commercial Transactions Regulations 2002. The European Communities (Late Payment in Commercial Transactions) Regulations 2002 (SI No. 388 of 2002) repealed section 10 of the Prompt Payments of Accounts Act 1997. The rate of late payment interest is now payable under Regulation 4 of this legislation.

The current penalty interest rate is the European Central Bank main refinancing rate plus 7 percentage points. The ECB rates in force on 1 January and 1 July apply for the following six months in each year. Only one rate will apply to a late payment - that is the rate in force on the payment date. From the 1st January, 2013, the late payment interest rate is 7.75% per annum (that is based on the ECB rate of 0.75% plus the margin of 7%). That rate equates to a daily rate of 0.021%. Penalty interest due for late payments should be calculated on a daily basis.

As stated above, the issue of late payment is covered by the European Communities (Late Payment in Commercial Transactions) Regulations 2002 (S.I. No. 388 of 2002). Ireland must transpose the Recast of the Late Payment Directive (2011/7/EU) which repeals and modernises the old rules. I signed the Statutory Instrument transposing Directive 2011/7/EU on 22 December 2012 and this will come into effect on 16 March 2013.

Details of Late Payment interest paid by my Department and the Agencies under its remit are listed below. My Department does not have responsibility for collecting information on late payment interest paid by other Departments and the statutory bodies under their remit. The Deputy should contact the Government Departments directly in this regard. As the Deputy is aware, it is a Government requirement that all central Government Departments, the local authorities and all other public sector bodies, (excluding commercial Semi-State bodies) pay their suppliers within 15 calendar days of receipt of a valid invoice. The latest set of quarterly composite figures published by my Department show that 98% of payments made by Government Departments, valued at €1.25bn, were paid to suppliers within 15 days.

All Government Departments and Agencies are required to publish information in relation to the payment of late payment interest in their annual report.

Note*1 In the time available since this Question was tabled my Department has not been able to collect the extensive volume of information requested by the Deputy in respect of the

35 City and County Enterprise Boards. Once the available information is collated I will arrange for it to be forwarded to the Deputy.

Department JEI and Agencies	2007	2008	2009	2010	2011	2012
Department of Jobs, Enterprise & Innovation	€5,019.46	€2,405.33	€878.43	€468.73	€188.06	€209.45
Competition Authority	Nil	Nil	Nil	Nil	€9.74	Nil
Enterprise Ireland	Nil	€240.18	Nil	Nil	Nil	€514.48
Forfás	€18.54	Nil	Nil	Nil	Nil	Nil
Science Foundation Ireland (SFI)	Nil	Nil	Nil	Nil	Nil	Nil
IDA	€950	€1,718	€194	€227	€283	€233
City and County Enterprise Boards	See note*1 above					
Health and Safety Authority (HSA)	Nil	Nil	Nil	Nil	Nil	Nil
Shannon De- velopment	€894	€2,644	€550	€1,660	€177	€108
National Consumer Agency	€7.83	1.61	Nil	Nil	€55.12	€781.28
Personal In- juries Assess- ment Board (PIAB)	Nil	Nil	Nil	Nil	€5,501	€735
National Standards Author- ity of Ireland (NSAI)	Nil	Nil	Nil	Nil	€45.46	Nil
Labour Rela- tions Com- mission	Nil	Nil	Nil	Nil	€166.66	Nil
Irish Au- diting & Accounting Supervisory Authority (IAASA)	€17.97	€17.10	€32.93	Nil	€13.08	Nil

Upward Only Rent Reviews

102. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the number of leases with upward only rent clauses, that were in place by agencies under his Department at the start of 2011; and the number of such leases currently in operation. [6167/13]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The information sought by the Deputy is a day to day matter for the agencies. In this regard, I have referred the question to the agencies for direct response to the Deputy.

Departmental Staff Rehiring

103. **Deputy Eoghan Murphy** asked the Minister for Jobs, Enterprise and Innovation if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6268/13]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I have employed two retired public servants as Civilian Drivers (each at a cost to the Department of €36,499 per annum). These appointments were made following selection interviews from a shortlist of candidates who had submitted unsolicited applications to my Office. In addition in my Department there is one re-appointed former Assistant Principal post sanctioned by the Department for Public Expenditure and Reform. This is in connection with Departmental issues associated with Ireland's Presidency of the EU. The reappointment is for the period 25/10/12 – 31/7/13 and is at the first point on the Assistant Principal pay scale of €61,966 per annum (pro rata). The total cost to my Department for the period of the reappointment is €51,856.69.

The above appointments were made on the basis of the relevant salary for the posts, with abatement as appropriate of public sector pensions in payment. More generally, recruitment to my Department is undertaken by the Public Appointments Service (PAS) through competitions advertised in the public press save where, exceptionally, a business need exists to re-engage an individual with specialised skills, and sanction must be obtained in such cases from the Department of Public Expenditure and Reform, as in the case with the Assistant Principal post referred to above.

Exchequer Revenue

104. **Deputy Simon Harris** asked the Minister for Jobs, Enterprise and Innovation the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which these deposits are held; and if he will make a statement on the matter. [6338/13]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): My Department does not hold any money on deposit or in short term bank investments. With regard to such investments by the Agencies under the aegis of my Department this is a day-to-day administrative matter for those Agencies in which I have no function. However, I have referred the Question to the Agencies for direct reply to the Deputy.

Employment Support Services

105. **Deputy Heather Humphreys** asked the Minister for Social Protection the supports available to help someone get back into employment who is unemployed and does not qualify for jobseeker's allowance or benefit, which precludes them from participating in Tús, commu-

nity employment and other training schemes; and if she will make a statement on the matter. [6097/13]

Minister for Social Protection (Deputy Joan Burton): The Department of Social Protection provides a broad range of employment and related supports to persons who are unemployed. These range from internships under JobBridge, work placements and training under Tús and community employment respectively and educational supports in the form of the back to education allowance and the back to enterprise allowance for those wishing to pursue self-employment options. In general, all supports provided by the Department of Social Protection to enable a person to access these opportunities are predicated on that person being in receipt of one of a range of eligible payments from the Department. A person not qualifying for a payment from the Department is unlikely to be eligible to access supports. The same eligibility criteria do not apply in the case of a number of support measures provided by the Department of Education and Skills in respect of a person pursuing education and training opportunities.

Intreo is a new service from this Department. It is a single point of contact for all employment and income supports and is designed to provide a more streamlined approach and is not determined by a person's welfare status. Intreo offers practical, tailored employment services and supports for jobseekers and employers alike.

Question No. 106 withdrawn.

Disability Allowance Appeals

107. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an increase in disability allowance in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [6107/13]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence disallowed the appeal of the person concerned by way of summary decision. The person concerned has been notified of the Appeals Officer decision. 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 Appeals

108. **Deputy Finian McGrath** asked the Minister for Social Protection the number of persons waiting on carer's allowance appeal results. [6140/13]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that there were 1,795 carer's allowance appeals on hands on 1 February, 2013.

One-Parent Family Payment Applications

109. **Deputy Michael Healy-Rae** asked the Minister for Social Protection if one-parent family allowance will be paid to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [6158/13]

Minister for Social Protection (Deputy Joan Burton): An application for one parent fam-

ily payment was received in respect of this person and a full investigation, including means assessment, was initiated by a Social Welfare Inspector. However, when the customer relocated in August, 2012, the case was then re-assigned to a local inspector for a further report given the changed residential circumstances. On foot of this report, the Deciding Officer wrote to the customer on 4 February, 2013 advising that the application was disallowed on the basis that she exceeded the current means eligibility criteria. The customer has been advised of her right to request a review of this decision and in the event that they are still dissatisfied, of their additional right to appeal the decision within 21 days. In the meantime, if this customer is in financial difficulty she can visit her local office administering the supplementary welfare allowance and her eligibility will be assessed. I trust this clarifies the matter for the Deputy.

Exceptional Needs Payment Eligibility

110. **Deputy Patrick O'Donovan** asked the Minister for Social Protection if assistance is available to parents under a SWA payment for assistance for communion or confirmation children in 2013; and if she will make a statement on the matter. [6172/13]

Minister for Social Protection (Deputy Joan Burton): Under the supplementary welfare allowance (SWA) scheme, the Department may make a single exceptional needs payment (ENP) to help meet essential, once-off, exceptional and unforeseen expenditure which a person could not reasonably be expected to meet out of their weekly income. There is no automatic entitlement to a payment. ENPs are payable at the discretion of the officers administering the scheme taking into account the requirements of the legislation and all the relevant circumstances of the case in order to ensure that the payments target those most in need of assistance. The Government has provided €47.6m for the scheme in 2013.

A review of the guidelines on exceptional needs payments was carried out by the Department by a working group made up of former community welfare service staff. One of the recommendations emanating from this review is to address the different approaches taken, in different areas, in relation to the payment of exceptional needs payments in respect of religious ceremonies, mainly Communions and Confirmations, and to ensure that the SWA scheme is responding to financial need and not occasions. For 2013, the Department has recommended that payment of the allowance specifically in respect of religious ceremonies will cease. Applications can continue to be made under the scheme for assistance with child clothing. This measure will ensure that the ENP scheme will continue to respond to specific need and not to the occasion

This recommendation does not affect the discretion available to officers administering the scheme in issuing an ENP to assist an individual or household in any particular hardship situation which may arise. Persons who consider that they have an entitlement to an ENP under the supplementary welfare allowance scheme should contact the local officials administering the scheme.

Question No. 111 withdrawn.

Departmental Staff Rehiring

112. **Deputy Eoghan Murphy** asked the Minister for Social Protection if there are any retired public sector workers from her Department, or any other part of the public sector, currently on her Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to her Department; the ser-

vices being delivered for this money; and the way that the positions were originally advertised. [6271/13]

Minister for Social Protection (Deputy Joan Burton): One member of staff in my Department, the Chief Medical Advisor, has been rehired on a temporary contract on a payscale of €93,197 to €113,503. Payment of his pension is abated for the period of this temporary contract. The decision to re-employ the Chief Medical Advisor was taken due to his specific skills and his involvement in the policy reform of the illness related schemes, the difficulty and long lead-in time for replacing his skills, and the critical importance of ensuring continuity and a high level of service to customers of the Department.

As an exception to the current moratorium on recruitment, my department has limited sanction to recruit temporary clerical officers to cover critical staff absences and to assist with the roll-out of the new Public Service Card. Three of these temporary staff are retired civil servants. They are on a payscale of €22,016 to €35,515 and were recruited on foot of open competitions run by the Public Appointments Service. Abatement of pension applies, if applicable, for the duration of these temporary contracts.

Disability Allowance Appeals

113. **Deputy Michael McCarthy** asked the Minister for Social Protection when a decision will issue from the medical assessor in respect of an application for disability allowance by a person (details supplied) in County Kerry; and if she will make a statement on the matter. [6289/13]

Minister for Social Protection (Deputy Joan Burton): Payment of disability allowance, to the person concerned, was refused by a Deciding Officer following an assessment by a Medical Assessor of the Department who expressed the opinion that he was medically unsuitable for disability allowance. An appeal was opened and in the context of that appeal, his case was reviewed by a second Medical Assessor who also expressed the opinion that he was medically unsuitable. I am advised by the Social Welfare Appeals Office that the relevant Departmental papers and the comments by the Deciding Officer on the grounds of appeal were received in that office on 6 December 2012 and 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.

Rent Supplement Scheme Applications

114. **Deputy Seán Ó Feargháil** asked the Minister for Social Protection if she will expedite an application for rent supplement in respect of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [6290/13]

Minister for Social Protection (Deputy Joan Burton): There is no record of a rent supplement application in respect of the person concerned. If the person concerned wishes to apply for rent supplement he should complete an application form and return it to the Kildare Rents Unit, PO Box 11758, Dublin 24.

Jobseeker's Allowance Eligibility

115. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the correct entitlement to jobseeker's allowance in the case of a person (details supplied) in County Kildare who also received a half rate one-parent family payment; if she will clarify the amount, if any, of stamps received for the one-parent family payment and the subsequent effect on his or her eligibility for jobseeker's allowance; and if she will make a statement on the matter. [6319/13]

Minister for Social Protection (Deputy Joan Burton): According to the records of this Department there is no jobseeker's allowance claim currently registered in respect of the person concerned. The one parent family claim of the person concerned is currently under review and she will be informed of the outcome of the review on its completion.

Exceptional Needs Payment Applications

116. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if an exceptional needs payment will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [6320/13]

Minister for Social Protection (Deputy Joan Burton): The person concerned attended his local community welfare clinic on 31st January 2013 and made an enquiry about the availability of support this year with communion and confirmation costs.

Under the supplementary welfare allowance (SWA) scheme, the Department may make a single exceptional needs payment (ENP) to help meet essential, once-off, exceptional and unforeseen expenditure which a person could not reasonably be expected to meet out of their weekly income. There is no automatic entitlement to a payment.

Following a review of the guidelines on exceptional needs payments the Department has recommended that for 2013 exceptional needs payments specifically in respect of religious ceremonies will cease. Applications can continue to be made under the scheme for assistance with child clothing. This measure will ensure that the ENP scheme will continue to respond to specific financial need and not to the occasion.

This recommendation does not affect the discretion available to officers administering the scheme in issuing an ENP to assist an individual or household in any particular hardship situation which may arise.

Domiciliary Care Allowance Appeals

117. **Deputy Noel Coonan** asked the Minister for Social Protection when an application for a domiciliary care allowance appeal will be finalised in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [6326/13]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case on 18th February 2012. The person concerned has been notified of the arrangements for the 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.

Departmental Banking

118. **Deputy Simon Harris** asked the Minister for Social Protection the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under her Department's remit; the rate of interest at which the deposits are held; and if she will make a statement on the matter. [6341/13]

Minister for Social Protection (Deputy Joan Burton): The Department of Social Protection has two short term interest earning bank accounts which are used to hold PRSI receipts and voted state subvention, pending distribution and payment to customers. As at 31 December 2012, the balance held in the Social Insurance Fund (SIF) Investment Account with the Central Bank was €68,281,655. The balance in the other commercial Demand Interest Deposit Account was €4,083,206.

The interest rate applicable on the short term SIF Investment Account is the Euro Over Night Index Average (EONIA) rate and is currently 0.081%.

The interest rate applicable on the commercial Demand Interest Deposit Account is the European Central Bank (ECB) rate and is currently 0.75%.

The Pensions Board, operating under the aegis of the Department, has five interest earning accounts and as at 31 December 2012 the combined balance of the accounts was €6.8million. The rate of interest applicable varies depending on the sum invested, term and level of access to the funds that are applicable to the particular account. The rate of interest is in the range 4.8% for longer term investments to 0.75% in the case of instant access accounts, the applicable DIRT rate is payable on interest earned. The purpose of these accounts is to maintain and invest monthly surplus cash.

Invalidity Pension Appeals

119. **Deputy Pat Deering** asked the Minister for Social Protection when an invalidity pension appeal will be decided in respect of a person (details supplied). [6346/13]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was referred to an Appeals Officer on 12th December 2012, 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.

Question No. 120 withdrawn.

Upward Only Rent Reviews

121. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the number of leases with upward only rent clauses, that were in place by agencies under his Department at the start of 2011; and the number of such leases currently in operation. [6168/13]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I assume the Deputy is referring to leases where the bodies funded from my Department's Vote Group are

tenants as opposed to landlords.

The details requested by the Deputy are contained in the table below:

Name of Agency	The number of leases with upward only rent clauses in place at start 2011	Number of these leases currently in operation
Waterways Ireland	1	1
National Museum of Ireland	0	1
Foras na Gaeilge	3	2
Arts Council*	6	6
Irish Film Board	2	2

*Six separate leases in two buildings as a result of leases taken out per floor in one of the buildings.

Departmental Staff Rehiring

122. **Deputy Eoghan Murphy** asked the Minister for Arts, Heritage and the Gaeltacht if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6259/13]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As I have previously advised the House, I appointed Mr. James Kenny as a special advisor with effect from 7th June 2011.

The current salary for that position would ordinarily be €83,337 at present. However, as Mr. Kenny is in receipt of a public service pension, he does not receive that full salary in addition to his pension. Instead, his salary has been abated to €41,502 i.e. he receives €41,502 in addition to his pension, rather than the full salary for the post. No other public sector workers are currently on the payroll of my Department.

Departmental Banking

123. **Deputy Simon Harris** asked the Minister for Arts, Heritage and the Gaeltacht the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6329/13]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department has two commercial bank accounts. The aggregate balance of these accounts on 4 February 2013 was €4,401. There is no interest rate attaching to these accounts.

With regard to bodies funded from my Department's Vote Group, the Deputy will appreciate that management of bank accounts is part of the day-to-day operational responsibilities of the bodies in question. I am arranging, therefore, for the terms of the Deputy's Question to be transmitted to the heads of relevant bodies with a request that they provide information, to the extent feasible, directly to the Deputy.

Renewable Energy Feed in Tariff Scheme Implementation

124. **Deputy Michael Creed** asked the Minister for Communications, Energy and Natural Resources if he will outline a roadmap detailing necessary steps to migrate from REFIT 1 to REFIT 2 where, in the view of the developer, the deadline for connection under REFIT 1 cannot be met; and if he will deal, therein, with the complications arising with the CER where the project has been included in the CER Annual PSO Decision Paper, and included in the statutory instrument as published by the Department; if he will also outline the latest date that such a migration may be allowed; and if he will make a statement on the matter. [6114/13]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): In the event of a project in REFIT 1 not being in a position to meet the date to which it has been granted an extension in time to, the project can apply to transfer into REFIT 2. Provided the developers submit a fully completed application and can meet the terms and conditions of REFIT 2 and there is sufficient capacity in the scheme available, then the project would be entitled to a REFIT 2 letter of offer.

By way of information, there is over 3,500MW of capacity currently available in the REFIT 2 scheme. A copy of the REFIT 2 Application and Terms & Conditions can be found on the Department's website (www.dcenr.gov.ie), including a form for those projects transferring from REFIT 1 into REFIT 2. Projects may only remain in the REFIT 1 scheme up to the date to which they have been granted an extension in time. They may apply to transfer into REFIT 2 at any time, but should be aware that the timing for the processing of applications will depend on the completeness and accuracy of the application submitted.

As regards projects having been included in the CER PSO Decision that are subsequently not developed in that period, there is a Commission for Energy Regulation (CER) Decision (CER 08/236), which provides a mechanism, known as the "R" factor to deal with corrections required to the amounts included in the Public Service Obligation (PSO). The supplier who has entered a REFIT Power Purchase Agreement with a generator and who notified the project to CER for inclusion in the PSO Decision should advise the CER of the situation and they will undertake the necessary R factor correction and make any necessary arrangements.

As regards the statutory instrument published by the Department, an annual statutory instrument is introduced to provide for updated information on the projects being included in the annual PSO Decision taken by the CER. Any required modification to the Order will be made at that time.

Job Creation Issues

125. **Deputy Finian McGrath** asked the Minister for Communications, Energy and Natural Resources his views on proposals regarding employment in clean energy generation (details supplied). [6137/13]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): A 2009 report entitled "Jobs and Investment in Irish Wind Energy" undertaken by Deloitte and commissioned by the Irish Wind Energy Association noted that their analysis has shown that the wind energy sector can support 1.5 jobs per MW to be installed on the island. Further employment opportunities may arise to the extent that turbine components can be manufactured in Ireland.

The Memorandum of Understanding on energy cooperation that UK Secretary of State for

Energy and Climate Change, Edward Davey and I signed on 24 January is a signal of political intent and an agreement on a programme of work to be undertaken in the coming year to determine whether it is mutually beneficial for both countries to enter into an Inter-Governmental agreement under the Renewable Energy Directive to provide for renewable energy trading.

If an Inter-Governmental Agreement is entered into, additional employment opportunities could arise if turbines or components were to be manufactured in Ireland. All relevant State agencies, particularly in the enterprise area, would have to co-ordinate their activities early in the process to ensure the employment potential of export projects could be maximised. This opportunity has already been identified by the Industrial Development Authority and Enterprise Ireland in their clean technology growth strategies.

Warmer Homes Scheme Waiting Times

126. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources the waiting times for the warmer homes scheme, in view of the fact that an applicant (details supplied) has been informed that the process will take nine months. [6138/13]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Sustainable Energy Authority of Ireland (SEAI) administers the Better Energy Warmer Homes scheme under the Better Energy Programme. The Better Energy Warmer Homes scheme delivers a range of energy efficiency measures to households that are vulnerable to energy poverty. The scheme is delivered through a combination of SEAI appointed Community Based Organisations (CBOs), augmented by a panel of private contractors in order to ensure national coverage and via an area based approach. Measures available include draught proofing, attic insulation, lagging jackets for hot water tanks, low energy light bulbs and cavity wall insulation and are free of charge to the customer.

The Better Energy Warmer Homes programme is an important element of the Affordable Energy Strategy that was launched in November 2011. The energy efficiency measures are targeted at low income families and will make a lasting impact on households experiencing energy poverty. Exchequer funding of over €101 million has been allocated to the programme since 2000, which has successfully delivered energy efficiency measures to 92,563 homes. In 2012 the programme delivered energy saving measures to 12,175 homes. Despite the current economic challenges, the Government is committed to continuing to deliver energy efficiency measures to vulnerable households. The Better Energy Warmer Homes scheme has been allocated Exchequer funding of €20 million for 2013, and according to the most up to date analysis available to date, it is anticipated that the scheme will deliver upgrades to approximately 12,000 homes this year.

The SEAI currently has 7,700 applications on hand which predate the application referred to by the Deputy. The SEAI anticipates that it will take 9 months to clear the existing waiting list and address the property in question. Queries in relation to individual applications are an operational matter for the SEAI and a dedicated hotline can be reached at 1800 250 204. In addition, the SEAI has established a specific email address for queries from Oireachtas members, which can be sent to oireachtas@seai.ie and will be dealt with promptly.

Departmental Staff Rehiring

127. **Deputy Eoghan Murphy** asked the Minister for Communications, Energy and Natural Resources if there are any retired public sector workers from his Department, or any other

part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6261/13]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I can confirm that a retired member of the Garda Síochána is employed by me as Civilian Driver at an annual salary of €32,965.

I can also confirm that there are currently two retired public servants who, whilst not on the payroll of my Department, are engaged in specific projects under the aegis of my Department; one as Chairman of a VFM Review Group at a cost of €1,200 and the other as a Process Auditor for the procurement of a National Postcode System at a cost of €9,840. These were Departmental appointments.

In addition to the above one retired public servant sitting on an Audit Committee for the Department on a pro bono basis.

Retired public and civil servants are engaged from time to time by my Department in areas where specific expertise is required for a short fixed period, and these staff provide a level of knowledge, experience and background compatible with such requirements.

The abatement principle, which ensures that the fee paid plus pension does not exceed the rate of pay the pensioner would receive if he/she had continued service in their former post, applies to payments as appropriate.

Postal Services

128. **Deputy Patrick O'Donovan** asked the Minister for Communications, Energy and Natural Resources when will postcodes be introduced here. [6318/13]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): It is Government policy to introduce postcodes. The procurement process to select a postcode management licence holder to implement a National Postcode System began in 2011 with the publication of a Pre-Qualification Questionnaire on www.etenders.gov.ie. That process is still ongoing, and it is expected to conclude in the first half of 2013. The final decision to proceed with implementation of a national postcode will be one for Government and will be based on appropriate financial, technical and operational considerations.

Departmental Banking

129. **Deputy Simon Harris** asked the Minister for Communications, Energy and Natural Resources the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6331/13]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I wish to advise the Deputy that details of monies held in banks by agencies under the aegis of my Department is an operational matter for the individual agency in the first instance and I have no function in this regard.

Private Rented Accommodation Deposits

130. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government if he is considering the introduction of a standardised private rental contract for residential property and a deposit scheme whereby deposits paid by renters are held in a neutral account. [6279/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): The Residential Tenancies Act 2004 regulates the tenant-landlord relationship in the private rented residential sector. Under the Act a tenancy includes any periodic or fixed term tenancy whether oral, written or implied and a tenancy agreement includes an oral tenancy agreement. It is a matter for the tenant and landlord to agree the terms and conditions of a lease or tenancy agreement consistent with the Act and I do not propose to vary this arrangement.

On foot of the commitment in the Programme for Government 2011 to introduce a tenancy deposit protection scheme I asked the Private Residential Tenancies Board (PRTB) to commission research on such a scheme and to report back to me with recommendations. The final report and recommendations were submitted to me on 12 November 2012 and I am examining the report with a view to providing for the establishment of tenancy deposit protection in the context of the Oireachtas consideration of the Residential Tenancies (Amendment) (No. 2) Bill 201

Architectural Qualifications

131. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Community and Local Government if he will consider issues raised in correspondence (details supplied); and if he will make a statement on the matter. [6526/13]

139. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will support the case of a person (details supplied) relating to the Building Control Act. [6248/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 131 and 139 together.

The register of persons entitled to use the title of architect was introduced as a consumer protection measure and is designed to prevent persons who fail to demonstrate the required level of competence from passing themselves off as architects. There can be no question of allowing any person to use the title of architect unless he/she is registered to do so.

The arrangements for the registration of Architects are addressed under Part 3 of the Building Control Act 2007. The Act provides routes to registration that are open, transparent and fair for potential candidates from a variety of backgrounds including those who are practically trained and have limited or no academic training or qualifications.

Section 22 of the Act 2007 already provides a route towards registration for longstanding practitioners who had been providing architectural services in Ireland, commensurate with those understood as being provided by Architects for the purposes of the Act, for a period of ten years at the time the Act became law. This provision is transitional in nature and enables this category of persons who may not have any formal academic training, qualifications or certification to become registered once they have been assessed as eligible for registration by the

Technical Assessment Board in accordance with the practical experience assessment procedure.

In addition, Section 14(f) provides a permanent route to registration for practically trained persons who have 7 years appropriate practical experience and who have passed the prescribed register examination. I am satisfied that the statutory arrangements for registration that are currently in place are appropriate and there are no proposals to amend the Act under consideration by my Department. I would encourage all practically trained persons to pursue the routes to registration which are currently open to them with a view to joining the small but growing numbers of practically trained architects already on the register.

Fire Stations Provision

132. **Deputy James Bannon** asked the Minister for the Environment, Community and Local Government if he will provide an update on his plans and funding for the proposed and urgently needed new fire station for Lanesboro, County Longford. [6106/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of individual fire authorities under the provisions of the Fire Services Act 1981 and 2003.

My Department supports fire authorities through the setting of general policy and guidance, and the provision of capital funding, including the recoupment (within the overall funding available) of costs incurred by fire authorities in relation to the approved purchase of fire appliances and equipment.

Under the 2008 fire service capital programme, a proposal by Longford County Council to construct a new fire station at Lanesboro was approved in principle. Following approval to proceed to tender stage during 2011, the Council has very recently been approved to accept a tender in relation to the project, with total grant-aid set at €8 48,000.

Property Taxation Exemptions

133. **Deputy Willie O’Dea** asked the Minister for the Environment, Community and Local Government if he will consider an exemption for Oakwood Estate, Old Singland Road, County Limerick, from the annual local property tax in view of the fact that it is an unfinished estate; and if he will make a statement on the matter. [6134/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): In the context of Budget 2013, the Government announced the introduction of a local property tax which will replace the annual household charge. It was also decided that a waiver will apply in certain circumstances; a prescribed list of unfinished estates, subject to certain criteria and identified as part of the National Housing Development Survey 2012, in respect of which the property tax for 2013 will be waived in accordance with the Finance (Local Property Tax) Bill 2012, will be prepared. I anticipate that this list will be published shortly.

Rental Accommodation Scheme Criteria

134. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government if the rental accommodation scheme involves long-term leases and whether a landlord is entitled to terminate the agreement; the notices a landlord is required to give to a tenant; and, under the RAS scheme, is the local authority or the owner of the property the tenant's landlord. [6150/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): Under the Rental Accommodation Scheme local authorities enter into contractual arrangements on behalf of tenants with accommodation providers, primarily in the private rented sector, to secure medium to long-term availability of rented accommodation. The lease on these units can vary from 1 year to over 10 years.

The RAS involves a three way contractual relationship between landlord, tenant and the housing authority. The housing authority is responsible for payment of the rent to the landlord and the landlord is contractually obliged to maintain the property in good condition and deal with any repair issues in a timely manner. For both the State and the tenant this ensures that there is better enforcement of standards in that all tenancies are registered with the Private Rental Tenancies Board (PRTB) and that landlords are tax compliant.

The tenant also has a contract with the housing authority, whereby they agree to pay a rental contribution to the authority based on the differential rent scheme and also agree not to engage in anti-social behaviour.

Accommodation provided under the Rental Accommodation Scheme is governed by the Residential Tenancies Act 2004, as amended. A landlord can terminate the agreement entered into where particular circumstances prevail, if for example they wish to sell their rented property or where anti-social behaviour is an issue, subject to compliance with the provisions of the Act and the terms of the RAS agreement.

Rental Accommodation Scheme Property Numbers

135. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government the number of properties in Louth and Meath that are in the rental accommodation scheme. [6151/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): Since the Rental Accommodation Scheme commenced in late 2005 to the end of December 2012 some 1,208 and 781 households have been transferred from Rent Supplement to RAS and other social housing options respectively in Counties Louth and Meath. The table below sets out the annual transfer numbers:-

	2005	2006	2007	2008	2009	2010	2011	2012
Louth	17	169	158	281	201	197	156	29
Meath	0	39	43	108	135	164	168	124

My Department does not hold information on the number of households in RAS at any given time. Numbers in RAS constantly vary as contracts end, tenants move on to other properties, landlords withdraw from the scheme, new tenancies are allocated or vacancies in contracted units are filled.

Radon Gas Levels

136. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the action he will take to tackle the problem of radon gas in homes; if such homes will be exempt from the household charge; [6162/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Government, largely through the Radiological Protection Institute of Ireland (RPII), has worked to assess the extent of the incidence of radon in Ireland, and to increase public awareness of the issue. The Government's approach to radon, which is similar to that of the majority of EU Member States, is to concentrate efforts on increasing public awareness of the risks posed by radon in the home. Through support for the RPII's radon advice and awareness work, my Department is supporting efforts to raise public awareness of the risks posed by radon, particularly in the home. Householders, particularly those in known high radon areas, have been strongly encouraged to have their homes tested for radon and to undertake remediation works where necessary. Since 1998 the Building Regulations require all new buildings to incorporate radon protection measures at the time of construction.

Technical guidance on radon remediation techniques is available in a booklet issued by my Department, *Radon in Buildings - Corrective Options*, which is also available on my Department's website. The RPII has also issued guidance, *Understanding Radon Remediation - A Householders Guide*, which is available on the Institute's website at www.rpii.ie, together with a list of companies who can provide a radon remediation service and offer specific advice and recommendations. In addition, the RPII can be contacted for radon advice on freephone 1800 300 600.

An Inter-Agency Group, established in September 2011 under the leadership of my Department, has been tasked to develop a National Integrated Strategy for Radon Control. As part of this process, some potential approaches to addressing the radon issue have been developed, and these are currently the subject of a public consultation process. Further information on this process is available on my Department's website at www.environ.ie. The Local Government (Household Charge) Act 2011 provides the legislative basis for the Household Charge. Under the Act, an owner of a residential property on the liability date is liable to pay the Household Charge, unless otherwise exempted or entitled to claim a waiver. The Act does not include a waiver or exemption in connection with radon gas. The Household Charge operated during 2012 and is replaced by the Local Property Tax in 2013.

Non-Principal Private Residence Charge Collection

137. **Deputy Michael Creed** asked the Minister for the Environment, Community and Local Government if a facility will be put in place for an individual in arrears on a non-principal private residence in order that he or she may pay his or her liability in full over a period; and if he will make a statement on the matter. [6244/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009 broadened the revenue base of local authorities by introducing the Non-Principal Private Residence Charge. The Charge is set at €200 and liability for it falls, in the main, on owners of rental, holiday and vacant properties. It is a matter for an owner to determine if he or she has a liability and, if so, to declare that liability and pay the Charge.

Under the Act, it is a function of a local authority to collect the Non-Principal Private Resi-

dence Charge and late payment fees due to it, and all Charges and late payment fees imposed and payable to a local authority are under the care and management of the local authority concerned. In this regard, application of the legislation in particular circumstances is a matter for the relevant local authority. Guidelines have also been issued to local authorities in relation to the provisions of the Local Government (Charges) Act 2009, which address matters including the collection, care and management of the Charge. These make provision in established hardship cases for an agreed payment plan to be put in place.

Planning Issues

138. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will advise on the matter concerning Dublin City Council and An Bord Pleanála refusing an alteration to a roof (details supplied) in Dublin 9, when many other houses in the same estate with similar renovation work were granted permission; the options available if there are discrepancies in planning approvals; and if he will make a statement on the matter. [6246/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Under section 30 of the Planning and Development Acts 2000 - 2011, I am, as Minister, specifically precluded from exercising any power or control in relation to any particular case, including an enforcement matter, with which a planning authority or An Bord Pleanála is or may be concerned.

Question No. 139 answered with Question No. 131.

Departmental Staff Rehiring

140. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department’s payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6264/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Retired public and civil servants are engaged from time to time by my Department in areas where specific expertise is required for a short fixed period, and these staff provide a level of knowledge, experience and background compatible with such requirements. The abatement principle, which ensures that the fee paid plus pension does not exceed the rate of pay the pensioner would receive if he/she had continued service in their former post, applies to payments as appropriate. The tasks carried out include time bound tasks or projects such as membership of expert groups, occasional service on interview boards, value for money reviews and process audits.

There are currently 8 retired public servants working for my Department. The nature of the work involved, the costs and method of appointment is set out in the table below:

No.	Role	Cost	Method of Appointment
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1	Assist Department in managing EU input at 27th Session of the Governing Council / Global Ministerial Environment Forum of the United Nations Environment Programme	€14,080*	Excluding Order (3 month contract)
1	Internal Audit Committee Member	€1,197 max annual fee	Secretary General Appointment
1	Services Indicators Independent Assessment Panel	€3,000 annual stipend	Department Appointment
1	National Traveller Accommodation Consultative Committee Chair	€4,489 annual fee	Ministerial Appointment
1	National Directorate for fire & Emergency - Management Board Chair	€9,450 annual fee	Ministerial Appointment
1	Examination of Final Accounts of Water Services Capital Projects	€24,442**	Department Appointment
1	Examination of Final Accounts of Water Services Capital Projects	€24,103**	Department Appointment
1	Process Auditor on Waterford Grouped Towns & Villages Sewerage Scheme	€3,851**	Department Appointment

*Includes Travel and Subsistence cost.

**These officers work on a fee per day rate and these figures reflect full costs in 2012.

In addition to the above, there are a number of retired public and civil servants carrying out work for the Department from time to time on a *pro bono* basis.

Political Funding

141. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government if the Electoral (Amendment) (Political Funding) Act 2012 will treat unions in the same way that it treats corporations. [6281/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Electoral (Amendment) (Political Funding) Act 2012 introduces new provisions along with amendments to the Electoral Acts to further enhance the openness and transparency of political funding in Ireland. In response to the Programme for Government commitment on corporate donations the new provisions in the Act include a ban on the acceptance of donations over €200 for political purposes from a corporate donor unless the donor has registered with the Standards in Public Office Commission. This came into effect on 1 January 2013. Corporate donor is defined in the Act as meaning a body corporate, an unincorporated body of persons or

a trust, which makes a donation.

Greenhouse Gas Emissions

142. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government his views on whether the current allocation of emissions trading systems credits to the industry is appropriate, particularly in view of the fact that the allocation was based on the industry's high sales levels in previous years, and in view of reports that the cement industry is selling on these surplus credits. [6282/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The third phase of the EU Emissions Trading Scheme commenced on 1 January 2013 and will run over an eight year period to the end of 2020. Following a major revision to the trading scheme, approved in 2009, the third phase is significantly different to the first two phases; key differences include –

1. a single EU-wide cap on emissions instead of twenty seven national caps;
2. auctioning, rather than free allocation, is now the default method of allocating allowances; and
3. in specific cases where allowances are still issued free of charge, harmonised allocation rules apply which are based on ambitious EU-wide benchmarks of emissions performance.

Competitiveness concerns are addressed in the case of installations deemed to be exposed to significant risk of carbon leakage. Where installations concerned reach the relevant EU-wide benchmark in principle, they will receive a free allocation of allowances. Installations that fall short of the benchmark will receive a proportionately lower allocation of free allowances compared to their emissions, and therefore must reduce their emissions or buy allowances.

Under Commission Decision 2010/2/EU dated 24 December 2009, the manufacture of cement is a sector deemed to be exposed to a significant risk of carbon leakage. As the third phase of the trading scheme is only operational for a matter of days, it would be premature to draw any conclusions regarding the appropriateness of the agreed EU-wide allocation methodology.

Local Authority Banking Issues

143. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government the amount of money held on deposit by each county and city council; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6327/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Deposits held by county and city councils comprise cash balances and short term bank investments. Information on the rates of interest at which deposits are held is not available to my Department. The amount held on deposit by each county and city council at 31 December 2010, the latest year for which audited information is available, is set out below.

Local authority	Total
Carlow County Council	8,327,465
Cavan County Council	19,697,227
Clare County Council	14,324,090

Local authority	Total
Cork County Council	105,046,948
Donegal County Council	344,431
Fingal County Council	98,168,825
Dún Laoghaire Rathdown County Council	126,941,360
Galway County Council	58,454,645
Kerry County Council	48,611,864
Kildare County Council	56,513,285
Kilkenny County Council	34,115,570
Laois County Council	15,559,822
Leitrim County Council	21,280,768
Limerick County Council	30,397,730
Longford County Council	22,854,669
Louth County Council	22,045,125
Mayo County Council	155,139
Meath County Council	72,183,122
Monaghan County Council	4,007,706
North Tipperary County Council	35,589,002
Offaly County Council	4,250,707
Roscommon County Council	2,042,874
Sligo County Council	3,021,128
South Dublin County Council	34,160,741
South Tipperary County Council	43,501,008
Waterford County Council	6,467,900
Westmeath County Council	25,128,871
Wexford County Council	17,910,347
Wicklow County Council	39,825,096
Cork City Council	44,542,744
Dublin City Council	81,483,415
Galway City Council	4,411,348
Limerick City Council	23,291,650
Waterford City Council	75,796

Departmental Banking

144. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6334/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Details of the operation of the financial management function in bodies under the aegis of my Department are a matter for the individual agencies concerned. Information is collected by my Department from relevant bodies for the purpose of inputting to data on General Government Debt prepared by the Department of Finance. The following table sets out details of deposits held by such bodies at the end of 2012; information on rates of interest is not available.

Agency	Deposits with Private Sector (as at 31 December 2012) €m
An Bord Pleanála	1.598
Environmental Protection Agency	10.584
Housing and Sustainable Communities Agency	0.855
Irish Water Safety	0.291
Local Government Management Agency	17.000
Private Residential Tenancies Board	6.275
Radiological Protection Institute of Ireland	1.080
Western Development Commission	4.000

Local Authority Housing Applications

145. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government if there is a mechanism to transfer a housing application from one local authority to another without having to submit a new application; and if he will make a statement on the matter. [6361/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Sections of the Housing (scellaneous Provisions) Act, 2009 dealing with social housing support, and related Social Housing Assessment Regulations, 2011, were commenced on 1 April 2011. These provisions introduced a new standard procedure for assessing applicants for social housing in every housing authority.

One of the important provisions of the new regulations is that a household may only apply to one housing authority for the purpose of determining whether or not they have a housing need. The idea behind the new arrangements is to streamline the process of applying for social housing support, both for the applicant and the local authority, while at the same time allowing a reasonable level of choice to households as to the areas in which they would like to receive social housing support. There is no provision in the regulations allowing applications to be transferred to a different local authority without having to make a new application.

However, under the regulations, a household may apply to the housing authority for the functional area:

- where it normally resides – this would include a household residing in rented accommodation, or
- where it has a local connection.

A household may then specify up to three areas of choice in any housing authority in the county. At least one of these choices must be in the functional area of the housing authority of application. Therefore, a household living in, or having a local connection with, a town council area may make a single application to that town council for housing support in the town but on that application may also express its choice to live in areas within the wider administrative county council area. Alternatively, a household living in, or having a local connection with, the county area may choose to apply to the county council, but also express areas of choice within the town council boundaries in the county. Eligible households will appear on the waiting lists of each of the authorities where they have expressed areas of choice.

Priory Hall Development

146. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if he will give an update on steps he is taking to assist the residents of Priory Hall, Dublin 13; and if he will make a statement on the matter. [6362/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Dublin City Council is the designated authority with powers to enforce the statutory requirements arising under the Fire Safety Act, the Building Control Acts and the Planning and Development Acts, all of which are at issue in relation to Priory Hall. The Council is also the designated Housing Authority under the Housing Acts. I am aware of the significant efforts that have been made by the Council to provide for the needs of residents to date and I understand that the Council will continue to work proactively on behalf of the residents towards achieving the much needed resolution of the issues at Priory Hall.

The resolution process, which I understand is on-going, arose in the context of legal proceedings which were adjourned to afford relevant parties the opportunity to work together, under the chairmanship of Mr. Justice Finnegan (retired President of the High Court), to identify a way forward in relation to the complex problems at Priory Hall. Given that the matter is before the courts, it would be inappropriate for me to comment further other than to continue to urge all concerned to afford Mr. Justice Finnegan the opportunity to complete the task which he is undertaking.

Garda Stations Closures

147. **Deputy Niall Collins** asked the Minister for Justice and Equality if he will specify his plans for the total number of Garda stations by the end of 2013, 2014 and 2015. [6089/13]

Minister for Justice and Equality (Deputy Alan Shatter): At the end of 2013 there will be 564 Garda stations in the State. By comparison with other similar jurisdictions this is still a high number. By way of comparison, there are 83 police stations in Northern Ireland for its population of 1.4 million and 340 stations in Scotland for its population of 5.2 million. In the London Metropolitan area, 66 police stations are due to close, leaving 73 police stations open to the public.

Each year the Commissioner prepares a Policing Plan which outlines his proposals for providing the policing service in the country for the following year. Among other things, these plans must include any proposals he has for the re-organisation of the Divisional or Regional network together with any plans he has for the closure of a Garda station. The plans for 2014 and 2015 have not yet been prepared, however, from discussions with the Garda Commissioner I understand that the current consolidation process will be largely completed by the end of this year and it seems unlikely at this point in time that there will be any further station closures in 2014 and 2015. The delivery of the most effective policing service possible to the public will of course remain the objective of future policing plans. It will be for the Garda Commissioner, using his professional judgement, to formulate such proposals, and he will continue to have my support in seeking to maximise the number of Gardaí on active frontline duty, preventing and detecting crime right across the country.

Magdalen Laundries Report

148. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality when he envisages acting on the report of the committee, chaired by Senator McAleese, into the Magdalen laundries. [6094/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Report of the Committee is very comprehensive and tells a complex story about Magdalen Laundries. Approximately 10,000 women were admitted to the Magdalen Laundries in the period 1922 to 1996 and over 60% of them spent less than a year in these institutions.

Much of the information in the Report has never previously been made public and it provides an extraordinary insight not only into the operation of the Magdalen Laundries but also into the social realities of past times. It will take time to absorb the contents of the Report. The report will be given full consideration by the Government and there will be a debate in the Dail in two weeks time on the matter.

Cross-Border Co-operation

149. **Deputy Joe McHugh** asked the Minister for Justice and Equality his views on whether the cross-Border policing strategy acts as a deterrent to rural crime in Border counties and in the greater Dublin area. [6098/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am happy to say that there is close and ongoing co-operation between the Garda Síochána and the PSNI on all aspects of policing. The Garda Commissioner and the Chief Constable of the PSNI who are responsible for operational policing co-operation have repeatedly emphasised that the close and high quality co-operation between their forces has been instrumental in preventing attacks, combating criminality and saving lives. Notably, the two police forces operate a joint Cross Border Policing Strategy which has as its aims to improve public safety throughout Ireland, to disrupt criminal activity and to enhance the policing capability of both police services on the island. All of these are important elements in enabling the two forces to work more effectively together in tackling crime and promoting community safety for all communities on this island.

The Cross Border Policing Strategy includes sections dealing with Operations, Cross-border Investigations, Intelligence-sharing and Security, Information and Communications Technology, Training, Human Resources, and Emergency Planning and both Forces are jointly engaged in developing initiatives in these areas. I would point out also that the Strategy recognises the value of interagency co-operation in certain areas. The two Police Services work closely with the Customs Services North and South and with other relevant law enforcement agencies in combatting cross-border organised crime and have had a number of significant successes in disrupting fuel smuggling and tobacco fraud activities. There is also proactive co-operation with the Irish and British immigration services in managing the Common Travel Area on the island of Ireland. The Cross Border Policing Strategy is a positive and dynamic step in further enhancing and developing joint efforts between the police services on this island to address the common policing challenges which crime presents and, thereby, to underpin efforts to improve community safety.

Garda Stations Refurbishment

150. **Deputy Willie Penrose** asked the Minister for Justice and Equality the steps he will take to ensure that a Garda station (details supplied) in County Westmeath is immediately refurbished and appropriate maintenance afforded to it, such as painting and decorating; and if he

will make a statement on the matter. [6111/13]

Minister for Justice and Equality (Deputy Alan Shatter): The programme of replacement and refurbishment of Garda accommodation around the country is progressed by the Garda authorities working in close co-operation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation. I have been informed by the Garda authorities that while there are currently no plans for upgrade works at the Garda station referred to by the Deputy the on-going requirements of the station are being kept under review.

Stardust Fire Issues

151. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will provide an update on the matter of the victims of the Stardust fire; and if he will make a statement on the matter. [6142/13]

Minister for Justice and Equality (Deputy Alan Shatter): The issuing of death certificates is a matter for my colleague Minister for Social Protection Joan Burton. I would advise the Deputy to supply all details to my colleague's Department to allow the relevant enquires to be made.

Garda Strength

152. **Deputy Brian Stanley** asked the Minister for Justice and Equality the number of gardaí stationed in County Laois at present; and the number based in the county in each of the past four years. [6149/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the personnel strength of the Laois/Offaly Garda Division on 31 December 2009, 2010, 2011 and also 31 December 2012, the latest date for which figures are readily available, was as set out in the table below:

2009	2010	2011	2012
327	320	304	289

There are also 31 Garda Reserves and 20 Civilians attached to the Laois/Offaly Garda Division.

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 demographics, 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.

Refugee Appeals Tribunal Decisions

153. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality since the establishment of the Refugee Appeals Tribunal, the number of decisions, per year, quashed by the High Court on judicial review; the number of cases, per year, settled by the State after ju-

dicial review proceedings were instituted; and the cost to the State rising from same. [6152/13]

Minister for Justice and Equality (Deputy Alan Shatter): At the outset it should be noted that since its establishment in late 2000 to end 2012, 40,865 cases were decided by the Refugee Appeals Tribunal. The total number of cases (1,271) in the categories referred to by the Deputy amount to 3.1% of these. The information requested by the Deputy is as follows.

Year	Judicial Reviews Quashed	Judicial Reviews Settled
2001	0	10
2002	0	55
2003	1	71
2004	1	130
2005	2	188
2006	9	223
2007	12	176
2008	14	170
2009	14	51
2010	22	29
2011	13	36
2012	14	30

A breakdown of costs attributable to each category in the above table over the period in question is not readily available. However figures relating to the annual legal costs of the Tribunal over this period are set out in the annual reports of the Tribunal which are available on the Tribunal's website (www.refappeal.ie). The figures in respect of 2012 are not yet available. In looking at these figures, I should point out that the legal costs figures in the Tribunal's reports up to and including 2006 include Tribunal Members fees.

Civil Legal Aid Issues

154. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality the amount of money paid in the years 2010, 2011 and 2012 by persons making a contribution towards the cost of the free legal aid that was provided to them by the State; and if he will make a statement on the matter. [6160/13]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that civil legal aid is provided by the Legal Aid Board, a statutory independent body. As I am sure the Deputy is aware, civil legal aid is not free and in accordance with the Civil Legal Aid Act, 1995, and the associated regulations, each applicant in receipt of civil legal aid or advice is required to make a contribution towards the cost of the service.

The contribution is calculated with reference to the person's disposable income and any disposable assets they may own. I am advised that currently, the minimum contribution payable is €10 for legal advice and €50 for legal aid (i.e. where the case involves court representation). In a small number of cases, the contribution is waived. The Deputy will also be aware that the legislation makes provision for the Board to recover its costs where a person in receipt of legal aid or advice receives an award or settlement on foot of the case.

Details concerning the monies received by the Board in respect of contributions and costs

recovered for the relevant years are set out in the table hereunder. It should be noted that monies received in respect of civil legal aid includes asylum-related cases handled by the Board's Refugee Legal Service.

Year	Contributions (€)	Costs Recovered (€)
2010	844,000	922,000
2011	810,000	974,000
2012	832,000	686,000

Garda Equipment

155. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality his plans to reissue gardaí with the Uzi sub-machine guns that were withdrawn; and if he will make a statement on the matter. [6163/13]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, the specific arrangements made by An Garda Síochána in relation to firearms are, as operational matters, dealt with by the Garda Commissioner. In that context the Commissioner determines the appropriate measures to be put in place, including the specific firearms to be deployed, without reference to either myself or my Department. In view of the nature of the functions involved, it would not be appropriate for me to comment on the firearms that are used by Garda personnel but I can assure the Deputy that the armed capability of Garda members is kept under on-going review by the Garda authorities.

Residency Permits

156. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of an application for residency status in the case of a person (details supplied) in Dublin 9; and if he will make a statement on the matter. [6176/13]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned has requested a right of residency in the State, accompanied by a right to work, based on the principles of the European Court of Justice Judgment in the Zambrano case. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that all information and documentation required to make a decision is on file, the Deputy can be assured that there will be no avoidable delay in having the case of the person concerned processed to completion.

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

Garda Policing Plans

157. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which he is satisfied that policing procedures, now applicable here, are in accordance with best international practice, particularly in the wake of the closure of a number of Garda stations

throughout the country; his views that such closures will not interfere with good policing practices and requirements; and if he will make a statement on the matter. [6220/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that the Commissioner's Policing Plan for 2013, which I laid before both Houses of the Oireachtas on 5th December 2012, sets out details of the closure of 100 Garda stations throughout the country, the future opening hours of other stations in Cork and Dublin and a number of District amalgamations. It is important to remember that while some Garda stations are listed for revised opening hours from 24 hour stations, they will remain as functioning Garda stations on a 24 hour basis. The full list of these details is available in the Policing Plan which is available in the Oireachtas Library and on the Garda website.

The Commissioner has concluded that resources could be better deployed and more effectively used on the front-line if particular stations no longer had to be staffed and maintained or if the public opening hours of other stations could be reduced at off-peak times. He has given a commitment that where a station is to be closed local Garda management will consult with local communities on the alternative policing arrangements to be put in place in their area.

Furthermore, the Garda Commissioner has indicated he is confident that the implementation of the restructuring proposals contained in the 2013 Policing Plan will not lead to any diminution in the service provided by An Garda Síochána. In that regard he has stated that the revised structures will continue to support the Garda community philosophy through the clustering of services at policing hubs. This centralisation of services will facilitate the introduction of enhanced patrolling arrangements which, in turn, will provide increased Garda visibility as well as maintaining existing Garda links with communities throughout the country. I fully support the Commissioner in these actions and decisions.

Garda Strength

158. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of gardaí and Garda Reserve, all ranks, as of 31 December in each of the past five years; and if he will make a statement on the matter. [6221/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the personnel strength of An Garda Síochána and the Garda Reserve on 31 December 2008 - 31 December 2012 was as set out in the table hereunder:

Strength	2008	2009	2010	2011	2012
Garda	14,412	14,547	14,377	13,894	13,424
Garda Reserve	331	478	700	887	991

Garda Strength

159. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total strength of the gardaí, at all ranks, as of 30 June in each of the past five years to date; and if he will make a statement on the matter. [6222/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the personnel strength of An Garda Síochána on 30 June 2008 - 30 June 2012 was as set out in the table hereunder:

Strength	2008	2009	2010	2011	2012
Garda	14,091	14,628	14,651	14,219	13,567

Court Sittings

160. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which any backlogs exist throughout the Courts Service, and the extent to which cases at the District, Circuit, High and Supreme Courts are up to date; and if he will make a statement on the matter. [6223/13]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, under the Courts Service Act 1998, the management and administration of the courts is a matter for the Courts Service while the allocation of the business of the courts, scheduling of cases and management of lists are matters for the judiciary and in particular the Presidents of the courts. The Deputy will also be aware that judges are, subject to the Constitution and the law, independent in the exercise of their judicial functions.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that the primary objective for the Service is to maintain the delivery of front line court sittings and services. The Service continuously works to support the judiciary and assist in ensuring that cases are dealt with as effectively and as speedily as possible. Available resources and operational and organisational structures are under ongoing review to ensure that resources are targeted and focussed on keeping waiting times in the provision of services to a minimum.

Waiting times in the Circuit and District Courts vary from venue to venue based on the number and complexity of cases. The Presidents of the various courts are determined to achieve improvements in waiting times and they are working with the Courts Service to target judicial resources at the areas with longest waiting times. It should be noted, for example, that in 2011 there were 674 weeks of Circuit Court sittings in venues outside Dublin. This increased to 767 weeks in 2012 and the President of the Circuit Court plans to increase capacity to 888 weeks during 2013, a 30% increase over 2011. The additional weeks will be provided across crime, family law and civil matters. Arrangements are underway to appoint a small new cadre of specialist judges of the Circuit Court to deal with the new work arising as a result of the Personal Insolvency Act 2012. The President of the District Court is also concentrating judicial resources in the areas of greatest need and is currently considering the allocation of additional judicial resources to the hearing of Family Law cases to address delays in this area.

The President of the High Court keeps waiting times under continuous review and has introduced a number of initiatives such as reorganising sittings of the High Court outside Dublin and arranging for additional court sittings during court recesses to reduce waiting times. In addition, the delegation to court officials of administrative functions previously dealt with by High Court judges has increased judicial availability for trial work. These initiatives continue to be reviewed and expanded. While the waiting time for asylum pre-leave applications is high, the allocation of more judges and, particularly, more research support for judges has helped to reduce the waiting time for post-leave applications to its lowest level in over two years. The Courts Service has also advised that despite significant pressure the waiting times in the High Court lists have generally reduced considerably.

The Supreme Court, however, continues to experience lengthy waiting times of up to 40 months at present. Waiting times for priority cases are at 9 months at present. Although considerable efforts are being made to manage the waiting times, the issue of capacity in the Supreme

Court can only be fully resolved through the establishment of a Court of Appeal. The Government is committed to the holding of a Constitutional referendum on Article 34 which is necessary to achieve this and work has commenced in my Department in this regard.

Organised Crime

161. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which new initiatives may be taken to deal with the existence of organised criminal, or paramilitary gangs, in line with constitutional and international law commitments or requirements; and if he will make a statement on the matter. [6224/13]

Minister for Justice and Equality (Deputy Alan Shatter): I can assure the Deputy that countering the threat posed by organised criminal groups and terrorist groups remains a key ongoing priority for both the Government and An Garda Síochána. In counteracting these groups and their activities An Garda Síochána undertake a range of targeted activities designed to disrupt and dismantle their activities. In doing so, An Garda Síochána co-operate seamlessly with their counterparts in Northern Ireland. The Garda Commissioner and the Chief Constable of Northern Ireland have repeatedly emphasised to me that the close, high quality co-operation between their forces has been instrumental in preventing attacks, combating criminality and saving lives. The two police forces operate a joint Cross Border Policing Strategy that includes initiatives on intelligence-sharing and security to enhance co-ordinated efforts to combat the threat from such groups.

At the broader international level, An Garda Síochána actively contribute to international law enforcement efforts in tackling serious cross border criminality through, for example, initiatives co-ordinated by Europol and Interpol. Ireland also participates very constructively in the negotiation of initiatives and legislative instruments at European level to strengthen police and judicial cooperation, and continues to promote European advancements in this area under its Presidency.

I can also assure the House that I am committed to ensuring that the necessary legislative provisions are in place to give effect to our international commitments in this area and to support the operational actions of An Garda Síochána. By way of example, I am currently preparing an amendment to the Criminal Justice (Terrorist Offences) Act 2005 which will provide for the transposition into Irish law of EU and Council of Europe instruments on combating terrorism. The new Bill will create the three new offences of public provocation to commit a terrorist offence, recruitment for terrorism and training for terrorism. The new Bill will supplement the State's existing strong body of counter terrorism law.

Finally, as previously indicated to the House, I am also keeping under review the legislative framework underpinning the State's response to organised crime, including the provisions of the Criminal Justice (Amendment) Act 2009, to see whether any further improvements could be made in this area.

Crime Levels

162. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of incidents of rape reported in each of the past five years to date in 2013; the extent to which the perpetrators have been brought to justice in all cases; and if he will make a statement on the matter. [6225/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office (CSO), as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide statistics directly to the Deputy.

Questions Nos. 163 and 164 answered with Question No. 49.

Crime Levels

165. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which serious crime involving the use of firearms, knives or other weapons have been recorded annually in the past five years; if any particular initiatives are contemplated to deal with the problem; and if he will make a statement on the matter. [6228/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide relevant statistics directly to the Deputy.

An Garda Síochána's Policing Plan for 2013 reflects the priorities which I have set for the current year and includes as a strategic goal the objective of confronting serious crime in all its forms. The Gardaí employ multi-disciplinary, intelligence-led approaches to ensure the activities and resources of individuals and groups involved in all criminal enterprises, including armed crime, are effectively targeted. A wide range of legislative powers are in place to support the investigation and detection of serious crime, including by means of covert surveillance, and very serious penalties have been introduced for firearms offences. The Firearms Acts are kept under review in the interests of public safety and law enforcement.

There is also a comprehensive and robust legal framework in place to tackle knife crime including heavy penalties for breaches of the laws concerned. An Garda Síochána pro-actively target public disorder and anti-social behaviour, including knife related crime. Areas identified as public order hot-spots by local Garda management are the subject of additional foot and mobile patrols.

The Gardaí are devoting all the necessary resources to combat the sorts of serious crime referred to by the Deputy, and they will continue to have my full support in this regard.

Legal Aid Service Reform

166. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when it is expected to reform the legal aid services with particular reference to the need to eliminate waiting lists and curtail costs; and if he will make a statement on the matter. [6229/13]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that the provision of legal aid falls within two separate categories, i.e. civil legal aid and criminal legal aid. Details in respect of each category are as follows:

Civil Legal Aid

State funding of €32.9 million was allocated to the Legal Aid Board in 2012 and this level of funding has been maintained for this year. This covers funding for civil legal aid and advice, including legal services for asylum seekers, and also funding for the provision of the Family

Mediation Service, for which the Board assumed responsibility in late 2011. There has been a significant increase in demand for civil legal aid services in recent years, with a much greater number of people financially eligible as a result of the economic downturn. Unfortunately, the deterioration in public finances in recent years has meant that it has not been possible to allocate further resources to the Board to meet the increased demand. As a result, the waiting times to access services have lengthened somewhat.

In view of the substantial demand for civil legal aid and the associated waiting times, the Legal Aid Board is focusing on maximising the effectiveness of the resources available to it to deliver a meaningful service. Amongst the measures taken recently to this end are initiatives to increase the use of mediation to resolve family disputes, which leads to reduced legal costs, and the introduction of a 'triage' service to ensure that clients receive initial legal advice within one month of making an application for legal services. The Board is also striving to make its law centre network as effective and efficient as possible and the recent introduction of a new legal case management system will help in this regard. I should also point out that the Board introduced new conditions for retaining barristers in August 2012 which will result in lower fees paid to barristers in cases where they are instructed by Legal Aid Board solicitors.

Criminal Legal Aid

There are no waiting lists associated with the granting or processing of criminal legal aid. As the Deputy may be aware, under the Criminal Justice (Legal Aid) Act 1962, the judiciary are responsible for the granting of criminal legal aid. The nature of the Scheme is that it is demand-led, driven by the incidence of crime, detection rates and prosecutions of cases through the courts systems. This makes it difficult to anticipate and control costs. A number of measures have been taken however since I took office including a reduction of 10% in the fees payable. A reduction of 50% was also applied to payments in respect of adjourned sentence hearings and travel and subsistence. Following these and other measures introduced in the course of 2011, a 10% reduction in total expenditure was recorded in 2012 compared with 2011 which is the first substantial reduction ever recorded under this Scheme.

In addition, the Working Group on Efficiencies in the Circuit and District Courts has been pursuing initiatives which can contribute to achieving efficiencies and cost reductions in the system such as, for example, introducing a pilot programme centralising custody cases in four court Districts and the introduction of the pre-trial procedure for criminal trials in the Dublin, Midland and South Eastern Circuits.

Finally, a new Legal Aid Bill is planned to update and strengthen the system of granting legal aid including transferring responsibility for the administration of the Scheme to the Legal Aid Board. I hope it will be possible to publish the Bill during the course of this year.

Departmental Legal Costs

167. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which legal costs were incurred by the State in respect of cases brought before the courts on constitutional grounds; the extent to which the complainants and-or plaintiffs contributed towards the costs; and if he will make a statement on the matter. [6230/13]

Minister for Justice and Equality (Deputy Alan Shatter): I have no responsibility to the Dáil for legal costs incurred by the State in respect of cases brought before the Courts on constitutional grounds. My responsibility is restricted to cases which come under the aegis of my Department. As the Deputy may be aware, where such cases are taken they are managed by each

individual Department with the advice of the Attorney General's Office which is responsible for the State's costs while line Departments are responsible for meeting any third party costs granted. Unless costs are awarded against the State, no Department would be aware of the costs incurred by the plaintiff. I regret I cannot be of more assistance to the Deputy in this instance.

Organised Crime

168. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which adequate provision is being made to tackle organised crime, with particular reference to surveillance and monitoring the activities of criminal gangs; and if he will make a statement on the matter. [6231/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am in ongoing contact with the Garda Commissioner about all aspects of serious crime and the Gardaí will continue to bear down heavily on the activities of those involved. Specifically, the Garda Síochána Policing Plan 2013 sets out key actions aimed at tackling organised crime, with a continued focus on drug trafficking, and identifying and targeting organised crime gangs through pro-active, intelligence based operations. The determination with which the Gardaí are putting this Plan into effect is clear from the extent of the Garda operations launched against criminal gangs.

Organised crime needs to be combatted by disrupting and prosecuting those involved in its operations, and especially the drugs trade which is at the heart of much of its profits. Substantial efforts by An Garda Síochána and Customs are therefore devoted to counteracting this form of crime. A wide range of legislative powers are in place to support the investigation and detection of serious crime, including through covert surveillance, and very serious penalties have been introduced for firearms and organised crime offences. Furthermore, I have made it clear to the Garda Commissioner that if he feels there are other legislative measures which might be taken in this area I will look at that very positively.

Despite the constraints on public finances, substantial Garda resources remain in place and these must be seen in the context of the programme of real reform which is being delivered in An Garda Síochána under the Croke Park Agreement. Fundamentally, the objective of the present reforms is to maximise the time that our well-trained and highly skilled Gardaí spend on operational duties. The Garda Commissioner continues to have my full support in the steps he is taking to tackle organised crime and to bring those involved to justice.

Garda Deployment

169. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent, if any, to which redeployment of personnel within the Garda Síochána will take place to ensure adequate policing with particular reference to the need to meet the threat of highly mobile and motorised criminal gangs; and if he will make a statement on the matter. [6232/13]

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 the deployment of 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 be aware that last year the Garda Commissioner put in place a specific operation - Operation Fiacla - to address incidents of burglary, aggravated burglaries and related offences throughout the country. Operation Fiacla is intelligence driven and special initiatives have been implemented in each Garda Region to target suspect offenders. I am informed that as of 31 January 2013, 3,903 persons have been arrested and 2,142 persons have been charged with burglary offences under Operation Fiacla.

Operation Fiacla is the subject of regular monitoring and review by senior Garda management and is focused on identifying and targeting gangs involved in burglaries around the country so as to disrupt their activities and bring them before the Courts. An Garda Síochána also places great emphasis on the importance of community partnerships such as Community Alert and Neighbourhood Watch, in preventing and detecting crime, and maintaining a safe environment for everyone. Gardaí continue to invest time and energy in these partnerships and relationships to the benefit of all. I have also strongly supported the Garda Commissioner in the introduction of real reform, such as the piloting of new rosters, the closure of under-utilised stations and the consequent freeing-up of Gardaí for operational duties, and the merger of Garda Districts which will bring about much greater administrative efficiency. These reforms are vital to ensure that the best use is made of Garda resources and that the most efficient and effective policing service is delivered to the public.

Crime Levels

170. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which he and his Department have monitored the levels of break-ins to private households and-or commercial premises; the extent to which the number of such robberies has fluctuated in each of the past five years to date, in both urban and rural areas; and if he will make a statement on the matter. [6233/13]

Minister for Justice and Equality (Deputy Alan Shatter): I can assure the Deputy that I am very conscious of the distress which burglary can cause to householders and the impact that property crimes have on businesses. The Garda authorities monitor these and all other crime trends carefully and the Garda Commissioner is deploying the substantial resources available to him in a targeted approach to confront those engaged in burglaries, in particular through Operation Fiacla. This Operation is the subject of regular monitoring and review by senior Garda management and is focused on identifying and targeting gangs involved in burglaries around the country so as to disrupt their activities and bring them before the Courts. I am informed that as of 31 January 2013, 3,903 persons have been arrested and 2,142 persons have been charged with burglary offences under Operation Fiacla.

Furthermore, the Garda National Crime Prevention Unit (NCPU) and Crime Prevention Officers at divisional level provide advice, information and support to organisations, businesses and individuals aimed at reducing burglary crime and the opportunity to commit burglary. These specially trained officers are skilled at identifying environmental design risks and provide advice on what mitigating action can be taken to reduce opportunities to commit burglary and other property crime. An Garda Síochána also works closely with Community Alert, Neighbourhood Watch and other local groups with a view to providing support and assistance in crime prevention.

Insofar as the particular statistics sought by the Deputy are concerned, the Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office (CSO), as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the figures in question directly

to him.

Garda Recruitment

171. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of vacancies at all ranks awaiting to be filled at present; the extent to which such posts are to be filled in the current year; and if he will make a statement on the matter. [6234/13]

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.

While regulations have previously provided for the numbers permitted in each rank, these have been upper ceilings for those numbers, rather than target strengths, and are set at a national rather than local level. It is therefore not generally practical to indicate precise levels of vacancies at the different ranks in specific locations.

With the exception of recruitment to the Garda reserve, the moratorium on recruitment and appointments continues to apply in the Garda Síochána and I remain in dialogue with my colleague the Minister for Public Expenditure and Reform in relation to the filling of positions at supervisory and management levels in the organisation. In this regard, competitions are currently underway to establish panels for promotion from Garda to Sergeant, from Inspector to Superintendent and from Superintendent to Chief Superintendent. A panel is already in place for the promotion of members from Sergeant to Inspector.

Prisoner Rehabilitation Programmes

172. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which prisoners serving long-term sentences, in respect of first-time offences, have been referred for rehabilitative training and-or education in their first year of incarceration in the past five years; the number of recidivistic offenders who have availed of such schemes in the same period; and if he will make a statement on the matter. [6235/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware from my replies to previous Parliamentary Questions that the statistics requested are not centrally recorded by the Irish Prison Service and to provide such information would require the allocation of a disproportionate and inordinate amount of staff time and resources.

The Irish Prison Service provides a wide range of rehabilitative programmes that include education, vocational training, healthcare, psychiatric, psychological, counselling, welfare and spiritual services. These programmes are available in all prisons and all prisoners are eligible to use the services. On committal, all prisoners are interviewed by the Governor and are informed of the services available in the prison. At this point prisoners may be referred to services or they can self refer at a later date. Where Governors consider, on the information available, that a prisoner needs a particular intervention they will initiate a referral.

The development of prisoner programmes forms a central part of the new Irish Prison Service Three Year Strategic Plan 2012 - 2015. 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.

Missing Persons Data

173. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of persons reported and listed as missing in this country at present; the extent to which investigations are ongoing in such cases; and if he will make a statement on the matter. [6236/13]

Minister for Justice and Equality (Deputy Alan Shatter): I have requested a report from the Garda authorities on the matters raised by the Deputy. I will contact the Deputy directly when the report is to hand.

Crime Data

174. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of unsolved serious crimes recorded in the past 15 years; the extent to which resources continued to be made available for further investigation in such cases; and if he will make a statement on the matter. [6237/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that all outstanding serious crime incidents remain under investigation until brought to a conclusion. In this regard, Garda Management closely monitors the allocation of all resources 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. The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office (CSO), as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought directly to the Deputy.

Departmental Staff Rehiring

175. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6269/13]

Minister for Justice and Equality (Deputy Alan Shatter): It is assumed that the Deputy is seeking details of retired public servants who on occasion are engaged mainly on a short term basis to carry out specific projects or functions such as to serve on boards, committees, commissions, interview boards, investigations etc. There are currently 13 retired public servants who fall into these categories in respect of my Department. The fees payable vary according to the positions and range from €1,000 to €15,000. The total estimated cost to the Department in 2013 in respect of payments to these 13 individuals will be approximately €80,500.

In addition there are four retired Judges who are currently carrying out functions such as presiding at high-profile Citizenship ceremonies and chairing Review Boards and Tribunals.

Payments in respect of these services range from €2,400 to €161,800. The total estimated cost in 2013 will be approximately €252,000. The Deputy will be aware that since taking up office I have introduced where appropriate a more transparent system of state sponsored appointments. For example recent appointments to the Property Services Regulatory Authority and the Property Services Appeal Board were made following a public invitation to apply for these positions. The majority of the individuals referred to above were engaged because of their specific knowledge and expertise in a particular area.

Immigration Policy

176. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if his attention has been drawn to certain residency, work-related issues, arising for immigrants from non-EEA countries (details supplied). [6280/13]

Minister for Justice and Equality (Deputy Alan Shatter): The qualifying criteria for a de facto partnership is fully detailed on the Irish Naturalisation and Immigration Service website, (www.inis.ie). In the circumstances set out in the Deputy's Question, the Irish national and her non-EEA national partner must demonstrate that they are in a relationship for two or more years to qualify for de facto status. If granted this would give the non-EEA national the right to work in the State without a work permit.

Similar to immigration systems worldwide, public policy in respect of rights of residence and access to the labour market is formulated taking into account the prevailing economic and labour market conditions which in the case of Ireland remain extremely challenging. Therefore, in circumstances where unemployment remains high, together with the need to maintain the integrity of the immigration system, the qualifying criteria for a de facto partnership is necessary to ensure that the granting of defacto status is only given to persons who are in a genuine and subsisting relationship. The absence of such criteria would create conditions where immigration controls could be easily evaded. This would do a great disservice to all genuine applicants, which I have no doubt would include the persons referred to by the Deputy.

I can assure the Deputy that the immigration service makes every effort to facilitate the de facto family to live together; however, for the reasons outlined the granting of de facto status must be subject to criteria and conditions. I believe these are appropriate and fair, particularly when considered in the context of the right to work in the State without a work permit which the granting of such status extends. Any other system would be amenable to abuse and would place unsustainable pressures on the employment and related welfare systems.

Garda Vetting of Personnel

177. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if he has considered allowing individuals who have been vetted by the Garda for a specific activity-organisation to obtain a copy of their Garda vetting disclosure, for use with other organisations or activities, in view of the fact that such a vetting disclosure would be similar to a driver's licence or passport in that it would be an official document held by an individual and subject to periodic renewal. [6283/13]

Minister for Justice and Equality (Deputy Alan Shatter): Garda vetting certificates are issued to specified organisations registered with the Garda Central Vetting Unit (GCVU) for that purpose in respect of a particular post or employment. A vetting disclosure is made in response to a written request and with the permission of the person who is the subject of that request. I

should emphasise that the certificate is a disclosure to the requesting, registered organisation of the position at the time when it is issued. Each time a new vetting application is received, new and full vetting checks are conducted. This is to ensure that the most recent data available is taken into account. The non-transferability and contemporaneous nature of the certificate protects against the risk of fraud or forgery and is a guarantee of the integrity of the vetting system. The primary purpose of the vetting process is the protection of children and vulnerable adults. This must remain so.

Garda Vetting Application Numbers

178. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality the number of vetting forms that the Garda receive each year; and the number of forms that are used for volunteering for charities. [6284/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Central Vetting Unit (GCVU) provides employment vetting for approximately 20,000 organisations in Ireland which employ personnel to work in a full time part time, voluntary or student capacity with children and or vulnerable adults and who are registered with the Unit for this purpose.

There has been a substantial increase in the volume of vetting applications received by the GCVU over recent years. The number of applications processed by the Unit for the years 2008 to 2012 are as follows:

2008	2009	2010	2011	2012
218,404	246,194	291,938	315,100	327,903

Given the large number and wide range of client groups, the registration process is managed through umbrella organisations which provide single points of contact. Accordingly, the GCVU is not in a position to comment in relation to the number of applications received in respect of volunteers for charitable organisations as it is not in possession of such information.

Prisoner Complaints Procedures

179. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality in view of recent revelations regarding St. Patrick's Institution, and his plan to implement new procedures for the investigation of prisoner complaints, the timescale he envisages for implementing a new plan for those aged 18 to 21 within the criminal justice system; and if he will make a statement on the matter. [6292/13]

Minister for Justice and Equality (Deputy Alan Shatter): As I have previously informed the House, the type of abuse outlined by the Inspector of Prisons in his report on St. Patrick's Institution is unacceptable and will not be tolerated. The Deputy will be aware that following the publication of the Inspector's Report in October last year, I published the Irish Prison Service's Action plan for implementing the Inspector's recommendations.

A new prisoner complaints procedure was introduced with effect from 1 November 2012. All complaints made by prisoners alleging serious ill treatment, use of excessive force, serious intimidation/discrimination or threats by a member of staff of the Irish Prison Service, are now investigated by an independent investigator. In addition, a number of the new investigators have been appointed to carry out an examination of historical complaints in St. Patrick's Institution,

including those referred to by the Inspector in his report and following an initial review, 8 cases are being further examined.

I can assure the Deputy that should breaches of discipline be found to have occurred, disciplinary action will be initiated under the Prison (Disciplinary Code for Officers) Rules, 1996. The Deputy will also be aware that the Government committed, in the Programme for Government, to ending the practice of sending children to St. Patrick's Institution. The practice of sending 16 year old boys to St. Patrick's ceased on 1 May 2012. The detention of all children in St. Patrick's Institution will end with the provision of more appropriate accommodation and regimes in the new detention facility at Oberstown by mid-2014. As part of the Irish Prison Service 3-Year Strategic Plan 2012-2015 the Prison Service is devising a specific strategy for the management of young offenders, working with its partners and other agencies to ensure that the regime for young offenders is age appropriate and that best practise is observed. As part of this strategy the Prison Service will also review the overall approach taken to the placement of 18-21 year olds, in line with my intention to introduce primary legislation for the purpose of closing St. Patrick's Institution as a detention centre for persons aged 21 and under.

Commissions of Investigation

180. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he has considered the possibility of a short commission of investigation into the Stardust disaster of 1981, in which 48 young people tragically lost their lives, in view of the ongoing dissatisfaction with the original investigation and findings into the horrific 1981 disaster; and if he will make a statement on the matter. [6293/13]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will recall, Mr. Paul Coffey SC was appointed to carry out an independent examination of the case made by the Stardust Victims Committee for a renewed inquiry into the Stardust fire. The Victims Committee had a full opportunity to participate in that independent examination.

Mr. Coffey's report was published in January, 2009 and one of his conclusions was that to establish a new inquiry in the absence of any identified evidence as to the cause of the fire would be of no obvious or any forensic value and not in the public interest. Subsequently, and in keeping with Mr. Coffey's recommendations, motions were passed in both Houses of the Oireachtas placing on the record of both Houses an acknowledgement of the original Tribunal's findings that there is no evidence that the fire was started deliberately and that the cause of the fire is unknown. In these circumstances there are no plans to establish a Commission of Investigation or other further inquiry into the cause of the fire.

Garda Transport Provision

181. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if there are any plans to provide a new Garda public order van for a location (details supplied) in Dublin 5; when each Garda district officer will be informed if his or her district is to receive a new Garda vehicle; and if he will make a statement on the matter. [6312/13]

Minister for Justice and Equality (Deputy Alan Shatter): In the time available it has not been possible for the Garda authorities to supply the information requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Prison Service Overtime

182. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the overtime budget allocated to the Irish Prison Service for the years 2009 to 2013, inclusive; and if he will make a statement on the matter. [6313/13]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to advise the Deputy that in August 2005, an agreement was reached between the Irish Prison Service and the Prison Officers' Association on the Proposal for Organisational Change in the Irish Prison Service. A key element of the agreement was the elimination of overtime working and its replacement with an additional hours system. Since the introduction of the additional hours system, the only overtime payments made by the Irish Prison Service relate to general service headquarters staff. There is no annual overtime budget allocation in relation to headquarters staff, however the table below shows expenditure on overtime in each of the years in question.

Year	2009	2010	2011	2012	2013 (Jan)
Expenditure (€)	110,903.72	140,173.69	86,651.34	68,234.70	6,630.78

Departmental Banking

183. **Deputy Simon Harris** asked the Minister for Justice and Equality the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6339/13]

Minister for Justice and Equality (Deputy Alan Shatter): Confirmation of 2012 year end Bank Accounts and balances therein as at 31/12/2012 is currently underway. Most recently completed records show that there was a total of €28.5m held in the eighty-seven (87) Bank Accounts in use by my Department and Agencies under the remit of Vote 24 on the 31/12/2011. The primary purpose of these accounts is in relation to working capital and is used to pay wages, salaries, supplier invoices and other day to day expenses. In general, there is no interest paid or charges made in respect of Public Bank Accounts, provided the accounts are kept in credit.

Property Management Company Issues

184. **Deputy Dominic Hannigan** asked the Minister for Justice and Equality if a property management company may introduce parking permits as a means to facilitate the collection of fees; and if he will make a statement on the matter. [6352/13]

Minister for Justice and Equality (Deputy Alan Shatter): The Multi-Unit Developments Act 2011 contains provisions which facilitate the fair, efficient and effective management of owners' management companies (OMCs) which are the bodies established for the management of the common areas of multi-unit developments. Membership of an OMC comprises the owners of residential units in the development concerned.

Section 18 of the 2011 Act requires OMCs to establish and maintain a scheme of annual service charges from which they may discharge expenditure incurred on the provision of common or shared services, including insurance, waste management and security services. In order to ensure transparency and accountability, the annual service charge, and the services to be provided, must be approved by a general meeting of the members of the OMC. Section 18 also provides that the owner of each residential unit is then under an obligation to pay service

charges levied under the Act.

As regards the recovery of unpaid service charges, section 22 provides that unpaid service charges may be recovered by the OMC concerned as a simple contract debt in a court of competent jurisdiction, i.e normally the District Court. While the introduction of parking permits is not specifically referred to in the 2011 Act, section 23 provides that an OMC may make House Rules for the effective operation and maintenance of the development. The Rules must be consistent with any covenants or conditions contained in the documents of title and have the objective of advancing the quiet enjoyment of the unit owners and achieving a fair balancing of the rights of such owners. Here again, the House Rules must be agreed by a meeting of members of the OMC.

Subsidiary Protection Applications

185. **Deputy Patrick Nulty** asked the Minister for Justice and Equality the position regarding an application for subsidiary protection in the case of persons (details supplied) in Dublin 15; the reason for the delay; and if he will make a statement on the matter. [6353/13]

Minister for Justice and Equality (Deputy Alan Shatter): The cases referred to by the Deputy encompass a father, a mother and their child. The father was the subject of an individual asylum application while the couple's child was included as a child dependant in his mother's claim meaning that any determination or decision made in her case applied equally to him.

Arising from the refusal of their asylum applications, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the persons concerned were notified, by separate letters dated 24th May, 2004, that the then Minister proposed to make deportation orders in respect of them. They were given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why deportation orders should not be made against them. They were subsequently notified of their respective entitlements to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The persons concerned submitted applications for Subsidiary Protection. When consideration of these applications has been completed, the persons concerned will be notified in writing of the outcomes.

In the event that the applications for Subsidiary Protection are refused, the position in the State of the persons concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before final decisions are made. Once decisions have been made, these decisions, and the consequences of the decisions, will be conveyed in writing to the persons concerned. The cases of the persons concerned are amongst a high volume of such cases which are awaiting decision in the Irish Naturalisation and Immigration Service (INIS) at present. However, the Deputy can be assured that there will be no avoidable delay in having the cases of the persons concerned processed to completion.

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

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

Departmental Staff Rehiring

186. **Deputy Eoghan Murphy** asked the Minister for Defence if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6262/13]

Minister for Defence (Deputy Alan Shatter): Since the Government took office in March 2011, my Department has engaged two retired public servants to act as civilian drivers to the Minister of State, Mr. Paul Kehoe T.D. These appointments are to temporary unestablished positions in the Civil Service on a fixed term contract basis. The post of Civilian Driver attracts an annual salary of €32,965. These positions were not advertised. Since March 2011, my Department has also employed three retired public servants as civilian employees attached to military installations, in the positions of Storekeeper Clerk (2) and Craft Worker (1) on salary scales of €21,776 - €30,314 and €31,351 - €33,169 respectively. These positions were filled following a competitive open recruitment process through FÁS.

A retired public servant has recently been appointed by the President on the recommendation of the Government to the office of Ombudsman for the Defence Forces on a part time three day week basis. This appointment, which attracts a pro rata salary of €62,596, was made following a competitive open recruitment process through the Public Appointments Service.

Overseas Missions

187. **Deputy Thomas P. Broughan** asked the Minister for Defence if he has received a request from the EU for Irish soldiers to participate in the EU training mission in Mali; and if he will make a statement on the matter. [6310/13]

Minister for Defence (Deputy Alan Shatter): On 17 January 2013, the Council of the European Union established the European Union Training Mission (EUTM Mali), which will provide military training and advice to the Malian Armed Forces to improve their military capacity and their effectiveness in guaranteeing the country's territorial integrity. Training will also be provided in international humanitarian law, the protection of civilians and human rights. It is envisaged that the training component of the mission will be made up of approximately 250 personnel, and this will be further supplemented by additional troops who will be deployed to provide force protection. The Council has tasked the Mission Commander, General François Lecointre, with preparations for the early launch of the mission and to this end force generation for the mission is currently ongoing at EU level. All Member States have been invited by the Mission Commander to provide contributions to the mission. The mission will be conducted at the invitation of the Malian Government and in close coordination with the UN, the African Union, the Economic Community of West African States (ECOWAS) and other key partners.

Ireland is currently considering the provision of a small number of Defence Forces personnel to the mission. Any participation by Ireland to this mission would most likely be limited to a small contribution of trainers and would be subject to Government approval.

Departmental Banking

188. **Deputy Simon Harris** asked the Minister for Defence the amount of money held on deposit, or in short-term bank investments, by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6332/13]

Minister for Defence (Deputy Alan Shatter): My Department does not hold money on deposit or in short term bank investments. My Department operates a number of current accounts which are used for operational purposes e.g. transmission of electronic payments, small local purchases and overseas unit support. The Defence Forces Canteen Board is the only body under my Department's remit which has accounts of the type specified. It has a deposit account and a savings account with a combined balance of approximately €53,000. The interest rate on both of these accounts is 0.01%.

Agri-Environment Options Scheme Payments

189. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine when an Agri-Environment Options Scheme 2 payment will issue to a person (details supplied) in County Galway; and if he will make a statement on the matter. [6135/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the 2011 Agri-Environment Options Scheme (AEOS) with effect from the 1st September 2011 and full payment totalling €607.76 issued in respect of 2011.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During the administrative checking process, it was established that the person named is not proceeding with Conservation of Genetic Resources measure in the approved plan which will result in a 10% penalty being applied. A further issue arose in the prepayment comparison between data submitted under the AEOS and Single Payment Scheme application in relation to the Wild Bird Cover option selected by the person named. My Department will shortly be in contact with the person named regarding this matter. Once this issue has been clarified and finalised, the application will be further processed with the intention of issuing payment for 2012 as soon as possible.

Agriculture Schemes Payments

190. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine the reason payments have not been made to a person (details supplied) in County Galway, in respect of a disadvantaged areas payment and single farm payment, for 2011 and 2012; when they will be granted; and if he will make a statement on the matter. [6136/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Applications were received by my Department for disadvantaged area payment and single farm payment for the 2011 scheme year from the brother of the person named on the 15th April 2011. That applicant subsequently died on the 9th May 2011.

Any payments arising from the 2011 applications are due to the estate of the deceased applicant and not to the person named. Officials from my Department wrote to the legal personal

representatives of the deceased applicant on the 20th March 2012 requesting details of the bank account to which the 2011 payments should be released. As soon as the bank details are received by my Department, the payments will be released to the estate of the deceased.

An application under the 2012 Single Payment/Disadvantaged Area Scheme was received from the person named on 10 May 2012. Following processing, this application was found to be incomplete. My Department is currently reviewing this application based on correspondence recently received from the person named. As soon as this review is complete, the person named will be notified of the outcome.

Grant Aid

191. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if he has proposals to bring back grant aid for farmers wishing to erect sheep or cattle sheds; and if he will make a statement on the matter. [6154/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I have no plans at present to introduce grant-aid for the construction of sheep or cattle sheds.

Single Payment Scheme Payments

192. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) has received no single farm payment; and if he will make a statement on the matter. [6155/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department has no record of receiving a 2012 Single Payment Scheme application from the person named by the deadline of 15 May 2012. However, an application under 2012 Single Payment Scheme was received on 4 February 2013 from the person named together with proof of postage of the earlier application. This application has been fully processed and payment will issue shortly.

Fisheries Protection

193. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the assistance available to fishermen fishing for mussels in Castlemaine Harbour, County Kerry, who have been unable to fish at the harbour for a long period; if he will ensure that they can continue to earn a livelihood; and if he will make a statement on the matter. [6157/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): A comprehensive framework exists to deal with seafood safety in Ireland. The Marine Institute is responsible for monitoring shellfish for the presence of naturally occurring phytoplankton toxins. Toxicity can occur at any time during the year and the periods of closure can vary considerably from year-to-year. The monitoring programme is designed to detect toxicity in shellfish growing areas before harvesting, thereby providing the necessary information to restrict the placement of toxic shellfish on the market. Regulatory controls, which are enforced by the Sea Fisheries Protection Authority, exist to support these restrictions.

Cromane Bay has been on a closed biotoxin status on an almost continuous basis since July 2012 for azaspiracid toxins, with levels of azaspiracids detected occasionally up to 9 times the

regulatory limit. Azaspiracid shellfish poisoning can cause diarrhoea, nausea, headaches and chills. I am advised that the azaspiracid toxicity event is expected to pass in the near future.

I am aware of the difficulties that these naturally occurring toxicity events cause for shellfish fishermen and aquaculture operators. I understand that mussel farmers in Cromane have been unable to bring their product to market because of this toxicity event, but the State controls are there to protect public health and indeed the international reputation of Irish seafood thereby ensuring the future of this important sector.

While there are no specific funds available for operators affected by these natural occurring events, which are an inevitable occasional feature of operating aquaculture farms in Irish coastal waters, a range of financial support measures co-funded by the European Fisheries Fund are available to the seafood sector through the Seafood Development Operational Programme 2007-2013.

Upward Only Rent Reviews

194. **Deputy Peadar Tóibín** asked the Minister for Agriculture, Food and the Marine the number of leases with upward only rent clauses, that were in place for agencies under his Department at the start of 2011; and the number of such leases currently in operation. [6169/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): With reference to the State Bodies that fall under my Department's remit, decisions relating to property leases are an operational matter for the state bodies themselves. My Department does not record such information nor is it required to do so.

Sea Lice Controls

195. **Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine if he will set out his policy on sea lice controls; if he will address the concerns raised by the Federation of Irish Salmon and Sea Trout Anglers that there is a significant threat, to the health of wild fish, on account of sea lice emanating from the massive industrial fish farms he plans to locate off the west coast of Ireland; and if he will make a statement on the matter. [6239/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department's policy on sea lice controls is strictly evidence based.

The control protocols are operated by the Marine Institute on behalf of the State and are more advanced than those operated in other jurisdictions for the following reasons:

- The inspection regime is totally independent of the industry.
- Data obtained as a result of inspections is published.
- Treatment trigger levels are set at a low level.

The controls in operation are regarded by the EU Commission as representing best practice internationally.

Applications for licences for the cultivation of finfish are assessed by my Department under the provisions of the Fisheries (Amendment) Act 1997 and the Foreshore Act 1933 as amended.

The legislation provides for extensive consultation with stakeholders including Inland Fish-

eries Ireland which has responsibility for wild salmon stocks. The legislation also provides for a period of general public consultation. All observations received are given the fullest consideration by my Department.

Agri-Environment Options Scheme Payments

196. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when an agri environment options scheme 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. [6241/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st November 2010 and full payments totalling €476.63 and €2,844.00 issued in respect of 2010 and 2011 respectively.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks for 2012 issues were identified in relation to the claimed areas on the Natura Commonage action. Officials in my Department are finalising the application of the person named with the intention of issuing payment as soon as possible.

Aquaculture Development

197. **Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine the consideration being given to the development of onshore coastal fish farms; if he considers such fish farms to be inherently less environmentally harmful than offshore fish farms; the evidence he relies on in arriving at his position; and if he will make a statement on the matter. [6242/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Applications for licences in respect of aquaculture developments are assessed in accordance with the provisions of the Fisheries (Amendment) Act 1997. All such applications are assessed by my Department and its technical and scientific advisors having regard to the details of the application and any issues raised under the statutory and public consultation phases of the application process. All observations received from stakeholders are given the fullest consideration by my Department.

Sea Lice Controls

198. **Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine the way his policy on sea lice controls compares with those in existence in other countries which engage in fish farming; and if he will make a statement on the matter. [6243/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department's policy on sea lice controls is strictly evidence based.

The control protocols are operated by the Marine Institute on behalf of the State and are more advanced than those operated in other jurisdictions for the following reasons:

- The inspection regime is totally independent of the industry.
- Data obtained as a result of inspections is published.
- Treatment trigger levels are set at a low level.

The controls in operation are regarded by the EU Commission as representing best practice internationally.

Departmental Staff Rehiring

199. **Deputy Eoghan Murphy** asked the Minister for Agriculture, Food and the Marine if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way that the positions were originally advertised. [6258/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): One Assistant Secretary General was re-engaged by my Department on a contract basis which is due to expire 28 June 2013. His current contract, which will expire at the end of the EU Presidency, involves a total cost of €63,553.50. This is calculated at half the rate of the normal Assistant Secretary General salary. His duties involve policy matters relating to the meat and dairy sectors including EU Presidency related functions.

A retired Principal Officer has been re-engaged for a single limited period contract to work on specific matters related to the Irish Presidency of the EU. The cost from October 2012 to date is €3,557.64.

One Senior Research Officer who retired on 29 February 2012 is currently engaged on a contract for services basis for a limited period carrying out replacement SRO work. His contract is due to expire on 1 March 2013 and will not be renewed. Since his engagement on 12 March 2012 the cost to my Department was €34,956.73.

In addition, one Clerical Officer recruited by the Public Appointment Service is in receipt of a Public Service pension. The annual cost to my Department in this case is €21,283.

Normal pension abatement rules have been applied in these cases.

Sale of State Assets

200. **Deputy Eoghan Murphy** asked the Minister for Agriculture, Food and the Marine if he has concerns that the plans to sell Coillte's harvesting rights, to private commercial interests, will lead to the imposition of restrictions on access to forests on the part of the private owners, and in view of the fact that the open access policy operated under Coillte's management may conflict with their aim of maximising return on investment. [6285/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Further to the Government decision that a concession for the harvesting rights to Coillte's forests be considered for sale, NewERA have been actively engaged in recent months with Coillte, the Department of Public Expenditure and Reform and my Department to examine the financial and other implications of developing the potential of Coillte's forest assets.

The process is at an advanced stage and, aside from the identification and valuation of the forestry assets, a number of issues have been identified in relation to the possible harvesting rights concession. Public access to recreational land is one of the issues so identified. I am aware that Coillte provide a range of recreational opportunities for the general public continuing the long tradition of open access to the State owned forests and land. All of the issues, and the measures, if necessary, to address them, require detailed consideration. The outcome of the overall analysis will be considered by the Government upon its conclusion and no decision has been taken, as yet.

Disadvantaged Areas Scheme Payments

201. **Deputy Tom Hayes** asked the Minister for Agriculture, Food and the Marine when payment of a disadvantaged areas payment will issue to persons (details supplied) in County Tipperary; and if he will make a statement on the matter. [6298/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Under 2012 Disadvantaged Areas Scheme, eligible applicants are required to have met a minimum stocking density of 0.15 livestock units for a retention period of six consecutive months, in addition to maintaining an annual average of 0.15 livestock units calculated over the twelve months of the scheme year.

While the holding of the person named was confirmed as having satisfied the twelve-month average, it did not satisfy the six month minimum requirement. Therefore, unfortunately, no payment is due to the person named under the 2012 Scheme.

Departmental Banking

202. **Deputy Simon Harris** asked the Minister for Agriculture, Food and the Marine the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6328/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The following are details of the monies held in accounts by the non-commercial State bodies under the aegis of the Department. The statement reflects the position as returned to the Department of Finance in January 2013.

State Bodies	Deposit @ 31/12/12	Rate of Interest on Deposit
Teagasc	€25.4m Interest Bearing A/ Cs€1.4m Current A/C / Cash€26.8m Total	Range 0.20% - 4.56%0%
Bord Bia	€3.5m Interest Bearing A/Cs€1.7m Current A/ C€5.2m Total	Range 1.7% - 1.5%0%
Marine Institute	€0.6m Interest Bearing A/C €0.8m Current A/ C€1.4m Total	0.05%0%
Sea Fisheries Protection Authority	€0.5m Interest Bearing A/C€0.5m Current A/ C€1.0m Total	0.75%0%

State Bodies	Deposit @ 31/12/12	Rate of Interest on Deposit
National Milk Agency	€1.0m Interest Bearing A/C €1.0m Total	2.25%
Bord Iascaigh Mhara	€3.0m Interest Bearing A/C€3.0m Total	0.75%
Aquaculture Licences Appeals Board	Nil	-

The above amounts are reflective of the wide and varying range of activities of the bodies concerned. The funds will be used to meet a combination of working capital, accrued liability and, where relevant, capital needs and it is a matter for the management of each body to decide on what banking arrangements is best suited to their respective corporate needs. In the case of Teagasc, the funds on deposit relate primarily to external research funding (€15m) that was advanced to Teagasc by research funders under competitive Calls for Proposals in order to fund national and EU research projects in the agriculture and food sector. The remaining funding (€10.4m) is allocated to various capital projects to provide new research and education facilities at various locations throughout the country and to upgrade existing Teagasc buildings. The funding will be spent as costs are incurred.

Disadvantaged Areas Scheme Appeals

203. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a decision has been made on an appeal to the disadvantaged areas appeals committee in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [6347/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The appeal of the person named has been forwarded to the DAS Appeals Committee for consideration; when that Committee has adjudicated on this appeal, the person concerned will be notified of its decision, in writing.

Foster Care Expenditure

204. **Deputy Brian Stanley** asked the Minister for Children and Youth Affairs the cost to the State, per annum, for a child in foster placement with a family, including weekly-monthly payments to the family, plus ancillary costs. [6214/13]

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.

Foster Care Expenditure

205. **Deputy Brian Stanley** asked the Minister for Children and Youth Affairs if her attention has been drawn to the fact that the per capita funding paid to foster agencies by the Health Service Executive has been reduced by 33%; and if she will make a statement on the matter. [6215/13]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department has sought the information requested by the Deputy from the HSE and I will provide the Deputy with the information as soon as it becomes available.

Departmental Staff Rehiring

206. **Deputy Eoghan Murphy** asked the Minister for Children and Youth Affairs if there are any retired public sector workers from her Department, or any other part of the public sector, currently on her Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to her Department; the services being delivered for this money; and the way that the positions were originally advertised. [6260/13]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The only retired public servants on the payroll of the Department of Children and Youth Affairs are two civilian drivers whose positions are coterminous with my position as Minister. The drivers work on a week on/week off basis to drive my private car on official business. Each driver receives €631.75 per week in respect of these duties.

Departmental Banking

207. **Deputy Simon Harris** asked the Minister for Children and Youth Affairs the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under her Department's remit; the rate of interest at which the deposits are held; and if she will make a statement on the matter. [6330/13]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): There are no funds held in reserve by my Department in commercial bank deposit accounts or in short term bank investments.

The statutory agencies under the remit of my Department include the Office of the Ombudsman for Children, the Family Support Agency, the Adoption Authority of Ireland and the National Educational Welfare Board. The banking facilities used by these bodies are an internal operational matter for each organisation and they have been individually requested to furnish the information directly to the Deputy.

HSE Expenditure

208. **Deputy Brendan Griffin** asked the Minister for Health the amount spent in 2012 to provide transport for patients travelling from Kerry to Corks hospitals; and if he will make a statement on the matter. [6218/13]

Minister for Health (Deputy James Reilly): In general, people with outpatient and hospital appointments are expected to make their own travel arrangements, using private or scheduled public transport. The exceptions are for dialysis, cancer (radiotherapy and chemotherapy) and post-operative transplant patients, where transport may be provided. In these cases, the patient's appointment or treatment should be directly related to the condition. Transport may also be provided where, in the clinician's view, the patient would be unable to make the journey without clinical assistance or where the patient must be transported on a stretcher.

In relation to the specific query raised by the Deputy, as this is a service matter it has been referred to the HSE for direct reply.

Health Services Provision

209. **Deputy Dan Neville** asked the Minister for Health the position regarding an application for a personal assistant in respect of a person (details supplied) in County Cork. [6100/13]

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

Hospital Waiting Lists

210. **Deputy Sean Fleming** asked the Minister for Health when an appointment to see a consultant in Dublin will be made in respect of a person (details supplied) in County Offaly; and if he will make a statement on the matter. [6102/13]

Minister for Health (Deputy James Reilly): Until recently, there was no standardised collection of outpatient waiting list data, which meant that the scale of the issue was unmeasured and consequently no special action was taken to address it. This Government is changing that. The Special Delivery Unit is now dealing with the issue of outpatient waiting lists on my instruction, with the assistance of the NTPF.

Work has commenced on the systematic and automatic collection of waiting time data at an individual patient level, in a standardised format, from all hospitals providing an outpatient service. This will be the first time that such detailed data will be available at a national level from all hospitals. The collection and analysis of outpatient waiting time data will allow the SDU and the NTPF to address issues at regional, hospital, speciality and consultant levels. The Special Delivery Unit and NTPF recently published the first set of validated outpatient waiting time data, on www.ptr.ie. Published data is broken down by region and by hospital.

The target maximum waiting time for a first outpatient appointment in 2013 is that no patient should be waiting more than 12 months by the end of November. Hospitals will be held responsible and accountable for ensuring that patients are seen in outpatient departments within this maximum waiting time. The Special Delivery Unit and the NTPF will assist hospitals in targeting their resources towards those patients who are waiting longest and ensure that they are seen, assessed and appropriately treated. In parallel with reducing the numbers of those waiting longest, the Special Delivery Unit will also commence work with the HSE Clinical Programmes to reform the structure, organisation and delivery of outpatient services to ensure that the right patient is seen by the right health professional at the right time.

The goal of the measures outlined above is to improve access by implementing an Outpatient Service Performance Improvement Programme that will underpin a radical transformation of how outpatient services are delivered in Ireland.

I have arranged for the question to be forwarded to the HSE, who will respond directly to the Deputy in relation the particular case referred to the Deputy's question.

HSE Funding

211. **Deputy Catherine Murphy** asked the Minister for Health if there will be demographic funding available this year; if so, the amount of money that has been budgeted to provide such funding; if so, the amount that will be provided per applicant; the expected number of people who will require demographic funding this year; and if he will make a statement on the matter. [6103/13]

Minister for Health (Deputy James Reilly): Demographic pressures will unavoidably affect the provision of health services in 2013. The population of Ireland has grown very rapidly in recent years, and the 2011 Census confirms a continuation of this trend, though at a more moderate pace. Furthermore, the distribution of the population across age groups is also changing with numbers in the older age groups growing in absolute terms but also representing a higher proportion of the total population. At the other end of the age spectrum, Ireland has experienced high rates of fertility by EU standards for many years and this continues to be the case.

The Government acknowledges the financial pressures caused by changing demography, and €90m has been allocated in the current year to mitigate the effect of these pressures within the health sector. This will be applied against a range of cost pressures which are detailed in Appendix 1 of the HSE's National Service Plan 2013 which is available on their website.

Medical Aids and Appliances Provision

212. **Deputy Tony McLoughlin** asked the Minister for Health if he or the Health Service Executive provide any grant assistance to persons with severe disabilities who require a mobility scooter in order to lead an independent life as much as possible; if he will provide the relevant details of any scheme which the aforementioned persons could avail of; and if he will make a statement on the matter. [6115/13]

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

Services for People with Disabilities

213. **Deputy Catherine Murphy** asked the Minister for Health if his attention has been drawn to support and or training programmes available, either wholly or partially, under the authority of his Department that assist persons with high functioning autism spectrum disorders to transition to supported employment once they reach age 18; and if he will make a statement on the matter. [6133/13]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The HSE, through its Occupational Guidance Service, works with schools, service providers, service users and families to identify the training needs of people with disabilities. The Occupational Guidance Officer provides one to one advice, support and guidance to enable individuals with a disability aged 16 to 65 years, including those with high functioning autism, to make an informed choice about their rehabilitative training and occupational options. The provision of work-related training is the responsibility of SOLAS and the Department of Education and Skills, while life-skills training and general day services are provided by the HSE.

The aim is to address the needs of individuals in one or more of the following ways:

- health-funded rehabilitative training;

- health-funded day services;
- SOLAS-funded vocational training; and
- and extension to education placement for a specified time.

The plan for each individual is dependent on:

- final decisions by service users where more than one service model may be considered;
- approval, if requested, to extend current educational placements; and
- capacity of providers to make best use of available resources.

Rehabilitative training is designed to equip participants with the basic personal, social and work-related skills that will enable them to progress to greater levels of independence and integration in the community. There are currently 98 people with high functioning autism attending RT programmes - 60 are aged 23 or under. Providers of RT programmes for people with autism include the National Learning Network, Tusincint, Kite and Advocates for Personal Potential.

An additional €4 million demographic funding has been allocated to the HSE in 2013 to address the needs of young people with disabilities who are due to leave school this year.

Hospital Services

214. **Deputy Aodhán Ó Ríordáin** asked the Minister for Health if he will provide, in tabular form, the list of centres-hospitals where publicly-funded screening for sexually transmitted infections is available; if he will also provide numerical data for the number of persons who used the service per year since 2006 to date in 2013, or the year on which the most recent statistics are available; and the number of screenings per year that each centre-hospital is capable of administering. [6145/13]

Minister for Health (Deputy James Reilly): Eleven sexually transmitted infections (STIs) are currently legally notifiable in Ireland: ano-genital warts, chancroid, Chlamydia trachomatis, genital herpes simplex, gonorrhoea, granuloma inguinale, infectious hepatitis B, lymphogranuloma venereum, non-specific urethritis, syphilis and trichomoniasis. Aggregate data on the number of notified STIs from Departments of Public Health in each HSE region is collated quarterly. The Departments of Public Health are notified of STIs mainly from STI clinics and some GPs. There were 13,259 notifications of STIs in 2011, an increase of 12.2% when compared with 2010 and continuing an upward trend since 1995. Information on activity levels in STI clinics is not readily available. However I have asked the Health Service Executive to supply this information to me and I will forward it to the Deputy as soon as possible.

Hospice Services

215. **Deputy Derek Keating** asked the Minister for Health if he will outline, in detail and in tabular form, the number of cases for the Newcastle area, which incorporates all of Brittas, Blessington Road and City West, that Our Lady's Hospice in Harold's Cross has provided a service for in the past ten years up until December 2012 that involved home care, and end-of-life care, who died at home and, separately, who died under the care provided in Our Lady's Hospice; and if he will make a statement on the matter. [6146/13]

216. **Deputy Derek Keating** asked the Minister for Health If he will outline, in detail and

tabulated format, the number of cases for the Newcastle area, which incorporates all of Newcastle, Brownstown, Aylesbury, up to Hazelhatch and the borders of Kildare and Wicklow, that Our Lady's Hospice in Harold's Cross has provided a service for in the past ten years up until December 2012 which involved home care, and end-of-life care, who died at home and, separately, who died under the care provided in Our Lady's Hospice; and if he will make a statement on the matter. [6147/13]

228. **Deputy Derek Keating** asked the Minister for Health if he will provide, in detail and tabular format, the number of cases for the Lucan area, County Dublin, which incorporates all of Lucan, Adamstown, Strawberry Beds and Foxdene, that Our Lady's Hospice in Harold's Cross have provided a service for in the past ten years up until December 2012 which involved home care, and end-of-life care, who died at home and, separately, who died under the care provided in Our Lady's Hospice; and if he will make a statement on the matter. [6300/13]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 215, 216 and 228 together.

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

Hospital Waiting Lists

217. **Deputy Michael Healy-Rae** asked the Minister for Health when a person (details supplied) in County Kerry will have an eye operation; and if he will make a statement on the matter. [6161/13]

Minister for Health (Deputy James Reilly): The management of inpatient and daycase waiting lists for patients awaiting public health care is based on the principle that after urgent and cancer patients are treated, 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 appointment, he/she would be in the best position to take the matter up with the consultant and hospital involved. In relation to the specific query raised by the Deputy, as this is a service matter it has been referred to the HSE for direct reply.

Health Services Provision

218. **Deputy Thomas Pringle** asked the Minister for Health if there are plans to improve services for sufferers of inflammatory bowel disease; and if he will make a statement on the matter. [6174/13]

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

Hospital Trusts

219. **Deputy Michelle Mulherin** asked the Minister for Health the date upon which the Hospital Trust for Mayo, Galway and Roscommon was established; the dates various members of the board of the trust were appointed; the number of meetings that have taken place to date; and if he will make a statement on the matter. [6216/13]

241. **Deputy Michelle Mulherin** asked the Minister for Health the hospitals included in the Mayo, Galway, Roscommon Hospital Trust; and if he will make a statement on the matter. [6343/13]

243. **Deputy Michelle Mulherin** asked the Minister for Health if the health trust for counties Mayo, Galway and Roscommon is fully constituted and operational; the number of members on the board of trust; the hospital they represent in the region; and if he will make a statement on the matter. [6355/13]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 219, 241 and 243 together.

The Galway/Roscommon University Hospital Group was established on a pilot basis in January 2012. This was in response to budgetary and service issues in relation to Galway and the movement of services between Roscommon and Portlincolumbkille hospital in line with the principles of the smaller hospitals framework, that service should be delivered as close to a person's home as possible. This is commensurate with the need to ensure quality and safety in service delivery such that more complex work generally needs to be carried out in larger hospitals. The Group consists of University College Hospital, Galway, Merlin Park Hospital, Portlincolumbkille Hospital, Ballinasloe and Roscommon Hospital. The Group was established on a co-operative, administrative basis as significant legislative work is required to allow hospitals to form Hospital Trusts.

In June 2012 I appointed Professor John Higgins to chair a Strategic Board on the Establishment of Hospital Groups. A Project Team was tasked with developing criteria to assist my Department in the development of policy in relation to the composition of hospital groups, governance arrangements, current management frameworks and linkages to academic institutions. The Team carried out a comprehensive consultation process with all acute hospitals and other health service agencies as well as reviewing a significant number of written submissions. The experiences of both the Galway/Roscommon University Hospital Group and of the Mid-Western Hospital Group, which were related to the project team as part of that consultation process, were both useful and informative.

Work is nearing completion on the draft report on the wider issue of hospital groups. Prof. John Higgins will submit that report to me in early February; I will then bring it to Cabinet for decision. The Government will then decide on the initial make up of hospital groups which will be established on an administrative basis pending the legislation required to set up hospital trusts by 2015. Before those trusts are established the composition and functioning of the Groups will be reviewed and if changes prove necessary then they will be made with Government approval when the hospital trusts are being formed. As such I cannot comment at this time on the final composition of the new Hospital Groups.

The rationale behind the establishment of hospital groups and trusts is to support increased operational autonomy and accountability for hospital services in a way that will drive service reforms and provide the maximum possible benefit to patients. Under the Programme for Government 2011-2016, the Government committed to developing a universal, single-tier health service, which guarantees access to medical care based on need, not income. On foot of this commitment the Government will introduce a system of Universal Health Insurance (UHI). The development of independent not-for-profit hospital trusts is a key stepping stone to this new system.

Each Hospital Group will have a single consolidated management team with responsibility for performance and outcomes. It is intended that non-executive Boards, consisting of persons with expertise in key competencies such as clinical/business/legal/medical academic/patient

advocacy, will oversee each Hospital Group management team and will have responsibility for decisions in relation to services in all hospitals in the Group. The Galway/Roscommon University Hospital Group has gone some way towards realising the governance arrangement which will be recommended by the Report with the appointment of Mr. Noel Daly as chairperson of the Board in May 2012. Mr. Daly is former Chief Executive of An Bord Altranais and he has also served in senior management posts in the health services in Ireland and in the UK.

On 29th January 2013 the HSE established an interim Board on an administrative non-statutory basis, pending the establishment of Hospital Trusts to manage public hospitals in line with the Government's programme for reform of the health service. The competencies of the individuals appointed are the key to better management of hospitals and it was on this basis that the interim Board appointments were made. No meeting of the Board has yet taken place. The interim Board will be replaced in due course by a Trust Board on a statutory basis and may be dissolved and reconstituted at any time to facilitate the development of Hospital Trusts.

Hospital Services

220. **Deputy Billy Timmins** asked the Minister for Health the position regarding the epilepsy monitoring units in Cork and Dublin; if they will be opened, as a matter of urgency; and if he will make a statement on the matter. [6219/13]

Minister for Health (Deputy James Reilly): Cork and Beaumont are two of six regional centres which have been identified for the provision of specialist epilepsy services under the HSE's National Clinical Care Programme for Epilepsy. It is intended that services will be provided by a team of nurses and consultant neurologists working as a virtual national network supporting all acute and primary care locations. Rapid Access Clinics (separate to the Epilepsy Monitoring Units) have been developed at four of centres so far, and 10.5 (WTE) Advanced Nurse Practitioners (ANPs) have been recruited to lead these clinics, so that a total of 12 ANPs are now in place across the four centres.

Regarding the Epilepsy Monitoring Units in CUH and Beaumont, these when open will increase pre-surgical evaluation capacity. Monitoring is required for the most vulnerable patients with the worst effects of epilepsy and their development is therefore a priority for the Programme. Patients at these units will require 24/7 care and the staffing requirements to enable the units to be safely opened have been identified.

With regard to Beaumont, the HSE has advised that Beaumont Hospital and the HSE are working jointly to fill the posts necessary to support the service development. I am advised that the staffing required for the unit includes five staff nurses, one consultant neurophysiologist and three technicians. Of these, three staff nurse posts and one technician post remain to be recruited and I am informed that this is being prioritised. The recruitment of nursing personnel is a key element to facilitate phased opening of the unit as nursing staff come into post.

With regard to Cork, the HSE has advised that the Service Plan for 2013 for CUH is being drawn up currently and will be finalised in the coming weeks, and that the provision of additional staff for the Epilepsy Monitoring Unit is being considered as part of that process.

Disabilities Services Funding

221. **Deputy Terence Flanagan** asked the Minister for Health if his attention has been drawn to the fact that the swimming pool of St. Michael's House in Belcamp, Dublin, had no

option but to close on Saturdays because of cutbacks in excess of €11 million in the past four years which left many children with disabilities, in the surrounding areas, unable to use the facility; whether financial support will be made available to ensure that the swimming pool is open to customers on Saturdays; if his attention has been drawn to the concerns that St. Michael's will have to endure further cutbacks in 2013; and if he will make a statement on the matter. [6245/13]

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

Mental Health Services Provision

222. **Deputy Ann Phelan** asked the Minister for Health if he will investigate the case of a child (details supplied) in County Carlow who has been in long-term care since June 2009 who has been assessed by a consultant child and adolescent psychiatrist, and a clinical educational psychologist and psychotherapist, as requiring additional therapeutic work more than four years ago but has, to date, received no additional therapy; if he will outline the up to date situation with the case; what can the carer's expect at this stage; the actions that will be taken by the Health Service Executive in view of the previous recommendations made by the medical professionals involved; and if he will make a statement on the matter. [6251/13]

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

Suicide Prevention

223. **Deputy Tom Fleming** asked the Minister for Health following the publication of the cross border report on suicide jointly funded by the National Office for Suicide Prevention and the Public Health Agency in Northern Ireland, the action he will take to implement the recommendations in the report and the availability of sufficient funding and appointment of personnel with specific expertise to engage in intensive preventative programmes; and if he will make a statement on the matter. [6256/13]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I have received a copy of the recently published *Report on the All-Ireland Young Men and Suicide Project* and I am currently examining the recommendations contained in the Report. Dealing with the current high levels of suicide and deliberate self harm is a priority for this Government. *Reach Out* our National Strategy for Action on Suicide Prevention recognises the youth sector as a high risk group and sets out a number of specific actions. Consequently, the HSE's National Office for Suicide Prevention (NOSP) has developed a range of initiatives aimed specifically at supporting young people who are suicidal and also supporting their peers in recognising and responding appropriately to signs of emotional distress and suicidal thoughts.

Key initiatives progressed by the NOSP in 2012 include the provision of a wide range of awareness and training programmes including safeTALK and ASIST (Applied Suicide Intervention Training) which trains participants to become more alert to the possibility of suicide in their community, the continuation of the National Awareness Campaigns which, last year, specifically targeted men and young men, the funding of partner agencies and projects, a number of which provide support services to young people, and the development of Guidance for Post Primary Schools on Mental Health & Suicide Prevention developed with the Department of

Education and Skills which was launched last week.

The annual budget for suicide prevention has increased this year to over €13m, of which €8.1m is available to NOSP to fund voluntary and statutory agencies delivering services in the area of prevention, intervention, postvention and research and the remaining €5m is available regionally to fund Resource Officers for Suicide Prevention, Self-Harm Liaison Nurses in Hospital Emergency Departments and local suicide prevention initiatives. The Department of Health is currently in discussions with the NOSP to develop a programme of measures that will reduce the tragic loss of life through suicide. The implementation of the recommendations contained in the *Young Men and Suicide Project Report* will be considered in the context of those discussions.

Voluntary Sector Funding

224. **Deputy Tom Fleming** asked the Minister for Health if he is satisfied that the amount of funding being provided to Kerry Parents and Friends for 2013, vis-à-vis 2012, will enable the organisation to deliver adequately, in response to the growing demands placed on its resources, and to at least maintain the existing level of services and ensure the organisation can continue to meet the needs of people, with significant intellectual disabilities, in County Kerry; and if he will make a statement on the matter. [6257/13]

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

Departmental Staff Rehiring

225. **Deputy Eoghan Murphy** asked the Minister for Health if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way the positions were originally advertised. [6267/13]

Minister for Health (Deputy James Reilly): Six retired Public Servants (3.86 wholetime equivalents) are currently re-employed in my Department and are on the payroll. Four former staff members of my Department, who are now retired, were rehired in line with a Government Decision on the arrangements for dealing with our EU Presidency requirements. These officers have experience and expertise that is essential to a successful Presidency for Ireland in the important area of Health Policy. The fixed term contracts of employment in each of these cases will terminate as soon as our Presidency tasks have been discharged.

In addition to this I appointed Ms Maureen Windle, ex-Chief Executive Officer of the Northern Area Health Board as my Special Adviser on a two-thirds basis and Minister of State Alex White appointed one retired Public Servant as a Civilian Driver. For ease of reference I have attached the information requested by the Deputy in tabular format.

Grade	Current Annual Salary Rate
1 Principal Officer (50% of full time)	€40,025
2 Assistant Principal (50% of full time)	€30,983
1 Assistant Principal (70% of full time)	€43,376

Grade	Current Annual Salary Rate
1 Special Adviser (66% of full time)	€61,784
1 Civilian Driver	€32,965

The pensions of these staff are subject to pension abatement rules.

Data Protection

226. **Deputy Eoghan Murphy** asked the Minister for Health if he is concerned that the destruction of data, obtained through the use of the heel prick test, will result in a loss of valuable data that could be used to better understand certain diseases and their genetic links; and if he has considered restrictions on the use of such data instead of its destruction. [6276/13]

Minister for Health (Deputy James Reilly): Following the receipt of a complaint regarding the retention of Newborn Screening Cards (NSCs), the Data Protection Commissioner found that the retention of the cards without consent constituted a breach of the Data Protection Acts 1998 and 2003. There were a number of meetings between the Deputy Data Protection Commissioner, representatives from my Department, the HSE, and the Children's University Hospital, Temple Street which resulted in agreement that NSCs older than 10 years would be destroyed. Retention of NSCs for ten years was deemed appropriate for the purposes of checking an initial diagnosis.

I requested the HSE to conduct a review of this decision. This review examined both the legal and ethical basis for the retention of NSCs and the potential use of the existing cards for research purposes. The Review Group report and recommendations were submitted to me in January 2012. Having carefully considered the issue, I accepted the recommendation of the review group that in order to meet our legal and ethical obligations, particularly in relation to the Data Protection Acts, NSCs older than ten years will be destroyed. The review group also explored how the material could be made available to the research community in a way which was compatible with our ethical and legal obligations.

However, I recognise the potential value of the material for research purposes. As deputies are aware, the HSE has begun an information campaign offering members of the public the opportunity to have their NSC returned to them prior to any destruction of the cards taking place. This will ensure that anyone who wishes to donate their or their child's Newborn Screening Card to research will be afforded the opportunity to do so. The HSE is actively engaging with the research community to facilitate the direct transfer of cards where this may be more convenient for parents. To this end, the HSE has contacted a number of research organisations to inform them of this position and has invited these organisations to provide a plan setting out a governance system for the storage and future use of the card or cards for clinical or research purposes, prior to any agreed transfer. I consider that the people to whom the NSCs relate, or their parents if they are under 18 years of age, are the people who should choose what happens to their cards. I am confident that the approach adopted by the HSE will ensure that their choices will be respected.

Hospital Staff Issues

227. **Deputy Eoghan Murphy** asked the Minister for Health his views on the use of agency nurses in hospitals, in particular the cost-effectiveness of using agency nurses in cases of unexpected demand, specialist nursing and to cover the sick leave and holidays of Health Service

Executive staff. [6278/13]

Minister for Health (Deputy James Reilly): In the health service, agency staff are used to fill vacancies that arise for a variety of reasons including sick leave, annual leave and maternity leave, to ensure continuity of service and where some flexibility in staffing a service is required. However such arrangements involve certain additional costs, such as a fee to the agency concerned as well as Value-Added Tax (VAT) at 22%. As such, health service management must tightly control the extent to which agency staff are used, particularly to substitute for staff who have left the health service, given the requirement to reduce employment levels to a net 98,955 whole-time equivalents by the end of 2013.

The HSE's National Service Plan 2013 notes that considerable savings have to be achieved from changes to the manner in which staff are deployed, with tight control of the use of higher-cost staffing arrangements and in particular the use of agency staffing and overtime. The Plan includes a target saving of €10m set against the recruitment of graduate nurses to directly offset spend on agency and overtime. It also recognises the need for systematic reviews of rosters and a focused approach to addressing staff absenteeism and implementing revised new sick leave arrangements.

Question No. 228 answered with Question No. 215.

Hospital Services

229. **Deputy Derek Keating** asked the Minister for Health if he will provide, in detail and tabular form, the number of cases from the Lucan area, County Dublin, which incorporates all of Lucan, Adamstown, the Strawberry Beds and Foxdene, that St. James's Hospital, Dublin, has provided a service for in the past ten years up until December 2012 which involved home care, and end-of-life care, who died at home and, separately, who died under the care provided in St. James's Hospital; and if he will make a statement on the matter. [6301/13]

230. **Deputy Derek Keating** asked the Minister for Health if he will outline, in detail and tabular format, the number of cases from the Newcastle area, which incorporates all of Newcastle, Brownstown, Aylesbury, up to Hazelhatch and the borders of counties Kildare and Wicklow, that St. James's Hospital, Dublin, has provided a service for in the past ten years up until December 2012 which involved home care, and end-of-life care, who died at home and, separately, who died under its care in St. James's Hospital; and if he will make a statement on the matter. [6302/13]

231. **Deputy Derek Keating** asked the Minister for Health if he will provide, in detail and tabular form, the number of cases for the Rathcoole and Saggart areas, Dublin, which incorporates Brittas, Blessington Road and City West, that St. James's Hospital, Dublin, has provided a service for in the past ten years up until December 2012 which involved home care, and end-of-life care, who died at home and, separately, who died under its care in St. James's Hospital; and if he will make a statement on the matter. [6303/13]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 229 to 231, inclusive, together.

In relation to the particular queries raised by the Deputy, as this information is not readily available within my Department, I have asked the Health Service Executive to respond directly to the Deputy in these matters.

Hospital Services

232. **Deputy Derek Keating** asked the Minister for Health if he will provide, in detail and tabulated format, the number of cases for the Lucan area, which incorporates all of Lucan, Adamstown, Strawberry Beds and Foxdene, that Connolly Hospital, Blanchardstown, has provided a service for in the past ten years up until December 2012 that involved home care, and end-of-life care, who died at home and, separately, who died under its care in Connolly Hospital; and if he will make a statement on the matter. [6304/13]

233. **Deputy Derek Keating** asked the Minister for Health if he will provide, in detail and tabular form, the number of cases for the Newcastle area, which incorporates all of Newcastle, Brownstown, Aylesbury, up to Hazelhatch and the borders of Kildare and Wicklow, that Connolly Hospital, Blanchardstown, has provided a service for in the past ten years up until December 2012 which involved home care, and end-of-life care, who died at home and, separately, who died under its care in Connolly Hospital; and if he will make a statement on the matter. [6305/13]

234. **Deputy Derek Keating** asked the Minister for Health if he will provide, in detail and tabular form, the number of cases for the Rathcoole and Saggart areas, which incorporates Brittas, Blessington Road and City West, that Connolly Hospital, Blanchardstown, has provided a service for in the past ten years up until December 2012 which involved home care, and end-of-life care, who died at home and, separately, who died under its care in Connolly Hospital; and if he will make a statement on the matter. [6306/13]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 232 to 234, inclusive, together.

In relation to the particular queries raised by the Deputy, as this information is not readily available within my Department, I have asked the Health Service Executive to respond directly to the Deputy in these matters.

Hospital Services

235. **Deputy Derek Keating** asked the Minister for Health if he will provide, in detail and tabular form, the number of cases for the Rathcoole and Saggart areas, which incorporates Brittas, Blessington Road and City West, that Tallaght Hospital has provided a service for in the past ten years up until December 2012 which involved home care, and end-of-life care, who died at home and, separately, who died under its care in Tallaght Hospital; and if he will make a statement on the matter. [6307/13]

236. **Deputy Derek Keating** asked the Minister for Health if he will provide, in detail and tabulated format, the number of cases for the Newcastle area, which incorporates all of Newcastle, Brownstown, Aylesbury, up to Hazelhatch and the borders of Kildare and Wicklow, that Tallaght Hospital has provided a service for in the past ten years up until December 2012 which involved home care, and end-of-life care, who died at home and, separately, who died under its care in Tallaght Hospital, Dublin; and if he will make a statement on the matter. [6308/13]

237. **Deputy Derek Keating** asked the Minister for Health if he will provide in detail and tabulated format the number of cases for the Lucan area, which incorporates all of Lucan, Adamstown, Strawberry Beds and Foxdene, that Tallaght Hospital has provided a service for in the past ten years up until December 2012 which involved home care, end of life care, who died at home, who died at home and who died under their care in Tallaght Hospital, Dublin; and if he

will make a statement on the matter. [6309/13]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 235 to 237, inclusive, together.

In relation to the particular queries raised by the Deputy, as this information is not readily available within my Department, I have asked the Health Service Executive to respond directly to the Deputy in these matters.

Hospital Services

238. **Deputy Thomas P. Broughan** asked the Minister for Health if there are plans for a new cardiovascular Department at Beaumont Hospital, Dublin 9; and if he will make a statement on the matter. [6315/13]

Minister for Health (Deputy James Reilly): In relation to the specific query raised by the Deputy, as this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy in this matter.

National Lottery Funding Disbursement

239. **Deputy Martin Ferris** asked the Minister for Health the funding available to support the Kerry Cancer Support Group bus which brings patients from County Kerry to Cork University Hospital free of charge; and if he will make a statement on the matter. [6324/13]

Minister for Health (Deputy James Reilly): My Department administers a National Lottery Discretionary Fund from which once-off grants are paid to community and voluntary organisations, providing a range of health related services. If an organisation wishes to make an application for National Lottery Funding they should send in a formal application. Detailed procedures, along with the application form are set out on the Department's website - www.doh.ie

Departmental Banking

240. **Deputy Simon Harris** asked the Minister for Health the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6337/13]

Minister for Health (Deputy James Reilly): The information requested by the Deputy is not routinely collected by my Department.

Responsibility for the day to day administration of Non Commercial State Agencies under my Department's remit lies with their governing Boards. These agencies publish an annual report and financial statements, which in general, are made available on each agency's website. All agencies under the aegis of my Department must operate within the parameters of Public Financial Procedures. In addition, they are audited annually by the Comptroller and Auditor General, details of which are available on its website. The Health Service Executive operates a number of commercial bank accounts which it uses to expend its annual budget, with responsibility for its internal financial control lying with the Board of the HSE. Section 36 (2) of the Health Act, 2004 requires the Executive to prepare Annual Financial Statements. In addition, as

a Vote holder, the HSE is required to prepare an Appropriation Account annually in accordance with the Exchequer and Audit Departments Act, 1866 (as amended by the Comptroller and Auditor General (Amendment) Act, 1993). Details of bank balances at the end of the financial year will be set out in these accounts, which are published following audit by the Comptroller and Auditor General.

Question No. 241 answered with Question No. 219.

Hospital Waiting Lists

242. **Deputy John Browne** asked the Minister for Health if he will arrange a hospital appointment in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [6349/13]

Minister for Health (Deputy James Reilly): In relation to the specific query raised by the Deputy, as this is a service matter it has been referred to the HSE for direct reply.

Question No. 243 answered with Question No. 241.

EU Funding

244. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport the proposals that he has put forward under the Trans-European Transport Network multi-annual programme 2007 – 2013. [6143/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): A number of state agencies have sought and been approved funding under the current TENT Programme (2007-2013). The largest TENT project is the DART Underground / Dublin Interconnector which was identified as part of one of the 30 Priority Projects agreed across the EU at the outset of the current TENT programme. A list of other TENT projects with Irish consortia members / participants is set out hereunder. More details on the individual projects is available on the Ten-t agency website (web address: http://tentea.ec.europa.eu/en/ten-t_projects/ten-t_projects_by_country/ireland/).

Year	Project	Project participant / promoter in Ireland
2011	International Green Electric Highways - Study to assess fast charging infrastructure to enable deployment of electric vehicles in Ireland and Northern Ireland	Electricity Supply Board ESB Department of Regional Development Northern Ireland
2010	UK-Ireland FAB . Development of High Level Sectors	Irish Aviation Authority -IAA
2009	Easywayz Phase 2	National Roads Authority -NRA
2009	Airbourne Datalink Equipment	IAA

Year	Project	Project participant / promoter in Ireland
2009	Green and Predictable flights- North European Air Navigation Service Providers	IAA
2008	Netlipse – Air Navigation	IAA
2007	Easywayz	NRA
2007	SESAR (Single European Sky ATM Research)-Development Phase	IAA
2007	The design and development process, geotechnical investigations and various surveys and studies that include topographical surveys, condition surveys, archaeological surveys and utility surveys of DART Underground/ Dublin Interconnector	Irish Rail / National Transport Authority

Upward Only Rent Reviews

245. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport the number of leases with upward only rent clauses, that were in place by agencies under his Department at the start of 2011; and the number of such leases currently in operation. [6170/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The information requested by the Deputy is a matter for the Agencies themselves. However, I have forwarded your request to all agencies under the remit of my Department for direct reply to you. If you do not receive an answer back within ten working days please contact my private office.

Roads Maintenance

246. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport if he will provide a breakdown by county of the National Roads Authority allocations for 2013; and if he will make a statement on the matter. [6240/13]

248. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he will provide, in tabular form, the original allocation to each local authority in respect of local road maintenance in 2011 and the amount spent in 2011; and if he will make a statement on the matter. [6273/13]

249. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he will supply, in tabular format, the original allocation to each local authority for local road maintenance in 2012 and the amount spent in 2012; and if he will make a statement on the matter. [6274/13]

250. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he will provide in tabular form the allocation to each local authority for local road maintenance in

2013; the amount of that allocation that consists of funding carried over from 2012; and if he will make a statement on the matter. [6275/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 246 and 248 to 250, inclusive, together.

Copies of booklets detailing the road allocations in respect of national, regional and local roads for 2011, 2012 and 2013 to each Local Authority are available to Deputies in the Dail Library. Booklets detailing the actual outturn figures for each local authority in respect of regional and local roads are also available in the Dail Library.

Departmental Staff Rehiring

247. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport if there are any retired public sector workers from his Department, or any other part of the public sector, currently on his Department's payroll, for example, for sitting on a committee or preparing a report, but not exclusively these two areas; the number on the payroll; the cost to his Department; the services being delivered for this money; and the way the positions were originally advertised. [6272/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): There is one retired civil servant on the payroll of my Department. The Department has reengaged a former Principal Officer of this Department in connection with the preparation and attendance at the State's defence of High Court proceedings that are due to come to court hearing in 2013. The individual is being paid a 'per diem' rate of €260 under the pension abatement principle. The position was not advertised as the officer was appointed specifically for his extensive knowledge and involvement in the development of the legislative regime relating to the regulation of the area subject to challenge in the case.

Questions Nos. 248 to 250, inclusive, answered with Question No. 246.

Anti-Social Behaviour

251. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport his views that the contact number to report anti-social behaviour in unmanned DART and rail stations (details supplied) in Dublin 13 is an 1850 high cost number which acts as a disincentive for commuters to report graffiti, anti-social and other criminal activity; his views that there should be a less costly service, perhaps developed with the support of ComReg, to allow commuters to report anti-social behaviour; and if he will make a statement on the matter. [6294/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): This is an operational matter for Irish Rail and I have forwarded the Deputy's question to the company for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Sports Capital Programme Eligibility

252. **Deputy Billy Timmins** asked the Minister for Transport, Tourism and Sport the position regarding Wicklow County GAA Board whose application for a sports capital grant was deemed invalid; the reason it was deemed invalid; and if he will make a statement on the matter. [6325/13]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): The organisation referred to by the Deputy applied for a grant under the 2012 Sports Capital Programme. When the 2012 Programme was advertised my Department issued a guide to filling out the application form which clearly set out the Department's minimum requirements that applicants had to meet to be considered for funding. This application was deemed invalid as the applicant did not provide a letter from their solicitor in relation to title. A letter setting out the reasons why the application was deemed invalid has already been sent to the designated contact for the organisation. If the organisation requires any more information or clarification they should contact the Sports Capital Programme Unit of my Department in Killarney.

Departmental Banking

253. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport the amount of money held on deposit or in short-term bank investments by each Government or State agency or body under his Department's remit; the rate of interest at which the deposits are held; and if he will make a statement on the matter. [6342/13]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The information requested in relation to State Agencies or bodies under the remit of my Department is an operational matter for the Agencies and bodies themselves. I have referred the Deputy's question to them for direct reply. Please advise my private office if you do not receive a reply within ten working days.

6 February 2013

