



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 21 Samhain 2012*

*Wednesday, 21 November 2012*

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

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*Paidir.*  
*Prayer.*

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## Leaders' Questions

**Deputy Micheál Martin:** The Taoiseach confirmed in the Dáil yesterday that no one from the Government, including the Minister for Health, had made personal contact with the Halappanavar family or with Praveen Halappanavar. I find this inexplicable and beyond acceptable. There should have been contact, and personal contact, from the very beginning.

This failure has been compounded by the added failure from the outset to establish a proper and fully independent inquiry that would command the confidence not only of the Halappanavar family, but of the wider public in regard to the full circumstances surrounding Savita's tragic death in Galway University Hospital. The whole process of establishing the inquiry unfortunately has been a sorry saga and somewhat of a shambles. That cannot be easy for anybody, particularly the Halappanavar family, or for the staff in the hospital. A coroner's inquiry is already under way and the Garda has taken statements. Irrespective of all that has happened and despite the fact that the three members of staff of the hospital have been taken off the inquiry team, the Minister is ploughing ahead with his plans to have the kind of inquiry he envisages, which is not a truly independent one, because of a duty to care to women. I argue it is that very duty of care to women which should cause the Government to stand back and reflect on this afresh. There is no point in proceeding and ploughing ahead with an inquiry that nobody has any confidence in from the very beginning.

The Commissions of Investigation Act 2004 was passed by this House to allow for a speedier method of investigating matters of urgent public concern. Within that legislation there is a vehicle for the Minister and the Government to establish an independent inquiry that would be speedy, comprehensive and voluntarily could seek the co-operation of all involved but crucially would also have power in respect of the compellability of witnesses and documents, if that was required. I ask the Taoiseach to give serious consideration to doing that. I am sure the House would approve because, under that Act, it would have to come before the House. I have no doubt that there would be support across the House for such an inquiry. We need the truth and we need it in a way that commands the wider confidence of the public and also the confidence

of the Halappanavar family.

**The Taoiseach:** Savita Halappanavar died in Galway University Hospital. The family has suffered all of that trauma and continues to suffer that grief and loss. There is clearly a need to find out the truth of the circumstances that applied in this case, what happened and what were the circumstances surrounding her death. It is imperative this be determined accurately, truthfully, fully and comprehensively in this nation's interest, the people's interest and the family's interest and, in particular, in respect of understanding, security, comfort and reassurance for women who will give birth to children in Galway hospital.

There is a lot of confusion around what is happening here. I read the statements attributed to Praveen Halappanavar. I have never met the man. I understand he is a very decent understanding individual. His comments in the national newspapers were that he did not want anybody from Galway hospital associated with this investigation. Regard and respect for that is taken into account here. There is an eminent international chairperson of this investigation. Other persons of eminence, competence and experience, not associated with Galway hospital in any way, will be added to the investigation team.

The fact is that I have had no contact with anybody associated with the family or with Galway hospital about this, and the Minister for Health has not either in respect of the family, because were that to happen, a different construction would be put upon it.

**Deputy Micheál Martin:** No, there would not.

**The Taoiseach:** Yes, there would. The fact of the matter is that the legal team operating now for Praveen Halappanavar has requested that the HSE would conduct all business through its legal team. I heard the solicitor speak about this on the national airwaves this morning. I would appeal directly to Praveen Halappanavar, who is a decent man, to meet the chairperson of the investigation team, without prejudice, because it is very necessary that the truth of these circumstances be found out - all of the documentation and all of the contracts in this public hospital are within the structure of the HSE. The eminence and integrity of the chairman of the investigation team will be added to by persons of competence and experience from outside Galway University Hospital, who have nothing to do with the hospital, to determine what happened in the lead-up to the unfortunate and tragic death of Savita Halappanavar. I think that is in the interests of everybody.

I heard the legal advice this morning that a public sworn inquiry would be conducted inside seven days. From our experience in this country, this is clearly not the case. I appeal to Mr. Halappanavar to meet the chairman of the investigation team without any prejudice to his views or future feelings towards it. Comments attributed to the man in the national newspapers are very different from what I see emanating from his legal team. We need to find out what happened here. It is essential. There is a difference because what was attributed to him was that what he wanted was no person from Galway University Hospital associated with the investigation team and this will be the case. It is very important that the truth and the circumstances leading to the death of Savita Halappanavar be found out in the family's interest, in the country's interest and in respect of reassuring and giving confidence to women in particular that the highest standards of professionalism, competence and service are available in the maternity hospitals of the country.

**Deputy Micheál Martin:** The Taoiseach stated the Minister had no contact with Praveen

Halappanavar. He should have had contact with him and no one would have cast any aspersions on such contact. The Taoiseach's explanation this morning is incredible, and I find it very difficult to understand and comprehend. It is natural to make contact in a situation where a husband has lost his wife through very tragic and rare circumstances, and these circumstances are very rare in Irish maternity hospitals. I reckon if such contact had been made we might not be where we are now in terms of the progression of the issue. Neither do I think it appropriate to make public appeals to Praveen Halappanavar given the circumstances and the fact he is grieving the loss of his wife. There should be far more direct contact. It is also not appropriate that we split hairs between what the solicitor says and what the Taoiseach adjudges Praveen Halappanavar to be saying via the media. The Taoiseach is putting forward an extraordinary position that he is being manipulated by his legal representatives. Is this the suggestion the Taoiseach is making? I genuinely hope not. A suggestion was made that we are hearing different stories. What I am hearing loud and clear is that, without casting aspersions on the personnel there, the HSE being all over the inquiry does not convey the sense of independence or objectivity the Halappanavar family wants or, I suggests, what the wider public wants.

As the Minister, Deputy Howlin, said this morning and Senator Ivana Bacik said yesterday, there are precedents for the establishment of independent inquiries outside of agencies and at one remove from institutions. We have had quite a number of them in the past. It can be done. I have suggested another method, which is the Commissions of Investigation Act 2004. I am trying to be constructive. This could be a potential vehicle for getting under way a speedy and comprehensive inquiry which would be independent and objective. Otherwise, the Taoiseach is facing the prospect of a long drawn out legal quagmire which will not satisfy anybody in a situation where the public is crying out for truth in an objective and independent way.

**The Taoiseach:** Deputy Martin made the case. I believe it is in everybody's interest that the chairman of the investigation team should have a meeting with the husband of the deceased woman. I do not think there is anything wrong with this and the meeting should take place without any prejudice to Mr. Halappanavar. I do not suggest any manipulation. If I were to meet Praveen Halappanavar privately, I am quite sure somebody would ask what I said to him and ask what the discussion was about. The instruction from his legal team was that communication must be made through the HSE. This is legal advice given to him. I make no apology for saying I think a meeting without prejudice could take place. Deputy Martin has changed his tune because in his interview he called for an independent inquiry from his experience as a former Minister for Health. He stated he would have preferred a three member independent panel outside the HSE which would call witnesses, access the records and conduct an independent inquiry. He stated that we know from previous experience inquiries can vary between independent panel inquiries and internal inquiries.

**Deputy Micheál Martin:** That is what I just said.

**The Taoiseach:** Deputy Martin went on to say he would have reservations about a full open tribunal because we know in Ireland it can lead to longevity and other issues pertaining to this.

**Deputy Micheál Martin:** That is the tribunal of inquiries legislation. That is the old Act.

**The Taoiseach:** A total of 3,000 babies were born in the hospital this year. This is a tragic incident and we need to determine the circumstances, facts and truth of what happened in this case. The investigation, being led by an eminent person of international repute to be added to now by people of competence and experience with no association whatsoever with the hospital,

is in a position to determine the facts and circumstances. I hope the investigation will get the support of Mr. Halappanavar. We must conduct this investigation and determine the basic facts and the truth about the circumstances. This is in everybody's interest. The case notes are there, the personnel are there and their contracts are with the HSE. This is a public hospital in our country and we need to find out what happened. This investigation can do this job quickly, efficiently and effectively. I hope everybody can co-operate in this regard in respect of the safety standards, competence, reassurance and professionalism that apply in Irish maternity hospitals. If there is something wrong then this investigation is in a position to actually determine this. They can be helped by the legal team allowing Mr. Halappanavar to have a meeting without prejudice with the chairman of the investigation, who is a person of absolute international reputation and integrity. I hope this can happen quickly.

**Deputy Gerry Adams:** Tá a fhios ag an Taoiseach go bhfuil a lán daoine míshásta leis an slí ina bhfuil an Rialtas ag déileáil le bás Savita Halappanavar. Go háirithe, tá a fear céile agus a teaghlach an-mhíshásta. Leis an bhfreagra a thug an Taoiseach bomaite ó shin rinne sé meancóg eile sa chás bhrónach seo. I regret to say the Government handling of the inquiry into the death of Ms Savita Halappanavar has been ill-judged and mismanaged. As we now know, Savita died following a miscarriage at Galway University Hospital on 20 October. However this was not made public until Wednesday, 14 November when her husband Praveen spoke to the media. He made it clear he wanted a full inquiry into Savita's death. Last Friday, according to the media, the Minister for Health indicated the family was being consulted on the terms of reference of the inquiry, but this morning the solicitor for Praveen stated the initial investigation team, including three members from Galway University Hospital was put in place without consultation with the family. I simply do not understand why the Taoiseach signed off on an inquiry without the consent of Savita's family, particularly when the Minister for Health stated they were being consulted.

Yesterday, the Taoiseach accepted the Government had made a serious error of judgment by reversing the decision to involve three people from the hospital where Savita died. I know this casts no aspersions on those people. Yesterday, I asked the Taoiseach to ensure there was prior consultation with the family. I spelled out this, and the logic behind it, in some detail. However, it is now obvious there was no prior consultation or proper consultation. It seems very obvious that if Praveen continues to refuse to co-operate with what he believes is the HSE investigating itself, the investigation cannot with credibility produce a report. Let us not heap another bad decision on top of previous ones. Let us call a halt now and establish a fully independent public inquiry. As the Taoiseach stated, the Irish people, not least Irish women, want to know the full facts. I am sure as certain that if the family continues with its decision, then none of this will become clear. Will the Taoiseach consult and agree with Savita's family the terms of reference for an independent sworn inquiry as they have requested?

**The Taoiseach:** I do not think anybody disagrees with the eminence, reputation and integrity of the chairman of the investigation team. It is in everybody's interest, taking into account the sensitivity of what is involved here and the necessity to find out the truth, that he should be enabled to have a meeting with Mr. Halappanavar without prejudice to the man's feelings or his attitude towards the investigation. That is only right and proper.

The feelings of Mr. Halappanavar were taken into account here because he stated that nobody from the hospital should be associated with this investigation and nobody from the hospital will be associated with it. Anybody from the hospital who is spoken to in the context of this investigation will be spoken to as a witness to determine the circumstances, the facts and the

truth of what happened, and this is in everybody's interest. As I stated in response to Deputy Martin, 3,000 babies were born in the hospital this year and this is a tragic incident that we need to find out about in everybody's interest.

All of the documentation, all of the case notes and all of the contracts belong in this public hospital under the structure of the Health Service Executive. This is an investigation being conducted by an international chairman of repute, added to by persons of competence and experience with no association with this hospital. That is all about finding out the circumstances in which Ms Halappanavar died. I would suggest, if Deputy Adams can give any assistance in this matter, that it is in everybody's interest that Mr. Halappanavar should be able to sit down with the chairman of the investigation and talk about it without prejudice to his feelings or his attitude towards the investigation. It is most necessary in everybody's interest that we find out what happened here and I hope people can come around to that view.

As I stated, Deputy Adams called for a full public inquiry. I saw the letter from the legal team looking for an independent tribunal with full legal procedures being adopted and representation by Mr. Halappanavar's legal team so that all evidence can be gathered, examined and tested and a proper hearing be conducted in accordance with his natural and constitutional rights. I heard the legal adviser today state that this could be concluded within seven days. It is necessary to find out what happened in this public hospital. I would expect, if we allow this investigation to do its job, it would be helpful if the legal firm would say to Mr. Halappanavar to sit down with this eminent chairman, discuss this matter with him and, in the interests of his family's tragedy, we will find out what happened here. There is no point in going down a long road, with all of the legal complications that come from that, with no answer. We need an answer expeditiously in everybody's interest.

**Deputy Gerry Adams:** I accept the Taoiseach and the Government regret the circumstances of this unfortunate woman's death. I am sure he wants to get the facts and we are not at odds about that. However, it is not fair to put the onus on Mr. Halappanavar in these matters. The Taoiseach stated that he conceded to Mr. Halappanavar's wishes but that was all done through dealing with what has been said in the media. As I stated yesterday, nothing beats, at the appropriate level, direct prior consultation with this family. We and the Government must respect Mr. Halappanavar's decision if he decides not to meet anyone. He is not satisfied with the way this is being conducted and, because there has been no direct or prior consultation with him, we cannot blame him. I would also suggest - I am not authorised to speak for anybody except the Sinn Féin Party - that through the media is not the way to communicate with anybody in those circumstance.

**Deputy Simon Harris:** Deputy Adams would know.

**Deputy Gerry Adams:** I ask the Taoiseach to reflect on what has occurred over the past week or so, and how all of this has emerged. This is the key point. If the Government does not have the support of the late Ms Halappanavar's family for the way it is proceeding, it should step back. There will be nothing lost if there is proper prior consultation with Mr. Halappanavar and if the Government can agree terms of reference for an independent public inquiry for which he has argued, and then the Government proceeds. The Government should show that it is prepared to deal properly with this issue and then the facts will emerge. It will not bring back the late Ms Halappanavar but it will at least engender public confidence. I appeal to the Taoiseach-----

**Deputy Simon Harris:** Deputy Adams should take his own advice.

**Deputy Gerry Adams:** -----to stop it now, open up at that appropriate level consultation with Mr. Halappanavar or his representatives, do his utmost to agree terms of reference with him and then go on from there.

**The Taoiseach:** I cannot speak for them. It appears as if the legal team representing Mr. Halappanavar will not allow him to meet the chairman of the investigation team.

**Deputy Gerry Adams:** Find a way around it.

**The Taoiseach:** Deputy Adams suggests we consult with the family. That is exactly what is involved here.

**Deputy Gerry Adams:** There has been no consultation.

**The Taoiseach:** Does Deputy Adams understand me?

**Deputy Colm Keaveney:** It takes two.

**The Taoiseach:** The chairman of the investigation team is not being allowed to sit down with Mr. Halappanavar because, apparently, his legal team is saying that it wants a full public sworn inquiry. We had another tragedy in this country a number of years ago with the unfortunate killing of Mr. John Carty and there was a public sworn inquiry into it which went on for years.

Deputy Adams well understands the situation down here. What we need to find out now is the truth, the facts and the circumstances that surrounded this unfortunate death in this public hospital in Galway. When he correctly states that people should be consulted, the chairman of the investigation team wishes to consult directly with the husband of the late Ms Halappanavar and his legal team is saying that it will not allow that to happen because it wants a full public sworn inquiry.

**Deputy Timmy Dooley:** The Taoiseach is casting aspersions on the legal team.

**The Taoiseach:** We need to find out the facts and the circumstances now. This investigation, with an eminent chairman and with persons from outside Galway University Hospital is independent and will do nothing less than the highest level of investigation as to what happened here. Why should these persons put their integrity and their reputation on the line to do anything other than that? The Galway hospital staff, who have been working in delivering 3,000 babies this year, want their reputation and integrity maintained. Something happened in this case where, unfortunately, a woman tragically died and we need to find that out as quickly and as expeditiously as we can in the public, the family, the medical personnel and the nation's interest. If Deputy Adams has any influence on making the consultation to which he referred happen, he should make it happen and let this investigation get on with its fundamentally important work of finding out what happened in this case.

**Deputy Richard Boyd Barrett:** Last week, there was great fanfare about the appointment of Ireland to the United Nations Human Rights Council. It is ironic that this country should be appointed as an international guardian of human rights when in the week since that appointment the Government has failed so utterly to uphold the rights of vulnerable citizens and their families, both in this country and abroad. The Government has failed in its duty to uphold the

rights of a young pregnant woman, the late Ms Halappanavar, to choose an abortion when she begged for one with tragic consequences. The Government has failed to provide the independent public inquiry for which her family has asked repeatedly to investigate her death. The Government has failed to speak out about the rights of young children and their families who are being massacred by Israeli missiles and artillery fire in Gaza as we speak.

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

**Deputy Richard Boyd Barrett:** The Government has failed to vindicate the rights of children with special needs and families affected by disability who are marching on the Dáil today. It has failed to protect the rights of the elderly-----

**Deputy Brendan Howlin:** Is this a question?

**Deputy Finian McGrath:** It is on human rights.

**Deputy Richard Boyd Barrett:** -----whose representatives delivered a petition here yesterday begging for an end to the cuts being imposed on the vulnerable and elderly citizens.

**Deputy Brendan Howlin:** It is a back-of-a-lorry speech.

*11 o'clock*

**Deputy Richard Boyd Barrett:** Will the Taoiseach do the job that he was appointed to do in the United Nations and vindicate the rights of women to choose their own fate? Will he vindicate the rights of children in Gaza not to be massacred by Israeli weapons? Will he vindicate the rights of the disabled, those with special needs and the elderly in our society so that we can truly deserve this appointment as a guardian of international human rights?

**Deputy Finian McGrath:** Now answer that, Taoiseach.

**The Taoiseach:** I am not sure what is the Deputy's question out of that international rant.

**Deputy Richard Boyd Barrett:** It is about human rights, very simple.

**The Taoiseach:** The decision of all the countries to vote for Ireland in this case was an important one and a significant appreciation of the different position in which Ireland is now seen internationally. There were five very strong candidates for three places. Our ambassador will represent us very well in that seat.

Deputy Boyd Barrett made comments in respect of the late Savita Halappanavar as statements of fact. The reason for having an investigation is to determine the circumstances, facts and truth of these matters. From that point of view, Deputy Boyd Barrett has joined a long litany of people who make statements of fact as if they were there. That is the reason for the investigation in the first place, to find that out. I am sure the Deputy shares that view. He talked about a range of other issues here that he has had an opportunity to raise at different times.

In so far as doing the job is concerned, the mandate given to this Government - comprised of the Fine Gael and Labour Parties - is to deal with the question of our public finances, restore our international reputation, and provide opportunities for jobs and growth-----

**Deputy Mattie McGrath:** Taking the scenic route.

**The Taoiseach:** -----with an agenda whereby people can have the opportunity to live and work in this country if that is what they wish to do. In addition, the mandate is to retrieve and restore our economic independence and give our country back to our children. That is what we will do.

**Deputy Richard Boyd Barrett:** I only stated facts. There may be grey areas, including who's, why's and wherefores, concerning the death of Savita Halappanavar, but Praveen Halappanavar's word about one fact is good enough for me. For three days, Savita Halappanavar asked for an abortion and she was denied her right to that abortion. The word of families who are on the streets today with children with special needs or affected by disability is good enough for me.

**An Ceann Comhairle:** We are not having comprehensive statements. The Deputy should put a supplementary question.

**Deputy Richard Boyd Barrett:** There is something wrong if their rights are not being vindicated. In addition, children have been massacred in Gaza, like the al-Dallu family whose four young children were killed during the week.

**An Ceann Comhairle:** What is the Deputy's supplementary question?

**Deputy Richard Boyd Barrett:** What is the Taoiseach going to do to vindicate those rights? They are the rights of women, like Savita Halappanavar, to choose their own fate when they are pregnant, the rights of young children in Gaza not to be massacred by Israeli weapons, the rights of the elderly, the disabled and those with special needs to live a dignified existence and not have their lives degraded by brutal and unjust austerity cuts.

**An Ceann Comhairle:** Before the Taoiseach replies, I wish to make it quite clear that this idea of Leaders' Questions was to provide an opportunity for leaders to ask a question. I was tolerant in respect of Deputy Boyd Barrett on the basis that I understood he was talking about human rights, but we are not going to have an umbrella of questions to the Taoiseach during Leaders' Questions. Let us understand that clearly for the future.

**The Taoiseach:** Deputy Boyd Barrett is opposed to any cuts and tax increases, and he assumes that this country can rectify itself by continuing on as it did in the past. That is not going to be the way.

**Deputy Richard Boyd Barrett:** The question was about human rights.

**An Ceann Comhairle:** Please allow the Taoiseach to continue.

**The Taoiseach:** We have to deal with our domestic problems as fairly as we can. That is why the Government will continue to make its decisions in the fairest and most equitable way we can in order to sort out our own public finance problems here. We will continue to work with our colleagues in Europe to get the co-operation we need in respect of reducing and dealing with our debt sustainability.

Deputy Boyd Barrett mentioned abortion, special needs, disability and Gaza.

**Deputy Richard Boyd Barrett:** The human rights of women and children.

**The Taoiseach:** On the latter, I might say that this was a focus of intense discussions this

week by the Tánaiste representing the Government at the Foreign Affairs Council meeting. It will be discussed again on Thursday and Friday in Brussels as part of the European Council meeting there. We hope that the diplomatic initiative that is currently under way can bring a stop to this. Clearly, there are very complex issues involved.

In respect of the expert report group arising from the A, B, C case of the European Court, I outlined yesterday for Members of the House the opportunities that will present themselves for everybody to have their full say on this. To those who say that it took this unfortunate and tragic death for something to happen, I would remind Deputy Boyd Barrett that when the Government was established, part of the programme for Government was that an expert group would be commissioned to report into the options that arise from the decision of the court in the A, B, C case. That report was presented to the Minister last week. We will bring it before Government next week and it will be published. Discussions will take place here and everybody will have an open-ended opportunity to say as much as they want in respect of their views about the options that are presented in the report.

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 20, statements on pre-European Council meeting of 22-23 November; No. 2, Houses of the Oireachtas Commission (Amendment) Bill 2012 [*Seanad*] - Second Stage; and No. 21, Residential Tenancies (Amendment) (No. 2) Bill 2012 - Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that No. 20 shall, if not previously concluded, be brought to a conclusion after 65 minutes and the following arrangements shall apply: the statements shall be made by the Taoiseach and by the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time and shall not exceed 15 minutes in each case; a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes; Private Members' business shall be No. 79, motion re Supreme Court ruling in the "X case" (resumed), to conclude at 9 p.m., if not previously concluded.

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal for dealing with No. 20, statements on pre-European Council meeting of 22-23 November agreed to? Agreed.

I call Deputy Martin on the Order of Business.

**Deputy Micheál Martin:** I want to ask the Taoiseach about a number of legislative commitments for people with disabilities, as contained in the programme for Government. As the Taoiseach knows, thousands of people will be marching today in protest against cuts to disability services. There is a lot of concern about special needs assistants, resources in special schools and the disability allowance. Will the Taoiseach indicate when the review of the domiciliary care allowance will be completed? It was initiated eight or nine months ago, but where is it now? We cannot find it anywhere. I would appreciate it if the Taoiseach could indicate when the Government intends to publish the review. Will the Taoiseach also indicate when the implementation plan for the national disability strategy, which was committed to in the programme for Government, will be published?

Will the Taoiseach indicate a publication date for promised legislation to move a proportion of public spending to a personal budget model so that people with disabilities or their families have the flexibility to make choices that best suit their needs? The programme for Government stated that would ensure greater transparency and efficiency in funding services. In addition, legislation was committed to in the programme for Government to place national standards for residential services for people with disabilities on a statutory footing. Where is that Bill, which would also ensure inspection by the Health Information and Quality Authority? The programme for Government indicated that there would be additional resources for people with disabilities.

**An Ceann Comhairle:** We cannot have a debate.

**Deputy Micheál Martin:** People are marching today because they have witnessed a significant cut in disability services across the board in welfare, health and education.

**An Ceann Comhairle:** We are not having a debate now.

**Deputy Micheál Martin:** There is a mismatch between the legislative commitments in the programme for Government and the reality on the ground in terms of people with disabilities.

**An Ceann Comhairle:** The Taoiseach should deal with the legislation promised.

**The Taoiseach:** I do not have the answer to hand. The Minister for Social Protection will deal with the question of the domiciliary care allowance review. I must revert to the Deputy in respect of the disability plan and the legislation he mentioned. The sense coming from the programme for Government is the country was in crisis, is still in a fragile state and requires strong and active work by the Government on a range of levels. Some of these matters are for consideration in respect of the budget and clearly the sensitivity of the disability sector will be taken into account by the Ministers in the Cabinet when they make their final decision.

**Deputy Micheál Martin:** There is a cut of 8% in this regard.

**Deputy Gerry Adams:** Will the Taoiseach confirm whether there will be a supplementary budget for health this year? He is aware of the cost overruns in health and that the HSE deficit stood at €394 million at the end of September. Moreover, this is despite savage cuts affecting home helps, public nursing home patients and staffing in hospitals, as well as disability and carer's allowances.

**An Ceann Comhairle:** Thank you.

**Deputy Gerry Adams:** I also refer to the failure to make savings in other areas. Can the Taoiseach confirm there will be a supplementary budget for health this year? If so, when will it be brought before the Dáil and can the Taoiseach indicate what size it will be?

**An Ceann Comhairle:** We cannot deal with that.

**The Taoiseach:** I can confirm for the Deputy that all these matters are relevant to the budgetary discussions that are under way and have been for quite some time. Changes made in the structures to the health system, which the Deputy specifically mentioned, and all of that will be concluded in good time before the budget on 5 December.

**Deputy Joe Higgins:** Regarding debates promised in the Dáil, I refer to the expert group

report to examine the A, B and C *v.* Ireland judgment of the European Court of Human Rights. The Government amendment to the Sinn Féin Private Members' motion calls for support for the decision by the Minister for Health to bring the report to Government on Tuesday, 27 November and his recommendation that it be then published immediately. Is it the Taoiseach's commitment that it will be published on the afternoon of Tuesday, 27 November and then a debate organised fairly soon thereafter?

**The Taoiseach:** The commitment is as is in the amendment to the motion. While I do not wish to and never would prejudice the decision of the Government, the intention is to have this report made available at the earliest opportunity and, as the amendment indicates, to instruct the Whips to make arrangements to start the process of discussing the expert report into the A, B, C case here in the House. That will run for as long as Deputies wish to speak on the matter.

**Deputy Joe Higgins:** However, the publication will be next Tuesday, 27 November.

**Deputy Robert Troy:** The domestic economy remains stagnant and businesses throughout the country face a difficult task in keeping open their doors. In this regard, when will the Valuation (Amendment) (No. 2) Bill 2012 be brought before the House to ensure the introduction of a fair and equitable manner to calculate rates? The Government has reneged on its upward-only rent review commitments.

**An Ceann Comhairle:** What legislation is being referred to?

**Deputy Robert Troy:** The valuation Bill in respect of commercial rates.

**The Taoiseach:** It is on Committee Stage in the Seanad.

**Deputy Róisín Shortall:** The Taoiseach promised to open up the budgetary process in order that there would be greater transparency regarding the options open to the Government in respect of balancing the books, as well as to allow for discussion and consideration of the various options available before any decisions were taken. What, if anything, is the Taoiseach doing about delivering on that commitment?

**The Taoiseach:** I can tell Deputy Shortall that a number of Oireachtas committees have already discussed the options, ideas and proposals for various Departments and Ministers, as Deputies are entitled to do. This is part of the process of opening up the manner in which budgets are dealt with and delivered here, as the Deputy herself is well aware.

**Deputy Mary Lou McDonald:** Can the Taoiseach confirm that the McAleese committee report on the Magdalene laundries will be published before the Dáil rises for the Christmas recess?

**The Taoiseach:** I am not sure. I understand that Senator McAleese's intention is to publish it early but I cannot confirm this to the Deputy just now. The committee has done a great deal of work in this regard and I will have the Senator communicate with Deputy McDonald. I cannot give a precise date to the Deputy. It is the Senator's intention to deal with it as speedily as possible and I will advise her as to what is the actual position.

**Deputy Jerry Buttimer:** Arising out of the success of our athletes and para-Olympians in London in 2012, has the Government plans to carry out a review of the Olympics and Paralympics?

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

**Deputy Jerry Buttimer:** Second, is it proposed to have a debate in the House regarding funding and future funding towards the Olympic Games?

**An Ceann Comhairle:** The Deputy should have a chat with the Whip. We are straying now. Please Taoiseach, we could set a precedent here, were we to review the Olympics. I call Deputy O'Dea.

**Deputy Jerry Buttimer:** However, it is a matter of national importance.

**An Ceann Comhairle:** I know it is a matter of national importance but not on the Order of Business.

**The Taoiseach:** It is already done.

**Deputy Willie O'Dea:** There is an overwhelming perception, which is probably also the reality, that the criminal justice system is still very much tilted against the victims of crime. With that in mind, can the Taoiseach inform Members when the proposed criminal justice (victims rights) Bill will be published? Second, can the Taoiseach state when the Government hopes to publish this year's social welfare Bill? Will it be published this year or before Christmas?

**The Taoiseach:** I commend the Garda on the raids and arrests made yesterday in respect of grow houses for cannabis.

**Deputy Mattie McGrath:** It is the only growth in the country.

**The Taoiseach:** I cannot give Deputy O'Dea a publication date for the aforementioned criminal justice Bill but it will be next year.

**Deputy Willie O'Dea:** I also asked about this year's social welfare Bill.

**The Taoiseach:** It will be published after the budget.

**An Ceann Comhairle:** After the budget. I call Deputy Wallace.

**Deputy Willie O'Dea:** Will that be this side of Christmas?

**The Taoiseach:** Yes, it will be directly after the budget.

**Deputy Mick Wallace:** The programme for Government includes a promise for the establishment of a State-controlled strategic investment bank. It was interesting to note the French introduced such an institution two weeks ago, which will pump €42 billion into small and medium-sized businesses. Is a State-controlled strategic investment bank still on the cards for the Government?

**An Ceann Comhairle:** Sorry, is there legislation in respect of this issue?

**The Taoiseach:** Work is under way on this matter all the time. While it is a complicated matter, work is proceeding in that regard.

**Deputy Mick Wallace:** It has been nearly two years.

**An Ceann Comhairle:** I call Deputy Mattie McGrath.

**The Taoiseach:** It takes a while.

**Deputy Mattie McGrath:** As I am sure the Minister of State, Deputy Kehoe, who is sitting behind the Taoiseach is aware, a value for money review is under way regarding the Reserve Defence Force and the reorganisation of the Defence Forces.

**An Ceann Comhairle:** I want value for time here.

**Deputy Mattie McGrath:** I know the Ceann Comhairle does and I will do my best if he leaves me alone. I am inquiring about the defence (amendment) Bill.

**An Ceann Comhairle:** Excellent.

**Deputy Mattie McGrath:** Last night, the Minister slipped out a statement that Clonmel will lose its Reserve Defence Force post.

**An Ceann Comhairle:** No, the defence (amendment) Bill.

**Deputy Mattie McGrath:** It was at midnight last night.

**An Ceann Comhairle:** Will the Deputy put down a question?

**Deputy Mattie McGrath:** I cannot get the answers.

**An Ceann Comhairle:** The defence (amendment) Bill.

**Deputy Mattie McGrath:** The Minister of State at the Department of Defence is present.

**The Taoiseach:** The defence amendment Bill will be taken next year.

**An Ceann Comhairle:** Next year. Thank you very much.

**Deputy Mattie McGrath:** Will there be any more cuts for Clonmel?

**An Ceann Comhairle:** The Deputy should put down a question on the content.

**Deputy Mattie McGrath:** Clonmel is being written off the map by this Minister and the Government, as are the volunteers in the Army.

**Deputy Paul Kehoe:** Deputy Tom Hayes sorted out the barracks in Clonmel.

**Deputy Patrick O'Donovan:** Deputy Tom Hayes sorted out the barracks and the Garda.

### **Medical Treatment (Termination of Pregnancy in Case of Risk to Life of Pregnant Woman) (No. 2) Bill 2012: First Stage**

**Deputy Clare Daly:** I move:

That leave be granted to introduce a Bill entitled an Act to provide an interim legislative arrangement, as required by the Council of Europe, for termination of pregnancy where as a matter of probability a real and substantial risk to the life of the pregnant woman exists; to

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make provision for the prevention of any curtailment, hindrance or preclusion of such treatment that may arise as a result of the pregnancy of the woman; and to provide for related matters.

I do so on behalf of Deputies Wallace, Joan Collins and myself, with the support of the United Left Alliance, as an interim measure requested by the Council of Europe.

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

**The Taoiseach:** 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 Clare Daly:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Pre-European Council Meeting: Statements**

**The Taoiseach:** The extraordinary meeting of the European Council on Thursday and Friday will be an important one, with significant implications for the Union over the coming years. There will be only one main item for discussion, namely, the Union's budget for the period 2014 to 2020, which is called the multi-annual financial framework.

It is my view that as Heads of State and Government, we have an obligation to work to show the European people that we can come to agreement in a decisive way on such important matters. For my part I will participate to negotiate an outcome that is in Ireland's interests and in the interests of the Union as a whole. Agreement by the 27 member states on matters as fundamental as equipping the Union with the resources necessary to face into the next seven years is no small task. However, it also is a matter which will affect the Union's credibility. I am committed to being constructive and ambitious in the negotiations and discussions that will take place. As of now, it remains unclear whether it will be possible to reach agreement this week. There can be little doubt that the positions adopted by member states remain a considerable distance apart. Further delays would not be in our best interests, either nationally or as incoming Presidency, and, speaking frankly, I do not see how further delay will either change the substance of what is involved or improve the political context in which agreement must be reached. The time for action is now.

In recent years Europe has battled an unprecedented economic crisis and we are not out of the woods yet, with a great deal of work to do if we are to build recovery and return to growth. This must remain our absolute priority. Protracted negotiations about the Union's budget risk seriously distracting us from this vital task and risk also the goodwill and spirit of co-operation needed for the Union to operate as it should. Ahead of this week's meeting, therefore, I call on all member states and the representatives of the key EU institutions concerned to show the flexibility and compromise necessary if agreement is to be found. With political goodwill, a deal

can and should be found, allowing us to return our full attention to the stability, jobs and growth agenda that will be the priority for us as Presidency in the first half of next year.

As the House will recall, negotiations on the multi-annual financial framework, MFF, have been under way since the European Commission put forward proposals in June of last year, and they are highly complex. The MFF sets out to agree the resources we provide in common across the entire range of the Union's actions for a seven-year period. By assigning our resources, we are effectively prioritising our common actions, making hard choices and difficult decisions on the EU's actions right up to 2020. The amounts of money involved are significant. The original Commission proposal had expenditure exceeding €1,000 billion over the seven years but the negotiations also concern how we raise this money, how the EU assembles the money that it needs, how we can improve the quality of our spending and how rebates may be handled for individual member states. This must all be agreed by unanimity.

We are a Union of 27 - soon to be 28 - member states, and each state has its own appreciation of the Union's wider interest, as well as of the national interest. I need hardly say that these negotiations are taking place in an extremely difficult economic environment for the Union, the eurozone and for most member states. Governments across the EU are keenly aware of the need for EU investment to promote growth and jobs, and this need was given clear expression in the form of the Compact for Growth and Jobs adopted by the European Council in June this year. We see spending on agriculture and agribusiness as very much a part of this picture, and the Common Agricultural Policy, CAP, delivers 85% of what comes into this country from the European Union.

Governments are also equally aware of the need to ensure that scarce public resources provided by our hard-pressed taxpayers are wisely used. This is the political context in which we are operating across Europe. Since the Commission made its proposal in June 2011, the Polish, Danish and Cypriot Presidencies have taken the work forward, aiming to reduce the areas of disagreement between member states. Successive Presidencies have worked to develop the so-called negotiating box, the detailed draft conclusions which would outline the parameters of the EU's spending.

President Van Rompuy has now taken ownership of the process and will attempt to broker a deal at this week's meeting. It will not be an easy task and, as I have said, there are deep divisions between the member states. President Van Rompuy will have my full support over the coming days in his efforts to broker a fair solution which will equip the Union with an MFF that is capable of supporting the Union and its member states in facing the real challenges for the years ahead.

The House will recall that, as I have set out before, the Government wants a properly funded and properly functioning European Union. The EU's budget must have the right mix of priorities, a fair allocation of resources and, most importantly in our present circumstances, a focus on jobs and growth. The EU must, in short, have a budget that is fit for purpose. We broadly supported the Commission's original proposal and although there was room for improvement in detail, we thought it had the right overall balance. In particular, we thought it had the right starting point for negotiations on the size of the CAP. It will be no surprise to anyone in this House to hear that in the negotiation of the MFF, our overriding financial priority has been to protect the allocation for the CAP and to maximise Irish access to it. The CAP accounts for about 85% of our total EU receipts and it is a key element in our overall relationship with the EU.

The Union's budget needs a CAP allocation that will support a vigorous, consumer-focused agricultural production base in Europe. Some member states have called for a greater emphasis to be given to the non-agricultural elements of the MFF, arguing that these promote growth and implicitly suggesting that the CAP does not. We have argued that the CAP is a vital tool for economic growth, through its support for agriculture, agrifood and related industries and the rural economy. Europe must take advantage of growing global food demand that will only increase over the coming decades. That is obvious, given the growth in the global population and the capacity of Europe and Ireland, in particular, to produce more food from the resources we have. The original Commission proposal for CAP funding in the MFF was a good starting point, although this heading showed the most restraint. However, the direction of successive proposals has been to reduce its allocation still further, and we reject this approach. At the European Council, I will vigorously defend the CAP.

The importance to Ireland of a robust MFF is not limited to the CAP. We have argued strongly for an MFF with adequate resources for other key growth-enhancing measures. Our economies are changing and the kind of support and stimulus we need from the EU is also evolving. Critical areas of our economies such as research, education, improved connectivity and the important small and medium-sized enterprise sector must be supported by the next MFF. I will continue to argue this strongly, and I have presented a report to a Council meeting in this respect. The Commission responded with a range of initiatives regarding the development and protection of the small and medium enterprise sector. I know the Minister for Finance feels very strongly about this as he prepares his budget.

We want the budget to support the Europe 2020 strategy for jobs and growth, and it must have adequate funding for investment in economic growth and the creation of employment. All member states, including those with more developed regions, must be able to access EU programmes and funds. The scourge of youth unemployment is not limited to underdeveloped regions, as we know too well. The Union's cohesion policy must address the challenges that face us today, and the most serious of these is unemployment. I have made this point to my fellow Heads of State and Government both at the European level and in my bilateral contacts. This is a challenge that we cannot fail to address in the MFF.

It might be of interest to Deputies to know that I spoke to the Austrian Chancellor last week when I was returning from Budapest. I took the opportunity to visit with him a youth employment centre. In Austria, if young people decide to leave the main education stream, they are given a guarantee from the state for training and apprenticeship. The country has practically a zero rate of unemployment among young people, which is quite extraordinary. Some of the schemes parallel what we do with training in catering, for example. I know the Minister for Social Protection has spoken to her Austrian counterpart about that and I have seen some evidence of real opportunities in that respect.

CAP and Cohesion Funding make up the bulk of the MFF. Of course, the remaining elements are also valuable and necessary, and the Union must have sufficient funds to act outside its borders, most importantly in the area of development and humanitarian aid. We see such efforts every day. Administration costs are necessary and underpin the important actions of the European Union. By international standards, the EU budget in this regard is not exceptional. However, I agree with those who argue that the Union's funding must reflect the consolidation efforts under way in member states and I have no doubt there is room for much greater efficiencies, including financial efficiency, in the funding of the administration heading. We have argued that the Union's administrative expenditure can be cut, just as member states have

consolidated their budgets.

As I indicated, there are, without question, divisions among member states on the multi-annual financial framework. Some countries, mostly net contributors, have called for significant cuts

to the Union's budget, while newer member states naturally want a greater emphasis to be placed on cohesion funding and a well funded EU budget. Prime Minister Gonzi of Malta, who visited Ireland last week, argues that the proposal regarding Cohesion Funds is too severe in respect of his small country which needs to protect the limited areas of land available. The Prime Minister of Hungary, Mr. Viktor Orbán, makes the point that his country has spent its Cohesion Funds on infrastructure and development and does not want reductions in the current allocation.

For the Commission and European Parliament, as well as some member states, a key issue is reforming the way in which we collect the revenue which provides the EU budget. Various reforms, such as relying on a financial transaction tax or a new VAT arrangement, have been put. For the most part, the Government is unconvinced by these arguments and continues to believe the current assessment based on a gross national income, GNI, key is the fairest, simplest and most transparent way to fund the European Union. The system of rebates is another highly contentious and sensitive issue for some member states.

President Van Rompuy recently put forward draft European Council conclusions containing a new negotiating box. These contain his compromise proposals which, I regret, go in a direction we cannot support. The president has proposed further cuts to the overall budget that are deeper than those suggested by the Cypriot Presidency. He has proposed a 7% cut in the overall multi-annual financial framework amount compared to the original Commission proposals, including a cut of 6.5% to the Common Agricultural Policy.

It will not be easy for President Van Rompuy to reconcile member states' very different positions. Britain has taken a firm view on restraint in the EU budget, to the extent that there are fears that it will not be possible to secure a deal at this week's European Council meeting. If a deal is reached, it will then be necessary to obtain the assent of the European Parliament. The President of the Parliament, Mr. Martin Schulz, spoke about this issue on the floor of the Dáil some weeks ago. Ireland has repeatedly stressed the importance of any European Council deal on the multi-annual financial framework being acceptable to the European Parliament in which there are also different views. As Deputies will recall from the recent visit of President Schulz, the European Parliament is fully engaged with the process and very clear on the outcomes it expects.

We must be realistic; there is a real possibility that this week's summit will not reach a deal. If so, it will have a great impact on Ireland's Presidency agenda for the first half of 2013. The Irish Presidency will in any case have responsibility for chairing discussions on a range of sectoral regulations underpinning the multi-annual financial, including Horizon 2020 and reform of the Common Agricultural Policy, and negotiating their passage through the European Parliament. This would be greatly complicated if a multi-annual financial framework were not agreed. We do not want a failed summit as it would have severe implications for the reputation of the European Union and the citizens of its member states. At the same time, we do not want a deal which isolates any member state as this too would have serious consequences for the future of the Union.

An active and delicate process of negotiation is now under way. Ahead of the meeting proper, President Van Rompuy will have a brief meeting with each Head of State or Government to ensure he has a full appreciation of the position of each member state. I will meet the president tomorrow morning when I expect to give him a clear indication of our priorities. Negotiations will get under way later in the day with plenary meetings, bilateral sessions and various break-out arrangements through Thursday evening and Friday. There is no scheduled finish time and I expect Heads of State or Government to continue until we have reached a compromise or it becomes clear that none is possible on this occasion. The latter outcome is a distinct possibility.

While this week's meeting of leaders will be firmly focused on the conclusion of the multi-annual financial framework, one other matter has also been flagged for consideration. This is the filling of a vacancy on the executive board of the European Central Bank, ECB. There has been a vacancy on the executive board since the beginning of June. In line with the procedure set down in the EU treaties, the Council made a recommendation for the filling of this vacancy in which it proposed Mr. Yves Mersch of Luxembourg. The European Parliament was consulted on this proposal, as provided for in the treaties, and offered a negative opinion on the grounds that a better gender balance was required on the board. During the European Parliament hearings, there was full recognition that Mr. Mersch is a person of recognised standing and professional experience, these being the requirements for the position, as set out clearly in the treaties. It had been proposed that the European Council would consider the matter of the filling of this vacancy on the ECB's executive board through a written procedure earlier this month. However, as there was no consensus among member states to use this procedure, the decision now comes on to the agenda of this week's meeting of the European Council. I expect this matter, which will be decided upon by qualified majority, to be finalised this week.

As I noted, this is an important meeting for the European Union which I hope will have a positive outcome. I look forward to playing, on behalf of the country, a full, active and constructive part in the discussions and I hope they will be brought to a conclusion this week.

**Deputy Micheál Martin:** This week's European summit is focused on the topic of the European Union budget. It is taking place at a time when many other issues are in danger of slipping back into crisis and further significant damage is being done to the Union and its member states. The summit's backdrop is one of deepening division and a real threat that the Union will lose a member state. The facts are enough to cause despair to anyone who cares about the European Union and believes it is essential for growth and stability in Europe. As matters stand, the budget that is likely to emerge will be entirely insufficient to address the urgent needs of the Union and nothing will be done to rescue the banking proposals agreed in principle in June but which are quickly unravelling.

In the case of Ireland's position, this is a summit which aptly sums up the Government's approach to Europe, which is one of not having a policy. Regardless of how many fundamental issues come up for discussion, the Taoiseach and Tánaiste refuse absolutely to set out exactly what are Ireland's views. Many generalities and tough words are not a replacement for a real policy. This is different from the policy of previous Governments in the past four decades.

With an accelerated reform programme due to be agreed in months, Ireland still does not have a stated policy on what it wants to emerge. Other than engaging in banal generalities, the Government has not outlined a substantive policy on the budget. Its only impact on negotiations on banking has been to demand that nothing be agreed that may involve a treaty change. On bank related debt, its public statements keep changing and it has failed to state what it is

seeking. While the Taoiseach and Tánaiste mention Europe in many speeches, there is nothing which even remotely approaches a policy.

In the Dáil, the Taoiseach and Tánaiste refuse to outline the detailed substance of their policy or give proper answers to questions. This is in stark contrast to the behaviour of governments in other countries which have issued detailed statements on their policy positions and obtained clear mandates from their respective parliaments in advance of negotiations. The issues are too serious for this opt-out policy to continue. The citizens of Europe want a Union which is actively engaged in the work of creating jobs and helping those most in need. However, the European Union does not have anywhere near the type of funding it requires to even begin to address the demands of its citizens.

As usual, the Common Agricultural Policy is under attack. The CAP has been one of the great achievements of the European Union, having brought food security to a Continent which regularly experienced the opposite and provided some protection for rural life, which would be otherwise unsustainable. It is also a fundamental part of the deal to which member states signed up when they joined the European Union. The complete opening of markets was based on having a Common Agricultural Policy sufficiently large to counteract the natural movement to larger and larger production concentrated in fewer locations. A failure to protect the CAP would be a major breach of faith and must be opposed. A failure to ensure that the interests of all farmers are protected would be just as bad. It is time for the Government to represent all farmers. Thankfully, the French Government has been active in defending the Common Agricultural Policy, which has made up for the complete failure of our Government to undertake any serious initiative on this or other budgetary measures.

Those who are seeking new innovation and structural funding are right. The European Union can and should play a more prominent role in building competitiveness and helping poorer regions. However, this cannot be done by gutting other policies in the context of a decreasing overall budget. The Union is being squeezed into a zero sum game. If the budget proposed by President Van Rompuy is agreed or if there is a further reduction, many essential programmes will begin to be gutted and the Union will not respond to its greatest crisis.

The EU is wasteful in many respects but it is a nonsense to believe that tackling waste will transform its budget. The overwhelming bulk of EU spending is done in co-operation with national governments. It is mainly weaknesses in national systems that have led to queries from the Court of Auditors. The Union's system of checks is more rigorous than that prevailing in most countries.

Undoubtedly, the administrative budget should reflect the pressures every government in Europe is facing. Cuts will be required, but they will be no more than a token. The administrative budget of the Union is only 6% of the total. Even halving it would not make a significant contribution to expanding other programmes. Like straight bananas, monstrous European bureaucracy is a eurosceptic mantra that is nothing more than a distraction from the real business at hand.

The negotiations on the budget have been ongoing for most of this year. Nearly every member state has been actively participating in the process. Some 24 of 27 member states have participated in loose groupings to advocate general policies. Ministers and Prime Ministers have attended sessions where they have co-ordinated their approaches to the largest decisions. For example, 14 countries have formed the "Friends of Cohesion" group to push for the protec-

tion of regional aid. It is almost incredible that the Taoiseach and Tánaiste chose to opt out of these discussions. We are one of only three countries not to be involved in this year's bilateral and multilateral discussions on the budget. The reason for this is unclear. In other areas the Government has clearly been scared to take a position in case someone would object but this cannot have been the case in respect of the budget. Nor is it because it would have interfered with other activity, as the Taoiseach has kept his meetings with leaders to a level below that of any of his predecessors since joining the Union.

Undoubtedly, the press releases are ready to be issued at the end of the summit claiming that the Taoiseach heroically saved the CAP. His formal statement at the opening of the summit will be spun as a decisive intervention. In truth, he will have timidly sat on the sidelines hoping that France will get the job done. Even at this stage-----

**Deputy Dara Murphy:** Deputy Martin did not turn up at meetings while he was in government.

**Deputy Micheál Martin:** I certainly did.

**Deputy Dara Murphy:** The Deputy did not. That is what officials in Europe report.

**Deputy Micheál Martin:** Our record was the sixth best out of all member states.

**Deputy Dara Murphy:** The past decade under Fianna Fáil was the worst ever for attendance at meetings.

**Deputy Micheál Martin:** Wrong.

**Deputy Dara Murphy:** It is a fact.

**Deputy Micheál Martin:** That is factually incorrect.

**Deputy Dara Murphy:** It is not.

**Deputy Micheál Martin:** It will be a long time yet before Deputy Dara Murphy becomes his party's leader. I would appreciate it if he would allow me the opportunity to contribute to this debate.

**Deputy Dara Murphy:** It is what European officials say about Fianna Fáil Ministers.

**Deputy Micheál Martin:** The Deputy should not make factually wrong contributions. Detailed studies by political science universities around Europe belie the untruth that he has articulated.

Even at this stage it is not too late for the Taoiseach to speak up on the worrying developments concerning the position of the British Government led by Prime Minister David Cameron. The leaked reports of proposals to get around a British veto through adopting annual budgets will not work and will merely accelerate the day when the crisis with Britain reaches the point of no return. That Prime Minister Cameron is now considering a proposal for a referendum on membership is a cause of alarm.

**The Taoiseach:** I spoke with him yesterday. He has no intention of leaving the European Union.

**Deputy Micheál Martin:** Did he indicate whether he would hold a referendum before the next general election?

**The Taoiseach:** No, but he said that he wanted to be quite reasonable in the discussions-----

**Deputy Micheál Martin:** Good.

**The Taoiseach:** -----and that he had no intention of Britain leaving the Union.

**Deputy Micheál Martin:** We shall see. The Taoiseach is aware of the vote some weeks ago in the British Parliament.

**The Taoiseach:** Yes.

**Deputy Micheál Martin:** The British Government has been selective in much of its European policy, yet it remains a vital member of the Union. Its departure would be disastrous for the Union and itself. The damage to Ireland could be immense. An initiative is required to stop events going too far and to re-engage the British Government in Europe. Despite the Taoiseach's comments, Britain opted out of the fiscal treaty after the negotiations on it on and keeping the Union together did not succeed.

**The Taoiseach:** The Deputy should give me his suggestions.

**Deputy Micheál Martin:** In June, the leaders agreed what the Taoiseach called a game change for the economic crisis. Central to this was a banking union that was to start operation with a single supervisory mechanism on 1 January. Two summits later and the agreement is unravelling. A proper banking union is vital. Without one, a properly functioning financial system will not be restored to the eurozone.

In the past five months, the proposal has been continually watered down at ministerial level. The start date for the new supervisory system has been abandoned. There has been no progress in agreeing which banks will be under the system. Of concern is the fact that there are now signs that there will be no cross-eurozone deposit insurance fund or bank resolution regime. The most that appears to be under discussion is a co-ordination of national policies in this area.

Last week's meeting of finance Ministers ended in a general tone of despair. All movement was backwards. What has yet to be explained is the position of the Irish Government in those discussions. It has been reported by the *Financial Times* that some countries were proposing a quite ambitious approach to creating the banking union, part of which potentially involved a treaty change. It was in this context that the Government apparently made its only significant contribution. According to the account given by the *Financial Times*, Ireland led opposition to anything that would require a treaty change. It appears that our only policy is that, whatever is agreed, we do not want to need to ask the people's permission.

**The Taoiseach:** No.

**Deputy Micheál Martin:** This is exactly the same approach that was taken to the fiscal treaty, resulting in a treaty that left a large number of issues unaddressed because of our Government's obsession with trying to avoid a referendum.

**The Taoiseach:** That account is wrong.

**Deputy Micheál Martin:** Even that limited objective was not achieved. Ireland needs a

banking union to be established as soon as possible. The Taoiseach should use the upcoming meeting to call for the negotiations to be restarted and taken out of the hands of the finance Ministers.

Five months after the game change on bank-related debt, this progress also appears to be under threat. As no advance work was done before the June agreement, the June communiqué contained a general principle and nothing more. It was merely an opportunistic grab for a couple of sentences to be hurriedly cobbled together and attached to an Italian and Spanish deal. The Government has never stated what exactly it is looking for in these negotiations beyond the general idea of retrospective help. What do we define as “debt sustainability”? Are we seeking to sell our bank stakes to the European Stability Mechanism, ESM, and for what price? Are we trying to convert or lengthen the period of the promissory notes?

In explaining the game change, the Taoiseach, Tánaiste and Minister for Finance stated that the key was the availability of the ESM to refinance bank-related debt. Victory was declared on this basis. In the past week, however, it has emerged that we may no longer be seeking ESM money for this purpose. In July, the Minister for Finance, Deputy Noonan, explained to the international media that the availability of ESM funding for direct recapitalisation of banks was the objective. He stated: “Now that the rules have changed in Europe we want to retrospectively avail of the new regime”. In October, he stated that the June agreement “implicitly paved the way for the ESM to recapitalise Irish banks for legacy debt”.

In spite of constant requests from my party colleagues and me, no member of the Government would explain what exactly was being sought. The reason for this began to emerge last month when the head of the EMS, Mr. Klaus Regling, stated that legacy debt “has not been discussed in any European body”. While our Government was claiming that it was doing everything possible and was confident of progress, nothing of the sort was happening.

Chancellor Merkel’s initial comments on this matter last month were papered over after a panicked Sunday night telephone call from the Taoiseach. Since then, a number of senior German policy makers, including the president of the Bundesbank, have stated that these debts should remain a national responsibility. Last week, the Minister, Deputy Noonan, stated that having the ESM own large parts of our banking system might not be the best approach after all. The only clear point is that the Government is appealing to the ECB to give a “statement of intent” that the latter will do something at some point about the promissory notes.

In light of the extent of what German officials have called the Taoiseach’s spinning about the agreement last June, he owes it to the people of this country to stop the mumbling about what is happening and explain exactly what it is we are seeking. We are about to have a few weeks of budget announcements and the first thing should be the Taoiseach or one of his Ministers giving a clear answer to the basic question of what must happen to bank related debt in order to achieve debt sustainability. It is the Taoiseach’s duty to the Irish people to be honest and explain what he is seeking.

The Taoiseach indicated earlier in the week that the summit will also address the serious situation in Gaza and the conflict involving Gaza and Israel. Every day people see new and alarming reports about the escalating conflict and they are genuinely shocked by the nature of the attacks on the civilian population in Gaza and likewise the meaningless and unacceptable rocket attacks on Israel, which are affecting human life there. There is no justification for the attacks on the civilian population and too many families and too many young children have

died. An urgent ceasefire is required. The force being used is entirely disproportionate. It is important the European Union takes a strong stance in regard to what is happening. In particular, I ask the Taoiseach to carry the Irish voice in terms of an unequivocal condemnation of the deaths incurred by the civilian population, which are absolutely unacceptable. I further suggest that consideration be given to the participation of an international force to seek compliance with any ceasefire that emerges so that we avoid a continuation of the cycle of destruction which has gone on for far too long. We need more proactive interventions by the European Union in that regard.

**Deputy Gerry Adams:** I understand this week's EU summit will be focused on the seven-year EU budget, beginning from 2014. I listened very carefully to what the Taoiseach said on this but before dealing with this issue, I want to ask him to raise the issue of the ongoing violence in the Middle East as an urgent issue and to use his good offices to get an EU intervention. Le blianta beaga anuas, theip ar an phobal idirnáisiúnta cuidiú a thabhairt chun an choimhlint seo a stopadh.

By last night, approximately 130 Palestinian and five Israeli citizens had been killed. Half of those killed in Gaza were women and children. The European Council should not meet without the Taoiseach using Ireland's special status and its experience of our peace process to raise the urgent need for peace in the Middle East. There needs to be an immediate end of armed actions by all the combatant groups. The rocket attacks on Israel should stop and the Israeli bombardment of the Gaza Strip should end immediately, but in the meantime there is an onus on the international community, especially the EU and in particular the Irish Government, to act in a decisive way now before the situation gets worse. The Taoiseach can play a leadership role in this.

It is also vital we are not distracted by unbalanced media reporting that presents this conflict as one between equals, which it is not. I spent a few days in Gaza. The Gaza Strip is a Third World region. It is poor, has been under economic siege for six years and most of its citizens live in poverty and rely on international aid. The Palestinian people have been robbed of their land, imprisoned into ghettos by separation walls and borders, and have little power or influence.

A UN report before this recent violence stated that by 2020, there will be virtually no reliable access to safe drinking water and no reliable electricity for the people of the Gaza Strip. Some 80% of the citizens there are totally dependent on international aid and more than one million are refugees. Israel, by comparison, is a first world, highly developed, rich and heavily armed super-state with nuclear weapons.

The international experience, and the main lessons from the Irish peace process, are clear. Refusing to engage in dialogue, demonising opponents, treating them as non-citizens, stripping them of their rights, entitlements, self-esteem and integrity as human beings, and engaging in censorship and vilification makes war inevitable and peace more difficult to achieve. It is clear from our experience as a people that real peace, and the process, must be inclusive, based on dialogue and equality, and all sides must respect the right of citizens to elect or select their representatives.

I ask the Taoiseach to ensure this issue is considered by EU leaders at this summit. The Government should also use its influence and its new membership of the UN Human Rights Council to raise the current hostilities, the denial of sovereign as well as human rights to the

Palestinian people and the six-year illegal blockade of Gaza by the Israeli Government.

In respect of the proposals to cut the EU budget, Sinn Féin believes that where there are areas of waste in the EU budget, they need to be tackled and eradicated. However, we believe that EU leaders should be looking at ways to redirect the funds available into infrastructural and job creation programmes. Sinn Féin is opposed to reductions in the EU budget which would result in cuts to farm payments, cuts to investment in much needed infrastructure, cuts to training funds for the unemployed and cuts to investment in innovation. It is essential the Taoiseach demands that money from the EU budget is ring-fenced for jobs and growth. We need to go beyond the rhetoric on this issue.

One of the vital aspects for Ireland, by which I mean the entire island of Ireland and not just this State, of the new EU budget will be its impact on farming and the agrifood sector. Tá na hearnálacha seo chomh tábhachtach do eacnamaíocht na hÉireann. The Government needs to get the best CAP deal possible because a prosperous agrifood sector, which is the fastest growing sector of our economy, can play a significant part in economic recovery across the island. We need to get serious about protecting our agrifood sector and a healthy CAP is the way to go about this. We also need to move towards a more equitable system of farm payments that would keep struggling farm families on the land.

The Government came back to the Dáil in June trumpeting a deal on legacy bank debt by October. October has come and gone and we are as far away as ever from a deal on our legacy bank debt. The Taoiseach also told us that he did not raise the issue of the bank debt during his recent meeting with Angela Merkel on 1 November. That was a mistake. The State's debt-to-GDP ratio is due to peak at more than 120% of GDP in 2013. By that stage one in every five euros raised in tax will be going to pay off interest on this debt. Approximately 40% of this debt is bad banking debt which the Taoiseach's Government and Fianna Fáil placed on the shoulders of Irish citizens. It is not sustainable and we cannot pay it, so it needs to be removed. This will only be achieved if the Government faces up to this issue. If we are to get a deal on Ireland's bank debt, the Taoiseach needs to change tack and start standing up for Ireland's interests at these summits.

There appears to be an ongoing dispute between the IMF and the EU over how to bring debt levels in Greece under control. For two weeks now EU Finance Ministers and international officials have failed to reach agreement on this issue. This continuing uncertainty - the Taoiseach reflected this in his remarks - added to by the downgrading of France by Moody's rating agency, does nothing to restore confidence in European leaders' ability to deal with the debt crisis.

We wish the Taoiseach luck but he will need more than luck. The Taoiseach will need to show leadership, raise the essential issue of the conflict in the Middle East and stand up for our interests in these other matters.

**Deputy Seán Crowe:** I also wish the Taoiseach well in the clearly difficult negotiations he faces. In his speech he said we must be realistic and that there is a real possibility that this week's summit will not reach a deal. He went on to say that we do not want a failed summit as this would have serious implications for the Union's reputation and that we do not want a deal which isolates any member state as again this would have implications. An active and a delicate process of negotiation is now under way.

We want to see a deal but we do not want one which will not work and will not deliver Eu-

rope from the current crisis.

*12 o'clock*

Many people are losing their homes and many have seen their incomes cut. It is a crisis that is allowing children to go to bed hungry. There is a huge responsibility on all the leaders in Europe to secure a deal that will work for the people of Europe. This is not just about reputations. It must be about delivering for the people in the EU.

A delay in agreeing the 2014-20 EU budget would also be worrying due to its impact on discussions to agree adequate cohesion policy funding. One area this would affect is the future of cross-Border INTERREG programmes. There is serious concern about a suggestion that any future PEACE funding would be deducted from the financial package received by the Irish and British Governments to fund various existing EU programmes. While the British Government is determined to cut the EU budget and would probably welcome this development, the Government must be firm in its demand that PEACE programmes be fully funded directly from Europe as stand-alone projects.

It is hoped that a seven-year budget of €1 trillion will be agreed at this EU summit. Right wing and right leaning governments throughout Europe are demanding a freeze or reduction in EU spending, but this will only lead to more austerity, which will increase the suffering for millions of middle and low income earners in Europe. There is waste in the EU budget that could be cut. It has been suggested that we should consider addressing the scandalous amount of money the EU spends moving the European Parliament between Brussels and Strasbourg every month, although it would probably be difficult to get agreement on that. Why not cut the outrageous salaries paid to higher level bureaucrats? Rather than let people in Europe go hungry, the EU could make savings by decreasing the militarisation of the EU through the Common Security and Defence Policy. The EU must reduce the bloated budgets allocated in these wasteful programmes.

Again, however, it is about choices. The EU should not reduce the budget by attacking social spending and investment in much needed infrastructural and job creation programmes. We need to see people securing employment and getting back into the workplace. The most clearly visible crisis on the horizon for the EU is youth unemployment. The shattered confidence, broken employment records and lost skills will blight the European economy for far longer than most commentaries appear to believe. Youth unemployment represents the biggest waste of potential in the EU. The average rate in 2011 was 21.4%, up from 15.7% in 2007. Some 30% of our young people are unemployed, and thousands more have left Ireland due to the youth unemployment crisis. Youth unemployment is 50% and 52% in Greece and Spain, respectively.

We have been told for months that the EU is prioritising youth unemployment and that it will be the focus of the Irish Presidency. I look forward to that development. In December, the European Commission will produce its proposals for a youth guarantee. It sounds great but there are no details available yet and no indication of how it will be funded. Sinn Féin will examine the proposals but we are not overly optimistic that they will be sufficiently ambitious. The EU could find €100 billion overnight for Spanish banks but it has not pledged anything for youth unemployment. Linking a guarantee to the next round of EU funding means a wait until at least 2014, and all indications suggest a cut, or at least no increase, in the EU budget, which means some other area of funding will have to be cut. There must be an ambitious plan of investment to tackle this major problem, and funding from the EU budget must reflect the

seriousness of the problem.

I realise the discussions will focus primarily on the EU budget but I urge the Taoiseach not to shy away from the tragedy that has unfolded in Gaza. Like most Irish people, I am angry at times and at other times extremely upset. Anybody who looks at social media and at some of the pictures of what is happening in that region would have to be made from stone not to be moved. More than 130 Palestinians have died in Gaza since Israel's latest attack on the Gaza Strip on 14 November. The majority were civilians and more than 20 were children. Five Israelis have also died. As I have said to the Tánaiste, the EU must be made to realise that it has a vital role in bringing peace to that region. As other speakers have said, these are not two equal sides fighting. One side is the most well-financed military in the world with the most modern weapons, while the other side belongs to a besieged colonised people living under an illegal blockade which has created the socioeconomic problems that have made them among the poorest in the world. There is a crisis in the region and we must act. We should act on the blockade. The Irish Government must take a lead on this and show leadership in Europe on it.

**Acting Chairman (Deputy Peter Mathews):** I understand that Deputies Mick Wallace, Seamus Healy, Shane Ross and Richard Boyd Barrett are sharing time.

**Deputy Mick Wallace:** If the citizens of Europe were asked today if they thought they are being treated in a fair manner by governments in Europe, I believe a large majority would say "No". If they were asked if they thought the Palestinians were being treated fairly by the international community, the answer would be the same.

The launch of this latest attack on a defenceless civilian society should be of great concern to anybody who is concerned about international law and humanitarian law. A diplomatic alternative existed in this situation. Hamas had agreed to an informal truce but a peaceful alternative appears to have been rebuffed. Western media have ignored this and, instead, we receive a misleading presentation of the issue from President Obama. His defence of Israel's behaviour in the last week is nothing short of a disgrace. The imminence of the Israeli elections is clearly a big factor. Spilling the blood of children in the interests of electoral gain is nothing new on the planet but, sadly, there is a huge silence from the international community.

With regard to fairness, today's *Financial Times* points out that in military terms the conflict between Israel and the Islamist Hamas movement could not be more unequal. Examining the sequence of events over the past month shows that Israel played a decisive role in the military escalation - the killing of 15 Palestinian fighters in October, the shooting of a mentally disabled Palestinian in early November, the killing of a 13 year old during an Israeli incursion and, crucially, the assassination of the Hamas commander, Ahmed Jabari, last Wednesday during negotiations on a temporary truce. After six days of sustained assault by the world's fourth largest military power on one of its most wretched and overcrowded territories, more than 130 Palestinians have been killed, half of them estimated to be civilians, as well as five Israelis. That is more than 25 to one in terms of deaths. In the past eight and a half years, when rockets were fired from Gaza to Israel, a total of 28 people, including the five last week, have been killed. There is no comparison. It is mind-boggling to consider that a rocket from Palestine costs approximately €300 while the ones coming from Israel cost €47,000.

The issue is not just about who started and escalated the conflict. The portrayal of Israel as some type of victim with every right to defend itself from attack from outside its borders is a grotesque inversion of reality. Israel has been in illegal occupation for the past 45 years of

the West Bank and Gaza, where most of the population are the families of refugees driven out in 1948 of what is now Israel. The interior minister, Eli Yishai, insisted Gaza needs to be sent back to the Middle Ages.

**Acting Chairman (Deputy Peter Mathews):** This item is not for discussion in the pre-European Council meeting.

**Deputy Mick Wallace:** The Taoiseach said he would raise the issue with other EU heads of Government in the coming two days. The desire to deprive people of infrastructure has a genocidal edge to it. This is something our Government should not put up with and we should raise our voice about it. The US, Britain and other European powers finance, arm and back Israel's occupation, including the siege of Gaza, to the hilt. It is not Palestinian rockets that stop Israel lifting the blockade, dismantling its illegal settlements or withdrawing from the West Bank and Gaza; it is the unconditional US and Western support that gives Israel impunity. If Europe continues to back Israel 100%, we will not see a change. The international community must take some responsibility for what is happening in Gaza. It must question the level of violence Israel is implementing. They said they made a mistake in picking the house where they killed 12 civilians but it is clear they are picking houses where civilians live. A Palestinian woman said yesterday that they have nowhere to take their children because they have no bunkers. She said that the Israelis are scared but the Palestinians are dying and there is a massive difference. Any long-term settlement and any truce to be discussed must involve a plan to end Israeli occupation of the area.

**Deputy Seamus Healy:** In the Taoiseach's contribution to the debate, he spoke eloquently of economic growth, job creation and tackling youth unemployment. Those statements ring hollow in the current climate in this country, particularly when we examine the mid-term fiscal statement published by the Government on 13 November, which indicated the Government had accepted the failure of its job creation proposals and targets. The target of 102,000 additional jobs by 2015 was reduced to 67,000 in April and to 18,000 additional jobs on 13 November. The CSO shows that in the year to the end of June 2012 there has been a net reduction of 34,000 jobs. This is the current situation and the Taoiseach's statement rings hollow.

Unemployment arises because of the Government's embrace of austerity, its cuts to services, its increased taxation and because it is paying the private debts of other people, which are not ours. I believe, as the Acting Chairman, Deputy Mathews, has said, that it is time to stop being the best boy in the class and to play hardball with the European Union. The conduct of the last Government, composed of Fianna Fáil and the Green Party, and the continued situation of this Government, with Fine Gael and Labour, means we have lost sovereignty. In the words of James Connolly, the reconquest of Ireland must be started now. The Irish people must take back their sovereignty. Three things need to be done to begin the process. The first is to stop all payments of the outstanding €36 billion in bonds held by Irish banks. We need to stop the payment of promissory notes and to stop the three card trick we had last March where we effectively borrowed the money to pay off the promissory note. We also need to freeze payments to the ESM as we have been told the instrument will only deal with future situations. I understand we are to pay €254 million to the fund shortly. Ireland is being humiliated in the EU. Greece has received a write-down of €100 billion and we also need a write-down of debt.

**Deputy Shane Ross:** There is a wonderful musical at the Bord Gáis Energy Theatre called "Anglo: The Musical". It sums up the problem of Ireland, its relationship with Europe and a possible solution far better than the Taoiseach's speech. There is not much point in the Taoise-

ach saying the only item on the agenda is the multi-annual budget. That is not the only item on the agenda of Europe today. The only items are debt, debt and debt. To go to Europe and suggest we are not going to raise this vital problem is unrealistic and being in denial. The Government likes, as Deputy Seamus Healy said, to be congratulated, applauded, wined and dined and told how wonderful it is. The one big problem, which is shown in the musical, is how to tackle the debt. There are no proposals for that on the agenda. In a revealing sentence, the Taoiseach said that when this is out of the way, we will be allowed to return our full attention to the stability jobs and growth agenda that will be the priority when we take over the Presidency. These items should be top of the list. Have they been put to one side so there is concentration on the little diversion of the multi-annual budget?

As a curtain raiser for the Presidency, we need a declaration that the nonsense of coming before the House and saying we must look after Europe as equals and that we will be impartial in the Presidency should be discarded. Let us resolve that the Presidency will be used for Ireland and that the Presidency will give us the leverage to do what we need to do. Everyone knows that write-down of debt is essential. It is not sustainable in the shape it is in at the moment. Let us use the Presidency to put at the top of every agenda the write-down of debt. Let us give notice to the European Union, tonight and tomorrow, that the budget can be discussed but we intend to regard the Anglo Irish Bank promissory notes on 31 March as a priority.

The musical portrays us as perceived lapdogs. I am not one for knocking the Taoiseach or the Tánaiste abroad but the musical has the message that we did not all party. Some people did, some people did not and some did not like what was happening. The other question was where the money came from and the simplistic message was that it came from German banks. The third telling and disappointing image was that one of the puppets was Angela Merkel, who had a dog on the lead. The dog was the Taoiseach, which is symbolic of the fact that we are becoming subservient. We are the dogs who do not bark when we go to Europe and face the powers of Europe.

**Deputy Timmy Dooley:** Deputy Ross brought his own audience with him.

**Deputy Shane Ross:** Let us resolve to go to Europe and, at every occasion during the Presidency, bark and warn them that we will not be trifled with and that we will park the promissory notes, whether they like it or not, on 31 March. We are giving them a warning now so that we can re-negotiate a real deal on debt, not just on the multi-annual budget.

**Deputy Richard Boyd Barrett:** I want to raise two points, both of which require the Government to develop spine and backbone to speak up for the citizens of the country and citizens elsewhere who are suffering because of the failed policies of the European Union and the failed policies of the major Western powers. The Tánaiste has done everything to demonstrate to Europe that we are the best boys, that we will obey diktats and inflict the most cruel and unjust austerity on our citizens. In return for doing that the Government has got nothing from them. They must be laughing up their sleeves at us. The more we submit to their diktats and accept this cruelly unjust policy of loading the debts of bankers and speculators onto the backs of working people and the vulnerable sectors of our society, the more they keep ramming this injustice and austerity down our throats. The people cannot take any more.

People are demonstrating on the streets today about disability and special needs services. People were on the streets yesterday demonstrating about cuts to services to the elderly. Tens of thousands of people will be on the streets on Saturday next to protest against all the cuts that

are being imposed on working people, the unemployed and the vulnerable.

Austerity is not working. The pain is too great. We need to show a bit of backbone. We need to say we are not paying their debts any longer and that we are not paying €9 billion in interest on debts next year. If we did that we would not have a deficit of €15 billion. We would have a deficit of €6 billion and we could fix that by taxing wealth, the corporations and the elites, and get our economy back on track. That is what I suggest we say to them.

What is happening in Gaza? It is depressing in the extreme to hear the Tánaiste recycle the lies of the Israeli Government in explaining how this conflict took off. The Tánaiste referred to the latest round of violence which, he said, was triggered by sustained rocket attacks on towns in Israel. It was not triggered by sustained rocket attacks on Israel. It was triggered on 8 November when a 13 year old Palestinian boy, Ahmad Abu Daqqa was playing football in the fields of Gaza and was killed by the Israelis. That triggered a response. Even after this a truce was agreed by Hamas on 12 November. That truce was broken when Israel launched an attack on 14 November. This is a cynical move by the Israeli Government to get votes in the forthcoming election by killing Palestinians. That is not acceptable.

When are we going to speak up against the rogue state that is Israel and which is crushing the Palestinian people with a siege and with constant military incursions, persecution and oppression?

While the Tánaiste may not accept my view on this I have a letter from the deputy speaker of the Gaza Legislative Council, Dr. Ahmad Bahar. He is asking that a delegation from the Gaza Legislative Council would come to this Parliament between 20 and 24 January next. Would the Government agree to allow a delegation come here so that we can hear the other side of the story, which the world is not hearing, from the elected representatives of the people of Gaza?

**The Tánaiste:** Deputy Ross says the Taoiseach should go to the European Council meeting on Thursday and bark. The problem with Deputy Ross's approach to this issue is that it is all bark and no brain.

Let us start with what the meeting on Thursday and Friday is about. This is a special meeting of the European Council. It is not about the issues that have preoccupied the European Council over the course of the past year, which are bank debt, the euro and so on. This special meeting of the European Council is to deal with the European budget between 2014 and 2020. What are we talking about when we talk about the European budget? We are talking about a total of €1,000 billion of European money from which this country stands to gain a considerable amount in the areas of agriculture, research, education and training, communications and a range of other areas all of which are vital in growing, developing and promoting our economy. To suggest that we should approach that meeting in the way Deputy Ross outlines, using all of his elaborate and entertaining analogies, is daft. We have to approach it in a way that is sensible and benefits Ireland.

That is why I spent Monday and Tuesday of this week in Brussels, at the Foreign Affairs Council and the General Affairs Council. We had a detailed and lengthy discussion at the General Affairs Council on Monday evening about the multiannual financial framework, the European budget, up to 2020. I also had a separate meeting with President Van Rompuy to discuss not only Ireland's Presidency of the European Union next year but also the issue of the multi-annual financial framework, MFF.

21 November 2012

A number of issues will, I hope, be decided this week at the European Council. I hope they will be decided because it is in the interests of Europe and Ireland that we get a conclusion to the budget issues and decide the type of budget the European Union will have between now and 2020. That is critical because of its implications for agriculture, the agrifood sector and the Common Agricultural Policy. We need to know the budgeting that will be available for research programmes in our universities, the tie-up with research for industry and the importance of that, in turn, in attracting investment into the country from companies that will create employment and develop links and synergies with the university sector and with research and innovation so that we can grow more jobs and have more people in employment and a better economy. These discussions are critical.

It would be helpful if, when they were coming in to address this issue, Members had at least informed themselves of the basics of what the meeting this Thursday and Friday is about. We have already made progress on the issues of the bank debt and the euro. At the June European Council meeting a decision was made to separate bank and sovereign debt. At the October European Council that was carried forward and a commitment was made that a single supervisory mechanism would be put in place and that the legislative framework for that would be completed by the end of the year.

At the Foreign Affairs Council on Monday, we discussed the appalling situation in Gaza. This country has a long and proud record of speaking for the Palestinian people and for a fair solution to the crisis in the Middle East. We have done so again on this occasion. That is why we support the efforts to bring about a ceasefire and to halt the attacks on civilians, whether in Gaza, Tel Aviv or Jerusalem. Attacks on civilians, irrespective of where they are coming from, have to stop and there has to be a ceasefire and an end to the killing of innocent people in this region, and particularly in Gaza. We know the numbers, but this is not about a comparison of numbers. It is about getting a ceasefire, which we have been advocating for some time, and getting peace talks going so that there will be a permanent settlement in this area.

What is happening there is extremely worrying. It has the potential to escalate, with all the consequences that has for the people who live in the area and for the wider region. We dealt with this issue at the Foreign Affairs Council on Monday. I expect it will be addressed again at the European Council on Thursday and Friday, because of the urgency of the situation. It is something on which Ireland has taken a strong position.

**Acting Chairman (Deputy Peter Mathews):** I thank the Tánaiste and all Members for their contributions to the statements on the pre-European Council meeting.

Sin críoch le ráitis maidir leis an réamhchruinniú den Chomhairle Eorpach ar an 22 agus 23 Samhain.

## **Houses of the Oireachtas Commission (Amendment) Bill 2012 [Seanad]: Second Stage**

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** I move: “That the Bill be now read a Second Time.”

Cuireann sé áthas mór ormsa, mar Aire Stáit le cúraimí Gaeilge agus Gaeltachta, tús a chur

leis an díospóireacht ar an Bhille um Choimisiún Thithe an Oireachtais (Leasú) 2012 i nDáil Éireann inniu. Mar is eol don Teach, tionscnaíodh an Bille seo i Seanad Éireann agus chríochnaigh sé gach céim sa Teach sin an mhí seo caite. I dtús báire, ba mhaith liom léargas gairid a thabhairt daoibh ar phríomhchuspóirí agus ar phríomhfhorálacha an Bhille. Ina dhiaidh sin, beidh deis ag Baill an Tí seo tuairimí a nochtadh faoina bhfuil sa Bhille agus táim ag súil go mór éisteacht leo.

Creidimse gur Bille tábhachtach é seo a mbeidh dea-thionchar aige ar an Ghaeilge sna blianta amach romhainn. Go hachomair, tá dhá chuspóir leis an Bhille, is iad sin, foráil a dhéanamh maidir le leathnú ar ról Choimisiún Thithe an Oireachtais i ndáil le reachtaíocht a aistriú; agus maidir le hathbhreithniú tréimhsiúil ar Chaighdeán Oifigiúil na Gaeilge. Déantar foráil leis an Bhille maidir le leasuithe ar na hAchtanna um Choimisiún Thithe an Oireachtais, 2003-2009 i ndáil leis na cuspóirí sin. Ní miste na cuspóirí sin a chur sa chomhthéacs stairiúil a bhaineann leis an ábhar seo ó thaobh na Gaeilge de.

Ón uair gur bunaíodh an Stát i 1922, tugadh aitheantas ar leith don Ghaeilge mar theanga náisiúnta Shaorstát Éireann faoi Bhunreacht 1922 agus mar an phríomhtheanga oifigiúil faoi Bunreacht 1937. Tá iliomad tagairtí don Ghaeilge déanta i go leor reachtaíocht a bhaineann le réimsí éagsúla den Státchóras ó shin i leith, Acht na dTeangacha Oifigiúla 2003 ach go háirithe, a chuir bunús reachtúil den chéad uair le soláthar sheirbhísí an Státchórais go ginearálta trí mheán na Gaeilge. Chomh maith leis an stádas oifigiúil atá ag an Ghaeilge faoin Bunreacht, tá an Ghaeilge aitheanta anois mar theanga oifigiúil agus mar theanga oibre san Aontas Eorpach ón mbliain 2007. Ciallaíonn sé seo go bhfuil an Ghaeilge áirithe i measc an 23 teanga oifigiúil atá aitheanta ag an Aontas Eorpach.

Ar ndóigh, ní miste a rá go bhfuil stair ársa ag baint leis an Ghaeilge agus gurb í an Ghaeilge an teanga scríofa is sine atá fós á labhairt. Is iad na hiarsmaí is sine atá againn den Ghaeilge ná inscríbhinní ar chlocha Oghaim ón chúigiú agus ón séú haois. Cuireadh tús le scríobh na sean-Ghaeilge san aibítir Rómhánach roimh thús na seachtú haoise. Le linn tréimhse na meán-Ghaeilge ó 900 go 1200 A.D., fuarthas roinnt iasachtaí ón Lochlainnis, focail nua ar nós “pingin” agus “margadh”, cé gur beag tionchair a bhí ag an Lochlainnis ar chomhréir na Gaeilge. Tréimhse cheannairce agus choimhlinte a bhí ann ach, in ainneoin sin, níor theip ar chultúr liteartha na nGael agus tá scríbhinní iomadúla fós againn ó ré na meán-Ghaeilge agus isteach go ré na nua-Ghaeilge. Tuigfidh Baill an Tí seo, dá bharr, go bhfuil traidisiún ar leith agus tábhacht dá réir ag baint leis an fhocal scríofa inár dteanga dhúchais. Le teanga scríofa chomh stairiúil agus chomh saibhir is atá againn sa tír seo, tá sé de dhualgas orainn í a chosaint agus a chaomhnú ionas go mbeidh an tseoid luachmhar seo againn le tabhairt ar aghaidh don chéad ghlúin eile ar an gcaoi chéanna is a fuairamar ónár sinsear í.

D’fhéadfaí a rá go raibh an cinneadh a tógadh i dtríochaidí an chéid seo caite athrú ón chló Gaelach go dtí an cló Rómhánach ar cheann de na cinntí ba thábhachtaí ó thaobh scríobh na Gaeilge de. Ba léir gur aithníodh ag an am an tábhacht a bhain le córas cló a fhorbairt a bheadh áisiúil chun úsáid na Gaeilge mar theanga nua-aimseartha a éascú. Go deimhin, ba sa chló Rómhánach a foilsíodh an leagan Gaeilge d’Achtanna an Stáit nua ón chéad lá riamh cé go raibh an cló Gaelach á úsáid go forleathan ag an am.

Nuair a bunaíodh Saorstát Éireann i 1922, cuireadh seirbhís oifigiúil aistriúcháin an Oireachtais ar bun le haistriú a dhéanamh ar Achtanna Oireachtais. Tá sé beartaithe anois leis an Bhille seo leathnú a dhéanamh ar ról Choimisiún Thithe an Oireachtais i ndáil le haistriú ionstraimí reachtúla. Ba mhaith liom an comhthéacs a bhaineann leis seo a mhíniú don Teach.

I mí na Samhna 2008, cheadaigh an Rialtas ag an am polasaí chun gach ionstraim reachtúil a aistriú go Gaeilge agus aontaíodh go mbunófaí lár-aonad aistriúcháin chun na hionstraimí reachtúla a aistriú. Bunaíodh an t-aonad sin sa Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta, mar a tugadh ar an Roinn ag an am.

Ceapadh an polasaí seo ar chomhairle ón Ard-Aighne ag an am i gcomhthéacs chás an Stáit in achomharc chuig an Chúirt Uachtarach. Thóg an Stát an t-achomharc mar thoradh ar chinneadh san Ard-Chúirt go raibh dualgas bunreachtúil ann ionstraimí reachtúla i mBéarla a aistriú go Gaeilge. Rinneadh cinneadh na hArd-Chúirte i gcás a thóg an t-aturnae, an tUasal Pól Ó Murchú. I mbreithiúnas na Cúirte Uachtaraí i gcás Uí Mhurchú sa bhliain 2010, rialaigh an Chúirt ar son an Stáit ina achomharc. Rialaíodh nach bhfuil aon dualgas ginearálta bunreachtúil ann gach ionstraim reachtúil a aistriú.

I mí an Mheithimh 2011, chinn an Rialtas seo gur cheart céimeanna a ghlacadh chun seirbhísí aistriúcháin reachtaíochta an Stáit a chomhdhlúthú i dTithe an Oireachtais, a mbeadh freagracht reachtúil orthu as sin amach as reachtaíocht phríomha agus thánaisteach a aistriú. Aistríodh an fhoireann ón lár-aonad aistriúcháin chuig Tithe an Oireachtais níos luaithe i mbliana ar bhonn riaracháin, go dtí go n-achtófar an Bille seo. Níl aon dabht ach go bhfuil ciall agus réasún le cinneadh an Rialtais seirbhísí aistriúcháin dlíthiúla an Stáit a chomhtháthú, i gcomhthéacs an bhrú leanúnaigh atá ar acmhainní tearca an Stáit agus an dualgas atá orainn an leas is fearr a bhaint as na hacmhainní sin.

Maidir le reachtaíocht a aistriú, foráiltear leis an Bhille go n-aistreoidh Coimisiún Thithe an Oireachtais ionstraimí reachtúla a dhéanann Airí, nó dreamanna eile seachas Airí, mar shampla, comhlachtaí reachtúla, nuair a iarrfaidh Airí orthu déanamh amhlaidh. Foráiltear leis an Bhille freisin go bhféadfaidh Airí, nó daoine seachas Airí, socruithe a dhéanamh go n-aistreoidh duine seachas Coimisiún Thithe an Oireachtais ionstraimí reachtúla. Déantar foráil leis an Bhille fosta go bhféadfaidh Coimisiún Thithe an Oireachtais socrú a dhéanamh go gcuideoidh daoine seachas comhaltaí foirne le haistriú ionstraimí reachtúla, de réir mar is cuí.

Maidir le costais, foráiltear leis an Bhille go bhféadfaidh Coimisiún Thithe an Oireachtais táillí a ghearradh as ionstraimí reachtúla a aistriú. Is iad Ranna Rialtais nó comhlachtaí poiblí eile nach iad a íocfaidh as an chostas a bhaineann le hionstraimí a aistriú. Beidh sé i gceist leis an múnla beartaithe a leagtar amach sa Bhille go n-aistreofar ionstraimí reachtúla ar éileamh a fháil, cibé acu is ionstraimí reatha iad nó nach ea, agus sin faoi réir na n-acmhainní a bheidh ar fáil.

Faoi láthair, déantar thart ar 700 ionstraim reachtúil gach bliain. Meastar go gcosnódh sé thart ar €325,000 in aghaidh na bliana dá dtiocfadh éileamh isteach chun iad sin go léir a aistriú. Go praiticiúil, ní bhíonn an t-éileamh sin ann, rud a chiallaíonn nach gcaithfear ach fíor-bheagán den tsuim sin gach bliain. Clúdaíonn an figiúr de €3.3 milliún atá luaite sa mhe-abhrán mhínteach a foilsíodh leis an Bhille costas na riaráistí a bhainfeadh leis na hionstraimí reachtúla go léir a aistriú. Arís, ní dhéanfar iad seo ach ar éileamh agus ní shamhlaítear go mbeidh an t-éileamh sin ann.

Ba mhaith liom aghaidh a thabhairt anois ar an ghné den Bhille a bhaineann le Caighdeán Oifigiúil na Gaeilge. Ní miste an tábhacht a bhain leis an Chaighdeán Oifigiúil, a d'fhoilsigh Rannóg an Aistriúcháin anseo i dTithe an Oireachtais den chéad uair i 1958, a aithint. Mar a dúradh sa réamhrá leis an chéad eagrán, “caighdeán le haghaidh gnóthaí oifigiúla agus mar threoir do mhúinteoirí agus don phobal i gcoitinne” a bhí ann. Níl aon dabht ach gur thug sé ri-

altacht agus soiléireacht san áit a raibh mírialtacht agus doiléire roimhe sin. Mar iarmhúinteoir, aithním féin an tábhacht a bhaineann leis sin sa chóras oideachais, ach go háirithe.

Ar ndóigh, ach an oiread le haon teanga eile, tá an Ghaeilge ag síor-athrú agus ní miste dúinn a bheith airdeallach ar na himpleachtaí a bhaineann leis sin do chaighdeán oifigiúil na teanga. Sa chomhthéacs sin, thóg an Rialtas a bhí i gcumhacht ag an am cinneadh i mí na Samhna 2008 go ndéanfaí athbhreithniú ar an Chaighdeán Oifigiúil. Bunaíodh coiste stiúrtha de shaineolaithe faoi choimirce na Roinne Gnóthaí Pobail, Tuaithe agus Gaeltachta, mar a tugadh ar an Roinn ag an am, chun tabhairt faoin athbhreithniú agus críochnaíodh é i mí an Mheithimh 2011. Mar Aire Stáit, teastaíonn uaimse buíochas a ghabháil leis an choiste stiúrtha a thug faoin obair seo.

Mar is eol don Teach, tá dul chun cinn déanta ó shin maidir leis an Chaighdeán Oifigiúil. Tar éis don Rialtas seo teacht i gcumhacht, tógadh cinneadh i mí an Mheithimh 2011 go dtabharfaí feidhm reachtúil do Rannóg an Aistriúcháin i dTithe an Oireachtais d'fhoilsiú agus d'athbhreithniú tréimhsiúil an Chaighdeáin Oifigiúil. Ó shin i leith, tá leagan nuashonraithe den Chaighdeán Oifigiúil, An Caighdeán Oifigiúil: Caighdeán Athbhreithnithe, foilsithe ag Rannóg an Aistriúcháin i dTithe an Oireachtais i mbliana. Ina theannta sin, i gcomhréir le mianta an Rialtais, tá torthaí an athbhreithnithe ar an Chaighdeán Oifigiúil, a rinne an coiste stiúrtha faoi choimirce mo Roinnse, curtha faoi bhráid Thithe an Oireachtais le hiarratas go dtógfaí san áireamh iad sa chéad athbhreithniú eile ar an Chaighdeán Oifigiúil. Dá bhrí sin, ní féidir le haon duine a mhaíomh go bhfuil obair luachmhar an choiste stiúrtha curtha ar leataobh. Sa chomhthéacs seo, ní miste a nótáil go bhfuil sé ráite sa réamhrá leis an leagan nuashonraithe den Chaighdeán Oifigiúil go ndéanfar athbhreithniú arís air faoi cheann trí bliana, is é sin sa bhliain 2015.

Dá bhrí sin, ba mhaith liom an deis a thapú chun a shoiléiriú nach bhfuil ann ach caighdeán oifigiúil amháin, is é sin An Caighdeán Oifigiúil: Caighdeán Athbhreithnithe a d'fhoilsigh Rannóg an Aistriúcháin i dTithe an Oireachtais níos túisce i mbliana.

Aithním go bhfuil sé molta ag daoine áirithe gur chóir moltaí an choiste stiúrtha a fhoilsiú ach ní aontaím leis seo. Cé go ndearnadh athbhreithniú ar an Chaighdeán Oifigiúil faoi choimirce mo Roinnse, bhí moltaí an athbhreithnithe sin le cur faoi bhráid an Rialtais sula bhféadfaí iad a fhoilsiú. Mar a tharlaíonn, bhí obair an choiste stiúrtha críochnaithe i mí an Mheithimh 2011 agus thóg an Rialtas cinneadh an mhí sin nach mbeadh ach caighdeán oifigiúil amháin ann agus go mbeadh an fheidhm reachtúil maidir leis seo ar Choimisiún Thithe an Oireachtais. Is é an rud deiridh a theastaíonn ag an bpointe seo, dar liom, ná dhá chaighdeán oifigiúil a bheith foilsithe. Mar thoradh ar an Bhille seo, beidh soiléireacht ann maidir leis an fheidhm reachtúil a bheidh ag Coimisiún Thithe an Oireachtais d'fhoilsiú agus d'athbhreithniú tréimhsiúil an Chaighdeáin Oifigiúil.

Tá an tsoiléireacht seo tábhachtach, ní hamháin i gcomhthéacs na hÉireann ach i gcomhthéacs na hEorpa chomh maith, áit a bhfuil na hinstiúidí Eorpacha ag plé le reachtaíocht an Aontais Eorpaigh a aistriú go Gaeilge i gcomhréir leis an díolúine don Ghaeilge atá i bhfeidhm san am i láthair.

Faoin Bhille, déantar leasú ar an Acht um Choimisiún Thithe an Oireachtais 2003 chun foráil a dhéanamh maidir leis an sainmhíniú ar an Chaighdeán Oifigiúil, is é sin caighdeán oifigiúil na Gaeilge atá le húsáid sa reachtaíocht phríomha agus sa reachtaíocht thánaisteach agus mar an treoir le haghaidh scríbhneoireacht sa Ghaeilge. Ina theannta sin, déantar foráil leis an mBille chun feidhm reachtúil a thabhairt do Choimisiún Thithe an Oireachtais d'fhoilsiú

agus d'athbhreithniú tréimhsiúil an Chaighdeán Oifigiúil uair amháin gach seacht mbliana ar a laghad.

Chomh maith leis sin, ceanglaítear leis an Bhille ar Choimisiún Thithe an Oireachtais, le linn dó athbhreithniú a sheoladh ar an Chaighdeán Oifigiúil, dul i gcomhairle leis an Aire Ealaíon, Oidhreachta agus Gaeltachta, leis an Aire Oideachais agus Scileanna, leis an Aire Dlí agus Cirt agus Comhionannais, le páirtithe eile a bhfuil spéis acu ann agus leis an bpobal i gcoitinne.

Faoin Acht um Choimisiún Thithe an Oireachtais 2003, tá an chumhacht ag an choimisiún coistí a bhunú. Foráiltear leis an Bhille go bhféadfaidh Coimisiún Thithe an Oireachtais saineolaithe seachtracha a cheapadh chun coiste den sórt sin le linn athbhreithniú a sheoladh ar an Chaighdeán Oifigiúil.

Is éard atá sa Bhille seo ná gníomh chun dhá rud a chur ina gceart. Le bunú an lár-aonaid aistriúcháin i mo Roinnse le linn tréimhse oifige an Rialtais dheiridh, chiallaigh sé go raibh dhá rannóg Stáit ag plé le haistriú reachtaíochta, Rannóg an Aistriúcháin i dTithe an Oireachtais agus an lár-aonad aistriúcháin faoi chúram mo Roinnse. Cuirfidh achtú an Bhille seo seirbhís aistriúcháin reachtaíochta an Stáit faoin aon díon amháin, is é sin Rannóg an Aistriúcháin de chuid Thithe an Oireachtais.

Chomh maith leis sin, ceapadh coiste stiúrtha, arís le linn tréimhse oifige an Rialtais dheiridh, le hathbhreithniú ar an Chaighdeán Oifigiúil a stiúradh faoi chúram an lár-aonaid aistriúcháin nuabhunaithe, cé go raibh Rannóg an Aistriúcháin de chuid an Oireachtais ag tabhairt faoin obair chéanna ó 1958 i leith. Arís, le hachtú an Bhille seo, beidh an obair seo ag titim faoin aon díon amháin, is é sin Rannóg an Aistriúcháin de chuid Thithe an Oireachtais.

Sílim gur céim chun cinn thábhachtach atá sa Bhille seo ar mhaithe le ceart úsáid na Gaeilge a threisiú agus a fhorbairt. Tá mé an-dóchasach go mbeidh páirtithe leasmhara na Gaeilge agus lucht úsáidte na Gaeilge toilteanach tacaíocht a thabhairt don chur chuige seo. Mar thoradh ar an reachtaíocht seo, níl aon cheist i m'intinn ach go mbeidh ceart úsáid na Gaeilge i gcomhréir leis an Chaighdeán Oifigiúil níos soiléire do lucht scríofa na teanga agus gur dul chun cinn fiúntach é sin.

Mar sin, molaim an Bille seo don Teach.

**Deputy Michael P. Kitt:** Cuirim fáilte roimh an Aire Stáit agus roimh an Bhille. Tá sé tábhachtach go bhfuil an tAire Stáit ag iarraidh an Caighdeán Oifigiúil a chur ar fáil agus ról an Oireachtais a mhéadú maidir le haistriúchán. Tá sin tábhachtach agus cuirim fáilte roimh an chuspóir sin atá sa Bhille.

Mar a dúirt an tAire Stáit, tá sé tábhachtach go dtitfidh na costais. Dúirt sé sin mar gheall ar an bhfoireann atá sa Roinn. Táim buíoch de na hoifigigh a bhí sa Roinn a labhair liom agus le Teachtaí agus Seanadóirí eile faoi seo. Dúradh liom go bhfuil níos lú foireann anois sa chóras aistriúcháin, seisear go ceathrar, rud beag mar sin. Tá sé tábhachtach go bhfuil foireann ann agus go bhfuilimid in ann gnó trí Ghaeilge a dhéanamh san Oireachtas.

Bhí suim agam sa méid a dúradh faoi obair an choimisiúin mar gheall ar airgead a fháil de bharr aistriúcháin, go mbeidh sé in ann na statutory instruments a aistriú agus airgead a fháil don Aire Stáit nó do dhaoine eile nó b'fhéidir na daoine atá ag iarraidh aistriúchán a dhéanamh agus gur féidir leo airgead a thabhairt don tseirbhís sin mar is maith an rud é go mbeidh siad in ann seirbhís mar sin a chur ar fáil.

Bhí cúpla ceist agam tráth na gceisteanna dhá mhí ó shin faoi dhuine a chur litir chugam, an tUasal Dónal P. Ó Baoill. Ní raibh sé sásta mar gheall ar an choiste stiúrtha agus rinne an tAire Stáit plé ina óráid faoin choiste sin. De réir an ollaimh, ní bhfuair sé aon tuairisc ón lá a chríochnaigh sé a chuid oibre ar an choiste. Bhí an coiste ag feidhmiú go 2010 agus 2011 ar feadh 15 de mhíonna. An ceist ná cén fáth nach raibh an tuairisc ar fáil. Tá sé tábhachtach agus sinn ag plé an Chaighdeán Oifigiúil, gur féidir an t-eolas sin a chur ar fáil. Aontaím leis an Aire Stáit gur ceart caighdeán amháin a bheith ann. Níl aon mhaitheas ann cúpla caighdeán a bheith ann.

Chuir sé díomá orm agus ar a lán daoine go gcaithfidimid fanacht trí bliana nó fiú seacht mbliana chun an Chaighdeán Oifigiúil a athrú arís. Is ceist thábhachtach í sin agus ba mhaith liom dá bhféadfadh an tAire Stáit freagra a thabhairt dom uirthi. Chuir mé ceist ar an ábhar sa Dáil ag Tráth na gCeist dhá mhí ó shin.

Tá a lán daoine buartha faoin reachtaíocht atá á ullmhú ag an Rialtas anois agus táthar ag iarraidh a fháil amach cén fáth go mbeidh an reachtaíocht seo againn agus cén fáth nár foilsíodh torthaí na hoibre ón choiste stiúrtha. An raibh difríocht idir moltaí an choiste agus An Caighdeán Oifigiúil nó idir moltaí an choiste agus an Rialtas? Tá na ceisteanna sin ann mar nár foilsíodh aon rud agus sin an fáth go bhfuil mise ag cur na ceiste seo inniu. Rinne an tAire Stáit tagairt do na teanga oifigiúla anois san Eoraip. Is maith an rud an stádas sin. Bhí áthas orm nuair a bhaineamar amach ardú stádais don teanga san Aontas Eorpach. Anois, mar a dúirt an tAire Stáit, tá 23 teanga mar teangacha oifigiúla. Bhí cuid mhaith d'fheisirí san Eoraip ag iarraidh an stádas sin a bhaint amach dá dteangacha agus is maith an rud gur éirigh leo.

Tá ceisteanna agam freisin maidir leis An Straitéis 20 Bliain don Ghaeilge. Is plean treorach é sin maidir le caomhnú agus athbheochan na Gaeilge. Tá súil agam go dtabharfaidh an tAire Stáit tacaíocht don straitéis sin freisin. Baineann an straitéis le naoi réimse difriúla, ar nós an Ghaeltacht, cúrsaí oideachais, an chlann, seirbhísí poiblí, an eacnamaíocht, na meáin agus reachtaíocht. Tá sé mar cuspóir ag an straitéis líon na ndaoine a labhraíonn an teanga go laethúil a mhéadú ó 83,000 go dtí 250,000 duine. Táim lán sásta go bhfuil an tAire Stáit ag iarraidh sin a dhéanamh, mar téann sé ar thurais go dtí na Gaeltachtaí agus bíonn sé ag taisteal ar fud na tíre. Is breá liom é a fheiceáil i nGaillimh go minic. Caithfear aire a thabhairt freisin go gcuirtear le líon na gcainteoirí Gaeilge sa Ghaeltacht fhéin agus tá súil agam go mbeidh an tAire Stáit ag plé le sin.

Chomh maith le cruinniú leis na hoifigigh, bhí cruinniú agam freisin le cuid mhaith de na heagrais Gaeilge. Tá na heagrais ag iarraidh bualadh le Teachtaí Dála agus Seanadóirí maidir leis an cheist seo agus an buiséad atá le teacht i gceann coicise. Tá súil acu go mbeidh an tAire Stáit in ann buiséad maith a eagrú dóibh agus go mbeidh sé in ann déileáil le aistriúchán agus an caighdeán. Dúirt an tAire Stáit go mbíonn sé ag plé leis an Aire Oideachais agus Scileanna agus leis an Aire Dlí agus Cirt agus Comhionannais faoi na hábhair seo. Tá sé tábhachtach go mbuaileann siad le chéile go rialta chun na rudaí seo a bhaint amach agus a soiléiriú.

Tá cuid mhaith de na heagrais Gaeilge ag rá nach ceart go mbeadh iomaíocht idir na heagrais agus tá súil acu go mbeidh an tAire Stáit ag cuidiú leo seachas iad a chur in aghaidh a chéile nó iomaíocht a chothú eatarthu. Tá na heagrais éagsúla ag déanamh obair an-mhaith maidir leis an teanga agus is cóir cabhair a thabhairt dóibh. Nuair a bhí mé ag caint le feidhmeannaigh Chonradh na Gaeilge, bhíodar ag caint faoin straitéis agus faoi ghnó a dhéanamh trí Ghaeilge. Ní thaitníonn sé le héinne a bheith ag fanacht ar an dteileafón ag éisteacht le guth ag tabhairt rogha dóibh cnaipe a haon, a dó, a trí nó a ceathair a bhrú, ach is maith an rud é go dtugtar

rogha dóibh go minic cnaipe uimhir a haon a bhrú le haghaidh gnó a dhéanamh trí Ghaeilge. Tá sin níos fearr ná moill a chur orthu ag iarraidh orthu cnaipí éagsúla a bhrú sular féidir leo dul i dteagmháil le duine in oifig. Bhí na feidhmeannaigh a labhair liomsa an-soiléir go bhfuil sé de ceart acu an gnó sin a dhéanamh trí Ghaeilge agus táthar ag súil go mbeidh muid in ann na forálacha sin a chur i bhfeidhm gan mhoill.

Luaigh na heagrais freisin go bhfuil a lán daoine le Gaeilge ag imeacht as an Stát Seirbhís. Tá na daoine seo ag fágáil na Ranna éagsúla, ach níl daoine ag isteach. Is mór an trua é sin, mar braitheann muid ar na daoine sin chun gnó a dhéanamh trí Ghaeilge agus chun an Ghaeilge a chaomhnú agus a láidriú. Is fadhb mhór í seo agus tá súil agam go mbeidh rud éigin le rá ag an Aire Stáit fúithi.

Tá imní ar a lán daoine maidir leis na hoileáin agus an deontas d'Aer Árainn agus táthar ag iarraidh go ndéanfar beart do na daoine ar na hoileáin. Tá siad ag iarraidh go ndéanfar rud éigin, mar shampla, do na múinteoirí a braitheann ar an seirbhís aer sin chun taisteal go dtí na hoileáin. Tá trí meánscoil ar Oileáin Árainn agus tá sé tábhachtach go mbeidh an seirbhís sin ann chun go mbeidh na múinteoirí in ann oideachas a chur ar fáil do na scoláirí ar na hoileáin. Tá súil agam go mbeidh an tAire Stáit in ann a rá go bhfuil sé ag troid chun an seirbhís sin a choinneáil beo.

Tá an straitéis ag iarraidh líon na ndaoine a labhraíonn Gaeilge a mhéadú, go háirithe sa Ghaeltacht. Chun cabhrú le sin, tá daoine ag iarraidh go gcuirfear leis an seirbhís trí Ghaeilge ar an dteilifís chomh maith. Molaim TG4 agus an méid atá á dhéanamh ag an stáisiún sin agus molaim Raidió na Gaeltachta agus na stáisiúin eile a chraolaíonn clár trí Ghaeilge. Molaim freisin na meáin cumarsáide agus lucht foilsithe leabhar a oibríonn trí mheáin na Gaeilge. Tá sin tábhachtach agus tá súil agam go mbeidh an tAire Stáit in ann níos mó airgid a fháil do na gnóthaí sin.

Labhair mé le hoifigigh Chomhdháil Náisiúnta na Gaeilge chomh maith.

*I o'clock*

Go háirithe, bhí siad ag caint faoin gclár tacaíochta teaghlaigh agus faoin bpróiseas pleanála don Ghaeilge. D'ardaigh an Teachta Ó Cuív ceisteanna maidir leis an scéim tacaíochta teaghlaigh ag an gcoiste freisin. Tá súil agam go mbeidh an tAire Stáit in ann airgead a fháil don scéim sin agus na scéimeanna eile.

Tá an-tábhacht ag baint leis an turasóireacht sa Ghaeltacht. Tá a fhios ag an Aire Stáit go bhfuil cúpla ceist agam i dtaobh The Gathering, a tharlóidh an bhliain seo chugainn. Cad a bheidh á dhéanamh don Ghaeltacht i gcomhthéacs The Gathering? Is eol dúinn go bhfuil an-suim san ócáid seo in iarthar na hÉireann. Tá go leor rudaí beaga ag tarlú freisin. Iarraim ar an Aire Stáit gan dearmad a dhéanamh ar na comhdhála beaga a bheidh ar siúl an bhliain seo chugainn. Tá sé an-tábhachtach go mbeadh an tAire Stáit in ann scéim na mná tí a thugann cabhair do scoláirí a chaomhnú agus a leathnú amach anseo. Tá seans mór againn a chinntiú go leanfaidh eacnamaíocht na bailte beaga Gaeltachta ar aghaidh nuair a bheith The Gathering ar siúl an bhliain seo chugainn. B'fhéidir gur féidir leis an Aire Stáit a rá linn cad a tharlóidh do na heagrais seo sa toadhchá. Tá go leor dóibh buartha nach mbeidh airgead ar fáil dóibh. Ceapann cuid acu go bhfuil siad in iomaíocht lena chéile le haghaidh airgid, cé gur cheart dóibh bheith ag cabhrú agus ag obair lena chéile. Tá a fhios againn go léir go bhfuil an ciste ag íslú.

Baineann an reachtaíocht seo ní hamháin leis an gcaighdeán ach freisin le Tithe an

Oireachtais. Táimid ag caint faoi aistriúcháin a dhéanamh ar statutory instruments agus ar an reachtaíocht ar a dtugtar primary and secondary legislation. Tá sé an-tábhachtach go mbeidh na daoine sa chóras aistriúcháin in ann é sin a dhéanamh. An bhfuil sé fíor go bhfuil laghdú tagtha ar líon na ndaoine sa chóras sin? An mbeidh an Rialtas in ann oifigigh nua a fháil nuair atá daoine ag éirí as an Státseirbhís agus an chóras sin? Ba cheart go mbeimid in ann daoine breise a chur leis an bhfoireann maith seo má tá daoine ag fágáil na seirbhíse, rud atá ag tarlú dé réir mar a thuigim é.

Is é sin an méid atá le rá agam. Ba mhaith liom tacaíocht a thabhairt don chaighdeán seo. Tá Fianna Fáil i bhfábhar na straitéise 20 bliain. Tá me lán-sásta go bhfuil stádas na Gaeilge san Aontas Eorpach ardaithe agus go bhfuil infheistíocht ar fáil don Ghaeltacht. Tá súil agam go mbeidh an tAire Stáit in ann níos mó a dhéanamh. Tá airgead á thabhairt d'Údarás na Gaeltachta chun níos mó post a chur ar fáil sa Ghaeltacht. Muna bhfuil postanna sa Ghaeltacht, ní bheidh daoine in ann maireachtáil ann. Mar a dúirt mé cheana, níl mé sásta nach bhfuil toghcháin Údarás na Gaeltachta á n-eagrú. Is botún mór é sin. Caithfidh an Rialtas obair le Údarás na Gaeltachta chun níos mó fostaíochta a chur ar fáil. I mo thuairim, ba cheart níos mó tacaíochta a thabhairt do na gaelscoileanna agus don straitéis 20 bliain chun iad a chaomhnú. Cuirim fáilte roimh an mBille seo. Tá súil agam go mbeidh an Rialtas in ann an reachtaíocht seo a chur i gcrích go luath.

**Deputy Aengus Ó Snodaigh:** Tá brón orm nach raibh mé anseo níos luaithe nuair a mhí-nigh an tAire Stáit cén fáth gur tháinig an Bille seo chun cinn. Ní bhfuair mé cóip den óráid a thug sé, ach gheobhaidh mé níos déanaí í. Léigh mé an méid a bhí le rá aige sa Seanad. Glacaim leis go raibh an rud céanna i gceist. D'ardaigh mo chomhghleacaí, an Seanadóir Ó Clochartaigh, roinnt de na pointí atá le déanamh agam sa Seanad. Is mian liom ceisteanna áirithe eile a ardú a bhaineann le mo chleachtas agus leis an tslí atá caite liom i dtaobh labhairt na Gaeilge sa Teach seo.

Tá sé tábhachtach go mbeadh Teachtaí Dála in ann ár gcuid gnó a dhéanamh trí Ghaeilge ó thús báire. Tá an riachtanas seo ardaithe agam arís agus arís eile. Níl mé in ann teacht isteach anseo agus mo ghnó a dhéanamh go huile is go hiomlán trí mheán na Gaeilge. Is féidir liom labhairt sa Teach i nGaeilge. Tá ard-mholadh ag dul do na haistritheoirí a chaithfidh éisteacht dom agus ciall a dhéanamh as an méid a bhíonn le rá agam agus ag daoine eile. Go minic, bíonn sé deacair Teachtaí a thuiscint agus sinn ag caint Gaeilge nó Béarla. Os rud é go mbíonn cluasáin á gcaitheamh ag daoine nach bhfuil an Ghaeilge ar a gcumas acu, is léir go n-éiríonn leis na haistritheoirí an méid atá le rá agam a mhíniú, fiú nuair a bhfuil sé beagáinín casta agus muid ag déileáil le reachtaíocht.

Níl mé in ann teacht isteach anseo ar Chéim an Choiste agus leasuithe i nGaeilge a chur síos i cás Bille Leasa Shóisialaigh, mar shampla. Ní féidir liom an argóint atá agam a dhéanamh trí Ghaeilge ó thús báire. Ar an gcéad dul síos, ní bhíonn an reachtaíocht ar fáil i nGaeilge ón tús. Ní bhíonn an meabhrán mínithe, fiú, ar fáil i nGaeilge. Dúirt an tAire, an Teachta Burton, liom anuraidh go dtógfadh sí an moladh seo go dtí an Comhairleach ionas go mbéinn in ann, ar a laghad, úsáid a bhaint as na téarmaí Gaeilge a bheidh in úsáid nuair a bheidh an Bille aistrithe tar éis dó bheith aachtaithe. Chinnteódh sé sin nach mbeadh téarmaí difriúla - a fhaighim ó mo chleachtadh féin nó ó foclóir - á úsáid agam.

Bhí an fhadhb atá againn sa chomhthéacs seo soiléir dom nuair a bhí Bille a bhain le hOllscoil na hÉireann, Gaillimh, á phlé againn sa bhliain 2006. B'fhéidir gur cuimhin leis an Aire Stáit an díospóireacht a bhí againn ag an am. Bhí an reachtaíocht seo ag déanamh athrú ar conas

mar a bheadh an ollscoil reáchtáilte amach anseo. Bhí ceist mór ann maidir leis an nGaeilge. Bhí stádas thar barr ag an gcoláiste i dtaobh na Gaeilge - agus tá fós - ach bhí athrú ag tarlú ag an am sin. Bhí an Bille i mBéarla agus bhí an bunreachtáíocht ó 1926 nó 1927 i mBéarla. Diúltaíodh na leasuithe a chuir mé isteach i nGaeilge agus níor ghlacadh leo. Míníodh dom nach féidir leasú i nGaeilge a chur chun tosaigh ar Bille atá i mBéarla. Bhí orm iad ar fad a aistriú go Béarla agus teacht isteach anseo chun mo argóint a dhéanamh i nGaeilge. Bhí sé sin bun os cionn go hiomlán. Ba léiriú é nach raibh mé in ann teanga oifigiúil an Stáit a úsáid ó thús báire. Muna ndéantar aon athrú, beidh ócáidí mar sin againn arís amach anseo.

Baineann an eachtra seo leis an mBille seo os rud é go bhfuil Rannóg an Aistriúcháin i gceist. Mhol mé go mbeadh Billí foilsithe ag an am céanna i mBéarla agus i nGaeilge. Deirtear liom go mbeadh sé sin beagáinín níos casta, ach cén fáth nach bhfuil sé níos casta in aon tír eile ar domhan a dhéanann é seo? Dá mbeadh an moladh seo glactha, ní bheadh aon bhaol nach mbeadh an reachtáíocht achtaithe foilsithe go comhuaineach sa dá theanga. Bheadh an bunobair déanta ón tús. B'fhéidir go mbeadh an chóras seo níos deacra do na haistritheoirí agus dóibh siúd nach bhfuil sé ar a gcumas acu díospóireacht i nGaeilge a leanúint. Más féidir le Parlaimint na hEorpa é seo a dhéanamh le 24 nó 26 teanga, ba chóir go mbeimid in ann díriú isteach ar é a dhéanamh le dhá theanga.

Impím ar an Aire Stáit díriú isteach ar an gceist seo arís ionas go mbeidh gach éinne in ann a gcuid gnó sa Teach seo a dhéanamh go huile agus go hiomlán trí Ghaeilge. Sa chás sin, measaim nach mbeadh an fhadhb againn a bhí againn anuraidh, nuair a bhí forálacha i dhá Bhille a fhoilsíodh ag deireadh na tréimhse roimh an tsamhraidh - Bille ón Roinn Coimirce Shóisialaí agus Bille ón Roinn Dlí agus Cirt agus Comhionannais - a thug cead do na Ranna sin an Acht sa dá chás a fhoilsiú go leictreonach i mBéarla amháin ar an gcéad dul síos agus go comhuaineach ar pár níos déanaí. Déanadh cinnte de go dtiocfadh an dlí i bhfeidhm ag an am céanna. Dá mbeadh an moladh atá curtha chun cinn agam tógtha ar bord, tarlódh sé sin ar aon chaoi ar an lá ceanann céanna a shíneódh an tUachtarán an reachtáíocht.

Tá spéis agam sa mhéid atá sa Bhille i dtaobh an Caighdeán Oifigiúil. Tá an oiread sin canúintí agus bealaí difriúla le labhairt in Éirinn agus thar lear. Is minic a chloisim daoine ó tíortha eile atá tar éis an Ghaeilge a fhoghlaim. Tá sé deacair iad a thuiscint uaireanta os rud é go bhfuil an teanga foghlamtha ó leabhar, seachas ghnáthchleachtas, acu. Tá an rud ceanann céanna fíor ó thaobh gach uile teanga eile ar domhan. Má tá an Ghaeilge foghlamtha ó leabhar, tá foghraíocht agus caint na teanga go huile is go hiomlán difriúil i gcomparáid le pobal labhartha na hÉireann. Tá canúint iomlán difriúil agus cleachtas teanga iomlán difriúil agam toisc an cúlra atá agam. Tógadh le Gaeilge mé i mBaile Átha Cliath. D'fhreastal mé ar scoileanna i nGaeltacht Chiarraí. Tá cairde agam i nGaeltachtaí Thír Chonaill agus Conamara agus áiteanna eile. Phioc mé suas píosanna difriúla ó canúintí difriúla. Tagann siad amach i mo ghuth.

Tá caighdeán oifigiúil i ngach tír. Tá ár gcaighdeán á leasú againn anseo. Cé go bhfuil 200,000 canúint sa tSín, b'fhéidir, tá caighdeán amháin acu. Is féidir an rud céanna a rá faoi Svahaílis san Afraic nó Araibis sa Mheánoirthear. Tá canúintí difriúla sna teangacha sin. Tá dainséar againn os rud é go bhfuil sé i gceist sa Bhille seo athbhreithniú ar an gCaighdeán Oifigiúil a dhéanamh gach seacht mbliana. Bheadh sé sin go deas go teoiriciúil, ach tá gach seans go mbeidh athrú suntasach i gceist nuair atá athbhreithniú á lorg gach seacht mbliana. Beidh orainn déileáil le gach múinteoir ar eagla go mbeidh cúrsa athnuachana de shórt éigin de dhíth orthu; leis na haistritheoirí san Oireachtas agus i bParlaimint na hEorpa; leo siúd a bhíonn ag foilsiú leabhair agus téacsleabhair; agus le páistí scoile. Caitheann an chuid is mó de leanaí na tíre seo 14 bliain ar scoil. D'fhéadfadh athbhreithniú amháin teacht i bhfeidhm díreach nuair

a thosnaíonn siad i naíonáin bheaga, athbhreithniú eile sula chríochnaíonn said sa bhunscoil agus an tríú athbhreithniú nuair atá an meánscoil á fhágaint acu. Tá an tréimhse seo ró-ghairid ar fad. Ní cheart athbhreithniú ar an gCaighdeán Oifigiúil a dhéanamh sa tslí atá leagtha amach anseo.

Impím ar an Aire Stáit teacht ar bhealach eile, agus tréimhse i bhfad níos faide a chur i bhfeidhm, i dtaobh na n-athbhreithnithe seo. Tá athruithe tar éis tarlú ó foilsíodh an Caighdeán Oifigiúil deireanach sa bhliain 1958. Tá mionathruithe ag teastáil toisc nach raibh an Caighdeán Oifigiúil soiléir. Is féidir soiléiriú a dhéanamh ar an gCaighdeán Oifigiúil nua atá foilsithe gan athbhreithniú iomlán a dhéanamh. Tarlaíonn sé sin faoi láthair. Is é sin an bealach is fearr chun déileáil leis an bhfadhb seo, seachas coiste a bhunú gach seacht mbliana chun dul tríd gach uile chuid den chaighdeán agus athruithe a dhéanamh. Nuair a thosaigh mé ar scoil sa bhliain 1968 - deich mbliana tar éis caighdeán 1958 - bhí roinnt de na téacsleabhair fós ar an seanstíl scríobhneoireachta, an seanlitriú agus an seanchaighdeán. Bhí sé deacair orm nuair a bhí mé ar scoil. Glacaim go raibh sé i bhfad níos deacra dóibh siúd a chuaigh tríd an gcóras oideachais romham agus a bhí ag múineadh na Gaeilge ag an am.

Faoi láthair, tá mé ag déanamh iarracht treabhadh tríd leabhar atá le foilsiú ag m'athair mar gheall ar *An Barr Buadh*, irisleabhar a d'fhoilsigh Pádraig Mac Piarais roimh Éirí Amach 1916. Tá sé deacair toisc go raibh litriú agus stíl scríobhneoireachta iomlán difriúil in úsáid ag an am. Is é sin an fáth go raibh Caighdeán Oifigiúil ag teastáil; ionas go mbeadh a fhios ag daoine - go mórmhór ó thaobh foilsiúcháin Rialtais de ach freisin ó thaobh foilsiúcháin téacsleabhair, srl., de - go mbeadh stíl áirithe, cruinneas gramadaí agus soiléire i gceist. Dá bhrí sin, molaim an t-athrú agus an soiléiriú atá déanta sa Chaighdeán Oifigiúil atá foilsithe le déanaí. Molaim freisin na haistritheoirí agus gach éinne eile a bhí bainteach sa tionscadal sin, a bheidh ina háis dom sa Teach seo. Ba mhaith liom labhairt faoi áis eile a chabhródh linn.

Nuair a thoghadh mé don chéad uair sa bhliain 2002, fuair gach Teachta Dála nua pacáiste ina raibh foclóir parlaiminte, srl. Measaim gur Foras na Gaeilge a chuir timpeall é ag an am. Cé go bhfuil an foclóir ceart go leor, bhí a lán bearnaí ann ag an am céanna. Impím ar an Aire Stáit treoir a thabhairt do Rannóg an Aistriúcháin foclóir nua a fhoilsiú a leagadh amach téarmaí áisiúil parlaiminte agus reachtaíochta. Go minic sa Teach seo, bíonn orm smaoineamh ar an bhfocal cuí gur cheart dom úsáid i gcomhthéacs reachtaíochta. Is féidir liom teacht suas le focal éigin, ach ní bhíonn an focal ceart sa chomhthéacs ceart agam i gcónaí. Bíonn orm casadh ar an mBéarla ó am go ham.

Tá fadhb mór reachtaíochta eile againn os rud é go bhfuil an seanstíl ársa fós in úsáid. Ba cheart go mbeadh reachtaíocht soiléir docht daingean. Uaireanta, caithfear téarmaí nach n-úsáidtear i measc an ghnáthphobal a úsáid. Tharla an rud céanna nuair a bhí dlíthe na mBreithiún againn fadó, fadó. Ní oireann bunfhoclóir na ndaoine do chúrsaí reachtaíochta. Bíonn daoine ag gearán uaireanta go bhfuil an dlí gan rochtain dóibh de bharr sin, agus is fíor sin. Le blianta fada, tá feachtas i Sasana - the Plain English Campaign - ag impí ar parlaiminteoirí, daoine eile a chuireann reachtaíocht chun cinn agus daoine a fhoilsíonn foirmeacha a chinntiú go bhfuil na doiciméid sin scríofa i ghnáththeanga an phobail. Ba mhaith an rud é sin, ach ní féidir é a dhéanamh go huile is go hiomlán toisc go mbíonn reachtaíocht scríofa go minic ón dtaobh diúltach de, seachas an taobh dearfach de. Tá sé beagáinín níos casta os rud é go ndíríonn reachtaíocht ar rudaí “nach ndéanfaidh” duine nó “nach mbeidh” i gceist. Bheadh athrú iomlán sa shlí ina breathnaímid ar reachtaíocht ag teastáil chun aon chóras eile a thabhairt chun cinn. Is fiú i gcónaí smaoineamh an féidir linn foclaíocht beagáinín níos soiléire agus níos simplí a úsáid inár reachtaíocht, ní hamháin i nGaeilge ach i mBéarla freisin. Go minic, ní féidir é sin a

dhéanamh. Tá roinnt de na fadhbanna sa chomhthéacs seo leagtha amach agam.

Tá amhras orm faoin méid atá an tAire Stáit ag iarraidh a dhéanamh leis na hionstraimí reachtúla lena bhfuilimid ag déileáil. Tá an ceart aige lárnu a dhéanamh ionas go mbeidh dream amháin freagrach as aistriúcháin an Stáit ar ionstraimí reachtúla agus reachtaíocht, srl. Is maith an rud é go mbeidh an stíl ceannann céanna i ngach uile rud agus nach mbeidh stíleanna difriúla i gceist. Má tá an tAire Stáit ag iarraidh go mbeidh rannóg éigin in ann aistriú ar ionstraim éigin a chur amach go dtí an earnáil phríobháideach, ní bheidh an caighdeán ceannann céanna i gceist agus a bhí againn ag amanna difriúla.

Tháinig an riachtanas i dtaobh na hionstraimí reachtúla chun cinn nuair a ghlac Pól Ó Murchú cás cuairte. D'éirigh leis sa chéad dul síos. Chuaigh údaráis an Stáit ag lorg achomharc ina dhiaidh sin agus d'éirigh leo a thaispeáint nach raibh dualgas láithreach ar an Stát na hionstraimí a chur ar fáil go comhuaineach. Is trua é sin. Measaim gur chóir i gcónaí go mbeadh sé mar dhualgas ar an Stát gach rud a chur ar fáil go comhuaineach i nGaeilge agus i mBéarla. Mar a dúirt mé nuair a bhí tuairiscí bliantúla á phlé againn, ní gá gach rud a fhoilsiú ar pár i mBéarla nó i nGaeilge. Go minic, baineann na costais móra leis an palaver ar fad a bhaineann leis an bhfoilsitheoireacht.

Ceapann go leor Ranna Stáit agus boird Stáit go gcaithfidh siad tuairiscí bliantúla deasa gleoite a sholáthar, fiú má fhanann siad ar an seilf gan bheith léite ag éinne. Sa lá atá inniu ann, is leor go mbeidís foilsithe ar an Idirlíon. Más gá an doiciméad a leagadh os comhair an Oireachtais, is féidir cóip a chlóbhualadh ón Idirlíon. Is dóigh liom go mbeadh i bhfad níos mó coigilt airgid i gceist dá ndéanfaí é sin. Cheana féin, cuireann roinnt comhlachtaí na cáipéisí seo amach ar dhlúthdhiosca. Más gá athrú reachtaíochta a dhéanamh ionas go mbeidh sé de chead ag eagrais Stáit é sin a dhéanamh go dlíthiúil, ba cheart é sin a dhéanamh. Cabhródh sé sin linn costais a shábháil. B'fhéidir go seolfaidh an tAire Stáit an moladh sin ar aghaidh do dtí an Aire, an Teachta Howlin, atá ag iarraidh airgead a shábháil sa Státchóras.

Caithfidh mé a rá go raibh na hoifigigh i Rannóg an Aistriúcháin thar barr aon uair a bhí orm déileáil leo. Tá ard-mholadh ag dul dóibh. Bhí siad in ann a gcuid oibre a leanúint fiú nuair nach raibh go leor foirne acu de bharr fadhbanna inmheánacha - bhí daoine tinn, srl. Ní cheart dúinn caitheamh anuas ar Rannóg an Aistriúcháin. Ba chóir go mbeadh go leor maoin agus acmhainní ag an rannóg i gcónaí le cinntiú nach mbeidh aon riaráistí i dtaobh Achtanna atá rite ag an Teach seo i gceist riamh arís. Tuigim go bhfuil cúpla céad Acht nach bhfuil aistrithe go Gaeilge go fóill. Is truamhéalach an scéal é sin, go háirithe toisc na geallúintí a thug Rialtais éagsúla thar na blianta. Dúirt an Rialtas deiridh go mbeadh deireadh leis na riaráistí sin. Is gá na hacmhainní a chur ar fáil chun na riaráistí sin a ghlanadh go huile is go hiomlán ionas nach mbeidh siad againn arís. Má ghlactar leis an mholadh atá déanta agam, beidh Billí foilsithe go comhuaineach i nGaeilge agus i mBéarla agus ní bheidh riaráistí i dtaobh Achtanna an Stáit riamh arís.

Má ghlactar leis an mBille seo, measaim go mbeidh sé tábhachtach go mbeidh an príomh-aistritheoir, nó pé duine atá i bhfeighil ar an gcaighdeán oifigiúil, i gceannas ar aon obair aistriúcháin atá curtha amach ag Roinn ar bith go dtí dream nó painéal seachtrach éigin, ionas go gcinnteofaí go mbeidh caighdeán an-docht i gceist. The buck should stop with him. Má ceadaítear d'aon Roinn ionstraimí reachtúla, mar shampla, a chur amach le haghaidh aistriú, ní chóir go mbeidís foilsithe go dtí go mbeidh *imprimatur* Rannóg an Aistriúcháin faighte ag an Roinn sin. Ní cheart go mbeadh trí nó ceithre caighdeán aistriú, seachas caighdeán teanga, in úsáid. Má tá duine amháin i gceannas ar an rud ar fad, beidh sé nó sí in ann déanamh cinnte de

go bhfuil gach rud ar an leibhéal céanna.

Má tá a fhios againn go bhfuil quality assurance mark i bhfeidhm, ní bheidh aon dabht againn i dtaobh cásanna dlí. Tá sé an-tábhachtach amach anseo go mbeimid cinnte go bhfuil na hionstraimí agus na hAchtanna foirfe ó thaobh an Ghaeilge nó an Bhéarla de. Má tá aon bhotúin i gceist, beidh an Stáit sna cúirteanna. Go minic, cosnaíonn sé a lán airgid ar an Stáit botún beag amháin a cheartú. Is é sin an fáth go bhfuil mé ag rá gur chóir go mbeadh gach rud á dhéanamh ag Rannóg an Aistriúcháin. Má tá sé i gceist ag an Aire Stáit dul sa treo atá molta aige, ba cheart go mbeadh an rannóg sin i gceannas ar aon athruithe a bheidh le déanamh.

Sa chuid is mó, fáiltím roimh an mBille seo. Tá na gearáin atá agam le mionathruithe áirithe leagtha amach agam. Tá sé ráite agam gur chóir go mbeadh an riachtanas seacht mbliana athruithe agus go mbeadh Rannóg an Aistriúcháin i gceannas go forleathan. Mar a dúirt mé, is trua gur iarr an Rialtas deireanach ar choiste seachtrach déileáil leis an gcaighdeán oifigiúil, seachas an rannóg a bhí i gceannas ar an gcaighdeán i gcónaí ón uair gur bhunaigh Mícheál Ó Coileáin í sa chéad dul síos. Níl an dea-shampla a thug an Chéad Dáil dúinn caomhnaithe againn ó shin. Bhí Aire na Gaeilge acu sa Chéad Dáil, ach ní raibh Aire na Gaeilge againn ó shin. Nuair a bhí Aire na Gaeltachta sinsearach againn ó am go ham, is minic go raibh a lán cúraimí eile caite isteach. Thuig an Chéad Dáil tábhacht na teanga. Bhí a fhios acu go raibh sé riachtanach don Stát tús áite a thabhairt don Ghaeilge, agus gach uile rud a chur ar fáil, ionas gur féidir le athbheochan tarlú.

Debate adjourned.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

## **Ceisteanna - Questions**

### **Priority Questions**

#### **National Lottery**

1. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the planned timescale for the sale of the National Lottery licence in view of the major infrastructure projects to be part funded from the proceeds; the costs he expects to be incurred in the sale process; the measures he will take to ensure that good causes will maintain their current level of benefit from the lottery; and if he will make a statement on the matter. [51620/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I announced on 4 April 2012 that the Government has decided to hold a competition for the next national lottery licence and that the licence will be for a 20-year period. Since April, my Department has carried out a considerable amount of preparatory work for the competition. It will be necessary to revise the National Lottery Act 1986. The Government has approved the general scheme of

the national lottery Bill 2012, which has been sent to the Office of the Parliamentary Counsel to the Government. It is my intention to seek Government approval for the Bill in the current Dáil session and, subject to approval, the Bill will be published shortly afterwards. In tandem with the publication of the Bill, I will set out a scheduled timeline regarding the competitive process for the next national lottery licence.

I have previously indicated that a portion of the upfront payment will be used to help fund the national children's hospital. While it is likely that some expenditure relating to the hospital project will be incurred in 2013, the greater part of the expenditure on that project will be incurred in subsequent years. Given the complexity of the process regarding the competition for the next licence, my Department engaged external advisers, as planned, to assist it in the process. Following a tendering process carried out by my Department, Davy Corporate Finance was awarded the contract. Davy Corporate Finance will be paid a fee based on the achievement of a number of key objectives during the process. I will set out the full fee cost once the process is completed.

In establishing the parameters for a competition for the next licence, it will be a priority to ensure that the conditions for maintaining and even for increasing annual funding for good causes are put in place.

**Deputy Sean Fleming:** I thank the Minister for his reply. The principal reason I put down this question was in light of comments from the Department of Health on its expectations regarding the new site for the national children's hospital. Most Members on all sides of the House are glad that a decision has been made. Moreover, they are satisfied with the new site at St. James's Hospital and look forward to it progressing through planning and tendering stages without undue complications. However, allowing for everything going well, the Department of Health has indicated it will be the very end of 2017 or early 2018 before the project has been substantially completed. If the Government obtains proceeds from the sale of the national lottery licence in 2013, what is to happen with the portion therefrom that were earmarked for the children's hospital? That was the essence of my question. Will such proceeds be ring-fenced to make sure they are available? Will such a fund be managed by the NTMA or will it be used for other capital infrastructure projects, with the Minister substituting money in 2018 when it is required? If the latter is the case - I do not express a view in this regard - the Minister essentially would be using the proceeds from the sale of the national lottery licence next year to fund capital investment projects in 2013, 2014 and 2015. However, in 2018, when the bulk of the money would be required for the national children's hospital, the Minister then would be obliged to fund it from current capital expenditure. If this is the case, the link between the sale of the lottery licence and the funding that will be required essentially will have been broken. I wish to ensure the maintenance of this link. While people may have a problem with selling off the national lottery licence, if it is explained to them that it is for the children's hospital, most will be happy with that concept. I even challenge those who are opposed to selling State assets to oppose that concept, with which I am happy.

**An Leas-Cheann Comhairle:** I call on the Minister to reply.

**Deputy Sean Fleming:** Finally, I refer to the fee structure for Davy Corporate Finance mentioned by the Minister. I presume that firm has got the contract and it should be a matter of public record at this point. There should be no competitive issues to be dealt with to prevent the provision of some details to Members.

**Deputy Brendan Howlin:** I thank the Deputy for his views and obviously there are issues I am considering at present. There are a number of ways in which the Government might do this although it has not got any money yet. However, assuming the Government will receive a substantial sum of money next year, I am exploring whether it should be put into an escrow account, particularly for the national children's hospital or whether it would be more prudent, as the Deputy rightly stated, to substitute money I know I am getting. However, it is important to have a robust funding mechanism for the national children's hospital. I consider it to be important that people may be assured of that. Consequently, I am minded to ring-fence the money, as Deputy Fleming indicated I might be doing. I am minded to do that and have asked the Secretary General of my Department to explore options in that regard. I will be obliged to bring back the legislation to the House, when Members can go through it in some detail.

The only reason I have not given the Deputy the figures regarding the competitive tendering is that there are conditionalities associated with it. I will only pay on completion of these conditionalities, step-by-step, and I will keep the Deputy abreast in that regard.

**Deputy Sean Fleming:** While I acknowledge the good spirit behind the Minister's comments, I am a little concerned by what he has just said. He has stated he is considering the options of what to do with the money now, quite a portion of which will not be required for a number of years. An escrow account to be managed by someone else has been mentioned. As for the sale proceeds from the national lottery, a significant portion of which everyone in Ireland understood clearly was for the national children's hospital, the Minister now has put on record he is considering whether other options exist, such as keeping the funds in an escrow account or using them in the interim and possibly substituting them with other funds. The Minister has broken what I consider to be the absolute link between the licence sale proceeds and the national children's Hospital. From the public's point of view, it is everyone's wish to help children, especially in the aftermath of the recent referendum. People were happy with that concept in that even if the national lottery essentially was to be privatised, at least it was being privatised for a good cause. However, the Minister no longer is as absolute about maintaining the link between the sale proceeds and actually using the direct funds. I acknowledge this is through no fault of the Minister, as because of the planning process and the new site, there now is a significant time-lag in respect of the project he had earmarked and which he probably thought would be somewhat more concurrent. This is a matter to which Members must revert.

**Deputy Brendan Howlin:** I wish to be clear about this matter. First, I devised the strategy of ring-fencing because I was searching desperately to find where I could get a significant lump of capital to undertake this flagship project the nation desires, namely, the new national children's hospital. I did not wish to dip any further into the national capital programme and I note the Deputy has been highly critical of my earlier curtailing of it. Consequently, this option seemed to be a very good fit. It is not privatising because under European Union law, the Government is obliged to have competitive tendering for the licence in any event. It may well be that the current licenceholders will win that competitive bid on their own or in a new alliance with someone else. That is one possibility and I do not wish to prejudge any of that. In fact, I have no hand, act or part in the process and I have made sure of that from the outset.

However, my point with regard to an escrow account or a ring-fenced account is that I wish to ensure this sum of money is available to build the children's hospital. How that is to be done is a work in progress because the Deputy is correct. I assumed, when I made the decision, that planning for the original site would go swimmingly and that construction would be under way next year. I believe the country would have applauded getting on with it, whatever one's views

about whichever site might be. Ultimately, I am agnostic in respect of the site but I desire the construction of a national children's hospital for the benefit of all the children of the country.

### **Budget 2013**

2. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will equality proof the Government's Budget 2013 expenditure measures; and if he will publish the evidence generated as part of this pre budget proofing process. [51780/12]

**Deputy Brendan Howlin:** With regard to budgetary matters, when focusing on the primary objectives of reducing the deficit and returning sustainability to the public finances, it has been of vital importance to the Government to spread the burden of the adjustments in as fair and equitable a manner as possible, while also seeking to minimise their negative impact on economic growth. The Government must ensure the available resources are spent in the best possible way and that critical services continue to be delivered.

The Deputy may be aware that the programme for Government contains a clear commitment requiring all bodies to take due note of equality and human rights in carrying out their functions. I also remind the Deputy that the State and its bodies must, of course, comply with all provisions of equality legislation in the development and delivery of policies and services. Furthermore, Cabinet procedures require that proposals put to the Government indicate clearly whether there is any impact of the proposal on, among other things, gender equality, persons experiencing or at risk of poverty or social exclusion and people with disabilities.

**Deputy Mary Lou McDonald:** I raised this issue with the Minister in advance of the budget because the series of austerity measures that have been introduced have hit so hard.

That is particularly evident in low income families and even in some middle income families too. The Minister is probably aware that the ESRI report on the distributional impact of budgets over recent years indicated that the 2012 budget, of all budgets, disproportionately hit people on lower incomes. The report indicated a reduction of approximately 2% or 2.5% of income for the poorest 40% of households, as opposed to a 0.7% impact on the top 30% of households. He is probably also aware that other studies, particularly one carried out by TASC, demonstrate very clearly that the group most at risk of poverty in this State is lone parents. They lost the highest percentage of income in the 2011 budget and that was exacerbated by the 2012 budget.

The Minister has spoken of sharing the burden fairly but I remind him of some of the decisions taken last year. There was a cut to child benefit for third and subsequent children and a cut to the earnings disregard for one-parent families.

**An Leas-Cheann Comhairle:** Does the Deputy have a question?

**Deputy Mary Lou McDonald:** There were cuts in back to school clothing and footwear allowances. The Minister cannot take those types of decisions and then claim that he has done any kind of a meaningful equality audit in the proposals. I accept the Government must have due regard for equality law in making policy and carrying out functions but that was not the point of my question. Beyond a token nod towards equality and beyond the rhetoric, will the Minister carry out a comprehensive audit and review of the impact of the measures in mind on the nine categories covered by the equality legislation but most particularly on children and

poorer families, or people living in or at risk of poverty? Will the Minister do so in advance of making his announcement on 6 December? Will he publish the information?

**Deputy Brendan Howlin:** I will deal with a number of matters raised by Deputy McDonald. Nobody wants to live in an era when we reduce spending, and certainly not to the degree we are required to as part of the programme obligations we must meet to fund all services. We are borrowing money from a lender of last resort on certain conditions. The Deputy knows this full well.

When considering equality in the last budget, we had to consider the budget in its sequence, with a number of measures having an impact over time. We cannot repeatedly go to the same well and we must look to spread the impact. The ESRI SWITCH model does not, for example, take account of capital taxes or VAT, so that has a disproportionate effect. We increased three different types of capital taxes last year and they were not taken into account in that model. We took 300,000 of the lowest paid people from the universal social charge net and we restored the minimum wage, which the Deputy argued we would not or could not do. We also maintained basic social welfare rates.

This was a time when difficult decisions had to be made. More than 70% of all current public expenditure is in areas that affect ordinary people very heavily, such as the health service, provisions for vulnerable people and the social protection and education budget. It is impossible to make the reductions we are obliged to make without considering our options, and we have done that as carefully as possible.

All international studies indicate we must give lone parents the opportunity not to regard themselves as excluded from the workforce but rather provide a chance for them to enter this workforce through education and upskilling. That is the sort of focus the Minister for Social Protection has outlined in some detail.

**Deputy Mary Lou McDonald:** I agree with the Minister about providing an opportunity to work for one-parent families, so why in God's name would the Government reduce the income disregard for those people? The Minister mentioned the universal social charge, but there are still people earning €17,000 who are liable for it. I asked the Minister, who is responsible for expenditure, specifically about the measures I presume he will announce in the budget. I asked him, quite simply, to carry out an equality audit. We are not breaking any new ground and these procedures are commonly carried out in other jurisdictions. The Minister should be able to satisfy himself, this Dáil and public opinion that when he speaks about equality, serving its objectives and protecting people on very low incomes and children, he will be able to show this to be the case. I take it from the Minister's answer that he has no intention of implementing a proper equality audit or budget, which is very disappointing.

**Deputy Brendan Howlin:** I would be very surprised if the Deputy took anything other than her own view of anything I say. I do not know why she expects an answer as she likes to respond to her own questions with conclusions given in a pre-prepared soundbite to be released afterwards.

**Deputy Mary Lou McDonald:** There is no answer.

**Deputy Brendan Howlin:** We are in a desperate financial position.

**Deputy Mary Lou McDonald:** Really.

**Deputy Brendan Howlin:** I would not be flippant about this.

**Deputy Mary Lou McDonald:** The Minister is being flippant.

**Deputy Brendan Howlin:** This affects very vulnerable people and there are no-----

**Deputy Mary Lou McDonald:** That is my point exactly.

**Deputy Brendan Howlin:** Despite what the Deputy may say or pretend to say, there are no soft options. If a budget is to be downsized when more than 80% is spent on three areas that affect vulnerable people, and there is a requirement under a programme that pays our way to make substantial reductions, it is difficult to not have an impact on people who have carried a significant burden. This Government will act in as fair, balanced and considered way as is possible.

### **Public Sector Reform**

3. **Deputy Joe Higgins** asked the Minister for Public Expenditure and Reform his plans to outsource various public services; and if he will make a statement on the matter. [51869/12]

**Deputy Brendan Howlin:** Evaluating the opportunity for the external delivery of some public services is an important element of the overall public service reform plan agreed by the Government in November 2011. Last July, the Government agreed a range of actions aimed at achieving a focused and integrated approach to external service delivery of non-core processes with the objective of reducing costs and focusing staff on priority areas. The Government has decided that all proposed new services across the public service will be first tested for external service delivery before any approval to provide the service internally will be granted. A commercial delivery manager has joined the reform and delivery office in my Department to oversee the development and implementation of an external service delivery strategy.

We are evaluating the potential to deliver cost savings and efficiencies with the four main sectors of health, justice, education and local government by assessing areas of non-core work that could be potentially delivered by an external provider. The reform and delivery office has also been engaging with Departments, offices and sectors to identify existing services that may be suitable for delivery by external providers with a view to selecting a number of major projects for evaluation. All of this is in line with the agreement we have with the public sector unions, which is known as the public service or Croke Park agreement, which sets out a clear process for engagement and consultation with public service employees and their representatives. I have insisted that this be carried out in full. I am not of the view that external service delivery options are a panacea for all of our difficulties but they can be a part of an overall solution in the reform agenda for the public services as set out in our reform plan.

**Deputy Joe Higgins:** What is this except a proposal for wholesale destruction of sections of the public sector and wholesale privatisation? The Government has already killed off tens of thousands of jobs in the public sector and plans to kill tens of thousands more. At the same time it is proposing to privatise services from the same public service it is annihilating. What is this except an agenda to secure widespread privatisation? What is the reason behind it? Is it to create call centre-type operations with sweated workers to replace permanent and pensionable jobs? The Minister stated the purpose was to reduce costs. He should work with public sector

workers by bringing them to the heart of management of the public service. If improvements are to be made in that regard, he should make them. This proposal, however, is an incredible scenario.

Has the Minister not learned from the disastrous history of privatisation in this State, of which Telecom Éireann and Team Aer Lingus are but two examples? The bleeding of Eircom by vulture capitalists has left us years behind other countries in terms of broadband investment, while in Team Aer Lingus we had the destruction of a tremendous aircraft maintenance facility. This is a disaster.

**Deputy Brendan Howlin:** The Deputy may wish to examine the specifics before deciding ideologically that it is a disaster. Let us consider what we are proposing in terms of shared services. We will have the PeoplePoint facility to avoid duplication of individual human resource management in every agency and workplace. This function will be rationalised in one unit and we could do the same with pensions management. This is what normal, efficient companies do.

I do not discriminate between public and private sector workers. Employees are workers and should be respected as such. Working in the private sector does not automatically mean working in a sweatshop or in appalling conditions. Some of the best workplace conditions are in the private sphere. I wish we could be as comprehensive in having the best quality services and conditions and places of work in the public arena.

We are examining how to achieve a more efficient and focused public service. Some things can be done better in the private sphere. For example, if one was establishing a bakery tomorrow, one would not open a laundry next door to do the bakery's laundry but would have it done by a professional laundry. Certain things are done on scale and can feed into the public service to enable it to focus on those things it does best. The public service is unique in providing quality services across education, health care and many other areas which I am determined not only to preserve, but to enhance.

**Deputy Joe Higgins:** The 2008 OECD report on the Irish public sector was complimentary and stated it compared very well with the public sectors of wealthier European countries. The Minister referred to duplication and achieving other efficiencies. Why does he not achieve this by discussion inside the public service with the involvement of public sector workers? As he is well aware, many of the most recent entrants into service provision are low paying employers who do not provide any level of security of tenure and offer difficult working conditions.

Although it is separate from the areas to which the Minister referred, water is a crucial public service. I note from reports this morning that Bord Gáis will commence wholesale water metering of homes in 2014. This is a complete waste of public money. The resources in question should be used to remediate the disastrous water infrastructure rather than fattening up the water service for privatisation.

**Deputy Brendan Howlin:** The Deputy referred to a 2008 report. There are many reports on our economy from that period which would not be considered accurate in the current circumstances. I am very proud of our public services and will defend them. I want to migrate the best practices in the private sphere into the public sector and I hope the best practices in the public sphere, integrity for example, will migrate into some elements of the private sector, banking for instance, from which it has been absent in the past.

The Deputy asked a question about discussions. Discussions are provided for in the Croke

Park agreement and take place before we do any outsourcing. As laid down in the agreement, there will be interaction and dialogue with the trade unions.

Water will remain as a public utility in public ownership; this is understood. However, water metering is part of the programme for Government and memorandum of understanding with the troika.

## Public Sector Reform

4. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will outline new initiatives undertaken since 31 March 2012 in respect of shared services across the public service and the associated cost savings; and if he will make a statement on the matter. [51814/12]

**(Deputy Brendan Howlin):** The shared services programme, as set out in the public service reform plan, is being implemented incrementally. Good progress has been made since the end of March, principally in respect of the following; a shared services transformation unit has been established within my Department and is working with nominated senior officials to ensure ambitious and robust plans are developed and implemented in the other key sectors of health, education, justice, defence and local government; a shared service entity, PeoplePoint, has been established for administering transactional Civil Service human resources and pensions activities; a base-lining exercise of Civil Service payroll, which describes the processes, systems and estimated costs of current provision, has been completed and the business case is now being developed; a base-lining Civil Service financial management and banking services has recently commenced; a high level review of procurement has been conducted; and the appointment of a chief procurement officer is in train.

Based on experience from abroad, a shared service centre cannot deliver savings until it is fully established and stabilised. This typically takes two years and the payback period is usually four years. For this reason, it is not possible at this stage to provide information on actual savings. That said, I am satisfied with the progress made to date. An ambitious transformation plan is being implemented for the Civil Service and the shared services transformation unit is working with nominated senior officials to ensure similar plans will be implemented in the other key sectors of health, education, justice, defence and local government.

We are building the appropriate expertise, engaging with each key Department in a structured way and ensuring that decisions will be based on strong evidentiary platforms derived from baselines and business cases. International experience shows that this is the best way to realise maximum benefits from shared services over time.

**Deputy Sean Fleming:** Was the Department's new shared services transformation unit involved in the establishment of Student Universal Support Ireland, SUSI? The new service, which was established at considerable cost to provide shared services among the various agencies processing third level grants, is a disaster. While I agree that services can be provided more efficiently, does the Department have sufficient internal competence to ensure shared service initiatives work? Last week, officials from the Health Service Executive appeared before the Committee of Public Accounts to discuss public sector allowances. The HSE chief executive designate, Mr. Tony O'Brien, indicated at our meeting that with eight payroll systems operating in the health service, it is not possible to obtain timely information because the systems are

dispersed throughout the country. Shared services in the HSE, the largest employer in the State, are urgently required. The Department's shared services transformation unit should work on this issue if it has the necessary capability.

Some local authorities have produced a programme for shared services. My local authority, Laois County Council, is seeking to have one organisation provide all payroll and pension services for all local authorities, with the possibility of having shared human resource services rolled out subsequently.

I am surprised by the Minister's statement that the system will not deliver cost savings for the first two years of operation. While a set-up cost is to be expected, people will be shocked to learn that it will take a further four years to recover the initial outlay. It appears that savings will not be achieved for six years. Greater efficiency is required to ensure repayment is made to taxpayers more quickly.

**Deputy Brendan Howlin:** I will address the Deputy's final point first. Having examined international best practice, we found that, on average, the payback period is approximately four years. Savings, albeit not necessarily in cash, will be achieved immediately. Having accelerated the transfer of activities into the PeoplePoint human resource management entity, we estimate this initiative will achieve an immediate 20% saving in staffing. However, as we do not sack people in the Civil Service, the staff affected will be redeployed and the reduction in staff cannot, therefore, be counted as a saving. PeoplePoint is operating much more efficiently than the previous system and allows staff to do other front-line work.

The Deputy asked a question about Student Universal Support Ireland, SUSI. My Department was not involved in this project, for which preparation work commenced some time ago, and I am not familiar with the details. It is a matter for the Minister for Education and Skills. We are carefully evaluating the shared services we are structuring and doing a baseline analysis of data, after which we will do a business case. We are acting in a robust manner and know what we are doing.

*3 o'clock*

We have recruited people with expertise to run these services. Designated senior officers in each sector will be responsible. We will have a dialogue on the reform plan, but we are progressing in a structured, measured and visible way.

**Deputy Sean Fleming:** I am satisfied with the principle of shared services. Given the fact that 40 local authorities each have different systems to do the same work, there is scope. After people have received their third level grants in January, the new shared service transformation unit needs to find out what happened in Student Universal Support Ireland, SUSI, to prevent a recurrence. The Minister seems to be saying that it is a matter for the Department of Education and Skills. However, he is embarking on a programme of shared services across the public service, and one of the most public and largest operations under that heading has caused a disaster. This is notwithstanding the fact that it commenced prior to his Department coming into being. If the Department learns nothing by next February except how to avoid repeating such mistakes, it will have been a good period's work. I advise the Minister to take a hands-on approach, to learn the lessons and to have his Department and not just the Department of Education and Skills examine the matter.

**Deputy Brendan Howlin:** The Deputy has made a fair point. I will ensure that we learn

from the analysis of whatever failings, faults or mistakes occurred in the processing of student grants so that the lessons can be applied generally across the other shared services on which we embark.

### **Budget 2013**

5. **Deputy Stephen S. Donnelly** asked the Minister for Public Expenditure and Reform if he will outline the way the forecasted €2.25 billion cuts for Budget 2013 will be distributed across Government Departments; if he will outline the processes and analysis used to determine this distribution; and if he will make a statement on the matter. [51921/12]

**Deputy Brendan Howlin:** In the Comprehensive Expenditure Report 2012-14, CER, published in December last year, I set out the various elements of the Government's medium-term expenditure framework. A key element was the introduction of ministerial expenditure ceilings, which are three-year allocations of current expenditure to each Minister. The Ministers and Secretaries (Amendment) Bill 2012, which was published on 28 September, will when enacted provide the legislative change necessary to put these ceilings on a statutory basis.

The Government took account of a wide range of often competing considerations and policy priorities to decide on the balance between priorities in setting these parameters. The CER set out the main results of this process, while the individual papers produced by Departments give more detail on the analysis underpinning the final ceilings. These papers are available on my Department's website.

The ceilings published in the CER form the basis upon which the detailed 2013 expenditure allocations are being decided by the Government. The precise composition of the 2013 budgetary consolidation will be set out in the budgetary statements on 5 December. In this context, the aggregate levels of expenditure are split by reference to ministerial Votes and the detailed disbursement of the resources within their allocations is a matter for each Minister in accordance with overall agreed Government policy.

It is my intention to undertake a comprehensive expenditure review process every three years. However, I do not intend that the role of evaluation should come to a halt in the years between these large-scale formal expenditure reviews. Rather, the new public spending code introduced by my Department will ensure that ongoing evaluation becomes an integral part of expenditure policy.

The role of evaluation was further enhanced by the introduction earlier this year of the Irish Government Economic and Evaluation Service, IGEES. The work of the service will support each Department in evaluating policy and expenditure options.

I draw the Deputy's attention to the new whole-of-year budgeting process that is currently under way. I discussed it with the Deputy at the committee meeting. All Dáil select committees have the opportunity to participate in the annual Estimates process in an *ex ante* fashion with Departments. This process introduces an important new dimension of accountability that will enhance the role and the policy relevance of the select committees.

**Deputy Stephen S. Donnelly:** I thank the Minister for his detailed response. I appreciate that he is trying to move in the right direction. I participated in the finance committee's

examination of his Department. He will probably agree that it was useless. There was no accountability for the Department's increase of the CER by €88 million. The data we examined were not rigorous. My understanding is that the same frustrations were heard from the other Departments.

In February, the Minister stated that we had an open and more modern budgetary process that allowed the Dáil to be fully involved in expenditure policy. That is not the reality. Deputy McDonald asked a fundamental question about whether the Government will conduct an equality impact assessment of the budget. I have asked whether there will be a regulatory impact assessment, a gender impact assessment or a poverty impact assessment. The Minister did not answer my question.

As the Minister is aware, the OECD rates our budgetary process as the second worst in the developed world. In particular, it points out that the Parliament has no time to interrogate a budget before the latter is presented as a *fait accompli* by the Government. In two weeks time, the Minister and his colleague, the Minister for Finance, will address the Dáil, but that will be it. We score zero out of ten in that regard. The OECD also scores us zero out of ten in terms of the quality of information provided to allow us to interrogate the budget.

I appreciate that the Minister is trying to modernise an archaic, useless system. Specific to the upcoming budget, will there be a regulatory impact analysis, a gender impact assessment and a poverty impact assessment? If so, will we have them before the budget?

**Deputy Brendan Howlin:** In our discussions, I have found the Deputy to be process-focused, that is, on regulatory impact assessments and so on. The Government has published ceilings of expenditure and, through the CER, set out policy options. We must select from these options to achieve the ceilings. This process does not require regulatory impact assessments or anything else in terms of the participation of Members of the Oireachtas. There is a marked reluctance by Members to drill down into the detail and, as I had hoped since the start of this year, consider the sum of money available, examine the policy options and recommend a number of them.

The Deputy promised to make a pre-budget submission. I undertake to examine it carefully. However, we are two weeks away from the budget. He needs to publish his submission sharply if it is to have an impact.

This is the first year that we have had this process. I agree with the Deputy that it has not been successful. I hope that, at the beginning of next year, committees can set out in any shape or form they like the data that they require. However, I do not want people to become absorbed in the process. Equality proofing and so on is important and will be done, but one must eventually get off the fence and recommend policy options to achieve the difficult financial objectives that we must meet.

**Deputy Stephen S. Donnelly:** We must meet them and I assure the Minister that I am not obsessed with process. I am obsessed with getting the right information. There is a large national protest of people with intellectual and physical disabilities and their carers. They are terrified that the Minister or his colleague, the Minister for Health, Deputy Reilly, might decide to cut a further €54 million from them. They do not know whether it will occur because there is no draft budget to interrogate.

In other countries, parliaments and citizens are given draft budgets three months before

budget day. They take the form of technical appendices containing the governments' proposals and the impact of same on people with disabilities, people living in poverty and children who cannot get enough food. The parliaments and civic societies engage with the governments on the draft budgets. This is not the case in Ireland.

I am not interested in ticking boxes. I am interested in this Parliament being able to fulfil its constitutional role, which is to consider the Estimates. This is not the case currently.

**Deputy Brendan Howlin:** I had hoped that the Deputy would have a more ambitious role than to critique someone else's proposals. When I was on that side of the House, I fought for parliamentarians to have the ability to table our own ideas. If the Deputy believes that the disability sector should be preserved, he should table alternatives that exclude it from cuts. This is what being a robust parliamentarian means.

In our budgetary documentation last year, we published the medium-term financial framework. We have updated it for the next three years. The Deputy knows the ceilings, how much money we have, the breakdown between tax and expenditure and the breakdown between current and capital expenditure. He should propose measures. We also provided the Deputy with the comprehensive review data of all the options and the costings for them. If he wants any more, he should ask for them.

**Deputy Thomas P. Broughan:** They are depressing options.

**Deputy Brendan Howlin:** They are all bad options. Deputy Broughan is right but that is the awful state we are in. I am asking people, if they want Parliament to be Parliament, to make the decisions. They should not say this is what we should not do but they should say this is what we should do. Let us see the Deputy's proposals to meet the thresholds we are obliged by our funders to reach. As I said, I look forward to seeing Deputy Donnelly's draft submission so that I can see the policy options he is recommending.

## Other Questions

### National Lottery

6. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform the position regarding the tendering process for the National Lottery licence; the date on which a decision will be made; and if he will make a statement on the matter. [51432/12]

**Deputy Brendan Howlin:** On 4 April 2012, I announced that the Government had decided to hold a competition for the next national lottery licence and that the licence will be for a 20-year period. Since April, my Department has carried out a considerable amount of preparatory work for the competition. It will be necessary to revise the National Lottery Act 1986. The Government has approved the general scheme of the National Lottery Bill 2012. The general scheme has been sent to the Office of the Parliamentary Counsel to the Government. It is my

intention to seek Government approval for the Bill in the current session and, subject to Government approval, the Bill will be published shortly afterwards. In tandem with the publication of the Bill, I will set out a scheduled timeline regarding the competitive process for the next licence.

**Deputy Thomas P. Broughan:** A key concern citizens have is that given the national lottery is, to some extent, a licence to print money, it may be a classic case of selling off the family silver. The lottery has raised approximately €4 billion for good causes and yet in media reports, the Minister seems to be talking about an up-front fee for 20 years of only €400 million to €600 million. Is that any kind of a decent deal for the people?

Is the Minister taking the right approach? Would some sort of annual licensing or some sort of seven-year up-front licensing have been a better approach? Is the 20 years set in stone? Why is it 20 years? Camelot in the UK operated on a seven-year licence and it got an extension. An Post operated on a ten-year licence and it also got an extension.

Why has there been such a delay? We were expecting the legislation on this last month and now we are talking about June 2013. Has the Minister had discussions with any of the major operators we are familiar with in Europe, such as Camelot or Lottomatica, the Tatts group or the other large operators, some of which we are involved with in the euro millions scheme?

In the context of An Post, has the Minister had any consultations or discussion with the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, given that the future of An Post is so difficult because of the evolution of e-mail, web-based mail and so on? Has the Minister discussed the matter with An Post? Has he looked back over the experience An Post has had over 25 years in very successfully raising €800 million per annum?

Does the Minister have a baseline figure in his mind which any prospective tenderer would have to be prepared to give to the State? Would it be the current 30% plus for An Post or will the Minister go with Camelot's approach of 28%? Is this set in stone? Is the Minister embarked on the right course or is this a bad deal for Ireland?

**Deputy Brendan Howlin:** I will answer the Deputy's last question first. It is not a bad deal for Ireland. I would not do it if it was not a good deal for Ireland. There were a few misconceptions in the Deputy's long set of questions. He talked about the up-front fee which I expect to use to build the national children's hospital and he set that against the good causes. The good causes money is separate and the total volume of money for good causes provided by the national lottery last year was 30.5% of total take. I would put that into the base Act - it cannot be less than that going forward. We cannot get less than that and I would hope we would get more than that. In terms of the €4 billion the Deputy spoke about, we will at least get that in the coming years as long as the volume of turnover for the lotto is maintained. Some of the franchisees were concerned. I told them I would maintain in law their 6% stake. Many small shops and so on depend on it. This is good all around.

The Deputy asked me if I had discussed it with other operators. I have not discussed it with Camelot. I am not interested in involving myself in the process. I set up protocols and I published them as soon as I made the decision and brought my proposals to Government so that I would not be involved in the allocation process at all. I am obliged by European law to tender for this licence. One cannot just award a licence like this.

The only issue is what is the best value for it. I have been told a 20-year licence will maxi-

mise the value, because there is a very significant input into software and computing technology involved in this. The longer the lifeline one gives to ensure one gets value for that, the better and more attractive the proposition becomes and the more money one can get up-front for the State, and God knows right now the State needs capital for these purposes. I will be obliged to revise the legislation and we will have a full and open discussion on it.

The Deputy asked if I had discussed it with the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte. This was a whole of Government decision, so obviously every member of Government had full involvement in it. As I said previously, although I do not know because I have excluded myself from the licensing award process, I would be surprised if An Post was not one of the tenderers for this. It might see this as a stand-alone or as a proposition for which it might bid.

**Deputy Thomas P. Broughan:** What kind of fee will Davy Corporate Finance earn from this? Have any potential operators been excluded at this stage? Will Davy Corporate Finance meet operators during any tendering process? Could people in the Department or in An Post not have independently carried out this e-tendering process? We have had grave problems with the e-tender website in a number of other tendering matters and some tenders seem to be like the fourth secret of Fatima. The Minister knows about one competition and prospective bidders trying to get information.

The period of 20 years referred to is a long time. I am coming to the end of my 20th year as a Member of this House. It is a long time and the House has changed incredibly. The Minister of State, Deputy Hayes, might even be leader of Fine Gael by the time this-----

**Deputy Brian Hayes:** Deputy Broughan might be leader of the Labour Party.

**Deputy Thomas P. Broughan:** Hopefully, although sooner rather than later.

**An Leas-Cheann Comhairle:** You might even do better.

**Deputy Thomas P. Broughan:** What is the deal for Davy Corporate Finance?

**Deputy Brendan Howlin:** I have already answered that question in response to a priority question. There are conditions in the Davy contract in terms of timelines and things to be fulfilled. The payment will be dependent on those being achieved. I have said I will give a full account of what is paid once the tendering process is completed by the middle of next year.

I have tried to exclude myself, so I have not discussed this process with An Post or anybody else. I should be at arms length from it. I simply want the design of it to be robust, want good value for the Irish taxpayer and want the process to give us money up-front in the short term and at a time when we are desperately short of capital to get people back to work in construction and to build a national children's hospital for the children of Ireland on which we can look back with pride not only in 20 years time but, hopefully, in 40 or 50 years time and say that this Dáil at this time did one magnificent thing, that is, to provide a flagship world-class hospital for the children of Ireland. That is important.

## **National Procurement Service**

7. **Deputy Charlie McConalogue** asked the Minister for Public Expenditure and Reform if

he is satisfied with the work of the Central Procurement Function; the savings that he expects it to achieve; and if he will make a statement on the matter. [51641/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The National Procurement Service, NPS, was established in April 2009 on foot of a Government decision assigning responsibility for procurement to the Minister of State at the Department of Finance with special responsibility for the Office of Public Works. All functions of the former Government Supplies Agency were subsumed into this newly established unit. The NPS is tasked with centralising public sector procurement arrangements for common goods and services not including the construction sector. It has also become a centre of excellence for the provision of procurement advice and implementing procurement policy in line with best practice and Government initiatives, including the continued development of e-procurement strategies. Through the aggregation of demand for common goods across the public sector the NPS can leverage the market, ensuring potential suppliers can offer significant cost savings on the products being tendered for through volume discounts. The NPS has reported estimated procurement savings to the end of 2012 under its frameworks of €127 million, comprising €14 million in 2010, a further €36 million in 2011 and projected savings of €78 million for 2012. The e-Tenders website generates estimated administrative savings of on average €10 million per annum.

**Deputy Sean Fleming:** I tabled this question so there could be a general discussion on the issue. The reply is quite vague and I would like more information on the outcomes. The Minister referred to savings of €78 million to the end of this year, but are targets set by the central procurement facility for each line Department and are they available, or is it done centrally through the Office of Public Works? Perhaps the Minister would give the timescale for that. When something is being tendered, does the Department do it internally or externally and how does the Department make the call? Earlier, we talked about shared services internally. Sometimes it is possible to do it externally, although some people have reservations about it. However, if it is not a core activity of the organisation, such as administration, sometimes some of it could be done cheaper externally. The HSE representatives told the Committee of Public Accounts last week that the HSE was considering outsourcing the payroll and human resources, HR, facility in the HSE if it appears to be the right thing to do from a cost point of view. Does the Minister have any public sector and private sector comparators to decide which route to be taken? Was that done in respect of SUSI, Student Universal Support Ireland?

My final question is the hardy annual one about Garda cars. The Minister is familiar with the requirement that the cars be taken off the road at 300,000 km. I asked the chief superintendent at the joint policing committee in my constituency about that recently. He said it is national policy but, as he pointed out, no car in Ireland is better serviced and maintained than a Garda car because it must be in good condition. He thinks it is a tragedy and I do not know any garda who does not also think it is a tragedy. We are told this is because of procurement. The Garda Commissioner is grateful for the new cars this year and next year but do the tender documents sent by the Minister's office for those cars specify the 300,000 km requirement? The Department says the industry will not guarantee it, but how can four different companies all fix on the same figure? It has been stated at Oireachtas committee meetings by senior figures in the Department that the 300,000 km figure has been set by the industry. If it is not set by the industry, why is the Department setting it in the tender documents?

**Deputy Brian Hayes:** The Deputy is correct, we have ambitious targets for procurement. If we are to reduce public expenditure, public sector procurement has a key role. A recent report

from Accenture, which the Government accepted, shows that over a three year period between €250 million and €630 million can be saved by better public procurement. What has happened to date, and I believe I mentioned this at the last committee meeting, is that with the national procurement service established we set up frameworks for things such as energy, postal costs, State advertising, to manage print services and so forth. We have these frameworks but we have not had the buy-in to date from all of the public sector to use them where the discounts are available. The first decision the Government took in July this year was on a mandate to ensure that the centralised frameworks were put in place and are being used. We have told all public sector procurers, of which we have too many and I am on record for saying that, that these frameworks are in place, they are huge value for money and we are now telling people to use them or explain to us why they are not being used.

Second, as the Minister said recently, we will shortly make an announcement about a new head of procurement, and the procurement section will be under the Department of Public Expenditure and Reform. We will be able to drive the process because we now have the tools to do it.

I will see if I can organise a meeting with the Deputy on the question of Garda cars. My understanding is that the task of the NPS was simply to establish a framework and the Garda would decide what it would do on the basis of value for money. It is never the task of the NPS to make those decisions. Its task is to cut out the administration, get more discount through the frameworks and to ensure that the public sector providers use those frameworks. Enormous savings can be made here and I am confident that we are getting our act together in this regard now that the mandate is in place.

**Deputy Sean Fleming:** I will take up the offer of a meeting about the Garda cars. I have heard conflicting reports at the various meetings I have attended from the Garda and the Office of Public Works. One passes the buck to the other. The biggest issue in the past was when there was no volume discount as part of the arrangement. That is fine if one is buying 50 cars but if one is buying 70 or 80, there should be a lower unit cost. That was not the case in the past.

**Deputy Brian Hayes:** I will organise the meeting for the Deputy.

### **Expenditure Reviews**

8. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the discussions he has had with the Department of Health and the Department of Social Protection in respect of current expenditure overruns in 2012; the processes he will be put in place to prevent a recurrence in 2013; and if he will make a statement on the matter. [51625/12]

**Deputy Brendan Howlin:** In the Comprehensive Expenditure Report 2012-2014, CER, published in December last year, I set out the various elements of the Government's new medium-term expenditure framework, MTEF. One key element was the introduction of ministerial expenditure ceilings, which are three year allocations of current expenditure to each Minister and Department. This innovation is intended to put the planning and management of current expenditure onto the same footing as capital expenditure, which has been managed on a multi-annual basis since 2004.

The 2013 ministerial expenditure ceilings were introduced on an administrative basis and

now form the basis upon which the detailed 2013 expenditure allocations are being decided by the Government. In keeping with an EU-IMF programme commitment in this regard, the administrative ceilings are to be put on a statutory footing. This will be done in the Ministers and Secretaries (Amendment) Bill 2012, which was published on 28 September. In essence, the Bill provides for the power of the Government to set out an overall ceiling for aggregate current expenditure for each of the following three years and for the aggregate ceilings to be apportioned into ministerial expenditure ceilings on the basis of a proposal from the Minister for Public Expenditure and Reform. The annual Estimates of expenditure must in turn not exceed the overall limits set out by the Government.

Officials in my Department are in regular communication with line Departments with regard to monitoring current expenditure. Departments and offices report on net current expenditure issues from the Exchequer immediately prior to the end of each month and these figures are monitored against the published expenditure profiles. In addition, officials from my Department meet regularly with these Departments to hold joint financial performance management meetings to monitor financial progress.

**Deputy Sean Fleming:** The Minister said the ceilings are in place on an administrative basis and will be put on a statutory footing, and that it will be a three year framework. Does that mean, in practice, that if the Department of Health gets €45 billion, for example, over three years, it can spend what it wishes in the first two and it is €10 billion short in the third year but there will be a new Government that will look at it again? What brake is there on a Department that is overspending? I realise we have to accept that with demand-led Departments but, aside from that, is there such a mechanism in place? It must be in place for the end of January, February, March and so forth, not in July and September. It is always in the summer, half way through the year, when it is too difficult to do anything in terms of achieving cutbacks. This has happened every year but I see no sign of any improvement. The troika sought to meet the two Departments it had listed the last time it was here for a good reason. We should use the troika against those Departments. This possibly relates to what the HSE said at the Committee of Public Accounts, which is that it has a different accounting system. It might not be possible to get good information together in different Departments and perhaps legislation proposed here on budget day in respect of savings does not always get implemented. There should be firmer action on this.

**Deputy Brendan Howlin:** We are moving to a much clearer budgetary structure than existed heretofore. I will deal first with multi-annual frameworks. It is not a case of handing out the money for the next three years. These are the horizons of expenditure that we expect. Obviously we must generate sufficient money each year. We do not give them an advance payment for next year; we are hard set to find the money for 2013, without giving them an advance payment for 2014 and 2015. However, we give the ceilings. The Deputy will remember the situation previously with capital expenditure and what happened if a Department had capital at the end of the year which it could not expend because of planning delays or something else. I remember the Department of Education and Skills bought computers or the like one year because it could not spend it on schools and it had to use the money. That is bad and crazy. The previous Government did away with that by having multi-annual frameworks whereby expenditure, if it was not spent, carried over. It does the same on the current side because not everything can be expended in that way. In the agriculture sector, payments and planning can flow into the next year or we can reprioritise matters at the end of the year. It gives flexibility to line Ministers, within agreed frameworks, to spend money in as prudent and as wise a way in

accordance with Government policy.

With regard to monitoring, I bring a monthly report to Government. I brought the October report to the Government this week. We monitor every line Department's expenditure profile month on month and it is discussed at Cabinet on a monthly basis.

**Deputy Mary Lou McDonald:** The multi-annual framework is the way to go for the reasons to which the Minister alluded. In respect of the Department of Health, what plans does the Minister have to bring forward a supplementary budget? The House was notified of four such supplementary budgets. The documentation circulated to us indicates that a supplementary budget will be forthcoming in respect of health. When will that happen and what will be the quantum?

**Deputy Brendan Howlin:** It is likely there will be a supplementary budget for health. I am having a bilateral meeting with the Minister for Health after this session.

**Deputy Mary Lou McDonald:** I thank the Minister for clarifying that there will be a supplementary budget. I will make an observation to the Minister.

**An Leas-Cheann Comhairle:** It is Question Time.

**Deputy Mary Lou McDonald:** Putting in place a system of multi-annual budgeting and planning is the right thing to do but it only works if the Government funds and projects in an accurate fashion. The budgetary overrun in the Department of Health is huge. On the one hand, the Government proposes to cut more from the budget and on the other hand we are faced with the bizarre situation of a supplementary budget days from the announcement of the 2013 budget. I offer that to the Minister as an observation on the complete mismanagement of the health budget.

**Deputy Sean Fleming:** We spent a lot of time talking about the Estimates procedure. One can argue that there was not necessarily overspending in the Department of Health this year but under budgeting. The budget was wrong and flawed, which is what we said on 5 December last year. We knew the budget was not genuine and the allocated amount was lower than what people in the industry, outside the Department, knew to be the case. We said the budget was not valid. The Government needs to get an accurate budget at the beginning of the year, which did not happen in health this year.

**Deputy Brendan Howlin:** The health budget was of the order of €13.5 billion. It is a multifaceted, complex system that is demand-led. We cannot guarantee that the pressures on hospitals can be accurately forecasted, nor can we do so for the number of people applying for medical cards or any of the other variable factors. I do not yet know the quantum of the Supplementary Estimate but it will be a tiny fraction of the €13.5 billion. It is a little much to say that we did not allocate sufficient funds. It is very difficult to do but we will do it more accurately. The HSE is transforming itself to have more accountable timelined controls and we will see the follow-through next year.

## **Departmental Expenditure**

9. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform his preferred options in respect of public expenditure curtailment and reform through the public

service over the next two years; the full extent of savings to date achieved arising from commitments entered into prior to or since the EU bailout; the degree to which he expects to achieve further economies in the coming years; and if he will make a statement on the matter. [51598/12]

46. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he has examined the impact of the budgetary cutbacks which he inherited from his predecessors throughout the spectrum of the public services; if delivery of some element of public service has been more severely affected than others; if he will introduce any particular initiatives to address any such issues; and if he will make a statement on the matter. [51597/12]

97. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which economies achieved by his Department in each of the past three years to date have been achieved by way of direct cuts in expenditure, savings or other means; if any particular evaluation has been done to ascertain the most cost-efficient and effective strategies; and if he will make a statement on the matter. [51903/12]

98. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he expects to be in a position to reward or incentivise Government Departments or authorities, State or semi-State bodies that have achieved particularly satisfactory results over the past four years to date in respect of targets set to achieve savings or cuts in public expenditure; and if he will make a statement on the matter. [51904/12]

99. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which particular Government Departments or bodies under their aegis have achieved particularly impressive results in terms of savings or cost-cutting with the minimum job losses in the course of the past twelve months; and if he will make a statement on the matter. [51905/12]

100. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which targets set by his Department in terms of budgetary cutbacks and savings arising from the Memorandum of Understanding entered into by his predecessors have been achieved in each of the past three years to date; the extent to which he expects the remaining targets to be achieved on time; and if he will make a statement on the matter. [51906/12]

101. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which the running costs of all Government Departments and their respective public or subsidiary bodies have achieved targets in terms of costs or spending cuts over the past three years to date; the extent of the scope remaining, if any, throughout; and if he will make a statement on the matter. [51907/12]

102. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform arising from discussions he has had with his EU counterparts, the degree to which savings and expenditure cuts achieved by his Department compares with other EU countries both within the Eurozone and without; and if he will make a statement on the matter. [51908/12]

103. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform having regard to the most recent discussions with the Troika, if he and they are satisfied with the achievements to date and the future potential for savings; if any particular emphasis has been placed on the specific means of achieving targets in the course of such discussions; and if he will make a statement on the matter. [51909/12]

105. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform

the means by which the greatest savings have been achieved throughout all Government Departments; if by reform or direct budgetary cuts; and if he will make a statement on the matter. [51911/12]

**Deputy Brendan Howlin:** I propose to take Questions Nos. 9, 46, 97 to 103 inclusive, and 105 together.

**Deputy Sean Fleming:** Can the Minister list the questions again?

**Deputy Brendan Howlin:** These are all the questions in the name of Deputy Bernard Durkan. He is a very diligent Deputy.

**Deputy Mary Lou McDonald:** Prolific.

**Deputy Brendan Howlin:** The Government is making good progress on achieving all of our targets and priorities, as set out in the Government programme. We are bringing public expenditure back to a sustainable level and driving forward the public service reform agenda to ensure efficiencies and reformed work practices play a full part in contributing to the overall budgetary consolidation effort.

When determining fiscal policy, the Government has to take account of a wide range of often competing considerations and policy priorities. The Government decides on the balance between these priorities in setting the broad budgetary parameters - the overall budgetary balance, taxation priorities and the aggregate levels for expenditure. The comprehensive review of expenditure was the culmination of an intensive exercise carried out by all Departments in 2011 to identify means of reducing expenditure in line with commitments under the joint EU-IMF programme of financial support, while minimising the impact on service delivery. All proposals, including those from members of the public and third party submissions, were fully appraised for the exercise and the outcomes were published in the Comprehensive Expenditure Report 2012-2014.

The 2013 ministerial expenditure ceilings were introduced on an administrative basis and I intend to migrate it to a statutory basis. The precise composition of the 2013 budgetary consolidation is a matter for Government, the details of which will be announced in the House on 5 December. In keeping with an EU-IMF programme commitment, the administrative ceilings are to be put on a statutory footing, which will be done by legislation brought to the House this session, I hope.

The substantial fiscal consolidation implemented in 2011 was part of the reason for the reduction in the underlying general Government deficit, from 10.7% of GDP in 2010 to 9.1% of GDP last year, well within the EU-IMF programme target of 10.6% of GDP. This result was attained despite weaker domestic demand, reflecting the Government's strong revenue administration and firm control of expenditure. All end-quarter Exchequer primary balance and central Government net debt targets set out in the programme have been met.

The central expenditure evaluation unit, CEEU, within the Department of Public Expenditure and Reform promotes best practice in the evaluation of programme expenditure across all Departments and public sector agencies. As part of the comprehensive review of expenditure, the CEEU also produced a series of cross-cutting evaluation papers covering a range of topics that were published on the Department's website in 2011. The role of evaluation was further enhanced by the introduction earlier this year of the Irish Government economic and evaluation

service. The work of the service will support Departments in evaluating policy and expenditure options, value for money exercises, cost benefit and regulatory impact analyses, and regulatory and competition issues. These are many of the points recommended to us by Deputy Donnelly. We have recruited a cohort of people who are being trained in my Department. They will be farmed out, if that is not a vulgar term, to work in Departments.

**Deputy Mary Lou McDonald:** I did not get to read all of Deputy Durkan's many questions.

**Deputy Brian Hayes:** We will send Deputy McDonald a copy.

**Deputy Mary Lou McDonald:** I am surprised the Minister did not allude to his plans for Croke Park nua in respect of future savings. We have not yet had a briefing or account from the Minister on the approach but we have seen the notion of securing a further €1 billion in savings through that mechanism. Will the Minister take the opportunity to say a few words on that?

**Deputy Brendan Howlin:** I am delighted to do so if the Leas-Cheann Comhairle allows me to. I brought a proposal to Government yesterday on foot of the analysis that has concerned me for some time. If someone asked me my greatest concern as Minister over the past number of months, it is the unallocated savings facing the economy next year and in 2014. The medium-term fiscal framework set out expenditure reductions in social welfare, health and across every line Department. At the end of that, a gift from the previous Government is the unallocated savings, which must either be farmed out to individual Departments by making further cuts on top of those already outlined or we must look for another way of dealing with them. I have been grappling with that for some time. My strong view is that we need to look at 35% of all current expenditure, which is the pay bill, to see if we can get more from that.

I am calling this a Croke Park extension. I want to maintain the principles of Croke Park, which are no compulsory redundancies and the maintenance of core pay. We need to get pay savings, however, and I will be tabling a variety of means to deal with that. I have invited the unions to talk to me next week in order that I can set out my stall. The profiling I am looking for is to begin the process of additionality next year. In the existing pay savings profile I am aiming to reduce the pay bill by 20% by 2015, which is a quantum, in net terms, of about €3.3 billion. I am now proposing that we look for an additional €1 billion over those three years so that the annualised pay saving by 2015 would be an additional €1 billion.

This will be challenging and difficult. The way I have set out to do this is through longer working hours in the public service, changing the framework of the working week, and so on. I do not want to be too prescriptive until I have had a chance to lay out my stall to the public sector unions. I will keep the House informed because this is an important endeavour. If we can sign off on an agreement before the middle of next year we can start the savings next year so that public servants will have a sense of security between now and the end of this Dáil. They will know where they are and can spend and work with security. It will also give security to the Government to know that our ambitious target of bringing the public finances into balance, having a deficit of less than 3% by 2015, will be achieved.

**Deputy Sean Fleming:** I thank the Minister for mentioning that issue. The original Croke Park agreement allows for average payroll savings of only 1% for each of the next couple of years, which is quite modest. I note that the Minister has come to that conclusion himself.

The Minister did not mention allowances. Has he moved away from that or has he found the issue to be more complicated than he originally thought? I wish him more success than he

had with his original proposal to deal with allowances.

Public servants with salaries of more than €100,000 should not receive increases in salary. The concept of someone who is earning more than €100,000 getting a pay rise next year, even if it is called an increment, is immoral and should not be tolerated. The people of Ireland will not tolerate it. It might be claimed that increments are part of core pay, but they are not specifically mentioned in the Croke Park agreement and the matter is open for discussion. Nobody could countenance increases in pay next year, by way of increment, for the highest paid public servants. That has to stop.

**Deputy Brendan Howlin:** The architecture of the current Croke Park agreement, which I have defended and worked to the best of my ability, was not of my construction.

**Deputy Sean Fleming:** The Minister praised it.

**Deputy Brendan Howlin:** Absolutely. What I inherited was a useful and important enabler for change. I have said that publicly and I acknowledge that. I have worked the agreement to the very best. It is not, however, a robust enough instrument to get us to where we need to be by 2015.

Deputy Fleming made some points about fairness, with which I would not disagree. However, there is no point in saying I would love to do something, even if it is demonstrably fair, if it is not possible legally or would risk being overturned by the courts.

I do not want to be too expansive in discussions here before I talk to representatives of workers directly which, as a matter of courtesy, I should do. In the context of a new extension to Croke Park, however, I hope to be able to deal with a number of issues that Deputies across the House have, fairly, put on the table. I will keep Deputies informed as we make progress along the way. I hope all Deputies will use their influence to encourage engagement with the process to bring about a conclusion that will be good for public service workers and the public at large and will guarantee that we will get out of our dependency on the troika programme and back to normal funding at an early date.

*Written Answers follow Adjournment.*

### **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) Deputy Regina Doherty - the need to relax the liability of rates arrears in respect of businesses taking over premises that have arrears; (2) Deputy Joe McHugh - the review of the commonage framework plans; (3) Deputy Paschal Donohoe - the steps that can be taken to ensure banks pass on additional mortgage interest relief; (4) Deputy Patrick Nulty - the bombing of Gaza; (5) Deputy Ciara Conway - the need to examine RTE's guidelines in relation to children participating in programming; (6) Deputy John O'Mahony - the procedures used by North East Leader Company, County Mayo, and the effects it has on funding following

the investigation by the Department of the Environment, Community and Local Government; (7) Deputy Jonathan O'Brien - the development and upgrade of Scoil Sailearna, Indreabháin, County Galway; (8) Deputy Mary Lou McDonald - the closure of the Barnardos Buckingham Street family support project; (9) Deputy James Bannon - the potential national fallout of the loss of approximately 100 jobs at Ericsson, Athlone, County Westmeath; (10) Deputy Thomas P. Broughan - the need to ensure 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; (11) Deputy Tom Fleming - the effects of the changes in the management of commonages; (12) Deputy Róisín Shortall - the need to adopt a new area-based approach to tackling child poverty commencing with the ten most disadvantaged communities; (13) Deputy Sean Fleming - the Mental Health Commission's report on St. Fintan's Hospital, Portlaoise, County Laois; (14) Deputy Seán Ó Fearghail - the re-organisation of the Reserve Defence Force; (15) Deputy Pádraig Mac Lochlainn - the restructuring of the Reserve Defence Force; (16) Deputy Caoimhghín Ó Caoláin - the need to discuss already imposed and threatened cuts to supports and services for people with disabilities; (17) Deputy Martin Ferris - the cuts to the Kerry Parents and Friends Association; (18) Deputy Willie O'Dea - the need to tackle waiting times for social welfare applications and appeals; (19) Deputy Barry Cowen - the ongoing problems with the mortgage to rent scheme; (20) Deputy Brendan Smith - the ongoing violence in the Gaza Strip; (21) Deputy Kevin Humphreys - the need to review the cap on rent supplement and the centralisation process currently being implemented for rent supplement; (22) Deputy Mattie McGrath - the role of the public interest directors on the boards of the re-capitalised banks; (23) Deputy Dessie Ellis - care and support for sufferers of narcolepsy as a side effect of being vaccinated against swine flu; (24) Deputy Mick Wallace - the effect of insufficient guidance counselling hours at Gorey community school, County Wexford; and (25) Deputy Aodhán Ó Ríordáin - the establishment of an interdepartmental review group to deal with the consequences of cyberbullying, particularly in a school environment.

The matters raised by Deputies Paschal Donohoe, Barry Cowen, Aodhán Ó Ríordáin and Martin Ferris have been selected for discussion.

## **Topical Issue Debate**

### **Mortgage Interest Relief**

**Deputy Paschal Donohoe:** A Leas-Cheann Comhairle, I thank you for the opportunity to raise this issue, which is the revised measure on mortgage interest tax relief that came out of last year's budget. One of the commitments in the programme for Government was to find a way of expanding the mortgage interest tax relief programme to focus on house buyers who bought their homes between 2004 and 2008. This measure was enacted by the Minister for Finance in last year's budget.

A constituents contacted me early in the year to signal that they were encountering difficulty having the measure applied by their bank. I raised the matter in a parliamentary question with the Minister and directly with the Department of Finance. I was given to understand that there

may be delays, depending on the bank, in the application of the measure. Later in the year, to my amazement and horror, I was contacted by my constituent again to say they were, once again, having trouble with their bank implementing the measure.

Are we aware that, in some cases, we need banks to implement the measure to ensure people can accrue an advantage from the new policy? Are we aware of the considerable delay by some banks in the implementation of the policy? Does the Department actively track banks to ensure that the measure is being passed on? I was stunned, when I was approached by my constituent for the second time, to find that, many months after the budget, the measure had not yet been passed on to them.

**Minister of State at the Department of Finance (Deputy Brian Hayes):** I thank the Deputy for raising this matter. This is a matter for the Revenue Commissioners, who are responsible for the administration of mortgage interest relief through the tax relief at source system.

The Minister for Finance made a commitment in his budget speech of December 2011 concerning a new 30% rate of tax relief on interest paid that would apply to first-time buyers who took out their first mortgage in the period 2004 to 2008. Mortgage lenders provide this tax relief at source to relevant mortgage holders, facilitated by ongoing electronic data file transfers between Revenue and each of the 132 individual qualifying lenders. To apply the new 30% rate, specific technology developments were required to Revenue's computer systems and also to each of the lenders' computer systems. Revenue's systems were upgraded to implement the 30% rate last December and Revenue has since been engaging with the various lenders in regard to their IT enhancements.

Given the short time between the budget and the beginning of the tax year, it was to be expected that the implementation would take some time. However, the Minister was pleased to note that in January last, at the initiative of Revenue, lenders were authorised to grant tax relief at source at an interim rate of 25% to those entitled to the new 30% rate of relief. This was possible because a 25% rate was already a feature of the mortgage interest relief regime and was not dependent on new IT upgrades taking place. In other words, it already existed in the lenders' IT systems. The effect of this initiative was that the 189,011 mortgage holders who were the focus of this Government initiative benefited immediately from at least 25% relief.

The speed of upgrading IT systems has not been uniform across the lenders but, for example, by May, 109 lenders covering 107,664 cases or 57% of beneficiaries had applied the full 30% rate. To date the IT upgrades required to give effect to the 30% rate have been completed by 131 of the 132 lenders, covering 151,466 cases or just over 80% of beneficiaries. These lenders have implemented the increased rate for customers entitled to it, including any arrears. Revenue is in ongoing direct contact with the remaining lender, Ulster Bank, to ensure the additional 5% due to borrowers is paid within the current year as provided for in the regulations governing tax relief at source. While this is not what the Minister for Finance would have wished, the problems which this particular lender had with its IT systems this year are well known and have been described and discussed in the media throughout the year. In the circumstances, it was reassuring that the 25% interim rate was implemented by it. Revenue has advised me that it has received a commitment from the lender that the 30% rate applicable to 2012 will be implemented within the current tax year without requiring any action from mortgage holders.

As regards 2013, unfortunately, Ulster Bank has recently informed Revenue that it will not now be able to fully complete the necessary IT upgrades until March. This is most disappoint-

ing. The bank also informed Revenue that it will continue paying beneficiaries at the 25% rate for the months January to March 2013, inclusive, as it did this year, and will implement the 30% rate correctly, including arrears for the first three months, from April onwards. I hope, as I am sure the Deputy does, that this matter will finally be brought to a conclusion.

**Deputy Paschal Donohoe:** I thank the Minister of State for the detail in his answer. It is much appreciated. There are, however, two elements in the answer that are disappointing and shocking. The Minister of State made the point that by May, 57% of beneficiaries had obtained access to the full 30% rate. What about the other 43%? Are they either only getting it at 25% or not at all? In the case of the constituent who contacted me, he was not entitled to the 25% rate in the first place and therefore might not have gained in any way. Does that mean the 43% who did not get the 30% were getting nothing or 25%?

The situation with Ulster Bank is also extraordinary. It is only from April of 2013, a full year and a quarter after the budget was implemented, that Ulster Bank customers will get the full 30% rate of mortgage interest tax relief. Given that we implemented the measure due to the financial difficulties faced by these people through no fault of their own, it is shocking to find that by May of this year, 43% of banks had not implemented the full measure, despite the fact the Government had brought in the measure in December. I share the Minister of State's real disappointment about this matter. It is extraordinary that the act of changing a percentage level in an IT system would pose such a difficulty that a bank finds itself unable to implement this measure a full year and a quarter after its introduction in the budget.

**Deputy Brian Hayes:** This is a matter of genuine concern. The idea this House, through a financial statement by the Minister for Finance, would provide for additional mortgage interest relief for a group of people who bought at the height of the boom but that it would not be passed on to them because of some IT difficulties is an issue of concern. I spoke to the Minister for Finance about the matter and he will consider the provision of sanctions for lenders where they cannot pass on a decision that would be contained in his financial statement or in the Finance Act. He will consider what sanctions he can bring to bear as a result of this matter.

There are two aspects to this, as the Deputy rightly said. There were those who had not paid by May 2012 but I assume the full amount would be given to the mortgage holders affected, even though they would get it much later in the year. If that is not the case, it is very serious indeed. I also understand Revenue is continuing to work with Ulster Bank, which has had well-publicised IT problems this year. The remaining 20% of outstanding cases are with Ulster Bank, which is a significant mortgage lender. According to the information from Revenue, the first three months of capture next year will be paid by April next year, but that is not good enough. We have made our views known to Revenue, which is engaging with the bank concerned. As I said to the Deputy, if sanctions are applicable, and if further action can be taken by the Minister for Finance, who is concerned about this matter, we will consider that in due course.

### **Mortgage to Rent Scheme**

**Deputy Barry Cowen:** I thank the Ceann Comhairle's office for allowing me to raise this issue. The criticism of the mortgage to rent scheme earlier this week by a High Court judge, Miss Justice Elizabeth Dunne, has prompted me to raise this issue today. Miss Justice Dunne said the scheme was giving false hope and should not be raised in court as an option for borrowers in arrears.

*4 o'clock*

It is seen by many as an indication of the failure to confront adequately the ongoing mortgage arrears crisis. The judge also said that she had read or heard that only one party had availed of the scheme.

The scheme is obviously a very limited measure to address a much larger problem that the Government has consistently failed to get to grips with. Some 218,000 out of 911,000 mortgages are now not being paid on their original terms. Some 11% of those with mortgages are three months in arrears, 5% are six months or more in arrears and approximately 10% are under three months in arrears. The Central Bank issued the figure for those under three months in arrears for the first time in August. It is a social and economic crisis that has been allowed to continue to spiral out of control. The Government received the Keane report more than a year ago and we are still awaiting meaningful action on its recommendations. The recent figures I stated bear out the failure to implement proposals such as split mortgages, shared ownership and now the difficulties and fiasco that arise under this scheme.

The Personal Insolvency Bill lacks the inclusion of an independent arbitrator to ensure that banks co-operate and in the absence of that we feel it will not effectively tackle this crisis. The bottom line is that the Government appears to be failing to provide the leadership required to alleviate the enormous pressure thousands of families face.

This week's criticism of the mortgage-to-rent scheme points to that failure in rising to the challenge of mortgage arrears. In light of that criticism, I wish to ask some questions on the scheme. How many have availed of the mortgage-to-rent scheme? Has it reached the target the Minister of State set when launching it of 100 households benefiting from the scheme initially? Does she still believe that in future years it will be availed of by several thousand households as she originally stated or does she agree with the judge that it should not be brought up as a viable solution to mortgage arrears? If so, how can the criteria be changed in response to this criticism in order to allow it to be an effective tool in the Government's attempts to tackle this crisis?

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** I thank the Deputy for raising the issue. The mortgage-to-rent scheme is a part of the Government's response. I reject his suggestion that the Government is not responding. The Personal Insolvency Bill is proceeding through the Houses of the Oireachtas. The mortgage resolution process in the lending institutions has been set up, as has the advisory service.

My Department is working on the mortgage-to-rent scheme. The Government introduced the scheme on a pilot basis in the spring of this year, with the scheme extended nationwide in June. It targets those low-income families whose mortgage situations are unsustainable and where there is little or no prospect of a significant change in their financial circumstances in the foreseeable future. The aim of the mortgage-to-rent scheme is to ensure that families in such circumstances can remain in the family home, while ownership of the property transfers to an approved housing body which in turn rents it to the original owner. The administration of this scheme requires a collaborative approach between the borrower, lenders, approved housing bodies, the Housing Agency and the local authority sector, with the Housing Agency overseeing the co-ordination of applications. The establishment of processes within these various bodies

was effected promptly by all parties and we are beginning to see the fruits of these labours now. It is important to point out that a number of bodies are involved in this and it involves transferring ownership of the home, which is complex.

I will answer some of the Deputy's questions. To date, 546 cases have been submitted to the Housing Agency, of which 188 were ruled out due to ineligibility for various factors. Some 254 cases are being progressed through the system, with a further 96 closed during this process as they were declined by one or more stakeholders. Further information or clarification is being sought in respect of 15 more, while I hope that seven applications will see successful completion imminently - we expect them to go through very quickly.

While I acknowledge that the number of transactions completed to date is low, all of the main lenders and the so-called sub-prime lenders are now fully engaged in the process. It is also important to note that the transition from being a home owner to a social housing tenant is a major one for families. Mortgage to rent, and other such interventions, cannot be rushed. My Department estimates that the overall timeframe per case, from start to finish, will be up to eight months and, as I said, the scheme was only introduced in June. This compares favourably with timeframes in other jurisdictions operating similar schemes.

Recent media reports that cast doubt on the efficacy of the mortgage-to-rent scheme are wide of the mark. It is a new scheme that will deliver a real solution for many hard-pressed low-income families. The process takes a number of months and, as a result, completion figures at this stage do not reflect the volume of work being undertaken or the good results for families whose applications will be finalised over the coming months. The process involving legal transactions takes several months, involving willing participants on both sides. We have now got some traction and, as I said, more than 200 applications are in process. We expect that some of those will cross the line very soon. However, a significant number will become operational next year. It is a real solution for families who are right at the end of their tether in not being able to pay their mortgages and it allows them to stay in the family home, keep children in the local school, etc. It is a good solution for many families.

**Deputy Barry Cowen:** I thank the Minister of State for her response and her efforts in researching the issue and outlining the various figures she mentioned. One or two things jump out at me. I accept her explanation in the sense that while it was initiated in January, it was merely a pilot scheme that was brought nationwide in June and that there are time issues in getting it placed on the table. Based on the Minister of State's answer, this scheme was recognised as a viable option in 546 cases and those people made an application for it to be a solution to the crisis in which they found themselves. While she said that more than 200 are still going through that process, she said that seven might reach a successful conclusion.

**Deputy Jan O'Sullivan:** Imminently.

**Deputy Barry Cowen:** Imminently. If that is the case, can she not understand the frustration of the judge who said this week that based on such figures it cannot be mentioned in court as being a viable solution to the problems of those standing before her? We can learn from mistakes. We can learn from decisions that were rushed. We can learn from information being passed on by other Members of the House. The eminent person sitting beside the Minister of State is one of the first I have seen in recent times to put up his hand and admit to mistakes that have been made. I do not mean to be facetious in that comment. That aside, would the Minister of State not revisit the scheme's criteria to look at those who have not been and are not likely

to be successful, and why that is the case? Could the scheme be altered so that those applicants could have a solution? I know there is an issue with it being a major decision. However, 546 people looked at it and regarded it as having the potential for offering a solution.

**Deputy Jan O’Sullivan:** We are certainly willing to learn from what is a totally new scheme. Initially officials from my Department worked with individual cases until we rolled out the national scheme in June. Initially, it was mainly the sub-prime lenders that engaged with the process - the main lenders did not want to know much about it at the start. However, they have now all come in and there is definite traction on it. I do not wish to comment on what the judge said. While I do not want to give anybody false hope, I genuinely believe this is an option that will work for certain families who otherwise would be evicted from their homes or would be in a far worse situation than they would be under the mortgage-to-rent scheme. It is a genuine solution for those families.

I want to see provision in this respect move as quickly as possible for each individual case but it involves lending institutions, individual family decisions, the voluntary housing sector and the local authorities. It is a complex process to transfer the mortgage through the public system to a voluntary housing association which then rent on to the person who originally had the mortgage. It is a complex system. It has been worked out very carefully. To qualify for it, one must qualify for social housing. One’s house has to be under a certain value and one has to have reached the end of a mortgage resolution process with one’s lending institution. One would have had to try all the options available to make some kind of settlement in paying one’s mortgage. It will not work for everybody but it is a solution for people who are genuinely in that desperate situation where they could stand to have move out of what has been their home. I am willing to see if there is any way we can improve the scheme that we have because all of us in this House want to make sure that we find solutions for the families who are in distress.

### **Bullying in Schools**

**Deputy Aodhán Ó Ríordáin:** I thank the Ceann Comhairle’s office for affording me the opportunity to speak on this matter and I thank the Minister for coming into the House to address this issue. I am sure all Members would agree that cyberbullying is a major and increasing problem. We are mindful of the families of Ciara Pugsley and Erin Gallagher who reportedly died by suicide as a result of cyberbullying in the recent past.

I received responses to two parliamentary questions recently, one from the Minister’s Department and one from the Department of Justice and Equality. The Minister’s Department indicated that a working group is due to report by the end of November and, in fairness, it has been quite proactive in addressing bullying and is taking the issues in regard to cyberbullying quite seriously. Any fair-minded person would say that schools are not the only answer to tackling bullying. Children do not live in school, they live in communities. Parents and other members of the family have a huge role to play. If a parent is told their child may be involved in any sort of bullying it is very difficult for them to take that on board and they often assume their parenting skills are being brought into question but that is not the case. Bullying can happen to anybody and it can be carried out by anybody.

The response I received from Department of Justice and Equality seems to indicate there is a grey area relating to cyberbullying because we are not sure if cyberbullying can come under section 10 of the 1997 Non-Fatal Offences Against the Person Act and it has been referred to the

Law Reform Commission. I suggest a cross-departmental group needs to be set up to discuss this issue in order to tackle it properly. It does not only come under the remit of the Department of Education and Skills or the remit of the Department of Justice and Equality.

The organisation *SpunOut.ie* believes such a cross-departmental group could potentially investigate a number of matters. It could investigate how schools could intervene in cases of cyberbullying, even if the bullying happens off-site. It could clarify if current legislation offers any remedy to victims such as barring or restraining orders as well as providing guidance to the Garda and schools on how to deal with cases of cyberbullying. Schools and members of An Garda Síochána need clarifications from the authorities that set out these guidelines. We need to examine establishing a team within the Garda who can track IP addresses through Internet service providers. The Department of Justice and Equality indicates that the Internet providers are quite proactive on this and work not only within the law but within the spirit of the law, but we need to nail that down. We need to examine how we can encourage schools to work with parents to remind them to monitor their child's Internet use and help their children if they are victims of cyberbullying and also to help their children if they believe they are engaging in bullying behaviour. Often a victim of bullying is the person who becomes a bully after that experience.

While the Minister's Department is doing great work and while the Department of Justice and Equality is mindful of the serious issue of cyberbullying, I request the Minister to consider the establishment of a cross-departmental group to properly tackle this issue. I would appreciate if he would respond to that request.

**Minister for Education and Skills (Deputy Ruairí Quinn):** I thank the Deputy for raising this important issue. As he will know, I take the issue of bullying and cyberbullying in particular very seriously. Tackling the issue of bullying and bullying in schools is a key commitment in the programme for Government. That is one of the reasons the Minister for Children and Youth Affairs, Deputy Fitzgerald and I convened an Anti-Bullying Forum recently - on 17 May - to explore ways to tackle the serious problem of bullying in schools. The forum, which was very well attended and thought-provoking, considered issues around all forms of bullying, including homophobic bullying, cyberbullying and racist bullying. Remarkably, this was the first time the Department of Education and Skills, together with the Department of Children and Youth Affairs, had hosted a dedicated forum on this issue.

Alongside the forum, I established a working group to consider what further actions are required to tackle bullying in schools. I also called for submissions from stakeholders and interested parties. It is a measure of the interest and concern in this area that more than 65 submissions were received. The working group has since met with service providers, State agencies, representative groups and individuals and with colleagues from Scotland and the United Kingdom. I have asked the working group to submit its action plan to me by the end of this year. It will come in a draft form and it will then be circulated to the various participants for signing off. Realistically we will have it as an operational document by the commencement of January but the definitive work will be done by the end of this year. That group is examining measures to tackle all forms of bullying, including the specific issue of cyberbullying.

Recent tragic events have highlighted that advances in technology enable bullying to take place 24-7 on and off the school premises and that is the point to which the Deputy referred, which I accept. Malicious messages can now be sent via mobile telephone or posted on social media sites where they can be viewed by hundreds and sometimes thousands of other people.

Technology has opened up a new world of possibilities and the opportunity to communicate more widely and more quickly than ever before but, as we all know, this brings benefits but also, sadly, risks. While traditionally children and young people could identify who was bullying them, the use of technology means that sometimes they cannot. Some young people may not see the Internet as the real world, and therefore do not see that what they text or post as having the same impact as something they might say or do. Research shows that disconnecting the Internet or taking away a young person's telephone is not the answer.

While schools can block access to inappropriate sites through the school's broadband network, this does not stop children accessing websites and sending messages through their own devices. Therefore, adults, and in particular parents, as the Deputy said, need to be as engaged with children and young people about their behaviour when using their mobile telephone or going online as they are when children are out playing, socialising or at school.

In terms of the responsible use of technology, Internet service providers, mobile telephone operators and those running social networking websites also need to be part of the solution. However, cyberbullying should not be seen as just a problem of technology. Underlying all forms and types of bullying is a bullying behaviour or attitude that must in itself also be addressed.

A number of effective educational approaches are already in place which integrate parents as active facilitators of their children's digital media literacy and foster an ability in their children to self-manage potential risks in online environments. The Department has funded the Webwise integrated education initiative since 2006. This initiative focuses on raising the knowledge, skills and understanding around Internet safety of children, parents and other responsible adults, at school and in the home. Resources have also been developed for use as part of CSPE, SPHE and Stay Safe programmes. For instance, Be Safe Be Webwise, the first educational programme of its kind in Europe, was designed to address the personal safety needs of our young people online and to help them become safe and responsible Internet users for life. For 2012, the Garda primary schools programme has introduced a new initiative called Respectful Online Communication. This initiative addresses the personal safety that arises through communicating using new media.

These are just a few examples of the school-based work that is going on around cyberbullying and how these issues can be addressed through the school curriculum. It is clear the curriculum is an important tool in helping children and young people to develop positive attitudes and in providing them with a wide range of opportunities to develop their knowledge, understanding and respect for diversity and an assortment of strategies to protect themselves from bullying.

**Deputy Aodhán Ó Ríordáin:** I accept that as cyberbullying is a form of bullying our response cannot be just technological. We must also deal with the reasons for bullying in the first place and we must have a whole societal response. Bullying often relates to self-esteem. There is an obvious connection between the Department of Education and Skills, the Department of Justice and Equality and the Law Reform Commission on rolling out a more comprehensive response to the problem. The Minister stated the draft report would come back by the end of November and that a proper report would be done by the end of the year. This is speedy and I congratulate the Minister on this and I welcome it. I hope when the Law Reform Commission investigates the issue of cyberbullying that it expedites the matter quickly. I suggest that a cross-departmental group would examine the issue in more detail at that point. I ask that any

consultation process includes students and young people because they are most at risk. They deal with social media on a much more regular basis and they are more aware of the effects of cyberbullying on them and their peers. While the work of the Department is laudable, as Minister stated cyberbullying is a 24-seven phenomenon and the reaction to it cannot be just within the education system. It must be in conjunction with the Department of Justice and Equality and the Department of Children and Youth Affairs. The cross-departmental response to this would be more comprehensive and might get further. I ask the Minister to respond to this suggestion.

**Deputy Ruairí Quinn:** I thank the Deputy for the comments he has made on the progress we have initiated. We will not be able to evaluate the quality of the product until we see it in draft form at the end of this month and over Christmas when it will be published. Representatives from the Irish Secondary Schools Students Union were on the working group. We also had interdepartmental representation. The next stage will be to bring it to a wider forum and road test it to see whether it is robust enough. Perhaps on reflection, and I will return to the Deputy on this because I do not want to make a spontaneous commitment, we should review the situation in six months and see where we are and keep a monitor on it. The speed of technological change and the rapid evolution of social behaviour is such that we must think in very short bites of time compared to what would have been the case previously. Depending on the feedback, we might consider putting up a website of our own on which people could comment and interact because this is how people interact anyway. If this is the new medium, perhaps we should have a space in it to monitor what people say. I am open to comments and suggestions on this.

The big difficulty is ensuring parents know what their children are doing in this area. When the drug phenomenon broke first in this country, a generation of parents had never smoked or encountered the modern manifestations of drugs. I attended a parent teacher meeting at my son's school approximately five years ago where the local community Garda showed parents what drugs looked like and what pipes were. This is information parents would never know unless they had direct experience. Perhaps a pretty basic education for parents on what cyberbullying looks like is something we need to investigate and communicate also. Many parents simply are not aware of the way in which it occurs. They know about social media and how to use it themselves but they do not necessarily get into the spaces where bullying takes place and they have not seen it. Therefore, they do not know what to look for. We will have the report at the end of the year and we will disseminate it as widely as possible. We should also include a monitoring process to see how it will travel.

With regard to the schoolyard in its metaphysical and representational sense, in the old days bullying originated and happened in schools and it is still the place where the cause for bullying is initiated in the main, because it is where young people encounter each other. It spills out into the community and now it is 24-seven. Schools have a central role to play and they will remain central to the issue for a large number of people who have been cyberbullied. I thank Deputy for the points he has raised.

### **Disability Support Service**

**Deputy Martin Ferris:** This afternoon, elected representatives had a humbling experience when we met parents and friends of people with intellectual disabilities who were campaign-

ing outside Leinster House. Michelle, Frances, James, Lawrence, Martina and Brendan are six of the 250 adults with intellectual disabilities in Kerry. At present they use the services of the Kerry Parents and Friends Association. The Government intends to change their lives forever and not for the better in 2013. At the 21 locations in my county, despite savings and cuts over the past four years totalling €1.1 million, the staff of the Kerry Parents and Friends Association have demonstrated enormous compassion and goodwill, something obviously lacking in the previous and current Governments. They did so to ensure these cuts did not impact on the services they provide. Unfortunately, because of these cuts there is no other avenue of savings open to the organisation. It has reduced hours and redeployed staff. It has cut relief hours, maximised the skill mix, sent people home from residences at weekends and charged families for day services. It has cut budgets at every centre and in all areas. At a meeting on Monday last week, the management informed families every euro cut from its budget in 2013 can only mean a cut in services. This means home care and residential care will be cut. It means respite will be impacted. On top of this, a further 5% will be cut in 2013, which is a further €400,000. This means the board of directors will face a conflict in January. Does it honour its legal duties under company law and balance the budget, thereby depriving very vulnerable people of essential services, or does it honour its moral duty to these services?

In July, the Minister for Health, Deputy James Reilly, stated in the House that there is no more accurate measure of a nation than how it treats the sick, the vulnerable, the damaged and the dying. I contend very strongly that parents and friends who look after people with intellectual disabilities with provisions through the HSE from the Government provide an invaluable service for those most in need in our communities. I argue very strongly that any further cuts will decimate the services. It is incumbent on any Government, Minister, Government Deputies or anyone with a moral obligation to people most in need to ensure that services are provided for those most in need. There is no justification for any further cuts. There was no justification for the previous cuts, but certainly when they affect the provision of services they are morally and criminally wrong.

**Deputy Ruairí Quinn:** I thank Deputy Ferris for raising this matter and I am pleased to take this opportunity, on behalf of my colleague the Minister for State, Deputy Lynch, who cannot be here this afternoon, to outline the position on the Kerry Parents and Friends Association. I recognise the valuable contribution the Kerry Parents and Friends Association makes to the provision of services to people with intellectual disabilities in the area. As has been stated, these services include community-based day, residential and support services for more than 250 adults with an intellectual disability and their families in various locations throughout Kerry. Kerry Parents and Friends Association is funded by the HSE under section 39 of the Health Act. Services are provided through a service arrangement, which is signed on an annual basis and reviewed continually. The agency received funding of €8 million from the HSE in 2012.

As Deputy Martin Ferris will be aware, due to the current economic situation, which was not of the making of this Government, the HSE must manage service levels within the fixed financial allocation provided by Government as set out in the memorandum of understanding. As outlined in the HSE service plan for 2012, the funding allocated to disability services was reduced by 3.7%. The service plan also stated that at least 2% of this should not impact on services and needed to be generated from other savings and increased efficiencies in an attempt to protect front-line services. That, in effect, mean there would be a reduction of 1.7% on front-line services.

The HSE's national consultative forum, which has wide stakeholder representation at na-

tional and regional level, meets regularly and identifies and agrees frameworks for addressing efficiencies, with clear actions and outcomes to address required savings outlined in the 2012 national service plan across the disability sector with minimal impact on front-line services. The HSE's objective is to ensure that residential, day, respite and personal assistant services are protected where possible from reductions in front-line services.

The HSE south disability office works closely with Kerry Parents and Friends Association which provides a range of services for adults with intellectual disabilities in County Kerry. The HSE liaises with the association on an ongoing basis to ensure changes in service and the impact of these on their clients is discussed and agreed in advance.

On the budgetary situation for 2013, the HSE is aware that the Kerry Parents and Friends Association management team has been holding meetings with parents and clients on potential changes in service in the future. Pending completion of the national Estimates, budgetary and service planning process for 2013, it is not possible to identify how services will be impacted in 2013. At this point, there is no agreement with Kerry Parents and Friends Association or any other service provider on the budget for next year. The HSE has informed me that it will continue to work closely with Kerry Parents and Friends Association to ensure available resources are used in a creative and flexible manner in order to be more responsive to the needs that present.

The health service as a whole must operate within the parameters of funding available to it and, given the current economic environment, this has become a major challenge for all stakeholders, including the HSE, voluntary service providers, services users and their families. However, by working together through the national consultative forum and finding innovative ways to maximise how we use resources, we can help to protect front-line services appropriately.

**Deputy Martin Ferris:** There are days I come in here and listen to the bland answers drawn up by civil or public servants to camouflage what will happen, but after being out there today and being in constant contact with persons with intellectual disabilities, it is both disingenuous and wrong to read out the answer the Minister has read out. They have been told that a further €400,000 is to be cut from their budget this coming year. It is being cut from a budget from which every bit of fat has been taken and only the provision of services is left.

For whatever it is worth to be in this House, if we cannot defend the most vulnerable in our communities then we are betraying those born with disabilities. I spoke to those outside, the sisters and parents of persons with intellectual disabilities, and they told me that persons with an intellectual disability depend on these services because it gives them a life. They depend on these services because they are part of a community. If they did not have those services and such respite, they would be sitting at home with no access to anybody. Furthermore, their families are dependent on those services in order that they can have a life. They are generating significant savings to the Exchequer, yet the Government and its predecessors have betrayed those most in need.

The HSE is quite willing to facilitate the association, if it is given the political direction and the budget from the Exchequer, because it knows the value of those services and the savings generated by them. It is over to the Government to decide what to do.

I am humbled by the presence of the people concerned today in the streets. Last Monday night week, the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, was at a meet-

ing with the Kerry Parents and Friends Association and I am quite sure he was as humbled and as emotional as was my daughter, who was representing me on the night. It is of considerable importance that this be dealt with. A bland answer in this Chamber where a Minister reads a script from a civil servant is definitely not good enough in the case of the rights and entitlements of those whom we all represent.

**Deputy Ruairí Quinn:** I have heard clearly what Deputy Martin Ferris has stated, as I indicated when taking this Topical Issue on behalf of my colleague, the Minister of State, Deputy Kathleen Lynch, who is well aware of what is going on in the area and is well attuned to the kinds of issues the Deputy raised. Unfortunately, she cannot be here to respond to him and to take up the points he raised so eloquently. I will talk to her about the manner in which he addressed this issue here today.

### **Houses of the Oireachtas Commission (Amendment) Bill 2012 [Seanad]: Second Stage (Resumed)**

Question again proposed: "That the Bill be now read a Second Time."

**Deputy Aengus Ó Snodaigh:** Ní raibh mé anseo nuair a thug an tAire Stáit a óráid níos luaithe, ach fuair mé an deis an méid a bhí le rá aige a léamh idir an dá linn agus níl aon rud sa mhéid a dúirt sé a thagann salach ar an méid a bhí le rá agamsa níos luaithe.

Tá cúpla rud le rá agam a threisióinn an méid atá ráite agam cheana. Measaim go bhfuil an seacht mbliana atá luaithe sa Bhille i bhfad ró ghearr mar tréimhse don athbhreithniú tréimhsiúil. Seacht mbliana nó níos lú atá sa reachtaíocht don athbhreithniú tréimhsiúil ar An Caighdeán Oifigiúil, ach ní ceart dúinn a bheith ag athrú An Caighdeán Oifigiúil gach uile seacht mbliana nó níos minice ná sin. Má tá an t-athbhreithniú seo de dhíth, ba chóir go dtarlódh sé nuair is gá, nó ar a laghad, go mbeadh tréimhse de 20 nó 30 bliain i gceist. Foilsíodh An Caighdeán Oifigiúil deireannach a bhí againn i 1958. Ach níor fhan rudaí mar a bhí ó 1958 ar aghaidh. D'úsáideadh an tréimhse idir an dá linn chun soiléiriú a dhéanamh ar na rialacha sa Chaighdeán Oifigiúil.

Impím ar an Aire Stáit athrú a dhéanamh ar seo. De ghnáth, ní mholfainn é seo, ach anois sílim gur ceart go mbraithfeadh an t-athbhreithniú ar chead nó ar threoir ón Aire go dtabharfaí faoi. Amach as seo, ba cheart go dtabharfadh Aire éigin an treoir gan tabhairt faoi athbhreithniú níos luaithe ná 20 bliain nó mar sin ó foilsíúchán an chaighdeáin. I dtíortha eile, ní dhéantar athbhreithniú ar An Caighdeán Oifigiúil, go háirithe i dtíortha na hEorpa. An ceann deireannach a bhí mise in ann teacht air ná an ceann a rinne na Gearmánaigh. Rinne siad athrú beag le déanaí agus d'athraigh siad an siombail a bhí acu don dá "s" agus tá sé inghlactha anois an dá "s" a úsáid seachas an siombail a bhí acu. De ghnáth, ní dhéantar athbhreithniú rialta ar chaighdeán oifigiúil.

Tá ceist agam don Aire Stáit, ach b'fhéidir nach mbeidh mé anseo don fhreagra mar tá cruinniú agam ag a cúig a chlog. Maidir leis An Caighdeán Oifigiúil atá muid tar éis a fhoilsiú, an é seo An Caighdeán Oifigiúil céanna atá in úsáid i bParlaimint an Aontas Eorpaigh nó an bhfuil

siadsan fós gafa leis an sean Caighdeán Oifigiúil? An bhfuil muid cinnte go bhfuil an stádas céanna ag An Caighdeán Oifigiúil atá in úsáid anseo againn agus atá ag an caighdeán atá in úsáid i bParlaimint na hEorpa? An bhfuil an seasamh céanna acu?

Rinne mé moladh go ndéanfadh Rannóg an Aistriúcháin obair éigin ar réimse focal atá de dhíth orainn nó a bheadh in úsáid againn go rialta. Ba chóir go mbeadh a leithéid de “glossary” ar fáil dúinn. Tá an foclóir parlaiminteach atá ar fáil go huile agus go hiomlán tubaisteach. Scríobhann mé ar a chúl na focail nach féidir liom teacht orthu. Is cóir go mbeadh “glossary” éigin mar sin ar fáil againn go gasta, b’fhéidir ar an idirlíon nó a leithéid.

Tagann foclaíocht nua chun cinn, go háirithe focail teicniúla nach bhfuil teacht tapaidh againn orthu.

Ar ndóigh, tá caighdeán oifigiúil ann ach tá a lán chanúintí ann. Ní gá ach féachaint ar an méid canúintí Béarla atá ann. Uaireanta, bíonn ar lucht scannánaíochta na hÉireann fo-theidil a chur ar scannáin Éireannacha agus iad á chur go Meiriceá. Is cuimhin liom go raibh fo-theidil ar an scannán “Into the West” nuair a taispeánadh é i Meiriceá, in ainneoin gur i mBéarla a bhí sé. Mar an gcéanna leis “The Commitments”. Tá canúintí difriúla ann, agus beidh i gcónaí. Rud beo is ea teanga a bhíonn ag athrú de shíor. An rud nár chóir a bheith ag athrú ná an caighdeán oifigiúil. Má tharlaíonn sé sin bíonn orainn na leabhair agus na téacsleabair a athrú agus tréanáil breise a chur ar fáil do mhúinteoirí agus do aistritheoirí.

Molaim an méid atá sa Bhille, ach amháin gur féidir é a dhéanamh níos foirfe agus níos loighiciúla tré mhion athraithe.

**Deputy Mattie McGrath:** Ba mhaith liom cúpla focal a rá ar an mBille agus déanfaidh mé mo dhícheall cuid de a rá as Gaeilge agus an chuid eile trí Bhéarla.

I am delighted speak on this important legislation. It is incumbent on all of us sa Teach níos mó a dhéanamh chun an Ghaeilge a chur chun cinn i gcónaí. I am coming at it, having been here for the Bill the Minister introduced earlier this year an bhrostuil ar fad. I walked out of the Chamber on that occasion because of the haste with which that legislation was being put through. I honestly believe gur rud uafásach é legislation mar sin a bhrostú tríd an Oireachtas. The Minister will be aware of what I am talking about. I met Conradh na Gaeilge this morning, as I am sure did the Minister on many occasions. I often have interactions with it. In fact it had 66 amendments to that Bill agus ní raibh oiread agus ceann amháin that was listened to, accepted or discussed. Measaim go raibh 193 amendments ar fad ar an mBille sin agus níor tháinig oiread agus ceann amháin ar an úrlár anseo. That is very disappointing. I pay tribute to the limited staff of the Houses of the Oireachtas Commission who are here today and listening and ag déanamh a ndícheall chun an Bille a chur trí Ghaeilge. It is being glibly dealt with by this legislation, and it has been in the past under successive Governments.

The previous Government, under Deputy Ó Cuív, set up a working group, or study group - I am not sure of the ainm - and there were discussions with different parties invited, and some people failed to turn up or show interest. Is mór an trua é sin. We have to be serious about this. While we are in straitened times financially, if you take na rudaí a raibh an Teachta Ferris ag caint faoi, the people with disabilities, the cuts and the horrible austerity, I understand we have to be seen to be moderate in expenditure in putting translation in place. However, it behoves us to do it. It is our national language, an teanga, and we should have the proper capabilities, staff and facilities in the House to translate into our national language.

I was startled to find some figures today from the Department of Oideachas agus Scileanna. Cúpla bliain ó shin bhí 3% of daoine ag obair anseo, mná agus fir, ábalta an obair sin a dhéanamh. Anois, níl ach 1% atá ábalta an obair sin a dhéanamh. I am talking about the translation into Irish. That is a worrying fact, whether it is the result of retirements, redundancy schemes or whatever. If we are serious we have to ensure our public servants are able to translate Bills into Irish.

Bhí mé ag caint le fear ar maidin a thóg páirt sa choimisiún atá ag Uachtarán na hÉireann, Michael D. Higgins. He has a pretty large consultation taking place with young people. Measann gach duine go mbeidh jabanna nó airgead nó rud mar sin as the main topic of that consultation, but no. Cad a tharla? Suim sa Ghaeilge agus slite eile chun an Ghaeilge a fhoghlaim agus a mhúineadh ins na scoileanna is the topic that came to the top in the consultation process. I was talking to buachaill amháin a bhí ins an consultation sin. He told me that was the topic that emerged as of greatest interest to the people in the group. How they were selected níl a fhios agam, but they were on it and fair dues to them and I commend the Uachtarán as rud mar sin a dhéanamh. It was the change in this modern day of the teaching practices of Irish and better and easier ways of learning it that emerged as the interest. I am sure it was bright and intelligent people who were on this commission and it is amazing in these times that was the issue which arose. We should sit up and heed that, seas suas and cluasa a oscailt. In spite of all the student grants, fees and SUSI - I think Siobhán is the Gaeilge ar SUSI - and issues like that, this is the issue that arose. It is a healthy sign of our heritage, dúchas and language. I am delighted with rud mar sin and that we have that opportunity and that despite all the austerity and different issues go bhfuil suim ins an Ghaeilge, ins an teanga fós.

It behoves us here and the Department of Education and Skills, an Roinn Oideachais agus Scileanna, chun ár ndícheall a dhéanamh chun an Ghaeilge a chur chun cinn i gcónaí. We see now reform of local government, and many other reforms. The VECs are being disbanded. Ba mhaith liom cúpla focal comhghairdeachais a rá leis an VEC i dTiobrad Árann Theas as an obair a dhein sé agus an adult education board which put ranganna Gaeilge on in many places over the years. A lot of good work was done by the VEC in all areas of adult education. They were the only people doing it. Much good work was done by the VEC in all areas of education and in many cases, it was the only organisation doing it. Before this ever became an issue, the VEC staff were the people who did it and I must salute them and recognise this. The VECs now are being amalgamated into education boards and ní úsáidtear aon focal Gaeilge in aon áit. There was not a word of Irish in the move or the changeover. Obviously, a lot of money will be spent in having a proper translation service in the Oireachtas, and rightly so, but the Departments of the State are only paying lip-service to it. I do not blame this Minister or the current Administration for this. As I stated, déanann the VECs a ndícheall i gconáí chun a lán rudaí a dhéanamh. They did a lot of obair stairiúil leis an Gaeilge agus bhí ranganna Gaeilge ar siúl acu i ngach halla agus gach scoil i ndeisceart Chontae Thiobraid Árann.. They brought it out to people and instilled and instigated suim nua and suim speisialta sa Ghaeilge. Many of those who attended those classes had had bad experiences of learning Irish when in school. However, they returned and, in many cases, voluntary tutors conducted these classes, whom I must salute and offer comhghairdeas freisin. This was also done with other languages, including English for newcomers to our shores. Where is the joined-up thinking when our Departments are not using this?

For instance, while this will stray from the Bill somewhat, every day one can úsáid an Gaeilge. Bíonn suim sa Ghaeilge if one uses it ag obair nó ar scoil agus ag rince agus sa teach

tábhairne

nó i gach áit, agus beidh súil difriúil ann. If one takes the Luas project, which is overcrowded whenever one uses it but which is fabulous, its name uses Irish. It is a nice name and everyone understands it. An issue has arisen whereby the taxi signage will be changed very soon. An tAire Stáit, Deputy Kelly, is in charge of this and there has been outright refusal to allow an Ghaeilge a úsáid ar na gluaisteáin leis an mBéarla. There is a choice of English or Irish and, as this is a modern European city, Members know what the choice will be. However, is mór an trua that they could not have bilingual signs or that it could not be like the Luas. Is é an ainm as Gaeilge ná “tacsai”, and one has a choice of using either “tacsai” or “taxi”. Why could there not be a mixture of both? It would be in front of everyone’s eyes, everyone would use it and it would be a much better way when this change takes place. Again, this concerns bureaucratic Departments not listening, not engaging in consultation and not allowing this. Given the experience of the Luas, why could the Department not use it on the taxis? It will be a major change that obviously will cost money. Consequently, it will not be changed again and there really is neither space nor room on the cars. The word “tacsai” could be used. At the least, everyone would recognise the sign for a taxi, even if they were unable to read it in Béarla no Gaeilge nó aon other language. Consequently, it would be nice to have it as “tacsai”. People would be proud of it as well.

As I stated in respect of the Department of Education and Skills, is there some kind of hostility to ár dteanga sa Roinn Oideachais agus Scileanna? I think there is, because one must ask why all the people who were supposed to take part in that consultation process did not do so. When the committee was set up, why did they not help out and the translation people move in there to give their support as well? As I stated earlier, quoting figures from Conradh na Gaeilge, it used to be that 3% of daoine ag obair sa Roinn sin were ready, able and willing to do this kind of work in respect of the national tongue. However, that percentage has now fallen to less than 1.5%. These are not my figures but are cited by Conradh na Gaeilge. I told the Aire Stáit atá i láthair gur chur an Conradh síos 67 amendments to the Bill but not a single one of them was heeded. Moreover, I believe that approximately 160 amendments were tabled in total but not a single one was accepted during the rushing through an Teach seo of that Bille.

Mar rud eile, Ireland will assume the Presidency of an tAontas Eorpach. Cuirim fáilte roimhe agus roimh an G8 ag teacht go Lough Erne i bhFear Manach agus rudaí mar sin. I also welcome that the Taoiseach and the Airí will have the opportunity to chair European Council meetings and all that goes with that. However, cén fáth nach bhfuil an Ghaeilge in its proper place? Why is it not being used in its proper place in European publications? Why is Irish the only language, out of 23 languages in Europe, that is not where it should be? It is not published, it is not written and while it is recognised, it is not there. Moreover, I note we are paying for this and already have paid taxes to ensure our language is used in publications from the European Parliament. However, ours is the only language of 23 in this position and this should be corrected before anyone is invited here for The Gathering agus rudaí mar sin. We must do that as well - I look forward to and support that initiative - but we are not getting a fair bang for our buck. The Irish language is not to be put on the publications. While this is the case for the other 23 languages, ours is being left aside agus amach an doras, which is wrong. As I noted, we have paid already as we are paying a certain levy for such translation work, but it is not happening. I believe this is an issue our MEPs might take up but it certainly is an issue for an tAire Stáit agus an Taoiseach before we have our summits and cruinnithe i rith an tsamhraidh. I note Gaeleagras used to have beirt duine ag obair ach níl éinne ag obair ann anois. It is an empty office with no

one there in that institution, which did much good work over the years. Níl fear nó bean ar bith ann, not a single one.

On examination, this Bill certainly can be brought through the House today. However, we must first get our house in order and there are many ways of so doing. There is no point in having the Bill and having all the back-up work done - I compliment those who helped the Minister in this regard and who worked on the Bill - but what good is it when legislation exists and when there are conditions that should be fulfilled but which are not being met? I refer to matters to which no credence is being given. Is mór an trua an rud sin. Members must be honest in this regard. Organisations such as Conradh na Gaeilge, Comhaltas Ceoltóirí Éireann, Glór na nGael and many other organisations, in which I have been peripherally involved, must be supported. Above all, however, they must be listened to. Éistigí leis na daoine sin, who are at the coalface and who are doing their best for language, culture agus an dúchas. They should be listened to and acknowledged. The State gives them some support financially, although that is getting tighter, but it is more important to what they have to say.

Moreover, when such organisations go to the trouble of suggesting amendments to a Bill, they should be listened to and not simply ignored completely. Bhí mise mar Theachta ar feadh cúig bhlian agus b'é sin an céad uair a chonaic mé na Teachtaí go léir ar an dtaobh seo ag súil amach an doras in disgust at the manner in which that Bill was being treated. I know the Minister has a huge interest in Gaeilge. He is from Dún na nGall agus usáideann sé an Gaeilge i gconaí, agus comhghairdeas ar sin, but as for that kind of indecent haste and ignoring those who tabled more than 137 amendments, not one of which was even discussed, let alone accepted, one must call a halt, nó stad, anseo agus gan féachaint ar an issue mar sin.

I reiterate my question as to whether an anti-Irish mentality exists within the Civil Service.

*5 o'clock*

I must put that question. We have had Billí, statutory instruments agus rudaí mar sin. These are ideals and visions as a nation is not a nation without its language, as Pádraig Pearse said. Why is there only a small percentage of people in the Civil Service who can do the business proficiently as Gaeilge? Perhaps that is wrong but it is what I was told by Conradh na Gaeilge this morning. Where was the commitment when a former Minister, Deputy Ó Cuív, set up the consultation body, as there was no meaningful or honest engagement? Something is very wrong.

I assume it was not the Minister of State who decided to reject those amendments without discussion but rather the officials who were drafting the Bill. I am not ruling out the Minister's involvement but it was highly insulting for the organisation which sent in amendments for them not to be discussed. Is there a mentality in the Civil Service that is going against our language? If there is, this legislation and the money used to drive it is useless and will remain so. Iarraim ar an Aire to put it under review to see what is going on and if the figures are right. The structure is to be changed without so much as a focal being changed. I welcome the changes in taxi legislation and there is an ideal opportunity for us to promote our Irish language and allow drivers to display it. There are many non-nationals and newcomers ag tiomáint tacsáí anois and it would be wonderful for them to be able to embrace ár dteanga. Tá siad ag tiomáint gach uair an chloig around the cities.

It would be lovely for the visitors coming for The Gathering and our European Presidency

to have a little bit of Irish put in front of them softly, as opposed to when we were ag dul go dtí an scoil. It was beaten into us. Dúirt mé go minic that we should have banned the teaching of Irish 20 years ago and everybody would be speaking it today. Now we must engage. I am heartened by the actions of the coimisiún, and despite the difficulties facing students, including grant issues, the cream always comes to the top. I would have thought, in the times we are in, that might not have been way but I am pleased. Sin rud iontach.

In the Bill there is reference to an leabhar, or I suppose we could call it the bible that has been brought together for use in Departments. Déanaim comhghairdeas leis na daoine a scríobh é. All the books and bibles in the world will be wasted if there is not a proper passion or ethos, with insistence from the machinery of the State that the language should get its rightful recognition. The officials dealing with it must have proficiency in Irish.

My Irish is not nearly as good as it could be. My seanmháthair, whom I did not know because she was dead before I was born in 1958, had no English. I come from a Breac-Gaeltacht and some in this House or commentators may say they find it difficult to understand me in English, not to mind Irish, but that is the lingo of Tiobraid Árann Theas and I do not apologise for it.

**Acting Chairman (Deputy Olivia Mitchell):** It is the Deputy's lingo.

**Deputy Mattie McGrath:** My seanmháthair did not have any English. Bhí me ag éisteacht leis an raidió inné. It is amazing what one hears and learns every day, and I heard a scéal uafásach. In Galway they want to commemorate a certain fear whose life was taken 130 years ago, when the country was governed by British forces. He was charged with a crime and he did not have any English. The jury had no Irish and they decided his fate. The man in question was sentenced to death and hanged. Bhí an jury amach as an gcúirt ar feadh sé nóiméad. Tháinig siad isteach and they passed on the verdict. I heard the story on the radio, and it was indicated that what is now a car park was a Galway jail. Any of the people imprisoned who were executed or died were not put in marked graves, and they cannot be found today. It was a grave injustice that we expected a man to defend himself in his national tongue when he did not have Béarla and the jury had no Irish. I am thankful we have moved on from that and I salute the jurors for the work they do in this country. We should never forget the atrocities committed against our language, people, heritage and religion.

The officials in the Oireachtas and the Departments should recognise, in spirit and tone, the rightful place of the Irish language, its culture and our heritage, as well as all religions. It ill behoves people to damage an teanga. Nuair a fhaigheann an tAire Stáit am, I hope he will tell me if there is an anti-Irish bias, not only in the people atá ag obair in the Departments but gach duine. There may be only 1.5% of the people working here with proficiency in Irish, and there was a time when people had to have such a proficiency to join the Civil Service. The question must be asked.

Cén fáth nach raibh an tAire Stáit ag éisteacht when Conradh na Gaeilge sent in those 67 amendments? I was not aware until today that the organisation sent in the amendments but not one was discussed. Is mór an trua é. How will people respect this House and how will we engage with people outside the House? They want connectivity as they elect us. We are responsible to the people who go to vote.

I have a ceist eile, although it has nothing to do with this Bill. We voted in a referendum two weeks ago. A returning officer brought it to my notice when I arrived in a polling station

that if there is a general election, the names would be listed alphabetically. I know people who have changed their name by dropping an O to get further up a list, as there is meant to be an advantage in being near the top. Why was the “Níl” box not at the top of the ballot paper? It is a simple but interesting question, and somebody should provide an answer. Why was the format of the ballot changed? The “Yes” box was put before the “Níl” or “No” box under the question. Who made this change? We have a long tradition of listing the names of candidates on ballot papers in alphabetical order and it is tough if a candidate’s name begins with “Z”. We also have a long tradition of transparency and rudáí mar sin. Why was this change made to the ballot paper?

Some people vote by listing their preferences beginning at the top of the ballot paper, which is their right and privilege and we must salute everyone who votes. Does official Ireland believe it can do as it likes? We, the elected representatives of the people, are not holding them accountable. Members of the Oireachtas are held accountable, as is appropriate, and we should ensure the faceless bureaucrats who make such decisions are also held to account. Who makes these decisions? Who has allowed the situation to arise in which only 1.5% of officials in the Department of the Education and Skills are ábalta gnó a dhéanamh trí Ghaeilge? While I do not have a vendetta against officials, we experience this problem all the time. Whether in the Department of Agriculture, Food and the Marine or elsewhere, the law is always on the side of officials who have scant regard for ordinary citizens.

So, ar son an Bhille, I will conclude. Tá mé buíoch duit as éisteacht liom. I thank the Acting Chairman, Deputy Olivia Mitchell, for her forbearance. I would like to get some freagra ón Aire Stáit nó ó dhuine éigin san Roinn Oideachais agus Scileanna ar na ceisteanna a chuir mé.

**Deputy Seán Kyne:** I am pleased to say a few words on the Houses of the Oireachtas Commission (Amendment) Bill 2012. Deputy Mattie McGrath referred to the Gaeltacht legislation the House debated some time ago, which laid down in law the structures for Údarás na Gaeltachta. I congratulate the newly appointed members of the new board of Údarás na Gaeltachta, all of whom have considerable experience and will implement the requirements and measures provided for under the Act. I congratulate, in particular, two members from my constituency, Seosamh Ó Laoi from An Spidéal and Dairíona Nic an Iomaire, both of whom are highly competent individuals with considerable experience in Gaeltacht affairs, education, business and the arts. Coming from strong Gaeltacht areas, they are obviously native Irish speakers who will bring much talent to the new board.

This morning I attended a lá eolais organised by Conradh na Gaeilge which discussed the challenges facing the native language. Notwithstanding these challenges, it is clear that we still have a vibrant language and hundreds of thousands of citizens continue to be deeply committed to Irish and passionate about its future. If the language is to flourish, we must anticipate and recognise the threats it faces. These threats are exacerbated by the reality that most daily use of Irish occurs in the education system or is confined to specific geographical areas. Furthermore, in the face of globalisation and the rise and prominence of a small number of increasingly influential languages such as English, Spanish and Mandarin Chinese, it is more vital than ever that we promote and enhance an Caighdeán Oifigiúil. By doing so, we will facilitate the evolution of Gaeilge, which involves the addition of new, often complex, terminology in a structured fashion. The Bill achieves this and, more significant, when reviewing an Caighdeán Oifigiúil, it stipulates that consultation is required not only with the relevant Ministers, namely, the Ministers for Arts, Heritage and the Gaeltacht, Education and Skills and Justice and Equality, but also members of the public.

Tá saibhreas teanga in úsáid gach lá ag muintir Ghaeltacht na Gaillimhe chomh maith le daoine sna Gaeltachtaí eile agus ní mór a chinntiú go léireofar é seo san Chaighdeán Oifigiúil. Mar sin, tá súil agam go mbeidh béim an phobail soiléir sa Bhille um Choimisiún Thithe an Oireachtais mar a bhí sa Bhille Gaeltachta le déanaí, an t-achtú is cuimsithí a bhaineann lenár dteanga le blianta, agus ba cheart moladh a thabhairt don Aire Ealaíon, Oidhreachta agus Gaeltachta agus don Aire Stáit.

The other main objectives of the Bill concern the translation of legislation, including statutory instruments. This issue was fought out in the courts when the Supreme Court ruled against the previous Government by striking down a declaration that there existed a constitutional obligation to translate statutory requirements and instruments. To provide for a stronger footing for the translation of legislation, the Government has correctly moved to consolidate the State's legislative translation services within the Houses of the Oireachtas. It makes sense that the Government should lead by example.

An updated version of An Caighdeán Oifigiúil has already been circulated to all Oireachtas Members and is proving to be of exceptional use and value in our parliamentary and representational duties. However, while the court found that the Constitution does not require simultaneous translation of Acts of the Oireachtas, it also ruled that translation is required within a reasonable period. While time limits or deadlines were not specified, the Oireachtas has a duty to all citizens, especially those for whom Gaeilge is their daily language, to strive towards simultaneous translation. Furthermore, I welcome the provisions which place an onus on Ministers and Departments to translate statutory instruments and so forth when requested to do so.

There is a requirement under previous Acts to translate official Government and local authority publications such as reports, county development plans and a variety of other documents. Trying to read such translations, which have been translated word for word, I and many others with much better Irish than I have, including native Irish speakers, have found that the meaning has been lost. Given the difficulty of doing direct translations into Irish, it will be necessary to take greater cognisance of the need to make the written word more easily understood.

While it is fine to welcome the use of translations, one must also consider the strength of the Irish language in various areas. I spoke during the debate on the Gaeltacht Bill about the work done in Gaelscoil Mhic Amhlaigh in Cnoc na Cathrach, where the principal, Dairiona Nic an Iomaire, and her staff have done great work over the years to promote Irish in Galway city. This has had a major impact and large numbers of students are now educated in the city's gaelscoil system. As it happens, although the area in which Gaelscoil Mhic Amhlaigh is in the official Gaeltacht, it was neglected to some degree before the school was established. In my area, we also have an all-Irish school, Scoil Bhaile Nua in Moycullen. The standard of Irish in other schools in Galway is also improving, for example, in Boleybeg Bearna.

Yesterday, the Minister, Deputy Deenihan, and Minister of State, Deputy McGinley, met Oireachtas Members from Galway West to discuss Aer Arann services to the Arann Islands, which are of major concern to muintir Árann. As with so much in this day and age, the problem is one of finance. I ask the Ministers again to make every effort to ensure funding is found to protect the public service obligation for an air service to the Arann Islands, which is one of the strongest Gaeltacht areas. While such a service will not ensure the survival of the language, it will certainly play a major role in maintaining the islands' population and provide possibilities for the language to grow by enabling people to stay on the islands. It is a great worry to hear people who have lived on the islands for many years, especially older people, say they will con-

sider moving to the mainland if they are not certain they will be able to leave the islands when necessary. I welcome the Bill and ask the Minister to give serious consideration to the issue I raise concerning Aer Arann.

**Deputy Paschal Donohoe:** I welcome the opportunity to speak on the Bill. One of my few regrets since becoming a Member of the House was my decision not to participate in a previous debate on the future of Irish and ways in which we can preserve Irish as a vibrant language. I did honour Irish in the leaving certificate and was almost fluent. In the years since, however, I have lost most, if not all, of the language because of working abroad and living in a home where Irish is not the chosen language. I am acutely aware of this issue now that I have a young son and a young daughter in primary school who are learning the language for the first time. Their father, who used to be fluent many years ago, is not in a position to converse with them. As they make their way through education, I have decided to reacquaint myself with my old líofacht.

During the summer, I experienced something that brought home to me what a signature part of our national identity our language is at home and abroad. It was in Malawi, of all places. With Trócaire, I visited Malawi to see the work being done. I was being taken around a village many miles and hours outside of Lilongwe, Malawi's capital city. When I asked the man who was taking me around what his name was, he told me that it was Padraic, which is Irish for Patrick. It was spelled exactly as we would write it here at home. He had the language because he had attended an Irish missionary school in Malawi and was taught by an Irish priest. Other people who I met in Malawi also had Irish names.

Although I am no longer in a position to be able to comment in Irish on a Bill such as this, I want that ability so that I can make a few points. I am determined that, before this Dáil comes to an end, I will speak as Gaeilge across an entire Bill, be it legislation on the language or some other topic. As an Irishman, I am conscious of what an absence it is in my identity that I cannot speak Irish.

When I saw this Bill on the agenda and read through it, I wanted to make a number of pertinent observations on the use of the language within the Oireachtas and abroad. First, my experience tends to be the direct opposite of Deputy Mattie McGrath's. He referred to how he saw Irish being used or not used abroad, for example, at EU events. The first time that I attended a meeting of the Conference of Community and European Affairs Committees of Parliaments of the European Union, COSAC, which was held in Brussels earlier this year, my colleague, Deputy Jim Daly, addressed it almost entirely in Irish. His contribution was translated, allowing other participants to understand it and to respond. While I am unsure of how simultaneous translation is facilitated across all European meetings, the facility is provided at every formal and informal EU meeting that I have attended. It has been used by colleagues from this House to convey their views on issues of relevance to Ireland. Parliamentarians from other countries had the opportunity to have those contributions translated so that they might understand them.

Second, Ireland will hold the EU Presidency next year. One only has an opportunity to realise the value of such events when one sees them occurring in other countries. I have no direct memory of our last Presidency. It offers us the opportunity to convey the role of our national language to foreign representatives visiting Ireland. When those meetings are held in Dublin and elsewhere, it is important that we make use of our language whenever possible and conduct as much business as we can in Irish.

Third, the constitutional convention will begin later in the year. It is important that the use

and translation of Irish be facilitated in such a forum.

When a similar Bill is before us in the years to come, I look forward to being able to address my comments to the Minister of State entirely in Irish.

**Deputy Dinny McGinley:** I look forward to that. Go n-éirí go geal leis an Teachta.

**Deputy Dan Neville:** Cuirim fáilte roimh an Aire Stáit agus cuirim fáilte roimh Bille um Choimisiún Thithe an Oireachtas (Leasú) 2012. Is léir go bhfuil Bille ciallmhar os ár gcomhair. Beidh seirbhís lárnach ar fáil agus ní bheidh easaontas nó amhras faoin gcaighdeán. Tá an ceart ar fad aige gur cóir go mbeadh foinse amháin ann ó thaobh chaighdeán na Gaeilge de. Cé go raibh sé aisteach tuigim na cúiseanna leis an aonad aistriúchán i Roinn an Aire Stáit. Is léir go bhfuil sé ciallmhar go mbeadh gach rud lárnaithe i Rannóg an Aistriúcháin faoi Choimisiún Thithe an Oireachtais.

As a member of the Commission, I welcome the Bill and this opportunity to contribute on it. It is important that our two languages be treated in the same way. This is in accordance with the Constitution and is the will of every party in the House.

I will delve into the history. It was only as late as 2008 that the former Government approved the translation of all statutory instruments into Irish. In June 2011, the current Government decided to review the official standard of Irish. This is welcome, as Irish is a living language and, like all languages, new terms are being introduced. Consider the history of Irish after the State's foundation and the work done to modernise it. At the time, there was a great deal of criticism to the effect that a certain aspect of the language was being lost, namely, spellings and how it was expressed. However, modernisation was necessary.

Also in June 2011, the Government identified the need to consolidate translation services within the Houses. It is important that there be consistency among translation services. There should be no diversity. The new unit will be responsible for translating primary and secondary legislation and for ensuring that the official standard of Irish is reviewed no less than once every seven years. The staff have already been transferred to the Houses' central translation unit to facilitate this change in anticipation of the Bill.

Cost savings will accrue, particularly in the short and medium terms. I note the annual cost of translating the output of statutory instruments made per annum is estimated at €325,000 and circa €3.3 million over a ten-year period. While there are savings to the Exchequer, there is an increased cost to the Houses of the Oireachtas Commission. The commission has made very successful efforts to reduce the cost of the Houses of the Oireachtas in recent years. The budget in 2009, for example, was €138 million while the budget for this year is €115,590,000. We will endeavour to continue to make savings. Is there a transfer of funding from the previous services to the Oireachtas or must the Oireachtas absorb that under its current budget?

The Bill contains a number of provisions in regard to the translation of legislation. It provides for the Houses of the Oireachtas Commission to translate statutory instruments by Ministers or by people other than Ministers at the request of Ministers to do so. Similarly, it provides that Ministers may make arrangements, if they so wish, for the translation of statutory instruments other than by the Houses of the Oireachtas Commission. The commission can arrange for people other than staff members to assist in the translation of statutory instruments as it considers appropriate. The Bill will allow the commission to charge fees for the translation of statutory instruments. Perhaps the Minister of State would outline the details of how that will

transpire because it also relates to my previous point on costs to the commission.

This could mean we will be able to cater for the amount of legislation before the House at a given time. A serious amount of legislation is coming through currently and the model proposed in the Bill will improve the translation of statutory instruments on demand subject to availability of resources within the Department or other public bodies. I welcome the Bill as progressive and I commend the Minister of State on bringing it forward.

**Deputy Éamon Ó Cuív:** Ba mhaith liom fáilte a chur roimh an deis seo labhairt ar chúrsaí Gaeilge agus léirmheas a dhéanamh ar pholasaí an Rialtais seo i leith na Gaeilge, nó b'fhéidir níos cirte a rá, easpa pholasaí an Rialtais seo i leith na Gaeilge.

I dtosach báire, ba mhaith liom tabhairt chun cuimhne cuid de na beartais a chuir na rialtais faoi Fhianna Fáil i gcrích i leith na Gaeilge agus na Gaeltachta ó 1997 go dtí gur fhág muid oifig sa bhliain 2011. Is ceann de na rudaí is bunúsaí a rinneadh an t-am sin, i 2002, ná gur tugadh cúram na Gaeilge d'Aire sinsearach a bhí ag suí ag bord an Rialtais. Creidim go bhfuil go leor de na fadhbanna atá ag éirí anois ag éirí as an easpa d'Aire sinsearach atá freagrach as an Ghaeilge ó lá go lá ag bord an Rialtais.

Achtaíodh Acht na dTeangacha Oifigiúla i 2003, a leag amach don chéad uair, ar bhealach cuimsitheach, dualgais an Stáit maidir le seirbhísi a chur ar fáil do saoránaigh i nGaeilge. Ag éirí as an Acht sin, bunaíodh Oifig an Choimisinéara Teanga agus níl aon amhras faoi ach go bhfuil obair iontach déanta ag an oifig sin stiúr Sheáin Ó Cuirreáin. Baineadh amach stádas oifigiúil oibre don Ghaeilge san EU tar éis oibre éachtach taidhleoireachta ar an ard leibhéal. Tugadh stádas don chéad uair don Ghaeilge i dTuaisceart Éireann faoi Chomhaontú Aoine an Chéasta. Ag éirí as sin, bunaíodh Foras na Gaeilge, an chéad aisíneacht oifigiúil a bhí in ann tabhairt faoi cheist na Gaeilge ar bhonn uile-oileánda.

Tugadh Coimisiún na Logainmneacha isteach faoi choimirce Roinn na Gaeltachta agus cuireadh dlús leis an obair ann le, mar shampla, forbairt an tsuímh [www.logainm.ie](http://www.logainm.ie). Bronnadh scoláireachtaí ar dhaoine sna hollscoileanna le staidéar a dhéanamh ar logainmneacha, le déanamh cinnte go mbeadh daoine ann a bheadh oile ar an obair thábhachtach seo amach anseo. Chomh maith le sin, d'athraíomar bealach cheapacháin an choimisiúin agus nuair a chuireamar an struchtúr nua ar bun don choimisiún, thug an coimisiún nua chun oibre le fosc iontach agus rinneadar obair iontach faoi cheannas Sheosaimh Ó Braonáin.

Bunaíodh Coimisiún na Gaeltachta, agus ag éirí as sin rinneadh an staidéar teangeolaíochta ar an nGaeilge sa Ghaeltacht, tionscamh atá an-tábhachtach i gcomhthéacs na straitéise 20 bliain. Lean sin ar aghaidh agus chuireamar An Stráitéis 20 Bliain don Ghaeilge le chéile agus aontaíodh í mar pholasaí Rialtais i 2010. I saol na cumarsáide, tugadh airgead ón gceadúnas teilifíse do TG4 don chéad uair agus bunaíodh Raidió Rí Rá agus anocht FM ar Raidió na Gaeltachta atá dírithe ar an aos óg. Cuireadh go mór le stádas na Gaeilge san Acht Oideachais agus bunaíodh COGG, eagrais a bhfuil an-chuid oibre déanta aige ó thaobh an oideachais trí Ghaeilge.

Ó thaobh na Gaeltachta de, leasaíodh Acht Údarás na Gaeltachta le hionadaíocht a chinntiú do gach contae a bhfuil Gaeltacht ann. Rinneadh forbairtí móra ar scéim na gcoláistí Gaeilge agus feabhsaíodh cúrsaí slándála iontu agus cúrsaí caighdeáin ó thaobh Gaeilge agus cóiríochta. Cuireadh scéim na gcúntóirí teangan agus scéim na gcampaí samhradh ar bun. Níl aon amhras freisin ach go ndearnadh obair mhór ar infreastruchtúr fisiciúil agus sóisialta na Gaeltachta agus na n-oiléan. Chomh maith le sin, cuireadh rochtain cheart ar fáil chuig na hoileáin ar fad, na

hoileáin Gaeltachta san áireamh.

Thugamar airgead breise agus cúnamh d'Acadamh Ríoga na hÉireann le dlús a chur leis an obair an foclóir stairiúil ar an Ghaeilge, an ceann Gaeilge-Gaeilge, a fhorbairt, agus fostaíodh daoine i nDáilcheantar an Aire Stáit leis an obair sin a chur chun cinn. Ar ndóigh, tosaíodh freisin ar an obair ar an leagan nua don fhoclóir Béarla-Gaeilge agus tá an obair sin ag dul ar aghaidh faoi láthair.

Sula dtiocfaidh mé chuig ábhar an Bhille seo - tagróidh mé don obair atá déanta againn ar chaighdeán na Gaeilge sa gcomhthéacs sin - tá sé tábhachtach cur síos a dhéanamh maidir le cinntí an Rialtais i leith na Gaeilge, cinntí atá ag cur na Gaeilge siar lá i ndiadh lae. An chéad cinneadh, ceann nár chosain aon airgead ná nár shábháil aon airgead, ná gan Aire sinsearach Gaeilge a bheith ag bord an Rialtais. An dara cinneadh ná deireadh a chur le hOifig an Choimisinéara Teanga mar oifig faoi leith. Tá an tAire Stáit féin tar éis a admháil nach bhfuil aon sábháil le déanamh as sin agus nach bhfuil ann ach buille don Ghaeilge. Níl ann ach iarracht a dhéanamh obair an choimisinéara a lagú. Rinneadh cinneadh deireadh a chur le Coimisiún na Logainmneacha, arís gan aon sábháil i gceist, nó ceann chomh beag agus nach fiú é a áireamh. Tá cinneadh déanta freisin deireadh a chur le húdarás daonlathach Gaeltachta tofa ag an bpobal. Tá deireadh curtha le go leor scéimeanna ag an Aire Stáit agus tá bagairt déanta aige ar an seirbhís aeir go na hOileáin Árann. Níl aon rud curtha aige in áit scéim labhairt na Gaeilge.

Bíonn daoine ag rá, ar son an Aire Stáit, go raibh i gceist ag an Rialtas deiridh cumhachtaí fiontraíochta a bhaint ón údarás. Ní fíor sin. Má bhreathnaíonn an tAire Stáit ar an straitéis 20 bliain, feicfidh sé nach tógadh aon chinneadh mar sin riamh. Níor smaoinigh an Rialtas sin ar deireadh a chur le bord tofa Údarás na Gaeltachta. Níor tháinig aon togra faoi bhráid an Rialtais le linn mo thréimhse mar Aire - bhí mé ann go dtí an deireadh, os rud é go raibh mé i measc an seachtar deiridh a bhí ann - ag moladh go gcuirfí deireadh le húdarás tofa sa Ghaeltacht. Ní cheart scéalta nach bhfuil fíor a scaipeadh.

Is léir nach dtuigeann ar éigean duine ar bith sa Teach seo cúlra na scéala seo - cúlra na cinnithe atá déanta ag an Aire Stáit - i gceart. I mí Márta 2010, rinne an Rialtas deiridh cinneadh coiste stiúrtha a bhunú chun athbhreithniú ar Chaighdeán Oifigiúil na Gaeilge a dhéanamh. Socraíodh go mbeadh an Rialtas amháin freagrach as an gcaighdeán. Ní hé go rabhamar, ach an oiread le Coimisiún Thithe an Oireachtais, chun pointí beaga gramadaí a phlé ag bord an Rialtais. Bhíomar ag iarraidh go mbeadh an Rialtas freagrach as an gcaighdeán. Bhí sé mar aidhm againn go mbeadh na dreamanna ar fad a bhaineann leas as an gCaighdeán Oifigiúil timpeall an bhoird nuair a bheadh an t-athbhreithniú ar an gcaighdeán ar siúl. Bhíomar ag súil freisin go mbeadh an caighdeán inúsáidte i rith ghnáth-obair an lae, seachas caighdeán a bheadh feiliúnach do chúrsaí aistriúcháin an Oireachtais amháin. I gcás teanga ar bith, ba cheart go mbeadh an caighdeán mar uirlis ag an bpobal, seachas na saineolaithe amháin.

Ar an ábhar sin, bhunaíomar coiste ar a raibh ionadaíocht ag na spéiseanna éagsúla ar fad a theastódh uainn i gcomhthéacs aon athbhreithniú ar an gcaighdeán. Bhí saineolaithe teanga, aistritheoirí, ionadaithe ó Foras na Gaeilge a bhíonn ag plé le foclóireacht agus téarmaíocht, daoine ón nGaeltacht, daoine a bhfuil cleachtadh acu bheith ag múineadh na Gaeilge do dhaoine ón nGalltacht agus daoine ó na meáin a úsáideann an teanga gach lá ar an gcoiste. Bhí an tOllamh Dónall Ó Baoill mar chathaoirleach air. Is ceart go mbeadh an Ghaeilge oifigiúil caighdeánach á úsáid ag na daoine seo go léir. Tógadh cuireadh d'oifigigh as Rannóg an Aistriúcháin an Oireachtais páirt a ghlacadh sa choiste seo. Dhiúltaigh said glacadh leis an gcuireadh sin. Sotalacht a bhí ann, sotalacht atá á íoc go maith ag an Aire Stáit leis an gcinneadh atá déanta

aige.

Tá a fhios ag an Aire Stáit gur thosaigh an coiste a chuid oibre ar bhealach meáite. Chuaigh siad i gcomhairle leis an bpobal ag gach céim den phróiseas. Chríochnaigh siad an saothar i mbliana. In ionad an obair sin a fhoilsiú, tá an tAire Stáit tar éis é a chur sa reoiteoir. Cé go raibh dream thar a bheith saineolaíoch i gceist - bhí na spéiseanna éagsúla ar fad clúdaithe - níl sé sásta an obair a dhéanamh siad a fhoilsiú, fiú. Idir an dá linn, shocraigh Rannóg an Aistriúcháin an Oireachtais ar chaighdeán eile a thiomnú, beag beann ar chinneadh an Rialtais. Cá bhfuair siad an fhoireann? Cá bhfuair siad an t-am chun é sin a dhéanamh? Cén fáth a raibh an dúbláil seo ar bun acu? Bhí coiste eile ceaptha ag an Rialtas chun an obair seo a dhéanamh. Is dream iad seo nach bhfuil in ann an obair a leagadh rompu a dhéanamh.

Fuair mé litir ón gCeann Comhairle le soiléiriú nach bhfuil 394 Acht aistrithe fós, in ainneoin forálacha na Bunreacha agus an méid atá in Acht na dTeangacha Oifigiúla maidir le Achtanna a fhoilsiú sa dá theanga. Ag an am céanna, bhí an dream seo in ann tabhairt faoi caighdeán a réiteach, sa bhreis ar an gcaighdeán a bhí á dhéanamh ag coiste a bhí ceaptha go ceart agus go cóir, gan dul i gcomhairle le héinne nó dea-chleachtas a leanúint. Níor leag an dream seo amach an bunús ar a bhíodar ag obair ar an gcaighdeán, rud a bhí déanta ag an gcoiste a bhí ceaptha ag an Rialtas. Tá a fhios agam nach dtuigeann mórán daoine sa tír an ábhar seo. Ní cheist mhór í i gcomhthéacs na dúshláin atá romhainn. Ní dhéanann sé sin leithscéal ar bith don rud atá déanta ag an Aire Stáit.

Tá a fhios ag na hoifigigh atá in éineacht leis an Aire Stáit gur bunaíodh an t-aonad aistriúcháin mar gur theip ar Choimisiún Thithe an Oireachtais Acht na dTeangacha Oifigiúla 2003 a chomhlíonadh. Níl sé ar chumas an Oireachtais na hAchtanna a haistriú sách sciobtha. Cé gur tairgíodh breis foirne agus breis teicneolaíochta dóibh, níl an job déanta acu go fóill. Os rud é go raibh muid dáiríre faoin Ghaeilge, ní raibh muid sásta obair an Rialtais á fhágáil faoi Rannóg an Aistriúcháin, nach bhfuil ag déanamh an jab bunreachtúil atá acu. Is cúram de chuid na Ranna Stáit, seachas Tithe an Oireachtais, na hionstraim reachtúla a aistriú.

Mar nár theastaigh uainn aon leithscéal a bheith againn - bhíomar dáiríre faoi seo - shocraíomar ar aonad ar a mbeadh smacht ag an Rialtas a bhunú taobh amuigh de Rannóg an Aistriúcháin na Tithe seo. Bhí fonn orainn a chinntiú, nuair a bheadh ionstraim le n-aistriú, nach mbeadh muid ar brath ar eagraíocht - Choimisiún Thithe an Oireachtais - a loic cheana féin ar na dualgais a bhí acu. Tá an tAire Stáit tar éis forlámhas iomlán maidir le aistriú Achtanna agus an obair breise seo a dhéanamh a thabhairt do dhream atá ag teip ar an jab bunreachtúil agus reachtúil atá le déanamh acu. Níl aon rud déanta aige chun leigheas a chur ar na fadhbanna ollmhóra atá ag Coimisiún Thithe an Oireachtais agus ag Rannóg an Aistriúcháin, ar chúis amháin nó cúis eile. Ní féidir a rá go raibh easpa acmhainní i gceist, mar tairgíodh na hacmhainní dóibh.

Tá a fhios ag an Aire Stáit go maith go bhfuil sé mar pholasaí ag an rannóg agus ag an gcoimisiún sa Teach seo Achtanna a aistriú ar bhonn bliain reatha. Ciallaíonn sé sin nach bhfuilimid sásta níos mó a rá faoi reachtaíocht a achtaítear i mí Eanáir nó mí Feabhra ná go mbeidh siad déanta roimh deireadh mí na Nollag. Tuigeann an tAire go ndeireann Acht na dTeangacha Oifigiúla nach féidir Acht a fhoilsiú gan é a bheith ar fáil sa dá theanga. Ciallaíonn sé sin go bhfuilimid ag fanacht na míonna agus na míonna leis na haistriúcháin seo a fháil, gan trácht ar an riaráiste de 394 Bille.

Níl aon leithscéal do seo. In aon tír dhátheangach eile, mar shampla sa Bheilg, an gceapann

an tAire Stáit go mbeadh sé inghlactha ag éinne go bhfoilseofaí, mar shampla, an leagan Francach d'Achtanna na Beilge ar bhonn bliain reatha? An t-éileamh a bheadh ann ná go mbeadh an dá leagan ann ag an am céanna agus go bhfoilseofaí na hAchtanna de réir mar a rithear iad. Má táthar in ann é sin a dhéanamh ar fud an domhain, d'fhéadfaí é a dhéanamh anseo, dá mbeadh an cur chuige ann. Ach níl an toil, an spéis ná an cur chuige ann. Séard atá á dhéanamh ag an Aire Stáit leis an mBille seo, ná ta sé ag cur leis an gcineál mí-éifeacht agus an dearcadh gur cuma faoi aistriúchán, mar níl inti ach an Ghaeilge, agus tá sé ag cur moille ar fhoilsiú Billí.

Is cuimhin liom Brian Ó Luineacháin, go ndéana Dia grásta ar a anam, fear a bhí thar a bheith báthúil don Ghaeilge, ag teacht chuig bord an Rialtais agus ag rá go gcaitfeadh muid soláthar faoi leith a dhéanamh sa Bhille seo nach mbeadh Acht na dTeangacha Oifigiúla bainteach leis an mBille seo, mar go gcaithfeadh an leagan oifigiúil a bheith foilsithe díreach tar éis don Bhille dul trí Tithe an Oireachtais. Dúirt sé nach raibh sé de chumas ag Rannóg an Aistriúcháin, rud a bhféadfaí a dhéanamh i chuile tír eile, é sin a dhéanamh sách scioptha dó agus go raibh éigeandáil ag baint le seo. Mar is eol don Aire Stáit, tharla an rud céanna le Bille i rith a thréimse sa Rialtas.

Tá a fhios agam nach mbeidh éinne ag mairseáil ar na sráideanna, ach is céim bheag eile é an Bille seo den chúlú agus den scrios atá dhá dhéanamh i dtaobh na Gaeilge. Tá sé chomh maith ag an Aire Stáit a fhógairt anseo anocht go bhfuil deireadh curtha ag an Rialtas leis An Straitéis 20 Bliain don Ghaeilge, go bhfuil sé caite i dtraipéisí aige agus nach bhfuil i gceist ag an Aire Stáit, ag an Aire Oideachais agus Scileanna ná ag an Rialtas ach a laghad agus is féidir leo a fháil away leis a dhéanamh i dtaobh na Gaeilge feasta. Is náire dóibh é sin. Is náire gach atá déanta. An rud is aistí faoin rud ar fad ná nach bhfuil oiread agus pingin le sábháil de thoradh ar an chuid is mó den ionsaí atá déanta acu ar an Ghaeilge agus ar an Ghaeltacht. Mar sin, níl an gnáth leithscéal a úsáideann an Rialtas seo fíor sa chás seo. Níl sé fíor. Is ionsaí ar an Ghaeilge é agus níl aon bhaint aige le hairgead. Ní hamháin gur cuma leis an Rialtas seo, ach is léir go bhfuil daoine sa Rialtas go bhfuil gráin acu ar an Ghaeilge agus dá fhad uathu í, is ea is fearr leo é.

**Minister of State at the Department of Arts, Heritage and the Gaeltacht(Deputy Dinny McGinley):** Ba mhaith liom buíochas a thabhairt do na Teachtaí uilig a ghlac páirt sa díospóireacht seo agus as na tuairimí a chuir siad os ár gcomhair. Bhí díospóireacht againn ar an Bhille seo sa Seanad an mhí seo caite. Is Bille tábhachtach é agus tá tábhacht leis an rud atá muid ag iarraidh a dhéanamh. I mo thuairim, léiríonn an Bille seo chomh tábhachtach agus atá an focal scríobhtha sa Ghaeilge.

Tá ár gcanúintí againn go léir, is cuma as cén pháirt den tír muid. Tá canúintí i ngach teanga. Mar adúirt duine éigin anseo inniu, tá na mílte canúint sa tSín, ach níl ach teanga scríobhtha amháin acu. Sin an cuspóir atá againn leis an Bille seo, go mbeidh na focal scríobhtha sa teanga mar a gcéanna, is cuma cad í an chanúint atá ag duine. Tá sin indéanta i dteangacha forbartha ar fud an domhain agus is luaithe a dhéanfaidh muid sa Ghaeilge é sin, is ea is fearr.

Tógfaidh mé an méid a bhí le rá ag an Teachta ó Cuív ar dtús, ó tharla nach bhfuil sé anseo agus go bhfuil sé úr i m'intinn. Leis an rud a bhí ar siúl ag an Teachta Ó Cuív bheadh muid fágtha le dhá caighdeán. Ar dtús, bhí an caighdeán a thug Rannóg an Aistriúcháin isteach i 1958 agus ar tógadh muid go léir leis - gach múinteoir, dalta agus gach duine atá thar 50 bliain - agus lena raibh muid an-sásta. Is mór an trua é nach ndearnadh uasghrádú ar an chaighdeán sin. Níl a fhios agam cé ar atá an locht. B'fhéidir go bhfuil cuid den locht ar an Teachta Ó Cuív agus na daoine ar an dtaobh sin den Teach a chaith tréimhsí fada anseo, nár bhac siad le aon

uasghrádú a dhéanamh ar an chaighdeán. B'fhéidir gur sin an rud a tharla.

Cad a rinne an Teachta? Chuir sé coiste dá chuid féin ar bun, an t-Ionad Aistriúcháin. Ansin, séard a bhí againn ach an dream anseo, Rannóg an Aistriúcháin, a chur amach an chéad caighdeán i 1958 agus a rinne go leor oibre air, agus ar an dtaobh eile dúirt an Teachta Ó Cuív, agus é ina Aire ag an am, go raibh sé chun a chaighdeán féin a bheith aige agus chuir sé an t-Ionad Aistriúcháin ar bun thall i mBóthar Mespil agus bhí an t-ionad sin an-gnóthach.

Ba mhaith liom ard-mholadh a thabhairt don Ionad Aistriúcháin agus an coiste stiúrtha as an obair a dhein siad. Ní easaontaím leis an Teachta Ó Cuív faoin obair a dhein siad. Bhí sár obair idir lámha acu. Bhí speisialtóirí san ionad agus lucht Gaeltachta agus daoine acadúla agus daoine le cáilíochtaí sa teanga, i bhfad níos mó ná atá agamsa ná ag éinne eile anseo. Ba mhaith liom a dhearbhú sa Teach seo go bhfuil meas agam ar a saothar agus gabhaim buíochas leo as. Níl sé fíor go mbeidh an saothar sin cailte. Níl sé cailte. Tá an saothar sin go léir curtha ar ais agus tá sé i dtaisce anseo againn i Rannóg an Aistriúcháin. Nuair a bheidh an chéad uasghrádú eile á dhéanamh ar ghramadach na Gaeilge agus ar chaighdeán na Gaeilge, beidh muid ábalta úsáid a bhaint as sin. Ní dóigh liom go bhfuil an oiread sin difríocht eatarthu. Ach tá rud amháin nach féidir linn cur suas leis agus is é sin go mbeidh dhá caighdeán ag dul ar aghaidh lámh ar lámh agus céim ar chéim. Níl muid chun glacadh le sin agus nílim chun mo leithscéal a ghabháil leis an Teachta Ó Cuív nó aon Teach eile maidir le sin.

Sílim go raibh an méid a bhí le rá ag an Teachta Kitt an-tomhaiste ar fad. Chuir sé fáilte roimh an rud atá á dhéanamh againn. B'fhéidir go raibh sé ceart go leor, nuair a bhí airgead chomh fairsing le móin sa tír seo agus nuair a bhí sé dhá caitheamh ar fud na tíre agus ar fud an domhain, airgead a chaitheamh mar a mhol an Teachta. Ach b'fhéidir gur sin an fáth go bhfuil an deacracht againn inniu atá againn. Ar ndóigh, bhí an Teachta Ó Cuív ina shuí ag bord an Rialtais a rinne na cinntí sin agus ní cóir dearmad a dhéanamh ar sin.

Dúirt an Teachta Ó Cuív nach bhfuil aon pholasaí ag an Rialtas. Tá polasaí ag an Rialtas. Thug an Rialtas tacaíocht iomlán nuair a bhíomar sa bhFreasúra don straitéis 20 bliain. Thug muid tacaíocht iomlán don Ghaeilge mar theanga oifigiúil i bParlaimint na hEorpa. Thug muid tacaíocht iomlán d'Acht na dTeangacha Oifigiúla i 2003. Thug muid creidiúint don Aire ag an am é sin a dhéanamh, ach deireann an Teachta nach bhfuil aon pholasaí ag an Rialtas. Tá polasaí ag an Rialtas. Tá coiste ar bun ag an Rialtas, faoi chathaoirleacht an Taoisigh é féin. Bhí cúig nó sé cruinnithe den choiste sin againn, ceann acu coicís ó shin. Beidh an chéad ceann eile go luath sa bhliain úr. Tá an coiste ag plé le cúrsaí tábhachtacha a bhaineann le cur i bhfeidhm pholasaí na Gaeilge agus an straitéis, ní hamháin sa Roinn féin agus sa Roinn Oideachais agus Scileanna ach sna Ranna eile a bhfuil baint acu le cur chun cinn na Gaeilge.

Nílim ach bliain agus ocht mhí in oifig, ach tá cuid mhór rudaí ag dul ar aghaidh sa Roinn. Thug muid isteach Bille Gaeltachta. Táimid i ndiaidh bord nua a chur isteach ar Údarás na Gaeltachta. Ní mar seo a tharla nuair a bhí an Teachta Ó Cuív ina Aire.

*6 o'clock*

D'fhág siad Údarás na Gaeltachta gan phríomhfheidhmeannach buan ar feadh trí bliana, beagnach. Tháinig muidne isteach agus an chéad rud a dúirt mé na go mbeadh Údarás na Gaeltachta ann. Is féidir leis an Teachta Ó Cuív a bheith ag rá nach raibh aon phlean deireadh a chur leis an údarás nuair a bhí sé féin ina Aire, ach tá na figiúiri ansin. Sa bhliain 2008, bhí €620 mhilliún de airgead caipitil ag Údarás na Gaeltachta, i 2009 bhí sé anuas go dtí €16 mhilliún, i

2010 bhí sé anuas go dtí €10 milliún agus nuair a tháinig mise isteach bhí na figiúirí ansin romham, thíos go dtí €6 mhilliún. D'éirigh na deacrachtaí eacnamaíochta níos deacra ó shin ach d'éirigh linn anuraidh é a choinneáil ag €6 mhilliún, agus brú uafásach ar an Státchiste ó thaobh chúrsaí sláinte de, ó thaobh chúrsaí oideachais de agus ó thaobh chúrsaí leasa shóisialaí de. Ach d'éirigh linn an t-airgead a choinneáil agus táimid ag iarraidh é a dhéanamh i mbliana arís.

Bhí mé ag éisteacht leis an Teachta Ó Cuív agus mheasfá nach raibh sé in aon Rialtas le 20 bliain. Is é an rud atá le déanamh agamsa sa Roinn, le mo chomhghleacaí, an tAire, an Teachta Deenihan, agus leis na hAirí eile, an géarchéim eacnamaíocht a tugadh dúinn le huacht a réiteach. Táimid ag déanamh ár ndícheall é sin a dhéanamh agus, ar ndóigh, tá an bhróg ag teannadh orainn go léir, agus ar an Ghaeltacht chomh maith.

Labhair an Teachta Kitt faoi Straitéis 20 Bliain don Ghaeilge. Sílim go bhfuil sé sin ag dul ar aghaidh againn. Tá coiste ann faoi chathaoirleacht an Taoisigh, bíonn cruinnithe rialta againn agus táimid ag díriú isteach ar an oideachas go maith. Tá coiste idir-ranna againn a bhfuil na Ranna a bhfuil baint acu le cur i bhfeidhm na straitéise air. Tá mé féin mar chathaoirleach air sin agus tagaimid le chéile go rialta. Tá go leor rudaí ag dul ar aghaidh.

Thagair an Teachta Kitt, chomh maith leis an Teachta Ó Cuív, don choiste stiúrtha agus don chaighdeán oifigiúil. Ní dhéanfar dearmad ar na moltaí a rinne an coiste stiúrtha. Nuair a bheimid ag déanamh uasghradú ar an chaighdeán oifigiúil amach anseo, agus tá sé ráite go mbeimid á dhéanamh taobh istigh de thrí bliana, ní rachaidh an obair an-fhiúntach a chuireadar siúd ar fáil amú.

Maidir le struchtúir fhoireann Rannóg an Aistriúcháin, fuair an rannóg triúr aistritheoir ón lár-ionad aistriúcháin, duine amháin ag grád a 2 agus beirt ag grád a 3. Fágann sin go bhfuil 21 ag obair i Rannóg an Aistriúcháin i dTithe an Oireachtais. Tá riarastí ann maidir le hAchtanna, ach tá sé sin ag dul ar aghaidh le blianta fada. Luaigh an Teachta Ó Cuív go raibh 394 Bhille le haistriú. Níor tharla an riaráiste sin ar fad le mo linnse. Tá sé sin ag dul ar aghaidh le deich nó 15 bliana. Bhí seans ag an Teachta Ó Cuív tabhairt faoi sin nuair a bhí sé ina Aire ach ní fhaca mé aon rud ag tarlú. Leis an fhoireann breise atá i Rannóg an Aistriúcháin anois, déanfaimid gach iarracht, ar bhonn straitéise, tabhairt faoi na riarastí sin. Glacfaidh sé am ach beimid ábalta tabhairt faoi.

Thagair an Teachta Kitt don chlár tacaíochta teaghlaigh. Bhí scéim labhairt na Gaeilge againn. Níl sé againn anois ach tá clár tacaíochta teaghlaigh againn.

**Deputy Michael P. Kitt:** Tá sé imithe, cosúil leis an gCoimisinéir Teanga.

**Deputy Dinny McGinley:** Ó tharla gur thagair an Teachta don Choimisinéir Teanga, tá an coimisinéir ansin agus na cumhachtaí céanna aige agus a bhí. Tá sé lonnaithe thiar i gCois Fharraige, mar a bhí, tá an fhoireann chéanna aige agus a bhí agus tá siad lonnaithe ins an Ghaeltacht mar a bhí. Bhí daoine ag rá anuraidh go raibh deireadh leis an gCoimisinéir Teanga, go mbeadh sé ag teacht aníos anseo go Baile Átha Cliath agus mar sin de. Ní raibh sé sin fíor. Tá sé ag gníomhú faoin Acht agus is cinneadh de chuid an Rialtais é sin.

Maidir leis na hoileáin, caithfidh mé buíochas a thabhairt don Teachta Kitt. Bhí na pointí a rinne sé an-thomhaiste. Dúirt sé go dtuigeann sé go bhfuil deacrachtaí airgid agus deacrachtaí achmhainní ag an tír. Bhí na pointí a rinne sé an-thomhaiste ar fad. Luaigh sé an t-aer sheirbhís go dtí na hoileáin. Bhí cruinniú tairfe againn inné le hionadaithe poiblí ó Ghaillimh Thiar in áit a phléigh muid an cheist. Tá achmhainní teoranta againn. Níl a fhios againn cad é an ciste a

bhéas againn an bhliain seo chugainn, ach beidh a fhios againn nuair a thiocfaidh an cháinainéis amach cad é an ciste a bhéas againn. Ansin, beimid ag tabhairt cuirí arís do Aer Árann agus do mhuintir Árann chun scrúdú a dhéanamh ar an cheist agus chun a fháil amach an mbeidh aon réiteach ar an cheist an-chasta seo. Cosnaíonn sé a lán airgid an tseirbhís a choinneáil. Tá seirbhís an-mhaith farantóireachta go dtí na hoileáin chomh maith. Bhí mé féin ar an báid go dtí na hoileáin agus caithfidh mé a rá go bhfuil seirbhís den scoith ar fáil. Is deas an rud seirbhís aeir a bheith ar fáil ach caithfidh amharc air i gcomhthéacs an méid airgid a bhéas againn agus na moltaí a thioctas ó Aer Árann féin agus ó mhuintir na n-oileán. Bhí cruinniú maith againn.

Bhí mé ag éisteacht go cúramach leis an méid a bhí le rá ag an Teachta Ó Snodaigh. D'fháilteoinn go mór le haon moltaí a chuirfeadh sé le húsáid Gaeilge i dTithe an Oireachtas a chur chun cinn. Tá deacracht mhór againn ansin agus éiríonn an cheist seo bliain i ndiaidh bliana. Thagair an Teachta do úsáid na Gaeilge in Aontas na hEorpa chomh maith. Rinne an Teachta Donohoe tagairt dó sin chomh maith. Bí mé féin ag cruinniú amháin des na hAíre sa Bhruiséal agus thug mé an óráid i nGaeilge. Bhí gach duine ábalta mé a thuiscint mar go bhfuil na gléasanna aistriúcháin ansin. Tá an-shuim ag an Taoiseach, agus muid ag teacht isteach ar an Uachtaránacht sa sé mhí amach romhainn, go mbainfidh go léir úsáid oiread agus is feidir as an nGaeilge. Nuair atá an Ghaeilge aitheanta ag leibhéal na hEorpa níl sé ach ceart go mbainfí úsáid aisti.

Shíl an Teachta Donohoe gur téarma ró-ghairid é seacht mbliana le huasghrádú a dhéanamh ar an chaighdeán. Níl a fhios agam faoi sin. Tá sé ró-fhada ó rinneadh an uasghradú dheireanach ó 1958. Bíonn teanga bheo ag athrú i gcónaí agus sílim gur fearr go ndéanfar an uasghradú níos minicí ná í a chur ar an mhéar fhada.

Rinne an Teachta Mac Craith óráid an-leathan ar fad. Thóg sé ceist Údaráis na Gaeltachta agus easpa daonlathais. Ní aontaím leis sin ar chor ar bith. Tá údarás maith againn anois. Tá sé íslithe ó 20 go dtí 12. Cuireadh isteach baill úra an tseachtain seo agus tá mé cinnte go ndéanfaidh siad cúis an-mhaith ins an téarma atá amach rompu.

Labhair an Teachta Ó Cadhain ar an tseirbhís aeir go hÁrann. Labhair an Teachta Neville mar dhuine de Choimisiún Thithe an Oireachtais agus thug sé tacaíocht don rud atá á dhéanamh againn, mar a rinne an Teachta Kitt.

Ina dhiaidh sin, labhair an Teachta Donohoe, agus chuir mé an-shuim sa mhéid a bhí le rá aige. Rinne sé onóracha sa Ghaeilge san ardeistiméireacht ach tá sé go maith as taithí. Bhí sé thar lear, san Afraic, agus tuigean sé anois cé chomh tábhachtach mar ghné dár gcultúr is atá an teanga. Chuir sé áthas orm agus thug sé misneach agus muinín dom go ndúirt sé go bhfuil sé sásta dul i mbun an teanga a athfhoghlaim lena chuid páistí atá ag dul ar an scoil agus gurb é an chuspóir atá aige ná go mbeidh sé istigh anseo roimh dheireadh na Dála chun óráid a thabhairt trí Ghaeilge.

Gabhaim buíochas don Cheann Comhairle as deis a thabhairt dom an Bille seo a chur os comhair na Dála agus gabhaim buíochas do na Teachtaí uilig a chuir fáilte roimh an mBille agus a thuigean an obair agus an chuspóir a bhaineann leis an Bhille seo – obair dhá choiste a chomhthathú agus déanamh cinnte de go mbeidh Caighdeán Oifigiúil amháin againn sna blianta amach romhainn. I mo thuairim, rachaidh sin chun tairbhe go mór do theagasc agus d'fhoghlaim na teanga.

Question put and agreed to.

**Houses of the Oireachtas Commission (Amendment) Bill 2012 [Seanad]: Referral to Select Committee**

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** I move:

That the Bill be referred to the Select Committee on Environment, Culture and the Gaeltacht pursuant to Standing Order 82A(3)(a).

Question put and agreed to.

**Residential Tenancies (Amendment) (No. 2) Bill 2012: Second Stage (Resumed)**

Question again proposed: “That the Bill be now read a Second Time.”

**Deputy Michael P. Kitt:** I welcome the opportunity to speak on this Bill and I am glad it will amend the Residential Tenancies Acts 2004 and 2009 and provide for the application of those Acts to dwellings let by voluntary and co-operative housing bodies to tenants who have been assessed under the Housing (Miscellaneous Provisions) Act 2009 as having housing need. It also provides for the dissolution of the rent tribunal and provides for the transfer of its functions to the Private Residential Tenancies Board. The Bill further amends the Housing (Miscellaneous Provisions) Act 2009 by changing the name of the Private Residential Tenancies Board to the Residential Tenancies Board.

I welcome this debate. I hope, however, we are dealing with more than name changes. It is important we have a safe and stable way to find accommodation for those who are renting. More people are renting according to the figures and this Bill draws on work initiated by the Fianna Fáil Government in 2004. We must make changes to tackle the problems and the challenges faced by a very different Irish rental market. We must also put in place additional resources for the PRTB and we need more clarity on the deposit retention scheme. There are complex issues in this law that could undermine the potential of the Bill and I would like to see changes made on Committee Stage to address the concerns I have.

The figures mentioned for the increase in the numbers of tenancies are very important. It is interesting that the commonest complaints made by tenants are the refusal of landlords to refund deposits. Almost 72% of all cases taken by tenants in 2010 related to a refusal to refund the deposit. The most common complaint from landlords concerned rent arrears and breaches of other tenancy obligations, with those being the cause of 68% of all cases taken by landlords. How will the Minister of State deal with the issue of rent arrears and the return of deposits? These are the two big issues that have been highlighted by constituents, and we need more clarity about how this will happen.

I met a number of housing organisations and I am always very impressed when I meet the Simon Community. I have seen its work in Galway, especially that of Bill Griffin and Joan Gavin,

who have been to the fore in trying to provide services other than housing for the homeless. In particular, a chiropody service has been undertaken by the Simon Community with assistance from the HSE, and the Simon Community also sought dental services for the homeless. I was glad when I raised this issue as a Topical Issue matter and the former Minister of State, Deputy Shortall, told me six extra dentists would be appointed nationally, with one of them operating in the HSE western region to deal with this issue. That issue should be to the fore because there are so many areas that must be examined when discussing the homeless. From what I know of the organisations I have met and from talking to people who work with the homeless, the issue is much bigger than we think. The figures for homelessness, particularly in Dublin, are higher than we think. That should be to the fore of the Department's consideration of these questions.

I put some of those points to Focus Ireland, an organisation that has done considerable work on homelessness. Focus Ireland pointed out the issues relate to how quickly people can move into homelessness. The organisation has proposed a number of actions, including the causes of new homelessness being kept under review and amending public policy that pushes people into homelessness. It advocates preventative advice, information and family mediation, raising the question of services such as the money advice and budgeting service, and a new household debt adviser linked to homeless prevention services. Those issues and getting people into private rented accommodation are very important, as important as rent supplement, and should be targeted at those who are homeless, and they must reflect the rent levels they must pay.

We must also consider the question of providing social housing and ensuring 30% of social housing goes to the homeless. Focus Ireland also mentioned investment and the Pathways Housing First approach for chronic homeless people and the targeting of services for families in homeless accommodation to link them with mainstream housing and negotiate with community welfare officers, provide tenancy sustainment and support for adults and children. Focus Ireland has supported more than 70 families to move from homelessness into mainstream accommodation since last March. Those initiatives are welcome and the organisation deserves credit for that.

Another important issue is the anomaly whereby in a county like Galway, people in the city and in the rural areas get the same payment. That does not reflect local reality. Rents are higher in the city than in the county so there should be an independent, transparent process which uses rental data and does not use this one-size-fits-all approach.

I have also raised the issue of sheltered accommodation for the elderly, both with the Minister of State and the housing organisations. There is very low priority for single people on low incomes. Obviously local authorities do not seem to have the resources to deal with this nor does the private sector or the Department. However, in a very welcome development in County Galway, Clúid, the housing organisation, has provided sheltered housing. There are many more such schemes and the Society of St. Vincent de Paul in Ballinasloe has submitted an application to the Department which should be considered because sheltered housing has not been given priority either by local authorities or by the Department.

**Acting Chairman (Deputy Terence Flanagan):** The Deputy has just over one minute remaining.

**Deputy Michael P. Kitt:** I am very disappointed at that, but I am getting good support from Deputy Browne.

The Minister of State launched Threshold's report. It made the point about NAMA having 10,000 units that could be utilised. It also raised the problem of deposit retention and the difficulties people are having in getting accommodation.

While it may be featured in the news, we often forget about the issue of the lack of student campus accommodation. Even if this is not in the Minister of State's area of responsibility, it should be looked by the Minister for Education and Skills. Students find it difficult to get accommodation because they need it for eight to nine months whereas landlords tend to offer 12-month leases. Those who are not students will find it easier to get such accommodation because it is more lucrative for a landlord to get a 12-month lease. I am glad more landlords and students are coming together, even to arrange an inspection per term, in order to clarify some of the outstanding problems. If one were to read e-mails from students and landlords or if one were to listen to Joe Duffy on "Liveline", one would be aware of the problems of anti-social behaviour, breakages and cleanliness in student accommodation. I could go further, but I know Deputy Browne wishes to speak.

**Acting Chairman (Deputy Terence Flanagan):** The Deputy is over time.

**Deputy Michael P. Kitt:** I welcome the Bill provided we can make changes on Committee Stage. We have made some progress but many issues remain to be addressed.

**Deputy John Browne:** I welcome the Bill, which gives an opportunity to make some points about housing and rent subsidies. It is an area that has changed dramatically in recent years. The legislation needs to work for tenants to ensure renting is a safe, stable and secure way to get living accommodation, and this Bill moves in that direction. Sometimes we introduce Bills but then we find it very difficult to get the resources required to implement the provisions of such legislation. I hope the Minister of State will be in a position to ensure the Private Residential Tenancies Board is fully resourced in the future because it seems to be under-resourced at present, resulting in delays in making decisions.

As the Minister of State said, the Bill's aims are to speed up the resolution service provided by the PRTB by encouraging mediation and bringing the voluntary and co-operative housing sector under the governance of the Residential Tenancies Act 2004. I ask the Minister of State to explain how that will happen because I find that many of the voluntary and co-operative organisations are stand-alone and independent and make their own decisions with regard to rent and how they run their organisations. We always found it very difficult to get a handle on how they operated in the past. I am sure the Minister of State is working with these organisations to ensure they are on board.

The Irish rental market has changed dramatically in recent years. Local authorities are no longer building houses, which is strange considering the Labour Party is in government. The Minister of State might clarify whether she will have any allocation in 2013 for local authorities to build houses.

**Deputy Jan O'Sullivan:** We would need to have some money in the public purse to build more houses.

**Deputy John Browne:** The Wexford County Council housing officer informed me that in 2011 and 2012, and possibly in 2013, no house will have been built by the local authority, which is a change compared with what we were used to as members of the council and as Members of the Oireachtas in recent years when a significant number of houses were built by local authori-

ties.

**Deputy Dara Murphy:** There have been many changes since then.

**Deputy Jan O'Sullivan:** Unfortunately the troika has obliged us to cut our capital budget.

**Deputy John Browne:** I am about to offer the Minister of State a solution to the problem by referring to NAMA. She might have more influence with NAMA than people such as us, who continually contact NAMA about its housing stock. In December 2011, NAMA drew up a list of 2,000 properties for social housing and I believe it has not allocated any social housing thus far. I understand it may do so in 2013. We are all aware of the substantial number of houses on NAMA's books. While some of them are obviously not suitable for reallocating, a substantial number of completed houses are lying idle and they should be brought into play as quickly as possible. I am sure the Minister of State will also want that to happen because it would solve some of the current problems.

Regardless of how we feel, most Irish people like to own their own homes. Local authorities have the rental accommodation scheme, the leasing scheme and other schemes which are good in their own way, but many people would prefer to purchase the house, which they are not entitled to do under the RA scheme because they usually lease for five or ten years, after which the families may have to move again. Some forward thinking in that area might ensure that local authorities would be in a position to purchase these houses when additional funding becomes available. We all like to own houses and like to be able to buy out houses from the local authority. I believe I read a newspaper report indicating the Government was considering a 60% write-off to encourage people to buy out the houses in which they are living. That would also be welcome because it would give people an opportunity to buy out houses even though they might be on low incomes or dependent on social welfare.

A number of issues with the rental scheme cause major problems, including the requirement for a deposit. People may pay an upfront deposit of €600 to €1,000, yet when they leave that particular house they find it difficult to get back the deposit. Landlords tend to find some reason - a flimsy reason in most cases - not to return a deposit. As a result, if people are moving to a more suitable house, which could be a larger house because their family has grown, they find it impossible to get the money for another deposit from a community welfare officer. That may be fair enough because they have already got one deposit. However, there should be some legal status, and I hope the Minister of State will ensure through this Bill that people who pay their deposit and are entitled to have it returned get it back, because it is a major issue.

The rules for termination of tenancies, for example, are a legal minefield. The PRTB dispute resolution procedures are multi-layered and in many cases do not facilitate prompt outcomes. This is frustrating for landlords if there is non-payment of rent by tenants or if landlords want to repossess rented premises. It is also frustrating for tenants whose deposits have been unlawfully withheld by the landlords.

The demand on the Private Residential Tenancies Board dispute resolution service has grown significantly in recent years, creating further pressures on stretched resources. Landlord and tenants need a legal system that is user-friendly together with an efficient mechanism for resolving disputes. I am aware that 2010 and 2011 were challenging years for the dispute resolution service with the unprecedented increase in the number of applications with which it had to deal. There was a 20% increase in the number of complaints it received in 2009 and more

recently, on 6 February, it was reported that complaints to the Private Residential Tenancies Board had risen by 25%. There is probably a need for more resources and staff and for decisions to be made more quickly.

I welcome the fact the Bill is before the House. The Minister of State is a reasonable person and she very much understands what is happening on the ground in the rental market. I expect on Committee Stage she will accept amendments from this side of the House and I am sure she will bring forward some amendments on foot of contributions that have been made to make the Bill even more user-friendly, more appropriate and more relevant to the system than what pertains at present.

I ask the Minister of State to indicate the discussions she has had or intends to have with NAMA between now and the forthcoming budget to ensure vacant houses that are locked up but which are ready to be lived in and which could become available quickly are made available and to ensure NAMA moves on in this respect. I would cite one example in this context. Enniscorthy Town Council was buying houses from a developer whose loans were acquired by NAMA. Because of the roadblocks the agency has put in the way of the council, the council has decided not to purchase them but to lease houses instead. That was because it could not get co-operation, good, bad or indifferent, from NAMA.

**Acting Chairman (Deputy Terence Flanagan):** The next speaker is Deputy Connaughton who is sharing his time with Deputies Fitzpatrick and Dara Murphy. Is that agreed? Agreed.

**Deputy Paul J. Connaughton:** I welcome the opportunity to speak on the Bill. Its provisions seek to improve the regulation of tenant-landlord relationships by improving the dispute resolution service provided by the Private Residential Tenancies Board and also, for the first time, to bring the voluntary and co-operative housing sector within the board's remit.

Recent years have seen a significant increase in the number of tenants renting from housing associations, non-profit organisations that provide housing for those in need at affordable rent levels. There is an important distinction between voluntary housing associations and housing co-operatives in that the voluntary associations are non-profit organisations while the housing co-operatives are jointly owned by members or user associations or societies.

There are 700 voluntary and co-operative bodies with approved housing body status in the State and, of these, 443 have completed at least one project to date. In total, this sector accounts for 25,363 housing units. The number of the tenants who come under the umbrella of the sector is very significant. Previously, if a dispute arose, the only avenue open to either the landlord or the tenant in the voluntary and co-operative sector was the courts, which are costly, especially when one considers that the tenants involved are mainly social housing tenants and those in receipt of social welfare benefits.

An important element of the Bill is the security of tenure provisions which ensure tenants under the Act will have a right to a four-year tenancy. The provisions of this Bill will also give them access to the PRTB dispute resolution service, which is also available to the housing bodies involved. The inclusion of this sector in the Bill will no doubt result in an increased workload for the PRTB, but this will be offset by increased income. The registration fee for a tenancy currently stands at €90 per tenancy.

I note that the Minister of State intends to deal with a number of very important issues at a future date. For example, the Bill does not deal with tenants who are in arrears, and this is a

growing problem. Two years ago, almost one third of all disputes referred to the PRTB related to rent arrears, up from 23% a year earlier. It is little wonder, given the difficulties with land tenure and other such issues, that Irish legislation was framed in favour of the tenant over the landlord, but in recent times some tenants have sought to take advantage of the system. Current provisions in the Residential Tenancies Act 2004 stated a tenancy may not be terminated pending the determination of a dispute, but these disputes often take well over a year to determine, creating considerable difficulties for landlords. I understand a number of options are being considered in regard to this matter and I believe a resolution to this difficult question should be brought forward as soon as possible.

The other matter which is causing considerable difficulty to both tenants and landlords is the issue of deposits. I note that more than 70% of complaints to the PRTB in recent years relate to deposits. I believe the Minister of State is to consider the findings of a report on the subject commissioned by the PRTB and due out later this year. This report may include amendments to the current Bill and may recommend the establishment of a deposit protection scheme whereby a third party would hold the deposits and adjudicate on disputes in regard to deposits. Given the significant difficulties the return of deposits is causing, it would appear that having a third party adjudicate on deposits would be a commonsensical approach to this issue. Each year I am contacted by many students and their families caught up in the very difficult situation where deposits are withheld, and the situation can reach a stalemate very quickly.

I note that deposit protection schemes have been introduced in England and Wales, with three independent government approved schemes available. Those schemes appear to be working well with a low level of problems. The success of the schemes in those countries is borne out by the fact that Scotland and Northern Ireland now appear to be able to follow suit.

I also note the success of a scheme in New Zealand where many problems are resolved by mediation in the local tenancy services centre, while tenants and landlords have the option of taking the matter further to the tenancy tribunal for a court hearing if the matter is not resolved by mediation. In New Zealand, 82% of bonds or deposits are refunded and 72% of disputes are resolved out of court. The system adopted in New Zealand appears to be a very commonsensical approach and one that would work well if replicated in Ireland.

This Bill aims to reduce delays in the current dispute resolution service for the PRTB and also brings the voluntary and co-operative sector within the remit of the board. I believe both measures are prudent and will result in a greater protection for tenants and landlords, be they in the private, voluntary or co-operative sectors.

**An Leas-Cheann Comhairle:** Before I call the next speaker, I advise for the information of the House that Deputy Feighan will have a speaking slot after Deputy Dara Murphy. Is that agreed? Agreed. I call Deputy Fitzpatrick.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to discuss this Bill. It was published in July and will amend certain provisions of the Residential Tenancies Acts 2004 to 2009 which govern the private rental sector as well as the Private Residential Tenancies Board, PRTB.

One of the PRTB's most important functions is the provision of a dispute resolution service which mediates disagreements between landlords and tenants, outside of the court system. The largest category of cases referred by landlords to the PRTB relates to rent arrears, 31% in 2010, while most cases referred by tenants relate to deposit retention, 72% in 2010. Both these issues

are particularly serious. In the former case there is additional pressure on genuine landlords collecting rent. It is particularly stressful and financially worrying if rents are not forthcoming with the potential and added pressure of banks screaming at them for loan repayments. For tenants, the failure to have their deposits rightfully refunded can prevent genuine tenants securing new residences. In both cases the victims need support. In my constituency office in Dundalk, I have met numerous people who can relate to what I have said. There is a need for legislation to address these issues and what is proposed is a positive step.

Increasing demands have been placed on the dispute resolution service in recent years. This has resulted in determination orders taking as long as eight months to be delivered. This is hardly acceptable and would be frustrating for either party in the examples mentioned.

One of the Bill's main aims is to speed up the dispute resolution service provided by the PRTB. As is often the case with good law, those abiding by it have little to fear. However, any party being treated in an unjust manner can benefit.

Other components of the Bill include the regulation under the Residential Tenancies Act of those tenancies in the voluntary and co-operative housing sector that most closely parallel private rented tenancies. This will give tenants in the voluntary and co-operative sector the same rights as tenants in the private sector. The agency responsible for regulation of the tenant-landlord relationship, the Private Residential Tenancies Board, is to be re-named the Residential Tenancies Board. Formal effect is given to the merger of the rent tribunal with the Private Residential Tenancies Board and the size of the board will be reduced from 15 members to 12. The Bill also includes measures to increase the take-up of mediation as a key dispute resolution mechanism. The Bill will strengthen the system of tenant landlord legislation. It is welcome, and should improve the speed with which disputes are resolved. As a consequence, I have no hesitation in commending the Bill to the House.

**Deputy Dara Murphy:** I welcome the Bill and the opportunity to speak on it. I compliment the Minister of State who is doing an excellent job in very difficult circumstances and with a difficult economic background. The mind boggles to hear one of the Fianna Fáil contributors, Deputy Browne, moaning and giving out about the fact more money is not available to the Minister of State to spend on building new housing. We all know that Fianna Fáil destroyed our international reputation, our economy and confidence in politics. In particular Fianna Fáil in its 14 years in government wreaked havoc on everything to do with housing in the State. For a Fianna Fáil Deputy to make the point he did is nothing short of outrageous and shows brass neck. The other Fianna Fáil contributor was particularly measured in his comments.

We all welcome the Bill, especially in how it reforms the landlord and tenant regulatory environment. There is benefit on both sides, particularly for the tenant. The area of dispute mediation has been addressed, and a particular area of concern is the illegal retention of deposits. It is not in all cases that the retention of the deposit is illegal. The black economy will be tackled in some fashion with the new legislation, although not completely, and it is an area which still causes concern particularly to the honourable members of the industry who are compliant. Perhaps further work could follow in this regard. I am sure the Minister of State is aware of it.

The context of the Bill is also very important. We are now seeing, perhaps not necessarily because people want to move towards a reduction in the total home ownership in the country, that more people in the State are moving towards a landlord-tenant arrangement which is more normal in Europe. There is certainly potential for people to have successful and long relation-

ships with landlords. Of course, it is crucial it is voluntary rather than an economic necessity.

I compliment voluntary housing agencies on the work they do. I was a member of a local authority and sometimes it was difficult to deal with them and some of the procedures they undertook, but I would like to be more positive and focus on agencies such as Threshold, Clúid, Respond!, the Society of St. Vincent de Paul and Simon and the great work they do.

Although it is not specifically in the Bill, the Minister of State referred to the area of anti-social behaviour. There will be benefits to landlords with regard to non-payment of rent, and the Bill deals specifically with the relationship between a landlord and a tenant. However, it does not take into account the third parties who are the neighbours of rented accommodation. We need to strengthen the legislation with respect to how anti-social behaviour is treated. We need to shift the emphasis away from a point where a landlord is happy to take rent from a tenant who engages in anti-social behaviour. The voices of the neighbours and people living adjacent to these properties need to be heard in far greater volume. I know it has been mentioned and that the Minister of State intends to pursue it.

Cork Institute of Technology and University College Cork are in my constituency and many of the properties there are owned by landlords who live remote from the areas. I fully respect that families and people who wish to establish their homes need to be protected and that eviction would cause difficulty for them because they would need to find alternative accommodation. I am not so sympathetic when it comes to students who stay for only a number of months. I stress it is a tiny minority of students who engage in anti-social behaviour. However they can cause huge discomfort. The shortness of the term of their tenancy gives rise to an even greater sense that there will not be repercussions for their actions. I urge the Minister of State to continue on the path she is going. Every Member of the House and every local authority member in the country is aware that local authorities pursue a policy of not moving or transferring victims of anti-social behaviour but rather removing the problem. While some progress has been made, the reality is that the causes of anti-social behaviour remain in too many cases, which gives rise to a significant number of people requesting transfers. If we can address anti-social behaviour, it would reduce the desire of people to move.

**Deputy Frank Feighan:** I thank the Minister of State for bringing the Bill to the House. The Bill has many aspects which are very welcome. Since the foundation of the State we have had a love affair with owning our own property and home. Perhaps it came from colonialism. It certainly had a very positive effect, but in recent years it has had a very negative effect. We were not very familiar with renting, but since the downturn and the property crash, many people are very disappointed that they wanted to own their own home. Many are in negative equity. The Bill is very welcome because given the downturn in the property market, many people will aspire to lease. Over the years people have been very concerned, especially those with children, that they could be thrown out of their house and everyone has heard horror stories about landlords. Much has been done in the past 20 or 30 years to give tenant rights. The Bill is the result of much consultation. We are trying to get the balance right between landlords and tenants. Many years ago the landlord had total power and could almost walk into a flat and tell a tenant to leave, but things have changed.

When I look at websites such as *www.daft.ie* and *www.myhome.ie*, I see many landlords do not want tenants with rent supplement. I am concerned this will disenfranchise people and those on rent supplement will be discriminated against. I am sure the Minister of State will have something to say about this. I was a landlord and I would like to think I was quite good

one. There were times when I showed much leniency and other times when I got taken for granted, but nothing happened that was a serious offence. While the third parties may take their 10%, they provide a valuable service for those who might not be professional or full-time letting agents. They hold the deposit on a professional basis and they act as a good go-between for the tenant and landlord.

I have one or two issues. As we all have mobile telephones or cameras, when somebody moves into an apartment, it is a good idea to take photographs of everything - the kitchen, the carpets, the sofas, etc. This provides a permanent record that can work between the tenant and the landlord to ensure there is no dispute where, for instance, something is missing or damaged. When somebody rents an apartment or house for two or three years, there will be wear and tear that should be taken into consideration, but wear and tear as a result of a party is not the wear and tear on which they agreed.

I would welcome the deposit protection scheme. I note there are many other issues that need to be dealt with regarding the provisions that would come under emergency accommodation and licensees in properties not let as self-contained residential units. It is wise to seek further consultation on these. Effectively, they would involve amendments on Committee Stage.

As I stated, much has been done. There are those on both sides who will abuse the law and the Bill clarifies difficulties. We have come a long way. I have noted, especially in Dublin and perhaps throughout the country, that there are many people coming to live in this country, from Russia, Poland or wherever, who might not be familiar with the customs of the Irish or might be taken advantage of, or the reverse. The Bill brings into consideration the many issues at stake and regularises many matters. I thank the Minister of State for that.

**An Leas-Cheann Comhairle:** Deputies McLellan and Crowe are sharing time.

**Deputy Sandra McLellan:** I welcome the opportunity to speak on this Bill. The Residential Tenancies (Amendment) (No. 2) Bill is important as it should, at least in theory, protect all those in the rental housing accommodation sector. As it stands, however, it fails to achieve this aim in many key respects. Sinn Féin is of the view that this is a weak Bill and that it is best described as more of an exercise in window dressing than a serious effort to deal with the issues and concerns of tenants. We will be supporting it, however, as we feel it is an important step in the process of safeguarding the rights of tenants in Ireland. That said, we will submit a number of amendments to the Bill to which we hope the Government will give serious consideration.

For example, the Bill excludes large numbers of tenants who live in housing provided by approved housing bodies, AHB. Indeed, Focus Ireland is of the view that the proposed legislation goes even further in that it excludes all tenants where any member of the household is in receipt of any form of HSE-funded care. Essentially, this means that AHB tenants will be excluded from the provision in the Bill that affords tenants security of tenure after six months. In response, Focus Ireland has suggested that the Bill should only exclude short-term emergency hostel-type situations and that multiple short-term licences should not be used to deprive a tenant of his or her rights. Sinn Féin agrees with the Focus Ireland position and we will seek amendments accordingly.

Our concerns do not end there. For example, Sinn Féin is also concerned that local authority tenants are excluded entirely from any protections that the Bill might afford them. We are not of the view that local authorities or, for that matter, approved housing bodies, automatically

make good landlords. Even if they are in some instances more reliable than the private market, this in itself is not sufficient grounds for not offering local authority tenants the support and protection of the Private Residential Tenancies Board. Indeed, it is quite reasonable to suggest that inclusion of such tenants in the Bill would serve to strengthen co-operation between local authorities and tenants in dealing with problems and that the Private Residential Tenancies Board would in this way provide both groups with an important supporting role.

It is important to emphasise that the exclusion of local authority tenants from the Bill is in direct contradiction of the Government's housing policy statement from 2011. This statement promised that there would be no hierarchy of tenure. Ironically, in less than a year, it would appear that the Government has chosen to disregard this promise and to go down the route of institutionalising the same hierarchy which it promised would not happen under its watch. Sinn Féin is not in favour of this hierarchy and of the exclusion of local authority tenants from the Private Residential Tenancies Board. We will submit amendments in an effort to rectify this issue.

It is also important to highlight the Private Residential Tenancies Board's role in helping to deal with incidents of anti-social behaviour, and to mention its potential role in ensuring better conditions for people on rent supplement. It is important to state that the Private Residential Tenancies Board is dependent on Government support and funding to carry out its remit efficiently and in a timely manner. In this sense, it is vital the board has adequate staffing levels and increased funding.

I reiterate that Sinn Féin supports this Bill. However, it is a weak Bill and, therefore, we will submit substantive amendments which we hope will find cross-party support.

**Deputy Seán Crowe:** Like many of my Sinn Féin colleagues, I believe this Bill is timely and important. It is important that tenants in accommodation provided by approved housing bodies, which in my time on a local authority would have been known as housing associations, have broadly similar rights to tenants in the private rented sector. My background was as a councillor for a number of years, and I suppose anyone who has been in public life has faced difficulties down through the years in this area.

I agree with my colleague. There are large gaps that could be filled in the Bill. I hope that these changes can be made to the Bill to ensure an important opportunity to strengthen the rights of tenants is not missed. We will probably only get one opportunity in this area in the lifetime of the Dáil and we all want to see stronger rights in this area, not only for tenants but also for landlords. I think we all would accept that there is much inequity in the system.

Others spoke about the high rate of house ownership in Ireland compared with other European countries. In Ireland, home ownership has always been seen as important. People talk about getting on the property ladder and there was the madness in which people were encouraged to participate. However, it also had to do with lack of security of tenure for tenants. I do not know of the experience of the rest of Members in this House, but anyone of my generation who stayed in rented accommodation will have known about the kips and dumps. One wonders how they got away with renting such accommodation and how there were no checks on safety, mould growing on walls, etc. I suppose we were young and foolish and one did not have an alternative.

We want to see this process creating a suitable rental market and legal protection to provide

sufficiently for the everyday needs of ordinary working people. Irish life is changing due to the collapse of the property market and the difficulty in getting credit from financial institutions. Those who would have wanted to leave the rental market and buy a property are now remaining as rent-paying tenants. This is driving up the demand for rental properties but the supply of such properties remains the same. At one stage, 44,000 houses were being built per annum whereas figures released the other day showed 4,000 houses being built this year.

*7 o'clock*

As elected representatives, we hear from constituents that while rents are rising, supports are declining. Not a week goes by but that a young couple comes in to complain that a landlord will not agree to reduce the rent and this creates uncertainty. While this matter is not covered by the Bill before us and it is a question for another Minister, it is nonetheless a crisis. I accept that the depletion of social housing stock is down to previous governments, but the current Government will say it is because of the economic crisis. Disastrous and ill-thought out policies have left tenants with poor rights compared to landlords, which is why this Bill to protect tenants' rights is so important and timely.

A positive measure in the legislation is the inclusion of some approved housing bodies or AHBs. Housing bodies are an extremely important element of the system because they provide housing tailored to specific sections of those in need. Without housing bodies, such as Focus Ireland, Respond, Sonas and many more, we would be in much more difficult situation. Some housing associations are really good at dealing with elected representatives, while others are not. Such bodies should respond to elected representatives on such matters.

A significant gap in this Bill is that some tenants in housing provided by approved housing bodies are excluded from the remit of the Private Residential Tenancies Board. They include tenants in receipt of medical care, personal care services and other assistance from the HSE. I urge the Minister to examine this area because vulnerable tenants who would benefit from the PRTB's services and support will be excluded from its remit. The Bill should clearly state which groups are excluded from the board's remit. They are groups such as those in short-term emergency hostel accommodation and high-support residential care, having due regard for mental capacity legislation. Does the Bill cover people in sheltered accommodation or those in Alone housing? Perhaps the Minister could clarify that point.

Local authority tenants are entirely excluded from the terms of the Bill. However, if the Bill is aimed at providing the PRTB's services to as many tenants as possible who need them, why does the legislation exclude so many tenants in local authority housing from the board's remit? I do not believe the general idea of local authority or AHBs as being good landlords, who are more reliable than the private market, is sufficient excuse not to offer tenants the support of the PRTB. Some local authorities' accommodation is not up to standard, yet they seem to be outside many of the positive changes concerning rented accommodation. That aspect also needs to be considered.

Previous speakers referred to the problem of bad tenants. I spoke to one landlord who said a tenant owed eight months' rent. He eventually got her out of the house but she moved to another house. I have spoken to community welfare officers about difficult tenants, but they cannot advise landlords or keep data. We are actually rewarding some bad tenants by moving them from one house to another, although houses may be smashed up. It is crazy that taxpayers have to pay for this type of behaviour. The current system is wrong and needs to be re-examined.

Other speakers referred to next door neighbours reporting bad behaviour, including that of students. People from all walks of life can be bad tenants, not just students. If someone is being intimidated, it is difficult for me as an elected representative to contact the PRTB to explain what is going on. It is not an option for me, so we need to re-examine that matter. Some of us raised this gap in services at a recent meeting of the policing board. In addition, people have to go through many avenues in order to deal with anti-social noise. The biggest problem with the board is the length of time it takes to get through. When PRTB representatives visited meetings in my own local authority area, they said it was down to a lack of resources. The majority of cases involved people ringing up about anti-social behaviour. However, when such behaviour is reported it can go back and forth and may take 12 months to deal with. Meanwhile, the poor unfortunate person who has reported the matter is being intimidated.

In some cases, serious characters may be involved in drug dealing and other criminality, so people are being put in a difficult position. It would be better if such complaints could be funnelled through elected representatives. For example, if someone in rented accommodation, who gets money from the community welfare officer, is partying day and night there could be a reporting mechanism to cope with the problem. It is scandalous that people must put up with this. They may be getting old and have put their life savings into accommodation, but if a disastrous tenant moves in next door, they must live with the consequences.

I have dealt with cases involving a poor response from housing associations. On one occasion, there was a crack house and people were terrified that if they reported it they would be found out. It is hard to organise and mobilise people concerning such difficulties because they will not make a complaint. They would do so in local authority housing because there is a distance involved and they go through housing officers. Difficulties have also arisen with using the confidential telephone line.

Most of the problems concerning the PRTB arise from non-refunded deposits, so we should come up with sensible solutions for dealing with this issue. If we can solve that matter it may free up other areas.

Not all landlords have signed up to the PRTB system. Is there a mechanism to encourage local representatives and authorities to provide such information? I dealt with the case of an elderly woman whose marriage broke up. The family home was sold and she moved to rented accommodation, but she ran out of money. She was staying in what I can only describe as a garden shed. On many occasions, she asked the landlord to repair the door as she was terrified that people would get in.

However, he would not do it. It came to the point where she had no money and so she sought rental subsidy. However, the attitude was it would not be worth the landlord's while to avail of it and, consequently, she was out on her ear. There are many bad cases and, unfortunately, as elected representatives, Members hear many of the bad cases and do not hear of the good landlords. I recall visiting one elderly couple who had invested in a house in an area. They showed me the state of the house, which had holes in walls, wardrobes kicked in and cigarette burns inside the wardrobe - I do not know what was going on in that regard. Again, this was a brand new house and the couple had told the woman who rented it that she should treat it as though it were her own. I do not know what type of home she came from.

While I acknowledge I am all over the place on this subject, it is one of the issues about which I could talk all night. Moreover, it is the single issue about which all elected represen-

tatives are concerned. There is an opportunity to get this right and if Members put forward positive proposals to strengthen this area, the Minister of State should look sympathetically on them. I wish her well with the Bill's passage through the House and note Sinn Féin is supportive of many of its provisions. It needs to be expanded into other areas and I am concerned that Members will only get one bite of the cherry with regard to this legislation. Consequently, it is about balance as this Bill can have huge implications for people's lives. Many people to whom I have spoken are getting older and have seen their lives and communities being transformed. For example, the area in which I live has experienced a huge amount of change over the past ten years with regard to rented accommodation and so on. While much change has been positive, much of it has also been negative. It is about issues such as not repairing households, gutters hanging down, the grass not cut, the bins not being left out and so on. Many things can be considered to bring about positive changes in people's lives and to bring balance to the Bill.

**Deputy Kevin Humphreys:** I will briefly echo the point made by Deputy Crowe. While I do not believe it necessarily can be dealt with in this Bill, a small minority of tenants create a huge amount of damage to communities throughout the city and country. I do not expect this Bill to address that but it is worth a conversation at a later stage with the Minister of State, to which Members can bring all their experience. The Minister of State probably has seen the same effect in her own locality and there is very little legislation in this regard to protect communities. I grew up in a community that had a long history of rental accommodation. It was not too far from Trinity College and there was a great mixture of rented accommodation, both private and local authority, and purchased dwellings. The mix was there and it made for a fantastic, vibrant community that worked well and in which people knew one another. Perhaps, as we develop through regulation and reform, we may get back to the kind of system that obtained in the early 1960s, when communities were strong and no one was stigmatised for only renting, as everyone was part of that community.

I acknowledge this issue is not what the Bill before Members is addressing and I will revert briefly to the Residential Tenancies (Amendment) (No. 2) Bill. The not-for-profit voluntary co-operative housing sector provides thousands of homes for families across Ireland. The voluntary housing sector is the uncelebrated success of social housing in Ireland and I commend the Minister of State on filling what has been a gap in the legislation and in regulation and on bringing forward the new residential tenancies board. While the Private Residential Tenancies Board, PRTB, did some good, opportunities now arise in this regard. There are approximately 700 approved housing bodies in Ireland and I have worked with many of them in my constituency. I found both the members of the board and the people who worked with them to be dedicated people who worked hard for the public good. Moreover, to be honest, I had very few complaints and found them very good at managing it. However, this Bill achieves a common good in conferring on tenants of such bodies the same rights that are given to private renters. This is both welcome and long overdue as is something that I worked on as a local councillor, as have Deputies Crowe and Dowds. At present, the only avenue for dispute resolution is the courts, which is far beyond the financial reach of tenants in this type of social housing. The Bill confirms their security of tenure, which is a crucial right for this type of housing. The knowledge that one cannot be evicted from one's home provides a level of comfort to long-term tenants and protects the roof over their heads. I suggest the provision for a four-year tenancy be increased to ten years at least as there is a need for security of tenure.

Over the next few years, as capital expenditure by the Government on building new social houses will be limited, the approved housing bodies, because they can raise finances off-book,

probably will be the only show in town and there will be further development of the voluntary housing system, which I certainly would welcome. The reform regulation in this Bill is welcome. There always can be improvement and one should listen attentively to such suggestions, regardless of the area of the Chamber from which they come. I also will have some suggestions to make as this Bill progresses through the House. I ask the Minister of State to be conscious of the often-limited means of the approved housing bodies, which operate on tight budgets. Moreover, the Minister of State should seek to keep the registration fees as low as possible to recognise that associations charge low rents and I reiterate these are non-profitmaking bodies. The Minister of State is aware of the concerns in respect of ensuring the fees payable to the residential tenancies board will be at as low a level as those charged to private landlords.

The second issue, which was raised by Deputy Kitt earlier, concerns deposits and I believe a tenant deposit protection scheme is badly needed. The issue has long caused havoc in the sector and 43% of the disputes dealt with by the PRTB in 2010 were related to deposits. Organisations such as Threshold and the Union of Students in Ireland have long called for such a scheme. Moreover, there are successful examples in Britain on which we could model our own scheme. I note the Minister has received the Indecon report, which outlines a number of options in this regard. It is of crucial importance to provide certainty on this issue and to deliver on the commitments in the programme for Government. The aforementioned report indicates there would be an initial cost associated with such a scheme. However, I believe the long-term good would bring long-term savings. It would provide certainty to renters and ensuring that landlords are registered with the PRTB would provide legal clarity and would, over time, reduce the burden on the PRTB. In parallel with this, landlords must be given a mechanism to deal with rent arrears, antisocial behaviour and so on. Many landlords, who are portrayed in the media as being evil money-grabbers, work hard, perceive this to be a business or part of their pension and do not necessarily wish to try to exploit tenants. While the Indecon report noted the requirement to undertake management and administration of such a scheme, it could be done by the private sector. This is being done successfully by the private sector and Members should consider the recommendations in the Indecon report. I ask the Minister of State to start to build on that possibility of developing tenant deposit protection. I refer to the number of renters who have been exploited, with the collapse of the housing market. People today are more keen on renting for longer periods and one must recognise the market in Ireland has changed enormously. More people are staying as tenants for longer and their rights must be secured. I hope that the Minister of State will in due course address the deposit protection scheme.

**Deputy Robert Dowds:** In the first instance, I wish to express my support for this Bill and I am glad the Minister of State recognises there are other provisions that need to be added to this legislation because much of the rest of my speech will be along the lines of the points made by Deputy Crowe, which perhaps is not surprising given that I represent a neighbouring constituency. I must begin by expressing my extreme frustration with the operation of the Private Residential Tenancies Board, PRTB. As a public representative I have been obliged to deal with this body on a number of fronts but in particular when dealing with severe cases of antisocial behaviour on the part of problem tenants.

Most tenants in private rented accommodation are perfectly decent people who get on with their lives in peace but there is a small minority of tenants who cause a great deal of trouble for neighbours, either other tenants or owner-occupiers. The nature of the trouble caused varies a great deal from excessive noise and late-night parties to personal intimidation, drug dealing and violence at the more extreme end. These issues require intervention from the Garda and the

Private Residential Tenancies Board, PRTB. In dangerous cases, residents may be fearful of complaining to the PRTB because of possible retaliation. It would be very useful if complaints could be made through an intermediary such as a public representative or county council official, for example.

I will briefly refer to a meeting attended by Deputy Crowe and I that was mentioned by the Deputy. He would agree that every elected representative at that meeting was severely critical of the operation of the PRTB in the South Dublin County Council area. My experience and that of others is that the PRTB has been almost entirely ineffective in certain cases, and given that so many people now live in private rented property, it is vital that the issue be tackled. On the other side of the coin is the problem that landlords have if there is an anti-social tenant who withholds rent or damages a house. It takes far too long to remove such people from premises, with such cases often leading to serious losses accruing for a landlord through damage to property and the integrity of a housing estate.

It should also be mentioned that the approach to providing social accommodation has become deeply unsatisfactory and is badly in need of reform along the lines of council-built accommodation and a system where builders constructing private homes also build some to be rented through a county council. I approve of the provision that dwellings rented by approved housing bodies to social housing tenants will come within the Bill's remit. I also agree that tenants in approved housing body dwellings should not sublet properties.

I would be interested in the Minister of State outlining, in her reply to the debate, how effective the PRTB mediation service has been. That would give some idea of how it works. I ask this because such cases may not come to the attention of public representatives and I would not be very familiar with how they work in practice. As a broad principle, mediation is a good idea and should be used to the fullest extent possible. It is interesting that with the complaints coming before the PRTB, few come from third parties; this ties to my earlier complaint as in severe cases, third parties are afraid to progress with a complaint. I have even witnessed cases where people wanting to make a complaint have gone to great lengths to ensure that nobody could recognise them even going into a county council building, for example.

On the operation of the PRTB to date, what proportion of rental housing is properly registered and what is being done to ensure non-compliant landlords become compliant? I am pleased to see that the PRTB has followed up 40,000 unregistered landlords, which is a positive development. Nevertheless, it is disappointing to hear that the PRTB has only secured 14 convictions for non-registration of tenancies. I am glad to see the Minister of State's concern and action in dealing with the abuse of rental deposits, which has been a long-running issue for many people who have moved from rented accommodation, such as students. I commend the Union of Students in Ireland for its persistence in highlighting this as an issue that must be tackled. An aspect of the private rental sector that is not sufficiently enforced is the obligation on tenants to maintain the outward appearance of their dwelling. In this regard a council has a role that could be played, although it rarely seems willing to play it. Far too often private rented houses can be easily picked out in an estate by the untidy or unkempt appearance.

I also highlight the serious problem of under-the-table payments of rents, which must be addressed. I appreciate this topic goes well beyond the contents of this Bill but we should keep it to the fore. Too many tenants are being forced into serious poverty simply to keep landlords in a position where they can continue to pay expensive mortgages; an expensive mortgage is not the fault of a tenant.

I have no real problem with the Bill but there are two serious issues to be tackled. One is a need for a community to remove seriously disruptive and intimidating tenants from its midst and the second is the need for landlords to be able to remove very unsatisfactory tenants from a property in a short time if there are no signs of co-operation from the tenants.

**Deputy Michael McNamara:** I thank the previous contributors for their comments. I should somewhat sheepishly declare to the House, in light of the comments of Deputy Dowds, that I worked as an adjudicator for the Private Residential Tenancies Board, PRTB, for a number of years before being elected to this House. Arising from that experience there are some recommendations I would like to make to the Minister of State. I do not intend to go over what Deputy Dowds has said except to concur with his observations about the frustrations of the PRTB and its inadequacies. As inadequate as it is, it is a marked improvement on what went beforehand. Although it may not provide the haste of the District Court proceedings, it does not provide the equivalent cost in many instances.

I will focus on standards of private rented accommodation, as mentioned by Deputy Crowe. I thank the Minister of State for a timely response to a parliamentary question which I received today. It states:

Minimum standards for rental accommodation are prescribed in the Housing (Standards for Rented Houses) Regulations 2008, made under section 18 of the Housing (Miscellaneous Provisions) Act 1992. All landlords have a legal obligation to ensure that their rented properties comply with these regulations. Responsibility for enforcing the regulations rests with the relevant local authority, supported by a dedicated stream of funding allocated by my Department from the moneys set aside from the registration fees income received under section 137 of the Residential Tenancies Act and held by the Private Rented Tenancies Board, PRTB, in a fiduciary capacity.

A revised ministerial direction on 7 July 2010 directed that four fifths of the proceeds of any fees should be used to defray the expenses of the board in the performance of its functions and one fifth should be transferred by the board to local authorities for the purpose of the performance of their functions under the Housing Acts regarding private rented accommodation.

That is the issue on which I would like to focus in the limited time available. There is a disconnect between the PRTB and local authorities.

Deputy Crowe mentioned inadequate housing in his contribution and my colleagues have also indicated that, unfortunately, inadequate housing is not a thing of the past. While sitting as an adjudicator on the board, I was shocked by the antics of some tenants and landlords, as one might expect, but there were a couple of cases that shook me. These included a case where rent supplement was being paid by the State for a property that was little more than a hovel. There was mould growing and it was entirely inadequate for the needs of the person renting it. My judgment was based on photographs, and it is easy to dispute such evidence. The inspection facilities available to adjudicators or the PRTB are very limited.

**An Leas-Cheann Comhairle:** The Deputy will have two minutes remaining to speak when the debate resumes tomorrow.

Debate adjourned.

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

The following motion was moved by Deputy Mary Lou McDonald on Tuesday, 20 November 2012:

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.

Debate resumed on 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."

- (Minister for Health)

**Deputy Mick Wallace:** I commend Sinn Féin on tabling the motion. While some accused it of opportunism, if the party had not tabled the motion, it probably would have been accused of cowardice. It is hard to win sometimes.

I will use my time to analyse the recent statement issued by the Standing Committee of the Irish Catholic Bishops' Conference. I take issue with the view that the current state of affairs as regards abortion law somehow protects women or that pregnant women receive all the treatment they need. According to the statement of the standing committee, "international statistics confirm that Ireland, without abortion, remains one of the safest countries in the world in which to be pregnant and to give birth." Statistics on maternal mortality rates are often produced by anti-abortion advocates as if they were evidence that Ireland's ban on abortion, one of the most restrictive and antiquated in the world, protects women. This is not the case. While Ireland, as a developed country, has a relatively low maternal mortality rate, to imply that this is because of our archaic and barbaric laws on abortion is completely false.

According to the report, Trends in Maternal Mortality: 1990 to 2010, published recently by the UN Population Fund, World Health Organisation, UN Children's Fund and World Bank, Ireland has a maternal mortality rate of six per 100,000 live births. Ranked above Ireland on the list is Greece, where abortion has been fully legal since 1983, which records three maternal deaths per 100,000 live births. Similarly, in Estonia, where abortion on demand is available until 12 weeks of pregnancy, the maternal mortality rate is two per 100,000 live births. In contrast, Pakistan and Uganda, countries with abortion bans similar to the ban in place in Ireland, have maternal mortality rates of 260 and 310 per 100,000 live births, respectively. Clearly, Ireland's relatively low maternal mortality rate is not a result of our extremely restrictive abortion ban and cannot be used as a legitimate argument against legislating for the X case and safe and legal abortions on wider grounds. On the contrary, women who have conditions which may become life threatening are advised by their doctors to have terminations in the United Kingdom, rather than take their chances with hospitals here. If this option were not available, it is probable that Ireland's maternal mortality rate would be higher.

Two decades on from a ruling by the highest court in the land, the Irish Government and international human rights bodies have not been able to find evidence of a single lawful abortion carried out in the State. This proves that failure to give legislative effect to the Supreme Court ruling means women living in Ireland are forced to travel abroad to access this medical

procedure. In other words, women who can afford it are being exported with no consideration given to the potential impact on their psychological health.

**Deputy Seamus Healy:** I express my condolences to the family of the late Savita Halappanavar on her tragic and untimely death at University College Hospital, Galway. I support the Sinn Féin motion. It is vital that we obtain the full facts on Savita's death and the public must have confidence in any investigation or inquiry. At yesterday's meeting of the Joint Committee on Health and Children, I called for a full public sworn inquiry into this matter. I also support calls for same made by Savita's husband, Praveen, and the Irish Council for Civil Liberties. The proposed Health Service Executive inquiry is a complete shambles. This is not find surprising as my experience of dealing with the HSE is that it is an arrogant organisation that is out of touch with reality.

I was surprised that the Minister for Health and Taoiseach signed off on an inquiry that is clearly not independent. Irrespective of the outcome of the inquiry, the Dáil must legislate without delay for the outcome of the X case. There is no reason to wait for the outcome of the inquiry. In 1992, the Supreme Court found that termination is lawful where a woman faces a real and substantial risk to her life and the outcome in the X case has been endorsed twice by the public in referendums. In 1992, the late Mr. Justice Niall McCarthy stated that legislation was well overdue. He noted that the "failure of the Legislature to enact the appropriate legislation is no longer just unfortunate; it is inexcusable." How much more inexcusable is the failure to legislate 20 years after Mr. Justice McCarthy made his remarks? The courts and citizens have spoken on this matter yet six successive Governments have failed to act. This Oireachtas and Government must take their responsibility seriously and introduce the required legislation without delay and on an emergency basis.

**Deputy Joe Higgins:** It is critical that legislation is introduced immediately to provide for the termination of a pregnancy which threatens the life of a woman. That this has not happened in the 20 years since the Supreme Court ruled that it was permissible under the Constitution is testament to the cowardly prevarication of the political establishment in this State. However, such legislation, which should be enacted in view of the tragic death of Savita Halappanavar, is now wholly inadequate. It may emerge that the critical delay of a termination in Ms Halappanavar's tragic case was a result of the grey zone between, on the one hand, damage, even of a serious nature, to the health of a woman and, on the other, a certain risk of death. We have heard the testimonies of numerous women who tragically found themselves with unviable pregnancies, the continuation of which would have resulted in serious damage to their mental or physical health but were unable to receive the safe legal termination they needed in this State and, shamefully, were forced to travel abroad, thus adding to their suffering, distress and financial burdens. The circumstances of these women were not provided for in the 1992 Supreme Court judgment in the X case and nor can they be certain that they will be provided for when legislation is enacted in respect of the X case.

To emphasise this point, I have tabled, on behalf of the Socialist Party, an amendment to the Sinn Féin motion which "notes that the 1992 Supreme Court judgment in the 'X Case', seeks to protect the life and not necessarily the health of the woman, leaving healthcare workers in a position where they are compelled to tolerate a threshold of illness, suffering and deteriorating health in a pregnant woman, including to the point that her life is endangered" and "calls for the drafting of legislation providing (where this is requested by a woman) for termination of a pregnancy which threatens her mental or physical health and in cases of conception by rape or incest and for an informed national debate on the constitutional change". Every year, between

4,000 and 5,000 women travel by choice outside of the State to avail of an abortion. Their choice must be provided for.

The views of ordinary people, especially the young, are light years ahead of those of the political establishment. By mobilising their anger and opposition in increasing numbers in every community, they must force the tardy legislators of this House to do what is necessary.

**Deputy Clare Daly:** I too support the motion and I am pleased it is being discussed in the House. I am also glad the Government has responded to it by announcing it will publish the expert group report in which every citizen will be interested. Given that this debate is being conducted in the public domain, it is entirely appropriate that all relevant information should be made available. For this reason, I support the call of the family of Savita Halappanavar to have her case dealt with in the public domain.

Having had four expert groups deliberate on this issue, it is unlikely we will be surprised by any new expertise emerging from the report. This issue is not especially complicated. Other jurisdictions manage to deal with abortion in a reasonably simple manner without entering the quagmire the Irish State has created for itself. As a first step, legislation is required and in this regard I support the call for legislation in the motion. However, my amendment complements what Sinn Féin is calling for by preparing the ground to reintroduce the Bill I moved in the House in April. The Minister will be pleased to note that we have made the corrections he suggested at that time and I presume he will not have any difficulty in supporting our legislation on this occasion. While this legislation is important and we will not allow the Government to hide behind it, it deals with a small number of cases and does nothing to address the issue of thousands of women leaving the country every year to avail of abortion. They do so for many different reasons, none of which is easy and all of which are valid. The State has a responsibility to address this issue.

This debate has highlighted in the hearts and minds of people how inappropriate it is to have in the Constitution a clause which equates the life of the unborn with the life of a woman. That is the root cause of the problem and the reason we cannot have better legislation to deal with the many different aspects of this issue that people desperately want the Oireachtas to address. I am referring to victims of rape, people with foetal abnormalities and the other situations that need to be addressed. It is inappropriate that this women's health clause is in the Constitution. We need to repeal the Eighth Amendment of the Constitution. The Labour Party has for decades made itself out to be a campaigner for women's rights, but what is the point in coming to power if it does not implement its principles?

**An Leas-Cheann Comhairle:** I call Deputy Buttimer, who is sharing time with Deputies Paul J. Connaughton, Billy Timmins, Robert Dowds, Ann Phelan, Michelle Mulherin, Derek Keating, Eamonn Maloney and Laim Twomey. Deputy Buttimer has four minutes.

**Deputy Jerry Buttimer:** We are debating this issue at a time when the entire country is deeply saddened by the death of Savita Halappanavar. The untimely death of that lovely lady is a deeply shocking tragedy and I sympathise with her family and her husband, who are undoubtedly struggling to come to terms with the events of the past month.

I wish to acknowledge the dignity and courage of Mr. Halappanavar in dealing with the circumstances of his wife's death. As those of us who have lost someone know, dealing with a death is difficult in the privacy of the family home, but to do so in the full glare of the na-

tional and international media compounds these tragic circumstances. That a young woman in the prime of her life should pass away in the care of a hospital raises serious concerns. An investigation with independent oversight of the full circumstances of this tragedy is required. The Government's establishment of an independent investigation team led by a leading international expert is an attempt to get the answers that we all want and seek. The Taoiseach and the Minister for Health have openly and clearly stated that they want to establish the full facts. This is what we all want.

I hope that there can be a dialogue between Mr. Halappanavar and the chairman of the independent investigation committee so that we can allow the inquiry to proceed. At yesterday's meeting of the Joint Committee on Health and Children, Mr. Tony O'Brien of the HSE confirmed that he was willing and available to meet Mr. Halappanavar. A direct meeting on a without prejudice basis may be the best approach.

The past week has brought into focus the wider issue of the A, B, and C judgment and how the State will address the findings of the European Court of Human Rights. The Government has acted. In 18 months, an expert review group has been set up and will report. The Cabinet will have that report next week and the House will debate it in due time.

The termination of a pregnancy, be it by direct intervention or as a consequence of medical treatment, is a serious matter. We have heard from medical professionals about the difficulties that they face. We have heard from women who have faced similar difficult decisions. The House has an obligation to ensure that medical professionals and women have legal clarity. We cannot allow a situation to continue in which doctors are uncertain as to what they can and cannot do.

I very much welcome that the Minister is bringing the report to the Cabinet next week and that we will debate it. Our discussion will facilitate the deliberate consideration of the report and it will enable a rational approach that will hopefully provide legal clarity to medical practitioners and women who find themselves in very difficult circumstances. The Government has listened.

In conclusion, we need a thought-out, considered and timely response to the report of the expert group. However, the primary motion before the House is ill-thought-out, ill-considered and ill-timed. It is exactly what is not needed at this time when addressing a complex and sensitive issue. It calls for the immediate publication of the expert group's report and for immediate legislation. Instead, we need a full, open debate on the report followed by a Government decision, whatever that is. That is what we should be doing, not engaging in cheap political gamesmanship in this House.

**Deputy Paul J. Connaughton:** I thank the Leas-Cheann Comhairle for the opportunity to contribute on this sensitive motion. I join with my colleagues in the Chamber in extending my deep sympathy to the family of Savita Halappanavar. What happened to Ms Halappanavar was a dreadful tragedy and a huge loss for her husband and their family. Answers as to why this happened are required and it is important that the inquiry announced this week gets under way as soon as possible. I hope that it also reports as soon as possible. It is what the Halappanavar family deserves.

I welcome the fact that the report of the expert group will be published next Tuesday. This move is the correct one. I have always agreed with the Minister for Health and the Taoiseach

that the report should be published and that we must wait to see what recommendations are contained therein. For this reason, I cannot support tonight's motion. Until the investigation into the reasons for Ms Halappanavar's death is concluded, it behoves Members on all sides of the House not to apportion blame or to jump to conclusions. Instead, we must wait for the facts of the case to be presented to us. I regret that Mr. Praveen Halappanavar does not have confidence in the HSE inquiry instituted into her death. I recognise fully his concerns that colleagues of those who were responsible for her care in Galway University Hospital should not be involved in the inquiry. I welcome the fact that this matter has been addressed via the replacement of three Galway-based consultants on the inquiry team.

The Government is seeking to establish what will be an objective, fair and timely inquiry into the matter. It is imperative that the facts of this case be ascertained quickly and that the findings made available as quickly as possible. A public inquiry would not be the best or most prudent method of conducting such an investigation. Given the length of time taken to get to the nub of issues in the various tribunals, a public inquiry could slow the process significantly and descend it into interminable legal wrangling.

As legislators, something must be done on this issue, but it is important that we wait to get all of the evidence before taking the next step. We are all aware that abortion is a divisive issue for political parties, work colleagues and families. However, this should not take from the fact that action may need to be taken, largely because of a failure of successive Governments to face up to this issue for the past 20 years.

**Deputy Billy Timmins:** I wish to extend my deep sympathy to the family of Savita Halappanavar on her sad and tragic death. Having listened to recent interviews with her husband, Praveen, one can only imagine the pain that he is experiencing. It is added to by his view that she was denied life-saving treatment to which she was entitled under the Constitution and a Supreme Court judgment.

I also wish to acknowledge the trauma that the health care workers who dealt with her case must be suffering. This extends to all of those who have experienced similar situations, such as the family of the late Tanya McCabe. A review of her death carried out by the HSE found that she had died from sepsis, with haemorrhaging as a complicating factor. The review team identified two care management problems. First, a working diagnosis of ruptured membranes was not made during Tanya's first admission to hospital. Second, septic shock was not recognised or diagnosed following her second admission and caesarean section. A number of recommendations were made, many of which are applicable nationally. I hope that the review committee appointed will examine whether these have been implemented. I hope that they have been. The report also recognised that the health care workers had undergone a significant trauma and suffered feelings of guilt and personal responsibility. I am sure that the same applies in this case.

Last month, Concern launched a mother-to-mother campaign dealing with maternal mortality rates. Ireland has one of the best records in the world, with a maternal mortality rate of 17,800:1. In Britain, the rate is 4,700:1. In France, it is 6,600:1. To depict Ireland as an unsafe place in which to have a child is incorrect and unfair to our medical practitioners. However, one death is too many. Savita's case, aligned with the imminent publication of the report of the expert group on the X case, has reignited the debate on abortion and the right to life. One associates the term "most divisive issue" with this debate. However, there is a large middle ground with much in common.

Although I await the report of the review group, some circumstances may require medical intervention to save the life of the mother. This is a complex issue. While most acknowledge that there is a problem, solutions are difficult to find. A charge of political cowardice has been levelled at the House, but a charge of an inability to achieve a satisfactory solution is more applicable. Legislation in some form will most likely be part of that solution. A study of the landmark cases in the USA - *Roe v. Wade* - and Britain - *Rex v. Bourne* - demonstrates the difficulties and consequences, as does the change in positions of Ms Norma McCorvey, alias Jane Roe, and Dr. Alex Bourne.

I commend the Taoiseach and the Minister for Health on their handling of this issue. I hope we will all have an opportunity to deal with the upcoming report and what course of action should be taken because a course of action must be taken in a calm and considered way following a debate to which a relevant period of time is allocated.

**Deputy Robert Dowds:** The tragic case of Savita Halappanavar and the report of the expert group in regard to the A, B and C case is forcing us to confront an issue we have dodged for far too long, namely, the right to an abortion where a mother's life is at risk. It is my view, and that of the Labour Party in its election manifesto, that we must have legislation to give clarity as to when an abortion is legal in a situation where there is a risk to the life of the mother. I say this even though I have no great desire to see widespread abortion in Ireland.

However, as women know much better than men, the approach of new life throws up very many messy situations and as the X case and the A, B and C case have shown, some of these situations demonstrate the impossibility of the rights of the mother and the fetus being equal. Who takes precedence, for example, when the mother has cancer? At what point can a medical practitioner say definitively that the life, as distinct from the health, of the mother is sufficiently at risk to necessitate an abortion? Is it not vital to protect the mother's life, most especially if there are other children to be looked after? In my view, it is. While I regard myself as pro-life, I very much take that to mean that I am pro-life first and foremost for the mother and if her life is at risk, then the mother should be entitled to whatever treatment she needs, including abortion. We must, and I stress must, provide legislation to reflect this and the House has failed to do this for 20 years.

Added to this, I am convinced that very few Irish people would insist on a woman who has been raped having to bear the child of her rapist. What parent or husband would not support a daughter or wife if confronted by such an appalling scenario to do whatever she felt was for the best?

The Labour Party, in our election manifesto, stated we would legislate in accordance with the Supreme Court judgment and the ruling of the European Courts of Human Rights, and we got plenty of stick for this. The reality is that if Britain was not on our doorstep, we would have had to introduce abortion legislation years ago to avoid women dying from having back street abortions.

When most Irish retain a huge respect for the right to life, we must have an honest and open discussion on this subject and come up with legislation we can live with. As this is first and foremost a women's issue, they should lead the discussion, If it were constitutionally possible, I believe the decision should be left entirely in women's hands. It is not a man's body that is on the line when carrying a new baby. That is why it should be left to women.

**Deputy Ann Phelan:** I extend my deepest sympathies to the family and friends of Savita Halappanavar. This is a tragedy of epic proportions and something no family should have to go through, particularly as it would appear to be a preventable death of a lovely young woman. I have my doubts about the real motivation behind this Private Members' motion and believe it is a cynical exercise where we are using the death of a young woman to further political gains.

Given the X case and this awful tragedy, we have a duty to Savita's family and the people of this country to ensure this is an honest, mature and respectful debate. We all know there are sensitivities on all sides. Six successive governments failed to implement legislation in this regard, and we certainly cannot be the seventh. Procrastination is time's worse enemy. Like most of my colleagues, I am not prepared to wait another 20 years to bring clarity to this issue. We can no longer deny basic human rights to women in difficulty.

We are prepared to legislate as soon as we have all the recommendations before us. When this Government was elected, we made a commitment to the people that we would deal with this sensitive and very complex issue. It was agreed by the Labour Party and Fine Gael, as part of the programme for Government, that we would await the recommendations of the expert group. In the absence of this information, I voted against the Bill brought before the House last April by Deputy Clare Daly. The expert group's report is now with the Minister and will be brought before Cabinet next week where a debate on the recommendations will take place.

The death of Savita Halappanavar at University College Hospital Galway was heart-breaking and shocking in the extreme. We have read and heard various accounts from the media surrounding the manner of Savita's death and I am aware that this case has galvanised public opinion. However, I would stress that these investigations are ongoing and we are still unaware of the full facts.

This has always been part of the Labour Party's policy and we do not need prompting from a party which is using the situation to further its own political profile. What we are sure of is that this type of tragedy must be prevented from occurring again. It is imperative that the inquiry into Savita Halappanavar's death is dealt with as expeditiously as possible. It is because it is such an emotive issue that I believe Private Members' business is perhaps not best placed to deal with it as it should be dealt with openly in the House.

**Deputy Michelle Mulherin:** I extend my sincere condolences to Savita Halappanavar's husband, Praveen, and their families on the great loss and heart-break they now endure. I note Praveen has acknowledged that the need for an inquiry is not just about Savita but about all women. Therefore, I would like to appeal to Praveen to co-operate with the inquiry the Government is trying to undertake and to come on board.

When we go into hospital for whatever private and personal medical reason, it is a matter of public interest that we receive appropriate treatment to accepted and established medical standards. Therefore, it is important that we establish as soon as possible whether there was a systems failure in our health service in this case which we expect to protect the life of the mother. However, as law makers we must park the emotions of this case. What we have to do now is focus on the report of the expert group. I urge the Minister to publish it as soon as possible and I understand that is his intention.

We have to be clear that in this country there are already medical standards in the law and in medical ethics. The European Court of Human Rights in the A, B and C judgment ruled

that the Irish law struck a fair balance between the right of the mother to a private life and the right of the unborn. The law in our country requires that when life-threatening complications are identified in a pregnant woman, doctors not only can but must act to preserve the life of the mother. This may result in ending the pregnancy prematurely and the consequent death of the unborn child. That is lawful. If these accepted medical standards are not met, then the question is, why? That is the question to be put in the case of Savita Halappanavar with the proper objective medical and legal evaluation of the standards.

The idea that legislation will provide the absolute clarity we would like is not true. The decision as to whether there is a real and substantial threat to the life of the mother in order for a medical intervention to proceed which may result in the death of the unborn child in accordance with the X case is first and foremost a medical decision. We must acknowledge the considerable difficulty, perhaps impossibility, of drafting any legislation or guidelines which could successfully prescribe each and every situation in which there is a threat to the life of the mother which would entitle the doctor to act. It is ultimately a decision made by a doctor in a given situation using his or her best professional knowledge and judgment. The Irish Medical Council already has guidelines in place to guide a doctor in this situation in accordance with the law.

There is talk of the requirement of clarity for doctors but the real problem is who signs off on the medical decision. What is really needed is a decision-making mechanism to be put in place for these life threatening cases. There can be no time to dither when these critical decisions have to be made. I do not believe an individual doctor, who could have his or her own personal views on the issue to contend with, should make this decision, rather what is needed is a panel of highly qualified medical doctors for each region or HSE area who could come together at short notice to make a decision when a pregnant woman wishes to invoke her right to have her own life protected or when a treating doctor has a doubt.

*8 o'clock*

In conclusion, I welcome the fact that the report is with the Minister and I look forward to its publication for a broader debate as soon as possible. Ultimately, no decision about whether legislation is necessary or what form that legislation should take can be made without the benefit of the deliberations on the core issues in the A, B and C judgment by the expert group and its recommendations to guide us.

**Deputy Derek Keating:** I have already had the opportunity to express publicly my condolences and my heartfelt feelings to the family of Savita, whose tragic circumstances one can only imagine.

It is very difficult for me to discuss or even contemplate the subject of abortion without recalling an experience I had when I encountered a very good friend a long time ago. It is an experience I will never forget. The person came to me distressed, distraught and unable to come to terms with having returned from England after recently having had an abortion. Under the circumstances, it is important to approach this subject in a calm way. I believe we are now within touching distance of finding a solution. This Government has said it will be the last Government to confront this and that it will not pass on the legacy of having to deal with it to another Government.

It is, therefore, incumbent on all of us on both sides of the House, from all parties and none, to pull back from headline making and political point scoring. I am absolutely shocked at Sinn

Féin. I have already asked that the motion be withdrawn. It is ill-timed, opportunistic and political. The party who put down this Private Members' motion has censored one of its own members from speaking. It is important that we are not political at this time. It is easy to be angry but that will not yield solutions. Each of us has the opportunity and responsibility to ensure that when we deal with this as a Government, Parliament and nation the women of this country will have the assurance that they will receive the best possible medical and gynaecological care they need and deserve and that the medical profession is protected in the future, as well as the needs of the unborn children. I believe that is within our grasp. For that reason, this motion is ill-timed, politically motivated and opportunistic.

I will conclude by repeating the words of the Tánaiste. To do nothing is not an option and that is not our option. The people of this country deserve to see the report furnished to the Minister for Health. The Taoiseach and Tánaiste have been appraised of it and the Cabinet will have an opportunity to consider it next Tuesday. That will be followed by the debate and then the decision.

**Deputy Eamonn Maloney:** All Members of the House have, in good faith, demonstrated their sympathy and regrets about the tragic death of Savita. However, as other Members have said, it is disappointing that Sinn Féin put down this motion, given its nature. Parliamentarians must be careful, regardless of where they sit in the House. When somebody's life is ended in the way this woman's was we should be very careful in this House, given our track record, about double speaking or hypocrisy on this issue. I am disappointed with Sinn Féin, particularly as there are some things on which I agree with Sinn Féin, although there are many on which I disagree.

I was involved in the 1993 campaign and, above all, the campaign in 1983, when people's names were read from pulpits, one was spat at on the street and it was brought up with one's children in school. Not many heads came up out of the clay during the 1983 campaign. That included Sinn Féin, and in the 20 years since it has never featured in any of that party's campaigns. Now there is an opportunity for Sinn Féin and others to make a cheap headline, because it is available, and to condemn the Labour Party for not bringing forward legislation. The Sinn Féin Members can go ahead and do that, but we should be clear about one issue. Legislation on this issue was contained in the manifesto of just one party in the recent general election, the Labour Party, and it was referenced three times.

The Labour Party has nothing to apologise for on this issue. We have been ready and willing to deal with it since 1993. The only problem is that we did not have 83 votes to pass the legislation. That is the nuts and bolts of it. Others, including Sinn Féin, are responsible for the situation in which we now find ourselves. In fact, if Sinn Féin had been negotiating a programme for Government last year, as we were, that programme would have contained no commitment to deal with this issue because it was not in that party's manifesto. It was in ours.

The Government will deal with this issue, as is stated in the amendment. It will be dealt with, as the Minister said, in the deliberations next Tuesday and there will be no dodging the issue. The Minister has made that clear. The full report of the expert group will be published and we will then see who stands where on this issue. However, let there be no doubt about where the Labour Party stands. No woman whose life is threatened by an unhealthy pregnancy should be allowed to die.

**Deputy Liam Twomey:** The tragic events in Galway will never be forgotten by Savita's

family, but we should respect her memory in how we use this case with regard to the issue we are debating tonight. I have dealt with women who have returned from the UK with complications of termination, and I have advised women on how they can get support to go to the United Kingdom. I worked in obstetrics and gynaecology as a junior doctor and I have seen how things can go dramatically wrong for patients in our hospitals. I do not believe anything is so black and white as is often painted here. This is an extremely complex and emotional matter and it is something we should discuss in a rational manner.

One of the best aspects of what has happened this week is how the middle ground in this country is participating in the debate. It is not being left to people who are labelled pro-life or pro-choice. People are realising that there are different circumstances in patients' lives and that we must legislate for them. It is clear that we must do something about it. We still have the safest hospitals in the world and people should not knock that. Our hospitals are fabulous for a pregnant woman; they look after patients brilliantly.

However, there is huge uncertainty about the legality of certain procedures for doctors and patients, and there is a need to deal with that conclusively and to make up our minds exactly what we wish to legislate for. There is much I would like to say about the Medical Council guidelines. They are very uncertain and ambiguous. There is a need for strong legislation on how doctors can work in these very complex cases. When we are discussing this in the next couple of months I ask Members to try to reach out to the vast majority of people and find out what they want, and not allow our judgment to be clouded by our strong personal views. That is the only way we can do the best for the citizens of this country. I urge people to participate in a very measured debate in the forthcoming weeks because I believe we have reached a point where ordinary men and women are taking part in this discussion in a rational way and they now expect us to act rationally. I compliment the Minister, Deputy James Reilly, on acting in that manner. Let us all carry on like that.

**Deputy Pádraig Mac Lochlainn:** Sinn Féin should not have to table this motion and I should not be making this speech. The thousands of people who took to the streets in the freezing cold on Saturday to demand the Government introduce legislation for the X case should not have had to be there. They should not have had to march through the streets of Dublin and Galway and hold vigils in towns around Ireland to make their voices heard when they said "never again". The Irish people who stand outside Irish embassies in the United States, Berlin, Vienna and London should not be there.

I do not disregard the divisiveness of the broader issue of abortion rights and access in Ireland. I believe in Christian values, values and teachings that are about love, compassion, respect and empathy. These are values that are not just central to me in life but also in how I conduct myself as a person elected to represent the people of my constituency.

My party's policy, as repeatedly agreed by our membership, is in line with those values. Sinn Féin is not in favour of abortion. We believe all possible means of education and support services should be in place. However, in cases of rape, incest and sexual abuse, or in which a woman's life and mental health are at risk or in grave danger, Sinn Féin accepts the final decision should rest with the woman concerned.

There are those who would argue against allowing abortion in the circumstances of rape and while, for them, it is an issue of conscience, rape and sexual crimes are one of the greatest violations a man can commit against a woman. Short of killing her, there is possibly nothing

worse a person could do to a woman. It is a heinous crime. I could not and I would not ask any woman to bear the child of her rapist. The Rape Crisis Network of Ireland released statistics that showed in 2010 that 75 women who were pregnant as a result of rape used their services. Due to the nature of under-reporting of sexual crime, the real figure of women who found themselves in that situation is probably much higher. The organisation stated:

The RCNI would have concerns that any rape survivor would be subject to restrictions and would have to travel overseas to another jurisdiction in order to access a termination. [...] Rape Crisis Centres will continue to support survivors in making decisions which survivors feel are the right choices for their circumstances.

This is the key point. What is the right choice in their circumstance? If abortion was to be allowed in those circumstances, no person would be compelled to have one. Even church teachings hold a deep regard for an individual's conscience and, when discussing the matter of a woman who is pregnant as a result of rape, whose conscience takes priority? Is it the woman, a rape victim, seeking the procedure or the legislators who must provide a legal framework for her to access it? This is a discussion that I can see taking place further down the road. Like the grounds for the X case, it is something that we will end up revisiting.

With regard to the motion, it is very simple. The people have spoken and it is time for the Government to introduce legislation for the X case. The Government amendment to our motion simply notes that the expert group is examining the matter and it will propose a range of options as to how the Government should respond to the "complex and sensitive issues". Convening the expert group was a cop-out on the part of the Government, which knows that legislation has been needed since 1992 when the Supreme Court judgment in the X case was handed down. This was reiterated by the European Court of Human Rights in 2010 when it delivered judgment in the A, B and C v. Ireland case. It is a scandal that for 20 years, seven Governments have failed in their duties to women on this issue. I was a teenager when the X case took place. Never did I think I would be standing here, at nearly 40 years of age, as an elected member of the Dáil seeking legislation on that very issue. The expert group was convened as a way of delaying matters further. It was a way of ensuring Government Deputies did not have to come into the Dáil Chamber and place on the record where they stood on this.

Rather than giving a clear commitment to legislate for the X case, we hear from Government representatives a more nuanced position of calling for legal clarity. We must be clear that a statutory instrument will not suffice; this matter requires primary legislation. If a statutory instrument is produced, Government Members know it will be subject to legal challenge but it may be an opportunity to put off the inevitable - legislating - for just a little longer.

Over the past week my inbox has been filled with e-mails from people from my constituency demanding not that something be done about it but making a clear demand that we must legislate for the X case. The motion calls for legislation to provide women with access to abortions in cases where there is a risk to their lives. That is not to indulge in hyperbole. We must make no mistake that it is about life and death situations. No pregnant woman in Ireland should ever have to worry that, if something goes wrong in her pregnancy, she will be faced with a medical practitioner who refuses her the necessary treatment because of a legal vacuum that legislators in this House have stood over for 20 years.

Women should know that if their lives are in danger, they will be saved and doctors should know that if a woman's life is in danger, they can treat her appropriately. I have heard people

say, throughout the course of the debate, that there is no medical condition in which a pregnant woman needs an abortion to save her life. While I am conscious there is an inquiry into the death of Savita Halappanavar, I respectfully suggest her grieving husband Praveen would beg to differ on that point and the husband of Sheila Hodgers may agree with him.

The death of Savita Halappanavar has shocked and saddened people throughout Ireland. It has underlined in the most tragic way possible the need for long overdue legislation in the State. The Government has stated its intention to bring forward legislation but successive Governments have failed to deal with the issue for 20 years. It is time, finally, for legislation to protect the rights of women as decided by the Supreme Court in 1992. This should be done in a reasoned, tolerant and considered manner and with maximum cross-party consensus. On this basis, Sinn Féin has tabled a Dáil motion that seeks, in a measured and reasoned way, to get our Government to act and to fulfil its responsibilities so that appalling situations, such as that which led to the death of Savita, can never happen in this country again.

**Deputy Sandra McLellan:** It is almost beyond belief that, once again, we find ourselves in the Chamber discussing the lives of women in the context of life, pain and death. In the past 12 months, the House has debated the rights of women incarcerated in the Magdalene laundries, symphysiotomy and, more recently, the disgraceful cuts to the working hours of home helps, the majority of whom are women. The common thread that links these issues is that the Government of the day is acting against the wishes and interests of the women concerned.

Unfortunately, this should come as no surprise to us. The history of the relationship of the Irish State with women or issues that concern women is abysmal. We see this in the infamous mother and child scheme, in the hepatitis C scandal, in the Neary case at Our Lady of Lourdes Hospital in Drogheda and in countless other tragic and avoidable incidents. Sadly, the list is endless and women have paid a heavy price for the often draconian and conservative ethos deeply ingrained in the institutional apparatus of the State. The historical and contemporary evidence supports the assertion that, since its foundation, the Irish State has, more often than not, acted not in the interests of women but in the interests of powerful organisations like the Catholic Church and the medical profession. The message has been loud and clear: the State not only preserves the *status quo* but also reproduces its peculiar brand of Irish patriarchy, and successive generations of women have borne the brunt of it. For thousands of women, this has resulted in incarceration, while for others it has meant stigmatisation, poverty, repression, guilt, and invisibility. More profoundly, it has meant women in Ireland have had almost no control over their bodies. The tragic death of Savita Halappanavar is yet another reminder of the State's failure to respect the autonomy of adult women and to afford them their due rights.

Sinn Féin recognises that the subject of abortion is a very sensitive and divisive issue for people. As a party, Sinn Féin is not in favour of abortion. We are, however, of the opinion that the onus is now most definitely on the Government to legislate without further delay to protect the rights of women in accordance with the Supreme Court ruling of 1992.

The European Court of Human Rights has also ruled that the Irish State violates the rights of pregnant women by refusing to allow them to terminate their pregnancies when their lives are in danger. North and south of the Border, Sinn Féin supports robust guidance that protects the life of the mother. We are not a pro-abortion party and we have never supported the extension of the 1967 Abortion Act in the North. We are however in favour of creating a more caring and equal society where the rights of all women are respected and guaranteed by the State and its institutions.

21 November 2012

Many images of Savita Halappanavar have been in circulation since her tragic death. However the most profound of all is a short video clip that shows a smiling, happy young woman in the prime of her life dancing freely without a care in the world. Being pregnant in Ireland placed Savita Halappanavar at risk and, as we now know, this resulted in her premature death. This is a shocking waste of human life and a profound and tragic loss for her husband, family and friends.

The Government has a unique opportunity to ensure that Savita Halappanavar did not die in vain. It also has a chance to demonstrate to women in Ireland that the State is not anti-women and that it respects their right to autonomy and bodily integrity. No amount of legislation can bring Savita back to life, but legislating for the X case in accordance with the Supreme Court ruling can go some way to ensuring that this situation never occurs again.

**Deputy Brian Stanley:** First, I extend my sympathy to Praveen Halappanavar, the husband of Savita, to their family and friends and to the wider Indian community on their sad loss.

Last night and this evening, I sometimes wondered if I had actually been elected to speak on behalf of my constituents and my party. Some comrades to my right seem to think they own the franchise on the abortion issue and on any issue associated with it. With other members of Sinn Féin, I have taken stick over the years on this issue and on the issue of divorce. I did not see the Labour Party campaigning on either issue in County Laois, which I represent. The record will show that. The abortion franchise does not belong to Deputy Ciara Conway or to anyone else on the Labour Party benches or the Sinn Féin benches. This is an issue for all of us.

The death of Savita Halappanavar has shocked and saddened us. This preventable tragedy sent shockwaves across the world, with thousands of people attending rallies and vigils here and abroad. The eyes of the world are on this country, and particularly on its legislators. What shocked the world were the circumstances surrounding Savita's death. A healthy woman died, apparently because she could not receive the medical treatment she deserved.

We are having a debate and a vote tonight that should have taken place 20 years ago. A number of governments have been in place since 1992, when the Supreme Court judgment was handed down. Those governments have been made up of various coalition partnerships, but we are not in the business of passing blame. For various reasons, legislation was not put in place. The fact that it was not put in place probably caused Savita Halappanavar, and maybe other women, to lose their lives. This is no longer acceptable.

Sinn Féin called, a number of days ago, for the publication of the report of the expert group and that it be made available to the Opposition. I welcome the announcement that this is to happen. It is a step in the right direction. No amount of debate will bring back Savita Halappanavar to her loving husband and grieving family. What we can do, within the next hour or so, is to start a process to ensure that this never happens again.

Over the past 20 years, we have heard testimonies from women who needed a termination as a life saving measure and could only receive that in England. They were advised to go to England. That is disgraceful and unacceptable in a sovereign State. Our medical services must be able to provide this treatment without confusion or threat of legal action. I am sure the Minister, as a medical person, will agree with that.

We can no longer hide behind reports and inquiries. We must legislate, as a matter of urgency. The women of Ireland, and pregnant women, deserve no less from us and from the

Government.

Sinn Féin policy on this issue is crystal clear. There are huge differences of opinion on abortion in every party. There are huge differences in the Labour Party. Labour Party members might not like to admit this but I have heard them articulate some very contrary positions on the issue. There have been rows and arguments within the Labour Party on the issue, as there have been debates and arguments in every party, including our own. The Sinn Féin position on this is clear. We have a clear policy. We believe women have the right to a termination in the case of rape, incest or sexual abuse or when a woman's life or mental health are at grave risk. Sinn Féin has never supported the extension of the 1967 Abortion Act to the North. Even well-informed commentators who are former barristers appear not to know that legislation already exists in the North to allow for a termination where there is a risk to the health or life of a woman. What is required is updated guidance from the DUP Minister. We have been trying to influence him in that direction. If members of any other party can help us with that we would welcome it. We support robust guidance to protect the life of the mother.

Our position, North and South, is consistent. Introducing legislation for the X case based on the 1992 Supreme Court judgment, as our motion proposes, will harmonise the law on this matter North and South and bring it closer. No amount of mischief making or distortion by journalists, commentators or opposition politicians will change that.

Our motion is reasonable and fair. I sincerely believe this needs to happen and my party colleagues share this belief. We are trying to give a voice to the concern that has been awakened since this tragic incident last week. The motion is balanced and, we believe, acceptable to most Deputies. I urge Deputies from all parties to set aside their personal positions, face up to their responsibility and push for legislation on this matter.

**Deputy Jonathan O'Brien:** The recent death of Savita Halappanavar has shocked people throughout the world. Tens of thousands of people took to the streets of cities and towns throughout the State to express their shock and their sympathy to her husband, Praveen. I also sympathise with Praveen Halappanavar and the family of his wife, Savita.

While we do not know the exact circumstances surrounding her untimely death and must await the various investigations, there is no doubt that questions remain unanswered and need to be answered. The terrible tragedy has reignited the debate on abortion, which has divided Irish society for many a decade and is doing so yet again. Whenever the issue of abortion is debated publicly, labels of pro-choice and pro-life are used to describe people with opposing views. If one was to apply one of those labels to my own view on abortion I would be described as pro-life. I do not believe in abortion. I never have and I never will. I know there is a group of people who, when they hear me say that, will be disappointed and disapproving. Their opinion of me will be that I do not respect women or that I am trying to dictate what a woman can or cannot do with her body. Nothing could be further from the truth. Nothing I say, however, will change their opinion, just as they will not change mine.

However, as strongly as I oppose abortion I also strongly oppose any attempt to stigmatise or criminalise women who have had abortions. I may have my strongly held personal views on the issue but I want to make it clear that those who attempt to criminalise or stigmatise women who have had abortions are wrong to do so and need to stop.

Some will say it is easy for me to stand here and state that I am against abortion. I will never

find myself faced with that predicament. They are correct. I do, however, know what it is like to suffer the loss of an unborn child. I know what it is like as a father to stand helplessly by while the life of an unborn child I and my wife created slipped away, and I have had to endure that pain on more than one occasion. Despite my opposition to abortion, I believe that women are entitled to the best medical care and treatment throughout the duration of their pregnancy. I also accept that, in rare cases, doctors must intervene to save the lives of women, even if by doing so it is inevitable that this will end the pregnancy, resulting in the death of the unborn child due to immaturity. It is a sad but unavoidable reality.

There are those listening to this debate tonight who, like me, oppose abortion and there are those who believe that abortion should be an option available to women regardless of the circumstances, but that is a debate for another night. Tonight we are discussing a very specific set of circumstances, the provision of medical intervention in life and death situations. As someone who describes himself as pro-life, I could not in good conscience stand over a health system that would hesitate or delay, due to a lack of legal clarity, giving appropriate medical treatment to women when there is a real and substantial risk to their lives. To stand over such a situation is not pro-life in my opinion as both lives may be lost in cases where that medical treatment is delayed or denied.

The motion before us this evening calls for the Government to do two things: to publish the report of the expert group and to legislate for what is known as the X case. On the first point I welcome the commitment by the Government to publish the report next week. On the latter, I know there are some who will be of the opinion that there is no need to legislate for the X case as existing Medical Council guidelines provide adequate protection for women whose lives are at a real and substantial risk. On reading the guidelines, one can see why some people may hold that view. The Medical Council guidelines state: "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." The guidelines go on to state that "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". The argument could be made, and has been made, that there is no reason, excuse or legal impediment that a woman faced with a real and substantial risk to her life would be denied a medical intervention to save her life, even if that intervention results in the termination of her pregnancy. I say that, however, as a person who will never be faced with having to make that decision to intervene and give medical treatment to a mother whose life is at risk which results in the termination of her pregnancy.

The issue we face as a society is how the Supreme Court ruling and the Medical Council guidelines are viewed and implemented, or not being implemented as the case may be, by those tasked with the responsibility of intervening to save the life of a woman. No one, whether they are pro-life or pro-choice, could argue that we can allow a situation exist where there may be uncertainty about when a member of the medical profession can intervene to save a woman's life. There is no room for grey areas here; women die in those grey areas and that is unacceptable to me as someone who is pro-life.

As I said previously, I know many doctors are seeking legal clarity and the Government has said that it will provide this legal clarity but has, to date, failed to state how or when it will do so. I want to see this certainty given to our doctors. More importantly, I want women who are faced with a real and substantial risk to their life to know that if there is a need for medical intervention to save their lives, they will be able to get it without delay. For me this is what any legislation brought forward needs to achieve: certainty for the medical profession and reas-

insurance for women. Equally as important, however, for me given my opposition to abortion is the protection of the life of the unborn. Any medical intervention to save the life of the mother must also be matched with every effort being made to save the life of the unborn. This will not always be the case but it must be the objective.

Over the past few days I have received many telephone calls, e-mails and texts from those who share my opposition to abortion, asking me not to support the motion before us tonight.

They fear that the introduction of any such legislation giving legal clarity on when doctors can intervene is the thin edge of the wedge and may result in the opening of the floodgates to abortion on demand. Introducing legislation to give legal clarity to the medical profession, to give reassurance to women faced with a real and substantial threat to their lives and to ensure that every effort is made to save the life of the unborn, will not, in my opinion, open any floodgate to abortion on demand.

Some have also tried to suggest that Sinn Féin, in putting forward this motion, is pro-abortion. Sinn Féin is opposed to abortion on demand, a term I dislike. What Sinn Féin is in favour of, and we have never hidden this fact, is legislation to protect the lives of women faced with a real and substantial risk to their lives. We make no apology for that. As an individual who is pro-life and opposed to abortion, I must set aside my own personal views, no matter how uncomfortable that may be for me personally, and face up to my responsibility as a legislator. Failure to do so could put the lives of women at risk and I am not willing to allow that happen while I have the power to do something about it, regardless of my personal view on abortion. I will not bury my head in the sand like those who served in this house before me for the last 20 years and try to wish the problem away. I refuse to do that and shame on anyone who does.

**Minister of State at the Department of Health (Deputy Alex White):** I thank the Ceann Comhairle for giving me this opportunity to respond to the debate. Before I do so, I would like to add my voice to the expressions of sympathy this House has extended in the course of this debate and elsewhere to Mr. Halappanavar and his extended family for their tragic loss in Galway.

As the Minister for Health said yesterday, it is incumbent on us as public representatives to take action to make sure the lives of pregnant women are protected and that the clinicians who provide care to them can operate within a clear and ethical legal framework. As we heard during last night's debate, the Minister for Health intends to recommend the publication of the report of the expert group on the *A, B and C v. Ireland* judgment of the European Court of Human Rights immediately following next week's Cabinet meeting.

The European Court of Human Rights in the *A, B and C* case criticised the legal position in Ireland as offering no accessible and effective procedure to enable a pregnant woman to establish if she qualifies for a lawful termination of pregnancy in accordance with Irish law as it currently stands and that, therefore, legal clarity was required. Manifestly, legal clarity is required; there can be no doubt about that and I have not heard a single person in the course of this debate who would disagree with the necessity for legal clarity to be brought to the situation arising from the case in the European Court of Human Rights.

When we last debated this issue in April, the Dáil agreed to await the outcome of the deliberations of the expert group.

**Deputy Martin Ferris:** The Government agreed.

**Deputy Alex White:** That was the position taken by the Dáil on that occasion.

**Deputy Martin Ferris:** It was the Government position.

**Deputy Alex White:** The Dáil voted. The Deputy might be aware that we have a parliamentary democracy and a vote was taken.

**Deputy Martin Ferris:** The Government won the vote.

**Deputy Alex White:** The Bill introduced by Deputy Daly was not accepted by the House on the basis that the Dáil would await the conclusion of the work of the expert group. Whatever validity there was to the argument that it represented a cop-out, it has disappeared now. The House has been told the report will be published on Tuesday. It will be published and available to all Members to consider and examine. They can then decide if they think the report is a cop-out. However, they should read the terms of reference Mr. Justice Ryan's group was given, which 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 [I emphasise that it is how to implement the judgment and not whether 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.

The expert group has been tasked with bringing forward recommendations for options on how to implement the judgment of the European Court of Human Rights, which is what I expect the report to do. Everybody in this House will have an opportunity to look at that.

There have been arguments across the House about people's motivations regarding Sinn Féin's motion, but we will leave that aside as we come to the end of this debate. In large part it has been a good debate, but it nets down to one issue. The Sinn Féin motion calls for the publication of the report, which will happen. Regarding the outcome of the decision from Strasbourg the motion also calls for legislation. I have no doubt the option of legislation will feature in the report of the expert group - how could it not? As the group was asked how to implement the decision of the court in Strasbourg, manifestly legislation will be one of the options the report will outline. Perhaps there will be another option in the report as to how to deal with the matter because the group was asked to deal with the various options. The Deputies opposite can test that themselves and look at it next week.

**Deputy Joe Higgins:** Has the Minister of State seen it?

**Deputy Alex White:** No. Next week they will have a proper debate in this House as to which of the various options in the report - not whether we take action - is the proper way forward.

I believe Deputy Mac Lochlainn said earlier that he would be opposed to addressing this by way of a statutory instrument. I am sure the Deputy knows it is not possible to have a statutory instrument other than in connection with primary legislation. A Minister cannot promulgate a statutory instrument unless it is linked to an Act of the Oireachtas. The Deputy should be careful when he makes claims that people are proposing doing this in particular ways. Let us look

at what the report says.

**Deputy Pádraig Mac Lochlainn:** So the Government will legislate for the X case.

**An Ceann Comhairle:** Please allow the Minister of State make his point. Deputy Mac Lochlainn got silence when he was making his points.

**Deputy Alex White:** We are not debating legislation - at least Deputy Clare Daly, as a parliamentarian, brought proposed legislation to the House. If we were to pass the Sinn Féin motion tonight, it would make absolutely no difference. It is a motion calling for something to happen and not legislation.

**Deputy Mary Lou McDonald:** Why is the Government so worried about it?

**Deputy Pádraig Mac Lochlainn:** Why is the Government so anxious about it? Why will it not support the motion? It is just ridiculous.

**Deputy Alex White:** Deputy Mac Lochlainn always gets very excitable when he is being challenged - he should just wait. Sinn Féin may be serious about the outcome it wants. Unlike others I am prepared to give at least some of its Members the benefit of the doubt that they are serious - although I wonder when I hear the remarks I have just heard. If they wanted the outcome they claim and wanted to serve the women of Ireland by ensuring there is legal clarity and a proper solution to this problem, they would not play games with a motion calling for something to happen at some stage.

**Deputy Colm Keaveney:** Hear, hear.

**Deputy Alex White:** Whatever validity there was about this cop-out argument a year ago, there is none now. They will have the report next week and will have the chance to test all the options. They will see the various possibilities and be able to bring forward change. As all of us, including the Tánaiste, have said, doing nothing is not an option. What do we have now? We have the report going to Cabinet, its publication next week, a debate in these Houses and the Government commitment to make a decision. When that is put together it adds up to a great deal more than a motion simply calling for something to occur.

**Deputy Caoimhghín Ó Caoláin:** I begin by placing on the Dáil record my deepest sympathy to the family and friends of Savita Halappanavar whose tragic death has moved people across Ireland and across the world. I pay tribute also to the courage of Savita's husband, Praveen, and their family for speaking out about their ordeal in such forthright terms, though the attention this has brought can only have made their time of mourning more difficult. In doing so the family has sought justice for Savita and safety for women who may face similar situations.

It should not take the tragic death of a woman in an Irish hospital to alert legislators to the need to address long-identified deficiencies in our laws relating to the protection of the life of an expectant woman, but it has done so. It has alerted the thousands of people who demonstrated around the country in recent days under banners bearing two most powerful words - never again. The tragedy has again challenged us as legislators to step up to the mark on this most difficult issue and no political party is immune from that.

I refute the spurious accusations that people who have come onto the streets in the wake of this tragedy are opportunists. The same accusation has been made against Sinn Féin's tabling

of this motion. It is a most insensitive accusation. There is no party political advantage in this for any party represented in this House and there is certainly none for Sinn Féin. The opportunist approach, in terms of seeking party political advantage, would be to try to avoid the issue as much as possible. There is ample evidence of this across this Chamber and in the utterances and media performances of some beyond these walls. However, we have not done so. We have long had a policy which calls for what this motion seeks, which is the introduction of 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.

I wish to restate Sinn Féin's position for the sake of clarity. Sinn Féin is not in favour of abortion. We believe all possible means of education and support services should be in place. However, in cases of rape or incest, or where a woman's life or mental health is at risk or in grave danger, Sinn Féin argues that the final decision should rest with the woman concerned. That said, not all Sinn Féin Members concur with that policy. It is a most contentious issue with widely differing and strongly and sincerely held views in all political parties. Let us be mature and honest, and acknowledge that to each other. It has cut across Irish society in a very divisive way on many occasions. That could be and has been used by political parties and legislators as an excuse for inaction. However, it was never, and is certainly not now, an acceptable reason for doing nothing.

During the course of the debate a number of swipes were made at Sinn Féin. I can understand the motivation behind these. After all, Deputies, who are being whipped to vote against a motion they strongly support, will want to strike out at someone. So it was with Deputy Conway's remarks last night.

She conveniently forgot to mention that the Sinn Féin members in the Dáil last April voted for X-case focused legislation to be processed beyond Second Stage when she and the Labour Party voted against it.

Our position on abortion in the Six Counties has also been misrepresented. Sinn Féin does not support the extension of the 1967 Abortion Act to the North. We say that what is now required is clear and robust guidance which protects the life of the mother. That position is in line with our party policy on an all-Ireland basis and in line with this motion. There is no difference in our policy North and South, as some have tried to claim. Others have been galloping across the media, anxious to be seen, if not heard, talking themselves into knots as they endeavour to avoid the issue.

I believe that the tragic death of Savita Halappanavar and the discussion which has followed has opened the eyes of many people to the dangerous reality that the ambiguity in our laws has created. It was for this reason and this reason alone that Sinn Féin brought forward our Private Members' motion. The Dáil needs to reflect in a timely manner to the concerns of those who elect us and to address the pressing issues that we as legislators are elected to address.

The motion seeks an acknowledgement of realities. It asks the Dáil to acknowledge the reality that the absence of the required legislation denies women protection and the right to obtain a termination in life-threatening circumstances. It asks the Dáil to acknowledge also that the lack of legislation creates an ambiguous legal situation for clinicians. Can anyone here deny, as the motion states, that it is regrettable that successive governments and Ministers for Health have failed to legislate? That at least is something upon which I and the Minister of State will agree. We need immediate action. We have waited too long and have not received even an

indication or a signal that the Government will legislate, and I repeat will legislate. That intention should be made clear by the Government now, here tonight. The Government's failure to give that commitment is very worrying. So too was the Minister of State, Deputy Kathleen Lynch's exhortation that we should let, as she put it "wiser heads prevail". Is that how she and her Labour Party fellow Ministers in Government justified their decision to back the Minister, Deputy James Reilly, when their party and ministerial colleague sacrificed herself on the pyre of accountability and standards in ministerial office? Wiser heads how are you. It is tantamount to saying, "leave it to your betters". I am surprised at the Minister of State, Deputy Kathleen Lynch and I never thought I would hear such rubbish from her in this Chamber.

**Deputy Alex White:** I do not know where the Deputy got that interpretation.

**Deputy Finian McGrath:** The Minister of State got her job.

**Deputy Caoimhghín Ó Caoláin:** The Minister of State should face up to the fact that the Government amendment fails to give the required commitment and is accordingly deficient and we cannot accept it. The report of the expert group should be published. Let the legislators and the public see it and judge for themselves. I advise the Minister of State that there is no reason the report should not be published immediately. The Cabinet is wrong to suppress it for another week in order to shield itself from public scrutiny. Its deliberations on the report are covered by Cabinet confidentiality but in the meantime we all have a right to know the subject of those deliberations. It is the least to which we are entitled.

**Deputies:** Hear, hear.

**Deputy Caoimhghín Ó Caoláin:** It is most regrettable that an issue of trust and credibility arose about the HSE inquiry almost as soon as it was established. I do not question the credibility or integrity of any of those named on the initial inquiry panel. However, the now reversed decision to include three consultants from Galway University Hospital left the process open to doubt from the outset. Over and above that consideration, there is a need for an independent public inquiry, separate from the HSE investigation. Savita Halappanavar's family have expressed their lack of faith in the HSE inquiry. They have made the very valid point that if they had not spoken out and if there had not been a public outcry then even the HSE inquiry would not have been established. I believe we all know that. If it turns out, as it appears this evening, that the HSE inquiry does not have the co-operation of the family of Savita and access to her medical records, then it will be untenable and if it proceeds on that basis, it would have no credibility whatsoever.

One thing is certain, a way must be found to ascertain the facts speedily and with the full co-operation of Savita Halappanavar's husband and family and with fairness for all concerned – fairness for Savita, Praveen, the family, the hospital staff and for all pregnant women who use our health care system. There must be an independent public inquiry and it must be fully transparent. We need that decision now.

It has to be stressed that the experience of the vast majority of pregnant women in our health care system is positive and that this State is predominantly a safe place to give birth. No one who is calling for legal change denies that. However, the sad reality is that the legal ambiguity around this issue creates an area of danger to the lives of pregnant women and that danger – no matter how small the number of women who may encounter it – must be removed once and for all.

During the course of the Dáil debate on the Private Members' Bill to legislate in line with the X case judgment last April, the Minister for Health, Deputy James Reilly, stated: "I wish to meet our obligations, not simply to the European Union but more importantly to our citizens. The Government will take the correct action, based on the best advice available to it, to ensure no woman's life is ever put in danger". That was last April. It is dreadful to contemplate that it has taken the death of a young woman in tragic circumstances to bring this issue back onto the political agenda. There is no excuse for delay. We have had 20 years of delay and prevarication. The issue can no longer be avoided.

Ideally we should all move forward together towards the legislation required. This should not be an issue of party political contention and conflict. We had more than enough of that in the past. We should certainly seek the maximum possible consensus in this Oireachtas and outside it, but ultimately it is the responsibility of Government to govern and that is what the motion before us asks this Government to do.

Let me restate that the Sinn Féin motion is not about abortion. We are not a pro-abortion party and I am not a pro-abortion Deputy. This motion is about protecting the life of pregnant women when that life is in real danger. It also seeks to give legal certainty to medical professionals. As a husband and a father of young daughters I do not want my loved ones to ever have to face what Savita Halappanavar has had to face or pay the tragic price that she has had to pay for the failures of successive governments to act.

Sinn Féin has brought forward this Dáil motion and has encouraged, in a measured and reasoned way, its acceptance. Most importantly, we have encouraged this Government to act and to fulfil its promises and responsibilities so that the appalling tragedy of the death of Savita Halappanavar will never happen again. I urge all Deputies to support the motion.

*9 o'clock*

Amendment put:

The Dáil divided: Tá, 88; Níl, 53. Tá: Bannon, James.Barry, Tom.Burton, Joan.Butler, Ray.Buttimer, Jerry.Byrne, Catherine.Byrne, Eric.Carey, Joe.Coffey, Paudie.Conaghan, Michael.Conlan, Seán.Connaughton, Paul J.Conway, Ciara.Coonan, Noel.Corcoran Kennedy, Marcella.Coveney, Simon.Creed, Michael.Daly, Jim.Deasy, John.Deenihan, Jimmy.Doherty, Regina.Dowds, Robert.Doyle, Andrew.Durkan, Bernard J.English, Damien.Farrell, Alan.Feighan, Frank.Fitzpatrick, Peter.Flanagan, Charles.Gilmore, Eamon.Griffin, Brendan.Hannigan, Dominic.Harrington, Noel.Harris, Simon.Heydon, Martin.Hogan, Phil.Howlin, Brendan.Humphreys, Heather.Humphreys, Kevin.Keating, Derek.Keaveney, Colm.Kehoe, Paul.Kelly, Alan.Kenny, Enda.Kenny, Seán.Kyne, Seán.Lawlor, Anthony.Lynch, Ciarán.Lyons, John.McCarthy, Michael.McEntee, Shane.McFadden, Nicky.McGinley, Dinny.McHugh, Joe.McLoughlin, Tony.McNamara, Michael.Maloney, Eamonn.Mathews, Peter.Mitchell, Olivia.Mitchell O'Connor, Mary.Mulherin, Michelle.Murphy, Dara.Murphy, Eoghan.Nash, Gerald.Naughten, Denis.Neville, Dan.Nolan, Derek.Noonan, Michael.Ó Ríordáin, Aodhán.O'Donnell, Kieran.O'Donovan, Patrick.O'Sullivan, Jan.Phelan, Ann.Phelan, John Paul.Rabbitte, Pat.Reilly, James.Ring, Michael.Ryan, Brendan.Shatter, Alan.Spring, Arthur.Stagg, Emmet.Stanton, David.Timmins, Billy.Tuffy, Joanna.Twomey, Liam.Wall, Jack.Walsh, Brian.White, Alex.NílAdams, Gerry.Boyd Barrett, Richard.Broughan, Thomas P.Browne, John.Calleary, Dara.Collins, Joan.Collins, Niall.Colreavy, Michael.Cowen, Barry.Crowe, Seán.Daly, Clare.Doherty,

*Dáil Éireann*

Pearse.Donnely, Stephen S.Dooley, Timmy.Ellis, Dessie.Ferris, Martin.Flanagan, Luke 'Ming'.Fleming, Sean.Fleming, Tom.Grealish, Noel.Halligan, John.Healy, Seamus.Healy-Rae, Michael.Higgins, Joe.Kelleher, Billy.Kirk, Seamus.Kitt, Michael P.Lowry, Michael.Mac Lochlainn, Pádraig.McConalogue, Charlie.McDonald, Mary Lou.McGrath, Finian.McGrath, Mattie.McGrath, Michael.McGuinness, John.McLellan, Sandra.Martin, Micheál.Murphy, Catherine.Nulty, Patrick.Ó Caoláin, Caoimhghín.Ó Cuív, Éamon.Ó Feargháil, Seán.Ó Snodaigh, Aengus.O'Brien, Jonathan.O'Dea, Willie.O'Sullivan, Maureen.Pringle, Thomas.Ross, Shane.Smith, Brendan.Stanley, Brian.Tóibín, Peadar.Troy, Robert.Wallace, Mick.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Mary Lou McDonald.

Amendment declared carried.

Amendment put:

The Dáil divided: Tá, 88; Níl, 53.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Burton, Joan.	Broughan, Thomas P.
Butler, Ray.	Browne, John.
Buttimer, Jerry.	Calleary, Dara.
Byrne, Catherine.	Collins, Joan.
Byrne, Eric.	Collins, Niall.
Carey, Joe.	Colreavy, Michael.
Coffey, Paudie.	Cowen, Barry.
Conaghan, Michael.	Crowe, Seán.
Conlan, Seán.	Daly, Clare.
Connaughton, Paul J.	Doherty, Pearse.
Conway, Ciara.	Donnelly, Stephen S.
Coonan, Noel.	Dooley, Timmy.
Corcoran Kennedy, Marcella.	Ellis, Dessie.
Coveney, Simon.	Ferris, Martin.
Creed, Michael.	Flanagan, Luke 'Ming'.
Daly, Jim.	Fleming, Sean.
Deasy, John.	Fleming, Tom.
Deenihan, Jimmy.	Grealish, Noel.
Doherty, Regina.	Halligan, John.
Dowds, Robert.	Healy, Seamus.
Doyle, Andrew.	Healy-Rae, Michael.
Durkan, Bernard J.	Higgins, Joe.
English, Damien.	Kelleher, Billy.
Farrell, Alan.	Kirk, Seamus.
Feighan, Frank.	Kitt, Michael P.
Fitzpatrick, Peter.	Lowry, Michael.

21 November 2012

Flanagan, Charles.	Mac Lochlainn, Pádraig.
Gilmore, Eamon.	McConalogue, Charlie.
Griffin, Brendan.	McDonald, Mary Lou.
Hannigan, Dominic.	McGrath, Finian.
Harrington, Noel.	McGrath, Mattie.
Harris, Simon.	McGrath, Michael.
Heydon, Martin.	McGuinness, John.
Hogan, Phil.	McLellan, Sandra.
Howlin, Brendan.	Martin, Micheál.
Humphreys, Heather.	Murphy, Catherine.
Humphreys, Kevin.	Nulty, Patrick.
Keating, Derek.	Ó Caoláin, Caoimhghín.
Keaveney, Colm.	Ó Cuív, Éamon.
Kehoe, Paul.	Ó Fearghaíl, Seán.
Kelly, Alan.	Ó Snodaigh, Aengus.
Kenny, Enda.	O'Brien, Jonathan.
Kenny, Seán.	O'Dea, Willie.
Kyne, Seán.	O'Sullivan, Maureen.
Lawlor, Anthony.	Pringle, Thomas.
Lynch, Ciarán.	Ross, Shane.
Lyons, John.	Smith, Brendan.
McCarthy, Michael.	Stanley, Brian.
McEntee, Shane.	Tóibín, Peadar.
McFadden, Nicky.	Troy, Robert.
McGinley, Dinny.	Wallace, Mick.
McHugh, Joe.	
McLoughlin, Tony.	
McNamara, Michael.	
Maloney, Eamonn.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Mulherin, Michelle.	
Murphy, Dara.	
Murphy, Eoghan.	
Nash, Gerald.	
Naughten, Denis.	
Neville, Dan.	
Nolan, Derek.	
Noonan, Michael.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	

*Dáil Éireann*

O'Donovan, Patrick.	
O'Sullivan, Jan.	
Phelan, Ann.	
Phelan, John Paul.	
Rabbitte, Pat.	
Reilly, James.	
Ring, Michael.	
Ryan, Brendan.	
Shatter, Alan.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	
Twomey, Liam.	
Wall, Jack.	
Walsh, Brian.	
White, Alex.	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Mary Lou McDonald.

Question declared carried.

**Message from Select Sub-Committee**

**An Ceann Comhairle:** The Select Sub-Committee on Finance has completed its consideration of the Credit Union Bill 2012 and has made amendments thereto.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 22 November 2012.