



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

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# DÁIL ÉIREANN

*Dé Máirt, 20 Samhain 2012*

*Tuesday, 20 November 2012*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 14.00 p.m.

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*Paidir.*  
*Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Student Grant Scheme Delays

104. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the number of grants awarded or paid to students by Student Universal Support Ireland; if he will give a guarantee that all student grant applications will be processed and those students who qualify will be paid by Christmas; and if he will make a statement on the matter. [51420/12]

108. **Deputy Jonathan O'Brien** asked the Minister for Education and Skills if he will outline in detail the process of outsourcing the scanning of grant application documents to a third party in County Cork; if a cost benefit analysis was conducted prior to the awarding of the contract to the company; if the contract was put out to public tender; the cost differential of outsourcing this element of the grant application process of Student Universal Support Ireland to delivering it in-house. [51342/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 104 and 108 together.

The situation in relation to the 66,000 applications to Student Universal Support Ireland, SUSI, is as follows. Some 22,000 are complete, with some 12,000 either awarded or provisionally awarded and some 10,000 refused. Once awarded, payment is dependent on the verification of attendance by the institution and the submission of bank details by the student. Some 4,420 students have now been paid and SUSI is continuing to make payments on a weekly basis

to ensure students can be paid as expeditiously as possible once they have been awarded a grant. Some 21,000 applications are with SUSI for processing as we speak. The remaining 23,000 applications are awaiting submission of documentation by the students concerned. More than 50% of students in this category have made no response at all to requests by SUSI for the required supporting documentation so it must be assumed that many of these are not planning to pursue their applications any further.

SUSI is aiming to achieve a target of 33,000 awards in total by the end of the year and I expect that target to be met. SUSI is staffed to the level that has been requested and all the necessary resources should be in place to enable it to process applications to completion, subject to all the necessary documentation being in order to enable it to make a decision in each case. This week, a further 50 additional temporary staff have been approved to ensure that all targets are met from this point of view.

SUSI will endeavour to ensure that students who are awarded a maintenance grant will be paid before the end of the year. Some students may not receive their grant until the beginning of January due to the requirements in respect of bank details and verification of attendance, together with the banking restrictions over the holiday period. However, every effort will be made by SUSI to ensure that all successful grant applicants are paid by December.

The Student Support Act 2011 made provision for the appointed awarding authority to outsource particular functions or aspects of the student grant application process where it considered it appropriate to do so, subject to the general superintendence and control of the appointed awarding authority. As part of its overall implementation plan, SUSI went to tender for the document management service. The tender was published in the Official Journal of the European Union using the competitive dialogue process. The preferred bidder was selected on the basis of the marks awarded by the evaluation committee. While a cost-benefit analysis was not specifically carried out prior to the award of the contract, it was considered that outsourcing was an appropriate solution for the document management process. This was on the basis of the cyclical nature of the administration of the student grants, the volume of applications and the associated requirements for documentary evidence within a tight timeframe.

This scalable outsourcing solution is more cost effective as it is resourced by contract staff to deal with particular peaks and troughs in inbound communications over the course of the year. In addition, it provides the necessary IT infrastructure and costly scanning equipment that is required for an operation of this nature. The cost of providing this service in-house would have involved significant investment, including the upgrading of equipment on an ongoing basis and would have had significant staffing and accommodation implications.

**Deputy Charlie McConologue:** I thank the Minister for his response and for the updated figures. Once again I acknowledge the approach he took last week in that he took responsibility for this issue, which is very important and welcome. I said at the time that I felt the Minister also needed to take responsibility to ensure students would be paid before Christmas and I asked that he meet SUSI and tease out exactly where things were. In his response, he might outline what meetings he has had with SUSI in the past week and if he had any meetings in the preceding weeks.

I see from the Minister's updated figures that 22,000 applications have been decided on. Last week, it was 20,000 and approximately two weeks ago, it was 18,000. In the past week, the number of applications decided on increased by 2,000. Last week, SUSI outlined and, in-

deed, the Minister said in the Dáil, that decisions would be running at a rate of 800 per day up to maybe 1,300. That is obviously not happening. Unless that happens quickly, there is no way the number the Minister outlined today of 33,000 awards will be made by the end of the year.

Staff in county councils and VECs throughout the country, who are trained in this, have now finished processing the grant applications of continuing students. Has the Minister considered engaging them to assist? At a rate of 2,000 per week with six weeks to Christmas, only an additional 12,000 applications will be decided by Christmas. One would expect the staff working on this to be at maximum level, so unless further action is taken, many students who are in exceptionally precarious financial circumstances will continue to suffer.

**Deputy Ruairí Quinn:** The Deputy asked a number of questions and I will try to reply to them *seriatim*. I have been in contact with SUSI. I have not had physical meetings but the Department's officials have had such meetings. I have spoken to the chief executive of the City of Dublin Vocational Education Committee, CDVEC. Ten minutes ago I checked with the principal officer in the Department by telephone to confirm that all the facts I have put on the record of the House are accurate and in accordance with the facts as he knows them.

The Deputy's calculations are right. In processing over 2,000 per week we would not meet the target I have been assured will be met before Christmas. The reason for the officials' certainty that they will meet it is that the number of staff has been increased quite considerably so capacity will accelerate over the next few weeks. I intend to monitor the situation closely. If there is any change in any of the targets that have been formally communicated to the House, I will communicate it to the Deputies.

The Deputy asked about payment. As he will understand, it is a two-way exchange. Where all the details are available and we are still in working time without the disruption of the Christmas break and the holidays - Christmas Day this year is immediately after a weekend so there will be a prolonged closedown or limited service, even possibly affecting some of the IT activities - they might be processed but students might not get their lodgement until late in December or early in the new year.

**Deputy Jonathan O'Brien:** With regard to the company in Cork which got the contract, the Minister said no cost benefit analysis was carried out. Unfortunately, however, there is a cost and it is being borne by the students. Nearly every Deputy has received probably in excess of 300 e-mails from students, many of whom are complaining that documentation which they previously sent in is now being requested again. This is still occurring right up to today. In respect of the targets that have been set, the Minister said it was their certainty rather than his that the targets would be met. In fairness, the Minister said that every staffing resource which has been requested has been allocated. That will give some comfort to people. However, there is a responsibility on the Minister not to rely on their certainty but to be certain himself that the targets will be met. There is also an onus on him to look at the procedures they are implementing to try to achieve their targets. If he is not happy with them, he should not wait for SUSI to request more resources. I have no confidence in SUSI or the CDVEC. It is clear that the targets they set initially have not been met and the targets they outlined to the committee last week are not being met, so the onus is on the Minister to look at the procedures and to allocate additional resources. He should not wait for those bodies to refer back to him on that because they might not do so.

**Deputy Ruairí Quinn:** The Deputy might not have heard me or I might not have articu-

lated it well enough, but while a cost benefit analysis was not specifically carried out prior to the award of the contract, it was considered that outsourcing was an appropriate solution for the document management process. That is the activity that is taking place. The reason was the peak nature of this once-in-a-year event for new applicants. Obviously, students in second, third and fourth year are dealing with the 66 local authorities and VECs. There was general consensus, and nobody disputed it, that one management body operating the system of administration was preferable to the 66 existing bodies.

We had many complaints about delays in paying grants but the Department had no responsibility in the area. This is our first time having responsibility to administer it. Lessons must be learned. I have said to staff in my Department and in the City of Dublin VEC that we must get the grants processed and the money into the bank accounts as quickly as possible and, when that is done, we will do an analysis of how it worked, how we can make it work better and how we can speed it up. Perhaps we can do some pre-application work and work on related matters so that it flows more freely. That is my intention. I will keep a constant eye on it between now and Christmas. The aim is to get 33,000 applications cleared by Christmas. Although the money may not come into the accounts, the aim is to get the applications cleared. If there is any variation, I will personally notify both Deputies.

**Deputy Charlie McConalogue:** With regard to the 21,000 applications in hand for processing, a dent has not been made in it in the past week or so. The 21,000 applications and packages have not been checked to ensure all documentation is there. The expected return rate, where applications are incomplete, is up to 40%. Given the major challenge, and when many applications have not been opened or double checked, how will we reach the target of 33,000 awarded by the end of the year? Many of them will have to be returned. The total number of grant awards expected to be made through SUSI is 35,000 and 33,000 represents a high proportion of them. Some 21,000 remain to be checked and perhaps the Minister for Education and Skills can explain how they will be processed.

What measures is SUSI taking to ensure it gets the bank account details of students so that, once it decides to make an award, there is no further delay? That is a practical step that could be taken.

**Deputy Jonathan O'Brien:** I will give the Minister two examples of the frustration that occurs. On 5 November, I e-mailed SUSI on behalf of a constituent. Some 14 days later, I received a response from the SUSI helpdesk about the e-mail, which I sent from my Oireachtas e-mail account to the e-mail address we were given. The response, 14 days after I first e-mailed, was that SUSI was unable to discuss the application for data protection reasons. I am sure the Minister for Education and Skills thinks this is unacceptable and that the system is not working. If it is not working for us as public representatives making representations on behalf of students, it is certainly not working for the students.

I received an e-mail from another student who applied in July. On 18 October, she received a letter stating her application was successful and to log onto the SUSI account profile to input her details. When she tried, she was unable to do so. The indication was that the application had not been processed. Since 18 October, she has spent over €30 of credit telephoning SUSI but has been unable to get through because she is put on hold. She sent three e-mails and each got the response that she would be contacted within one working day. Today, she received an e-mail requesting her PPS number, her SUSI application number, her phone number and her e-mail address, despite the fact that SUSI had just e-mailed her. That is the response students and

elected representatives are getting from the SUSI helpdesk. It is simply unacceptable.

**Deputy Ruairí Quinn:** In response to Deputy McConalogue's question, Abtran has 79 staff and is taking on 50 extra staff. Abtran assures me it is satisfied that will be sufficient to process the applications. I will be constantly monitoring the volume of processing taking place. Should more staff be necessary, I will ensure Abtran takes on extra staff to do the task for which it has been contracted. The story Deputy O'Brien put on the record of the House is unacceptable to any Deputy. If he gives my office the details of the case I will pursue it. There is, however, a data protection issue in asking someone for their bank account details. This is not confined to the operation of SUSI.

**Deputy Jonathan O'Brien:** The e-mail I sent inquired about the status of a particular application. I received a reply 14 days later to say SUSI could not discuss the application. It had nothing to do with bank account details.

**Deputy Ruairí Quinn:** In some cases, even when the third party is a public representative who has been asked by the citizen in question to make an inquiry, the interpretation by the Data Protection Commissioner, who gives instructions to the relevant bodies, can frequently be that without express permission conveyed by the constituent a service agency cannot share information with a third party. It is unsatisfactory. I have encountered it myself. It is something we need to deal with, on a wider scale. If an Oireachtas committee were to discuss this matter it would be useful for all of us.

**Deputy Charlie McConalogue:** The Minister outlined how when a student is awarded a grant there can then be a delay because the student must go back to the college to get confirmation of registration and must also get bank account details. Could we not ensure that bank account details are available in advance so that, at least, that element of the delay could be avoided?

**Deputy Ruairí Quinn:** I will inquire about the details of that. There may be a problem in providing bank details in advance. I will, however, make the inquiry and get back to the Deputy.

### **Adult Education**

105. **Deputy Jonathan O'Brien** asked the Minister for Education and Skills his views on claims by the National Adult Learning Organisation, AONTAS, that a lack of financial support and suitable course options are the biggest challenges for adults returning to education; the efforts being made by him to integrate adult guidance with course provision, connect with employers, explore other funding models for part time learners and establish better systems to gather evidence on the effectiveness of adult learning courses. [51524/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon)** (**Deputy Ciarán Cannon**): My Department funds a range of further education and training programmes that offer guidance, access, transfer and progression opportunities for learners, involving 300,000 places. In addition to the provision of programmes, my Department and the Department of Social Protection support learners attending courses through the provision of payments, allowances, and maintenance grants.

The Government has embarked upon a major programme of reform in the further educa-

tion and training sectors including establishment of SOLAS and the education and training boards. The Government through the Pathways to Work document and Intreo, the new integrated employment and support service, is also introducing improved service supports for the unemployed. AONTAS, in its recent position paper on budget 2013, indicates strong support for these structural reforms.

The Government's objective in this area is to raise the educational and skills level of adult learners, particularly among the unemployed, in order to help them to meet the requirements of the modern labour market.

**Deputy Jonathan O'Brien:** If the Minister of State has not seen the report I refer to I will pass on a copy to him.

**Deputy Ciarán Cannon:** I have seen it.

**Deputy Jonathan O'Brien:** One of the key findings of the report is the level of frustration felt by adult learners regarding the courses they are directed to take. Some felt the courses did not suit their skill sets, were leading nowhere or were not long enough to acquire the skills they needed to enter the workforce.

I welcome the programme of reform being undertaken by the Department of Education and Skills. The Education and Training Boards Bill has the potential to be one of the most reforming items of legislation in this area. For that reason, it is important that a voice be given to community representatives on the education and training boards. This is something we can discuss on Committee Stage of the Bill.

The amount of money allocated to this area is a small part of the overall education budget. I hope the Minister of State shares my analysis that this section of the budget needs to be protected because we are talking about people who are going back to further education in the hope of coming off the unemployment register and securing employment. I hope the Minister will take this into account during the budget deliberations.

**Deputy Ciarán Cannon:** I have read the document from AONTAS and I have substantial ongoing communication with AONTAS and also with NALA, another entity involved in adult education. Both organisations were involved in feeding information into the reform process outlined by Deputy O'Brien.

We were careful in the preparation of last year's and this year's budgets to ensure the spend in the area is protected as much as possible against the harshest winds of the recession we are all suffering at the moment. We have been creative and innovative in looking at other mechanisms for funding that sector. The Springboard programme assists those who have a third level qualification to re-engineer that qualification by engaging in a one or two-year course that would allow them to use their existing skills to look at career opportunities in other areas that might not have been apparent two or three years ago. They are undertaking those courses free of charge and being supported by the State while doing so.

A new labour market education and training fund will be announced shortly. Recipients will be awarded grants from a fund of €20 million that will provide 6,500 places for young people who are currently unemployed, more often than not long-term unemployed, to assist them in beginning the journey back to work. For many it will be a long and difficult journey but we must start it and allow them to gain the skills they will need to re-enter work. We are not just

funnelling money through the usual channels, other innovative approaches are being taken to assist people who are in a difficult place.

**Deputy Jonathan O'Brien:** That is important because the figures show 300,000 people are accessing some form of learning or education, reflecting the huge appetite for people to get upskilled because they are aware of its value. There is also a social value, so that €20 million is welcome. We will await the budget, however, to see what impact it has. I take heart from the Minister of State's recognition of the importance of the area and I hope that will be reflected in the budget.

**Deputy Ciarán Cannon:** One of the most informative meetings I have had as Minister of State with responsibility for this area was a learners' forum organised by AONTAS six months ago where we spent the morning discussing with learners their needs and aspirations for what they want to achieve through interacting with the State and the learning supports it offers. The intention of SOLAS in the future is that the learner and his needs will be at the heart of the work we do and we will constantly interact with him during the learning process and afterwards to ensure the intervention we provide is of the highest quality and sets him on a path back into the workplace.

### **Bullying in Schools**

106. **Deputy Seamus Healy** asked the Minister for Education and Skills in view of the issue of bullying, if he will revert to the situation whereby career guidance teachers are ex-quota in secondary schools; and if he will make a statement on the matter. [51561/12]

107. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the discussions he has had with the Institute of Guidance Counsellors since September 2012 in relation to the impact of the cut to guidance hours which has resulted in schools only being able to provide an emergency counselling service to students; and if he will make a statement on the matter. [51421/12]

**Deputy Ruairí Quinn:** I propose to take Questions Nos. 106 and 107 together.

Guidance is a whole-school activity and not just a matter for school guidance counsellors alone. Under existing arrangements each school develops a whole-school guidance plan as a means of supporting the needs of its students. I acknowledge that bringing guidance provision within quota is challenging for schools but this must be seen in the context of our very difficult budgetary constraints. The alternative was to adjust the staffing schedule. I explained this to the Institute of Guidance Counsellors when I met its members after the budget.

As part of the budgetary measures, my Department helped shelter the impact for DEIS post-primary schools by improving their standard staffing allocations. My Department has existing arrangements in place for providing short-term support to schools that are dealing with particularly acute incidents that arise due to tragic accidents, bereavements and so on.

On helping to improve how we tackle bullying I expect to receive the action plan in the coming weeks from the working group I established to look at this issue.

**Deputy Seamus Healy:** I thank the Minister for his reply. We need a structure at school level to deal with issues that arise from the students' point of view, be they bullying or other

personal matters. They must be able to interact with the structure and be comfortable with it. Is the Minister satisfied that what is in place is adequate to do that? Along with many guidance counsellors and teachers, I am not satisfied that the current situation is adequate particularly to deal with the area of bullying, which, unfortunately, is widespread and some would say is almost of epidemic proportions. Will the Minister carry out a review of how the changes made in the budget have impacted on schools and students? When will the report of the working group, which the Minister just mentioned, become available and will he publish that report?

**Deputy Ruairí Quinn:** I will deal with the last part of the Deputy's question first. The working party that was established earlier this year hopes to complete its draft report by the end of the month. It will then be circulated to the interested parties for comment and therefore we will have it very early in the new year. That is the timetable to which we are working. It is an interdepartmental working group along with representatives of other bodies, including the Irish Second-Level Students' Union and others.

**Deputy Seamus Healy:** Will the Minister be publishing that report?

**Deputy Ruairí Quinn:** I will certainly publish it. The report will be sent to the various interested parties for comment and any changes, among other things. It will then be finalised and we will publish it as soon as possible after that.

On the other matters the Deputy raised, let me outline what is available for school communities from the National Educational Psychological Service, NEPS. The support of the whole school community, parents and the relevant external agencies such as the National Educational Welfare Board, NEWB, and NEPS is key to the provision of guidance and support to schools in addition to what schools already have. Psychologists from NEPS also provide a range of supports through schools, including the promotion of mental health material among the general student body and assistance in supporting pupils with particular social, emotional or behavioural difficulties. NEPS has provided guidance to all schools and school communities on structures and processes to be put in place in the event of critical incidents.

Upon request by school authorities NEPS psychologists provide direct on-site assistance to schools in coping with the aftermath of such traumatic events. The Department is also aiming to launch the guidelines on mental health for post-primary schools later this year. These guidelines aim to support schools in developing a whole-school approach to mental health promotion and suicide prevention and are of relevance to members of the school community. In particular they have been developed to support principals, guidance counsellors, student support teams and teachers.

**Deputy Charlie McConalogue:** When this announcement was made in last year's budget, we warned that it could lead to the end of career guidance as a profession, as well as impacting on the most vulnerable and disadvantaged students, especially those with mental health concerns. At the time the Minister assured us that schools would continue to provide guidance to their students and he was confident that schools would act in the best interests of students when determining precisely how to use the teaching resources available to them. However, the reality has turned out to be somewhat different. As a result of the cuts the Minister has implemented, schools are no longer managing to maintain a sufficient service. According to the president of the Institute of Guidance Counsellors, Mr. Gerry Flynn, the decision to remove guidance provision has led to a dismantling of a support service in schools that had taken years to establish. In addition, the decision is effectively institutionalising inequality in our schools, where only

the students who can afford access to private counselling are in a position to get the help they require in certain instances. What meetings has the Minister had with representatives of the Institute of Guidance Counsellors to discuss the impact the cut is having on services in schools?

**Deputy Ruairí Quinn:** I have had a number of meetings, one of which was a recent informal meeting at the exhibition in the RDS on third level options. I do not accept the assertions in the quotations the Deputy read from the letter to which he referred. Some smaller schools at post-primary level have had difficulties in regard to the matter but the larger schools still have the service of full guidance teachers where their numbers warrant that. The services available from National Educational Psychological Service, NEPS, is an indication of the sad reality that there have been traumatic incidents in some schools, and we have had too many of those. I have been told by schools which have had this dreadful experience that the service available from NEPS is extremely good.

Clearly, there is an emerging role for the provision of pastoral care within the post-primary sector as distinct from career guidance *per se*. We have to examine the way in which the junior cycle reforms will be implemented, which will address the issues of facilitating children to make sure that they take care of themselves. I am mindful there is a later question on this matter and that the Deputy has tabled a later question to me on this matter. This matter is not only the responsibility of one person or a few people in a school, it must be part and parcel of the culture of the entire school.

**Deputy Seamus Healy:** I accept the Minister's final point. It is extremely important there would be whole school approach to this matter and that it would not only be the responsibility of the guidance counsellor. The changes in this area made in the last budget have affected the support and work to prevent the difficulties that have arisen and continue to arise. My understanding from schools in my constituency and further afield is that the changes have been detrimental to the provision of services for students. I again ask the Minister to agree to review the situation and to establish the impact of the changes on schools because that is vital if we are to do anything more for students into the future.

**Deputy Charlie McConalogue:** I believe the Minister would recognise that the role of the guidance counsellor is not only to provide career guidance but, as the title indicate, also to be a counsellor to students on many issues.

**Deputy Ruairí Quinn:** Yes.

**Deputy Charlie McConalogue:** A guidance counsellor is the first contact and a key person students seek out when they have a particular issue and these would be issues long before NEPS might become involved. We are now two and half months into the new school year and it is clear the impact for students of the measures the Minister introduced last year has been chronic and it is getting more difficult for them all the time. There is a need for the Minister to revisit this issue in the upcoming budget. The changes have created difficulties for students and we have seen particular instances of that. We have also seen tragic incidents recently of the increasing issues with which students have to deal and much of this also falls within the remit of the guidance counsellors. The Minister needs to revisit this in the budget and I ask him to commit to do that here today.

**Deputy Ruairí Quinn:** There are two issues here. The first is that we must recognise that this measure was introduced in order to comply with the necessity to reduce expenditure in the

overall education budget. I had two choices: I could have disimproved the pupil-teacher ratio in second level schools to achieve the target or I could have referred back to the principals, who have a major leadership role in our post-primary schools as well as in our primary schools, to give them the power to use and deploy the guidance teacher within the school. Virtually all guidance counsellors have a teaching qualification and an expertise in a number of subjects as well as the specialty for which they subsequently studied. Power in this respect was devolved to the principals to deploy as they saw best fit. I think that was a better option than the other one, which would have been to disimprove the pupil-teacher ratio which probably would have resulted in some schools losing subject choice.

The second point is that guidance and counselling responsibility and pastoral care, if one wants to use it in that sense, has to be the responsibility of the entire school community, as Deputy Healy has recognised. In that regard, where a serious incident occurs back-up resources through NEPS, as I have described, are available to the school in question.

The last point I make to Deputy McConalogue is that the first point of contact in this respect in my experience, speaking as someone who has some knowledge of education, is the key teacher in the classroom, the teacher who knows better than perhaps other teachers a particular student. We have all known those teachers. If a young student starts to go off form, so to speak, it is quite possible the first point of contact would be that the classroom subject teacher would ask the student what is wrong, if there is a difficulty or something the student wants to talk about, and then refer the student. Guidance counsellors will not see the deterioration in behaviour of a young person in a classroom because they do not have that contact, but the English, Irish or geography teacher will be the first point of contact and the relationship between the subject teachers and the school's pastoral care service is as critical as the engagement of the guidance counsellor by the student. A student may not want to go to a guidance counsellor. It is more complex than the way it is presented by certain people.

*Question No. 108 answered with Question No. 104.*

## **Other Questions**

### **School Curriculum**

109. **Deputy Willie O'Dea** asked the Minister for Education and Skills the way he will ensure that the new junior certificate cycle is implemented in a consistent manner and to the same standard across all schools; and if he will make a statement on the matter. [51324/12]

**Deputy Ruairí Quinn:** I published the framework for the junior cycle on 4 October. All schools are to develop their junior cycle programme mindful of the principles, key skills and the 24 statements of learning. Subjects, short courses and, where relevant, priority learning units will be developed according to agreed specifications. The framework includes a number of measures to support and quality assure assessment across the three years of the junior cycle.

There will be two particular supports for reporting on student learning achievements and outcomes. New report card templates will be made available. In addition, to support a teacher's evaluation of their students' learning, the specifications will include examples of student work that illustrate the standard of work expected from different kinds of students at different stages of junior cycle. This will be augmented by the resources within the NCCA's assessment and moderation toolkit.

I believe parents will strongly support this system once they see how much additional information they will receive about their child's educational and personal development. Furthermore, I remind the Deputy that we are moving away from the high-stakes exam environment which has been the key driver of rote learning in the current junior certificate examination.

I plan to introduce standardised testing in second year for all schools in English reading, mathematics and science and in Irish reading for Irish medium schools. These new tests will provide a good independent indicator of student progress in the middle of the junior cycle programme.

A comprehensive professional development service will be provided, from the academic year from 2013 to 2014, for teachers, principals and deputy principals. Last week, I announced that Dr. Pádraig Kirk, the former CEO of County Louth VEC, will be the director of this dedicated service.

**Deputy Charlie McConalogue:** The way in which the Minister announced his decision on the junior certificate cycle reform has made the start of the project difficult. I disagree with the fact he did not engage adequately in advance with teachers, who will be a key part in delivering it. As a result of the failure to work out a plan in advance of making the announcement, it will take eight years before all subjects will be examined at junior certificate level. There is a need to reform the junior certificate programme but it should not take so long. With more planning and proper consultation in advance it could have been delivered sooner. The Minister does not seem to have given thought to ensuring standards in various schools. In recent weeks Britain has begun to reverse from teachers doing the marking to the introduction of a more uniform approach. The TUI president, Gerry Craughwell, has expressed concerns about how different schools will have different capacities to introduce short courses and those with better resources will provide a different standard of curriculum than that provided by other schools. We need to ensure each student receives the same curriculum and the Minister needs to address this and perhaps undo some of what was done in the haste to make the announcement without proper preparations.

**Deputy Ruairí Quinn:** As Deputies are aware, on Thursday afternoon the House will have an opportunity to debate the junior certificate cycle reform in some substance over two hours. There is also a question further down the Order Paper that addresses some of the questions that have been put in supplementary form by Deputy McConalogue.

Let us step back a little in terms of history. The National Council for Curriculum Assessment has been recommending changes in the junior cycle for over ten years. Some sectors in the education stakeholders' camp confuse negotiations with consultation and confuse consultation with negotiations. It is the responsibility of the Department and the Minister, taking the best advice from the entire array of stakeholders, to digest that advice and to make decisions. Once that decision is made, then all the stakeholders will be fully consulted as to how best to proceed to reach the targets that are set. Deputy McConalogue cited Great Britain, and I spe-

cifically mean Great Britain but not necessarily Northern Ireland because it has a different approach to education from Britain. One cannot chop and change the education system overnight. It is too big, too delicate and too sophisticated an entity for that to be done.

What we have done to get it right - it is not a delay but a deliberate decision on my part - is to decide that the first step in the direction of the reform will start in September 2014 and in 2017 the first cohort will sit, under the new regime that I have just described, English as a subject. The following three years will see the roll-out of the remainder of the subjects. During the course of that journey to get from here to there we will be monitoring all of the implementations involved.

The two secondary school unions directly involved in the junior cycle, the TUI and the ASTI, had members on the working party which looked at and came up with the curriculum. Their concern is with the diminution of the junior certificate examination as a high-stakes examination and it becoming a school examination rather than a high-stakes or State examination.

**Deputy Charlie McConalogue:** Will the Minister outline the steps he has taken thus far in his engagements with the sector to ensure that there is a standard approach across schools in terms of the quality of the courses to be delivered?

What consultations has the Minister had on ensuring there is uniformity in the marking of examinations? There is grave concern among students and teachers that the approach will not work. Where is the Minister in such engagements?

**Deputy Ruairí Quinn:** When the system is completed and students take between eight and ten subjects, the examinations on those ultimately will be marked by the teachers in question. Those examinations will account for 60% of the marks for a particular subject and the balance of 40% will be made up from project work the students do in second and third years. The schools and the subject teachers will be sent templates and examples of what standards to expect so that they can look at the work of a weak student, an average student and a good student. There is much experience in the Department in this regard.

Regarding their overall results in the examinations, schools will be notified subject by subject. While it is still evolving, this is the intention. Schools will be notified, after the examinations and after the results have been collected, collated and examined, of an average performance, a good performance and a poor performance. For example, they will be notified of the spectrum in history and whether the school was either above or below a particular level in its marking. It will evolve so that they will know what is the national norm, what the median variation could be and whether they fit within that spectrum. If that raises issues, then there would be discussions with the inspectors.

### **Departmental Reports**

110. **Deputy John Browne** asked the Minister for Education and Skills if he has received the report from the Higher Education Authority on proposed funding options for the third level sector; if he has considered the report; when he expects to publish same; and if he will make a statement on the matter. [51295/12]

**(Deputy Ruairí Quinn):** The reality of the economic situation and the public expenditure

corrections which must be made in the coming years present challenges across all areas of public expenditure. It must be acknowledged that the sector has accommodated significant increases in student numbers at a time when both funding and staff numbers have reduced.

As the Deputy will be aware, the Higher Education Authority, HEA, is undertaking a study on the sustainability of the current funding system for higher education. This study was initiated at my request and an initial report was published last year. This report makes it clear that immediate work is required to prepare for a longer term approach to a system that can be maintained through a sustainable funding base which will be able to address the continual expansion of the sector while protecting quality of education. The HEA is continuing its work in this area and I will be advised further as this work progresses.

**Deputy Charlie McConalogue:** I thank the Minister for his reply. The future of third level funding is something we will have to grasp in the coming period. In recent years third level colleges have made it clear that, without additional funds, they cannot continue to provide a quality of education for the numbers of students that are likely to enter the system in future. So far, the Minister's response to the need for additional third level funding has been, unfortunately, to raise the registration fee against what he had promised during the last general election campaign. In many ways, that puts extreme pressure on families who are already finding it difficult to send their children to college. They are doing their best to cope with the expense of raising a family and running a household and many of them are outside the grant threshold.

The Hunt report makes it clear that we will need €500 million per year over the next ten years. When therefore can we expect clarity from the Minister on how he will fund the sector in future?

**Deputy Ruairí Quinn:** First, I want to pay tribute to the third level sector because, despite declining current account support from the Department of Education and Skills, which will continue through this year, the number of students entering the college system is increasing. By and large, outcomes are still good and there has not been a marked deterioration in standards.

The Deputy will be aware that the HEA recently published a series of documents, which were posted on the website last Friday, including the landscape document. They also include the response the institutions are making to that document and some other international studies, as well as a longitudinal study undertaken by the ESRI. I will address the heads of universities, institutes of technology and others on Thursday morning on this topic, outlining my response to where the HEA currently is and what has to happen at a later stage.

At some stage we will have to address the issue of the long-term financial sustainability of our third level education system. At the moment, however, I do not know the level of course duplication between the 14 institutes of technology, the seven universities and other third level colleges. I want to see what room there is for economies, the discontinuance of duplicate courses and other means to reduce costs. It is not that I want to take money out of the system, I want that money to be better used. When we have those figures - it will take at least a year to begin to count them - we will know what is the real gap in sustainable funding. We will then address the question of how best to close that gap.

**Deputy Charlie McConalogue:** It is crucial that we address this issue. The Hunt report outlined an increase from 160,000 to 250,000 in third level students. That is the student body we need to see entering our third level colleges in the coming years. Unfortunately, however, if

we do not have the correct structures in place many of those students will not be able to engage at third level and we will not reach that threshold. Many seeking third level education will not get that opportunity in life and, as a country, we will be the poorer for it. When can we expect a clear response from the Minister concerning the options in the landscape document?

**Deputy Ruairí Quinn:** As I said, I will outline my approach to the documents that have now entered the public domain to the main stakeholders at a meeting on Thursday. The Higher Education Authority will have until the beginning of March 2013 to finalise its response to the submissions it has received and the documentation that has already come in. In addition, I will confirm and elaborate on the national policy on Thursday. Effectively, from March until the end of 2013, I envisage all those institutions will consider the recommendations for greater collaboration, regional clusters and possible comings together in a manner that would enhance and improve the educational infrastructure. My unashamed preference is to see voluntary co-operation and collaboration at a local level, rather than a talking-down from the top telling institution X to merge with institution Y. I do not believe any Member would recommend such a process. However, if at the end of next year, what comes back is unsatisfactory, I then will have no option but to start to take a more direct hand in guiding and cajoling institutions to cease duplication of courses or to co-operate more effectively. When that point is reached, one will then the real cost of providing quality third level education and the gap in funding. Thereafter, we must address how that will be funded.

### **Third Level Sector Reform**

111. **Deputy Barry Cowen** asked the Minister for Education and Skills if he will outline the savings he has achieved in the third level sector in terms of reform of academic contracts and improved efficiencies since taking office; and if he will make a statement on the matter. [51298/12]

**Deputy Ruairí Quinn:** Reforms in the higher education area include academic staff delivering an additional hour per week resulting in more than 100,000 additional lecturing hours which, if they had to be paid for, would amount to an estimated €8 million annually. Since the Croke Park agreement, the student-to-staff ratio in higher education institutions has increased by 18%. The employment control framework has resulted in the reduction of core staff numbers by approximately 9% from 2008 to the end of 2011. In the context of reducing staff numbers, full-time student numbers increased by 17,000, or approximately 12%, between December 2008 and December 2011. In addition, institutions are continually engaging in shared services and procurement initiatives to effect savings. The Higher Education Authority has emphasised the need for all higher education institutions to review the full range of services they provide and their associated cost structures with a view to reducing or eliminating unnecessary or unsustainable costs, particularly in the area of unnecessary programme duplication.

I also draw the Deputy's attention to the recent decision by the Government to amend the Universities Act 1997 to oblige universities to comply with Government pay policy. This legislation will put an end to the era of unauthorised allowances being paid to senior members of staff, which was tolerated by the previous Government.

**Deputy Charlie McConalogue:** I thank the Minister for his reply. As referred to in the previous exchange, there undoubtedly are real funding challenges within the third level sector. In advance of the last general election, the Minister made a very strong play regarding what

he would achieve in respect of academic contracts and the savings to be made therefrom. The Minister should provide Members with an overall figure on what has been achieved thus far. While the Minister has outlined the reduction in employment, what has been achieved in respect of productivity savings in the third level sector since the Minister took office?

**Deputy Ruairí Quinn:** If the Deputy will bear with me, I have to hand a note which hopefully will provide him with the information he seeks. The anticipated question was on what savings have been achieved under the employment control framework, which came in just before the present Government took office but which is within approximately the same time period. Under the employment control framework, core staff numbers were reduced by 7.3% between December 2008 and December 2010, which was significantly in excess of the 6% reduction that had been required. As this happened under the previous Administration, I claim no credit for it. Core staff numbers were reduced further in 2011, bringing the total reduction against 2008 up to approximately 9%, which is an increase of just under 2% by the end of December 2011. It is to be noted that over the same period, overall public sector numbers decreased by 7.2%. As further reductions are required in the sector in 2012, it is anticipated that core staff numbers will have been reduced in total by a minimum of approximately 10% by the end of December 2012. In the context of reducing staff numbers as outlined above, full-time student numbers increased, as I noted earlier, by 17,000 or 12%. Furthermore, institutions continue to engage proactively with sectoral labour market initiatives such as Springboard.

**Deputy Charlie McConalogue:** The Minister has outlined that the percentage of staff number reductions has almost reached 11% and this figure pertains to staff who have left the third level system. Does the Minister have to hand a figure for productivity savings made in respect of existing staff or changes in the manner in which universities work and operate?

*3 o'clock*

Is there a figure for increased productivity in the third level sector?

**Deputy Ruairí Quinn:** I will attempt to get the figures rather than hazard a guess across the floor. A huge increase in productivity is evident when one matches the reduction in funding with the increase of student numbers. That has possibly resulted in the deterioration in quality of some services, although that has not been brought to my attention. It certainly shows there is an extraordinary capacity to absorb increased numbers. We do not know if quality is maintained.

The purpose of the exercise I described in a previous question comes from the fact that in some areas, the Department of Education and Skills and the Higher Education Authority do not know these answers. We had 19 separate providers in the educational teaching and training sector and we are now proposing to reduce those to six. We do not know how many engineering courses are being delivered across the entire spectrum, and we must find that out concisely. We could hazard a guess but we cannot give precise descriptions of those engineering courses.

**Deputy Mick Wallace:** With regard to improving efficiencies, some concern has been expressed by senior lecturers in UCD about the frequency with which firms like Arthur Cox have been employed. I note that legal services are listed as non-priority under EU public procurement directives, meaning many public bodies excuse themselves from running competitive tendering processes for legal services. Will a legally binding requirement be introduced regarding competitive tendering for legal services contracts rather than the current guidelines applying to

public bodies by way of circular issued from the Minister? One of the recommendations of the Competition Authority report was to reduce cost by identifying legal services purchased by the State where competitive tendering would be an appropriate form of procurement.

**Deputy Jonathan O'Brien:** The Minister put his finger on the issue when he said we do not know some of the issues we need to. It is very hard to evaluate whether quality has dropped given the rise in students and it is a challenge for the Department to precisely evaluate that. We can go on from there.

The Minister mentioned an amendment to the Universities Act. When the heads were published there was much media commentary but will the Minister give an indication of when they will come before the committee or even be finalised?

**Deputy Ruairí Quinn:** The documents were put on the website on Friday evening and the hard copies can be downloaded. The committee can decide if they want to discuss them with the Higher Education Authority. I share Deputy Wallace's concerns, and there is a sense in many smaller legal firms, which would be well able to provide legal service or collaborate with others, that the big five seem to have been enabled to have an exclusive crack at many of these contracts. It is unsatisfactory and I have had informal discussions with the Minister for Justice and Equality on the matter. We are considering the procurement issue to ensure smaller firms can tender for this kind of work.

### **School Curriculum**

112. **Deputy Barry Cowen** asked the Minister for Education and Skills the discussions he has had with bodies representing second level teachers in relation to the implementation of the new junior certificate cycle; and if he will make a statement on the matter. [51315/12]

**Deputy Ruairí Quinn:** The new framework for junior cycle is based on advice given to me by the National Council for Curriculum and Assessment, NCCA. Teacher organisations are represented on both the NCCA council and the NCCA's junior cycle review committee. In addition, I have established a group of education partners to discuss and support implementation of the new junior cycle. Bodies representing second level teachers are members of this group. It is intended that the group will continue to meet regularly over the eight-year phasing in period of the revised junior cycle.

**Deputy Charlie McConalogue:** We have covered the issue in previous questions. It is disappointing there was not more engagement with the teaching unions in advance of the announcement, which would have facilitated progress in junior cycle reform and engagement following the announcement. I take on board the fact that people from a second level teaching background were on the NCCA.

Nevertheless, the Minister should have engaged more with teachers given that they will be required to implement the reform.

After the Minister's announcement, the president of the Association of Secondary Teachers of Ireland, Mr. Gerry Breslin, stated the following:

Key components of the Minister's reform plans were unknown to teachers until two weeks ago. Teachers learned about major reforms, which will impact significantly on them

and their students, via the media. There is a lot of anger in schools that the views and experiences of teachers were not sought before these reforms were announced.

This was an unfortunate start to the reform process. In a short time, the proposed changes to the English curriculum will take effect and the full co-operation of teachers will be required. Has the Minister discussed his plans with representatives of the teaching unions in the period since he announced his reforms?

**Deputy Ruairí Quinn:** Let us be clear about this issue. Every organisation across the education spectrum welcomed the proposed changes in the National Council for Curriculum and Assessment, NCCA. The objection raised by teachers was not to the content of the new curriculum but to the decision by me to stand down a State examination, the junior certificate examination, because I no longer considered it relevant. I made this decision because in the past we had been unable to get curriculum reforms into the classroom owing to opposition from various sectors. Both teacher unions stated specifically, with good reason and with an historical background to explain their position, that teachers would not examine their pupils on behalf of the State for a State examination. I listened carefully to their views and pondered the issue for some time. Given that Finland, Scotland and New Zealand do not have high stakes state examinations other than at the end of the six-year, second level period, I asked what purpose the junior certificate State examination was serving in this day and age. Notwithstanding that none of us wants our children to leave school at the age of 15 years, they continue to sit a State examination at that age.

I listened to the views of the two teacher unions, neither of which had an argument with the curriculum content. They argued that teachers should not examine their own pupils in the new course curriculum to which we provided a straightforward reflected response in deciding there would no longer be a State examination in the junior cycle. The only change is that teachers would be asked to do in third year what they currently do in second and fifth year of the secondary school system. The teaching unions were not consulted in advance of the announcement because they had made clear that they were not prepared to do as I have described. However, in respect of everything else they were fully engaged with the process and their representatives continue to meet my officials. I met Mr. Gerry Breslin at a function and have since received a request for a formal meeting. A preliminary meeting with the two second level teacher unions will take place soon and I expect and intend to meet them again subsequently.

**Deputy Charlie McConalogue:** The concerns of teachers were wider than presented by the Minister. They were concerned that the announcement was not accompanied by a plan setting out how teachers would be supported in bringing about the significant changes that will be needed as part of junior certificate reform. While there is no doubt about the potential to improve the curriculum, teachers must be a core part of any such change. They believe the proposals were landed on them without sufficient engagement on how the reforms would be introduced and what supports would be provided to them. Naturally, they are also concerned that they will be asked to make these changes without sufficient supports and resources being made available to enable them to do so. The Minister must hold formal meetings with representatives of second level teachers as soon as possible to resolve the outstanding issues.

**Deputy Ruairí Quinn:** I intend to do so.

**Deputy Patrick O'Donovan:** It is accepted by those employed in the education sector that rote learning should be discouraged. For this reason, I welcome the move away from

high-stakes State examinations at primary and junior certificate levels. However, the proposed changes must be the first element of a broader reform of education. I ask the Minister whether he has considered further reform given that the cohort of students who will benefit from the revised junior certificate under whatever title it will be given will still face a high-stakes State examination by rote learning when they sit the leaving certificate. The current reform should be the first of two elements of a reform package. Will the Minister consider this matter in the overall scheme? Students, like all of us, may have a bad day and the most important examination in their life - the leaving certificate which will determine where they will go - should not be entirely based on rote learning, as is currently the case.

**Deputy Jonathan O'Brien:** I agree with Deputy O'Donovan. One of the reasons we are reforming the junior cycle is the difficulty with rote learning and how all of the pressure is placed on a single day. However, some of the arguments for this are undermined if we do not also consider the leaving certificate.

Thursday's debate will be welcome, as there is some confusion among parents. They are concerned about what the reforms will mean for their children. As I told the Minister, my daughter is in fifth class and will be one of the first to sit the new revised English curriculum. From speaking with other parents, there is some confusion. Thursday's debate can be the start of the process of reassuring parents.

The Minister's statement today to the effect that he will sit down with the teaching unions is an important step. This initiative has the potential to be very reforming. We welcome the move away from a rote system of learning. The proposed system will have many benefits, but we must get it right and instil confidence as we move along.

**Deputy Ruairí Quinn:** If I may, I will address Deputy O'Donovan's comments first. In September 2011, a conference - its website was *www.transitions.ie* - examined the bridge between second and third levels. Three weaknesses were found. Two were on our side of the equation, as it were, and one was on the universities' side, namely, the 300% increase in offers for courses. Compared with ten years ago, the choices offered by a current CAO form have exploded. This is confusing for a 17 year old or 18 year old. Only 15% of such young people have a clear idea of what they want to do. It is an Aladdin's cave.

Subsequently, the universities undertook to consider simplifying or altering the process. This undertaking has been led by Professor Philip Nolan, president of the National University of Ireland, Maynooth. He hopes to report to me by the end of this calendar year.

On our side of the equation, the State Examinations Commission, SEC, is responsible for the formulation of exams, the questions and the marking system, which was held up as being rigid. Of the 14 different grades, at no stage in any answer is a pupil more than 2.5 points away from the grade above or below. If one mentions the right type of words in one's reply, one has ticked the box. It has come down to this level of artificial precision.

Another issue is the predictability of questions. Some teachers should work for Paddy Power. Using the pattern of past questions, they know that Heaney and Muldoon will come up and that the other eight poets on the list can be forgotten about.

With the universities, we have undertaken to do our part. We will remove the predictability. The matter is still under discussion and the Houses' committee may wish to debate it. I can arrange for someone to discuss it with Deputy O'Donovan. We will reduce the marking grade

system from a grade ladder of 14 levels to perhaps seven and see how it works.

Regarding our engagement with teachers, they are a critical part of the education system, but they are not the total and exclusive group involved. Principals and deputy principals have a key role to play, as have the boards of management and the management bodies in terms of organisation and delivery. Parents are also involved at primary and post-primary levels. There must be a dialogue with all of the interested stakeholders.

We are moving cautiously and slowly to ensure that we get it right and in place in time. Some of the Deputies present are primary school teachers and know that it took approximately 20 years to change the old national school primary certificate examination. Most people, including foreigners in this country, accept that we have a top class curriculum for primary school children. They learn by discovery, as Deputy O'Brien knows from his fifth class daughter. Children cry about school these days, but only when they cannot go to school, not when they must go. This is a testimony to the curriculum compared with the old situation. We want to transfer, in so far as we can, the positive elements of this discovery away from rote learning and into the classroom.

### **Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputies Ann Phelan and Michael McNamara - the establishment of a DNA database in respect of indigenous ash plants and the need to contain ash dieback; (2) Deputy John O'Mahony - the procedures used by the North East Leader Partnership Company, County Mayo, and the effects it has on funding following the investigation by the Department of the Environment, Community and Local Government; (3) Deputy Paschal Donohoe - the steps that can be taken to ensure that banks pass on the additional mortgage interest relief; (4) Deputy Michael Healy-Rae - the negative impact of the proposed alignment of the 52 local development companies with local authorities; (5) Deputy James Bannon - the potential national fallout of the loss of approximately 100 jobs at Ericsson, Athlone, County Westmeath; (6) Deputy Tom Fleming - the effects of the changes in the management of commonages across the country; (7) Deputy Finian McGrath - the need for a commission of investigation into the murder in 1985 of Fr. Niall Molloy; (8) Deputy Willie O'Dea - the need to shorten waiting times for social welfare applications and appeals; (9) Deputy Patrick O'Donovan - the need for legislation and regulations to cover the provision of professional home care for elderly and vulnerable people; (10) Deputy Clare Daly - Israeli attacks on Gaza; (11) Deputy Brendan Smith - the ongoing violence in the Gaza Strip; (12) Deputy Patrick Nulty - the bombing of Gaza; (13) Deputy Ciara Conway - the need to examine RTE's guidelines on children participating in programming; (14) Deputies Dara Calleary and Niall Collins - the increase in burglaries in recent weeks and the Minister's plans to deal with this issue; (15) Deputy Martin Ferris - the cuts to the Kerry Parents and Friends Association; (16) Deputy Sean Fleming - the Mental Health Commission's report on St. Fintan's Hospital, Portlaoise, County Laois; (17) Deputy Mary Lou McDonald - the closure of the Barnardos Buckingham Street family support project; (18) Deputy Thomas P. Broughan - the need to ensure that key teacher and learning resources in DEIS schools and other schools

in areas of disadvantage generally will be maintained in budget 2013 and specifically that educational resources will be protected in the parishes of Darndale Belcamp, Priorswood and Bonnybrook in Coolock, Dublin 17; (19) Deputy Seán Kyne - the need for Ireland to work with our EU and UN partners to find a resolution to the conflict in Gaza urgently; (20) Deputy Derek Keating - the practice by RTE of the use and influence of social media in programming; (21) Deputy Richard Boyd Barrett - the escalating crisis between Gaza and Israel and the number of civilian casualties; (22) Deputy Aengus Ó Snodaigh - the failure to open the new purpose built 70-bed public nursing home in Inchicore, Dublin, and the Minister's plans with regard to same; (23) Deputy Mick Wallace - the ongoing conflict in Gaza; (24) Deputy Seán Crowe - the continued attacks on Gaza by Israel; (25) Deputy Mattie McGrath - the relationship between banks and their customers and the difficulties that many customers are experiencing; and (26) Deputy Michael Colreavy - the level of coverage under the new 4G licence.

The matters raised by Deputies Ann Phelan and Michael McNamara; Michael Healy-Rae; Dara Calleary and Niall Collins; and Patrick O'Donovan have been selected for discussion.

### **Leaders' Questions**

**Deputy Micheál Martin:** Last week after the tragic and sudden death of Savita Halappanavar, the Minister for Health announced that there would be an inquiry. In this House, I called for a truly independent inquiry to be established. Such a tragic and sudden death deserves an exceptional response, given the rarity of such deaths in Irish hospitals. The inquiry's independence was to ensure objectivity and confidence. The Minister's phrase was that such an inquiry would stand up to the "scrutiny of the world". Not only would it be done, but it would be seen to be done.

If we are to believe media reports, it appears that there was little consultation with the family in the first two weeks. Within hours of the announcement of the inquiry, questions were asked. Many people were surprised that three staff members of Galway hospital would be on the inquiry team. Savita's husband, Praveen, has objected to the nature and composition of the inquiry team and is withdrawing his co-operation.

This does not reflect well on the Government's response to date. The case deserves an exceptional response, one that is better than the response made so far. Given what we have learned since the inquiry's announcement and the fact that three staff members of the hospital where Praveen Halappanavar's wife and baby died will be on the team, it cannot be said to be independent and one can understand the reasonable position that he has adopted.

Will the Taoiseach outline to the House the consultation that has taken place between him, the Minister or the Tánaiste and Praveen Halappanavar and his wider family? Does the Taoiseach accept that the inquiry team as announced by the Government should be changed? Will he indicate whether the Government will change its position and establish a truly independent inquiry team, one that will win the confidence of the Halappanavar family and the wider public?

**The Taoiseach:** Following the tragic and unfortunate death of Savita Halappanavar, it is very necessary that the circumstances, the medical issues and the truth of what happened in this unfortunate loss of life in University College Hospital Galway is determined. In order to

do that, there has to be an investigation into the issues that surrounded Mrs. Halappanavar's death. The investigation will be conducted under the structures that apply to the HSE as this is a hospital which deals with the HSE.

I want Deputy Martin to understand, as everybody else will, that the Minister for Health has a duty and a responsibility, as Minister for Health, to the people of the country, in particular to the women of the country, in respect of the safety standards that apply in Irish maternity hospitals. This is of critical and fundamental importance and is something that cannot be let drift. For that reason, an eminent international expert, Professor Sabaratnam Arulkumaran, whose integrity is unquestioned, has agreed to chair the investigation. I want Deputy Martin to understand that the Government decided that the Minister for Health would request the HSE not to have any consultant from University College Hospital Galway on this investigation. That is not to, in any way, impugn their integrity but in the interests of regard for the traumatic affect on Savita's husband and family and in the greater public interest, the persons to be appointed to the investigation under the chairmanship of Professor Arulkumaran would not have any association with University College Hospital Galway and in the event that persons or medics in University College Hospital Galway are spoken to by the investigation, it would be in the context of them being witnesses to the structure, the tradition and the method of operation in dealing with issues in University College Hospital Galway. I understand the three persons who were nominated were not actually dealing with the care of Mrs. Halappanavar.

From that point of view, it is accepted that the chairmanship of Professor Arulkumaran is unquestioned and, therefore, the investigation will be utterly independent of the hospital and will, hopefully, be able to determine and ascertain the truth, the facts and the circumstances that surrounded this very tragic death as speedily and as efficiently as possible and in order that the Minister can fulfil his responsibility to the people of this country in respect of the standards of care applicable generally, but specifically in this case, in Irish maternity hospitals. From that point of view, the personnel to be appointed will have to have competence and experience and be able to conduct their business in a way that is acceptable and takes into account the family's views but also attracts the confidence of the public in the country generally.

**Deputy Micheál Martin:** The Taoiseach did not answer the first part of my question in regard to consultation. Perhaps he will outline whether the Minister has spoken to Praveen Halappanavar and whether he or the Tánaiste have spoken directly to the family in advance of the announcement of this inquiry or in the aftermath of Savita's tragic death. It would be important to confirm whether they have or have not and what the nature of the contact has been.

I am somewhat surprised by what appears to be an arms length approach. The Minister is in charge of the HSE, and has indicated that. The board has been abolished. In terms of this business of the Minister requesting that the three doctors come off the inquiry team, surely he should be taking charge of this himself and should simply appoint an independent panel. Any scent of internal inquiry will undermine wider public confidence in this inquiry and will fundamentally undermine this Minister's wish that this would stand up to world scrutiny.

I put it to the Minister, and I would still argue, that there is a need for even greater independence. It does not, by the way, have to come within the ambit of the HSE. There is precedent for ministerial teams of inquiry where the Minister can establish an independent panel involving key disciplines which would then call personnel as witnesses and would access records in the hospital.

It is extremely important that the family is engaged here and that it is comfortable with the nature of the inquiry being established and that it is conveyed to the family that the Oireachtas and the Government are very anxious that the full circumstances of Savita Halappanavar's death are revealed in such an inquiry. I would appreciate it if the Taoiseach outlined the consultation involved and whether the Minister is taking charge of this. Has the Minister ordained that this will now be an independent inquiry and that the three doctors will come off it rather than requesting people to do this, that and the other?

**The Taoiseach:** The answer to Deputy Martin's second question is "Yes". The three consultants who were named will not now be part of the investigation. Under the chairmanship of Professor Arulkumaran, different personnel who are competent and experienced and who have no connection with University College Hospital Galway will be appointed to conduct the investigation. This is an investigation under the structure of the HSE because the property, all of the documentation and all of the contracts in the vast majority of cases are with the HSE. This investigation will be augmented because of its international dimension and by having an international chairperson of absolute integrity and good repute and by personnel who are competent and experienced and who have no connection at all with University College Hospital Galway. In that sense, the investigation will be completely and utterly independent and I hope it will attract the support and confidence of the people generally and take into account the issue raised by Praveen Halappanavar, the husband of the late Savita.

I have had no consultation whatsoever with anybody in University College Hospital Galway or with any member of the Halappanavar family, either directly or indirectly. The Minister has had no consultation directly with the family either.

**Deputy Gerry Adams:** It is also the view of Sinn Féin that there needs to be a fully independent inquiry into Savita Halappanavar's death and that this has to have the confidence of the Irish public and international opinion but, most particularly, the confidence, co-operation and trust of Savita's husband Praveen and her family. At whatever level it is conducted - that is a matter for the Government - that requires prior consultation with the family, in particular with Praveen, because otherwise in what may be a good move, with all due deference to the people in University Hospital Galway, one is only second-guessing the family unless one can get its prior agreement to this. Will the first the family hear about this be from media reports? Would it not be better to have appropriate consultation with them so they can know the Government's position? In this situation the issues are so vexed and difficult for the family that we must try to get consensus on how to proceed. Given the Taoiseach's assertion that neither he nor the Minister for Health had consultation with the family, is there some other form of contact with them?

**The Taoiseach:** I agree this issue must be determined as speedily, efficiently and sensitively as possible to find out the facts and the truth about what happened when Savita Halappanavar died. My understanding is that the HSE has been, and is, in contact through lawyers acting for her husband, and that the chairman is seeking a meeting with Praveen Halappanavar. I hope in the context of co-operation and understanding, taking account of the sensitivities of the family arising from the loss of Savita, that an understanding of the independence of this investigation can occur. It is necessary for everybody that the truth and facts can be determined. I have listened to a range of comments and read a number of statements from Ireland and abroad which determine as facts matters which we do not know to be factual or not. That is what the investigation will determine.

I hope Praveen Halappanavar will co-operate with the changed investigation team, which

will be entirely independent. It is very important that his co-operation would be forthcoming. The immediate issue is to determine, accurately and truthfully, what happened, and that the Minister for Health is able to deal with that in terms of giving understanding and comfort to women who go to hospital to give birth so they have an understanding that the very highest standards operate in Irish maternity hospitals. I hope the connections that have been made between the HSE and the lawyers for Praveen Halappanavar and the wish of the chairman to speak to him directly will result in the co-operation of the family being made available to the investigation, which will be entirely independent.

**Deputy Gerry Adams:** This is a hugely difficult issue to deal with and I agree with the Taoiseach that we must wait for the facts to emerge about how and in what circumstances Savita died. I am drawing a distinction between that and the failure of the Oireachtas to give legal protection to women who are pregnant and legal clarity to our medical practitioners. We know from a different context in which families have campaigned that unless the families have ownership of the process or are treated in a way that allows them almost to own the process and to have confidence and trust in it, one ends up exacerbating the situation. I deduce from the Taoiseach's reply that the family might not have been consulted. I should not have to tease this out in this way. It is hugely important that the family know what is happening prior to it being publicly announced. This unfortunate woman died in the care of one of our hospitals at the end of October but it is now 20 November and two weeks have passed without any news about this tragic situation. The Government appears to be playing catch-up in the process. We have a very high standard of care but in a natural consequence of public disquiet, there should be a fully independent public inquiry which has the confidence and trust of the family.

My question is two-pronged. First, was the family given prior notice of what has just been announced? If not, could they be seen as a matter of urgency by whoever is appropriate to give them a sense of the Government's plans and to give them the opportunity to tell the Government how they wish to proceed?

**The Taoiseach:** I understand that, before I came to the House, the HSE informed the lawyers for Mr. Halappanavar of this change of personnel to be appointed to the investigation team. I also understand that the chairman, Sir Sabaratnam Arulkumaran, is seeking a personal meeting with Savita's husband, Praveen Halappanavar. The Minister has a responsibility to proceed with the investigation to find out what happened and the circumstances in which Savita Halappanavar died. That is an imperative and I hope her husband will give co-operation to the investigation, which will now be conducted by people who are utterly independent of University College Hospital Galway. That is very necessary. The investigation must proceed to determine the accurate facts and the truth about what happened. It is in everybody's interest. The HSE informed the lawyers for Mr. Halappanavar of this change before I came to the House and the chairman is seeking a meeting with Mr. Halappanavar. I hope consensus can emerge from that from the family's perspective, taking into account their trauma and his grief. It is in everybody's interest that we find out exactly what happened, and from that point of view I hope he will give co-operation. The investigation must find out what happened in the interests of the public generally and particularly of women who go to hospital to give birth, so they know they are in a safe environment where the highest standards apply. The Deputy will be aware of the statistics over the years.

It is an unfortunate tragedy. A man's wife has died and nothing will bring her back. It is important for our country, our people, the family and everybody concerned to ascertain the truth of what happened. It is to be hoped this investigation can do that speedily and efficiently

with the co-operation of Mr. Halappanavar, as the chairman pointed out. The chairman knows what he is talking about as he has conducted investigations previously. He has an international reputation of the highest integrity.

**Deputy Thomas Pringle:** Statistics published in recent days show a low number of gardaí in many rural Garda stations. No doubt the Taoiseach and the Minister for Justice and Equality will use this to justify the closure of Garda stations throughout rural Ireland as part of the review of the Garda Síochána's capacity to operate with reduced resources. Almost a third of all Garda stations are staffed by just one garda, 88 have just two serving gardaí while 40 stations are without any permanent garda assigned to duty. This should not be used as a reason to close stations but to reconsider the ban on new recruits. Counties such as Donegal, Galway and Mayo will face massive closures due to this ban. It can take a squad car from the nearest station up to two hours to get to its destination. In one recent incident in Donegal, a patrol car had to travel 45 miles to attend a serious arson incident. Many areas in Donegal have been plagued by burglary and vandalism, where criminals have no fear because they know they will not be caught. Some people living on their own are so afraid that, when they go to bed at night, they leave €50 on the kitchen table in case the house is burgled in the hope the burglar will take it and leave. That is no way to live. The fact that this is going on before any further cuts have been made makes it more worrying. We have already seen the closure of almost 40 Garda stations this year and it is reported that up to 80 more face closure. This is not efficient, it is just dangerous. Can the Taoiseach inform the House of his plan for tackling crime in rural areas and how he equates fewer stations and fewer gardaí with more efficiency? How many more closures will we see by the year's end and for how many more years will we see closures happen before the recruitment embargo is lifted to ensure the safety of all citizens?

**Deputy Michael Healy-Rae:** The Government would close them all if it could get away with it.

**The Taoiseach:** Deputy Pringle is aware that the nature of contact between the Garda Síochána and the public has changed over the years. The requirement for it has been very clear. There are 664 Garda stations whereas Scotland, with a population of 5.2 million, has 340 police stations. Northern Ireland has 85 stations and will return to 45. The decisions made are of interest in town and country and I have seen it over many years. There is little point in having a Garda sitting in a decrepit building for two hours on Wednesday-----

**Deputy Mattie McGrath:** They are the eyes and ears of the public.

**The Taoiseach:** -----to sign unemployment assistance forms when the public demands visibility, connection, availability and contact.

**Deputy Mattie McGrath:** They have no squad cars.

**The Taoiseach:** Through the work of the Minister for Justice and Equality-----

**Deputy Michael Healy-Rae:** He wants to put them in community centres.

**The Taoiseach:** -----and all concerned, rosters have been changed and moneys have been available through the capital Vote for the purchase of new vehicles for members of the Garda Síochána.

**Deputy Timmy Dooley:** Segways on Grafton Street.

**An Ceann Comhairle:** Deputy Pringle asked the question.

**The Taoiseach:** The public demands, in rural Donegal and everywhere else, to know where the Garda Síochána can be contacted when needed and that the public has visibility of the force moving through the communities. A variety of opportunities present themselves in that regard.

**Deputy Timmy Dooley:** Maybe the Taoiseach will put up photos.

**Deputy Mattie McGrath:** Like scarecrows.

**The Taoiseach:** The question of the closure of Garda stations will follow any recommendation made by the Garda Síochána Commissioner to the Minister for Justice and Equality and the Vote for next year in respect of the Garda Síochána is a matter for the budget. We have absolute support for the work the Garda Síochána does in the country. I compliment the Garda Síochána on having accepted the changes to rosters that allow greater availability and visibility at times when they are required where people or crowds have gathered. It is the same old story. If Deputy Pringle thinks the best method of Garda contact with the public is to have them sitting for two hours on a Wednesday in a building 100 years old-----

**Deputy Mattie McGrath:** It is proven.

**The Taoiseach:** -----when, if anyone had an intention of criminal activity, the person would not be going there-----

**Deputy Mattie McGrath:** That is an insult.

**The Taoiseach:** What the Garda Síochána needs is community contact with town and country, availability, visibility and connection. That is the changing face of interaction with the public.

**Deputy Timmy Dooley:** It shows how little the Taoiseach knows. He spends too much time with his Garda driver.

**The Taoiseach:** That is why the Minister for Justice and Equality has, with the co-operation of the Garda Síochána, changed many of the structures for the better.

**An Ceann Comhairle:** I think there is only one Deputy Pringle in the House so perhaps Members will listen to him.

**Deputy Finian McGrath:** Hear, hear.

**Deputy Thomas Pringle:** *The Garda Review* recently described these changes as a victory for criminals. The closure of rural Garda stations means members of the Garda Síochána are not in contact with the local community. They must travel over 50 miles to emergency callouts, which is hardly progress in terms of policing. Since 2008, the number of gardaí has reduced by 1,000 and staffing levels in 108 Garda district have fallen by over 10%. The Garda Síochána cannot access staff or vehicles in many rural areas and cannot access the public because they have no means of getting there. Is that the kind of policing the Taoiseach wants across the country?

**The Taoiseach:** No, I want to see that the public has confidence in the Garda Síochána, in the officers who conduct business on behalf of the public and that the force has the resources to do the job. That is why over 200 new Garda cars have been purchased by a decision of Govern-

ment due to the clapped-out nature of some cars with high mileage.

**Deputy Mattie McGrath:** Lucky bags at Christmas.

**The Taoiseach:** Additional vehicles will be purchased for the Garda Síochána in 2013.

The operation that targeted burglars has resulted in over 2,500 arrests and 1,400 charges. This is significant in the context of the gardaí finding out who the people are and bringing 1,400 charges against them. The important point is that the Garda Síochána has changed the way it does business in terms of rosters. Its visibility, on the streets and across the country, has changed because of the changes to rosters. The capacity to be connected, to be contacted and to contact each other-----

**Deputy Michael Healy-Rae:** That is because they are following the Taoiseach. He sees them all the time.

**The Taoiseach:** Even in Tipperary, the communication systems work so much better than previously. That is important for people who want to know what the Garda confidential line is-----

**Deputy Mattie McGrath:** It is for the Taoiseach and Deputy Tom Hayes.

**Deputy Patrick O'Donovan:** Deputy Mattie McGrath does not want to see them.

**The Taoiseach:** -----so they can make contact with their gardaí when they need them. If Deputy Mattie McGrath thinks that sitting in an ivy-covered building, which needs €100,000 to do it up, for two hours on Wednesday is the way to do justice in this country, he is out of touch.

**Deputy Timmy Dooley:** Fewer police cars, that is the way to do it.

**The Taoiseach:** I, the Minister and the Commissioner want to see the Garda Síochána active in communities, interacting with people and being available to people and being seen by them. This engenders confidence and information, which is very important. Things have changed and the capacity of the Garda Síochána to reach into communities, town and country, is changing with it. We need to use modern methods of transport, communications and connection. If Deputy Mattie McGrath wants a new patrol car, he came into contact with the gardaí some time ago and should be very careful about that.

**An Ceann Comhairle:** That completes Leaders' Questions.

**Deputy Mattie McGrath:** A Cheann Comhairle, I want that withdrawn-----

**An Ceann Comhairle:** Withdraw what? Deputy Mattie McGrath should resume his seat.

**Deputy Mattie McGrath:** I want to know what the Taoiseach meant by that.

**An Ceann Comhairle:** I do not know what Deputy Mattie McGrath is talking about.

**Deputy Patrick O'Donovan:** Deputy Mattie McGrath should call the Garda Síochána.

**Deputy Mattie McGrath:** He is casting innuendo.

**An Ceann Comhairle:** Will Deputy Mattie McGrath sit down?

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**Deputy Mattie McGrath:** I want to know what he meant by that.

**Deputy Patrick O'Donovan:** Deputy Mattie McGrath should Google it.

**An Ceann Comhairle:** Will Deputy Mattie McGrath sit down?

**Deputy Mattie McGrath:** I want to know what he meant by that.

**An Ceann Comhairle:** There are other ways of dealing with the issue.

**Deputy Mattie McGrath:** How? If he simply withdraws it, it would be fine. It is not funny. Three gardaí delivered a baby on Monday night.

**Deputy Alan Shatter:** Congratulations.

**An Ceann Comhairle:** The first question is in the name of Deputy Micheál Martin.

**Deputy Mattie McGrath:** I have a good rapport with gardaí.

**The Taoiseach:** I read about that too.

**An Ceann Comhairle:** When Members are finished shouting at each other, we will get back to Questions to the Taoiseach.

## **Ceisteanna - Questions (Resumed)**

### **Northern Ireland Issues**

1. **Deputy Micheál Martin** asked the Taoiseach if he will provide details of his meeting with family members of the Kingsmill massacre; and if he will make a statement on the matter. [45658/12]

2. **Deputy Gerry Adams** asked the Taoiseach when he next plans to meet with the British Prime Minister. [45661/12]

3. **Deputy Gerry Adams** asked the Taoiseach the issues he will raise with the British Prime Minister when they next meet. [45662/12]

4. **Deputy Micheál Martin** asked the Taoiseach if he is meeting Liberal Democrats Leader Nick Clegg when he is in Dublin next; and if he will make a statement on the matter. [45692/12]

5. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Prime Minister Cameron recently about Northern Ireland; and if he will make a statement on the matter. [45689/12]

6. **Deputy Gerry Adams** asked the Taoiseach the issues he intends to raise at the next meeting of the North South Ministerial Council on 2 November 2012. [47229/12]

7. **Deputy Micheál Martin** asked the Taoiseach if he has met the leader of the SDLP recently; and if he will make a statement on the matter. [47321/12]

8. **Deputy Micheál Martin** asked the Taoiseach the programme of meetings with groups from Northern Ireland which he has undertaken in the past six months. [47371/12]

9. **Deputy Gerry Adams** asked the Taoiseach his plans to meet with the families of the victims of the Ballymurphy massacre. [47443/12]

10. **Deputy Gerry Adams** asked the Taoiseach if he will report on his attendance at the plenary meeting of the North South Ministerial Council on 2 November 2012. [47586/12]

11. **Deputy Gerry Adams** asked the Taoiseach if any progress was made on identifying further areas for north south cooperation at the North South Ministerial Council plenary meeting on 2 November 2012. [47587/12]

12. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Prime Minister Cameron recently; if justice and home affairs were discussed; and if he will make a statement on the matter. [48026/12]

13. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will meet with Liberal Democrats leader Nick Clegg; and if he will make a statement on the matter. [48418/12]

14. **Deputy Joe Higgins** asked the Taoiseach if he will report on his recent meetings with victims of the troubles in Northern Ireland and his plans for future meetings. [49708/12]

15. **Deputy Joe Higgins** asked the Taoiseach if he will report back on his recent meetings with the political leaders in Northern Ireland. [49709/12]

16. **Deputy Joe Higgins** asked the Taoiseach the issues that he raised at the next meeting of the North South Ministerial Council on 2 November. [49710/12]

17. **Deputy Joe Higgins** asked the Taoiseach if he will report on his recent discussions with British Prime Minister David Cameron. [49714/12]

18. **Deputy Gerry Adams** asked the Taoiseach the plans he has to meet the Liberal Democrat leader Nick Clegg. [49775/12]

19. **Deputy Gerry Adams** asked the Taoiseach if he will report on his recent visit to Northern Ireland. [50985/12]

**The Taoiseach:** I propose to take Questions Nos. 1 to 19, inclusive, together.

I have initiated a series of meetings with families of victims on all sides of the community in Northern Ireland as a sign of the priority my Government attaches to helping to find a lasting resolution to the hurts of the past. On 13 September, I met with the sole survivor and with family members of the ten Protestant workmen killed in the 1976 Kingsmill massacre in south Armagh. I invited the families to meet me so that I could hear at first hand how their lives had been affected by one of the worst atrocities of the Troubles.

This is a very important process. Many of these families and relatives are only speaking about what happened to them for the first time, and I was deeply touched by their stories.

I expressed my sympathy with the families for the indescribable loss they have suffered. I assured them that there is no hierarchy of victims and that their concerns are every bit as important to me as the concerns of other victims and their families. I emphasised to them that the

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IRA was the common enemy of all the people of Ireland, of all traditions, North and South, and that its campaign of violence was strongly resisted by successive Irish Governments.

I also met a delegation from the South East Fermanagh Foundation, led by Minister Arlene Foster, on 16 October. These were mostly farming families from Fermanagh whose lives and livelihoods were affected by the malign activities of the IRA. I promised both groups that I would reflect carefully on what they told me.

Officials from my Department met representatives from the Ballymurphy families in Belfast on 11 October. This meeting, which included a tour of the sites of those killed in August 1971 in Ballymurphy, was held to prepare for a meeting I intend to have with them myself in Dublin in the near future.

I also attended a Remembrance Day ceremony in Enniskillen on Sunday, 11 November. I went to pay my respects to those from all traditions who gave their lives in the Great War and in particular to remember those killed in the Enniskillen bombing as they attended the corresponding ceremony on Remembrance Sunday 25 years ago. I also attended the service of remembrance in St. Macartin's Cathedral at which the former Archbishop, Lord Eames, delivered a powerful homily on the need for reconciliation. After the service I met privately with some of the families of the victims and those injured in the bombing. I also met members of the British Legion and their families at the British Legion hall in Enniskillen where representatives of the Organisation of National Ex-Servicemen and Women were also in attendance.

I attended the 15th plenary meeting of the North-South Ministerial Council, NSMC, in Armagh on 2 November which was co-chaired by the First Minister and Deputy First Minister. We discussed a wide range of shared issues, including the economic challenges we both face and the work being undertaken to address the economic crisis.

On our forthcoming EU Presidency we discussed our priorities for our Presidency term and the potential for co-operative actions during the Presidency. The importance of engagement within the NSMC to maximise mutual benefit from the Presidency was also recognised. We discussed challenges in the banking sector, NAMA, corporation tax and the benefits of working together to build stronger trade links with economies such as China. Our ambassador in Beijing has been helping the Northern Ireland Executive in this area and with their recent trade delegation to China. We also discussed the importance of tourism to both economies and the benefits of major initiatives such as the UK City of Culture celebrations and The Gathering 2013. Farm safety on both sides of the Border was also discussed. We also discussed the St. Andrews Agreement review and it was agreed that senior officials would meet and prepare proposals before the end of the year.

I will see the British Prime Minister, Mr. David Cameron, at the forthcoming European Council meeting later this week where the focus will be on the EU budget multi-annual financial framework. I expect to speak to him on this topic in advance of the summit. We have also committed to meeting together at annual summits to review and oversee progress in the broad areas outlined in the joint statement we agreed last March.

I was unable to meet with the British Deputy Prime Minister, Mr. Nick Clegg, during his most recent visit to Dublin. However, the Tánaiste had a very positive engagement with him when they met at Iveagh House. I will also be attending the British-Irish Council summit in Cardiff on 26 November where the main item to be discussed is early years policy.

The Tánaiste also addressed the SDLP party conference and met the party leader, Dr. Alasdair McDonnell, in Armagh on 10 November.

**Deputy Micheál Martin:** Answering 19 questions together is not acceptable. The questions are quite different, ranging from Kingsmill to the Taoiseach's meetings with the British Prime Minister, Mr. David Cameron, and with Mr. Nick Clegg, and Northern Ireland issues. We need to look at this. We are not getting the detailed replies required. No one can cover the ambit of 19 questions. Sometimes a Deputy might ask five or six questions on the same topic, but some of today's questions are distinctly different and merit detailed consideration.

I am glad the Taoiseach met the relatives of victims of the Kingsmill massacre. I regard that day as one of the blackest in Northern Ireland. The report of the historical enquiries team, HET, is particularly revealing. It clearly says this was a purely sectarian attack. It was calculated slaughter by the Provisional IRA, although at the time there was a failure to admit it. The report also says the same weaponry used at Kingsmill was used in successive Provisional IRA attacks. Six other individuals were convicted in different circumstances using the same weapons to do different deeds. Of course, they cannot be implicated in what happened at Kingsmill. It does, however, indicate the culpability of the Provisional IRA at the time.

The Taoiseach mentioned dealing with the issues of the past. The coldly sectarian nature of this calculated slaughter of people because they were Protestants flies in the face of the civilised principles we espouse, in terms of uniting people of different traditions and backgrounds. Has the Taoiseach any sense from his sources of any movement by Sinn Féin or by republicans to account more honestly for what occurred on that day and to try to give a better degree of closure to the relatives than they have had to date?

**The Taoiseach:** In respect of Deputy Martin's last question, I do not. The occasion of my meeting was the first time for some of the relatives of those involved in the Kingsmill massacre to come to Dublin or to have an engagement with members of the Government. The description given by the sole survivor of the massacre was both poignant and riveting. These were ordinary people coming back from work when they were stopped in their minibus. The single Catholic worker was separated out. The man who survived described putting his hands on the side of the minibus and the instruction being given to start shooting. As he felt 18 bullets rip into his back and he fell to the ground, he described, very graphically as if it happened yesterday, how the boots of one of these murderers nonchalantly walked up and down the line. He said the face of the young man next to him exploded when bullets were fired into his head. He described this to me for 30 minutes, and made the point that these were all working men going home. In some cases, their mothers, brothers, sisters and relations were at the meeting and the tears flowed as openly as if it had happened last week. They had never had the opportunity to express that well of emotion in the way they did. It was very powerful.

The east Fermanagh people were farmers and farmers' sons and daughters. They were ordinary people. They were subject to pressure and what is now called ethnic cleansing.

*4 o'clock*

They were subject to taunting and to being shot. They struggled and tried to keep their businesses going or their farms intact and working. It did not prove possible in quite a number of cases. They outlined on the map and graphically the incidents that had happened. In some cases, the land is still in their names but it has never been possible to farm it the way it should

be farmed. In other instances shops were closed up and people had to move.

There are others who want to meet as well. When I was in Enniskillen, I met with Mrs. Joan Wilson and others who lost loved ones in the Enniskillen bombing and they made the point about the report being available shortly in respect of what happened there. One survivor told me he was standing between his father and mother at the wall across the road from where the cenotaph now stands and when the explosion happened, half of his father's head was blown off and his mother lay beside him, dead. These are real stories. That bomb was put behind that wall and there are people who put it there, who ferried it there, who constructed the bomb, who put in place the detonator. No one has been brought to justice and the raw emotion is palpable. If anyone from the Provisional IRA wishes to salve his conscience and ease the pain and emotion of these people, he has an opportunity to do that. I would hope the historic analysis and inquiry might bring forward some new evidence that might enable these people to be brought to justice.

Deputy Martin met some of these people over the years and the rawness and the pain is as obvious and as powerful as if it had happened last week. Since I met the Kingsmill people, the Fermanagh people and those from Enniskillen, other requests have come in from people who want to talk about what happened. That is a legacy of a very sad saga. They all said that their issue was that in their view the State here at the time and over the years was negligent. I dealt with that by saying the IRA was the common enemy of the people here. Its members shot gardaí and Army personnel, they shot and blew up innocent people and our prisons were full of them. They appreciate and understand that and it is for those who carried out these atrocities to have the courage, if courage it be, to stand up and say so.

**Deputy Micheál Martin:** I thank the Taoiseach for his detailed and graphic reply. I welcome the fact he met with the various groups concerned, in particular to facilitate, in terms of Kingsmill, the relatives and the surviving member with an opportunity to spell out in detail what happened on that day. This goes to the very heart of what we are about in this House, the challenge of uniting communities from different backgrounds and traditions. When the Taoiseach heard what he did face to face, he no doubt got a sense of the enormous mountain there is to climb when witnessing at first hand the impact of such atrocities on whole communities. Rhetoric becomes redundant in terms of the challenge to build genuine links based on forgiveness and reconciliation but also accountability and honesty in terms of what happened.

The Taoiseach is right in saying that people know the culprits who did this and have chosen not to share that with others. The republican philosophy espouses the unification of people, not territory or land, of different backgrounds and traditions. I welcome the fact the Taoiseach laid a wreath at Enniskillen and I welcome the fact the Tánaiste was in Belfast.

I recently attended the funeral of prison officer David Black, another appalling atrocity, and again saw at first hand the impact of that murder on his community in terms of the sense of being under siege. The Taoiseach might indicate if in his discussions either on the NSMC or with the Prime Minister and others in terms of the work of the HET, there were any further ideas emerging about how there can be greater accountability for those atrocities in terms of those who are primarily responsible for carrying them out. That is where the focus must remain. Were there any fresh ideas emerging in terms of how there can be greater accountability?

**The Taoiseach:** No one would disagree with the comment this is about the opportunity for united communities and that can never happen while that seam of pain and emotion is in there. Personally, the reaction and the reception of the people of Enniskillen and those who attended

the British Legion centre, both from the local area and from Cavan and other places, was very powerful. Lord Eames, the bishops, the clergy and Viscount Brookeborough, who was there on behalf of Her Majesty, appreciated the symbolism and understanding we tried to give on behalf of people here in regard to that atrocity.

The North-South Ministerial Council was dominated by the murder of David Black. I have since had a briefing on that and the level of inquiry between the Garda and the PSNI is at a very high level in terms of sharing information. There was no discussion except on a superficial level of the work of the HET but that is a matter for another day. The requirement was to deal with a range of issues on the agenda that I outlined. The question of those who planted that bomb at Enniskillen and who carried out other atrocities is still open, as the Deputy knows, for people to stand up and say they are sorry and that what they did was wrong and deprived people of loved ones. As I said when I met with the groups, we do not have any hierarchy or victims here. Someone who was shot, maimed, bombed and killed, regardless of the community he comes from, is a loss to families and to people.

Perhaps within the areas of those who supported and were members of the IRA, some might decide to have the courage to acknowledge the atrocities they conducted. It would be in the interests of communities being able to get on with their lives and heal those wounds of the past. Some of the people from these communities pointed out to me that they know or suspect very strongly the persons who conducted some of these atrocities. That is difficult to live with in communities that are pressurised.

In respect of the HET inquiries, we will follow up on that. The report on Enniskillen is due shortly. I intend to go back to Enniskillen. I had a request from the survivors to meet them and I intend to do that.

**Deputy Gerry Adams:** I welcome that the Taoiseach has met those families - the victims of the Kingsmill massacre and also other families from the south Fermanagh area. I have also met many bereaved families. I come from a family that was bereaved twice during the course of the conflict. Many of those killed were my friends and neighbours. This is not a mere debating point in this Chamber - this is a real life experience. As one of those who has survived the conflict and survived a number of attempts to kill me, I believe it is really important that we continue to engage with bereaved families and other victims. We need to resist what the Fianna Fáil leader did very sneakily a moment ago when he said that Sinn Féin needs to account more honestly. Let us be careful about how we bandy about words on these issues.

What happened at Kingsmill was certainly wrong and the relatives of those who were killed are entitled to the truth. The Taoiseach said something on which we need to follow through, which is that there can be no hierarchy of victimhood. Every family regardless of the perpetrator of their bereavement or injury needs to be assisted, which will not be easy. There was never a truth and reconciliation process in this State. There was never a peace and reconciliation process into the events of the Tan War or the dreadful Civil War. I still meet families who anguish and agonise over the fact that loved ones were tied to landmines and taken out on lonely roads. This phase of the dreadful horror of war is not new - that is war and the nature of war. I thank God every day that we now have a peace process and that it is working. I have never distanced myself from the men and women volunteers of the IRA and do not do so today because it would be wrong. Of course things were done that I regret very much. However, governments were also guilty of that behaviour including successive Irish Governments.

What is to be done? Some 19 questions, eight of them mine, have been tabled on this issue, which we could discuss for days. There needs to be some way of looking at how we deal with these matters. People do not trust each other. Some families get help through the HET and some families do not. Some families are really annoyed about how the HET has proceeded. Sinn Féin's position is that we are agnostic on this issue. If the HET can help, we do not try to influence people and suggest that they work with that body if that is what they can do. However, to get over the distrust we need to bring in an independent international agency. It is for the Government to approach the British Government to facilitate that. We need to try to ensure it is independent of any state, combatant group or political group, and also independent of civic society and economic interests. It should initiate a process whereby those who want to from all sides - those responsible for collusion, the IRA, Unionist paramilitaries, those responsible for actions that happened in this State and so on - can come in and assist in inquiries and investigations into what happened. Of course there are those with vested interests who do not want the truth and of course that will be a very painful process. Closure, in so far as it is possible, requires that we do that. Otherwise what we will do - the Taoiseach spelled it out very graphically - is to try to take blood from a stone and we could do that for ten years. We need to move beyond that and provide a process to bring about healing.

I will now deal with some of the other issues, but they are also connected with this. In October, the Taoiseach told us that his officials had met the Ballymurphy families. He might know that an inquest established by the North's Attorney General has just been suspended. The first inquest was a complete shambles and cover up. Thirteen people were killed and I know the Fianna Fáil Deputy met their families and heard their graphic story of what occurred. The North's Attorney General ruled that inquest was not a proper inquest and established another one. Now it has been suspended, which is very upsetting for those involved. So we still do not have a date for that meeting. Since I became a Member of this House, the Taoiseach has been promising to meet them, but he has still not done it. I have also argued for the position taken by the former British Prime Minister, Mr. Tony Blair, in co-operation with the previous Government of putting together a file on cases such as the Ballymurphy case, as Mr. Blair did in the Bloody Sunday case.

I actually sent the Taoiseach a file on Martin Corry and Marian Price. Marian Price went into custody in May 2011 without charge or trial and has been held in solitary confinement for almost all that time. I wish to know what the Taoiseach has done on that issue. She is very seriously ill - I sent him the medical file. Now that Ireland has a seat on the UN Human Rights Council, will the Taoiseach ensure the matter is raised there?

I also note the Taoiseach, in a letter to me, has refused to meet with Justice for the Forgotten - the relatives of those killed and injured in the Dublin and Monaghan bombings. They are very upset by that refusal to meet.

There are other issues, such as the North-South Ministerial Council. Will I leave it at that and come back?

**An Ceann Comhairle:** Yes, please.

**The Taoiseach:** The Deputy covered a range of issues. When I said there was no hierarchy of victims, this is an issue that was raised by the groups I met because of our persistence on calling on the British Government for a public inquiry into the death of Mr. Pat Finucane. As I outlined to the House previously on many occasions, we requested that because Mr. Justice

Cory made that recommendation arising from his findings. That was an international agreement that has not been followed through by the British Government. I understand that the da Silva findings will be produced very soon.

The Deputy ranged through a number of issues. The problem here is that the Deputy is now an elected representative for the people of County Louth.

**Deputy Gerry Adams:** That is not a problem - it is a privilege.

**The Taoiseach:** It is not a problem. I am saying the Deputy is fully entitled to be elected by the people here. The problem is that he speaks of truth and reconciliation when all of this started throughout the entire spectrum in the late 1960s. He is right that it is not the first time we have had difficulties in this country. When people look at the political impact of the Sinn Féin Party in Northern Ireland, they would associate the IRA with being the military wing of a political party. Furthermore they would have associated Deputy Adams as being a member of that group. I do not know whether that is true, but the Deputy does. From a truth and reconciliation point of view, were he called before such a body what would he say? The Deputy has made it clear that he never disassociated himself from people whom he knew and knows were members of the IRA. When we start this business of community and cross-community bridge building, one of the questions that is always raised is that question. The Deputy is the president of his party but the connection made in the public mind was that this was a military wing of a political party which assumed the name of Óglaigh na nÉireann, of which there is only one, which is the Army of the State. The Deputy might like to comment on that.

The Deputy sent me the file on Marian Price. I have read it and I am not a doctor but it speaks for itself. This is a matter I am following up and I will advise the Deputy if any new information or new progress is made in this regard.

It has been agreed that the meeting with the Ballymurphy families will be in Dublin. Given that we are involved in multi-annual financial framework discussions that may or may not last, we have to find an opportune time for them and I to meet. I hope that can be done before Christmas, and I will advise the House of that.

I am not aware of the reasons for the suspension of the inquest by the Attorney General but I will have that followed up. I expect to speak to Prime Minister Cameron before the European Council meeting this week and I will also see him there and have the opportunity to raise that matter with him.

**Deputy Gerry Adams:** I said earlier that I have never distanced myself from the men and women volunteers of the IRA and I never will. Until the day I die, I never will. That is not to say that I am not critical or, as I have said, that they were not guilty of actions that I regret very much. Mine is a genuine sorrow for these incidents in which people were injured or lost their lives.

I would, however, make the following point to the Taoiseach in a positive way in terms of how we can deal with this issue, and it is a point I have made quite a few times. I have also said that I will co-operate and will do my best to influence other republicans to co-operate with a genuine independent process of truth recovery. The Taoiseach spoke about the 1960s. I was a child at that time and Sinn Féin was banned in the North in the 1960s. The special powers Act was what was used to run the place. I come from a poor working class community which was denied any rights whatsoever, and let there be no equivocation about that. That is not said

in justification for what happened since, because those responsible must take responsibility for their actions. The point is, where were successive Irish Governments on all of these issues? I have tried to be benign about this because the Irish Government obviously was dealing with partition in the same way. An Orange Tory conservative state was established in the North and a Green conservative State was established in the South. The elites who used to run the place were replaced by a native elite and the great heroes of 1916 and their Proclamation came to nothing. It is not visible anywhere on this island except in the hearts, genius, intellects and will of our people.

**An Ceann Comhairle:** Perhaps the Deputy could return to questions.

**Deputy Gerry Adams:** I will, but I know the Ceann Comhairle will appreciate the seriousness of these matters.

**An Ceann Comhairle:** I have been very tolerant.

**Deputy Gerry Adams:** Go raibh maith agat. The Ceann Comhairle was very tolerant with the Taoiseach as well.

**An Ceann Comhairle:** Exactly.

**Deputy Gerry Adams:** Go raibh maith agat arís. We must deal with these matters not as part of 19 questions once every five or six weeks but as part of a strategy by the Government. Why does the Government not take on board the suggestion I have made or else say it is nonsense and we will do it some other way? Why do we not examine the issue of victims and look after them? Now that the war is over, why do we not start to deal with this issue properly, as we discussed earlier, in some manner that can have the confidence of all the victims, if that is possible, but which particularly can bring about the type of healing process that is required?

I will leave it at that with this last remark. We are going to celebrate a decade of centenaries. We think about, perhaps, Thomas Ashe, James Connolly, Tom Barry or Michael Collins. From my generation, I think about Bobby Sands, Francis Hughes or Mairéad Farrell. Those in 1916 had no mandate and all the difference there is between them is time. We now have a peaceful democratic way to go forward to unite our people. If I can get time out, I am in Belfast every single weekend. I am busy at the weekends there as well. I deal with people at loyalist grassroots level, Unionist communities and people who were bereaved or hurt by the IRA. I will continue to do that until the day I die. Let us say what we want about the IRA, or about Sinn Féin for that matter, but let us try to position it in an acoustic and narrative which is about closure and about healing.

**The Taoiseach:** I had a row with the Deputy First Minister a number of years ago in Belfast, in Stormont, about whether he was a member of the IRA, and he told me that he was and he has said that publicly. My question to him was about the army council of the IRA and if it was it in existence or stood down. We had a long argument about that and he said it is no longer in existence.

I am not asking Deputy Adams to disassociate himself from people with whom he grew up. How could he? He knows them. As he said, in his childhood, this was a very pressurised, denied community, and I understand that breeds resentment, frustration, anger, rage and reaction. We know what happened on streets of Belfast and all the reasons associated with that, but I did not ask the Deputy about that. The question I asked was that in the context of truth and recon-

ciliation, people always say Deputy Adams was a member of the IRA. He has been asked this question on many occasions over 30 years and he has never said “Yes”, although people would say he was, and not only that but that he was a member of the army council.

**Deputy Gerry Adams:** Who are these people? Does the Taoiseach count himself among them?

**The Taoiseach:** I read *Voices from the Grave* and I do not know whether that was real or not.

**Deputy Gerry Adams:** Dissident republicans now dead.

**The Taoiseach:** I understand, but maybe the Deputy might want to comment on it at some stage.

**Deputy Gerry Adams:** I have already commented.

**Deputy Micheál Martin:** Dissident republicans?

**The Taoiseach:** It would probably be helpful.

**Deputy Gerry Adams:** I have already commented.

**The Taoiseach:** Was the Deputy, then?

**Deputy Gerry Adams:** I have already commented. My position is very clear and consistent.

**Deputy Micheál Martin:** When it is the view of dissident republicans.

**The Taoiseach:** The Deputy said that he would never disassociate himself from the people who he grew up with and why would he.

**An Ceann Comhairle:** We are on Question Time.

**The Taoiseach:** The question is, if we are talking about people who put detonators together, who put bombs together-----

**Deputy Gerry Adams:** What about the suggestion I made to the Taoiseach? Will he answer that?

**The Taoiseach:** Yes, I will. I will come to it but I am talking about what happened behind the wall in Enniskillen, that persons probably now alive - some of them may be alive I do not know - put this together, inserted those detonators and put the timing mechanism in place when they knew they were going to cause mayhem. Would it not be in the interests of healing if some people would say: “We admit that we carried out these atrocities?” It is 25 years on. While I cannot speak for the Deputy, in his own position this is a question he has never answered. The Deputy should never deny the people he grew up with because he cannot.

**Deputy Gerry Adams:** Will the Taoiseach answer the question?

**The Taoiseach:** That is an issue and it will not go away.

On the issue of grouping the questions, I would say to Deputy Adams and to Deputy Martin

that I do not mind if we separate them and take all the questions relevant to the British Prime Minister and the issues about the North-South Ministerial Council separately. It does not matter because they cover generally the same thing and overlap on one point or another. It has been the tradition here, but I do not mind changing it if it would lead to greater discussion in the House about issues. Nor would I object to us having a much longer session where we could interact on issues dealing with victims and what might be the best way of following through in a way that would go further to healing the past with regard to the very obvious emotional and raw pain which is still there on all sides. I am certainly open to looking at this. I am not speaking about a truth and reconciliation committee as was established in South Africa but there is certainly a need on all sides of the communities to follow through in some fashion.

I am glad Deputy Adams stated that each weekend he goes to Belfast and works with communities there. On the occasions I have been there I have been very heartened to see members of his party working diligently with communities to build a sense of understanding, and the same applies on the other side of the community. This is something we must keep alive. It is why we have all discussed the PEACE III funding for vulnerable communities and we would like to keep it as a priority.

The next time such a list of questions arises I am amenable to changing the structure of how they are taken, perhaps grouping them relevant to the Prime Minister, the North-South Ministerial Council, other issues relevant to Northern Ireland, and where they overlap. It might lead to more meaningful interaction where ideas and proposals might come from Members of the House in general.

**Deputy Gerry Adams:** I would welcome that but each time we have discussed this issue I have put a proposition to the Taoiseach on the two Governments asking an international body to facilitate the process spoken about by the Taoiseach but he has never answered me on it.

**The Taoiseach:** I said that arising from the revelation of people who have never been to Dublin or had any engagement with Government representatives, and who clearly have very graphic and emotional stories to tell, there is an opportunity here to follow through and I am sure the same applies on both sides of the community. I am not sure what the eventual outcome should be but I am certainly willing to explore it.

**An Ceann Comhairle:** Deputy Boyd Barrett has asked whether the Taoiseach will meet the leader of the Liberal Democrats, Mr. Nick Clegg, MP.

**Deputy Richard Boyd Barrett:** I concur on the point about all the questions being grouped together. It is reasonable enough to group questions on EU summits although they may have different aspects, but this group contains quite distinct issues and it does not make much sense to group them.

Given that the discussion has focused on the victims of conflict and violence, the point about truth and reconciliation and giving all victims on all sides the opportunity to speak out and get justice is right. This is what we should do. It is important for politicians of all varieties, and not only those who are directly involved in the conflict, to recognise that war and conflict break out when politics and the political authorities fail. We all bear a responsibility when this happens. The Taoiseach recounted genuinely moving meetings and the terrible trauma that families and victims have suffered. In this context I ask genuinely in the spirit of trying to work together out of concern about such terrible things happening that the Taoiseach show urgent concern about

the same appalling things happening to young children, women and families in Gaza at present and raise it with the political authorities in Britain-----

**An Ceann Comhairle:** That is not on the agenda.

**Deputy Richard Boyd Barrett:** -----and with Mr. Nick Clegg, MP, because we on this island have a special responsibility given our history. Whatever different perspectives we take on this history our country has a particular responsibility to speak up, speak out and intervene to ensure these horrors do not continue as they are continuing day in day out. The photograph of the al-Dalou family with four young children laid out dead-----

**An Ceann Comhairle:** Thank you, Deputy

**Deputy Richard Boyd Barrett:** -----with huge holes in their bodies as a result of artillery being fired by the Israeli authorities was the most appalling photograph I have ever seen. I do not know whether the Taoiseach has seen it. We need to do something about this. I received a letter today from the-----

**An Ceann Comhairle:** Please, Deputy, co-operate with the Chair. This is questions to the Taoiseach.

**Deputy Richard Boyd Barrett:** I will finish on this point.

**An Ceann Comhairle:** The Deputy asked whether the Taoiseach will meet the Deputy Prime Minister, Mr. Nick Clegg, MP.

**Deputy Richard Boyd Barrett:** Yes, I would like him-----

**An Ceann Comhairle:** We are now going into a whole new area which is-----

**Deputy Richard Boyd Barrett:** -----to raise this with him.

**An Ceann Comhairle:** No, the Taoiseach is not meeting Mr. Nick Clegg, MP, and he told you this. The Deputy already has his answer. The Oireachtas Joint Committee on Foreign Affairs and Trade will meet tomorrow to deal with this issue and the Deputy can go there and raise these issues.

**Deputy Richard Boyd Barrett:** The Ceann Comhairle gave quite a lot of leeway to the other speakers.

**An Ceann Comhairle:** I did because their questions were relevant. I remind Deputy Boyd Barrett that Deputy Martin tabled six questions, Deputy Adams tabled eight questions and Deputy Boyd Barrett's colleague Deputy Higgins tabled four questions. Only 11 minutes remain and we will not get into a debate on Gaza. I am sorry but it is not on the agenda. Please stick to the agenda, thank you.

**Deputy Richard Boyd Barrett:** I am nearly finished.

**An Ceann Comhairle:** I am telling you-----

**Deputy Richard Boyd Barrett:** I have two more sentences.

**An Ceann Comhairle:** You are inviting the Taoiseach to stray into an area that is not covered by these questions.

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**Deputy Richard Boyd Barrett:** With respect, we were discussing Northern Ireland and the conflict there-----

**An Ceann Comhairle:** Yes.

**Deputy Richard Boyd Barrett:** -----and the consequences-----

**An Ceann Comhairle:** Yes because the questions were relevant to it.

**Deputy Richard Boyd Barrett:** -----for human feelings and victims. To make a point there is some connection between this and what is going on in Gaza is reasonable.

**An Ceann Comhairle:** It is not reasonable. It is totally different. Please put your question to the Taoiseach on the matter you tabled. In fact, the question you tabled has been answered, but go on.

**Deputy Richard Boyd Barrett:** I have a letter from the speaker of the Palestinian Legislative Council-----

**An Ceann Comhairle:** Sorry Deputy, I have already asked you to co-operate with the Chair.

**Deputy Richard Boyd Barrett:** -----and he asks whether the Taoiseach would-----

**An Ceann Comhairle:** I ask the Deputy to resume his seat.

**Deputy Richard Boyd Barrett:** It is very unfair.

**An Ceann Comhairle:** No. You are not getting away with this.

**Deputy Richard Boyd Barrett:** It is relevant.

**An Ceann Comhairle:** I will have some order. I was very lenient today because-----

**Deputy Richard Boyd Barrett:** With them, but not with me.

**An Ceann Comhairle:** -----of the importance of the topic and because it was a very awkward situation. I appeal to the Government and those asking the questions to be more precise because it leaves me in an impossible position. I am trying to be fair and reasonable. I am certainly not going to introduce a new subject matter.

**Deputy Joe Higgins:** In view of what I have heard from the Taoiseach as the leader of Fine Gael, from the leader of Fianna Fáil and from the leader of Sinn Féin during the first 40 minutes of Question Time, will the Taoiseach admit that not only was the IRA paramilitary campaign an unmitigated disaster for the people of Northern Ireland but so also was the loyalist paramilitary campaign, the sectarian gunmen and bombers who inflicted massive suffering and division on a suffering people and the actions taken by the predecessors of Mr. Cameron, MP, whom the Taoiseach will meet in a few days? Does he also agree that the oppression exercised by previous British Governments, including their failure to prefer any solution and the failure by successive Governments in this State, including Governments of the Taoiseach's party was also a disaster? Those Governments were incapable for decades of constructing anything here except a sectarian state with a significant economic crisis that was a repellant to people in Northern Ireland, particularly those in the Protestant community. Would the Taoiseach agree that what

the parties here, between the lot of them, have delivered is in reality a power-sharing Executive in Northern Ireland that is an institutionalisation of sectarian division, that thrives on sectarian division and that will use sectarian division to bolster the position of its component parts when it suits them, and that they are capable of doing so? Would he agree that the ordinary people in the North, suffering enormous economic hardship and, indeed, problems related still to sectarian division, might feel cynical and revolted if they listened to this first 40 minutes, with the leaders of Fianna Fáil, Sinn Féin and Fine Gael raking over the past but apparently incapable of learning from it?

I ask the Taoiseach to focus on the issues confronting the working class people in Northern Ireland. Will he raise with the British Prime Minister, Mr. Cameron, the acute suffering caused by the economic policy of austerity that his Government is imposing and that is being implemented through that same power-sharing Executive, on the people of Northern Ireland? Will the Taoiseach make him aware of the significant poverty, worse than anywhere in the United Kingdom? Fewer adults, as a percentage of the work force, are employed in Northern Ireland compared to the United Kingdom and income distribution in the North is the most unequal in any region of the European Union.

Would the Taoiseach agree that in the North, in particular, because a disproportionately high section of the economy depends on the public sector, savage cuts to the public sector, imposed by the austerity of the Conservative-Liberal Democrats Government in London and implemented by the power-sharing Executive, are having a devastating effect on the lives, living standards, jobs and services of the working class communities there? Would the Taoiseach agree that these are real, vibrant and critical issues that need to be brought centre stage and will he ask the Prime Minister to desist from austerity and to change policy to investment instead in the North to resolve the problems, including the problem of sectarian?

**The Taoiseach:** We have come a long way in Northern Ireland where the people of the Six Counties are entitled to vote in a democratic process to elect who they wish to the Assembly. It took a long time to arrive at a position where the Executive and the Assembly are in operation and where the trust has come to a point where particular responsibilities have been and are being devolved to the Assembly for decision-making in respect of dealing with the issues in Northern Ireland.

I have the privilege of attending at the North-South Ministerial Council. These are not talking shops to the extent that people might often imagine. There is a great deal of co-operation, for example, in respect of Common Agricultural Policy reform, which is a major issue of the multi-financial framework. If agreement can be reached this weekend, it would mean that the general agenda that Cyprus is following through with might in part be concluded which would allow the Irish Presidency to finish that off as an issue. We had a person appointed from Northern Ireland onto the permanent representation in Brussels so the Executive and the Assembly, and the people, would be fully informed and fully acquainted of their concerns and issues as this process goes through.

When one speaks to groups in the agri-sector, they are interested obviously in the impact that is being made here in jobs, exports and the growing of the economy. As a small part of the European Union, we would say that the agri-sector has never been recognised to the full extent in delivering jobs and growth in the economy. The Minister of State at the Department of Agriculture, Food and the Marine, Deputy McEntee, for instance, was able to report to the North-South Ministerial Council about the ash tree disease and what the Department is doing,

in co-operation with Northern Ireland, on an issue that is part of the economy and part of jobs. There exists that level of co-operation. For instance, they want co-operation between the south-western hospital in Enniskillen, which is a state-of-the-art facility, and Sligo, and between Altnagelvin and Letterkenny. The taxpayer here, by decision of the Government, funds in part the radiotherapy unit that is going into Altnagelvin and we have had discussion previously about contributions for the major roadway connecting Derry and beyond. These are issues that are real and practical.

Of course, Deputy Higgins is correct in stating that the traditional impact for jobs was in the public sector in Northern Ireland because of a range of circumstances. What are often referred to as “the Troubles” limited the confidence for investment and the creation of jobs. We had discussions at the North-South Ministerial Council on the intention in regard to a reduction of the corporation tax rate levels that apply in Northern Ireland which, if it were to happen and be approved by the Chancellor across the water, would make the island of Ireland, from a corporate tax perspective, the same area.

We contribute, for instance, to many of the major tourism entities. We are supportive of Derry being selected as a city of culture and being the location for Fleadh Cheoil na Éireann next year. Those two major events in that city will attract an enormous - if I dare use the word - “gathering” to the region which will be of benefit to the economy and jobs. When one looks at the case where we discussed banks and NAMA with them, the Minister for Finance was able to report to the members present on views and progress being made there.

When I saw First Minister Robinson and Deputy First Minister McGuinness working in the interests of the communities and being forthright about that when they decided to go to China with their trade mission or to meet the personnel, we appointed our ambassador, H.E. Kelleher, in Beijing to work with them. Speaking fluent Chinese, the ambassador has an advantage over many in understanding the mentality and the approach. That is in the interests of giving them the opportunity to attract jobs to Northern Ireland for young men and young women throughout the country.

When I spoke to Deputy Martin at Question Time previously about the strategic partnership agreement that we have with the British Government, one of the issues it discussed was the making of an amendment to their own green investment bank which would allow investment to take place in Ireland without territorial boundary, in other words, that they could invest here, provided there was opportunity in the area of renewable energy or sustainable jobs, but that there might be the possibility of selling direct into the British market. The Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, is concluding work on a memorandum of understanding with his counterpart across the water, Minister of State for Energy, Mr. John Henry Hayes MP, in that regard. That would be of interest, both North and South, in terms of investment in green developmental sustainable opportunities. I think Deputy Higgins would support that.

Obviously, it is an issue that must be worked on constantly. Through the work of the Ceann Comhairle and Speaker Hay, we have the parliamentary forum. Through the work of the sectoral groups under the North-South Ministerial Council, there is a number of valid proposals being followed through with an impact, North and South. The Minister for Education and Skills, Deputy Quinn, is dealing with his counterpart on a number of education issues which are of importance North and South. The answer, of course, is jobs and growth. Northern Ireland has suffered, no more than many other areas throughout the European Union. It is a case of

not lying down before the wave of cynicism out there, but of doing something about it. Good politics and clear decisions can make an impact. That is why we all have a duty to work with communities and see that investment is made where it will have an impact on jobs, growth and economic development. There is a very high level of co-operation between Departments and Ministers, which we will continue, hopefully with an impact on jobs down here and in Northern Ireland. I hope the examples I have given of great co-operation at departmental, ministerial and international level will pay benefits in due course.

*Written Answers follow Adjournment.*

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 12, motion re leave to introduce Supplementary Estimates [Votes 12, 20, 22, 31 and 32]; No. 13, motion re referral of Supplementary Estimates [Vote 12, 20, 22, 31 and 32] to select committee or sub-committee; No. 14, Credit Union Bill 2012 – Financial Resolution; No. 19, National Vetting Bureau (Children and Vulnerable Persons) Bill 2012 - Order for Report, Report and Final Stages; and No. 6, Electoral (Amendment) (Dáil Constituencies) Bill 2012 - Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that: (1) in the event a division is in progress at the time fixed for taking Private Members' business, which shall be No. 79, motion re Supreme Court ruling in the X case, the Dáil shall sit later than 9 p.m., Standing Order 121(3) shall not apply, and Private Members' business shall, if not previously concluded, adjourn after 90 minutes; and (2) Nos. 12, 14 and, subject to the agreement of No. 12, No. 13, referral to select committee or select sub-committee, shall be decided without debate and any divisions demanded on Nos. 12 and 13 shall be taken forthwith.

**An Ceann Comhairle:** There are two proposals to be put to the House. Is the proposal for dealing with Private Members' business agreed to? Agreed.

Is the proposal for dealing with No. 12, motion re leave to introduce Supplementary Estimates [Votes 12, 20, 22, 31 and 32]; No. 13, motion re referral of Supplementary Estimates [Vote 12, 20, 22, 31 and 32] to select committee or select sub-committee; and No. 14, Credit Union Bill 2012 – Financial Resolution, without debate, agreed to? Agreed.

**Deputy Micheál Martin:** We have heard the announcement of a challenge to the outcome of the referendum on children's rights to the Supreme Court, given the Government's failure to present materials objectively and in accordance with the McKenna judgment, and the decision of the Supreme Court essentially to make that ruling. What does the Taoiseach believe the impact of the challenge to the constitutionality of the referendum result will be on the legislative programme that flows from the passing of the referendum? There are two Bills on the A list, the children Bill and the family support Bill, as well as the Bill on adoption. The Children First legislation may not be dependent on that, but can the Taoiseach indicate if there will be any impact on the progression of those Bills as detailed on the A list?

I ask the Taoiseach for time to be made available in plenary session for the House to debate

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the escalating situation in Gaza. People are genuinely shocked at the impact on the civilian population in Gaza that we saw on our television screens yesterday. There should be a debate in the House on that matter with the Minister for Foreign Affairs issuing a statement to the House. Others will be in a position to contribute to the debate also.

**The Taoiseach:** The Whips will discuss the second issue at their meeting. I do not see why not. This is an issue that will be raised at the European Council in any event.

On 19 November, the Chief State Solicitor's office received a notice that an *ex parte* application had been made that afternoon for leave, pursuant to the Referendum Act 1994, to present a petition questioning the provisional referendum certificate. Solicitors acting on behalf the putative petitioners advised that the High Court had accepted the application as having been made within the relevant statutory period. They put it back to be heard on Tuesday, 27 November 2012. Further documentation relating to this application and the order made by the court are awaited by the Chief State Solicitor's office. As the matter is before the courts, I obviously do not want to comment on that.

The Deputy is aware of the fact that the Supreme Court issued its ruling on the appeal of Mr. McCrystal against the decision of the High Court in relation to the Government's information campaign on the children's referendum. The Supreme Court will give its detailed analysis on 11 December 2012.

**Deputy Micheál Martin:** Will the Taoiseach comment on the impact on the Bills?

**The Taoiseach:** It is a matter of whether the petition is allowed and whether that goes to the Supreme Court.

**Deputy Micheál Martin:** The legislation is in the Government programme, so does it impact on that?

**The Taoiseach:** No, it will not have any impact on the legislation. The programme for legislation arising from the children's rights referendum, and as a back-up to it, will continue.

**Deputy Gerry Adams:** Just a couple of rudaí gasta. First, I very much welcome the commitment to have a debate on Gaza. I thought we could have come to it in the course of Taoiseach's questions. Some 110 Palestinians and three Israelis have been killed recently. I commend the Government's success in getting onto the UN's Human Rights Council. Would it be appropriate for the Government to use its new status-----

**An Ceann Comhairle:** We will debate that when time has been granted.

**Deputy Gerry Adams:** Okay. When will the finance (local property tax) Bill be published and debated in the Dáil? It is a Bill to provide for the introduction of a property tax, which was previously the brainchild of Fianna Fáil and part of its four-year plan. When will the legislation be brought forward and debated? Will it take into account the significant number of households in mortgage distress, as the Taoiseach committed to do in the programme for Government?

**The Taoiseach:** I am sure we can find time to discuss the question of Gaza.

The property tax is a matter for the Minister for Finance to bring forward. It will be part of the budgetary process and the House will have the opportunity to discuss that.

**Deputy Gerry Adams:** Does the Taoiseach know when?

**The Taoiseach:** The budget is in early December.

**Deputy Gerry Adams:** Gabh mo leithscéal.

**Deputy Seamus Healy:** The programme for Government makes a whole range of commitments on job creation. In April 2011, the target was 102,000 additional jobs.

**An Ceann Comhairle:** Thank you, Deputy, but we will not debate that now. The Deputy can ask about legislation.

**Deputy Seamus Healy:** I do not want to debate it now, I just want to ask a question about it. Those figures were revised downwards in April this year to 67,000 jobs. Last week, on 13 November, they were further revised down to 18,000 jobs. It is quite obvious that there has been an absolute failure of job creation by the State. I ask the Taoiseach to allow a debate in the Chamber on job creation, as well as employment, unemployment and emigration.

**An Ceann Comhairle:** Can we get back to the normal practice whereby requests for debates are done through the Whips and brought up at Whips' meetings? Deputy Healy is still a member of the Technical Group so I suggest that he should have a chat with Deputy Catherine Murphy.

**Deputy Seamus Healy:** It is a matter for the Taoiseach and his Whips to allow a debate in the Chamber.

**An Ceann Comhairle:** No, it is not.

**Deputy Seamus Healy:** It is a very important issue.

**An Ceann Comhairle:** I appreciate that.

**Deputy Seamus Healy:** There are 450,000 people unemployed and people are emigrating at the rate of hundreds per day.

**An Ceann Comhairle:** I appreciate the importance of it.

**Deputy Seamus Healy:** The Government, which was elected on job creation proposals, has now failed to achieve its target.

**An Ceann Comhairle:** Thank you, Deputy. We all know that. I appreciate that but I am only dealing with a procedural issue.

**Deputy Seamus Healy:** The Central Statistics Office shows that there were 34,000 fewer jobs in the economy this year than when the Government came to power.

**An Ceann Comhairle:** Will the Deputy please resume his seat? I am dealing with procedural matters and it is for the Chair to adjudge if they are in or out of order. I am ruling that requests for time for debate be made and agreed, as is normal practice, through the Whips. In this case, Deputy Catherine Murphy is the Whip. I call Deputy Boyd Barrett.

*5 o'clock*

**Deputy Richard Boyd Barrett:** First, I am glad the Taoiseach has agreed to the debate on

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Gaza and the escalating crisis there. Hopefully, it can be held as soon as possible, because it is important that this Parliament be seen to speak out on the issue. Perhaps the Ceann Comhairle can tell me what is the procedure regarding the request by the speaker of the Gaza legislative council that he might be invited to this Parliament. What is the protocol?

**An Ceann Comhairle:** The matter is being debated at the Joint Committee on Foreign Affairs and Trade.

**Deputy Richard Boyd Barrett:** I simply ask what is the protocol regarding that request from the Gaza legislative council that its members might visit this Parliament to meet the Taoiseach, the Ceann Comhairle and representatives of the political parties?

**An Ceann Comhairle:** I am sure that were the Deputy to take it up with the Joint Committee on Foreign Affairs and Trade tomorrow, it might be able to facilitate a debate in respect of his request.

**Deputy Joe Higgins:** It has been a full week since the Minister for Health received the report from the expert group on the X case situation and the Taoiseach promised a debate in this Chamber. Why has the report not been published thus far? Given there will be a three-hour debate in the Dáil this week on this issue and the related issue of the sad implications of the Savita Halappanavar tragedy-----

**An Ceann Comhairle:** Thank you, Deputy.

**Deputy Joe Higgins:** ----- will the Government publish that report forthwith to help to inform the debate, rather than debating in a vacuum? The Government is treating this expert report like the third secret of Fatima.

**An Ceann Comhairle:** Thank you, Deputy. We cannot have a debate as you suggest.

**Deputy Joe Higgins:** What is the problem? When will the Government publish-----

**An Ceann Comhairle:** We have dealt with this matter on Leaders' Questions.

**Deputy Joe Higgins:** No, we have not, a Cheann Comhairle.

**An Ceann Comhairle:** Can the Taoiseach clarify the position in this regard?

**Deputy Paul Kehoe:** Deputy Higgins is not a leader.

**The Taoiseach:** The Sinn Féin Party has decided to use its Private Members' time to table a motion on this subject, as is its prerogative. I might say to Deputy Higgins that we waited for 20 years to deal with the business of protecting children and their rights and this now has been dealt with and decided on by the people within 18 months. The Administration, as part of the programme for Government, undertook to commission an expert group report to present the options that are available to the Government to deal with the question of the A, B and C case decided by the European Court of Human Rights, with particular regard to the C case, in which the inadequacy concerned the lack of clarity and definition of the circumstances under which a termination medically would be available in a hospital to a woman in that situation. The Minister only received the report last week and it is a report that requires some consideration. The Minister will bring the report to the Government next Tuesday and on his recommendation, the Government will decide to publish the report. That is only right and proper.

However, Deputy Higgins should note this is an issue with which the Government will deal with sensitivity, pragmatism and realism. There is a clear need to provide clarity and confidence in the medical circumstances and the legality of what happens in hospitals where such situations arise. Moreover, people who go through college and become doctors and consultants and who then are faced with a situation in which they must make a decision require certainty about what they are doing. In that sense, the report will come before the Government next Tuesday.

**Deputy Joe Higgins:** Why not this Tuesday?

**The Taoiseach:** It will make its decision to publish it on the Minister's recommendation.

**Deputy Joe Higgins:** When?

**The Taoiseach:** I make the point to Deputy Higgins that we now are dealing with a different generation of politicians and a different generation in the country generally. Therefore, on the report's publication, I wish to ensure that each Member of the Oireachtas has the right and the opportunity to have his or her say about the report and his or her views on the options. Moreover, it will not be a ten-minute debate for everyone. I want to hear the views of all Members of all parties and none in order that this debate can, in its own way, inform the Government about the process leading to a decision that is to be taken in this regard. Consequently, Deputy Higgins will have ample time to make known his views on this subject, which is sensitive and which has divided our society for a very long time but is one with which the present Government will deal.

**Deputy Joe Higgins:** Starting when?

**The Taoiseach:** I can confirm to the Ceann Comhairle that the Whips will be authorised, on the decision of the Government, to commence the process regarding the discussions that can take place here in the Dáil with regard to the A, B and C report. As I indicated to Deputy Higgins, it will not be a discussion that will be concluded in two or three days but will be one in which everyone will have a full opportunity to have his or her full say on this issue.

**Deputy James Bannon:** Speaking as someone who has visited the Gaza Strip in the past 12 months-----

**An Ceann Comhairle:** I am delighted the Deputy did so.

**Deputy James Bannon:** ----- and who saw at first hand the impact the conflict has had on the people of Gaza, I welcome the Taoiseach's intention to facilitate a debate on Gaza in the coming weeks.

**An Ceann Comhairle:** I thank the Deputy. We will have that debate then.

**Deputy James Bannon:** On legislation, can the Taoiseach tell me the reason the local government reform Bill is not being fast-tracked, given the reform has been announced? Reform is necessary and is urgently required but currently the Bill is not included in the publication document for 2013.

**An Ceann Comhairle:** We will ask the Taoiseach for the Deputy.

**The Taoiseach:** That Bill will be published next year.

**Deputy Seamus Kirk:** As it has been decided that the G8 meeting next year is to be held in

County Fermanagh, does the Taoiseach have plans to invite some of the world leaders to visit some Border counties at the least or to go further south next year? As The Gathering initiative will be under way, this clearly would be an opportunity to add to it.

**An Ceann Comhairle:** Is there some Standing Order about which I do not know?

**Deputy Seamus Kirk:** Has any thought been given to this suggestion?

**The Taoiseach:** Prime Minister Cameron informed me of his intention to hold the G8 summit in Northern Ireland some time ago. I am unsure whether any of the leaders want to put the golf clubs into the back of the aeroplane and perhaps play a round of golf somewhere down here. They would be very welcome. As the Deputy is aware, we have invited the entire world here as part of The Gathering.

**Deputy Michael Healy-Rae:** They should be taken to Parknasilla.

**The Taoiseach:** While I am unsure what the leaders' schedules will be like, we will see what applies in that regard. If they wish to visit some of the facilities, industries, businesses or whatever, the Government will be very happy to accommodate them.

**Deputy Joe Higgins:** Hopefully the Taoiseach will do a better job in shaking them down when they come, rather than when he goes to Brussels.

**Deputy Thomas P. Broughan:** In respect of housing, the Taoiseach mentioned a couple of weeks ago that the relevant Bill would be forthcoming. Can the Taoiseach confirm there will be a public housing investment programme in budget 2013? On the last occasion he appeared to suggest there would be such a programme. On housing, however, I particularly wish to ask the Taoiseach a question on the pyrite issue. The Minister of State sitting beside him, Deputy McEntee, is also very interested in this subject. The second deadline set in respect of pyrite by the Minister for the Environment, Community and Local Government, Deputy Hogan, seems to have passed by. Moreover, I understand that Mr. Justice Finnegan's report on Priory Hall is imminent. When will the House receive that report?

**An Ceann Comhairle:** I do not think any of those questions were in order.

**The Taoiseach:** To what did the third question refer?

**Deputy Thomas P. Broughan:** To Priory Hall. My questions pertained to Priory Hall, pyrite and housing investment.

**The Taoiseach:** These are matters of great importance to the people concerned. I can confirm to the Deputy that progress is being made in both cases, both in respect of pyrite and with regard to Priory Hall. I do not wish to say any more than that just now but I will keep the House informed.

**Deputy Thomas P. Broughan:** As the Taoiseach is aware, the second Christmas of this Administration's term of office is approaching.

**The Taoiseach:** I hope that a resolution can be brought in this regard. The housing Bill is due for publication next year. Clearly, the Government is aware that a construction sector that is moving is needed. This is a matter for the Minister for Finance, who is considering what impact he might have in regard to the presentation of the budget.

**Deputy Michael Healy-Rae:** The proposed licensing of health care facilities Bill is to provide for a mandatory system of licensing for public and private health care facilities. Some private health care facilities have expressed concern that this will impose an undue burden and a further layer of bureaucracy for them to deal with in their already struggling businesses. I seek clarity from the Taoiseach regarding the Bill.

**The Taoiseach:** That will be next year. I cannot give an accurate date now.

**Deputy Bernard J. Durkan:** What is the progress in publishing the health (amendment) (No. 2) Bill, which will rectify a number of issues identified over time, specifically regarding the Health Act 1970? It will give the House the opportunity to discuss related matters as well.

**The Taoiseach:** The Deputy has got me. It will be next year before it is published.

**Deputy Mattie McGrath:** This weekend is the second anniversary of the troika coming to our shores and there is much carry on about banks and pay. The public is aghast at what is ongoing. With regard to the Central Bank (consolidation) Bill, what is the role of public interest directors?

**An Ceann Comhairle:** The Deputy means to ask when it is due.

**Deputy Mattie McGrath:** Sorry?

**An Ceann Comhairle:** You mean to ask when it is due.

**Deputy Mattie McGrath:** Yes, and there is the role of public interest directors.

**An Ceann Comhairle:** You can deal with the debate then.

**Deputy Mattie McGrath:** People are wondering what these gentlemen and ladies on boards are doing in serving the public.

**The Taoiseach:** We are dealing with the Central Bank (Supervision and Enforcement) Bill 2011. Until that is concluded the other Bill will not progress. I do not know if the Deputy intends to invite Mr. A. J. Chopra back for the second anniversary.

**Deputy Mattie McGrath:** I do not. Will the Taoiseach invite Angela?

**Deputy Pearse Doherty:** I wish to raise two issues. Is it the intention of the Government to have Second Stage of the Betting (Amendment) Bill 2012 before or after Christmas? Has the opinion of the European Commission been sought on the legislation?

**The Taoiseach:** The Bill was published in July and a number of issues have arisen from its publication that must be attended to. It has not come back before the Government yet.

**Deputy Pearse Doherty:** I presume it will be 2013 before we deal with Second Stage.

**The Taoiseach:** That depends on when the Minister for Justice and Equality brings it before the Government. It has not yet appeared.

**Deputy Pearse Doherty:** The Taoiseach is well aware that the Credit Institutions (Eligible Liabilities Guarantee) Scheme - the banking guarantee of 2009 - is due to run out on 31 December this year. Is it the intention of the Government to extend the banking guarantee?

**The Taoiseach:** Yes.

**Deputy Pearse Doherty:** When will that legislation come forward?

**The Taoiseach:** The Minister for Finance will report to the House on that.

**Deputy Ray Butler:** When is publication expected for the road traffic Bill? We have introduced many safety measures for road traffic but with darker evenings, people are still walking on the roads. It should be mandatory for people to wear reflective jackets or armbands in such circumstances. This is a serious issue in rural Ireland, where people go out on the road without proper reflective jackets or armbands. There should be fine for not wearing such clothing.

**An Ceann Comhairle:** We will find out about that.

**The Taoiseach:** I commend the gardaí going around to schools to speak to young people about the necessity for safety, particularly with the dark winter evenings we are experiencing. The heads are being prepared on the Bill but it will be next year before it is published.

### **Broadcasting (Television Licence Fees Recovery) Bill 2012: First Stage**

**Deputy Emmet Stagg:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for the provision of data by television broadcasting service providers for the purpose of assisting in the recovery of television licence fees; and to provide for connected matters.

**An Ceann Comhairle:** Is the Bill opposed?

**Deputy Paul Kehoe:** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Emmet Stagg:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Supplementary Estimates 2012: Motion**

**Minister for Education and Skills (Deputy Ruairí Quinn):** I move:

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on the 31st day of December, 2012:—

Vote 12 — Superannuation and Retired Allowances (*Supplementary Estimate*).

Vote 20 — Garda Síochána (*Supplementary Estimate*).

Vote 22 — Courts Service (*Supplementary Estimate*).

Vote 31 — Transport, Tourism and Sport (*Supplementary Estimate*).

Vote 32 — Jobs, Enterprise and Innovation (*Supplementary Estimate*).”

Question put and agreed to.

### **Estimates for Public Services 2012: Referral to Select Committee**

**Minister for Education and Skills (Deputy Ruairí Quinn):** I move:

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31st December, 2012, the Supplementary Estimates be referred to the following Select Committees or sub-Committees, as appropriate, pursuant to Standing Orders 82A(3)(c) and (6)(a) and 159(3), and paragraph (8) of the Orders of Reference of Select Committees, which shall report back to the Dáil by no later than 29th November:-

Vote 12 — Superannuation and Retired Allowances (*Supplementary Estimate*) — Select sub-Committee on Public Expenditure and Reform.

Vote 20 — Garda Síochána (*Supplementary Estimate*) — Select Committee on Justice, Defence and Equality.

Vote 22 — Courts Service (*Supplementary Estimate*) — Select Committee on Justice, Defence and Equality.

Vote 31 — Transport, Tourism and Sport (*Supplementary Estimate*) — Select sub-Committee on Transport, Tourism and Sport.

Vote 32 — Jobs, Enterprise and Innovation (*Supplementary Estimate*) — Select Committee on Jobs, Enterprise and Innovation.”

Question put and agreed to.

### **Credit Union Bill 2012: Financial Resolution**

**Minister for Education and Skills (Deputy Ruairí Quinn):** I move:

THAT provision be made in the Act giving effect to this Resolution for the charging in accordance with that Act of certain levies on credit unions, being levies for the purposes of financing, as nearly as may be taking one year with another, half the total expenditure incurred by a body (being a body to be established by that Act and to be known as the Credit Union Restructuring Board) in the performance of its functions under Part 3 of that Act.

Question put and agreed to.

## Topical Issue Debate

### Agricultural Diseases

**Deputy Ann Phelan:** I am thankful for the opportunity to speak to this very important issue. There has been much coverage in the news, both here and in the UK, about the emergence of a disease that is fatal to the ash tree. Ash dieback disease is known to kill 90% of the trees it infects. I know the Minister of State, Deputy McEntee, has done much good work around this issue so I do not wish to detract from that.

In Ireland there is a 90% sufficiency in native ash plants but we must import 10% of ash plants from abroad, and it is from these imported sources that the greatest risk to our native ash population exists. We must become 100% self-sufficient in the area. We have the capacity to orchestrate a horticultural programme to provide an import substitution with our native ash species. Another vital objective is the need to reduce the spread of this disease and protect the native trees, and we must build resilience in our natural forestry, encouraging everybody involved - farmer, landowner and industry professionals - to come together to protect what we have.

If we can slow its spread and minimise its impact, we will gain valuable time to find and isolate the native trees that have genetic resistance to the disease and restructure our valuable woodlands accordingly. However, in order to do this we must know where we currently stand in the fight against ash dieback. Perhaps the Minister of State will outline the current stage of the disease and if it has been found in mature trees as well as saplings.

Advice from scientists points to more difficulty in eradicating the disease if it is caught in older trees but this should not point to an end of the ash tree population. There is much evidence from Sweden of dealing with the disease, particularly through using genetics. Could we harvest our native wild ash and build up a database so that if we get into difficulty in future, we could call that database? The seed database exists in County Clare. The Minister of State might understand that as I come from Kilkenny, it is a major worry.

**Deputy Michael McNamara:** I very much share the concerns of my colleague. We may have fewer all-Ireland titles in Clare than in Kilkenny but we make many more hurleys. I do not know what that says about our hurling style or efficiency.

**Deputy Michael Healy-Rae:** The Deputy's county has fewer all-Ireland titles than us as well.

**Deputy Phil Hogan:** Keep making them.

**Deputy Michael McNamara:** I hope we will continue to use them in matches with Kilkenny. As so many hurleys are made in Clare, it is an important source of revenue and employment. Deputy Phelan mentioned that there is a Seed Savers in Scarriff, my own parish. As Deputy Phelan brought it up I do not feel embarrassed about mentioning it. The Minister of

State, Deputy McEntee, visited it with me and I very much encourage that work, particularly with the current threat to our ash plants.

One hurley maker in Clare employs six people and makes between 60,000 to 70,000 hurleys per year. There are several other hurley makers across County Clare from Tuamgraney, Ogonelloe, Broadford, Kilmurry, Kilkishen and Tubber. As the Minister of State will know from his relatively recent visit to Clare, there is not a hedgerow in east or mid Clare which does not feature the beautiful silver bark of ash trees. I am very concerned about the threat posed by ash dieback and would like to hear how the Minister of State proposes to deal with the threat. It is both a threat to our biodiversity and employment in County Clare.

**Minister of State at the Department of Agriculture, Food and the Marine(Deputy Shane McEntee):** I thank the Deputies for raising this matter. No adult trees currently have the problem. The work we started in the past two weeks will continue for the next month or six weeks and will determine how we save Irish ash trees and become self-sufficient in ash by 2020. Much hard work lies ahead and members of the public, the National Roads Authority, the Irish Farmers Association and those who operate the agri-environment options and rural environment protection schemes, AEOS and REPS, have an important role to play in this regard. Of the utmost importance is the co-operation taking place between my Department and the Department of Agriculture and Rural Development in the North, which is headed by the Sinn Féin Minister, Ms Michelle O'Neill, MLA. The plant issue will be addressed on an all-island basis and both I and my Northern counterpart have given a commitment to act together. We need to take action now because the danger presented by *Chalara fraxinea*, also known as ash dieback disease, is much greater in June and July when spores spread. Last week, acting on instructions from the Department, inspectors commenced a process of inspecting every imported ash tree. The Department's traceability systems mean we have the capacity to identify the location of nearly every ash tree imported under the AEOS or REPS. My officials had a good meeting with representatives of the Irish Farmers Association this morning and on Thursday representatives of the National Roads Authority will provide us with information on where it has planted ash.

We know what must be done and it is our intention to ensure that every ash tree imported since 2007 is accounted for. Those plants for which records cannot be provided will be destroyed. The Department is carrying out tests and inspections are taking place.

I now propose to provide the official reply. I thank the Deputies for raising this important matter. *Chalara fraxinea* poses a major threat to ash plantations throughout the island and those forest industries which rely on the ash species for their business, most notably, the hurley making sector. With 3% of the national estate under ash and 10% of all new planting made of ash species, my Department took swift action to address this threat. I assure the House that it is doing everything possible to protect one of our most important native species. *Chalara fraxinea* has spread rapidly across much of Europe, with the majority of European countries where ash is present reporting dieback. Since 2008, the Department's forestry inspectorate staff have been carrying out surveys to monitor and determine the disease's status in Ireland.

Ash plants and wood with bark imported from countries where the disease is known to occur constitute the most likely source of infection in this country. Approximately 200,000 ash plants and 1,600 cu. m of roundwood ash for hurley manufacture are imported per annum. My Department confirmed the finding of the disease at sites in counties Leitrim, Galway, Tipperary and Meath, all of which come from one consignment of ash plants. The Department responded by cutting and burning the entire batch last month. We are aware of the possibility that other

consignments of infected material could have made their way into the country and departmental officials are currently carrying out an extensive nationwide survey of forests planted with imported ash. Legislation was also introduced to deal with the threat of further occurrences of the disease from imported material. On 26 October legal measures were introduced to prohibit the importation of plant material from ash dieback infected areas. These measures, which were introduced by ministerial order, took effect immediately. Until that point, a voluntary import moratorium had been in place by forest nurseries. Further legislation, which took effect on 6 November, restricts ash wood movement.

On the supply of ash wood for hurley making, it is estimated that 2,100 cu. m of ash wood is required per annum. This equates to approximately 360,000 hurleys. Coillte, the State forestry board, supplies roughly 400 cu. m of this material, while the private sector provides a further 100 cu. m. The remainder, amounting to 1,600 cu. m is imported. In terms of output, hurley making is worth between €6 million and €8 million per annum to the economy and it is clear that supply is a major concern for them. To help alleviate any potential supply problems, my Department has been in contact with Coillte, which has agreed to bring forward harvesting schedules for ash. It will also work with its counterpart in the United Kingdom with a view to securing additional supply. Incidentally, the Deputies opposite need not be concerned that County Meath will take any hurling crowns.

On the specific questions regarding the establishment of a DNA database for indigenous ash plants, Ireland has begun to collect some information on forest genetic resources as part of its national forestry surveys. It is intended that gene conservation strategies and programmes for specific tree species will be further developed. In this regard, a gene conservation strategy for ash has been introduced. However, we must be mindful of the risk of this disease becoming established in Ireland and consider the development of breeding programmes for *Chalara fraxinea* resistant Irish ash trees. While we do not know what level of resistance Irish ash will have to the disease, experience from countries where the disease has been identified suggests there is some natural resistance in some ash trees. Breeding programmes, therefore, have the potential to improve species' resistance. We must think ahead and try to future proof our ash plantations from this disease.

I assure forest owners who have been directly affected by *Chalara fraxinea* that the Department will continue to provide the technical support necessary until the matter has been fully resolved. Department officials are also examining the options available in terms of re-establishing the affected plantations and restoring them to their condition prior to the confirmation of the presence of *Chalara fraxinea*. I intend to closely monitor the position and take whatever steps or measures are necessary to protect this important species.

Every member of the general public will be asked to co-operate in our efforts. We intend to have identified within ten days the location of every imported ash plant. This will be achieved with the assistance of the farming community, National Roads Authority and forestry section of the Department. We have much work to do and, as I noted, the next three months will be crucial.

**Deputy Ann Phelan:** I thank the Minister of State for his comprehensive reply. I am pleased to learn that we will be self-sufficient in ash by 2020. The idea that it will be necessary to use plastic hurleys in Croke Park is repugnant. However, we may still be able to beat the opposition, even with plastic hurleys.

I was contacted by a concerned constituent who owns a sizeable ash plantation of 46 acres. Planted in 1992, it has been described by Teagasc as one of the largest broadleaf forests in the country. Are plans in place to compensate such farmers in the event that it becomes necessary to destroy their forests?

**Deputy Michael McNamara:** It is clear from the figures cited by the Minister of State that more than one quarter of the hurleys manufactured here are made in County Clare. This issue is, therefore, a source of considerable concern for hurley makers.

**Deputy Dara Calleary:** They must be sending them to County Kilkenny.

**Deputy Michael McNamara:** We are certainly not sending many to County Mayo.

**Deputy Dara Calleary:** We do not want their diseases.

**Deputy Michael McNamara:** I played hurling reasonably well and would have a game with the Deputy if he wishes.

While the country should be self-sufficient in ash by 2020, hurley makers will have to import ash in the meantime. I understand from the regulations introduced by the Minister on 7 November that any imported ash will have to be squared so as to remove entirely the rounded surface or be free of bark and have a water content of less than 20%. These requirements will impose considerable additional costs on hurley makers who will have to be given a subsidy if they are to avoid imposing these costs on consumers, that is, young boys and girls who play hurling and camogie. Deputy Ann Phelan asked whether a subsidy will be made available for ash growers. Will a subsidy be made available to hurley makers to avoid them passing on additional costs to consumers?

Bark is one of the means of spreading ash dieback disease. Firewood, much of which is imported, is not subject to the same level of documentation as ash plants imported for the purposes of making hurleys. Ash could be present in a large bundle of mixed woods, for example, or ash residue could be present at the bottom of a shipment of firewood. How will this matter be monitored at ports of entry? I commend the Minister on taking an all-Ireland approach to the problem.

**Deputy Shane McEntee:** I will respond to the questions in reverse order. The importation of timber for firewood is being dealt with at the ports. Last year, permission to unload a full shipment of firewood was refused and we required a supermarket to withdraw from its shelves material on which bark was present. The same will apply to all supermarkets, stations and even people selling from the back of lorries. We have the manpower at the ports.

Regarding compensation, everything to date has been done voluntarily by farmers, growers and foresters. Those who supplied the plants have committed to reimbursing people with a different species. Ash will not be replanted on land that has been infected. Currently, there is no compensation. We will not wipe out any plantation unnecessarily and we will continue to pay the premiums to the ten sites in question. We will also pay for a new planting programme.

We met the hurley makers last week and will do so again. Since they are coming under pressure, counties Kilkenny and Clare might also be put under pressure.

**Deputy Ann Phelan:** Off the field.

**Deputy Shane McEntee:** The movement of ash is coming to a halt, but we have not discussed compensation. We are consulting the GAA. If everything works out and everyone does his or her bit, there will have been no mention of compensation by next March.

### **Local Government Reform**

**Deputy Michael Healy-Rae:** I thank the Ceann Comhairle's office for allowing me this time. The pair of recently published reports on local government reform and alignment are only policy documents. While they appear to be Government policy, they are not yet legislation. Given the fact that local government reform is urgently required, it is strange and even farcical that the two distinct processes of reform and alignment are proposed to be implemented in the same timeframe. Surely local government reform is necessary before local government can even begin to take on a different role.

Both reports acknowledge that city and county councils may find themselves short of the skills required to assume an enhanced role in the co-ordination and oversight of local and community development programmes. This is the third attempt by civil servants to move the development and delivery of local services and programmes away from the community and voluntary sector. There were county strategy groups in the 1990s, county development boards, CDBs, in the 2000s and a new quango, socio-economic committees, SECs, is proposed for the 2010s.

Disjointed thinking is manifest in the reports. While the report on alignment recognises that the CDB is not the appropriate vehicle for the alignment of local government and local development in line with the report's recommendations, no clarification is given as to why the CDBs did not work and, therefore, while the SECs should or could work. Maybe we should not be surprised with the approach's inconsistencies, as no local development people or, most importantly, volunteer members of the boards were on the steering committee that completed the report. I wonder whether any of the committee's members volunteer in their communities.

In terms of the local community and rural development sector, the alignment addresses a number of issues, first of which is effectiveness and efficiency. EU reports consider the Irish model to be the best in Europe. The second issue is democracy and insufficient local authority engagement or oversight. The report implies that there is no future role for community involvement in local democracy, yet local authority officials and councillors are on the boards. The local development sector values its interaction with local, national and international politicians in supporting local communities or families with business ideas, employment issues, community issues, etc.

The third issue is accountability. Local development companies are answerable locally to their boards of directors and nationally to the Departments and the EU. The Leader programme has seven layers of inspections. The fourth point relates to bureaucracy. Although it is not locally imposed or EU-advised, the Department's interpretation of EU rules is restrictive. The proposals have a number of good aspects, for example, countywide planning, which should help all communities and agencies, and the recommendation on improved interdepartmental work. Some Departments, such as the Department of Social Protection, have not been kept fully informed of developments or made an input into the documents even though they are significant stakeholders in the local development companies.

The reports imply that the new local enterprise offices, LEOs, will be responsible for all enterprise funding. Currently, local development companies deliver a significant range of enterprise supports, including Leader, mentoring and grants. The local and community development programme, LCDP, supports area enterprises, allowances, Skillnets, etc. Per the 2011 LCDP progress report, more than 5,000 business start-ups were supported by local development companies last year. Therefore, alignment would not assist enterprise. Rather, it would hinder it, as local development companies have a reputation for and experience of working with people from the ground up, particularly in rural areas.

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I thank the Deputy for raising this important matter. The local government document that I recently published set out a range of reforms that would place local government at the heart of economic, social and community development. This includes facilitating enhanced alignment between local government and local and community development programmes and functions. Greater alignment is primarily about giving the citizen a better deal and providing better services for our communities in the most cost effective and efficient manner possible.

I established the steering group to study this issue. Its report acknowledged the key strengths of the local development sector, including the sector's closeness to the citizen and communities, its track record of leading social inclusion and local and community development initiatives, and the local knowledge and expertise built up by local development bodies in service planning and delivery.

The steering group also recognised that there were certain limitations to the local development model. For example, there can be a considerable administrative burden, there is a potential for duplication and overlap because of the complexity of the local development landscape, there are many different funding and reporting arrangements, and demands and hidden costs are associated with the requirement on various stakeholders to participate in multiple boards and structures at local level.

I am confident that the introduction of SECs in each local authority area, as proposed by the steering group and approved by the Government, will bring coherence to the range of local and community development interventions at local level. In the long term, these committees will assume oversight and planning responsibility for all local and community development actions. They will ensure a joined-up, cross-government, cross-sectoral approach locally with benefits for local and community development programming that the city and county enterprise boards, CEBs, have been unable to achieve.

With the phasing out of CEBs and a more central role for local government in local and community development, local authority staff will assume greater responsibility for the oversight and co-ordination of local and community development activity. These changes will free up local development bodies and their staff to concentrate on front-line service delivery. We need a greater focus in this regard and more sustainable programme administration costs to ensure that the local and community development structures that are in place are viable in the long run. The new arrangements that we are introducing will achieve this.

I have no intention of introducing arrangements that would be detrimental to Ireland's local development model. We have a strong record of delivering local and community development interventions and we want to consolidate that record on behalf of communities, not damage our standing in this regard.

**Deputy Michael Healy-Rae:** With all due respect, the Minister's reputation for doing the right thing by certain sectors of society is questionable. He is doing away with fine, hard-working town councillors the length and breadth of this country who have served their communities well. Many are in his party. They will remember him well for what he has done to them.

**Deputy Phil Hogan:** I am quaking in my boots.

**Deputy Niall Collins:** The Minister will be our next European Commissioner. He will not care.

**Deputy Michael Healy-Rae:** Local development companies work closely with county councils, but they operate in a different manner, as acknowledged by the reports. The retention of their autonomy from councils or any State body in facilitating communities to articulate their needs is imperative. There is a vague statement to the effect that the role and functions assigned to SECs should reduce the need for State representation on the boards of a range of local development entities and-or allow the phasing out of certain structures. This appears to suggest that the Government or its civil servants want to retain local development entities to do the difficult work with communities, for example, the night work and the donkey work, while funding will go to local authorities or, to be clear, the local county managers.

The most devastating element of the proposals suggests that the bottom-up approach will be dismantled. Volunteers will be disenfranchised, disempowered, disengaged, disillusioned and disgusted, and would most certainly walk. It will take some time for a strong and well-resourced local community and rural development sector to get going again but it will happen because Government will not stop the people on the ground from working to better themselves, their families and their communities. The approach seems to be that local government and the local authority are broken, so we must fix local development. If we kill the roots, the tree will die, and the roots of community development are the communities.

I salute all the people who work in local development in all the different schemes, whether rural social schemes or otherwise, and all the different community groups which organise people to work on the ground. They have served our communities very well. I hope that in his endeavours, the Minister will not break something which is working. He is trying to fiddle with this in the same way as he has done with the town councils. In the past the rural train network was dismantled and the tracks were taken up but people now see that was a mistake. People will look back on the Minister's record when he is in Europe and will remember what he did on the ground. If the Minister stayed away from this and left it alone, it would be fine. Unfortunately, he is the Minister and we have to let him do what he is going to do.

**Deputy Phil Hogan:** For a good while, Deputy Healy-Rae's father propped up all those policies he spoke about.

**Deputy Michael Healy-Rae:** Deputy Hogan is the Minister now. He should not forget that.

**Deputy Phil Hogan:** I am glad Deputy Healy-Rae does not have responsibility now. Putting People First, the document I mentioned earlier, strengthens and refocuses the role of local government towards economic, social and community development locally. It is the Government's view that local authorities will have a central role in the oversight and planning of local and community development planning. I do not see the problem with that as the democratic input is important in every county, including County Kerry. I am sure Deputy Healy-Rae is happy that his brother is a councillor in Kerry Council County and will be able to be involved

in the oversight and planning of the programmes to ensure they are focused and targeted in a way that-----

**Deputy Michael Healy-Rae:** The Minister is very worried about us all of a sudden.

**Deputy Phil Hogan:** The alignment steering group recognised the importance of retaining the bottom-up approach, as do I. In spite of all Deputy Healy-Rae's protestations, there is no intention to remove that approach towards community development. If Deputy Healy-Rae looked at many of the community groups throughout the country, he would have to ask the question why there is such a divergence in administrative costs between the various groups. In some cases, the administration costs of some of our community development groups is 35% of all the funding going into them. That is not sustainable any longer. It should never have been the case. I want to see those particular costs devoted towards delivering front-line services for local people rather than building up a rather expensive bureaucracy. Substantial public funding is being spent on local and community development programmes. These programmes are not always sufficiently joined up to allow the most effective and efficient delivery of our services.

I assure Deputy Healy-Rae that rural development structures will continue and the community and voluntary sector will also continue to play a very important role in EU programmes, but they will be more aligned with local government in doing so and they will be more co-ordinated in their approach. The bottom-up approach, in spite of what Deputy Healy-Rae might say to the contrary, will continue under this approach.

**Deputy Michael Healy-Rae:** They will be consumed by the local authorities.

**Deputy Phil Hogan:** Deputy Healy-Rae's brother will make sure they are not.

### **Crime Levels**

**Deputy Dara Calleary:** I thank the Ceann Comhairle for allowing my colleague and I to raise this issue and I thank the Minister for being here to take it. In the past two months, in particular - the statistics will not yet show this - there has been a very serious increase robberies and burglaries of houses, and I speak from my own experience in County Mayo. On this occasion, the practitioners are getting more brazen. At least four incidents have been brought to my attention in recent weeks. People were in their houses and the burglars either came in through the front and took stuff from the front of the house or through the back door when the residents were in the front of the house. As the Minister can imagine, this situation is causing grave concern throughout County Mayo.

There have also been a number of robberies of businesses. In one case, the robbery was the tipping point, although not the main reason, which forced the owner to give up. He could no longer carry on and, as a result, a viable business went bust. There has been an increase in robberies in recent weeks in all the towns throughout County Mayo. A number of empty houses along the N5, the main Mayo-Dublin road, where families were at work or were on holidays during mid-term, were broken into. It suggests a very prepared and organised group of people who were observing people's movements and people's houses. This is a matter of serious concern.

Local gardaí are doing their best but they do not have the resources to deal with this. Earlier

in the year the Minister established Operation Fiacla as a Dublin and commuter belt response, but it needs to be expanded. We need something similar to the traffic corps where gardaí can respond very quickly to such situations because there is a trend which shows that some areas are being targeted over two or three days. A number of houses in an area are done over a number of days, so a group seems to be spending time in an area or else it is locally based.

I have spoken to local gardaí but their hands are tied in terms of resources. The Garda Commissioner will appear before the Joint Committee on Justice, Defence and Equality tomorrow and Deputy Niall Collins will raise the issue with him. There is a fear in communities as we come into the darker period of winter and people feel unprotected. We need to address this as a matter of urgency. Has the Garda Commissioner consulted the Minister or has the Commissioner brought it to his attention? I know from talking to colleagues from all parties that this is a problem throughout County Mayo, in particular in the past two months.

In the context of the budgetary discussions which the Minister is having, would it be possible to consider a scheme where people installing security facilities in their houses, whether an alarm or a lighting system, would get some sort of tax credit towards that installation? It would promote employment and a little sense of security in people's homes.

**Deputy Niall Collins:** I thank the Ceann Comhairle for selecting this issue because it is topical and was on the front of today's *Irish Independent* as a result of yesterday's report on the Probation Service and recidivism. On a number of occasions, the Minister has quoted the CSO crime statistics in defence of some of the policies he is pursuing - for example, the closure of Garda stations and the resourcing of An Garda Síochána. That is fine but he has not quoted some of the statistics in substantiating his argument. For example, we have seen an increase nationally of 10.3% in burglaries over the past 12 months. We have seen an increase of 43% in thefts against the person and an increase of 93% in cash-in-transit robberies. The majority of those crimes are being committed in the greater Dublin area.

Unfortunately, behind every statistic is a story of a victim and a family. It is important we put it in context. Of the 28,000 burglaries which took place nationwide in the past 12 months, just over 11,000 of those took place in the greater Dublin area. We need to focus on that and hear from the Minister on yesterday's report on the Probation Service. We were told that in excess of one third of people assigned to the Probation Service by way of sentencing or repaying their debt to society, in particular in the Dublin area, re-offend while under the stewardship of the service. I think the Minister described that in his press statement yesterday as interesting. The victims of crime, in particular in the Dublin area, want to know what the Minister or, indeed, the Government has in mind. When it comes to the redress of crimes. The victims must be centre stage.

The main issue people are bringing to our attention - there are many aspects of the resourcing of An Garda Síochána which we could debate at length - are the response times of an Garda Síochána. That is critical.

I refer to other organisations outside of An Garda Síochána and the joint policing committees. Yesterday, Dublin City Council launched a campaign to raise awareness that most burglaries in the Dublin area happen between the hours of 5 p.m. and 10 p.m. Does the Minister feel a little usurped by that or is he happy that local authorities must now get involved to try to promote awareness for dealing with these issues? Will the Minister comment on yesterday's report, particularly the fact that a large number of people who are under the direction of the

probation service are becoming serial re-offenders, especially in the Dublin area?

**Minister for Justice and Equality (Deputy Alan Shatter):** I thank the Deputies for raising these important matters. The latest official crime statistics from the Central Statistics Office show, despite what the Deputies say, that the incidence of most types of crime is falling. This reflects well on the work of An Garda Síochána. Nevertheless, the Garda Commissioner and I remain concerned about the incidence of burglary, which has shown an increase in recent times.

I therefore welcome the progress being made under Operation Fiacla, which is running for 12 months initially with effect from February 2012. The 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. Deputy Calleary suggested that Operation Fiacla is focused on the Dublin area. That is not true; it is focused on the rest of the country. One of the difficulties we have is individual gangs burglarising in different part of the country by using our very good and sophisticated road network, allowing them to access areas that in previous years they would have little possibility of accessing or escaping from them.

Operation Fiacla is intelligence driven, and specific burglary initiatives have been implemented in each Garda region to target suspected offenders. In the Dublin area this is given effect through Operation Acer, with Operation Aimsir running in the western region. As of 19 October 2012, almost 2,500 persons have been arrested and over 1,400 persons have been charged as part of Operation Fiacla, reflecting the very substantial efforts being made to tackle this problem by the Garda. These operations are backed up by good community policing and crime prevention advice which An Garda Síochána is in a position to provide throughout the country. An excellent example of this is the recent launch of the “Home Safe Home” campaign initiated by An Garda Síochána in Dublin and supported by the Dublin city joint policing committee, JPC. This campaign advises homeowners on a range of simple but important home security measures. I commend and acknowledge this type of co-ordinated and collaborative effort being made by the Garda, the local authority and others on the JPC, working with the support of the local community. I am very appreciative of the efforts of all concerned in this important and timely campaign.

Similar supports are available throughout the country, with An Garda Síochána working closely with Community Alert, Neighbourhood Watch and other local groups to provide crime prevention advice and assistance. Only last week I visited the offices of Community Alert and Macra na Feirme in Clonmel and saw the very good work they do. I particularly welcome local authorities adding their voice through the joint policing committees and others to ensure that the general public provides the degree of home protection they must provide for themselves. All too frequently burglaries occur in locations where there are either no alarm systems or people have alarms but do not turn them on, or windows are left open and provide easy access to those on the prowl in search of houses to burgle.

With regard to the situation in Mayo, I am aware of reports of a number of recent burglaries and suggestions that these incidents appear to be linked. This is precisely the type of scenario which Operation Fiacla is designed to tackle and I have every confidence that Garda management is responding effectively. While the incidence of crime is generally lower in rural than in urban areas, I am conscious of the deep distress which burglary and similar crimes can cause to householders in rural areas and the broader impact it can have in terms of fear of crime in our communities.

I am confident that Garda efforts co-ordinated under Operation Fiacla are making the desired impact and this should be reflected in forthcoming crime statistics. I hope it will also be reflected in the Mayo area in dealing with the difficulties Deputy Calleary described. Ultimately, in dealing with these issues I rely on the operational decisions made by the Garda Commissioner. I believe we will discover in 12 months, when looking back on Operation Fiacla, that it has proved to be successful. Many of those who are currently charged are awaiting their appearance in court. The Deputy will understand I must be careful in what I say about that but I hope those appearances will result in convictions being obtained where appropriate and appropriate sentencing decisions being made.

The Government's commitment to supporting the Garda is underlined by my recent announcement of €3 million funding for new Garda vehicles. This will provide an additional 170 new vehicles which will greatly enhance Garda capacity to provide an effective policing service throughout the country. All of these vehicles should be in service by the end of January and a considerable portion of them should be in service by December. It is the Government's intention to ensure that front-line services are maintained at the highest level possible through the most efficient use of resources. The Commissioner has my full support in this regard and I have every confidence that he and every member of the Garda Síochána will continue to deliver an effective police service in both rural and urban areas.

When I have my further two minutes to speak I will respond specifically on the issue Deputy Collins raised regarding the report published yesterday by the Central Statistics Office.

**Deputy Dara Calleary:** I ask the Minister to engage with the Garda Commissioner on the situation in Mayo. The incidence has greatly spiked in the last few weeks. We are probably ahead of the figures.

Second, I draw the Minister's attention to the remarks by Judge McLoughlin in Castlebar District Court last week in which he pointed to what he perceived as a difficulty with sentencing. He observed that a defendant who was charged with three counts of burglary was due to appear subsequently in Swinford District Court on two further counts and in the previous weeks had been sentenced to 23 months in prison after pleading guilty to seven counts of burglary. The judge observed that the defendant "went on a crime spree" in such a short period to ensure that he could only receive the maximum of 24 months when all the cases came before the court in the same period of time. The judge put the court into recess and examined what sentence he could impose. He sentenced him to one month additional to the 23 months sentence which was imposed in Galway, and a ten month term to run concurrent with the 24 month sentence.

I am aware the Law Reform Commission is reviewing sentencing policy at present, but this is something on which the defendants and criminals appear to be very well versed. Ultimately, however, it is the person whose house has been burgled who must suffer the consequences. Again, I ask the Minister to engage with the Garda Commissioner about the situation in Mayo, which I believe is ahead of the figures. I welcome the allocation of cars. I called for that when I held the justice brief. I hope the Commissioner knows where to send them.

**Deputy Niall Collins:** The Minister mentioned Operation Acer, which has had a degree of success in the Dublin area where it is being trialled. Is it intended to roll that out to the greater Dublin area and to the commuter belt? To date, approximately 200 people have been convicted and a further 380 are due to appear before the courts arising from that operation. It is important to convey the message to people living in the greater Dublin area and in the commuter belt that

this operation will continue. Will the Minister address that? Can it be replicated in other larger cities such as Limerick, Cork and Galway, outside the areas where Operation Fiacla is currently under way? I referred earlier to response times, which is a critical issue in investigating crime. The Minister referred to the road networks. The road network being so enhanced affects the greater Dublin area because criminals are so mobile these days.

On the management of the Garda Síochána fleet, I accept that the Minister has allocated an extra €3 million which will purchase approximately 170 vehicles. However, that has been described to me as merely a sticking plaster by some quite senior members of the Garda. Does the Minister believe there is merit in having a five year capital budget framework for An Garda Síochána to allow for proper fleet management? We are in fire fighting mode in terms of managing the Garda fleet. Cars are involved in accidents and being written off and cars must be decommissioned when they reach 300,000 kilometres. The effectiveness and efficiency of the Garda are being diminished by the lack of adequate transport. There is merit in considering the introduction of a five year capital budget that is ring-fenced for the provision of vehicles. What are the Minister's views on that?

*6 o'clock*

**Deputy Alan Shatter:** The Garda Síochána has approximately the same number of vehicles as it had at the height of the Celtic tiger in 2007. By the end of this year, we will have acquired more than 200 cars. Some 42 vehicles were acquired in the spring and 170 more have been purchased since. A considerable number of them will be commissioned and on the roads in December, with the remainder in January. I do not want to give the Deputies any advance news of budgetary matters but I assure them there will be a reasonably substantial sum available in 2013 for the acquisition of additional Garda vehicles, which I am relatively confident we will be able to purchase during the year. There is a perspective on this and it was not a once-off purchase. In the context of the financial legacy I inherited, and the difficulties we experienced, the reason we have €3 million for vehicles is efficiencies we effected during the year. My Department facilitated identifying that sum of money as being available and next year we will have a sum earmarked for purchases.

Operation Fiacla operates across the country while Operation Acer is focused on Dublin. Some 2,500 arrests were made under Operation Fiacla, with 1,400 charges brought. That accounts for the statistics to mid-October, and I presume that, by the end of this month, I will have new information.

Yesterday's report examined those who received an order in 2007. It related to those who were on probation *simpliciter* or who were the recipients of community service orders in 2007 and examined the extent to which they reoffended. Since 2007, a number of changes have been made, which I hope will show better results. One can look at these results in different ways. The *Irish Independent* looked at them in a particular way. For people disposed of, either put under supervision orders through the Probation Service or engaged in community service, the recidivism level was 37.2%. Considering the comparators of those imprisoned for the first time, the number who are recidivist over a period of two to four years is actually higher than that. One can look at the figures every which way. Unfortunately, when people are imprisoned or otherwise disposed of, there is no certainty they will not reoffend. This was the first time this type of research has been done. We need more information on recidivism from people who have been imprisoned.

**Acting Chairman (Deputy Joanna Tuffy):** The Minister is over time.

**Deputy Alan Shatter:** There was a high level of reoffending of those so disposed of who had committed burglaries. The higher category of recidivism was 47%, which meant 53% had not reoffended after that number of years. In the context of the number of people sent to prison or held in detention centres, including young people in the past who were in St. Patrick's institution, the level of reoffending was higher. It is not that these figures are something to celebrate, but they are indicative that when people are disposed of in alternative ways to imprisonment, we may reduce the level of recidivism to a degree.

Much more work needs to be done. The work reflects on those convicted in 2007, during the time when Deputies Calleary and Niall Collins and their colleagues were in the majority party in the House. I am not saying that as a criticism. It is important this work was done and we need to get our recidivism figures down further. Substantial work is being done in the Prison Service in the context of those sentenced to terms of imprisonment. Substantial work is being done by the Probation Service and I hope similar research is done in two or three years time, which may show a lower level of recidivism.

I want to say two more sentences. The case referred to by Deputy Dara Calleary is of interest. While I do not want to comment on an individual case, there are circumstances in which the District Court can decide not to hear a matter and to send it forward for trial in the Circuit Court, where a higher sentence may be appropriate. It is also a specific criminal offence to commit an offence while on bail. That can result in a separate prosecution to those that may have ensued for burglaries committed by someone when on bail for other offences. I do not know the circumstances surrounding the issue but, as a matter of principle, individuals on bail who commit offences should be prosecuted for having committed an offence on bail where prosecution is possible. We are looking at the bail laws and the additional reforms that can be introduced to ensure the public has greater protection when individuals are on bail pending charges being heard in the courts. It will ensure this type of offending does not continue to take place.

### **Home Help Service**

**Deputy Patrick O'Donovan:** I thank the Ceann Comhairle for selecting this issue because Deputies routinely request Topical Issue debates. In the recent past, there has been considerable discussion about the provision of home care and home help. What constitutes home care and home help is very different in different parts of the country. What they have in common is that, in all instances, an elderly person or vulnerable adult is at the centre of the care provision. In 2011, the Law Reform Commission underlined the need for a legislative framework in home care provision. This arose in the aftermath of the investigation and report on Leas Cross, where vulnerable adults and elderly people in a private nursing home environment were subject to obvious abuse. The concern for vulnerable adults, elderly people, their families and home care providers arises in respect of standards, legislation, regulations, inspection, complaints mechanisms and associated penalties where there are obvious failures in the protection of vulnerable adults and old people.

Where would one find a person in a more vulnerable state than an old person at home, bed-ridden, unable to do anything, not exposed to any outside inspection and with no one passing by as someone in a nursing home would have? These people are totally dependent on the home care provider or the person coming in to provide a home care package. The vulnerability of the

person can be exposed and exploited and there is an urgent need to ensure we are not just reacting to another investigation with another hidden camera, highlighting another element of abuse or worse, and dealing with the aftermath of someone found dead or seriously injured at home.

The programme for Government refers to this, and a Bill, which was a copy and paste exercise of what the Law Reform Commission proposed in its report, was brought before the House. In recent weeks, with public discourse on what home help is, how it is constituted, how people get medically assessed for it and its standards and assessment regime, it is urgently required not only to protect the elderly or vulnerable person but also for those who go into people's houses. I have a personal involvement in this. Are these people trained and qualified? Do they have the necessary competencies to deliver home care at the level the public health nurse or district nurse decides it is needed?

The Law Reform Commission report states that home care provision ranges from companionship to home care to complicated provision of home care, where a catheter bag needs to be changed, an incontinence pad needs to be administered or drugs need to be administered daily. There may be no family involvement. The State recognises that the best place for elderly people is in the home, if possible. Between now and 2041, the number of people over the age of 65 will double. We also know that 95% of people over the age of 65 live at home. This is urgently needed and I impress its urgency upon the Minister. I know there is a legislative backlog and that many things have priority, but we had a referendum for one cohort of vulnerable people and we need to legislate for this group.

**Deputy Alan Shatter:** I thank the Deputy for raising this matter and apologise on behalf of my colleague, the Minister for Health, that he is not here this evening. He has a commitment that he has to keep and he asked me if I would respond to the Deputy.

Government policy is to support older people to live at home and in their communities for as long as possible. This is realised by the Health Service Executive through a range of community-based services such as mainstream home help and enhanced home care packages or by other supports such as meals-on-wheels and respite or day care. These services, often delivered in partnership with non-statutory agencies, are designed to be as flexible as possible to best meet the needs of individual recipients and their families.

Government for National Recovery 2011-2016 commits to developing and implementing national standards for home support services, which will be subject to inspection by the Health and Information Quality Authority, HIQA. New statutory regulation of this sector will have to take account of various issues, such as those raised in a recent report of the Law Reform Commission, entitled *Legal Aspects of Professional Home Care*. This, in turn, is a follow-up to its 2009 consultation paper, *Legal Aspects of Carers*.

Primary legislation and resources will be required for the introduction of a statutory regulation system for home care services. The question of possible changes to legislation, including regulation and inspection for home care services for older people, is under consideration. The Department is at present examining this matter in the overall context of the licensing of health care providers. Legislation is being prepared in this area, taking into account various recommendations of the Commission on Patient Safety and the Law Reform Commission. Various options are being considered, including the complex legal issues involved and the need to prioritise legislation across the social care area overall, including that relating to children and disabilities.

It is important to emphasise that statutory regulation or licensing is only one way of improving the safety and quality of services and that other measures have or are being taken to improve the standards of community service for older people delivered by, or on behalf of, the HSE. These are reflected in the HSE service plan 2012 and include a public procurement framework for home care services finalised earlier this year, with quality and screening requirements. In addition, various operational initiatives such as new national quality guidelines for home care support services and new national home help guidelines have been developed by the HSE. These various measures, taken together, have been designed to improve relevant aspects of HSE home care nationally, including non-statutory provision for care recipients under the auspices of the executive.

The Government has embarked on a major reform programme for the health system, the aim of which is to deliver a single-tier system where access is based on need, not income. A number of important steps will be achieved in a planned way, including regulation of the specific sectors I have outlined, and each of these will play a critical role in improving our health and personal social services overall.

**Deputy Patrick O'Donovan:** I thank the Minister for his reply. I go back to what I said about the difference between home care and home help and the public and private provision of those services. In some instances, the man or woman who comes into an elderly person's house is paid about €9 per hour while the company that sends them in is paid up to €27 per hour. There is no standardisation across the board.

The Government, and the previous Government, were anxious to ensure this service be given out to a private provider in order that it would not be the State's problem. This is the State's problem, however, if we are providing the money for the service. Are the standards, assurances and quality being delivered to the people who need it? I recently saw a media report of a company dealing with vulnerable people in County Wicklow that is under investigation by the Garda. This is not the sort of thing we want to see happening in the future.

A fortnight ago, we had a referendum to enshrine rights for vulnerable children in the Constitution. Elderly people who are living alone are vulnerable adults. Some may be blind or deaf or have a learning difficulty. They do not have the luxury of having their point of view articulated in this House as often as they would like. This is critical, however. We cannot afford to wait until there is another Leas Cross, another hidden camera or, worse, someone is allowed to abuse his or her position so that a life is put in danger.

This is not just about protecting the service user. It is also about protecting the service provider, that is, the individual man or woman who is going into a house to administer care. The establishment of the new training agency, SOLAS, is an opportunity for the Department of Health to agree national standards in order that the service given to every single person, whether a child, a young vulnerable adult or an elderly person living alone, can be inspected by HIQA and the standard of care provided, whether publicly or privately, out of the State's purse is the same for all. This is something we should be trying to achieve.

**Deputy Alan Shatter:** On a personal level, I share the views expressed by the Deputy. There is a need to ensure individuals who are recipients of care at home are not placed in danger. There is a need to ensure the individuals providing that care are properly trained and adequately regulated. There must be a standardisation of the care provided, a uniform approach and proper regulatory oversight. I am willing to draw to the Minister's attention the comments

made by the Deputy. I hope the reforms the Minister envisages and is working on can be put in place as soon as possible to address the many concerns the Deputy, quite properly, expresses.

### **National Vetting Bureau (Children and Vulnerable Persons) Bill 2012: Report and Final Stages**

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 1:

In page 11, between lines 26 and 27, to insert the following:

“(h) the periodic review of data so that it is not stored for an excessive length of time in light of the purpose for which it was gathered according to regulations set out by the Minister.”.

This refers to the use of soft, that is non-conviction related, information. We accept that the storing of information is necessary to protect children and vulnerable persons. We have concerns, however, about the storing of data in the long term. There is also a crossover issue of spent convictions, and so on. I hope the Minister can engage with this proposal.

**Deputy Alan Shatter:** Unfortunately, I cannot accept the Deputy’s amendment. I understand the Deputy’s seeking to ensure information stored in the database established under section 6 is not stored unnecessarily. He suggests I establish regulations that would provide for the periodic review of such data. As I mentioned during the debate on Committee Stage, the Data Protection Acts apply to all data stored by the bureau, including criminal records data and the specified information database. The vetting unit is registered with the Data Protection Commissioner in accordance with the Data Protection Acts and its procedures for storing and processing data are subject to the oversight of the commissioner in accordance with those Acts. The Data Protection Commissioner has also been consulted on the provisions contained in the Bill and has not raised any issue of concern.

For a Minister to set out the manner in which the storage of data would be reviewed and to do so separately from the established procedures would potentially undermine the credibility of our data protection legislation. I am anxious to ensure that I do not do that. I have no concerns as to the application of those Acts to the information held and managed by the bureau. I believe this is properly a matter for the Data Protection Commissioner to monitor appropriately.

Amendment put and declared lost.

**An Ceann Comhairle:** Amendment No. 2 arises from committee proceedings. Amendments Nos. 3, 4, 5, 8 and 9 are related. Amendment No. 3 is an alternative to amendment No. 2, amendment No. 5 is alternative to amendment No. 4 and amendment No. 9 is an alternative to amendment No. 8. Amendments Nos. 2 to 5, inclusive, and 8 and 9 will be discussed together.

**Deputy Alan Shatter:** I move amendment No. 2:

In page 13, between lines 11 and 12, to insert the following:

“(i) his or her nationality (if known);”.

During the debate on Committee Stage, Deputy Mac Lochlainn proposed amendments to sections 9, 11 and 13, which deal with the registration of liaison persons, the register of vetted persons and the applications for vetting disclosure. Under each section, certain information is required, such as name, address, etc. Deputy Mac Lochlainn proposed including the person’s nationality in the list of information to be provided. I agreed with the Deputy that such information should be included where possible and to introduce the appropriate amendments on Report Stage. Deputy Mac Lochlainn has tabled similar amendments, although they differ slightly in as far as the amendments I have proposed provide for the situations where nationality may not be known. I hope the Deputy will acknowledge that we have adequately covered the matter and I am grateful to him for raising the issue on Committee Stage. It is a useful amendment to the Bill.

Amendment agreed to.

Amendment No. 3 not moved.

**Deputy Alan Shatter:** I move amendment No. 4:

In page 14, between lines 29 and 30, to insert the following:

“(i) his or her nationality (if known);”.

Amendment agreed to.

Amendments Nos. 5 and 6 not moved.

Bill recommitted in respect of amendment No. 7.

**Deputy Alan Shatter:** I move amendment No. 7:

In page 15, between lines 38 and 39, to insert the following:

“(4) In the case of the—

(a) employment of, or

(b) entering into a contract for services with,

an examiner (within the meaning of the Education Act 1998) for the purposes of the performance by him or her on a temporary basis of functions in respect of the conduct of examinations to which Part VIII of the Education Act 1998 applies, the obligations placed on a relevant organisation pursuant to *subsection (1)* shall be regarded as being satisfied where such examiner is a teacher who is registered on the Register of Teachers established and maintained by the Teaching Council.”.

This amendment has been introduced at the request of the Department of Education and Skills and ensures the Bill will not negatively and unnecessarily impact on the operation of the annual leaving and junior certificate examinations. There is a binding requirement to have teachers who act as superintendents and examiners in place in all examination centres at the appointed time for each examination. The State Examinations Commission employs directly approximately 8,000 persons on a short-term basis for the purpose of supervising these exami-

nations. Some are employed with as little as a few hours' notice on the day of examinations to cover local contingencies. Most of those employed directly by the commission are teachers employed in schools and registered with the Teaching Council.

The amendment will ensure the State Examinations Commission will not be required to seek a vetting disclosure in respect of teachers registered with the Teaching Council. Should any other persons be employed to perform exam supervision, the commission will be required to seek vetting disclosure in respect of those persons. It is imperative there should be no unnecessary disruption to the operation of the State examinations. Persons working as teachers and registered with the Teaching Council should not require vetting for the purpose of short-term, temporary employment supervising examinations. In addition to ensuring the continued smooth operation of examinations, this amendment will also remove the unnecessary burden on the vetting bureau of an additional 8,000 requests for vetting annually, which could result in an annualised basis of the continuous vetting of exactly the same people.

Amendment agreed to.

Bill reported with amendment.

**Deputy Alan Shatter:** I move amendment No. 8:

In page 17, between lines 2 and 3, to insert the following:

“(i) his or her nationality (if known);”.

Amendment agreed to.

Amendment No. 9 not moved.

**Deputy Alan Shatter:** I move amendment No. 10:

In page 25, between lines 3 and 4, to insert the following:

“23.—(1) As soon as may be, but not later than 6 months after the end of each year, the Bureau shall, through the Garda Commissioner, present to the Minister a report of the activities of the Bureau in the immediately preceding year, and the Minister shall, as soon as may be after receiving such report, cause copies of the report to be laid before each House of the Oireachtas.

(2) Notwithstanding *subsection (1)*, if, but for this subsection, the first report under that subsection would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be made as soon as may be, but not later than 6 months, after the end of that year.”.

Again this arises from a discussion we had on Committee Stage. During that debate I stated I would bring forward an amendment that would require the Garda vetting bureau to present a report each year on the activities of the bureau. This amendment introduces the necessary provision and requires the Garda Commissioner to present that report to the Minister for Justice and Equality, who will lay the report before each House of the Oireachtas. This will provide a regular oversight to the Houses of the Oireachtas and to the Joint Committee on Justice, Defence and Equality of the manner in which the bureau is working.

This approach is to be favoured over reports simply being subsumed within the annual

Garda report. It is important we have an annual overview as to how the bureau is working, whether it is adequately staffed and resourced, if delays are arising and, in the context of the bureau and the chief bureau officer in charge, if any legal anomaly or difficulty has been identified that must be addressed by the terms of legislation. This provision will ensure the necessary information is available annually, thus allowing for an important degree of transparency to the work being undertaken by the bureau. It will also ensure any emerging difficulties are readily identified and made known to Members of the Oireachtas. This provision will have the equal benefit of ensuring any difficulties the Minister should address are clearly detailed and available to Members of the Houses and corrective action to be taken, even in the context of existing legislation, is highlighted.

This is an important provision. We are all conscious this legislation has an important role to play and will impact on many people who are seeking paid employment or willing to engage as voluntary workers with children or adults with special needs. It is particularly useful we have a separate report that focuses on the work done by the bureau and that will ensure whoever is head of the bureau has the freedom to articulate any concerns that might exist in the context of the work being undertaken, the capacity of the bureau to deal with vetting within adequate timeframes and any other issue that might arise on the workings of the legislation.

**Deputy Pádraig Mac Lochlainn:** I welcome this amendment. One of the issues we discussed on Committee Stage related to the concerns around foreign nationals. A full check can be made on a Irish citizen so I would like the Minister to monitor that situation on an ongoing basis. We can avail of the opportunity offered by the amendment to do so. The Minister had indicated that it was only in exceptional circumstances that a situation might arise where we would not be able to access a police check on a foreign national in his or her home country. Through this process we can monitor that over time.

**Deputy Alan Shatter:** It is an issue, although not one that will impact on the majority of people who may be subject to vetting, but we have circumstances in which foreign nationals in this country seek employment with vulnerable adults or children and it is important that information, where possible, can be obtained in a vetting process. There are certain arrangements in existence within the EU for the exchange of information in certain circumstances. I hope that across the EU we may become more co-ordinated in the future and more proficient in these areas.

We cannot, depending on where an individual is from, always be certain information can be accessed or be readily available. Nevertheless it is an issue of which I am conscious. There is a limit to what we can do within our legislation. We cannot compel authorities of other countries to respond to queries that arise, but on occasion information can be obtained that is important in the area of crime investigation by the Garda Síochána. This in the area of vetting. It is slightly different because it involves both convictions and soft information, but in so far as we can access information, this area can be further developed. It is an issue to keep in mind and consider again in the future in the context of events happening in the European Union to co-ordinate the availability of information.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: "That the Bill do now pass."

**Minister for Justice and Equality (Deputy Alan Shatter):** I thank the Deputies opposite and also Deputy Niall Collins's predecessor as his party's justice spokesperson, Deputy Calleary, for the constructive and helpful contributions made during the debate on the Bill as we went through its various Stages. Helpful contributions were made not just by the Deputies present, but also by others in the Oireachtas Joint Committee on Justice, Defence and Equality when we published the heads of the Bill, which influenced how we developed it. On a Bill of this nature it is important that we take on board any constructive amendments proposed and that we give consideration to issues raised. I know we cannot always take on board everything Deputies propose but I hope they feel they have been treated fairly and reasonably in the context of issues raised all the way through from the meeting of the Oireachtas joint committee to today's debate. I thank the Deputies for their very helpful and constructive contributions which have facilitated us completing this stage of the enactment of the legislation.

**Deputy Niall Collins:** I agree with what the Minister said. I ask him and his officials to keep under review the issue of childminders we raised on Committee Stage. I do not want to reopen the debate and I accept it is the Minister's democratic right not to accept the amendment we tabled at the time. However, some 50,000 children are being minded by approximately 19,000 childminders and only 1% of those will be subject to vetting. As it is a large body, I ask the Minister to keep it under review and if necessary we can come back and revisit it.

Question put and agreed to.

### **Electoral (Amendment)(Dáil Constituencies) Bill 2012: Order for Second Stage**

Bill entitled an Act to provide for the numbers of members of Dáil Éireann, for the revision of constituencies and for the number of members to be elected for such constituencies and to provide for related matters.

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Electoral (Amendment)(Dáil Constituencies) Bill 2012: Second Stage**

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I move: "That the Bill be now read a Second Time."

The purpose of the Electoral (Amendment)(Dáil Constituencies) Bill 2012 is to provide for the number of Members of Dáil Éireann, to revise Dáil constituencies in the light of the results of census 2011 and to provide for the number of Members to be elected for such constituencies.

In the programme for Government we committed to "reduce the number of TDs following the publication of the results of the 2011 census of population". A first step towards achieving that was taken in the Electoral (Amendment) Act 2011. In that Act the range for the total

number of Members of the Dáil was set at not less than 153 and not more than 160. Today's Bill provides for a total number of 158 Members of the Dáil. It delivers on the programme for Government and we will see this change in the 32nd Dáil.

In debating and deciding upon this Bill the Oireachtas will meet its constitutional obligation to review and revise constituencies with due regard to changes in the distribution of population. We have legislative provision for supporting the Oireachtas in this task. The Electoral Act 1997 provides for the establishment of a constituency commission and for that commission to report to the Ceann Comhairle. The most recent commission reported to him on 21 June 2012. The Government has given consideration to the recommendations of the commission and has agreed to implement them. The Bill provides for this.

While the Oireachtas has, in the Electoral Act 1997, made additional provisions for constituency review and revision, the provisions in the Constitution have primacy. Bunreacht na hÉireann makes clear and distinct provision for the membership of Dáil Éireann. Article 16.6.2° of the Constitution provides: "The number of members shall from time to time be fixed by law, but the total number of members of Dáil Éireann shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population." Over the years the ratio has tended to be at the lower to middle end of this scale. At present, with 166 Members and based on the 2011 population, there is one Member to every 27,640 of the population. The ratio was one Member to every 25,541 of the population in the last revision. As a result of this Bill, the ratio will be one Member to every 29,040 of the population. While this is the highest ever ratio in the State, it is within the constitutional limit.

Article 16.2.3° of the Constitution provides: "The ratio between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as it is practicable, be the same throughout the country." This is not the case at present. For example, the population to Member ratio, based on the results of census 2011, in the constituency of Laoighis-Offaly is 11 % above the national average. In Kildare South it is 9% above and in Kildare North it is more than 8% above the national average. At the same time it is 10% below the national average in Dublin North Central, 8% below in Dublin South Central and more than 7% below in Limerick City.

The ratio between the number of Members and the population of each constituency, based on the most recent census, is not the same throughout the country at present. This requirement is qualified in the Constitution by the phrase "as far as practicable". The Bill addresses the need for the ratio to be the same in so far as it is practicable by providing for an arrangement of constituencies that allows for a high level of parity of representation. In all the constituencies specified in the Bill the variance from the national average representation of one Member for 29,040 of the population is within 5%. That national average is based on the total population of the State as ascertained at census 2011 divided by 158, the number of Deputies to be in the next Dáil. This constitutional provision was considered by the courts in two cases in 1961 - the High Court case of John O'Donovan v. the Attorney General and the Supreme Court reference case relating to the Electoral (Amendment) Bill 1961. It was considered again in the High Court case taken by Deputies McGrath and Murphy in 2007 where it was argued that the constituencies on which the general election was being fought at the time did not comply with the requirement in Article 16 of the Constitution. In none of these cases did the courts quantify a precise degree of equality of representation required by the Constitution.

Article 16.2.4° of the Constitution provides that: "The Oireachtas shall revise the constitu-

encies at least once in every twelve years, with due regard to changes in distribution of the population". This, in effect, requires that constituencies be revised whenever population changes ascertained in a census lead to population-Deputy ratios in individual constituencies that are significantly out of line with the national average. That is the case at present and the Oireachtas must respond accordingly.

Provision is made in section 5 of the Electoral Act 1997 for the Minister for the Environment, Community and Local Government to set up a commission to report on Dáil and European constituencies upon the publication of the census report setting out the preliminary census result. The terms of reference of the commission are specified in the Act. These are, of course, subordinate to the relevant constitutional provisions.

The commission that reported in June 2012 is the fourth commission established under the 1997 Act. This was the first occasion on which a statutory commission was required to carry out a review of constituencies on the basis of a reduced number of Members of Dáil Éireann. It was also the first statutory commission established with authority to work upon the publication of preliminary census results. This was in response to the 2007 High Court judgment in the Murphy-McGrath case. The court in that case had regard to the constitutional requirements and to the high quality of Central Statistics Office, CSO, preliminary population data. The court concluded that consideration should be given to initiation of constituency revisions on publication of the CSO preliminary report on a census, with the revision work being completed when the final data are available. The Oireachtas responded to that judgment by amending the Electoral Act 1997 to provide for the earlier establishment of a constituency commission.

The starting point, therefore, for the work of the constituency commission that I established in the summer of 2011 was the preliminary census results. The commission remarks in its report that, in the event, no material differences emerged between the preliminary and final census results, but the ability to begin the preparatory work greatly facilitated the commission's timely completion of its mandate. As the commission indicates in the report, the initial work of analysis of the effects of population changes and the reduction in membership was undertaken by reference to the preliminary census results published on 30 June 2011. The recommendations from this work were then formulated and confirmed on the basis of the definitive census results published on 29 March 2012. The report on the final results of the 2011 census of population showed the total population in the State as 4.59 million, an increase of 8.2% on the 2006 population. The commission had three months after the publication of those results within which to complete its work.

Copies of the commission's report were made available to Deputies last June on the day it was presented to the Ceann Comhairle. By now I am sure all the Members are very familiar with its content. However, for the record of the House I will outline the main features of the commission's report in regard to Dáil constituencies. The commission recommends that the number of members of Dáil Éireann should be 158. It recommends that there should be 11 five-seat constituencies - the same number as at present, 16 four-seat constituencies - one more than at present, and 13 three-seat constituencies - four fewer than at present. This gives a total of 40 constituencies. The commission recommends that 11 constituencies should remain unchanged. These are, as they are listed in the commission report, Longford-Westmeath, Meath East, Carlow-Kilkenny, Wexford, Louth, Meath West, Cork East, Wicklow, Clare, Dublin Mid-West and Cork South-West. It reports that it considered making those constituencies, which I have listed, conterminous with the relevant county boundaries. However, to have done so would have either resulted in variances in some of the constituencies concerned, which the commission con-

sidered unacceptable, or required changes in adjoining constituencies. The commission states in its report that it was satisfied, in the light of the constitutional requirements and its terms of reference, that the existing arrangement was acceptable from the point of view of equality of representation.

The commission recommends changes to constituencies in the following areas - Cork, Donegal, Sligo, Leitrim, Cavan and Monaghan, Dublin, Galway, Mayo and Roscommon, Kerry and Limerick, Waterford, Tipperary, Laois, Offaly and Kildare. In the Cork area the commission recommends a reduction of one seat to take account of the population, as ascertained in census 2011, and in the context of a 158 seat Dáil. The commission recommends maintaining the existing five constituency formation in Cork but with the transfer of electoral divisions from Cork North-Central to Cork North-West and from Cork South-Central to Cork North-Central. Acceptance of these recommendations, in the Bill before us, provides for an improvement in the representational ratio in those constituencies relative to the new national average of 29,040 members per TD.

In the Dublin area the commission recommends a reduction of three seats in the context of a 158 member Dáil. One constituency in the area - Dublin Mid-West - remains unchanged. Change is recommended in the configuration of all other constituencies and in the names of four constituencies. The commission recommends an arrangement of constituencies outside the city that mirrors as far as practicable the administrative county boundaries. The population as ascertained in census 2011 allows this to be done and the Bill provides for the adoption of the commission's recommendations for the area. In the city there will be one less constituency, reflecting both the population as ascertained in census 2011 and a smaller Dáil.

The commission made recommendations for constituencies in the counties of Donegal, Sligo, Leitrim, Cavan and Monaghan having examined a range of options for the areas. These are outlined in the report. The commission identifies the particular challenges presented in reviewing constituencies in these counties. These include the fact that Donegal is contiguous with only one other county, namely, Leitrim. Also, having regard to the population as ascertained in census 2011, an arrangement of constituencies based exclusively on county boundaries is not feasible.

In the Galway-Mayo-Roscommon area the reconfiguration of constituencies recommended precludes direct comparison with the current seat allocation for the area, as it does also in the rest of Connacht and Ulster. Having regard to the population as ascertained in census 2011, an arrangement of constituencies based exclusively on county boundaries is not feasible. As the commission points out, the population of Mayo can no longer form a five-seat constituency and Roscommon does not have sufficient population to stand alone as a constituency. Implementation of the recommendations in the Bill means that the Connacht-Ulster area will be divided into seven constituencies instead of eight as is the case at present. The seven constituencies will be represented by 28 TDs compared with 31 at present.

In the Kerry-Limerick area the commission recommends a reduction of one seat to take account of the population and in the context of a smaller Dáil. The commission recommends that the county of Kerry should form a five-seat constituency. It also recommends that there should be two Limerick constituencies, a four-seat Limerick City constituency based on the existing constituency with the addition of ten electoral divisions from the county, and a three-seat Limerick County constituency.

In the Waterford-Tipperary-Laois-Offaly-Kildare area the commission recommends no change to the overall allocation of 22 seats. However, significant changes to constituency arrangements are recommended and these address in particular the representational ratio imbalances in Laoighis-Offaly and Kildare that I mentioned earlier. Waterford should be a four-seat constituency comprising all the county and city area, thus ending the breach of the Waterford county boundary. There should be a new five-seat Tipperary constituency comprising 93% of the population of the county. The county of Offaly with some population from Tipperary should form a three-seat constituency. The county of Laois with some population from Kildare should form another three-seat constituency. There should be a small realignment between the Kildare constituencies which should remain as a four-seat Kildare North constituency and a three-seat Kildare South constituency.

The commission was also required to report in regard to the constituencies for the election of members to the European Parliament. In its report the commission recommended maintaining the existing arrangement of constituencies for the election of Ireland's 12 members to the European Parliament. I will not, therefore, be bringing forward any amendments to the Third Schedule to the European Parliament Elections Act 1997 in which the constituencies for European Parliament elections and the number of Members to be elected for each constituency are specified. That Schedule was most recently amended by section 8 of the Electoral (Amendment) Act 2009.

I will outline the provisions in the Bill before us. It generally mirrors previous Bills providing for the revision of Dáil constituencies following a census of population. Section 1 defines "Minister" as the Minister for the Environment, Community and Local Government for the purposes of the Bill. It provides for the interpretation of the words "motorway", "road" and "street" in the Schedule to the Bill. Section 2 provides that the number of Members of Dáil Éireann will be 158 after the dissolution of the Dáil next following the enactment of this Bill. Section 3 provides that after the dissolution of the Dáil next following the enactment of this Bill, the Members of Dáil Éireann will represent the 40 constituencies specified in the Schedule. Section 4 provides that the number of Members to be returned by each constituency will be as set out in the third column of the Schedule. Section 5 provides for the repeal of sections 2(2), 3, 4 and 5 and the Schedule to the Electoral (Amendment) Act 2009. These specify the existing Dáil constituencies. The repeal will come into operation on the dissolution of Dáil Éireann next following enactment of this Bill. This means that the existing constituencies will remain in place for the purposes of by-elections in the meantime. They will also remain in place in that period for the purposes of the Referendum Acts. Section 6 contains standard provisions on Title, collective citation and construction. The Bill before the House continues the long-established practice of implementing the recommendations of independent constituency commissions in full. It is a matter for the Oireachtas to revise the constituencies and I look forward to the debate on the Bill. I commend the Bill to the House.

**Deputy Barry Cowen:** It was interesting to hear the Minister's presentation of the Bill, particularly his reference to the Articles of the Constitution which pertain to these issues. The Minister stated:

Article 16.2.4° of the Constitution provides that: "The Oireachtas shall revise the constituencies at least once in every twelve years, with due regard to changes in distribution of the population". This, in effect, requires that constituencies be revised whenever population changes ascertained in a census lead to population-Deputy ratios in individual constituencies that are significantly out of line with the national average. That is the case at present

and the Oireachtas must respond accordingly.

The Minister also referred to Article 16.6.2° which provides: “The number of members shall from time to time be fixed by law, but the total number of members of Dáil Éireann shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population.” I accept this basis for the revision of constituencies and I particularly accept, and why would I not, with regard to my constituency that it will lead to an extra Deputy in County Offaly. However, it is only fair, proper and appropriate as an Opposition spokesperson on political representation and the electoral process to put this process in context. In this regard I wish to paint the picture which existed prior to the most recent election. I want to analyse the utterances of Fine Gael and its partners in government. One would have thought a proposal in this area would be part of a suite of proposals by the Government to address political reform and change the methods by which we carry out the democratic process. It is in this context I believe the parties in government should be measured.

I accept that in an election each party has a right to inform the electorate on the means and manner by which it would carry out its functions if elected to government. From an economic perspective, one must identify ways and means by which the gap between income and expenditure would be met. Significant commitments were made at the time by the parties now in government. It could be argued many of these commitments and aspirations, and the means and methods by which they would close the gap, did not have to contain the number of promises they did. Many commentators would have predicted the result in any case. My party has accepted the electorate’s decision and is in the process of reorganising itself on foot of it. It was also patently obvious the impression was given, from an economic perspective at least and also from other perspectives which I will discuss, that there was a softer or easier way, and we had utterances such as Labour’s way or Frankfurt’s way. People bought into this. Prior to the general election, people saw a budgetary process which took €8.5 billion out of the economy. In budgets prior to that a further €12 billion was removed. When one sees the consternation being caused in government and among the electorate about the forthcoming budget, which seeks to remove €3.5 billion, it puts into context the situation at the time.

As elected representatives we meet our constituents regularly at clinics or party meetings, and in recent weeks and months there has been a perception among the electorate that they almost bought a pup or a pig in a poke. They feel that perhaps the new Government could have addressed these issues in a different way, as was suggested in their election campaigns and manifestos. To put this aside, a great play was also made on the fact there would be substantial political reform with a new way of doing business in the Dáil and new politics. People were very concerned and anxious and bought into this. In recent times it has become apparent to many people this is not and has not been the case. The satisfaction rating of the Government in opinion polls at present has decreased to the early 20s in percentage terms. In these snapshots in time people have not given the impression they are moving *en masse* to us or any other political party. It will take time for us as an Opposition, and others, to offer credible alternatives and be in a position to regain the trust and support of the public. We and others must work on this, and this will continue to be the case.

We must look at the suite of offers and promises made with regard to electoral reform. It is only then one might identify the litany of cynical electoral ploys which have been abandoned since entering government. In May 2011 the Minister for Public Expenditure and Reform, Deputy Howlin, stated the programme for Government contained the most ambitious and far-reaching agenda for political reform ever before the House. If the reform being mooted or the

minimal reform which has happened since is, in his opinion, the greatest political reform ever put before the House and it is measured only by what went before, it is a harmless virtue to sing about.

It is important in the context of the time available to me to discuss the Bill to put on record the commitments, and the responses having entered government to these commitments, with regard to electoral reform and Oireachtas business. With regard to sitting hours, the programme for Government stated Dáil sitting days would be increased by 50% and that a four-day sitting week would be introduced.

*7 o'clock*

The Government has yet to reach the 50% target. On sitting days, 25% of the increase is due to what I can call the charade of Friday sittings. The Minister will have heard descriptions of freaky Fridays and fiver Fridays recently, but the Fridays we have once a month could be described as farcical Fridays. They are an affront to what was proposed to be real reform.

There is extensive overuse of guillotines to continue to ram through non-emergency legislation, despite promises in this regard from the Minister of State at the Department of the Taoiseach, Deputy Kehoe, the Chief Whip, who had made what some might describe as justifiable remarks on the use of guillotine in previous Dála. He had given a commitment to the Members of this Dáil that the matter would be addressed. Far from it, it has not been addressed.

The proposal on the Seanad is being kicked further into touch rather than being addressed in the first year of this Dáil. No doubt the initial setting up of the Seanad and its composition was well meant, and it had a considerable means by which legislation passed by the Dáil could be examined by those with expertise in that regard, but it is unfortunate for us to have to admit that it was the political parties which hijacked that House by virtue of it becoming either a breeding ground for aspiring politicians or a nursing home for those who had passed through this House. The constitutional convention could offer a real opportunity for meaningful debate in this area. There has been no relaxation of the rules on Cabinet confidentiality, no establishment of an electoral commission and no major reform in the role and significance of Oireachtas committees, other than merely reducing their number.

The Taoiseach, while in opposition and indeed on entering Government, stated he would have a report card system. He promised to improve transparency on the performance of his Cabinet and each of the Ministers. He reiterated it on many occasions. After a year in office, he stated that a report on progress on its policies was imminent. He was starting report cards already as far back as March of last year. At Christmas 2011, he stated he would have Ministers' "noses to the grindstone" with this imminent report card system. Obviously, it went by the wayside.

We were promised a constitution day. The Taoiseach stated he would set a programme to allow for a series of constitutional amendments to be decided on what he called "Constitution Day", to be held within 12 months of the new Government being formed, and that was to include the question on the abolition of the Seanad. The Government has failed to hold that much vaunted constitution day and its campaign on the Oireachtas inquiries powers undermined that vaunted overhaul of the committee system.

The constitutional convention talks about addressing some number of topics, such as reducing the voting age to 17 and reducing the presidential term to five years. My party believes

this is an extremely limited range of topics to discuss. The challenges facing the State are far too profound to waste time on cosmetic changes such as reducing the presidential term limit. We believe it must face up to more fundamental problems within the political system.

**An Ceann Comhairle:** I am slow to interfere. I remind Deputy Cowen that the Bill is really about the number of Deputies and the changes in the constituencies.

**Deputy Barry Cowen:** I understand that. I tried initially to place in context the meaning. It is why I had to go on this preamble. It is only right and proper.

**An Ceann Comhairle:** I have been fairly liberal with Deputy Cowen.

**Deputy Barry Cowen:** I know the Ceann Comhairle has.

**An Ceann Comhairle:** I am afraid I must drag Deputy Cowen back a little.

**Deputy Barry Cowen:** I know the Ceann Comhairle must. He himself remembers many of these commitments having partaken in the process.

**An Ceann Comhairle:** I cannot comment.

**Deputy Brian Stanley:** Impartial.

**Deputy Phil Hogan:** The Ceann Comhairle probably has a view.

**Deputy Barry Cowen:** I will refrain at this stage.

**An Ceann Comhairle:** I am trying to give Deputy Cowen the position.

**Deputy Barry Cowen:** The Ceann Comhairle has given me enough latitude. I have been allowed to make the points I wanted and they are on the record.

This Bill should be part of a wider suite of proposals which constitute real political reform, such as a new electoral system and revamped Cabinet membership and enhanced scrutiny by this House, while still seeking to retain the link between TDs and the communities and constituencies they serve but at the same time seeking to ensure there are more national considerations represented in the Oireachtas. There is no effort to improve the Dáil's oversight of all aspects of the public sector. The principles of legislation are not debated in advance of drafting. The time allowed for Private Members' business has not been extended. Legislation submitted to the Dáil is not subject to independent fiscal analysis in advance of debates. There are no proposals forthcoming or mooted on a revised budgetary process on which we heard much debate. There is no establishment of a legal service to the Oireachtas. While I accept the premise of the constitutionality of this Bill by virtue of changes in population and the responsibility on the Minister, having been advised of the census, to put a commission in place to address changes in population, and there is a long-standing precedent in the House that any proposals emanating from that process are not necessarily objected to and the good faith and independence of that commission has been respected, it is essential to note that the Minister, having promised to reduce the numbers by 20 and then, on entering Government, stating that the Government was hamstrung by virtue of the Constitution and the independent commission could only reduce it by eight, made those commitments as part of a suite of proposals which the Government stated would amount to major political reform. No doubt there is an appetite for such reform, and I empathise with it. I would allow the Minister the benefit of the remaining years, however long

that might be, in government to address these issues of political reform in a real way and, in doing so, to honour the commitment the Government gave to the electorate. Given what I stated about the context of the last election from an economic perspective, no doubt the error of the Government's ways in that regard have been seen in recent months. For example, they have been seen in the context of our national debt and its sustainability. They are also being seen by virtue of the mechanism by which negotiations are taking place with Europe on that national debt.

We have yet to accrue the benefit we were to the euro currency by virtue of the measures taken by this country at that time. Our people continue to be levied with that burden. In parallel with that there has been no growth in our economy to compensate for that fact, which only compounds the issue. Only recently have we seen what we hope is a change of tack in that regard for the Minister to achieve results that he was bound to do on behalf of the people.

The change is becoming imminent on that policy strand *vis-à-vis* the Minister's commitment to the electorate before the election. There still remains ample time for the Minister and the Government parties to revert to the commitments they gave in a wider context, including a suite of measures that constitutes political reform. I have seen nothing in all the aforementioned areas that would constitute major political reform that anybody could empathise with, either within or outside this House.

The public were susceptible to that and were in the mood for change. They were exasperated at the failure of the systems in place to address issues which caused difficulties for our State. That was compounded by difficulties outside the State. Notwithstanding this Bill, I implore the Minister to exercise his responsibility in that regard and honour his party's and the Government's commitment to bring about real reform before this Dáil signs off, whenever that may be.

As regards the specifics of the Bill, I welcome the efforts to retain county boundaries where possible. That is sacrosanct for any member of society and the Minister knows that better than most. I welcome the fact the Constituency Commission was not afraid to address problems which arose subsequent to the constituency boundaries devised by the previous commission. To that effect, I welcome back the sector of my county that was lost to Tipperary. I empathise and sympathise with those who have come in to us. I understand how they feel not only about crossing a county boundary but also a provincial boundary. It is not easy. While people might always have been great neighbours, they never flew each other's flags too high when it came to hurling. That is neither here nor there, however.

I recognise that the commission was not swayed in any way by submissions, but it took cognisance of many of them. In so far as it could, it used the direction contained within the Constitution to arrive at a consensus. I doubt very much if, at the next stage, we will have any recommendations or amendments. However, I do want to place on the public record my disappointment, and that of my party, that the Government has not lived up to its commitment to the electorate to engage in radical reform of the democratic electoral system and institutions of the State, including this House and the Upper House.

I acknowledge the Minister's efforts in putting forward the People First document and, although I have misgivings about it, they are for another day. When that legislation is brought before the House, we will discuss it in more detail. In its own right, it was an effort to address the very issues on which the Minister gave commitments in the most recent general election. I reiterate my disappointment that the Minister has not addressed political reform as he could

have by virtue of a suite of measures. If this is one of them, it is a very poor attempt at it.

**Deputy Brian Stanley:** If the Bill before us goes through unamended or unchallenged, the negative effects will be long-lasting. The Electoral Act 1997 provides for the establishment of a commission to review constituencies. The recent commission, established in 2011, received a total of 533 submissions. I applaud the people who took the time and effort to make those submissions. The total of 533 is a huge increase on the 99 submissions received by the previous commission in 2004. It certainly puts paid to the perception that the public do not want to engage with, or participate in, our democratic institutions.

Even healthier is the fact that only 18% of the submissions were made by politicians and political groups. Interestingly, over 50% of the submissions related to Swords, so there is a very active citizenship there. These submissions were seeking to have Swords and its environs in one constituency.

The report upon which the Bill is based recommended an overall reduction from 166 to 158 seats, which represents a total reduction of eight seats for the next Dáil. This is despite the growth in population in this State. Census 2011 results show that the population of this State has continued to grow strongly since census 2006, increasing by 348,404 persons to 4,588,252. This represents an increase of 8.2% over the five-year period.

The commission claims that it was required to base its report on the population in census 2011, but the report fails to reflect this reality. It was the first time that a commission has had a predetermined outcome of reducing the number of TDs.

This Government was elected on a platform of reform, but if this Bill is adopted in its current form, it will clearly undermine the Government's credibility on this issue. To strengthen democracy we must ensure there is proper and full representation. Reducing the number of TDs only restricts representation and consolidates power around larger parties, further restricting minority views.

The main aims of the Bill are to reduce the number of TDs from 166 to 158, reduce the number of Dáil constituencies from 43 to 40, and redraw many of the general election constituencies. On paper it looks harmless enough and appears simply to move boundaries and reduce the number of TDs, but once one puts it into context and joins up the dots, one gets a different picture. On the one hand, the Minister is trumpeting local government reform, which we want and support. On the other hand, however, the Bill will cause confusion within local authorities and for elected public representatives, particularly Teachtaí Dála. There is no joined-up thinking between both processes.

Only last Friday, a commission was established to review local government boundaries and councillor numbers in preparation for local elections in 2014. We have seen the terms of reference. Before us now, however, is a Bill which will have some general election constituencies dealing with four different local authorities. In the case of Sligo-Leitrim, an elected TD will have to deal with four local authorities and four different county managers in Sligo, Leitrim, Cavan and Donegal.

**Deputy Phil Hogan:** We got Leitrim back together again.

**Deputy Brian Stanley:** Hold on. I will come to that in a minute.

**Deputy Phil Hogan:** Is Deputy Colreavy on board in that regard?

**Deputy Brian Stanley:** While Sinn Féin wanted to get County Leitrim back together-----

**Deputy Phil Hogan:** Fair play to the Deputy.

**Deputy Brian Stanley:** -----we did not want the Minister to saw off bits of counties Cavan and Donegal. This is bad practice and Members have the power to do something about it because what they have received are mere regulations. However, were they to opt for this, it would be bad practice. Moreover, this is a serious point and not a potshot at the Minister, Deputy Hogan. It is bad for public administration.

My own constituency of Laois-Offaly will become two separate constituencies. While that appears rational on paper, when one studies the detail, the new constituency of Laois will take in all of County Laois and six small electoral divisions in County Kildare, based in two separate local electoral areas, LEAs, with two separate sets of administration. The Minister for the Environment, Community and Local Government should take heed of this point because he has spoken at length about joining up local government. There will be two separate administrations in the Athy area and Kildare LEA area, while Offaly will now take in all of County Offaly and a large section of County Tipperary. The Member seated to my left in the Chamber, Deputy Cowen, will be canvassing very close to the Acting Chairman, Deputy Tom Hayes, down near the borders of Nenagh town. That constituency will be shaped more like a banana than an apple. It will be a long drag of a constituency, extending from below Enfield right down to the edge of Nenagh town. It is misshapen and will take approximately one and a half hours to drive through it, on not very good roads. It will take in part of that area-----

**Deputy Phil Hogan:** The Deputy should use the motorway.

**Deputy Brian Stanley:** There are no motorways down through County Offaly and it will be difficult to get from one end of it to another.

**Deputy Phil Hogan:** There is a motorway near Borrisokane.

**Deputy Barry Cowen:** There are good roads.

**Acting Chairman (Deputy Tom Hayes):** Deputy Stanley, without interruption, please.

**Deputy Phil Hogan:** There are good roads.

**Deputy Brian Stanley:** It will make it very difficult for any Deputy. In fairness, a Deputy based in Edenderry will have a long way to travel to Nenagh.

**Deputy Phil Hogan:** The county has good roads.

**Deputy Brian Stanley:** It will make it difficult for a Deputy to do justice to constituents at distant and separate ends of such a long constituency.

Sinn Féin seeks better joined-up thinking within the Department of the Environment, Community and Local Government and within this Chamber. We propose that there must be a correlation between local authority and general election boundaries. In so far as possible, the Dáil constituencies must correspond with them. This will allow for better more efficient public representation and a better focus of resources for public administration. I know from personal experience that it is more efficient to deal with one or possibly two local administrations than

being obliged to make contact with several such authorities to get the same results.

**Deputy Phil Hogan:** That is what Sinn Féin is doing in the North.

**Deputy Brian Stanley:** There should be seamless links in the services provided locally, regionally and nationally, as well as in a joined-up way.

**Deputy Phil Hogan:** That is what Sinn Féin is doing in the North.

**Deputy Brian Stanley:** If the Minister wants a debate here on that subject some day, I will have it with him. However, at present Members are dealing with the patch for which he is responsible.

**Deputy Phil Hogan:** The Deputy should look to the situation in the North.

**Deputy Brian Stanley:** The Minister should not be so combative and should listen. He is always seeking suggestions and while I am trying to make some to him, he will not allow me.

**Acting Chairman (Deputy Tom Hayes):** Minister, please.

**Deputy Phil Hogan:** The Deputy has not made one yet.

**Deputy Brian Stanley:** To break up counties in some form of geopolitical jigsaw will lead to duplicating and frustration. I make the point that the Minister has the chance to make some shape to Dáil and local government boundaries. He should try to have some correlation between the two. While the Minister may not admit this to me, when he thinks about it later he will be able to see the sense of it. This view is reinforced in the terms of reference of the Constituency Commission. According to those terms of reference, breaching county boundaries is to be avoided as far as practicable. However, the Bill provides that 22 out of 40 constituency boundaries will breach county boundaries. More than half the constituencies proposed breach the terms of reference. Both politicians and political scientists have recognised the problems that breaching county boundaries cause, such as voter alienation and low turnout. This was evident recently.

Moreover, five constituencies will now be in breach of the Constitution. Article 16.2.2° of Bunreacht na hÉireann states that “the total number of members of Dáil Éireann shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population”. However, Cavan-Monaghan, Donegal, Dublin North-West, Galway West and Mayo each will have more than 30,000 people per Deputy.

The programme for Government made a commitment to reduce the number of Deputies with the objective of reducing the cost and size of government. While I will not argue with reducing the cost, the present Administration reckons it can save €2.2 million by reducing the Dáil membership to 158 Deputies. However, if one was simply to reduce democracy to a cost-saving measure, one’s arguments are fundamentally flawed, as reducing the number of Deputies will only serve to concentrate power around the larger parties to the exclusion of Independents, smaller parties and women. If one wishes to focus on cost savings, one could simply introduce a measure to cap the pay of public servants for three years, which would save hundreds of millions of euro. A cap on city and county managers’ pay at €100,000 for three years would save €1.46 million, while a cap on hospital consultants’ pay at €150,000 for three years would save €1.6 million.

Sinn Féin is committed to introducing savings and let us start with the people in this Chamber. I propose that the number of Deputies be kept at 166 and that ministerial salaries be cut to €100,000 and those of Deputies and Senators to €75,000 and €60,000, respectively. This would save €4.3 million and these proposals would save more than the Government is proposing in this Bill by merely cutting numbers. I reiterate that one should cut the costs and not the number of Deputies.

The reduction in the number of Deputies also will serve to undermine the Government's own Electoral (Amendment) (Political Funding) Act passed earlier this year. One of the main aims of that legislation was to increase the number of women elected to the Dáil. However, as political analysts will concur, the reduction in the total number of seats in the Dáil means there will be fewer opportunities for women to win seats. Larger constituencies are considered to be better for the election of women candidates but the Bill before Members maintains only 11 five-seat constituencies.

In conclusion, this Bill is important and has implications for democracy and inclusivity. Sinn Féin Members intend to table a number of amendments on Committee Stage in an attempt to strengthen democracy, accountability and inclusivity in the structures of government in this State.

**Deputy Stephen S. Donnelly:** This Bill is a missed opportunity.

**Deputy Finian McGrath:** Hear, hear.

**Deputy Stephen S. Donnelly:** It reduces the number of Deputies from 166 to 158, which is a reduction of eight or less than 5%. On the basis that each Deputy costs the Exchequer approximately €250,000, that constitutes a saving of approximately €2 million. However, will that make the Oireachtas more effective or will it make democracy more effective in Ireland? It will not, although I believe it could have done. The question this Bill should have been addressing is, what is the problem that must be fixed? Having participated in this Dáil for almost two years, I can state that the Oireachtas does not work. Before I was elected, I worked with large public and private sector organisations, helping them to transform their cultures to have high-performing cultures. I can safely state that in terms of cultural dysfunction, in my experience the Oireachtas is in a league completely of its own. Much of this is down to centralised Cabinet power.

As the Minister is aware, Ireland has the most centralised power structure of any western democracy. This House does not hold the Executive to account. In the Chamber, Government backbenchers always vote along party lines or they get thrown out of the party. This is not normal and in other democracies, this does not happen. In other democracies, elected representatives within Government parties do vote against their Governments and they are not thrown out of their parties. Legislating for the X case is on the agenda at present for tragic reasons. Tomorrow night, Government Deputies will vote against the motion tabled, even though many of them will agree with it. Moreover, what will happen when legislation from the Government side finally comes before the House? One Labour Party Deputy was quoted in the newspapers on Sunday as stating that there should not be a free vote because if there was a free vote for this issue, there could be a free vote for anything. If one puts aside the lack of logic of that statement, it is highly telling. The Deputy was stating that directly elected representatives should not under any circumstances ever be allowed to vote as they see fit to exercise their democratic mandate.

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As for the committees, I sit on the Joint Committee on Finance, Public Expenditure and Reform and I can tell Members it is not independent. It holds neither the Minister for Finance, Deputy Noonan, nor the Minister for Public Expenditure and Reform, Deputy Howlin, to account. Moreover, the level of control by the Cabinet is so pervasive that Deputy Mathews was unable to get the wording changed on an invitation to the Governor of the Central Bank, Patrick Honohan. In respect of political funding, I have suggested that all political funding should go directly to the Deputies and if they then wish to give it to their respective parties, they should be allowed to do so. However, party backbenchers have argued vehemently against this, terrified that it would transfer power and democratic accountability from their parties to them.

My question to my fellow Deputies is this: if we do not vote according to our judgment, our conscience or in the interests of those whom we represent, if we cannot publicly disagree with the leaders of the parties of which we may be members and if we do not even want political funding to come to us, what are we doing here? What are we, as Members of Dáil Éireann, doing in that case? Article 28 of the Constitution states “The Government shall be responsible to Dáil Éireann” but it is not, as the Government - or the Cabinet - controls Dáil Éireann completely.

It is getting worse. In 2008 the Oireachtas voted for the Credit Institutions (Financial Support) Act, which gave the Minister for Finance power to give the banks any amount of money they wished for.

Debate adjourned.

### **Message from Seanad**

**Acting Chairman (Deputy Tom Hayes):** Seanad Éireann has passed the Fiscal Responsibility Bill 2012, without amendment.

### **Supreme Court Ruling in the X Case: Motion [Private Members]**

**Deputy Mary Lou McDonald:** I move:

That Dáil Éireann:

- extends its deepest sympathy to the family of Savita Halappanavar and recognises that news of her death in such tragic and traumatic circumstances has caused distress to people throughout the country and beyond;
- resolves to await the outcome of the ongoing inquiries into all aspects of this tragedy;
- acknowledges that the Oireachtas must legislate to give effect to the 1992 judgment of the Supreme Court (the X case);

- further acknowledges that the absence of the required legislation denies women protection and the right to obtain a termination in life threatening circumstances and it also creates an ambiguous legal situation for clinicians in those same circumstances;

- regrets that successive Governments and Ministers for Health have failed to legislate in this regard; and

- calls on the Government to:

- immediately publish the report of the expert group; and

- immediately introduce legislation to give effect to the 1992 judgment of the Supreme Court in the X case, to protect pregnant women where their lives are in real danger and to give legal certainty to medical professionals.

We add our voice to all of those in Ireland and beyond in expressing our deep sorrow and shock at the death of Ms Savita Halappanavar. To her husband, Praveen, and her family we offer our sympathies and support. We do not know as yet the precise series of events that led to this young woman's death and it is crucial the full facts are established. That is the very least owed to Savita. The inquiry into her death must be thorough, timely, independent and have the full confidence and consent of her husband and family, as well as the broader confidence of the general public.

This motion is a straightforward call for legislation to protect pregnant women when their lives are in danger. It is a call for legislation that gives certainty and protection to the doctors who care for women, urging the Government to publish the long-awaited report of the expert group to facilitate debate and the speedy passage of legislation. It is, by any standards, a modest proposal, a reasonable request for a system that has fudged, prevaricated and failed to act in 20 years.

In 1992, the X case determined the very limited circumstances in which a woman might have a termination of pregnancy in the State. That is 20 years ago. At the time, Mr. Justice Niall McCarthy described the failure of the Legislature to enact appropriate legislation governing access to a termination as no longer unfortunate but inexcusable. Some 20 years on, an ongoing failure to legislate is nothing short of scandalous. Multiple court cases, rulings by the Supreme Court and the European Court of Human Rights, two referenda and seven Governments later, we find ourselves here. Pregnant women continue to be left vulnerable as doctors attempt to operate in what they have defined as a "grey area". This is not acceptable by a long stretch.

Pregnant women and the medical profession are being failed by politics and it is cowardly to allow this position to persist. It is now necessary that we as legislators make clear our intentions and that we say, once and for all, that we will legislate to provide safety and clarity to women and medics. This motion provides the opportunity to Deputies of all political parties and none to make this clear.

All of us know the issue of abortion can be divisive, as people feel strongly - even passionately - about the subject. That is to be expected. The opposing views - typically labelled "pro-choice" or "pro-life" - are often pitched in adversarial debate, and that is to be expected too. This motion does not come down on either side of that broader and ongoing debate on the extension of abortion rights: it simply asks that what is already lawful and constitutional be

defined and guided by legislation. In the words of Dr. Rhona Mahony, master of the National Maternity Hospital at Holles Street, everybody needs to be protected. The women of Ireland must be protected and the doctors giving health care must know they are also protected in their ability to do the job.

I cannot speak for all of those who served in successive Governments over the past 20 years. I cannot be definitive about why they failed to legislate but I can make an educated guess. I can surmise that they feared what they considered a difficult choice and they hoped it would go away. They presumed their failure to legislate would be consequence-free for women. They were wrong on all three counts. Protecting the health and life of a pregnant woman is not a difficult choice but rather the only civilised choice. The need for this protection will not go away and the failure to legislate has consequences for women and their doctors.

Amendments to the motion tabled by both the Government and Fianna Fáil fall far short of any concrete commitment to legislate, and one must ask why that is so. It seems that 20 years on, there are still within the Dáil people who will not face up to our collective responsibility as legislators to act in the common good. It is 20 years on and the Government's primary first instinct is to run for cover, hide and fudge the issue yet again. Critics of the motion have banded the words "political opportunism" around, and it seems they are happier to spout political abuse than making the political commitment that the women and medical profession in the country need. That commitment - to obey the findings of the Supreme Court - is 20 years old. The commitment is to legislate for the X case and definitively and finally to protect the lives of pregnant women when on rare occasions their lives are put in jeopardy. The commitment is finally to give legal clarity and assurance required by medical doctors in assisting these women. That is required.

The motion asks that the Government publish the report of the expert group and, with a sense of urgency, move to produce legislation. There has been 20 years of inaction and delay, and that must stop. Every Deputy in the Dáil who believes, as I do, that we must fulfil our role as legislators and protectors of the common interest and good must support this motion. Attempts by the Government or others once again to prevaricate and delay can no longer be tolerated and will no longer be accepted by the women or medical profession in this country.

**Deputy Gerry Adams:** Across this State and around the world, candle-light vigils and marches have taken place to mark the tragic death of Savita Halappanavar. These occasions are witness to the very genuine and deeply felt outpouring of sadness at the death of this young woman and her baby. I extend to Savita's husband, Praveen, and her family my sincere condolences. As Teachta McDonald has indicated, her death is a reminder of the failure of successive Governments and this Oireachtas to legislate and resolve the issue. Tá sé le tuiscint go bhfuil fearg mór faoi seo.

Sinn Féin believes there should be a full independent investigation into Savita's death.

The manner in which the HSE investigation was established and the initial inclusion of three members from University Hospital Galway, on whom I do not cast any aspersions, without the support of Savita's family was poorly judged. That this decision has been reversed is welcome but it has raised a serious concern about the judgment of the Government. It is crucial that every effort is made to reassure Savita's husband, Praveen, and both of their families and secure their co-operation. They need to be consulted rather than merely notified after decisions have been taken, and this needs to be done quickly.

A public debate is taking place and will continue until legislation is introduced. The expert group report should be released now in order that this debate can be fully informed. Sinn Féin has tabled this motion as our contribution to this essential debate.

Bad government is often a consequence of a bad Opposition, as people in this State who are living with the social and economic consequences of recent history, will know. Despite its flaws, Sinn Féin is determined to be a real and constructive Opposition that supports the Government when appropriate, provides positive alternative positions to those coming from the Government when necessary and puts forward policies in which we believe. In this context, we carefully considered the implications of the motion and crafted it very carefully to attract the widest possible consensus. I reject absolutely the crass party political accusations that our motion is opportunistic; it is nothing of the sort. I found the criticism made by the leadership of the Fianna Fáil Party particularly offensive given that it was in government for most of the past 20 years and its leader, Deputy Micheál Martin, was Minister for Health and Children for four of those years, during which time he did nothing. Instead of seeking to score points on such a serious issue, I urge all Deputies, the majority of whom have been measured and balanced in their response, to step back, set aside party politics, reflect carefully on what has occurred, examine the motion and support it as a genuine attempt to advance the introduction of legislation.

In shaping this motion Sinn Féin's focus was twofold. First, we set out to provide legislative protection for women whose lives are at risk during pregnancy and, second, we sought to ensure that clinicians have clear legal guidelines within which they can carry out their work. Tá a fhios agam go bhfuil a mhalairt de thuairimí laidre agus dáiríre ar fud shochaí na hÉireann faoi deireadh a chur le toircheas ar bhun liachta.

Sinn Féin is not in favour of abortion and I personally am not in favour of it. Notwithstanding my strongly held view on the issue, I am not mandated to come to the House to legislate for myself. The people spoke in a referendum and firmly placed responsibility on the Oireachtas to deal with this issue by means of legislation. In his remarks to the Dáil in April, the Minister for Health acknowledged that no action had been taken by six successive Governments and he did not want this Government to be the seventh. The Government needs to move beyond rhetoric on this issue. Sinn Féin has made its position absolutely clear, having debated it as recently as at our Ard-Fheis in May. We believe all possible means of education and support services should be put in place in order that the difficult choice to terminate a pregnancy can be avoided by as many women as possible. We are against any attempt to criminalise or to be judgmental of women who have had abortions. No woman wants to be in such a position.

I am very conscious that I am a man by accident of birth. However, this could have been my mother, wife, sister, aunt or any of my woman friends. Sinn Féin believes that in the case of rape, incest or sexual abuse or where a woman's life and mental health is at risk or in grave danger, the final decision rests with the woman. It is time for legislation to be enacted that will protect the rights of women, as decided by the Supreme Court in 1992. As legislators, Members of Sinn Féin stand ready to do this, which means facing up to the reality highlighted by pregnant women confronted with life-threatening illnesses who have to cope with this awful dilemma. Mar reachtóir, caithfidh mise déileáil leis an bhfíric go bhfuil ar an phroifisiún leighis measúnú sláinte a dhéanamh gan cosaint dlíthiúil do dhochtúirí. We must ask ourselves, as elected representatives and legislators, if we want to leave Irish women or the medical profession in the awful predicament caused by the current absence of legislation. I and my party do not wish to do so.

While the context for this debate is the death of Savita Halappanavar, the background is the X case. In 2010, the European Court of Human Rights ruled that this State violates the rights of pregnant women by refusing to allow them to receive a lawful termination when a pregnancy could threaten their life. The decision by the European court has made clear there is an onus on the State to legislate under the terms of the 1937 Constitution and the decision in the X case. The Government must respond to the Council of Europe on this issue by the end of the month. I call on it to produce and consult on its proposed response in a reasoned, tolerant and considered manner which secures maximum cross-party consensus.

Tá sé tábhachtach go rachaidh muid i ngleic leis an gceist seo sa chomhthéacs shóisialta. There is a concern that the Government will put this issue on the long finger, which must not be allowed to happen. There is a firm onus and responsibility on Members of this Oireachtas to ensure this generation of Irish women will not face the prospect of doing what many have had to do in recent days, namely, take to the streets. I urge Teachta Dalaí to consider their response to the motion carefully and vote in favour of it.

**Deputy Dessie Ellis:** Táim an-bhuíoch as labhairt ar an ábhar seo, go háirithe mar gheall ar cad a tharla do Savita Halappanavar i nGaillimh le déanaí. Savita Halappanavar is not the first person to lose her life as a result of the failure of Irish law to protect the health of women. In 1983, shortly after the passing of the supposed pro-life amendment, Sheila Hodggers died having been taken off her cancer treatment after becoming pregnant. At the time, her husband, Brendan, stated the following:

I went to see Sheila one night and she was in absolute agony. She was literally screaming at this stage. I could hear her from the front door of the hospital and she was in a ward on the fourth floor. I saw the sister and she produced a doctor who said nothing that made any sense.

It does not make sense that 30 years after the agonising death of Sheila Hodggers in Our Lady of Lourdes Hospital in Drogheda and 20 years after the scandal of the X case, we still find ourselves in this position. Despite all that has happened in the past week and the needless death of a vital and promising young woman, Savita Halappanavar, nothing has changed. We still have elected representatives, people who claim to be leaders, buckling in cowardice at the fear of an anti-woman rump in society which for far too long told us what we could and could not do. There is no justification for the absence of legislation to bring the law into line with the judgment in the X case. To do so would simply be to give a basic recognition of a woman's right to live as an individual and human being, rather than as an incubator who is less important than a few more days of gestation for a hopeless pregnancy which cannot run its course.

The story of the X case shamed all but a brave few. I have held the same view on this matter for a long time and I have been unswerving in holding it. I have never denied my position and I have taken part in marches and campaigned on the issue in my own way. I regret not doing more and that I did not give the issue greater priority. I cannot deny that the extreme reactions of groups such as Youth Defence and the Society for the Protection of Unborn Children were off-putting and created conditions in which many good people stayed silent for fear of being shouted down in the most vicious of ways. Last Saturday, I marched again through the streets of Dublin with thousands of people unified in their desire to see a woman's right to health care realised and respected. I stood with people who were born after the X case and who were children when we last voted in a referendum to uphold the X case ruling against a cynical attempt to roll back the rights it defined. I stood with people who had campaigned in 1983 and who had

seen all of this lying ahead. I stood with people who had ridden the trains from Belfast to Dublin, their pockets loaded with condoms in defiance of another archaic law that had been upheld for far too long. I stood with the best people in this country, those who had fought and would fight for real change for the betterment of everyone's life and who will not bow down to those who seek to control them as children who cannot be trusted to know what is for their own good.

I was moved by their frustration, grief and anger at the death of Savita. I share their feelings. In that crowd of people who had never met her or anyone connected to her, their feelings were palpable and were only equalled by their determination not to accept failure, equivocation or bargaining. They are determined to win their rights. For them, this is not an abstract or lofty debate on life or morality. This is their right not to die because they become less equal when they become pregnant.

In the crowd were Savitas, Sheilas and, God forbid, Xs, As and Cs. There were the 12 women who travel to the UK every day, the one in approximately every ten women whom everyone knows, who had abortions. They were the women of Ireland with their husbands, partners, brothers and fathers in tow. I cannot help but consider the many baby girls who are born today. Women are still not equal in our society. Those girls will have it harder than boys born today, even if that difference is less than what it was between their grandmothers and grandfathers.

Like others, I am in this Chamber to end that inequality and to ensure that men and women can lead good lives in a country of which they can be proud. I am ashamed that a girl born today is born into a country where women die after being refused proper treatment. I do not want that to be the country in which the next generation grows up. Many of us have had our children and raised them. Let us do something for those who follow us, who are starting families or who are only meeting their families for the first time. Let us give them peace of mind from knowing that, in Irish hospitals, women's health is never compromised. This is a country that values women's health and welfare cheaply, where a mere €15,000 fine is incurred for rape or a €5,000 fine is incurred for beating one's girlfriend until her face is irreparably scarred. Can we be surprised that appropriate health care is not available to all women in all circumstances?

Many will argue that we must take time to determine the steps forward based on the expert group's findings, but this is not the first expert group. Nor is it 1993. We have not rushed - we have been dragged kicking and screaming into the light and made to stare cowardice in the face 20 years on. If we need an expert group to tell us what is plainly the right action to take or which way is up, we can come to no other conclusion than that we are lost. The Government may be lost, but the people are not. They are more and more certain. They are also certain that we will not revert. They will not relent until justice is won. This is not the right action to take simply as a matter of responsibility for closing the gap between constitutional and legislative rights. Rather, it is the right action to take because it recognises a woman's right to be treated properly and to have her life saved and because it is what the people want.

Do not get distracted by issues not covered by the X case ruling. To reject this call because the Government is opposed to the liberalisation of abortion would be to disregard the State's constitutional reality and to refuse the people their right to decide what is in their best interests. It would be undemocratic, wrong and a dereliction of the Government's duty to legislate for the good people of Ireland and their will.

An important point has to do with how the Savita case is being dealt with and the way we find out the exact circumstances of her death. Her widower, Praveen, was justified in his mis-

givings about the original set-up. It would have constituted a conflict of interest on the part of the Galway hospital staff appointed to the board. I welcome the HSE's recognition of that fact and its statement that Praveen's concerns were serious. Praveen has rightly called for a full and public investigation into what is a credible case of grave mistreatment by Savita's medical team and potentially by the negligent State that failed to give doctors sufficient guidelines to prevent such circumstances arising.

I call on the Government to do all in its power to ensure an independent investigation into Savita's death that is only interested in revealing the truth of what occurred. Government Deputies, Fianna Fáil Members and reluctant Independents should support this motion and the legislation that would flow from it. Do not cop out and support the gutting amendment to wait and see. Do not fear the backlash of a right-wing rump that is long past its prime and rapidly becoming a spent force. That rump has opposed every progressive step that this State has taken and held our people back through fear, hatred and misinformation. Its time is over. Vote with us and maintain the momentum towards a change in the law so that we can give women peace of mind from knowing that they will be cared for during their pregnancies.

It is our duty to legislate. This is not cynical or opportunistic. The way that the Government has avoided this issue for the past 20 years has been cynical.

**Deputy Martin Ferris:** As a father of six and a grandfather of 11, ten living, I am opposed to abortion on demand. I believe this to be the majority view in the country and I share the concern that whatever legislation is introduced should strictly limit the circumstances in which terminations can take place. In light of the 1992 judgment, the legislation would need to be restricted to circumstances in which a pregnant woman's life was in danger.

The key issue is that the Legislature must act to address the issues that have been tragically highlighted once again by the death of Savita Halappanavar. Unfortunately, her death has brought attention to the fact that successive Governments have failed for 20 years to act upon the 1992 Supreme Court's X case judgment. Therefore, there is a clear imperative on the current Government to act quickly and to put legal measures in place to ensure that the life of a pregnant woman is protected in so far as is possible.

As highlighted by RTE yesterday, similar situations have arisen. There is a likelihood that more will arise. I appreciate that many problems are connected with this issue and that there are genuine sensitivities and strong feelings on all sides. Every Deputy will have received numerous telephone calls, e-mails and personal contacts on this issue. Those contacts will intensify when concrete proposals are made.

While some people oppose our motion on the basis of a fear that any legislation will open up the possibility of abortion being widely available or, indeed, make it a certainty, the opposite argument can equally be made. Currently, it is essentially left to medical practitioners to decide whether to allow a termination. It could be argued that there is scope for a more liberal approach to allowing abortion than is strictly defined in legislation. This was attempted in the proposed Twelfth Amendment of the Constitution, which was put to the electorate in November 1992. The proposal was to allow abortion in circumstances where there was a threat to a woman's life, not including the danger of suicide. The proposal was overwhelmingly rejected.

It could be argued that there is no basis to put a similar proposal now and it is understandable that the State might not wish to take the chance, given the possibility of a similar defeat.

On the other hand, Savita's tragic fate may have focused minds and attitudes may be different.

*8 o'clock*

One thing is clear - the option of not doing anything is no longer open to us. There are strong feelings in the country, and the Legislature needs to address the issues as a matter of urgency. Indeed, before this tragedy, a *Sunday Times* poll in September found that 80% of those polled supported the option of termination in circumstances where a woman's life is in danger. There are strong grounds for believing that legislating to give effect to termination in those strictly defined circumstances could win a majority approval. One thing is for certain - the State must act with urgency to address the current situation and attempt to ensure no more situations, such as that which has given rise to this current issue, can reoccur.

I appreciate there will be an inquiry into the death of Savita Halappanavar and our motion states that final judgment must wait until that inquiry report is forthcoming. However, that must not be an excuse for again putting resolution of the doubts that exist in this area on the long finger.

I stated at the outset that I had 11 grandchildren. In the case of my first grandchild, my son and his wife were told when she was six months pregnant that the child would have no independent life and that most of the brain had not developed. It was suggested to them that they had two options. One was to go outside the jurisdiction to terminate the pregnancy and the other was to go through with it and to see what happened. They took the latter option. The child was born but died moments after birth. My daughter-in-law was very ill. I speak from a personal perspective.

We have an obligation as legislators. We are elected to legislate. For 20 years, those elected to legislate, successive governments, have refused to do so on this issue. If we continue to refuse to legislate, we are putting the lives of more women in danger. We must legislate for a pregnant woman's right to live.

**Deputy Seán Crowe:** I also wish to place on the record my deepest sympathy to the husband and family of Savita Halappanavar. We cannot even begin to comprehend the grief and heartache that they are now experiencing. While we acknowledge that the HSE is going to conduct an inquiry, I am conscious of the fact that her family are deeply unhappy with that inquiry. What seems to have happened is that in its usual blundering and insensitive manner, the Government and the Minister announced an inquiry without any real consultation with the family of the deceased. Have we learned nothing about dealing with tragedies and victims in this country?

The Supreme Court judgment in the X case in 1992 said very clearly that a pregnant woman had a constitutional right to a termination if there was a real and substantial risk to her life. The details of that case were extremely upsetting. Here was a 14 year old girl who was pregnant as a result of rape by an older man. A senior clinical psychologist provided testimony in the High Court that she was suicidal not because she was depressed but because she had reached the conclusion that death offered the best solution to her problems.

That a child would have to go through that is shocking in itself but what struck me about the case at the time was the cold contempt with which the victim and her family were treated by the State and its institutions. Her parents contacted the Garda asking if DNA evidence would be helpful in the prosecution of the rapist. This reasonable request eventually filtered back to

the Attorney General's office. Her distraught parents were told that the child was to be brought back to Ireland without having had an abortion, as if she and her body were the property of the State. Had the political, legal and medical establishment a more humane attitude to this girl in 1992, we may not have found ourselves in this situation today. Some 20 years on, seven successive governments have failed to introduce any legal framework that will protect a family and a child facing this awful dilemma.

We are left with a situation where women have no idea of the circumstances under which they may be legally entitled to a termination and it seems the members of the medical profession have no clear idea of when they can perform one. They are left to make a judgment call as the watchful eyes of the political establishment forces them to gamble with women's lives. If they make the wrong decision, they could be subject to prosecution under the Offences Against the Person Act of 1861. A woman who attempts to induce her own miscarriage, and it is only a woman in the most desperate of situations who would attempt this, could end up sentenced to life in penal servitude.

People who are opposed to the introduction of this legislation have been very vocal in saying that we do not know the full circumstances in the Savita case and we need to wait for the outcome of the HSE investigation. This is true but the finger of blame should not be pointed anywhere other than at this Government and past Governments which have failed to provide legislation for this issue. There is the potential that there was medical negligence in the Savita case but how long do we have to wait to legislate to protect women and girls? There should be no martyrs for law reform in this area.

Thousands of people took to the streets across Ireland and the rest of the world to demonstrate their genuine grief and utter shock at what happened. Two passed referendums and thousands of people out on the streets should make absolutely clear to the Government that the people of Ireland will not wait any longer for legislation for the X case. Our job as Deputies is to legislate and to give leadership and we must ensure no more families and children are abandoned as in the X case.

**Minister for Health (Deputy James Reilly):** I move amendment No. 3:

To delete all words after "Dáil Éireann" and substitute the following:

"extends its deepest sympathy to the family of Ms. Savita Halappanavar and recognises the very strong feeling of the Irish people in the wake of her death;

awaits the outcome of the investigation into Ms. Savita Halappanavar's death to be chaired by Professor Sir Sabaratnam Arulkumaran;

welcomes the submission to the Minister for Health of the report of the expert group to address the judgment of the European Court of Human Rights in the A, B and C v. Ireland case and recognises that this group was established on foot of a commitment given in the programme for Government;

notes that the terms of reference of the expert group were as follows:

— to examine the A, B and C v. Ireland judgment of the European Court of Human Rights;

— to elucidate its implications for the provision of health care services to pregnant

women in Ireland; and

— to recommend a series of options on how to implement the judgment taking into account the constitutional, legal, medical, and ethical considerations involved in the formulation of public policy in this area and the overriding need for speedy action;

acknowledges the complexity and sensitivity of the issues involved and supports the Minister for Health's decision to bring the report to Government on Tuesday, 27 November and his recommendation that it be then published immediately; and agrees that the report of the expert group should be discussed in the Houses of the Oireachtas over the coming weeks in advance of a Government decision on the matter and that the Whips should meet to make the arrangements for such discussions at the earliest opportunity."

First, I would like to extend my deepest sympathy once again to the family of Ms Savita Halappanavar on their loss. We all recognise the very strong feelings that her death has caused in Ireland and abroad. I have been struck over the past week by the outpouring of grief and sympathy from people all over this country on this tragic death and yet I know this can only be a fraction of what the family must feel.

As I mentioned many times before, my aim and the role of my Department is to improve the health and well-being of people in Ireland in a manner that promotes better health for everyone, fair access, responsive and appropriate care delivery and high performance. In particular, our focus is to ensure the provision of a safe, quality assured patient-centred and efficient health service. Nationally, we are focused on ensuring patient safety, quality and excellence in our health care system. It is important, therefore, that we have systems in place to minimise risk of occurrence and to detect and respond appropriately to them when they occur.

The internal HSE procedures for dealing with serious adverse events and incidents have improved and strengthened in recent years. Important developments in this area included the establishment of the directorate of quality and patient safety in the HSE, the enhancement of clinical governance and the ongoing development of the clinical care programmes in the HSE. Important contributions to patient safety have been made through HIQA reports and the safer better health care standards published in June this year will also enhance patient safety.

As reported widely in the media, the Department of Health was advised by the HSE of a maternal death in UCHG on 28 October 2012. The incident was escalated directly from the hospital for the attention of the HSE's national incident management team on 1 November. This was done in accordance with its risk and incident escalation procedure which outlines the steps that must be taken by each manager to escalate risks and incidents, as appropriate, that occur within their own service. This procedure is to be used in circumstances where a national or integrated response is required.

The HSE has established an investigation into the death of Ms Savita Halappanavar. The purpose of the investigation is to establish the factual circumstances leading up to the incident; identify any key causal factor that may have occurred; identify any of the contributory factors that may have caused the key causal factors; and recommend actions that will address the contributory factors in order that the risk of future harm arising from these factors is eliminated or, if this is impossible, reduced as far as is reasonably practicable. The period covered by the investigation will be from the patient's admission to University Hospital Galway on 21 October to the patient's death on 28 October. I have been assured that the investigation will be conducted

in the shortest timeframe necessary to achieve its purpose. That purpose is, first, to get at the truth and not to leave her family in doubt any longer than is absolutely necessary about what happened and, second, to reassure the many women in this country who use the health service that any practice that might not be safe has been addressed. I have been informed that, through the chairperson, the investigation team will be afforded the assistance of all relevant staff and other relevant personnel and will have access to all relevant files and records, subject to necessary consent and data protection requirements.

The HSE's national incident management team, NIMT, will oversee and support the investigation into the circumstances of Ms Savita Halappanavar's tragic death. University Hospital Galway has committed to co-operating fully with the team to ensure the investigation can be completed as quickly as possible. Sir Sabaratnam Arulkumaran, an independent expert in obstetrics and gynaecology, will chair the investigation team into Ms Halappanavar's death. He is professor and head of obstetrics and gynaecology and deputy head of clinical sciences at St. George's University of London. He is also president of the International Federation of Gynaecology and Obstetrics.

The investigation team will comprise a number of experts in the relevant disciplines, including anaesthesia, midwifery, obstetrics and gynaecology, to review the full range of clinical care provided for Ms Savita Halappanavar. The team also includes an independent patient representative and an expert in infectious diseases. I am aware that Mr. Halappanavar has raised concerns about the membership of the investigative panel in respect of three consultants employed in University Hospital Galway and about the investigation in general. As regards the inclusion of three hospital consultants from Galway, having reflected on the concerns raised by the family, the HSE has agreed that these three consultants will step down. It is in the process of identifying suitable replacements in the relevant clinical disciplines. As per HSE policy, the investigation team will work closely with the family at all times and keep them fully informed of the terms of reference of the investigation. The chairperson is now seeking to meet Mr. Halappanavar to address his concerns and update him on the new membership of the investigation team. It is hoped he will obtain Mr. Halappanavar's co-operation with the inquiry.

With regard to the claim that the HSE would not have investigated the matter had there not been public pressure to do so, all such incidents are investigated routinely. The investigation process in this case had commenced prior to the reporting in the media. As is usual with such cases, the HSE has an internal investigation process which it carries out. There are, sadly, incidents of deaths that occur in the health service that require investigation. This occurs in health services in other jurisdictions in any given year. One of the principal objectives of investigations is to establish the factors relating to a particular case. It is also essential that findings that would help to prevent death or serious injury to other service users are identified. In the vast majority of health care incidents it can be shown that environmental system factors are often a contributory factor. To ensure factors which may contribute to an error prone environment are identified, it is important that staff feel safe and in a position to respond positively to inquiries without fear of jeopardising their rights should future investigations take place.

This is not the first serious incident the HSE has investigated. It has a record of carrying out investigations that are thorough and identify all the safety problems and solutions that need to be identified. When the miscarriage misdiagnosis cases first emerged, there were widespread calls for a full independent public inquiry. The HSE carried out an investigation with an external independent chairperson, the findings of which were uniformly accepted on publication by both the public and the service users. The individual who had raised concerns initially was

satisfied with all aspects of the investigation and maintained that if all of the recommendations were implemented, services would be safer for women. The HSE has a record of carrying out investigations that find everything that external independent inquiries would. In the case of the transfer of a young patient for a liver transplant the findings of the HSE investigation were published on the same day as the external independent inquiry report by the Health Information and Quality Authority, HIQA. The HIQA investigation did not find anything that the HSE investigation had not. The final report of the investigation team will be provided for the HSE's chairman and me as Minister. In addition, a coroner's inquest will take place into this sad case, as would be expected.

There is a long history of obstetric audit in this country. Maternal deaths are always intensively investigated and in recent years arrangements have been put in place for Irish maternal deaths to be reported to the UK confidential inquiry system to ensure maximisation of learning and inform future prevention. This country is one of the safest in the world to have a child.

It would be inappropriate to comment further on the circumstances and possible causes of Ms Savita Halappanavar's death until the HSE investigation has run its course. However, it is important to point out that women in Ireland are entitled to legal clarity about what happens in a case where a woman's life is at risk. This issue has been with us for a very long time. As Deputies are aware, the current legal position on abortion in Ireland is set out in Article 40.3.3o of the Constitution as interpreted by the Supreme Court in the 1992 case. It provides that it is lawful to terminate a pregnancy if it is established as a matter of probability that there is a real and substantial risk to the life, as distinct from the health, of the mother, which can only be avoided by a termination of the pregnancy.

In addition, the current Medical Council's Guide to Professional Conduct and Ethics for Registered Medical Practitioners 2009 sets out the position on abortion as follows:

21.1. Abortion is illegal in Ireland except where there is a real and substantial risk to the life (as distinct from the health) of the mother. Under current legal precedent, this exception includes where there is a clear and substantial risk to the life of the mother arising from a threat of suicide. You should undertake a full assessment of any such risk in light of the clinical research on this issue.

21.4. In current obstetrical practice, rare complications can arise where therapeutic intervention (including termination of a pregnancy) is required at a stage when, due to extreme immaturity of the baby, there may be little or no hope of the baby surviving. In these exceptional circumstances, it may be necessary to intervene to terminate the pregnancy to protect the life of the mother, while making every effort to preserve the life of the baby.

These provisions came under scrutiny in December 2009 when the European Court of Human Rights heard a case brought by three women in respect of the alleged breach of their rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms in regard to abortion in Ireland - the *A, B and C v. Ireland* case. All of the applicants were women who had unintentionally become pregnant and travelled to the United Kingdom for an abortion. The judgment of the court in the *A, B and C v. Ireland* case confirmed that Article 40.3.3° of the Constitution was not inconsistent with the convention. It found that there had been no violation of their rights under the convention in respect of the first and second applicants, Ms A and Ms B, and dismissed their applications; there had been a violation of the applicant's right to private and family life contrary to Article 8 of the convention in the case of

the third applicant, Ms C. It held that there was no accessible and effective procedure to enable her to establish whether she qualified for a lawful termination of pregnancy in accordance with Irish law. It ruled that “no criteria or procedures have been ... laid down in Irish law ... by which that risk is to be measured or determined, leading to uncertainty...” and held that further legal clarity was required. The third applicant, Ms C, had been treated for cancer for three years. At the time she had unintentionally become pregnant she was in remission and, being unaware of this fact, presented for a series of follow-up tests related to her illness which were contraindicated during early pregnancy.

She was unable to obtain clear medical advice about the effect of the pregnancy on her health or her life or as to the effect of the medical treatment on the foetus, and feared the possibility the pregnancy might lead to a recurrence of the cancer. She decided to have an abortion and travelled to the UK for the procedure.

Ireland has signed and ratified the European Convention on Human Rights, Article 46 of which states that signatories agree to abide by any judgment of the court in any case to which they are parties. Ireland is, therefore, under a legal obligation to implement the judgment of the European Court of Human Rights in *A, B and C v. Ireland*. Supervision of Ireland’s execution of the judgment falls to the Committee of Ministers of the Council of Europe. On foot of the judgment, and to fulfil a commitment included in the programme for Government, the Government established an expert group, drawing on appropriate medical and legal expertise, with a view to making recommendations on how this matter should be properly addressed. The expert group was established in January 2012 and its terms of reference were to examine the *A, B and C v. Ireland* judgment of the European Court of Human Rights, to elucidate its implications for the provision of health care services to pregnant women in Ireland, and to recommend a series of options on how to implement the judgment, taking into account the constitutional, legal, medical and ethical considerations involved in the formulation of public policy in this area and the over-riding need for speedy action.

The expert group was made up of experts in the fields of obstetrics, psychiatry, general practice, law, professional regulation and public policy. It was chaired by a judge of the High Court, the Honourable Mr. Justice Sean Ryan. The expert group submitted its report to me on 13 November and I am currently examining the document. The Taoiseach and Tánaiste have also received a copy of the report and I intend to recommend its publication to Government on Tuesday, 27 November.

As I said last April in the House, I am sure Members share my view that it is incumbent upon us as public representatives to take action to deal with a long overdue responsibility. We need to make sure we take the necessary action to protect the lives of women. However, these are extremely complex matters and deserve thoughtful consideration from a clinical and legal perspective. I will be studying the contents of the expert group report and will be discussing it with my colleagues in government and legal advisers. In the meantime, I look forward to a thoughtful and considered discussion on the report in the Houses of the Oireachtas in the coming weeks. The discussion will be invaluable and will assist the Government in formulating proposals to ensure the safety of pregnant women in Ireland is maintained and strengthened and that we can fulfil our duty of care towards them. It is my intention this can be done as expeditiously as possible and I look forward to hearing many views from all sides of the House on a difficult issue that divided not just the country but families over the past 20 years.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** There are

times when language is inadequate and words cannot express the sentiment we feel in terms of offering condolences to particular families for the circumstances in which they find themselves. We have all been there. Last week, when the news broke about Savita's death, there was a sense of undying sadness that once again we were faced with the death of a young, vibrant mother. We do not yet know the circumstances but we will know because the inquiry will tell us exactly what happened. These things never happen in isolation. Equally, people responsible for her health and welfare at the time are feeling tremendous pressure. To her husband, who will feel her loss more acutely than anyone else, and the family, we must offer our deepest sympathies. We are not certain that saying those words is of any comfort to the person involved but, in the long-term, it probably will be.

I have been interested in this issue for as long as I can remember. I have always known we would have an incident like this and, whatever the circumstances, there will be another. I appeal to the Members who tabled the motion. It is unusual for me to do this and for a Government backbencher or Minister of State to say these words. I second the Government amendment. I appeal to the Deputies who tabled the motion for calmer heads to prevail. The anger they now feel was anger we felt over the years. When we now know that there is a solution in sight and that action will be taken, the anger dissipates. The anger on the streets, not just in Cork, Dublin, Galway or in Ireland, but all over the world is very understandable.

However, now that we are within sight of doing something concrete about it, and now that we have the solution within our power, I appeal to Deputies to let wiser heads prevail. Let us be calm about this and let us do it properly. My major worry is that we will rush into something that will present us with greater problems. That happened in the past and we need to take time – not to prevaricate or to take too long – but to do it properly and to ensure the eventualities that could arise are covered. I appeal to people to be calm. Now that we have a solution in our sights, we should do this properly. We can shout and roar and be as angry as we like but that will not give us a solution. The solution is within our grasp and we can do this properly. Maybe some people have not been involved in this issue for as long as others. We need to do this properly and we need to act because, as the Tánaiste said, not acting is not an option. We now have the opportunity but we also have the responsibility to do this properly. I appeal to Members to let wiser heads prevail and to do this properly. At long last, we have the possibility of doing it right.

**Deputy Ciara Conway:** I offer my condolences to the family of Savita and particularly her husband in the aftermath of such a tragic case in Galway University Hospital. The country is shocked and grieving since we learned this tragic news. We have been told that Savita died in agony after begging the doctors for help but was refused the necessary treatment while the foetus had a heartbeat. When the news of the story broke, every woman in the country thought that it could be her. Never has the inhumanity of our abortion law been so starkly exposed. While quite shocking and infuriating, I am sad to say it is not surprising. Many of us who are advocates of women's health have always expected that our restrictive and inhumane abortion regime would someday result in the death of a woman. Although we await the outcome of the HSE investigation, we have been told that Savita asked for intervention by the hospital to terminate her pregnancy and that this was allegedly denied. This ambiguity or grey area is avoidable. The blame for this, the circumstances in which vulnerable pregnant women find themselves, and the solution lie solely in this House. Last week, I listened to the story of a woman who was told to read between the lines and to head to England when she found out that her much wanted baby would not survive and that her health was deteriorating. The heartbreaking stories of the

shame, lack of support and coldness with which women find out that their babies may have a fatal foetal abnormality and the way they are treated in the Irish health system is unacceptable in this day and age.

As legislators, we have spent 20 years colluding in making already difficult circumstances unbearable. We have colluded in making the country inhumane for women. We have colluded in taking the dignity and limiting the access to safe health care for women in the country. Deputy McDonald states that we should no longer prevaricate on this issue. I invite her and her party colleagues to examine their own inaction on the matter over the past 20 years. A party that prides itself on being an all-Ireland party, and is in power in the North under the leadership of Martin McGuinness, has resisted attempts to bring any part of the UK abortion law to Northern Ireland. Five of the Sinn Féin Deputies abstained on the vote on Deputy Clare Daly's Bill.

The Labour Party is the only party to have asked for legislation to end this inequality and mistreatment of women's health. We did so in our general election manifesto of 2002 and in every subsequent manifesto. We have often been targeted by other parties. It is perceived by them as a weakness to be exploited for their own political gain. We, the candidates and grassroots members of the Labour Party, went door to door. We stood our ground on the need for legislation on this issue. We were right then and we are right now. For the first time in this debate, which has stretched over two decades, a Government has put in writing its commitment to make a decision on this issue. I welcome that.

The report of the expert group will be published on Tuesday, 27 November and I understand that, with the agreement of the Whips, a debate will ensue shortly after that. I ask every Deputy to read the Government amendment. For the first time, a Government is committed to dealing with this issue.

**Deputy Olivia Mitchell:** This debate takes place in the aftermath of a case that, from what we know of it, is shocking beyond words. I preface my remarks by saying we do not yet have an independent account of what actually happened. Nevertheless, from the debate that has ensued since that tragic death in Galway, we now know one thing for sure that we did not know before. We know there is, indeed, a grey area. There are circumstances where it may be necessary to intervene to terminate a pregnancy to save the life of the mother.

It appears from the circumstances of Savita Halappanavar's death that this was one such example. There have been others. Such terminations take place in Ireland, for instance where there is an ectopic pregnancy. Of course, we do not call them abortions, in order to preserve the myth. We call them terminations. In other cases, because the risk to life is not imminent, there cannot be a termination in Ireland. Perhaps because of a heart condition or high blood pressure, the threat may not be imminent but likely to manifest later in a pregnancy. In many such cases, the mother is forced to travel to England for a life-preserving termination.

Whatever the outcome of the two investigations that are going on, we now know for certain that there are circumstances that require life saving terminations. Among the considerable correspondence we all received was a document from a group called the Life Institute, containing "three important facts the expert group cannot ignore". The first of these three facts is that "abortion is never necessary to save the life of the mother. Leading Irish medical experts have already confirmed this fact". We now know that is wrong, wrong, wrong. Terminations are sometimes required.

Many speakers have referred to how the international media have reported this and how embarrassing it is for Ireland. It is embarrassing but it is, much more, a cause of annoyance. What happened to Savita does not reflect the will of the Irish people, what is in our Constitution or the Supreme Court interpretation of it. There is not a single person in the country, whether pro-choice or pro-life, who believes that what happened in Savita's last days, if what we hear is true, is acceptable, is in line with our Constitution or should ever happen again.

There is, perhaps inevitably, a desire to lay blame somewhere. We hear the doctors, the hospital and the church all being blamed in the media. The only truly culpable people, however, are ourselves, the present and past members of the Oireachtas, who failed over many years to give legislative expression, or any other kind of expression, to a right guaranteed by our Constitution and voted for in successive referendums by the people of Ireland. If Savita's husband's account of what happened is correct, her death is at our door and nobody else's. I do not want any more deaths at my door.

It is not in anybody's interest that, due to fear of legal circumstances, we have the appalling prospect of highly qualified and highly trained medical staff finding themselves forced to hover and hesitate around the beds of sick patients, maybe for several agonising days, and to prevaricate, procrastinate and postpone action until there is a virtual certainty that the patient is slipping away and that death is almost inevitable. We cannot leave our doctors in a position where they feel they have no option but to treat living, sentient human beings in a way a vet would not treat a dog.

This is an emotive debate and a complex issue. All sorts of red herrings are being thrown in our path. Some fear this tragic episode will be used to leverage the introduction of abortion on demand. Others would like to see the entire Judiciary brought into the labour ward. Some people may well want abortion on demand, although they are few. More, including myself, feel we should look in the future at the situations of rape, incest and extreme youth. None of those issues is on the table today, however. They cannot be, because the Constitution does not allow them to be. The only issue before us is to safeguard the lives of women by giving expression to the Supreme Court judgment in the X case, so that medical people know, when they are treating a woman, that they have a responsibility to act to save the life of the woman before the threat to life is so immediate that death is almost inevitable.

I do not care how that is done. I am delighted to hear the Minister's personal commitment to ensure it will happen quickly. I do not care if it is done by guidelines, regulation or legislation. I simply want it to happen as quickly as possible. I understand that we have to look at the recommendations of the expert group, but I want the light shone, at last after 20 years, into this grey area where there is no clarity as to the point at which the threat to health becomes a threat to life.

**Deputy Billy Kelleher:** With the agreement of the House, I will share my time with Deputy Michael McGrath.

It is with regret that, once again, I rise to express sympathy with the family of Savita Halappanavar. Last April, we debated a Private Member's Bill, introduced by Deputy Clare Daly, to legislate on the X case. At that time, most Deputies said we would await the report of the expert group chaired by Mr. Justice Sean Ryan and, on foot of that, would have a calm, rational, reflective and respectful debate to try to find a solution to the difficulties in which we now find ourselves. The death of Savita Halappanavar has charged the atmosphere in an emotive way

and many people are expressing views more forthrightly than in that previous debate. People are conscious of the sensitivities that exist.

We face the difficulty presented by Article 40.3.3o of the Constitution and its interpretation by the Supreme Court in the X case. The views of Deputies are already showing serious divergence as to what we can, must or should do. No matter what we do, any regulation or legislation must comply with Article 40.3.3o, as interpreted by the Supreme Court in the X case. Anything beyond that will require a decision of the Irish people. We must be conscious of that. We cannot accommodate everyone's view within the confines of this debate. It will be very difficult to come to a final conclusion. Legislation must not only be sensitive to the views expressed in this House, but must also be enacted in the context of a society that is divided on this issue. Let us be clear, it is divided. As a young lad I observed the 1983 campaign, wondering what all of this was about, and I have seen the effects of the 1992 and 2002 campaigns. Some people might say nothing was done but while nothing was achieved, we tried to do things. They may not have met with universal approval in this Chamber and they certainly did not meet with universal approval outside it but efforts were made and unfortunately they did not succeed in addressing any of the concerns that are being expressed in the context of what is required now to bring clarity to the issue. We also have to take note of what has been said by eminent obstetricians and masters of some of the maternity hospitals around the State, who say clarity must be brought to bear and the only people who can do this are the people in this Chamber.

The next question is how we bring about that clarity. The Minister of State mentioned legislation but often people react by being defensive. Others are open about the need for broader based legislation to accommodate fatal foetal abnormalities and other issues such as rape and incest. Clearly, these are well beyond the remit of what we are being asked to do by the Grand Chamber of the European Court of Human Rights when it found we were in breach of the women's human rights in the A, B and C case, and by the Supreme Court to deal with the issue of the X case.

That is where we are and over the next number of weeks we must have a calm debate. I say to Deputy McDonald and the other sponsors of this debate that I felt that we should not have moved the motion at this time, a week in advance of getting an expert report that would give an opportunity to evaluate the informed opinions of experts in obstetrics, gynaecology and the law and that might be able to give us a solution that will address this issue. Even within Sinn Féin, within Fianna Fáil, Fine Gael and within the Labour Party, there are differing opinions on the issue. If we cannot reach some form of consensus that accommodates the very broad views, which will be difficult, we could be back here again and again. This does the people of the country a disservice and, more importantly, it does a disservice to those depending on maternity services while those providing them will find it difficult to operate. That is the challenge for everyone in this Chamber tonight and in the coming weeks.

If the report is published and we have an informed debate, we can deal with this. There is no point in our introducing other issues unless people are willing to say we must repeal the eighth amendment to the Constitution and overrule the X case with a constitutional referendum because otherwise we are broadening the debate beyond our remit.

I do not want to be critical at this time but I was concerned at the announcement there would be an investigation into the tragic death of Savita Halappanavar, that it would be carried out by people closely associated with the hospital and the HSE and that it would not be fully independent. I do not, however, mean to cast any aspersions on the integrity and competence of those

who were named on the inquiry. There are staff in the Galway hospital who are distraught at this tragic death. They feel they are the scapegoat or are being forgotten about in the broader discussion. I spoke to some people who are shattered about what has happened. We must be conscious of that but first and foremost we must be conscious that a woman died in a maternity hospital in Galway and we must ensure her family are consulted about the inquiry. There are protocols about the investigation of deaths in maternity hospitals but this was poorly handled and there should have been broad consultation with the family and engagement at an early stage. We now need a fully open inquiry that is independent and can get to the truth.

This issue can be used by both sides to be more divisive. We need an informed debate and whatever the circumstances and the reasons why Savita Halappanavar died must be brought into the domain to ensure we are not apportioning blame wrongly. We must find the truth of the matter. We must also instil confidence that our maternity services are, by and large, the safest in the world. We must say that consistently because of the negative publicity around the world. We have a safe maternity system and its integrity must be protected. That is why an independent inquiry is so necessary.

I urge the Minister to publish the report that is being overseen by Mr. Justice Ryan. The longer there is a vacuum and the longer we assume what is in it, the more the debate can become acrimonious, convoluted or complicated. I urge that when the Cabinet meets, the report is published immediately. Let us have the debate and if we can find some way to address this issue and give clarity that addresses the A, B and C cases in the European Court of Human Rights and provides guidance for those who provide services, we will have done some good in this Chamber. While people bring other issues into the debate, it will make it more complex and difficult to reach a consensus to ensure women can be confident that when they go into a maternity hospital, they will be treated with respect and dignity and are afforded all treatment unhindered to ensure their lives are protected.

The Government must publish the report and ensure the investigation into the death of Savita Halappanavar is fully independent and worked through as expeditiously as possible while getting to the truth of the matter. Those are two crucial issues that will inform us as to what we should do to address this divisive and sensitive issue.

**Deputy Michael McGrath:** At the outset, I extend my own personal sympathies to Praveen Halappanavar and his family, and the family of the late Savita, on what can only be described as a tragic loss for all of the family. It is indescribable, I agree with the Minister of State in that regard. We all agree the family deserve answers and to get to the truth. We need an investigation that pursues the truth and identifies it. Whatever the truth is and however uncomfortable it might be for everyone concerned, the truth must be established, the facts nailed down and the conclusions drawn therefrom.

I am deeply concerned the investigation that has been established could hit a wall very quickly. The fact it was initially established with three representatives from the hospital concerned was a major mistake. There should have been direct consultation with Praveen Halappanavar himself. His solicitor has stated today that even the removal of those three people from the team will not suffice. If Savita's widower does not co-operate with the investigation, it could run into the sand quickly, which would be a major problem. I urge the Minister of State and the Minister for Health to take personal ownership of the issue and to work in whatever way they can to get Praveen Halappanavar's support for the investigation because that co-operation is essential. If he refuses to extend consent for the medical files to be reviewed, that could open

a potential legal minefield. We cannot allow that situation to happen.

On the issue of substance, Deputy Kelleher has got to the point: we are dealing with Article 40.3.3° of Bunreacht na hÉireann, as interpreted by the Supreme Court in the X case in 1992 and, of course, the decision of the European Court of Human Rights on the A, B and C case in 2010. The Government now has the report of the expert group chaired by Mr. Justice Ryan, and I welcome that along with the commitment that it will be considered by Cabinet next week and published immediately.

Apart from the tragic death of Ms Savita Halappanavar, what has really made me sit up and take notice in recent days was listening to the practitioners, including the masters of the various maternity hospitals. When those into whose care we entrust pregnant women are telling us they need greater clarity in the application of the outcome of the X case and the application of our constitutional provisions on the right to life, we have a duty to sit up and take notice. Clearly the existing guidelines are not deemed to be adequate by those practising in this field. When one examines it and thinks about it, one can understand why. The X case deals with a real and substantial risk to the life as opposed to the health of the pregnant woman. One can understand the problem for medics because clinicians will need to decide when a woman's deteriorating health situation becomes a matter of life or death. In some cases, regrettably, it will become a matter of life or death. However, at what point do they feel sufficiently confident to intervene and do what is necessary to save the life of that woman in that situation? That is a real problem. As someone who holds pro-life views - I believe the majority of Irish people would still regard themselves as bring pro-life - I believe there is no question but that practitioners must be given the capacity and whatever legal clarity is required to ensure they can intervene and do whatever is necessary to save the life of the mother. I believe that reflects the views of the majority of Irish people on this issue.

Other issues come into the debate, particularly the issues of suicide as addressed in the X case, which will be more contentious. In particular it will be far more difficult to deal with the safeguards to be provided for in legislation, guidelines or regulations. The other issue raised in this debate but not directly relevant to the X case is the broader set of criteria whereby some people wish to allow for terminations to take place. This is an issue on which we should put politics as normal to one side. We all have our personal views on this and parties are coming from different historical perspectives and have taken different roles in various campaigns through the years. Clearly, when those who are directly involved in the care of pregnant women are telling us that something additional needs to be done, that is good enough for me. Something needs to be done to give additional clarity to the circumstances under which they are legally empowered to intervene and do what is necessary to save the life of the woman. For me that is the fundamental issue. Beyond that we will have a very difficult debate, but let us have that debate and I accept there is a duty for us to do what is required of us as legislators.

**An Leas-Cheann Comhairle:** I call Deputy Maureen O'Sullivan, who is sharing time with Deputy Catherine Murphy.

**Deputy Maureen O'Sullivan:** As the motion states, there is no doubt that successive governments have failed to legislate on this matter. We have had referenda, Supreme Court cases, papers and Oireachtas groups, but no decision. The dithering, procrastination and kicking to touch must come to an end because failure to legislate has been detrimental. That is not to take from the excellent maternity services, as has been acknowledged. In the majority of cases mothers and babies leave hospitals in good health.

I am basically reiterating what I said during the debate on Deputy Clare Daly's Bill, which I supported. In response to numerous e-mails I received on the topic, I say that I do not agree with abortion on demand. Some people do not like that term, but what I understand by it is an abortion clinic where a woman can go in and have an abortion at any stage in a pregnancy for any reason, and I do not agree with that. However, I am conscious that there are women who have left this jurisdiction to go to another one to have an abortion. I respect their decision while I do not agree with it.

In the real world we know that the intervention, abortion, termination or whatever one wants to call it, is needed. If a woman who has been raped or subjected to incest makes the decision that she does not want to continue with the pregnancy, she needs to be supported. Such women are in a sufficiently traumatic situation without having to travel outside this country for that.

There is a need for legal clarity and legal decisions on the case we are discussing where there is a direct threat to the life of the unborn or the mother so that everybody involved can be protected. I know of a case where a woman went ahead with the pregnancy when she knew she was going to lose her life. Equally that must be protected, as must the other situation. The same is true of the medical teams involved.

The report of the expert group must be published as soon as possible and we need a very frank and candid debate. Regarding the investigation in Galway, serious errors of judgment have been made and it is hard to believe, when there was so much goodwill to find out exactly what happened in a dignified way, that such mistakes were made before the investigation even began. A lovely young woman has lost her life and at the end of the day her husband, parents, family and friends will be without her company for the rest of their lives. We owe it to her and to other women in that situation not to allow that happen again.

**Deputy Catherine Murphy:** Earlier this year I supported Deputy Clare Daly's Bill set within the parameters of the X case. While the Bill had flaws, they could have been ironed out on Committee Stage and had that happened, I wonder if it might have prevented this terrible tragedy from occurring. If there is an equal right to life for both the mother and the unborn, then action is needed to give expression to this. I wish to stress the equal right to life as distinct from the health as the difficulty lies in where to draw that line. We cannot even seek out international best practice on this because it is widely acknowledged throughout the world that this is an extraordinarily difficult distinction to make. I could not find evidence in other countries where they made such a distinction between the life and the health of the mother. I believe we should not make that distinction. It is a medical rather than a political issue. However, at this point we have an obligation to legislate within the parameters set by eighth amendment to the Constitution and the Supreme Court judgment.

The European Court of Human rights has categorically concluded that it cannot be left in the hands of individual medical practitioners, guided only by Supreme Court judgments, to determine what does and does not constitute a probable, real and substantial risk to the life as distinct to the health of the mother. It is very unfair to put that responsibility on individual practitioners. The second issue is that the result will invariably give a wide variation of application and care.

The Offences against the Person Act 1861 is the law that currently governs the offence. It imposes penalties of penal servitude for life for women and a misdemeanour for the medical practitioner. There would potentially be serious other sanctions through the Medical Council up to and including a medical practitioner being struck off. There are very serious consequenc-

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es. We are putting the patient and the medical practitioner in an impossible situation by, on the one hand, acknowledging the equal right to life and, on the other hand, objectively failing to create a mechanism by which that right might be vindicated. We need to have an open, honest and mature debate on the issue. I acknowledge there are strongly held views on both sides. If we are to have such a debate, the publication of the report of the expert group as quickly as possible is essential. It is also essential that any inquiries are seen to be independent, open and fair, and report in a timely way. Once they report there can be no delay in producing legislation and acting on a matter that should have been acted upon in the past 20 years.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 21 November 2012.