



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Dé Máirt, 27 Samhain 2012*

*Tuesday, 27 November 2012*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

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*Paidir.*

*Prayer.*

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### Ceisteanna - Questions

#### Priority Questions

#### Public Transport

93. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his plans to ensure a viable public transport system; and if he will make a statement on the matter. [52911/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** This question is in regard to the public transport system. My Department and the National Transport Authority are working with public transport operators to increase the efficiency and attractiveness of existing public transport services. We are not in a financial position to make a significant investment in the public transport network, but we can get a better return from the existing public transport system through targeted investment and better use of current resources and by using smart technology to make public transport more responsive and user-friendly.

Targeted investment is essential in these financially straitened times. An example is the Luas BXD project to link the Luas lines. The Government has also continued to invest in the bus companies, including the recent decision to purchase 80 new buses for Dublin Bus at a cost of €26 million and 60 new buses for Bus Éireann in 2011 at a cost to the Exchequer of €19 million. Considerable funding has also been provided in recent years for measures to make public transport more attractive such as the Leap card, real-time passenger information, automatic vehicle location, AVL, and providing Wi-Fi.

On 24 July the Government decided to provide additional funding of €36 million for CIE to ensure the companies could continue to operate for the rest of 2012. This would bring the total subvention for the year to €278 million, higher than the subvention level for 2010 and, in fact, the fifth highest level of subvention ever. CIE is progressing the preparation of a revised five year business plan to address the underlying financial challenges facing CIE in order that

its public transport services can be provided efficiently and cost effectively over the period of the plan.

**Deputy Timmy Dooley:** That is a very fine statement, but the facts that underlie it are different. The Minister of State is aware of the auditor's report that identified the future viability of CIE as being in jeopardy. The reaction from the CIE group of companies was to increase fares and cut services. I understand the fiduciary duty of the company directors and their requirements to balance the books, but the role of the Minister of State is different; it is a public policy role, ensuring there is a public transport network and service to meet the needs of the travelling public. It is a vicious circle at the moment because with the increasing cost of travel and the reduction in services there is a reduction in the level of activity, which results in a difficulty for people who want to use the services.

**An Leas-Cheann Comhairle:** The Deputy must ask a question.

**Deputy Timmy Dooley:** When will the Minister of State set out the Government's strategic policy position in terms of what it wants the public transport network provider to provide to the citizens of this State?

**Deputy Alan Kelly:** It is ironic that the Deputy raises the issue of fare increases, which are a matter for CIE and the National Transport Authority, when, in preceding years - when times were less challenging than they are now - his party announced large fare increases from this side of the House. CIE is in a perfect storm given the loss of revenue and passengers, the fact that PSO funding has had to be cut for obvious economic reasons, the removal of the fuel rebate and the increase in fuel prices. The company is in a difficult situation as the mainstay of public transport, but a bus business plan is being put together by CIE. The Government has taken action to ensure CIE will be able to operate into the future. We are working closely with the board and the various companies to ensure the work is followed through.

As regards the future of public transport, the medium-term Exchequer framework for 2012 to 2016 committed €1,363 million in public transport expenditure on the capital side. Irish Rail is getting €513 million under the third railway programme. I am sure the Deputy is well aware of the major resignalling programme in Dublin. Dublin Bus has 80 new buses and Bus Éireann has 60 new buses. The Deputy is aware of the Luas BXD project. Substantial grants are going to various cities to provide sustainable transport. We have launched the Leap card; Deputy Dooley might confirm to the House that he has purchased one himself. The national journey planner has been launched, as has real time passenger information, and Wi-Fi is provided on a range of public transport services. A substantial amount of work has been undertaken in a year and a half and our plan for public transport is evident from the commitments we have made.

**Deputy Timmy Dooley:** That sounds like a response from a quack doctor that seeks to resolve the fact that one has a sore toe when one's heart is failing. The heart of the CIE group of companies is failing. The integrated nature of the network is being disentangled as services are stripped to meet budgetary requirements. The Minister of State will have to rethink in its entirety what kind of public transport service can be provided based on the moneys that are available. I appeal to the Minister of State not to focus on short-term budgetary pressures. He must fight his corner with the Minister for Finance. I do not suggest that it is possible to create money in the current environment but the Minister of State must set out what is required of the State in terms of what the public transport service will look like and what future shape it will have, because if he allows it to be dismantled he will never be in a position to re-establish it.

**Deputy Derek Keating:** The Deputy did not buy a Leap card.

**Deputy Alan Kelly:** As I requested, the Deputy might take the opportunity to confirm that he is a user of the Leap card. I encourage every spokesperson on transport to use the card to show leadership from this House. I completely disagree with the Deputy's statement. We are working very closely with CIE which, as the Deputy well knows and as I have outlined to the House on previous occasions, faces a very challenging environment. We have taken the necessary steps to ensure the integrated nature of public transport is maintained. We are also working very closely with the National Transport Authority to ensure time-tabling and other issues, whether they involve a combination of public operators through CIE or private operators offering various other options, are dealt with and progressed to ensure we have a quality product for users, particularly in urban areas in which there is high dependency on public transport.

### **Prisoner Rehabilitation Programmes**

94. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the fact that both Wheatfield and Mountjoy Prisons now have teams that participate in the Big Issue street leagues; his views on the value for money in terms of its returns and its value to the wider society in view of the positive outcomes for recovering addicts, homeless young men and ex-prisoners; and if he will make a statement on the matter. [52860/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar)(Deputy Leo Varadkar):** This question relates to the homeless soccer street leagues. I am aware of the work the leagues do in cities and towns, including prisons. The Minister of State, Deputy Michael Ring, had the pleasure of meeting those involved during Ireland's participation in this year's Homeless World Cup when he attended a reception for the team in Leinster House last month. The street leagues do very valuable work with homeless persons, drug and alcohol dependent individuals in rehabilitation, ex-offenders, people who are long-term unemployed with identified learning disabilities, refugees and asylum seekers. Programmes such as the street leagues can have a very positive impact for participants and assist in leading to positive life changes. They present a wonderful opportunity for participants to become involved in sport, with the possibility of representing Ireland at the Homeless World Cup. I firmly believe sport can play a very important role in Irish society and the homeless leagues are a very good example.

The Irish Sports Council which is funded by my Department is the statutory body with responsibility for the allocation of current expenditure funding for sports organisations. The council channels funding through the national governing bodies of sport. In the case of soccer, funding is provided for the FAI. I understand the homeless street leagues are affiliated to the FAI and that since 2006 the FAI has been providing financial and other support for the leagues through its Football for All programme. The street leagues have been an important programme for the FAI in the light of the good work they do in regard to social inclusion in a number of cities and towns around Ireland.

**Deputy Sandra McLellan:** The current prisoner population is 4,248. In 2011 the average cost of imprisonment was €65,359 per prisoner. Some 60% of those serving sentences of six months or less are poor and, in many cases, homeless. The majority of prisoners have never sat a State examination and more than half left school before the age of 15 years. Prisoners are 25 times more likely to come from and return to a seriously deprived area. Some 90.3% of com-

mittals in 2009 were for non-violent offences. In 2008, of the 520 prisoners who enrolled in the school at Mountjoy Prison, 20% could not read or write, while 30% could only sign their name. Over 70% of prisoners are unemployed on committal and a similar percentage self-report as not having a particular trade or occupation.

**An Leas-Cheann Comhairle:** Will the Deputy ask a question, please?

**Deputy Sandra McLellan:** In the light of the fact that the street leagues use sport to transform the lives of individuals from underprivileged, poorly educated and socially and economically excluded communities, does the Minister agree that this is a very valuable initiative in terms of mental health, recidivism rates and cost effectiveness? Will he liaise with his counterparts in the Departments of Health and Justice and Equality to ensure the leagues receive sufficient funding to continue their valuable work?

**Deputy Leo Varadkar:** I certainly agree the leagues do very valuable work, targeting a group that is very difficult to reach. I should have mentioned that the Minister of State, Deputy Michael Ring, sends his apologies. He is in Brussels today attending a meeting of the Council of Sports Ministers. He has informed me that he is due to meet Deputy Sandra McLellan and Mr. Sean Kavanagh of the *Big Issue* street league on Wednesday of next week to discuss the programme. I certainly hope the meeting will be productive.

**Deputy Sandra McLellan:** With more than ten leagues and 1,000 players involved annually, as well as a national final and participation in the Homeless World Cup, does the Minister agree it makes sense to ensure the street leagues currently in operation and those that have recently been disbanded owing to a lack of funding are adequately resourced? I look forward to meeting the Minister of State next week and exploring with him how we can work together to ensure a positive outcome to this valuable initiative.

**Deputy Leo Varadkar:** During the past seven years the FAI has supported the grassroots street leagues programme throughout the country to the tune of €280,000. It contributed €130,000 towards the cost of the Irish international Homeless World Cup squad in the same period. In addition to these financial contributions, the FAI has supported some local leagues - by means of its development officers who are part funded by county councils - through coach education, referee education and league development. Since 2010 financial support from the FAI has decreased owing to pressures on the Football for All budgets. In 2012 it provided funding of €17,000 for street leagues, €8,000 for grassroots programmes and €9,000 for the Homeless World Cup squad. Inquiries were made of the Department of Justice and Equality and I can confirm that it does not provide funding for this initiative.

## **State Airports**

95. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport the reason the 1944 Convention on International Civil Aviation (Chicago Convention) and Section 33 of the Air Navigation and Transport Act (1988) have been regularly used to impede peaceful protest and monitoring of US military planes at Shannon Airport, but no action has been taken under Article 16 provisions of the Chicago Convention in relation to the searching of planes suspected of involvement in renditions or arms transportation; and when this situation will be rectified. [53028/12]

**(Deputy Leo Varadkar):** This question is about the Chicago Convention which relates to civil aviation and section 33 of the Air Navigation and Transport Act 1988. The latter conveys powers on authorised persons to be used, *inter alia*, in the interests of ensuring the proper operation or the security or safety of an airport. These powers may also be exercised by members of An Garda Síochána. I can confirm that officials of my Department who are certified as authorised persons under sections 18 and 33 of the Act of 1988, as amended, have never used the powers provided in these sections for the purposes of interfering with protesters. However, it is, of course, unlawful for unauthorised persons to access the security restricted area of an airport. Any person who does so, including a protestor, may be liable to prosecution. I am advised by the Minister for Justice and Equality that An Garda Síochána has powers of entry and search where there are reasonable grounds for believing an offence has been committed. Where complaints of alleged unlawful activity concerning the use of Irish airports have been made to An Garda Síochána, investigations have ensued and, where appropriate, files have been submitted to the Director of Public Prosecutions. In the cases investigated, no further action was found to be warranted owing to a lack of evidence of unlawful activity.

The Chicago Convention applies only to civil aircraft and, therefore, the provisions of Article 16 of the convention in respect of the right to search aircraft do not apply to aircraft used in military, customs and police services which are deemed to be state aircraft. As I have stated in the House previously, I am advised that the previous Government received unique assurances, from the highest level of a friendly state, that no extraordinary rendition had taken place through Ireland. I am also advised that it received legal advice that it was entitled under international law to rely on these assurances which were unqualified and unequivocal that no prisoners had been subject to extraordinary rendition through Ireland.

**Deputy Clare Daly:** As the Minister indicated, the question relates to a provision in respect of the safety of airlines and was tabled in order to highlight the double standard. While the convention may not have been used against protesters, it is clear that legislation has been used to stop them. In addition, there is a very lax regime in place in respect of aircraft. I accept that there is an overlap with the Department of Justice and Equality in this regard. Almost 10,500 US flights, either military or civil, have traversed our airspace or landed at Shannon Airport during the past four years. The Minister has confirmed that not one of these aircraft was searched. I do not believe it is adequate to accept an assurance from the US authorities to the effect that just because they have given their word, this should be good enough. As the person with responsibility for the safety of airlines and airports, why has the Minister not initiated a process of random inspections to ensure that safety?

**Deputy Leo Varadkar:** I do not believe I stated inspections had never been carried out. I said the powers under section 33 of the Air Navigation and Transport Act 1988 had never been used by officials of my Department. I cannot state whether the Garda has ever used these or other powers available to it. Where investigations have ensued, files have been submitted to the Director of Public Prosecutions. Further action was not warranted in any of the cases investigated. This was because there was no evidence of unlawful activity.

**Deputy Clare Daly:** The cases to which the Minister refers are those brought against protestors. I was merely using them as an example. What I am actually seeking is for the Minister to indicate the action he has taken against airlines and aircraft which may be involved in renditions or the transportation of arms. He has confirmed that he has taken no steps whatsoever to carry out searches of such aircraft.

**Deputy Leo Varadkar:** The assurance we have been given from the highest level is that no prisoners are being rendered, extraordinarily or otherwise, through Irish airports. We have no evidence that renditions have taken place and I have no reason to believe they have occurred. There is a difference between military and civil aviation. My Department deals only with civil aviation. Civil aircraft carrying weapons or munitions of war landing in or overflying Ireland must have a permit issued by me under the air navigation orders of 1973 and 1989. As outlined, the majority of flights transporting US military personnel through Shannon Airport are operated by commercial airlines under contract to the US military. This means they have civil as opposed to military status.

**Deputy Clare Daly:** I advise the Minister to contact Amnesty International.

### **Sports Capital Programme**

96. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport in view of the large number of applications for the sports capital grant and the relatively small budget available, if he has had to change the allocation criteria used in 2008; and if he will make a statement on the matter. [52912/12]

**Deputy Leo Varadkar:** The question relates to the allocation criteria for the sports capital programme and changes since the last sports capital round in 2008. Responsibility for the sports capital programme has been delegated to the Minister of State, Deputy Michael Ring. However, he is unable to attend the House today as he is in Brussels attending the European Council of Sports Ministers.

As the Deputy will be aware, there is phenomenal interest in this round of the sports capital programme, the first such round since 2008. A total of €30 million has been allocated to the programme in this round, with €26 million to be allocated to local projects and €4 million to regional projects.

With regard to the local projects, as the Deputy will be aware, funding under the sports capital programme is assessed on a county by county basis. Previous rounds were the subject of considerable public disquiet as the allocations between counties did not have a clear rationale. Between 1998 and 2010, a total of €136 per person was provided in sports capital funding across the country. However, the allocations to individual counties varied significantly. While the best performing county received €196 in sports funding *per capita*, other counties received a little over half of that amount. However, in order to ensure fairness, the Minister of State, Deputy Michael Ring, has decided that funding will be allocated on a *per capita* basis to each county, with a weighting for past performance. Based on their historical performance since 1998, a weighting of between 90% and 120% will be applied to the *per capita* allocations to determine how much funding should be provided for each county. This is, of course, based on there being sufficient eligible projects within each county.

With regard to allocations within each county, every valid application is initially assessed and then receives a score based on a set of published criteria. These criteria are published on my Department's website and include the extent to which the project will increase the levels of participation or improve performance, especially among women and older citizens; the level of socio-economic disadvantage in the area; the technical merits and financial viability; the extent to which applicant will be able to maintain the completed project; whether the facilities will

be shared; and the level of sports capital programme or other Government funding previously received.

*Additional information not given on the floor of the House.*

Two criteria have been added since 2008 - those relating to the sharing of facilities and previous Government funding. In deciding the final allocations of funding to projects within each county the Minister of State and I will have regard to the following: the performance of each application during the assessment process; ensuring a geographic spread of projects within each county; ensuring an appropriate spread of projects between rural and urban areas within each county; and ensuring there is a spread of projects among different sports.

In respect of regional projects, there are four additional criteria analysed in the initial assessment. They are priority as identified by the relevant national governing body of sport; priority as identified by the Irish Sports Council; the location of the facility within the network of national, regional and municipal multi-sports facilities; and linkages with the local authorities' swimming pools programme. This criterion applies to municipal multi-sports facilities applications only.

**Deputy Timmy Dooley:** I have received what I consider to be troubling information from councillors around the country who have been informed by some clubs in their respective areas that they are not on the favoured list. They seem to have information that is not readily available. I understand from at least one club that it has been told by the local Fine Gael councillor that it has not met the criteria but that he will make an extra effort on its behalf. I was inclined not to believe what I was being told. However, one day I happened to be on Kildare Street and saw a procession of Fine Gael backbenchers en route to the Minister's office. This may have been a coincidence; they may not have been lobbying.

**Deputy Derek Keating:** The Deputy never lost it.

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Timmy Dooley:** I ask the Minister to inform the House as to the level of contacts or the number of meetings that have taken place-----

*(Interruptions).*

**An Leas-Cheann Comhairle:** Please, Deputies; this is Deputy Timmy Dooley's question.

**Deputy Timmy Dooley:** Will the Minister inform the House the number of meetings he has had with members of his own party or the Labour Party on the subject of sports capital grants in the period since the applications were submitted? I ask him to provide the House with these details and also to give details of other individuals or delegations involved. Such information would be helpful.

**Deputy Leo Varadkar:** As there is no prohibition on lobbying, people are free to lobby if they so wish. I have received letters from all parties, including the Deputy's. I would need to check my diary, but off the top of my head, I have not had any such meeting. The Minister of State, Deputy Michael Ring, is handling this matter on my behalf and that of the Department. He is the person who has attended most of these meetings. Councillors and others should not

be in possession of any information because the scheme prohibits communication of that nature. A considerable number of applications are ineligible either because there are no matching funds or because the applicant has no planning permission or does not own the land on which it is proposed to build. One of the difficulties with the scheme is that a very large number of applicants were ineligible in the first instance and consequently could not be given any grants. There is a precedent for Ministers taking the initiative to grant funds to ineligible applicants but that will not be happening on this occasion.

**Deputy Timmy Dooley:** I can understand the ineligibility criteria and am aware of clubs that were rightly deemed ineligible and informed to that effect. I am not talking about ineligible clubs but about clubs that appeared to have met all the stated criteria, both on cursory and more detailed investigation. I am aware, however, of at least two cases in which a Fine Gael councillor told one club money would be delivered and another, while trying to sooth its pain, that it would not. This is less than transparent and less than helpful, particularly at a time when the Government is trying to carry out a loaves-and-fishes exercise with a much smaller budget. I do not question the Government's bona fides but ask the Minister to examine this to try to understand it and publish a list of the meetings that have taken place between him and his backbench colleagues. Such a list would be helpful. I ask the Minister to publish the diary.

**Deputy Leo Varadkar:** I cannot understand how that can be the case because no allocations have been made or signed off on. People may well find out that they have been made promises that cannot be delivered upon but no allocations have been made at this stage.

**Deputy Timmy Dooley:** I have no problem where there is written evidence; I am trying to obtain a picture of what occurs in private meetings.

## **The Gathering**

97. **Deputy Mick Wallace** asked the Minister for Transport, Tourism and Sport his views on recent criticisms of the Gathering initiative; his views on whether it is an appropriate allocation of resources in view of the fact that 87,000 persons emigrated from here last year; and if he will make a statement on the matter. [52682/12]

**(Deputy Leo Varadkar):** This question relates to The Gathering. There has been a fantastic response thereto across the board, from local communities, voluntary bodies, public bodies, businesses and government. That is why I was surprised at the tone of some recent adverse comments.

Tourism is a valuable service export. Encouraging those from overseas, whether Irish or not, to sample what we have to offer is not a shakedown. It is no more so than exporting other goods and services. With the hotel and accommodation sector already generating additional employment since this Government came into office, tourism can offer jobs to those who might otherwise face a choice between emigration and unemployment. I apologise to nobody for seeking to increase that employment still further by investing in The Gathering. There is also a parallel aim to further strengthen our connections to all of those overseas who have a kinship with Ireland. I saw myself in Australia the extent to which our diaspora values that objective.

Tourism Ireland is implementing a major promotional drive for The Gathering across the world and has worked with business networks, cultural and sports associations encouraging

them to promote The Gathering and to mobilise members to organise events in Ireland during 2013. In autumn, Tourism Ireland commenced a major consumer campaign to promote The Gathering in key markets, and this will continue into 2013. My colleague, the Minister of State, Deputy Ring, the Tánaiste, the Taoiseach and I have attended events during the year to promote the initiative overseas.

Meanwhile, The Gathering project team and Fáilte Ireland are mobilising communities throughout the country and finalising details of the exciting programme of events for 2013, which will be announced shortly. I am determined to continue to promote this unique opportunity for us to show the world all that is best about Ireland, and I know the vast majority of Irish people, at home and abroad, will do so also.

**Deputy Mick Wallace:** The Minister is well aware of the comments on The Gathering by the former culture ambassador, Mr. Gabriel Byrne. His main comment was that The Gathering has been presented in such a way that it sounds as if we are just trying to make money from the diaspora. Given that so many people have left the country under terrible conditions in recent times, they may find the manner in which The Gathering has been presented as hard to take.

I submitted a question on the termination by the Garda of more than 100,000 fixed-charge penalties from 2008 to 2011, but it was rejected by the Department. The money lost to the State would have paid for 500 patrol cars. Gardaí have approached me, as a Member of the Oireachtas, to express their great concern that honest gardaí are being undermined by this activity. It is corruption and should be investigated. This Parliament should be discussing the matter. My questions for the Department of Transport, Tourism and Sport and the Department of Justice and Equality have been blocked. The Minister for Justice and Equality, Deputy Shatter, has had my question on his desk since January. When I put it to Department of Justice and Equality officials, they said they had not investigated yet. This is a road safety issue and the Minister has had the report as well, although probably not for as long.

**An Leas-Cheann Comhairle:** A question on The Gathering please.

**Deputy Anthony Lawlor:** It is a gathering of all the rogues.

**Deputy Mick Wallace:** This is a huge disappointment. This is corruption that the Government has refused to deal with.

**Deputy Clare Daly:** It is a cover up of questions that the Government does not want to answer.

**Deputy Leo Varadkar:** I understand that question was disallowed but not by me. I imagine it was disallowed by the Ceann Comhairle's office. We have received those allegations, which I take seriously. My officials have met the person making them, as has the chief executive officer of the RSA. However, they are allegations and they need to be investigated. That is why they have been sent to the Department of Justice and Equality with the request that it does so.

**Deputy Mick Wallace:** The Department has had them since January.

**An Leas-Cheann Comhairle:** Has the Deputy a supplementary question on The Gathering?

**Deputy Mick Wallace:** The Minister did not answer my question on The Gathering.

**Deputy Derek Keating:** The Deputy is gathering his thoughts. He is a chancer.

**Deputy Mick Wallace:** The gardaí in question have taken a risk in this matter by coming forward with this information, which is with the Minister since last January. This is a serious matter and I find it hard to believe that the Government has not been more firm in dealing with it.

**An Leas-Cheann Comhairle:** That is not the subject of the question. Has the Minister anything further to add?

**Deputy Leo Varadkar:** My Department has not had the allegations since January. Once we received the information, we acted expeditiously. I asked my officials to meet the person and they did. The chief executive officer of the RSA has also met the person in question. As it is a Garda matter, it was passed on to the Department of Justice and Equality to investigate. It is something we take seriously and I have raised it with people at the highest level in that Department and in the Garda.

## **Other Questions**

### **Integrated Ticketing**

98. **Deputy Seán Crowe** asked the Minister for Transport, Tourism and Sport if he plans to implement a tag off, tag on system to Dublin Bus for use of the Leap card as is in place for Luas users, in an attempt to reduce queues on buses. [52664/12]

125. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport if he will provide an update on the rollout of the Leap card integrated transport scheme in terms of numbers of active cards, journeys travelled and other usage statistics; if the difficulties regarding availability of top-up facilities has been resolved; his plans to extend the scheme or a similar scheme to commuters around Dublin, or nationwide; and if he will make a statement on the matter. [52680/12]

**(Deputy Alan Kelly):** I propose to take Questions Nos. 98 and 125 together.

The questions relate to the Leap card public transport integrated ticketing system. Responsibility to develop, procure, implement, operate and maintain the integrated ticketing system in the greater Dublin area became the function of the National Transport Authority, NTA, with effect from 30 September 2010 in accordance with section 58 of the Dublin Transport Authority Act 2008. The Leap card scheme continues to prove popular with public transport users. I encourage every Member to have one. It is imperative that we show leadership. To date, more than 175,000 cards have been issued and, in October, 1.5 million journeys were completed using Leap cards. The scheme has now handled in excess of 10 million journeys since launch and turns over approximately €2.5 million per month.

I understand from the NTA that Dublin Bus equipment has not been designed to handle tag-on tag-off. Adding this function would involve significant time and cost and could well require replacement of the full ticketing system on buses. Generally, it is considered impractical to require that passengers tag off as they leave buses, and particularly where buses are single

door vehicles. Tag-on tag-off would slow down journey times because passengers would be tagging off on the same machines that boarding passengers are using. For single door operations, this would increase the dwell time significantly for passengers and be a bad experience. I understand there are few examples internationally of tag-on tag-off smart card schemes on buses in metropolitan areas and none using single door vehicles. In other major cities using an integrated ticketing system, they operate either a flat fare system or they use two-door bus vehicles. I understand the authority is undertaking a study to prepare a business case for the national roll-out of the Leap card. However, this would require additional funding outside of the current capital programme. It is also my understanding that difficulties regarding availability of top-up facilities have been resolved.

**Deputy Dessie Ellis:** The Leap card has been a good move for Dublin. It has offered a discounted and convenient way to use bus and rail services in the city on one ticket and we can see from the number of people who taken up the scheme how effective it has been. However, the one thing it does not do for bus users is help to speed up the loading and unloading of passengers at each stop. Luas users do not have to queue to ask the driver to key in their fare; they simply tag on and tag off. Leap card users on buses, as before when they used change, must queue with the majority of passengers to tell the driver their fare. This means the Leap card has little or no effect on bus queues as the Rambler cards do.

**An Leas-Cheann Comhairle:** Can we have a question, please, Deputy?

**Deputy Dessie Ellis:** Dublin Bus loses money every year due to the gridlock that causes buses to be delayed. I am not convinced by the Minister's view that such a system would slow down buses; I believe it would actually speed them up. Is the cost an issue? Will the Minister re-examine this, as tagging on and tagging off with a Leap card seems to be effective on other transport services?

**Deputy Alan Kelly:** I have no doubt about the sincerity of the Deputy's question but from a practical point of view this will not happen. There is a cost issue, obviously, as well as an equipment issue which would require a complete overhaul of the bus fleet. The bus fleet would have to change, and there is no country in the world which has such a system unless it has doubled its fleet or has a standard fare. I would love to have a standard fare in urban areas, particularly in Dublin, but it is not practical given the economic situation, and I cannot say whether it would be practical at any stage in the future. Unless one or both of these changes happens, we will not be able to implement the Deputy's suggested system. It would cause serious issues for the financial situation of the bus companies. Furthermore, it would cause delays because people would be queuing at the same points getting on and off buses. We are trying to encourage as many people to use public transport as possible, hence the introduction of the Leap card. Any system that would devalue people's experience of using buses would be negative and I would not support it.

**Deputy Dessie Ellis:** I do not see much difference between paying a fare getting on a bus and tagging on with a Leap card. One would be clocking on as one gets on the bus and then clocking off as one gets off. I am not convinced by the Minister of the cost implications of introducing such a system. Will he do a cost analysis of this? It would be interesting to see if it would be feasible.

**Deputy Alan Kelly:** We could introduce such a system if we got down to a common fare across Dublin city and the greater Dublin area. That, however, is not going to happen in the

short term. We would have to examine the fleet of buses to allow for tag-on and tag-off. The capital requirements would be so substantial that it would not be practical to introduce such a system. The current system is the best solution for Dublin city and the broader area. In addition, a number of substantial enhancements to the Leap card will be announced in the coming weeks and months, which I am sure the House will very much welcome.

**Deputy Catherine Murphy:** I did not hear any reference in the reply to my question about the difficulties regarding the availability of top-up facilities. Have these been overcome? Is it intended to extend the scheme? Internationally, the transport systems that really work are the ones that are simple to use and whose prices are within people's range. Ireland has a bad history of long-term planning in many areas. I know we are in a bad economic situation and there is limited scope to introduce new schemes. However, is a longer view being taken in terms of the introduction of such a tag-on and tag-off initiative when the current fleet is replaced? Is there forward planning for the public transport system, or is it just a case of short-term thinking?

**Deputy Alan Kelly:** In my reply, I outlined how it would not be possible to extend the Leap card scheme within the existing capital requirements. Given the fact that in the next year we will have broken the back of introducing the Leap card across Dublin city and the greater Dublin area, it could then be deployed countrywide, a move that I would very much support. However, it is not going to be achieved at the moment.

In my reply, I stated the top-up facility difficulties had been sorted out. Several issues arose and they have been dealt with. We are thinking to the future. The new fleet being purchased in Dublin has double doors and we are considering that. It will take several years to renew the fleet given the capital situation. We are looking to improve the service and the use of double doors may provide options in the medium-term future.

Ultimately, changes in the operation of the Leap card system on buses will come down to either changing the fleet or a single standard fare throughout Dublin. That may be something that can happen. Certainly we are providing the infrastructure to make it a possibility in future should the economic circumstances exist.

**Deputy Eoghan Murphy:** Has the Minister of State considered approaching Dublin City Council to have the dublinbikes system included in the Leap card system?

**Deputy Alan Kelly:** That is something we have looked into and we will be looking into it again in future. It would be a worthwhile development. Following the programme we have outlined to get the various services and products on the Leap card we have also investigated in a preliminary way the possibility of the Leap card being used for the bike scheme from a technological point of view and whether this is possible. It might be something we can develop in future.

### **Sports Capital Programme**

99. **Deputy Denis Naughten** asked the Minister for Transport, Tourism and Sport if he will introduce a second phase of the sport capital programme 2012; and if he will make a statement on the matter. [52621/12]

102. **Deputy Martin Ferris** asked the Minister for Transport, Tourism and Sport if his at-

tention has been drawn to the fact that participation in sport has increased from 34% in 2009 to 40% in 2012 and that due to increased concerns around health and obesity, his views on whether funding to community sporting clubs and organisations should be ringfenced; and if he will make a statement on the matter. [52688/12]

130. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the efforts he has made to secure funding for sports in view of cuts in spending in this area; and if he will make a statement on the matter. [52684/12]

132. **Deputy Derek Keating** asked the Minister for Transport, Tourism and Sport if he will provide an update on the sports capital programme and the number of applications received; and if he will make a statement on the matter. [52679/12]

141. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport in view of the fact that he has received applications to the sports capital programme totalling €369 million and his budget is €30 million, if he plans to request additional funding to make up the shortfall; and if he will make a statement on the matter. [52687/12]

152. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the efforts he has made to ensure that the sports capital programme will run in 2013; and if he will make a statement on the matter. [52685/12]

154. **Deputy Seán Crowe** asked the Minister for Transport, Tourism and Sport his views on whether sporting bodies should be allowed to register as charities; his plans to introduce legislation to this effect; his views on whether persons who make such donations should be able to claim a tax break; and if he will make a statement on the matter. [52686/12]

163. **Deputy Anthony Lawlor** asked the Minister for Transport, Tourism and Sport if he will provide an update on the sports capital programme; and if he will make a statement on the matter. [52513/12]

164. **Deputy Pat Deering** asked the Minister for Transport, Tourism and Sport if he will provide an update on the sports capital programme; and if he will make a statement on the matter. [52502/12]

722. **Deputy Derek Keating** asked the Minister for Transport, Tourism and Sport if he will provide an update on the sports capital programme; and if he will make a statement on the matter. [52590/12]

725. **Deputy Alan Farrell** asked the Minister for Transport, Tourism and Sport if he will provide an update on the Sports Capital Grants for 2012; when an announcement will be made; if there will be an earlier application date set for 2013 due to the large volume of applicants in 2012; the other supports that will be provided to sporting clubs outside of this grant system; and if he will make a statement on the matter. [52725/12]

**Deputy Leo Varadkar:** With the agreement of the House I wish to take Questions Nos. 99, 102, 130, 132, 141, 152, 154, 163, 164, 722 and 725 together.

**Deputy Timmy Dooley:** Can we get the list of the questions proposed to be taken together circulated?

**An Leas-Cheann Comhairle:** All the other Deputies have questions down, obviously.

**Deputy Leo Varadkar:** These questions relate to this year's sports capital programme and any future such programmes. The question is whether there should be changes to the taxation regime to support sporting organisations and clubs. The sports capital programme is an area delegated to the Minister of State, Deputy Ring. Deputies will be aware that the Department has received 2,170 applications for funding under the 2012 sports capital programme, seeking €229 million in funding for projects with a total value of €374 million. This is the largest number of applications ever received under the programme. I have approval from the Minister for Public Expenditure and Reform to allocate €30 million. I believe this shows the value the Government places on sport. Approximately €26 million of this amount has been earmarked for local projects, including community sports clubs and organisations. Departmental officials are processing all applications and this process is almost complete. I expect to be able to announce the list of successful applicants later this year.

The Government has also committed to a further programme during its lifetime. When the current programme is finished, with the Minister of State, Deputy Ring, I will examine the successes and failures of the current round of applications. As the 2012 process is unfolding, one aspect of particular concern to me and the Minister of State is the high number of ineligible applications. In some counties assessed to date the majority of applications have been ineligible. In designing the next scheme we will need to take account of that. I note that the Irish Sports Council's sport monitor report for 2011 shows that active participation in sport increased from 34% in 2009 to 46% in 2011 among adults. The 2012 sports capital grants will improve facilities in every county and provide increased opportunities for more people to engage in sport to the best of their ability.

With regard to wider supports for sporting organisations, the Deputies may be aware that the Revenue Commissioners have a scheme that provides tax relief for donations to certain sports bodies. It is important that sporting organisations can secure alternative sources of investment, including private donations. The current tax relief scheme for donations to sporting organisations is restrictive because it applies only to donations for capital purposes. Taxation issues, including the amendment or introduction of tax relief schemes, are a matter for the Minister for Finance. However, I wrote to the Minister for Finance in October outlining possible amendments to existing tax relief schemes which would allow relief for non-capital donations to sporting organisations as well.

**Deputy Denis Naughten:** On top of the commitment and the funding sought, amounting to approximately €220 million, sports organisations have given a commitment to spend up to €145 million of capital to get these projects off the ground. In light of this and the assessed return carried out by the Department of Transport, Tourism and Sport and the Department of Finance, will the Minister consider increasing the number of grant approvals from the current projection of €30 million? It could be increased to €90 million worth of commitments and the net cost to the taxpayer would still be the initial commitment of €30 million. In the light of the potential return and given the potential to untap capital lying in dormant bank accounts, will the Minister consider facilitating this proposal which could result in the creation of approximately 2,000 jobs in communities which are struggling owing to the number of people therein on the live register? I am sure if the work is done by a local person, it will result in an additional benefit to local clubs.

**Deputy Leo Varadkar:** Unfortunately, €30 million is the amount sanctioned by the Department of Public Expenditure and Reform. We have also agreed with the troika spending ceilings which are set in law. As such, any additional sum would have to come from another area of

my budget and that is not something I can do now. As the Deputy correctly said, clubs making applications have offered up to €145 million to match funding provided by the Government. However, one of the reasons a large number of applications have been deemed ineligible is clubs have not been able to produce evidence of having the funding required - 15%.

**An Leas-Cheann Comhairle:** I will call first on the Deputies who have tabled these questions and then come back to other Deputies if there is time remaining.

**Deputy Sandra McLellan:** Sports clubs provide a valuable outlet and are crucial in the fight against obesity. Sports organisations embedded in communities are central to ensuring the well-being of towns and villages and crucial actors in the production of healthy communities. The Minister has received applications for funding under the sports capital programme totalling €369 million. His budget is €30 million. How does he propose to meet the shortfall? Also, will he liaise with his counterparts in the Departments of Health and Education and Skills to produce a more integrated approach to tackling obesity?

**Deputy Leo Varadkar:** Funding has been provided for two rounds of the sports capital programme. It is proposed to have a second round during the lifetime of the Government which will allow organisations that do not receive funding on this occasion to-----

**Deputy Sandra McLellan:** When will the second round be providedj for?

**Deputy Leo Varadkar:** In 2015. However, we will have to examine at a later date whether it will be possible to bring it forward. I cannot make promises at this stage. The Minister of State, Deputy Michael Ring, has been in contact with other Departments. While sports funding is provided in the main by the Department of Transport, Tourism and Sport, the Departments of Health, Education and Skills and the Environment, Heritage and Local Government also provide funding. The only concern we would have, particularly at a time when budgets are constrained, is that organisations, rather than offering to share the cost, may opt to pass it on. However, the Minister of State is investigating the matter.

**Deputy Derek Keating:** It is important to acknowledge that, despite prevailing economic and difficult circumstances, the Government has resumed the sports capital funding programme, which is an indication of its recognition of the need to support sports organisations in all codes, particularly organisations in the voluntary sector which are struggling. I am sure the Minister is aware of the great dependency of many of these organisations which are starved of funding. Those working in the voluntary sector are engaged in preventive work in tackling obesity, low self-esteem and depression among young people. It is hoped the Government will in this and future rounds of the sports capital programme provide a greater proportion of funding for small local voluntary organisations in all sports codes, rather than give a disproportionate amount to the larger organisations which have been surviving adequately for many years. I hope the Government will recognise and identify the need for funding at local and community level because of the special, valuable and preventive work the organisations and volunteers concerned are doing.

**Deputy Leo Varadkar:** I thank Deputy Keating for his comments. I was delighted to see sport featuring so strongly in a leaflet delivered recently by the Deputy to his constituents - he and I are neighbours.

Of the €30 million in the programme, €26 million is going to local clubs, including local soccer clubs, GAA clubs, community organisations and so forth, and only €4 million is going

to regional projects. There is separate funding for the sports campus and national projects. It is the policy of Government to favour local grants heavily over regional and national grants, although there is also a strong argument for the opposite approach. Certainly, people in local communities very much favour spreading the funds as widely as possible to different sporting organisations, but often that means that facilities are duplicated, with two clubs not very far apart from one another getting the same facilities. The national governing bodies argue that we should split the money the other way and put more into regional and national facilities, which is an area in which we fall down quite badly as a country. However, for now, the split is €26 million to local clubs and €4 million to regional organisations.

**Deputy Anthony Lawlor:** I welcome the sports capital programme. I have been involved in a number of clubs in my own local area which have benefited from capital grants over the years. I wish to draw the Minister's attention to the fact that some of the clubs that submitted applications might not be able to raise the required 15% of funding themselves but might be in a position to provide labour to that value in lieu of finance. I ask the Minister to consider that as part of the programme.

**Deputy Timmy Dooley:** I am sure Deputy Lawlor will find that such applications would be invalid.

**Deputy Leo Varadkar:** The scheme currently requires that clubs provide 15% of their own funding and that they produce evidence that they have that funding in place. The percentage required for RAPID and CLÁR areas is lower; I cannot remember the exact figure, but I believe it is 5%. The scheme does not allow labour or payment-in-kind to be counted as a contribution, although that is certainly something we could take into account in future programmes. However, it is not possible to modify the scheme after it has already been advertised because there are clubs which might have applied had the rules been different. We cannot change the rules after they have been advertised and must stick to the criteria laid down.

**Deputy Pat Deering:** I welcome the sports capital programme. I come from the small county of Carlow, which was always left to one side by Deputy Dooley's party and largely forgotten about when it came to sports grants. The Minister has indicated that the criteria for the awarding of grants will be transparent on this occasion and I look forward to a decent and fair round of allocations.

**Deputy Timmy Dooley:** We will publish the criteria for the Deputy.

**Deputy Pat Deering:** There is no need as I am well aware of the criteria.

Due to the fact that Carlow was treated poorly in the past there are a large number of applications from clubs in that county, and that is also true of other counties. How will the clubs and organisations which do not meet the criteria on this occasion be informed of that fact? Will information be provided before the grants are allocated so that clubs and organisations know where they stand? This is important as some of the clubs may be able to source funding from elsewhere in the event of not being awarded a grant. What is the timescale for notification of the awarding of grants? Will it be before or after the budget or even in this calendar year? I also wish to know the timescale for spending the money once it has been allocated.

**Deputy Leo Varadkar:** Notification of grants will issue after the budget this year and clubs will have two years to draw down the funds. The amount each county should get has been worked out on a *per capita* basis and the funds awarded to each county will be within a band

of 90% to 120% of that amount, with counties that did poorly in the past being closer to 120% and those that did very well in the past closer to 90%. In no case will any county deviate from the 90% to 120% band.

**Deputy Alan Farrell:** I thank the Minister for his response and welcome the sports capital grant programme, which has not operated since 2008. Notwithstanding the current economic circumstances, I understand another round of grants is proposed, which I welcome. It should be noted that the allocations given to local sporting organisations can be invested to create jobs locally. I welcome the allocation and look forward to getting to grips with the announcement. I thank the Minister for his response.

**An Leas-Cheann Comhairle:** Does the Minister wish to respond?

**Deputy Leo Varadkar:** No.

**An Leas-Cheann Comhairle:** There was no question; the Deputy was just making a contribution.

**Deputy Derek Keating:** I ask the Leas-Cheann Comhairle to permit me to raise a brief supplementary question.

**An Leas-Cheann Comhairle:** We have a few minutes left and I will allow brief contributions. Deputy Naughten was the first to proffer and I must call on him next.

**Deputy Denis Naughten:** Does the Minister agree that increasing the allocation to €90 million would have a net cost to the Exchequer of €30 million when VAT, PRSI and other taxes are taken into account? Increasing the level of grant would produce a considerable bonus in terms of local employment. Does he also agree that he could approve up to 40% of the grants, which would cover nearly all of the eligible applicants, based on that type of return for the Exchequer?

**Deputy Dessie Ellis:** I welcome the allocation of €30 million, although it is a pity that we have to wait until 2015 because the gap is huge. Has a decision been made to sell Lotto and will the new contract include further funding for sports projects? Can the windfall, or whatever one wants to call it, be ring-fenced for capital projects that would otherwise miss out?

**Deputy Derek Keating:** I thank the Minister for his detailed and comprehensive reply. Given the difficult and restrictive situation with which the Government must contend, many sporting organisations across all codes have come together with joint applications for shared facilities and arrangements. Will the Minister look favourably on those who share resources made available through capital grant funding?

**Deputy Mick Wallace:** Everyone in the House is aware that the number of applications is at a record level due to the current shortage of funds. Organisations across the country have invested significant amounts of money over the past 20 years. I support Deputy Naughten in his appeal to the Government. This is an investment which offers incredible value. Alcohol abuse costs €3 billion and if we can reduce that by one third the State could save €1 billion. Sport plays a major role in addressing alcohol abuse among children who get involved in activities. We underestimate the importance of sports to children, who would be lost without it.

**Deputy Eoghan Murphy:** I support the Minister in his proposal to amend the existing tax relief schemes. Has he approached private companies, particularly international corporations operating in Ireland, to encourage similar supports? For example, Coca Cola has a community

fund to support clubs and community activities that promote sporting activities in their areas.

**Deputy Timmy Dooley:** Will the Minister ask the Minister for Arts, Heritage and the Gael-tacht to publish his diary for the several months since the applications were received?

**Deputy Leo Varadkar:** I cannot confirm Deputy Naughten's figures but the net cost would be higher than the gross cost when PRSI and VAT are included. Of course, one needs to have the money in the first place because it has to be spent before VAT and PRSI can be recouped. Bear in mind that when €30 million is allocated on the expenditure side the amount returned in VAT and PRSI is already counted on the revenue side.

The Lotto franchise is a matter for the Minister for Public Expenditure and Reform but I can advise Deputy Ellis that the Government has decided to sell the franchise. Most of the money earned from the sale will be invested in the new children's hospital, assuming it receives planning permission.

In regard to Deputy Keating's question, the scheme sets out specific criteria where applications come from a number of organisations working together or with a local authority, and they will score higher if they do so.

*3 o'clock*

If, for example, a soccer club and a GAA club got together, with or without the local authority, they would get bonus points in the scoring system.

In response to Deputy Murphy's question, I have approached some private companies and individuals, largely with regard to funding projects, at the sports campus or coaching programmes and so on, but I have not had much success on that yet. However, I am still working on that. With regard to Deputy Dooley's question, I am sure if he writes to the Minister of State, Deputy Ring, he will be happy to respond to him.

## **State Airports**

100. **Deputy Barry Cowen** asked the Minister for Transport, Tourism and Sport his plans for the State's holding in Aer Lingus; and if he will make a statement on the matter. [52626/12]

**Deputy Leo Varadkar:** This question relates to the State's remaining shareholding in Aer Lingus. The State's shareholding in Aer Lingus is one of the assets included in the State asset disposal programme. The Government agreed that the shareholding would be sold at an appropriate time, but only when market conditions are favourable and at an acceptable price to be agreed by Government. A steering group has been established to examine the potential options for the disposal of the State's stake and the issues that may need to be addressed in the context of the disposal of the stake. The steering group is chaired by my Department and comprises representatives from the Department of Finance, the Department of Public Expenditure and Reform and NewERA.

There is no preferred option at this juncture for the sale of the State's shareholding. All possible options are being considered and any final decision will be informed by the outcome of the steering group's analysis. As the Deputy will be aware, the European Commission is currently conducting an in-depth examination of Ryanair's offer for Aer Lingus under the EU merger

control rules. The Commission's decision is due in early February 2013 and my Department continues to monitor the case closely.

**Deputy Timmy Dooley:** Does the Minister accept that in the event of the European Commission giving permission to Ryanair to purchase the Aer Lingus stock, this would represent a negative position from an Irish point of view, particularly as it would reduce the level of competition between us and our nearest neighbour, one of our biggest markets, and within the wider European context? Will the Minister also comment on the Cabinet decision today to separate Shannon Airport from the Dublin Airport Authority? How will this benefit our overall capacity to attract tourism to Ireland, considering the Minister has failed to give the appropriate level of support to Shannon by virtue of removing Aer Rianta International, the vital revenue source that has formed part of the Shannon operation for decades, from that airport?

**Deputy Leo Varadkar:** Ryanair has submitted a number of remedies to the European Commission explaining how it proposes to get around any competition concerns. It is certainly not the case that the Commission would allow it to take over Aer Lingus just like that. Ryanair would have to give up quite a lot of routes, either Aer Lingus or Ryanair routes, to other airlines from overseas in order to reintroduce competition. It will be up to the Commission to determine whether it considers the remedies being put forward by Ryanair to be adequate. It is the policy of the Government to have as much competition as possible on routes in and out of Ireland. We do not wish to return to a situation where we have a monopoly provider of any sort in the airline business.

With regard to today's Cabinet discussion, a memo was discussed, but I am not yet in a position to make an announcement on it. One or two matters must be clarified and the issue must be discussed with some people. An announcement will be made in the near future. I am pleased Shannon is adding North American routes next year, to both Philadelphia and Chicago. Its ability to set its own charges again, if it is separated, will assist it in securing new business, which will be a positive for the airport. The 2004 Act, which was introduced by Fianna Fáil, always envisaged that Aer Rianta International would remain part of what was then the Aer Rianta Group, now DAA. That remains the case. The Act also requires that whatever happens, both entities must be viable. Shannon must be viable and the remaining DAA must be viable. For Shannon Airport to retain Aer Rianta International and have its debt written off, would bring the viability of both Dublin Airport and Cork Airport into question. It was never going to be a case that Shannon would get both a debt write-off and retain Aer Rianta International. Indeed, that is envisaged in the 2004 Act.

**Deputy Timmy Dooley:** Does the Minister accept that Shannon Airport would be well and truly able to carry its current debt pile if Aer Rianta International was left there? He will be aware from company records that Aer Rianta International made a profit of almost €30 million last year when exceptional items are removed. It is clear that if Aer Rianta International were to be retained by the airport, the debt burden of approximately €100 million at Shannon Airport could be wiped out within three or three and a half years. Does the Minister accept that the removal of that revenue stream from a company that was created, developed and built in the Shannon region would represent a significant loss to the region? Many people would find its removal unacceptable.

**Deputy Leo Varadkar:** The revenue stream goes to the Dublin Airport Authority, rather than to the region. As far as I am concerned, the Aer Rianta International jobs that are in the region will stay in the region. It has never been the case that the revenue stream goes to the

region. An important detail was missing from the figures mentioned by the Deputy. As a consequence of its own investments, Aer Rianta International will have considerable capital expenses in the next couple of years, involving a capital outlay of approximately €60 million. It can only do its business when it has the big balance sheet of the Dublin Airport Authority to borrow against. If it were to remain part of the Shannon entity, it would have great difficulty finding the €60 million it will need to continue to do its own business.

**Deputy Dessie Ellis:** I am opposed to the sell-off of Aer Lingus. Has the Minister or the steering group carried out an assessment to ascertain the impact of the sale of the State's share in Aer Lingus in terms of both jobs and the wider community, particularly given that a relatively low sale price is likely to be agreed for a company that has provided so much for this country and its image? Will the money received from the sale of Aer Lingus end up in the pension fund? We know there have been huge problems with the pension fund. The Minister has been heavily involved in negotiations in this regard. Will all of this money end up in the pension fund? Is it intended to address this issue in a way that would have a massive effect on the workers in the airport, who are under pressure as they face into the future?

**Deputy Leo Varadkar:** The 25% stake in Aer Lingus belongs to the State and to the taxpayer. That is where it will go. It will not go to a private pension fund. As I have said, the steering group is doing its work on the sale of the stake at the moment. It is fair to say we will be careful in this area. It would not be my view that the stake should be sold quickly or cheaply. This asset belongs to the people, and that must be taken into account. At the same time, we have to bear in mind that 75% of the company is in private ownership already. Any other shareholder that reaches 30% ownership will be in a position to present a takeover bid, and any shareholder that reaches 50% ownership will be in a position to force the State to sell its stake to it. We must be aware that it would make more sense to sell our stake at a time of our choosing than to be forced to do so.

**Deputy Timmy Dooley:** The Minister said earlier that the State Airports Act 2004 always envisaged that Aer Rianta International would transfer to the Dublin Airport Authority. Does he accept that the same legislation envisaged that separation would not take place until viable business plans were in place for both Cork Airport and Shannon Airport? He is now proposing to separate Shannon Airport. Can he explain how he considers the business plan that has been produced to be viable? I understand the business plan is based on an anticipated level of growth that is considerably in excess of the underlying growth in the total Irish market. It involves holding on to all existing routes and winning back traffic lost to Knock Airport and Kerry Airport. Is the Government proposing to give the new entity the capacity to target those airports? Is that the viable business plan that is being accepted by the Government? Is it realistic to expect that existing carriers on transatlantic routes will add additional routes on a phased basis from 2013? Is the Government about to agree a plan that targets Knock Airport and Kerry Airport?

**Deputy Leo Varadkar:** The legislation requires that there be business plans for both Shannon and Cork, if Cork is to be separated, and then also for the residual entity. It is not a case of just having a business plan for one; there has to be a business plan for two.

**Deputy Timmy Dooley:** I know that. The Minister should stick to the question, which concerns a business plan for Shannon.

**Deputy Leo Varadkar:** In terms of passenger numbers and volume, what has to be envis-

aged for Shannon to do well is to recover some of the lost ground. It has lost almost half of its passenger numbers and it needs to recover that, either by growing new business or competing with other airports, and that includes Dublin and Cork.

### **Tourism Industry**

101. **Deputy John McGuinness** asked the Minister for Transport, Tourism and Sport the reason for the fall in visitor numbers from Britain during the three months to the end of September; and if he will make a statement on the matter. [52624/12]

**Deputy Leo Varadkar:** The question relates to the fall in visitor numbers from Britain. According to the latest CSO figures for January to September 2012, and despite ongoing economic difficulties across much of Europe and further afield, our visitor numbers from the European and long-haul markets performed well and America has held steady. However, our visitor numbers from Britain continue to be affected by the slow pace of economic recovery and weak consumer confidence in that market, with overall trips from Britain to Ireland falling by approximately 4% in the first nine months of the year.

While British visitors spend less and do not stay as long as other overseas visitors, Britain remains our single most important tourism market and I am determined to restore it to growth. In this regard, I was pleased to welcome last month's report of the Tourism Recovery Taskforce, TRT, entitled GB Path to Growth, and I understand that its recommendations for restoring growth in visitors from Britain will be reflected in the 2013 plans of our tourism agencies and businesses.

Tourism Ireland has been conducting an extensive promotional programme this year focusing on our main markets, including Britain. Its autumn-winter campaign aims to boost late season travel to Ireland from around the globe, as well as promoting The Gathering Ireland 2013. For next year, The Gathering Ireland 2013 will form the central focus of all tourism campaigns, with the TRT recommendations further informing marketing plans and activity in the British market.

Growth in visitor numbers from Britain is dependent on improved economic conditions and consumer confidence, as well as the efforts of the tourism industry and agencies. Using The Gathering as our centrepiece for 2013, and building on the approach set out by the TRT, I know that Tourism Ireland, Fáilte Ireland and other tourism industry players will work to sell Ireland overseas and to strengthen the competitiveness of our product. I am confident we can grow tourist numbers from Britain and further afield for 2013 and beyond.

**Deputy Timmy Dooley:** As the Minister said, the CSO figures which were published last month showed a drop of 9% in visitors from Britain during the July to September period. He is aware that his Minister of State, Deputy Ring, launched an "Escape the Madness" Olympics campaign to target some 8 million Londoners. It would appear Londoners were quite disinterested in that and declined his invitation. The question also arises as to whether it was a sensible campaign in the first place. Is it possible the slogan "Escape the Madness" was considered somewhat insulting to Londoners and to people in that region generally considering they were hosting what is undoubtedly one of the most important sporting events of the year? In light of that, has any review taken place of that campaign and whether the creative aspect was developed in-house, *en route* to Mayo or through some of the external agencies that are hired in on an

ongoing basis? If that is the case, the Minister might come back to us with some information.

**Deputy Leo Varadkar:** The number of visitors for the first nine months was down 4.3% and the last quarter was particularly bad, which probably related both to the Olympics, which caused people to stay in Britain, and also the bad weather, which caused people to go to warmer destinations. In the same period the number of visits from North America was up 0.6%, the number of visits from long haul markets was up 3.7% and the number of visits from core Europe - the old EU countries - was up 3.8%. We have had growth from everywhere else but that has been pretty much cancelled out by a fall-off in numbers from Britain. Roughly 30% of visitors from Britain visit Ireland in September, October, November and December so I would not yet write off this year as there is still potential for us to recover some of those losses this year.

With regard to the Minister of State, Deputy Ring's work on the Olympics, he was very successful in enticing a number of teams to come and train here, in particular the UK Paralympic swimming team, the South Korean Olympic swimming team, the synchronised swimmers from the United States, the water polo teams and many others. I am not sure if the "Escape the Madness" campaign has been reviewed yet but it would be the normal process for that to be done. While we accept the hoped-for tourism growth did not materialise, the industry has noted that it came at a relatively modest cost and still managed to raise the profile of Ireland within Britain. People may not have travelled during the period of the Olympics, when they decided to stay at home, but perhaps they will come in the autumn and winter of this year instead.

**An Leas-Cheann Comhairle:** Sin deireadh na ceisteanna.

**Deputy Ray Butler:** A Leas-Cheann Comhairle, I want to say something. I have sat here for an hour and a half and I just want to ask the Minister a question.

**An Leas-Cheann Comhairle:** Please, Deputy-----

**Deputy Ray Butler:** I just want to say something to the Minister. We had conspiracy theories on The Gathering. All I wanted to do was to say to the Minister to keep the local authority funding for another couple of weeks, but they come in here with conspiracy theories over the funding of The Gathering, and we sit here for an hour and a half. No wonder it is a joke.

**Deputy Timmy Dooley:** There is a man about to go overboard.

### **Topical Issue Matters**

**An Ceann 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 Joe McHugh - the review of the commonage framework plans; (2) Deputy John O'Mahony - the reason that grants have been suspended by North East Leader Company to community groups in County Mayo and when will payments of grants resume; (3) Deputy Pádraig Mac Lochlainn - the restructuring of the Reserve Defence Force; (4) Deputies John Paul Phelan, Finian McGrath and Michael Creed - the need for a judicial inquiry into the death of Fr. Niall Molloy; (5) Deputy Michael P. Kitt - the need to extend the deadline beyond 31 December 2012 for the house tenant purchase scheme; (6) Deputy Simon Harris - the need for provision of a hospice in County Wicklow; (7) Deputy Patrick O'Donovan - the need for the Minister for Education and Skills to intervene where subcontractors have been left without pay-

ment for completed work on school building projects and where projects are being delayed as a result; (8) Deputy Denis Naughten - the replacement of child benefit with a school attendance payment to curb fraud and to address the need to issue payments to non-resident children; (9) Deputy Derek Keating - the increased incidences of tuberculosis throughout Dublin city and county; (10) Deputy Jonathan O'Brien - the difficulties being experienced by people working in the building trade who are unable to take up short-term offers of work because of the negative impact this would have on their social welfare entitlements; (11) Deputy Thomas P. Broughan - the need to ensure that key teacher and learning resources in DEIS schools and other schools in areas of disadvantage generally will be maintained in Budget 2013 and specifically that educational resources will be protected in the parishes of Darndale, Belcamp, Priorswood and Bonybrook in Coolock, Dublin 17; (12) Deputy Maureen O'Sullivan - the threatened closure of Barnardos, Buckingham Street Family Support Project, Dublin 1; (13) Deputy Pearse Doherty - the need to provide additional resources to ambulance and paramedic services in County Donegal; (14) Deputy Willie O'Dea - the current problems with social welfare applications and appeals waiting times; (15) Deputy Brendan Smith - recent violence in the Gaza Strip; (16) Deputy Tom Hayes - the need for a progress report on the amalgamation of Our Lady of Mercy primary school and Cahir Boys national school, County Tipperary; (17) Deputy Kevin Humphreys - the need to review the cap on rent supplement and the centralisation process currently being implemented for rent supplement; (18) Deputy Mick Wallace - the problems caused by insufficient guidance hours at Gorey community school, County Wexford; (19) Deputy Mattie McGrath - the acquisition of the Gleeson group by C&C and the concerns for job losses as a result of same; (20) Deputy Seán Ó Feargháil - the need to bring forward a package of supports for those children and adolescents suffering with narcolepsy and additional medical complications following vaccination with Pandemrix; (21) Deputy Dessie Ellis - the implications that the credit card driver licence might have on existing employment in the photo ID industry; (22) Deputy Michael Moynihan - the need to reverse the cuts to home helps; (23) Deputy Caoimhghín Ó Caoláin - the selection criteria for primary care centres announced as part of the Government stimulation plan; and (24) Deputy Aodhán Ó Ríordáin - the need to discuss Prosper Fingal resource centre across north Dublin for people with intellectual disabilities.

The matters raised by Deputies Patrick O'Donovan; Michael P. Kitt; Pádraig Mac Lochlainn; and John Paul Phelan, Finian McGrath and Michael Creed have been selected for discussion.

### Leaders' Questions

**Deputy Micheál Martin:** At last the truth has emerged in the form of substantial and comprehensive freedom of information documents which we received last Friday evening, not through any openness from the Minister, Deputy Reilly, the Taoiseach or the Tánaiste. They reveal how multi-million euro investments in primary care centres were selected by the Minister, Deputy Reilly, who essentially rode roughshod through the diligent and effective work of the former Minister of State, Deputy Shortall, and the HSE. They had previously selected 20 primary care centres in accordance with international criteria, based around the concept of a deprivation index, so that those areas of the country most in need, socially and economically, would get such centres. The Tánaiste promised me months ago that all documents would be published, even though he refused to do it subsequently. He said that once the documentation emerged it would prove that nothing wrong was done. The decision of the Minister for Health, Deputy Reilly, was supported by Minister after Minister, with the exception of the Minister of State, Deputy Shortall, who took a principled stand. Knowing the chicanery that was going on

behind the scenes, she resigned in opposition to the actions of the Minister, Deputy Reilly, and of her fellow Ministers.

Freedom of information requests reveal a shambolic and chaotic decision-making process by the Minister, Deputy Reilly, particularly on the night before the decision was taken and the Cabinet meeting itself. One should note the timeline. On 16 July at 8 p.m., health officials e-mailed the Department of Public Expenditure and Reform attaching the Department's final list. The list had grown to 35, south Dublin had come off the list and Swords and Balbriggan - both in the Minister's Dublin North constituency - had been added, along with Oranmore. Swords ranked 130th on the earlier list of the then Minister of State, Deputy Shortall, while Balbriggan ranked 44th. The Cabinet meeting was on 17 July. Health officials informed the Department of Public Expenditure and Reform that "there are changes to last night's list". Castlecomer and Oranmore were no longer on the list, while Ballaghaderreen and Kilkenny had been added.

Does the Taoiseach accept the observation of the then Minister of State, Deputy Shortall, that this documentation gives the lie to the excuses and justifications offered by the Minister, Deputy Reilly, on the selection of the sites? Does the Taoiseach also accept that the Minister got it wrong - and that he and the Tánaiste got it wrong in supporting such a decision-making process, which was by any standards of objective observation a poor performance and wrong decision by the Minister on the selection of the sites which are commercially valuable and important in terms of multi-million euro investments?

**The Taoiseach:** No, I do not accept that at all. I note Deputy Martin's concern about the former Minister of State, Deputy Shortall. It is great that he would show such concern for a person who made a decision to retire as a Minister of State with responsibility for health.

**Deputy Micheál Martin:** I said she resigned.

**Deputies:** She resigned.

**The Taoiseach:** I thought Deputy Martin would be far more interested in seeing that foundations are cut, that people are employed in building primary care centres-----

**Deputy Mattie McGrath:** Where are they?

**The Taoiseach:** -----that GPs buy into them and that we proceed to develop a substantial number of them around the country to provide decent primary care facilities for patients in need of them.

**Deputy Timmy Dooley:** What about Oranmore?

**Deputy Niall Collins:** And Castlecomer.

**The Taoiseach:** That is where Deputy Martin's interest should lie. It ill behoves him to come to the House and refer to this matter when he was party to a list on the back of an envelope of 53 towns - without any consultation whatsoever, good, bad or indifferent - for decentralisation, with signs already up around the country about particular people saying that offices were coming to their parts of country.

As Deputy Martin is aware, the criteria used were the deprivation index, the service priority identified by each service in the local health office in the integrated service area and the accommodation assessment. The Minister added in additional criteria such as competition, GP

co-operation, the GP-to-population ratio, existing health facilities, pressures on services and particularly acute services, funding options including Exchequer-funded build and lease, and the implementability of public private partnerships. Deputy Martin is aware that there are three possible options: direct investment through the Exchequer from the HSE, the lease option, under which centres would be built by builders and leased to the HSE, and the PPP option, in so far as the economic stimulus package announced by the Minister, Deputy Howlin, is concerned. In that sense the Minister was absolutely correct. Instead of having just a list of 20, in order to get competition and buy-in from general practitioners it was necessary to have more than 20 so that those that did not get across the line, as it were, or those about which there were objections or non-facilitation by GPs could be moved off the list and provision made to build 20 of them under the PPP process. I assume that over the lifetime of the Government at least 80 or 85 primary care centres will be built or provided under the three options I have outlined for Deputy Martin. We need more than 150 primary care centres around the country. Looking at the original HSE list of 227, Deputy Martin himself would acknowledge that is difficult to see how No. 1 differs from No. 59 or No. 98 because all of those factors are required. I am far more interested in getting on with the job of seeing the buildings take shape and providing facilities for patients all over the country.

**Deputy Micheál Martin:** The Taoiseach is correct to say that I have shown concern about the position adopted by the then Minister of State, Deputy Shortall. The public is concerned about how she was treated. People are equally worried about the lack of concern emanating from the Taoiseach and Deputy Shortall's party leader, the Tánaiste, about her situation. The public has one basic question: how is it that the Minister who was playing by the rules, who spent 20 months drawing up criteria with the HSE and going through the process meticulously and in a detailed, transparent and objective way, got shafted overnight and had to resign? That is what concerns the public - that the person who took a principled stand in support of communities that her party aspires to support, whose decision-making process was ridden roughshod over, was the person who had to resign. That is why people are extremely concerned.

The Taoiseach referred to various criteria such as GP co-operation, funding options and PPPs. I have in my hands the documentation we received and there is no mention of any of that. For God's sake, will the Taoiseach stop the pretence? He must stop pretending there were criteria behind the decisions. There were no criteria behind the Minister's selection of the sites, and it is downright dishonest to suggest that there were because I cannot find them in the documentation. Nobody can. No one has been able to find them for the past three or four months-----

**Deputy Mattie McGrath:** They are not there.

**Deputy Micheál Martin:** -----despite all the talk of openness and transparency. The PPPs in question involve a collective investment of €115 million. It is equivalent to a tendering operation. Ministers should not be next nor near such a process. It should be a stand-alone process because there are many consortiums all over the country that would like to think, if they are making submissions, that the system is fair, open and transparent. By any yardstick, the system was not fair, open or transparent.

**The Taoiseach:** I have outlined for Deputy Martin the three options that are available.

**Deputy Timmy Dooley:** What about Oranmore?

**The Taoiseach:** There is direct funding through the HSE from the Exchequer; there is a

lease operation whereby the centres are built by providers and contractors; and there is the PPP system. The Minister has already confirmed on a number of occasions in the House the criteria that were set out for the selection of the locations. He endorsed that by speaking about Balbriggan in particular, in which there was a clear danger that the lease option would fall through. In that respect the town was clearly identified as a location for a primary care centre and it was put on the list. As it happened, the lease was finalised and the centre will go ahead separately from the PPP option. On 9 October a report was issued to the Secretary General of the Department of Health by the internal audit unit which clarified for him that there was no connection between the Minister, Deputy Reilly, and the selection of the site or persons related to it.

I came across information recently in which somebody said, after two and a half years in the former Department of Health and Children, and that it took longer to get things off the ground in that Department than in other Departments. The person said that he had just formulated a new health strategy for the next ten years and that he would like to oversee its early implementation. That person was the former Minister, Deputy Micheál Martin, who was at that time in charge of the Department of Health and Children. He was very up-front about difficulties in the Department. When he was in charge of the Department of Health and Children - perhaps he does not remember-----

**Deputy Simon Harris:** He was never in charge of the Department.

**The Taoiseach:** -----he managed it so well that the Department had to be bailed out with supplementary budgets amounting to more than €664 million. It ill behoves him to come to the House-----

**Deputy Timmy Dooley:** That was over five years. This Government did it in one. A total of €350 million was required in one year.

*(Interruptions).*

**The Taoiseach:** I remind Deputy Martin as well that he said he would end waiting lists forever in two years' time-----

**Deputy Timmy Dooley:** The Taoiseach nearly did it in one. He is some boy.

**Deputy Niall Collins:** The Taoiseach should give us his quote on Roscommon while he is at it.

**The Taoiseach:** -----and when he was asked whether he would be prepared to stand over that, he laughed at the reporter in question.

**Deputy Micheál Martin:** The Taoiseach should defend his Minister.

**The Taoiseach:** Deputy Martin must not come to the House saying he has the answers to every issue that arises.

**Deputy Timmy Dooley:** I would say the Minister is for the chop. The Taoiseach is not giving him any backing today. He is looking shaky.

**The Taoiseach:** The Deputy left an unholy mess behind. This is part of clearing it up.

**Deputy Mattie McGrath:** He is a Messiah. He will clear it up.

**The Taoiseach:** Under these three methods I want to see primary care centres-----

**Deputy Micheál Martin:** This is shambolic. There are no three methods.

**Deputy Mattie McGrath:** Have you any job in Europe for him?

**The Taoiseach:** -----being built, opened and used by people, thereby offering proper provision of primary care facilities throughout the country.

**Deputy Mattie McGrath:** Send him off to Europe.

**The Taoiseach:** We have many more than 20 to build.

**Deputy Timmy Dooley:** What did the people of Oranmore do to the Taoiseach?

**Deputy Micheál Martin:** Phil Hogan wanted Kilkenny. There was one for everybody in the audience at the end.

**An Ceann Comhairle:** Please show respect to Deputy McDonald.

**Deputy Mary Lou McDonald:** The list of calamities around the Minister for Health, Deputy James Reilly, continues to grow. At the weekend hundreds of people took to the streets of Castlebar, in the Taoiseach's constituency, to protest against the Minister's decision to cut home help hours. The Minister of State, Deputy Jan O'Sullivan, is on record as saying these cuts are not right. She made those remarks in response to the situation of Catherine Brosnan, who has had home help hours cut for her son, Christopher, who suffers from cerebral palsy. Catherine Brosnan is not alone. Very many parents throughout the State who have children with severe disabilities have seen their service cut or taken away entirely.

At the weekend there were the further revelations that the Minister unilaterally had added new locations in his constituency to the primary care centre list-----

**An Ceann Comhairle:** Which subject is the Deputy discussing?

**Deputy Mary Lou McDonald:** -----the evening before the announcement was made. For the past 18 months, the Minister has had a track record of unmitigated disaster. He closed public nursing homes while being up to his neck in the private nursing sector. He promised he would make savings in the areas of consultant contracts and generic drugs, and would recoup costs for private beds in public hospitals. Worse, he has imposed savage cuts on the most vulnerable in society.

**An Ceann Comhairle:** What is your question, Deputy?

**Deputy Mary Lou McDonald:** He mishandled the demands of the family of Savita Halapannavar in regard to an inquiry.

**An Ceann Comhairle:** I do not believe the Deputy heard me. I asked the subject matter she was discussing.

**Deputy Mary Lou McDonald:** I am addressing the track record of the Minister.

**An Ceann Comhairle:** No. This is Leaders' Questions.

**Deputy Mary Lou McDonald:** Allow me to put my question.

**An Ceann Comhairle:** The Deputy put a question to the Taoiseach and had two minutes to do it. She is over time.

**Deputy Mary Lou McDonald:** The Minister's explanations in regard to the primary care centres are ludicrous and do not stand up to any scrutiny. Everybody knows that the position of the Minister, Deputy Reilly, is untenable. The dogs on the street know this. When will the Taoiseach come to this realisation and relieve Deputy Reilly from his position as Minister for Health?

**The Taoiseach:** The Deputy is perfectly entitled to join her colleagues on that side of the House in tabling a motion four months in advance of being able to move it - if she wants to follow the shallow road of popularity.

In any Department there are difficulties and they will continue. The Minister for Health has taken on the task of cleaning up the most unholy departmental mess left behind by an outfit that put together all the health boards and imposed the superstructure of the HSE, which was palpably and patently unworkable. To make these changes in a time of enormous economic challenge is never easy. The cost base of the health system in this country is exceptionally high and this issue will continue to be dealt with. I commend those people working in the health system who have already made serious changes to the way they do their business, in rosters and implementing and maintaining front-line services under difficult circumstances. Nobody denies this.

The people who marched in Castlebar at the weekend-----

**Deputy Mattie McGrath:** Did you meet them?

**The Taoiseach:** -----were very welcome and have every right to make a legitimate protest. I met the bogcutters in Loughrea the other night and they are also entitled to protest-----

**A Deputy:** Was Luke there?

**The Taoiseach:** -----as are other people who want to walk on the streets in regard to any concern they may have. However, as I told the people in Loughrea, they are not entitled to block the public road when people are going about their legitimate business.

The Minister, Deputy Reilly, has set out his strategy for dealing with the health system, namely, by changing the structures to bring about a situation where there will be universal health insurance and where the effort of everybody working in the health service will be to do more with less, as is happening. The idea is to bring about a situation where there will be health services across the board for young and old alike of which we can be proud. We have a long way to go on this. The Deputy has not made any constructive suggestion other than to mention dismissal of a Minister.

**Deputy Aengus Ó Snodaigh:** Very constructive.

**The Taoiseach:** In this country people usually decry lay people for their failures in finance or any other departmental area but when there finally is somebody who understands medical politics and has a clear strategy for where we should aim and be, he too is decried. I do not claim we are all perfect. We all make mistakes. However, the responsibilities of the Minister, Deputy Reilly, and the Ministers of State, Deputy Alex White and Deputy Kathleen Lynch, are

such that they are the trio leading the enormously difficult changes in the Department of Health at a very challenging time. I commend them for their efforts.

This is not easy; it is difficult for many people. I asked the person who has responsibility for home helps in the western area how he is implementing these reductions. His perspective was that he eliminated any reduction in service to those who had to use hoists, were on palliative care or those who had only one hour's home help. Where there is a medical requirement for such a service it will continue to be given. It is not easy and is not as *flúirseach* as we would wish but changes must be made in the interest of getting this right for everybody and for the future.

**Deputy Mary Lou McDonald:** It is not easy, certainly not for those people who are on the receiving end of what the Taoiseach called the strategy of the Minister. The families who are being hurt directly in the here and now by his cuts to home help hours are living a terrible reality and the Taoiseach appears to be either immune or indifferent to that reality. The Minister has a responsibility. He has a duty of care to citizens and a responsibility to act in a transparent, fair and accountable way but has done nothing of the sort. His actions in respect of the primary health care centres are the kind of stroke politics-----

**An Ceann Comhairle:** Can I have the Deputy's supplementary question, please?

**Deputy Mary Lou McDonald:** -----that Fianna Fáil perfected over many years. He now follows in that dishonourable tradition. I do not choose to personalise this against an individual. I am saying very clearly that in Deputy James Reilly we have a Minister-----

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

**Deputy Mary Lou McDonald:** -----whose strategy is failing and who fails to meet even the most basic criteria-----

**An Ceann Comhairle:** This is not speech time. The Deputy is not listening to me.

**Deputy Mary Lou McDonald:** -----of openness and good governance.

**An Ceann Comhairle:** Will she please give me her supplementary question?

**Deputy Mary Lou McDonald:** I can only presume that just as the Minister told us yesterday if he had it all to do again he would do it again in the same way, the Taoiseach is standing by him and is refusing to take any action.

**An Ceann Comhairle:** Please put your supplementary question.

**Deputy Mary Lou McDonald:** I reiterate my question. What will the Taoiseach do about his Minister for Health in a scenario where he is so abjectly failing and where public confidence in him is so clearly lacking?

**An Ceann Comhairle:** Before the Taoiseach takes his place, I want to read the following for the information of the House:

Under Standing Order 27 - which deals with Leaders' Questions - at the commencement of public business on Tuesdays and Wednesdays, the Ceann Comhairle may permit, at his or her discretion, a brief question not exceeding two minutes from each leader in opposition to the Taoiseach about a matter of topical public importance in respect of which the

following arrangements will apply.

The order then deals with the time limits, namely, two minutes for asking the question, three minutes to reply and a minute's supplementary which shall be brief.

Will those responsible for asking Leaders' Questions please adhere to the standing order?

**Deputy Mary Lou McDonald:** Allow the Taoiseach to reply.

**An Ceann Comhairle:** I do not want to have to interrupt people on a continuous basis. A habit is growing in the House of asking multiple questions in one, which is not allowed and will not be permitted. I will not repeat this warning. Please respect the Chair or get the Whips to discuss the matter. If people want to change the Standing Orders let them do so but I have to apply the orders as they read.

**The Taoiseach:** I thank the Ceann Comhairle for that clarification. I thought Deputy McDonald would welcome that Government is in a position to make announcements about the provision of primary care centres. I gave Deputy Martin the three headings that apply: direct funding, leasing arrangements and public private partnerships. The decision in respect of public private partnerships is very clear. If there were only 20 centres on the list, we would run the clear risk of general practitioners not buying in to facilitating the servicing of their primary care centres were they to be built. This was the position at a number of locations throughout the country.

I would have thought that what we are doing here, which is part of the economic stimulus of €2.5 billion announced by the Minister for Public Expenditure and Reform and relating to health, roads, education, justice and the major development that will be the Grangegorman centre, would be welcome. Deputy McDonald will understand that while there are 35 centres on the list, only 20 will proceed to be developed by means of public private partnerships. It is those 20 in respect of which there is competition, buy in and planning permission. In addition, all of the conditions are being measured up to in the context of these centres in order that the final 20 can be got across the line. It is not a case of stating that the 35 centres will be built, one after another. Some 20 centres that can be commenced and completed will be bundled together and will proceed by means of public private partnerships.

**Deputy Mary Lou McDonald:** I do not welcome the reduction in home help hours. Neither do I welcome the Taoiseach's support for a Minister who proposes such cuts.

**The Taoiseach:** I would have thought that even the Deputy would have welcomed that, particularly as she is a member of a party which was involved in closing 800 long-stay beds in Northern Ireland.

**Deputy Shane Ross:** Will the Taoiseach consider sending a note of congratulations to the Greek Prime Minister, Mr. Antonis Samaras, on the stroke he pulled last night in having an enormous amount of Greece's debt implicitly written off? Indeed, Mr. Samaras described the deal as a great victory. It is time Ireland was in a position to claim - in the context of its own debt negotiations - a great victory. We have one important thing in common with the Greeks, namely, we both have unsustainable levels of debt. The Greeks seem to have worked this to their advantage but we seem to find it very difficult to do so. While Greece celebrates this great deal today, we sit on the sidelines as spectators.

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Did the Taoiseach hear the chairperson of the Economic and Monetary Affairs Committee of the European Union state on “Morning Ireland” that, in light of the Greek deal, Ireland had been left with a raw deal on the promissory notes relating to the former Anglo Irish Bank? I understand the Taoiseach’s refusal to accept advice from this side of the House to the effect that he should take unilateral action in respect of the Anglo deal. When such advice is offered by impartial and key individuals from within the European Union, however, it is time he listened. The deal done last night was spectacular and it implicitly writes off some of the Greek debt in the period 2016 to 2020. It will also will give the Greeks interest rates on some of their loans of 50 basis points, which is virtually nothing, and extends those loans. This is something which we have completely and utterly failed to achieve.

What does Greece have that Ireland does not have?

**Deputy Tony McLoughlin:** Meltdown.

**Deputy Richard Boyd Barrett:** General strikes.

**Deputy Colm Keaveney:** Sunshine.

**Deputy Shane Ross:** Greece has eyeballed the EU and the IMF and we have not managed to do so.

*(Interruptions).*

**Deputy Finian McGrath:** Greece lightning.

**An Ceann Comhairle:** Please allow Deputy Ross to complete his questions.

**Deputy Shane Ross:** In light of the Greek deal, is the Taoiseach prepared to tell the European Union, the European Commission and the IMF that we will not be paying the promissory notes on 31 March next? If he did so, those entities would listen to us in the same way they listened to Greece last night.

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

**Deputy Pat Rabbitte:** How is the Deputy’s tour going?

**The Taoiseach:** Or indeed the way people are encouraged to pay €25 to see the Deputy play a scripted role at the Bord Gáis Éireann Theatre.

**Deputy Mattie McGrath:** I freely paid for my ticket.

*(Interruptions).*

**Deputy Colm Keaveney:** Some tickets only cost a fiver.

*(Interruptions).*

**An Ceann Comhairle:** May we please revert to Leader's Questions?

**Deputy Emmet Stagg:** We call shows like the one in question bucket meetings.

**Deputy Timmy Dooley:** The Taoiseach has some-----

**The Taoiseach:** Pay up. I do not know whether the show in question is a rewriting of a certain script and should be called "Four Angry Men".

**Deputy Shane Ross:** There are two complementary tickets left if the Taoiseach wants them.

**The Taoiseach:** The position today is somewhat different from what which obtained some months ago when it was stated that Greece would default-----

**Deputy Mattie McGrath:** It did not have to do so.

**Deputy Stephen S. Donnelly:** It defaulted last night.

**The Taoiseach:** -----that it would be driven out of the euro and that there would be a catastrophic situation here as a result. What we are discussing here is a decision that was made by eurozone Ministers which is designed to ensure that Greece will maintain its position as a member of the eurozone and will be able to work its way out of its difficulties. The position of Greece is entirely different from those of Ireland and Portugal.

**Deputy Timmy Dooley:** Deputy Mathews has a different view.

**The Taoiseach:** We have separated those positions in the past 12 months and it is recognised across the world that Greece is in a completely different position to Ireland. Deputy Ross inquired as to what Greece has which Ireland does not. The tax-free threshold there has been lowered from €12,000 to €5,000. A married couple with only one earner in Ireland only enters the income tax net at €25,750-----

*(Interruptions).*

**Deputy Mattie McGrath:** This week.

**The Taoiseach:** -----and a single person does so at €16,500. The number of public sector job cuts in Greece will be 150,000 by 2015. Any public service reductions here were done on a voluntary basis. Monthly pensions above €1,000 in Greece will be cut by 20%, the minimum wage is being cut by 20%-----

**Deputy Mattie McGrath:** Answer the question.

**The Taoiseach:** -----from €751 to €600 per month. The Greek Government is obliged to raise €11 billion through privatisation by 2016. This money will solely be used to pay down debt.

**Deputy Pat Rabbitte:** That is a boomerang.

**The Taoiseach:** The attendance of the Minister for Finance at yesterday's meeting in Brussels means that the decision that was made will not mean-----

**Deputy Mattie McGrath:** What are we going to get out of it? A hearing. Ráiméis.

**The Taoiseach:** -----that Ireland will be a contributor in so far as Greece is concerned.

**Deputy Mattie McGrath:** Ráiméis.

**The Taoiseach:** Deputy Ross will be aware that we contributed over €350 million in bilateral loans. We will not be required to return profits or interest in this regard. That is a recognition of the very different situation in which Greece finds itself.

For the Deputy's information, let me repeat that a great deal of work is taking place in terms of the preparation for the legal framework as a consequence of the decision on 29 June-----

**Deputy Mattie McGrath:** Live horse and you will get grass.

**The Taoiseach:** -----to sever the link between sovereign and bank debt and in respect of the promissory notes with the ECB. It is the intention of the Minister for Finance, on behalf of the Government, not to have to pay the €3 billion that is due in March 2013. It is in this regard that discussions are continuing to take place with the European Central Bank. I noted Deputy Martin's comments on the conclusion of the European Council report to the effect that these are things which could be restructured quite easily. That is a bit Irish coming from a member of the Government which made the most extraordinary economic decision ever foisted onto the Irish people.

**Deputy Timmy Dooley:** The Minister beside the Taoiseach has had a few Irish moments of his own.

**Deputy Micheál Martin:** Why did the Taoiseach and his party vote in favour of that decision?

*(Interruptions).*

**The Taoiseach:** It takes time, diligence and patience in order to obtain a sense of trust, confidence and belief from others to the effect that they should help us.

**Deputy Timmy Dooley:** If the Taoiseach listened to his party's banking expert, we would be in a completely different position. Deputy Mathews is a man of integrity.

**The Taoiseach:** That recognition has been achieved and we will continue with the discussions in order to bring about a situation where the level of debt to which Deputy Ross refers can be re-engineered in the country's interests.

**An Ceann Comhairle:** I call Deputy Ross and ask for some order so that he might pose a question.

**Deputy Shane Ross:** I thank the Ceann Comhairle.

**Deputy Pat Rabbitte:** Deputy Ross is one of the four angry booksellers.

**An Ceann Comhairle:** My request applies to Members on both sides of the House.

**Deputy Finian McGrath:** How many tickets would the Minister for Communications,

Energy and Natural Resources, Deputy Rabbitte, like for the show?

**Deputy Pat Rabbitte:** Deputy Ross is the most unlikely angry young man I have ever come across.

**An Ceann Comhairle:** I have called Deputy Ross.

**Deputy Finian McGrath:** Those on the Government benches are seeking free tickets.

**Deputy Shane Ross:** I wish to respond in the first instance to Deputy Rabbitte for offering tickets to-----

**An Ceann Comhairle:** The Deputy will not respond to him.

**Deputy Shane Ross:** I assure the Minister, Deputy Rabbitte, that there is a bigger audience at the Bord Gáis Éireann Theatre than there is here.

**Deputy Ruairí Quinn:** Yes, but we have heard what Deputy Ross has to say before.

**Deputy Patrick O'Donovan:** Deputy Ross and his colleagues are having their own little version of The Gathering.

**An Ceann Comhairle:** Deputy Ross has 45 seconds left in which to pose a question.

**Deputy Shane Ross:** The difficulty is that we refer to Greece as occupying a special position and to Ireland also occupying such a position. Greece's special position has gained it some unique concessions. Will the Taoiseach indicate whether he regards - I would like to hear a specific reply on this - Ireland's debt as unsustainable? Second, as a result, will the Taoiseach look for the same terms as Greece and not just park the Anglo Irish Bank promissory note? Will he now declare that we are not paying it? He was nearly there in what he said. Will he declare that Ireland will not be paying it on 31 March 2013?

**The Taoiseach:** The intent of the Government is to achieve agreement on a re-engineering of the promissory note relating to the former Anglo Irish Bank. It could be regarded as the replacement of a bank overdraft with a very long-term mortgage. That is the context for the discussions between the Minister for Finance and his officials and the European Central Bank with a view to arriving at a situation where we would not have to pay €3 billion in March 2013. We said before-----

**Deputy Shane Ross:** Will the Government refuse to pay?

**The Taoiseach:** Discussions are continuing with the European Central Bank. The Deputy will have heard the public comments by other political leaders, other Ministers for Finance, the European Commission and the IMF. There is an understanding of the very great challenge placed on the backs of Irish taxpayers. We want this to be understood. The objective of the Government is to bring about a re-engineering of that level of debt before March 2013. This objective is the subject of much discussion and I hope it can be achieved in the interests of the people and the country. It is well recognised that since Ireland was first out of the gate, a very significant burden was placed on the people. It is a case of following through on that recognition to arrive at a decision in the interests of the country. What happened in Greece provides a menu of decisions made about the situation in Greece.

**Deputy Mattie McGrath:** It is not a bad menu and they get to have dessert too.

**The Taoiseach:** That menu is there for all to see and examine. Ireland is in a different space in this regard. However, there is a general understanding of what has been done in the case of Greece. Our discussions are about a concession in a different area, a re-engineering of the promissory notes.

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

### **European Council Meetings**

1. **Deputy Micheál Martin** asked the Taoiseach if he will be speaking to Prime Minister Cameron before the EU Council meeting; and if he will make a statement on the matter. [45690/12]

2. **Deputy Micheál Martin** asked the Taoiseach if he has any bilaterals arranged around the EU Council meeting; the persons with whom he will be meeting; and if he will make a statement on the matter. [45691/12]

3. **Deputy Micheál Martin** asked the Taoiseach the costs to the State of his recent visit to Rome including the details of any officials or staff that travelled; and if he will make a statement on the matter. [45694/12]

4. **Deputy Gerry Adams** asked the Taoiseach if he will report on his attendance at the European council summit on the 18 and 19 October. [45993/12]

5. **Deputy Gerry Adams** asked the Taoiseach the issues he raised at the EU summit on the 18 and 19 October in Brussels. [45994/12]

6. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of the sustainability of Ireland's bank debt at the EU Summit on the 18 and 19 October. [45995/12]

7. **Deputy Gerry Adams** asked the Taoiseach the bilateral meetings he held with EU leaders on the margins of the EU summit on the 18 and 19 October. [45996/12]

8. **Deputy Gerry Adams** asked the Taoiseach the contacts he has had with other EU leaders since the EU Summit on the 18 and 19 October. [45997/12]

9. **Deputy Richard Boyd Barrett** asked the Taoiseach the issues that were on the agenda at the European Union Summit in Brussels on 18 and 19 October 2012; and if he will make a statement on the matter. [46204/12]

10. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised the issue of debt relief for Ireland at the European Union Summit in Brussels on 18 and 19 October 2012; and if he will make a statement on the matter. [46205/12]

11. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised the issues of jobs and growth at the European Union Summit in Brussels on 18 and 19 October 2012; and if he will make a statement on the matter. [46206/12]

12. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the issues on

which agreement was reached and on the issues where no agreement was reached at the European Union Summit in Brussels on 18 and 19 October 2012; and if he will make a statement on the matter. [46207/12]

13. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the French President Francois Hollande on 22 October 2012. [47225/12]

14. **Deputy Gerry Adams** asked the Taoiseach if he has raised the issue of Ireland's legacy bank debts in his meeting with the French President Francois Hollande on 22 October 2012. [47313/12]

15. **Deputy Gerry Adams** asked the Taoiseach the contacts he has had with the German Chancellor Angela Merkel since the European summit in Brussels on 18 and 19 October 2012. [47314/12]

16. **Deputy Micheál Martin** asked the Taoiseach the issues that were discussed at his meeting with President Hollande in Paris, France; and if he will make a statement on the matter. [47316/12]

17. **Deputy Micheál Martin** asked the Taoiseach if the future common agricultural policy negotiations were discussed with President Hollande; and if he will make a statement on the matter. [47317/12]

18. **Deputy Micheál Martin** asked the Taoiseach the number of conversations he held with Chancellor Merkel in the period between the June and October meetings of the European Council. [47359/12]

19. **Deputy Micheál Martin** asked the Taoiseach the discussions which he has held with Chancellor Merkel following the most recent European Council meeting. [47360/12]

20. **Deputy Micheál Martin** asked the Taoiseach if he will provide his official engagements on his recent visit to Bucharest. [47365/12]

21. **Deputy Micheál Martin** asked the Taoiseach the costs of his recent visits to Bucharest and Rome. [47366/12]

22. **Deputy Micheál Martin** asked the Taoiseach his bilateral contacts with the Prime Minister of Finland outside of the context of summit meetings during 2012. [47367/12]

23. **Deputy Micheál Martin** asked the Taoiseach his bilateral contacts with the Prime Minister of the Netherlands outside of the context of summit meetings during 2012. [47368/12]

24. **Deputy Micheál Martin** asked the Taoiseach the materials circulated by him at the recent meeting of the European Council. [47369/12]

25. **Deputy Micheál Martin** asked the Taoiseach his programme of meetings with other heads of Government in the next three months; and the items which will be discussed at these meetings. [47370/12]

26. **Deputy Joe Higgins** asked the Taoiseach if he will report on his attendance at the EU Summit on the 18 and 19 October [47573/12]

27. **Deputy Joe Higgins** asked the Taoiseach if he will report on his phone conversation

with Chancellor Merkel on 21 October 2012. [47574/12]

28. **Deputy Joe Higgins** asked the Taoiseach if he will report on his recent visit to meet President Hollande. [47575/12]

29. **Deputy Joe Higgins** asked the Taoiseach if he requested clarification at the EU Summit of 29 June of the meaning of the EU communique in relation to the statement that the Eurogroup will examine the situation of the Irish financial sector with the view of further improving the sustainability of the well-performing adjustment programme. [47576/12]

30. **Deputy Gerry Adams** asked the Taoiseach the issues he intends to prioritise at the European Summit in Brussels on 22 November 2012. [47583/12]

31. **Deputy Gerry Adams** asked the Taoiseach if he intends to circulate any papers or proposals at the European Summit in Brussels on 22 November 2012. [47584/12]

32. **Deputy Gerry Adams** asked the Taoiseach if he intends to raise the issue of Ireland's legacy bank debt at the European Summit on 22 November 2012. [47585/12]

33. **Deputy Micheál Martin** asked the Taoiseach if he will outline Ireland's input into the discussions on EU external relations at the recent EU Council meeting; and if he will make a statement on the matter. [47590/12]

34. **Deputy Gerry Adams** asked the Taoiseach if he will report on his recent meeting with the German Chancellor Angela Merkel. [48245/12]

35. **Deputy Micheál Martin** asked the Taoiseach if he has been speaking with Prime Minister Rutte recently; and if he will make a statement on the matter. [48331/12]

36. **Deputy Richard Boyd Barrett** asked the Taoiseach the issues he raised in phone conversation with Angela Merkel; and if he will make a statement on the matter. [48412/12]

37. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his meeting with President Hollande; and if he will make a statement on the matter. [48413/12]

38. **Deputy Richard Boyd Barrett** asked the Taoiseach further to his recent phone conversations with Angela Merkel, if he will explain what she meant when she described Ireland as a special case; and if he will make a statement on the matter. [48414/12]

39. **Deputy Richard Boyd Barrett** asked the Taoiseach further to his recent meeting with President Hollande, if he will explain what he meant when he described Ireland as a special case; and if he will make a statement on the matter. [48415/12]

40. **Deputy Richard Boyd Barrett** asked the Taoiseach if any specific proposals were mentioned in relation to Ireland's debt situation in his recent conversations with Angela Merkel; and if he will make a statement on the matter. [48416/12]

41. **Deputy Gerry Adams** asked the Taoiseach the issues he raised in his meeting with the German Chancellor Angela Merkel in Berlin, Germany, on 1 November 2012. [49432/12]

42. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of Ireland's legacy bank debt at his meeting with the German Chancellor Angela Merkel in Berlin, Germany, on 1 November 2012. [49433/12]

43. **Deputy Gerry Adams** asked the Taoiseach the progress made on a deal on Ireland's bank debt in his discussions with Chancellor Angela Merkel in Berlin, Germany, on 1 November 2012. [49434/12]

44. **Deputy Gerry Adams** asked the Taoiseach the discussion he has had on the EU's 2014 to 2020 budget in his meeting with the German Chancellor Angela Merkel in Berlin, Germany, on 1 November 2012. [49435/12]

45. **Deputy Micheál Martin** asked the Taoiseach the issues he discussed with Chancellor Merkel at their 1 November 2012 meeting; and if he will make a statement on the matter. [49436/12]

46. **Deputy Joe Higgins** asked the Taoiseach if he will report on any recent contact with EU leaders. [49716/12]

47. **Deputy Joe Higgins** asked the Taoiseach the issues he intends to prioritise at the European Summit in Brussels on 22 November 2012. [49717/12]

48. **Deputy Micheál Martin** asked the Taoiseach if he has met or spoken to Prime Minister Rajoy recently regarding European debt and the way it is being dealt with; and if he will make a statement on the matter. [49746/12]

49. **Deputy Micheál Martin** asked the Taoiseach the issues that were discussed at his recent meeting in Vienna with Chancellor Wernher Faymann; if the outcome of the June EU Council was discussed; and if he will make a statement on the matter. [50879/12]

50. **Deputy Micheál Martin** asked the Taoiseach the issues he discussed with Prime Minister Viktor Orban; if the outcome of the June EU Council meeting was discussed; and if he will make a statement on the matter. [50880/12]

51. **Deputy Richard Boyd Barrett** asked the Taoiseach the issues he intends to raise at the summit on 22 November 2012; and if he will make a statement on the matter. [51353/12]

52. **Deputy Richard Boyd Barrett** asked the Taoiseach if he intends to raise the issue of growth and jobs at the summit on 22 November 2012; and if he will make a statement on the matter. [51354/12]

53. **Deputy Micheál Martin** asked the Taoiseach the terms upon which he has appointed the spokesperson for the EU Presidency in his Department. [50874/12]

54. **Deputy Gerry Adams** asked the Taoiseach the issues he will prioritise at the EU Summit in Brussels on 13 and 14 December 2012. [52290/12]

55. **Deputy Gerry Adams** asked the Taoiseach if he will raise the issue of Ireland's bank debt at the EU Summit on 13 and 14 December 2012. [52291/12]

**The Taoiseach:** I propose to answer Questions Nos. 1 to 55, inclusive, together.

I attended the European Council in Brussels on 18 and 19 October. As I have already made a statement to the House on the outcome of this meeting, I will give a summary of proceedings to the House.

The main focus of our discussions was the strengthening of economic and monetary union.

27 November 2012

In this regard, President Van Rompuy presented his interim report. It was agreed that he should continue his consultations with member states and others before bringing forward his final report to the December European Council. That report will set out a specific and time-bound road map for strengthening economic and monetary union.

President Van Rompuy will be following up on the possibility of having a fiscal capacity for the euro area and possible contracts between member states and the EU institutions, including covering the country-specific recommendations made in the European semester process. These ideas need to be elaborated on further before we can judge whether they might have a substantial contribution to make. For Ireland's part, the Government will continue to engage in these consultations constructively and with an open mind. The European Council reaffirmed the commitment made last June to break the vicious circle between banking and sovereign debt. In addition, the European Council agreed to move forward as a matter of priority on the single supervisory mechanism for euro area banks, with the objective of concluding its legislative framework by the end of the year. Work on operational implementation is to be carried out during the course of 2013. The European Council has also tasked the Eurogroup of Finance Ministers to draw up the exact operational criteria that will guide direct bank recapitalisation by the ESM, as it termed, "in full respect of" the June decisions.

With regard to the compact for growth and jobs, the European Council reviewed progress on its implementation and set a number of additional orientations to promote growth and employment. This was a welcome follow-up on implementation of the compact.

The European Council also discussed relations with the European Union's strategic partners, particularly China. The meeting further adopted conclusions on Syria, Iran and Mali. Ireland contributed to the conclusions of the meeting of the European Council in October in the usual way, including through the submission of written proposals on the range of issues covered.

While I had no formal bilateral meetings at the October European Council, I met all my colleagues at the meeting. I raised the question of Ireland's legacy bank debts and the specific circumstances that had brought about our current situation.

On Sunday, 21 October, following the European Council meeting, I had a telephone conversation with Chancellor Merkel. On foot of that discussion, we issued a joint communiqué that makes it clear that the commitments made to Ireland at the end of June stand and that the vital work involved in examining the situation of the Irish financial sector will be taken forward by the Minister for Finance, Deputy Michael Noonan, and his colleagues in the Eurogroup, with a view to improving the sustainability of our programme. In Ireland we moved early. We put very large amounts into the banks in the interests of wider stability in Europe's banks and those of our common currency. The Chancellor was pleased to record her recognition that Ireland was a special case and that this would be taken into account during the discussions ahead.

I travelled to Paris on 22 October for a bilateral meeting with President Hollande. Our discussions focused on the outcome of the European Council; negotiations on the multi-annual financial framework and, in that context, the Common Agricultural Policy; eurozone issues; Ireland's forthcoming Presidency; and bilateral relations. Significantly, President Hollande added his voice to the appreciation of the special situation which Ireland faced, an acknowledgment that these circumstances will need to be taken into account as the Eurogroup takes this work forward. While in Paris, I also addressed a business lunch organised by the State agencies. I visited SIAL, the largest food and agribusiness fair in the world, and launched Origin Green at

this international forum.

I travelled to Berlin on 1 November for a bilateral meeting with Chancellor Merkel. We had an in-depth discussion about the Irish reform programme. The Chancellor reaffirmed her conviction that Ireland was a special case and should be treated as such in the work being taken forward by the Eurogroup. We both welcomed the recent comments by the troika on Ireland's delivery of its programme commitments and the troika's willingness to look at the various ways in which Ireland could be assisted in resuming sustainable, full market borrowing. We both agreed to work together to ensure dealing with Ireland's unique banking and sovereign debt crisis was given due priority within the Eurogroup.

The Chancellor and I also had a very useful discussion about events in the wider euro area. We agreed to work constructively to bring stability and confidence to the euro area as a whole. In addition, we discussed the strengthening of economic and monetary union; the multi-annual financial framework; priorities for the Irish Presidency; and a range of foreign policy matters. While in Berlin, I also attended the launch of The Gathering in Germany and met Irish community organisations and key business partners.

On 8 November I travelled to Budapest for a meeting with Prime Minister Orban and to Vienna for a meeting with Chancellor Faymann. Discussions at both meetings focused on priorities for the Irish Presidency, in particular, the Single Market; negotiations on the multi-annual financial framework; and developments in the eurozone. These topics were also the subject of my discussions with Prime Minister Gonzi of Malta when he visited Dublin recently. I saw both Prime Minister Katainen of Finland and Prime Minister Rutte of the Netherlands at the special European Council meeting on Thursday and Friday of last week. Prime Minister Rutte's new government took office on 5 November. I am in regular contact with Prime Minister Cameron. I spoke with him by telephone in advance of last week's meeting.

*4 o'clock*

I also spoke to President Hollande in advance of the Council meeting.

I attended the special meeting of the European Council last Thursday and Friday in Brussels. As I will be making a statement to the House on this meeting tomorrow, I will just give a summary of its proceedings now. The meeting sought to reach agreement on the Union's multi-annual financial framework for the period 2014 to 2020. However, following productive discussions, President Van Rompuy concluded that a little more time was needed to bring positions closer together. The European Council mandated President Van Rompuy, together with the President of the European Commission, to continue the work and pursue consultations in the coming weeks to find consensus among the 27 member states. President Van Rompuy believes our discussions at the European Council show a sufficient degree of potential convergence to make an agreement possible early next year. While we did not reach agreement last week, we did move forward in identifying common ground. I remain hopeful it will be possible to build on this in the period ahead.

With regard to Ireland, I put the case strongly for a strong Common Agricultural Policy and also expressed our firm view that Europe needs a budget that, in size and orientation, is more reflective of challenges we face as a union, including in respect of growth and jobs, especially in tackling unemployment. More can and should be done to give a real focus to the budget. Of course, as ever, nothing is agreed until everything is agreed. We need to protect the progress

made and continue to work to close the remaining gaps. I have assured President Van Rompuy that Ireland, especially in its upcoming Presidency, will do everything it can to support him in his work.

A copy of the employment contract of the person appointed as spokesperson for the EU Presidency in my Department, which sets out in full the terms and conditions of her employment, was laid before the Houses of the Oireachtas on 19 November and is available for the Deputy's inspection in the Oireachtas Library.

While the costs of my visit to Rome on 21 September are yet to be finalised, I expect the cost to my Department to be €1,011.71. This figure includes official transport, accommodation and travel and subsistence costs. While in Rome, I was accompanied at my meetings with Prime Ministers Monti, Rajoy and Samaras by the Second Secretary General with responsibility for EU affairs and co-ordination, the Irish ambassador to Italy, my chief of staff and an official from the Irish Embassy in Rome. As I had no official engagements in Bucharest, there were no costs to my Department in that respect.

I will attend the meeting of the European Council to be held on 13 and 14 December in Brussels. Discussions at the meeting will focus on President Van Rompuy's final report on strengthening economic and monetary union. The European Council will also assess progress made on the single supervisory mechanism and other key legislative proposals and, if necessary, set further orientations in this respect. With regard to the compact for growth and jobs, the European Council will assess progress made on the priority proposals of the first Single Market Act and set further orientations as regards the second Single Market Act. In addition, the European Council will touch on defence matters, enlargement and foreign policy issues.

I intend to engage positively with colleagues on each of the issues on the agenda to ensure the best possible outcome for Ireland.

**An Ceann Comhairle:** There is a large number of questions in each Deputy's name. In the first round I will allow two supplementary questions.

**Deputy Micheál Martin:** I have tabled approximately 20 questions. The fact that 55 questions have been taken together gives the lie to any claim that we have witnessed a democratic revolution in how we do business as politicians. It illustrates how nonsensical it is to suggest there has been radical reform of the Oireachtas. We all agree that the European Union is by far the most important issue facing us as a country, yet we have grouped together 55 questions covering all recent contacts and meetings involving the Taoiseach and other European leaders. The questions cover Council meetings, bank debt, budgets and a range of other issues. It is not tenable to take all of them together.

I am receiving letters in response to queries stating I cannot ask the Taoiseach questions about his policy for the Irish Presidency of the European Union. These questions are being sent to the office of the Tánaiste, despite the fact that the Taoiseach took control of the EU section of the Department of Foreign Affairs and Trade at the very beginning. The bulk of EU activity is now covered by the Department of the Taoiseach. One would have believed, therefore, that it was quite legitimate to ask the Taoiseach questions about the EU Presidency. The Taoiseach heads up the EU section which was taken from the Department of Foreign Affairs and Trade, yet we are told we cannot ask questions on the policies he may be pursuing and the principles he may be espousing on the Presidency. This is somewhat farcical.

As I will not be able to follow up on all of the questions asked, I will address just a few. It has been confirmed that Ireland has led moves to ensure nothing will happen regarding the banking union proposal that requires a change to the treaties. How does the Taoiseach justify this? We support the banking union. Does the Taoiseach support it? Does he accept that banking union will necessitate change to the EU treaties? Will he explain why he has objected to or opposes establishment of a banking union that would require a change to the EU treaties? By not changing them, he may be supporting the weakest proposal or a possible suggested variant. What is his specific policy on banking union?

It is five months since we were told the June summit was a big game-changer that had single-handedly changed the game on bank debt by securing a package for Ireland that had been promised to everybody else. I refer to the famous Monti-Rajoy intervention in June. We still do not know what is actually being sought on the issue of bank debt. I would appreciate it if the Taoiseach outlined to the House what exactly we are seeking. In June everybody took from the meeting and the comments made by the Minister for Finance, Deputy Michael Noonan, and the Tánaiste, Deputy Eamon Gilmore, that the decisive move meant the ESM was open to fund recapitalisation of our pillar banks, Allied Irish Banks and Bank of Ireland. Despite this, last week the Minister for Finance questioned the wisdom of this approach and said it might not now be a good idea to use the ESM to deal retrospectively with the equity the State took in the pillar banks.

When we say there is a retrospective dimension to the June deal, what do we actually mean by this? How does the Taoiseach envisage the ESM being used to deal with Irish debt in the context of the pillar banks? Will he define the minimum deal acceptable to secure sustainability? How does he define sustainability in regard to debt?

We were originally told a deal would be struck in October. When does the Taoiseach expect a deal to be struck in regard to our debt? He is now saying it could be months away. Will it be before March next year? There are two dimensions, namely, the ESM and the promissory note. The latter has been dealt with via the European Central Bank. Is the Taoiseach seeking a deal to change the terms attached to the promissory note or replace the promissory note with a standard debt?

The Taoiseach has indicated that Chancellor Merkel reaffirmed that Ireland was a special case. Does he accept, however, that neither the Chancellor nor any senior Minister or official in the German Administration has yet revised the official German position that no retroactive measures will be allowed?

**The Taoiseach:** I thank the Deputy for his questions. In his first he seeks a statement on my meeting with Prime Minister Cameron before the European Council meeting. If we changed the structure and dealt with the questions individually, such that I told the Deputy I had spoken to the Prime Minister on the telephone and again briefly before the Council meeting, it would give rise to supplementary questions concerning the Prime Minister that might not be related to that meeting. It might not be related to the European Council meeting at all. It could be about how we are getting on with the memorandum of understanding about energy between Ireland and Britain or Northern Ireland or any issue as long as the response deals with the Prime Minister, Mr. Cameron. All of these are-----

**Deputy Micheál Martin:** Or it could be about his stance on Europe, which is an entirely acceptable focus for a specific question.

**The Taoiseach:** It could be.

**Deputy Micheál Martin:** The Taoiseach could bury it then.

**The Taoiseach:** If the Deputy wishes that they be dealt with on an individual basis, I will not object to that but he will cover less ground. He is entitled to ask a question about the Prime Minister's view on cutting back the budget and whether he is €70 billion below President van Rompuy's limit. I do not have any great difficulty with that. If the Deputy wants to make suggestions, please do.

**Deputy Micheál Martin:** I have.

**The Taoiseach:** If he wants to take all the questions relating to Prime Minister Cameron or Prime Minister Monti or Prime Minister Rajoy or European leaders generally, I do not have a fixed view about that.

Our agenda for the Presidency is stability, growth and jobs. I made the point the other day that if a conclusion had been reached on the budget for 2014 to 2020, it would have allowed Ireland's Presidency to focus on the consequences of that, which is CAP reform, sectoral reform in a number of areas and 68 Bills before the European Parliament. Even if a deal were struck, the Government and its officials would have had a great deal of work to be involved in. The fact that a deal has not been struck adds to that workload. While it is important to note that the question of resolving the budget for the Union is one for the Council President because it is on his desk and while Ireland's Presidency will work closely with him, it is a matter for him to define when he believes there is agreement to put a deal together. Ireland, as holder of the Presidency, will work closely with him in dealing with different leaders but we do not have the imprimatur to say "This is what is going to happen here" because that is a matter for the 27 member states. I assured the Council President that we will work closely with him and with other leaders to see that he is ready to call the meeting at where he hopes we can get a conclusion on this. My view is that the quicker it can be done, the better. It may be the end of January or February; I cannot say yet.

We support banking union. The question has always been asked about whether we support this only in respect of major banks or for banks throughout Europe and I have made the point repeatedly that the bank which brought this country over the edge was not a major bank in European terms and that is why it is necessary that banking union and the supervisory role should cover the spread of more than 6,000 banks involved.

The question of treaty change impacts on our people and it is nothing new for Ireland to have to deal with but it is important to understand that after 2014 there will be a new European Parliament and a new Commission and the question of treaty change, in my view, should be considered during the term of that Parliament and that Commission. It may well be that when the mechanics and the logistics are worked out by the Eurogroup, following the putting in place of the legal framework on 1 January, whatever conclusion it comes up with might require treaty change. I do not know and during 2013-----

**Deputy Micheál Martin:** Would the Taoiseach support that?

**The Taoiseach:** -----the modalities and the conditionality of that will become clear. We are never afraid of treaty change and I do not suggest it will happen out of this but it is important to know we certainly support banking unions, as most other leaders do, and accountability, trans-

parency and responsibility down the line. One cannot determine whether treaty change will be necessary until the final shape of that takes place. No more than any other time this question has been asked in Ireland, the formal advice of the Attorney General will be taken. There is a feeling around the table that the question of treaty change should be one for the next Parliament and the next Commission.

The Deputy mentioned the October deal.

**Deputy Micheál Martin:** He is sitting alongside the Taoiseach. Will it be Commissioner Hogan?

**The Taoiseach:** Kilkenny was always on the left wing.

Commissioner Rehn mentioned the fact that he hoped to have a deal concluded by October. I recall saying that I did not think that was possible and, clearly, that did not become a reality. We are conscious that there is a real understanding from both a political and a leadership point of view and among the IMF, the Commission and the Parliament, of the need for a deal to be done for Ireland but this is a matter for discussion between the Government, through the Department of Finance and the Minister, and the European Central Bank, which comprises the central bank governors of the 17 different countries. Many of them have their own views. We need the deal on that end and the other end will follow through from the legal framework and the discussions at the other side where the decision was made to break the link between sovereign and bank debt. As I said in reply to Deputy Ross earlier, what I would like to see out of that is that this would be re-engineered similar to the replacement of an overdraft with serious challenges by a long-term low interest mortgage. It is in that area that the discussions are taking place and I hope that the Minister will be able to bring that to a conclusion before the next payment due date in March 2013.

When I discussed the question of the view of the ESM with Chancellor Merkel and others, the decision on 29 June was that the vicious circle between sovereign and bank debt should be broken and once that happened, the banking union with the supervisory role would be set up, which would allow for potential recapitalisation of banks from the ESM. The issue then was whether a country had responsibility for legacy debt or not and, obviously, different comments were made about this by different people. That is why it was important to be able to explain to other leaders that, in the case of Ireland, the recapitalisation had taken place because when the Administration of which the Deputy was a member made its decision in respect of the bank guarantee, the banks were then recapitalised but the taxpayer was required to pay for them. That is a fact that happened and the nature of these discussions is how creative we can be with the ESM in dealing with this when it is now accepted that Ireland has particular circumstances arising out of that historic decision. Its case, therefore, is special and different from countries that may go into a programme or those that are in a programme, which will find themselves with a need for funding.

The joint communiqué that we issued was clearly of that understanding and the agreement at the meeting of the Heads of Government was that this particular situation would be taken into account in the discussions that take place at the Eurogroup between the Ministers for finance. That does not mean that we have to wait for the end of the structure - the banking union and supervisory role - to be completed before Ireland's particular circumstances and special case can be considered. That is something, I believe, that can proceed in parallel with that work. I cannot say when that will happen. When will the banking union and supervisory role be effec-

tive? Mr. Draghi was clear on this when he spoke at the meeting and there was general agreement that, given the range of banks involved, the requirement for national supervisory capacity to be restructured and the need to recruit personnel from Frankfurt and so on, it certainly could not be done in the first half of the year. People will read into this that it was never going to happen before the federal elections in Germany next autumn. Be that as it may, Mr. Draghi was confident that they could get a great deal of work done in the first six months once the legal framework was set in position. While there have been comments from different financial people and various elements of different governments, it is clear that there is an acceptance and an understanding that our circumstances are different and that, due to the fact that bank recapitalisation had already happened, the matter needs to be treated as a special case. It will require some creative thinking to bring about a reduction in terms of our capacity to meet that debt. That is understood. The question for negotiation and discussion is how one does it. Deputy Martin may have views that are helpful in this regard. It is in the country's interest that we get a deal on this, following the decision of the European Council to break that link in the first place. The Deputy will recall that people said - not just in here but outside the House - that this would never happen, no more than they said there would never be a permanent bailout mechanism in Europe or a European financial stability facility, yet all of these things have come to be a reality. We will continue to press the case for a reduction in the level of debt arising from the decision made on 29 June, and I hope we can be successful in that.

**Deputy Micheál Martin:** To tease this out, it is unclear how the ESM will apply to AIB and Bank of Ireland and the funding injected into them. The recapitalisation of the banks was not through the bank guarantee but was a key part of the programme with the troika, as was the clear policy of the European Central Bank that no bank should fail and no senior bondholder should be burned. That was the essential position of the European authorities at the time, which they imposed on Ireland in the troika deal. The Taoiseach accepted this when he emerged from his meeting with the French President, Mr. Hollande, recently.

The Taoiseach is now saying that the way to deal with the promissory note is essentially to get it into a long-term mortgage, which will make the repayments easier. There are some benefits to this, but it does not mean a write-down. The Taoiseach is basically saying the promissory note's terms will be lengthened and put out into the distant future so there will be a greater capacity to deal with it. Where is the retrospective application arising out of the separation of sovereign debt from bank debt in so far as it applies to AIB and Bank of Ireland? How does the Taoiseach envisage that occurring? Will the ESM take over AIB and our shares in Bank of Ireland? If so, at what price? Is this what is being discussed? The Minister for Finance seemed to be suggesting that last June but now he is saying he is not so sure we want the ESM owning our banks. From the Taoiseach's reply, I am getting the sense that this is not on either. It is unclear how this so-called retrospective dimension to the June deal will apply to our pillar banks. Will the Taoiseach clarify this?

Will the Taoiseach confirm, on the banking union, that we are not opposing a solution which may involve treaty change? I want a strong banking union. If it involves treaty change, I am prepared to support that and persuade the people it is in our best interest. I hope we are not negotiating on the basis that the last thing we want is another referendum on a treaty change, which seemed to be the position on the fiscal treaty.

Is the whole agenda of the banking union slipping? After the October Council meeting we were informed there had been major advances and we would have the heads of an agreement by January. Earlier the Taoiseach spoke about the first half of the year. The sense out there is that

it will be well into 2013, if at all, before there is agreement on a banking union across Europe.

The EU budget looks to be in trouble, with significant reductions proposed. The European Council President, Mr. Van Rompuy, has proposed a significant reduction in the budget with a consequential reduction in the overall size of the Common Agricultural Policy, CAP, envelope. This would be serious for Ireland. In January, we will take over the EU Presidency. Will the Taoiseach outline his recent discussions with the French President, Mr. Hollande, on the CAP and how Ireland, France and others can work to ensure Irish farmers are not disadvantaged by the rather petulant approach adopted by the British Prime Minister and others who want to reduce the size of the European budget? It is incomprehensible for those outside Europe who feel that if anyone can do a stimulus programme it is Europe on a pan-European level. Despite the fact that the EU budget amounts to only 1% of Europe's overall GDP, it is actually going to be cut back, which sells the European citizen short in this crisis.

**The Taoiseach:** The decision on the ESM was made back in June and then fleshed out further at the next Council meeting. It was decided the legal framework would be put in place by the end of the year so that the details of the conditions, the modalities and the mechanics of it could be worked out during 2013. I listened to the explanation given by Mr. Draghi, the Commission and the Presidency. This is obviously a massive undertaking. Everyone was of the understanding that a banking union with a supervisory element would not be up and running in the first half of 2013. I cannot say what it will be like in the end until we see what shape emerges. If it is an issue that requires treaty change, then we have to accept that. At this stage I cannot say - nor can anyone else - whether this will require treaty change. If it does, then so be it. That would be an issue to be dealt with in any event by the European Parliament elected after 2014 with the new European Commission. There is a strong feeling emerging in Europe that while we have had the Union for some time, we never had the capacity for a monetary union in the sense of having banking supervisory responsibilities, and these things will never happen again. The remit has been given to the finance Ministers, and the sort of structure envisaged will emerge fairly quickly. At the end of it, if it means better regulation, better transparency, better accountability and better responsibility, then I am not averse to having to deal with future treaty change. However, I cannot confirm whether it will be necessary, and nor can anyone else at this stage.

The detail of how it will work out remains to be seen. It is fair to say hindsight is a wonderful thing. Were Deputy Martin over on this side now, he would probably be saying that, considering the discussions with the European Central Bank prior to the bank guarantee and how it worked out, he might have handled it differently.

**Deputy Micheál Martin:** The bailout was in 2008. The programme was in 2010. The Taoiseach is mixing them up.

**The Taoiseach:** Sorry, the programme. However, it is history now, and we are into this business.

Last weekend's meeting was a good-spirited one with no descent into the personal rancour which often breaks out at these events, of which Deputy Martin is well aware. There was no wish to divide the European Council between contributor countries and receiving countries. The large contributors such as Sweden, Finland, the Netherlands, Germany and Britain were not saying they wanted to move off on their own and leave the rest behind. This is a recognition of the importance of keeping the 27 member states together. It is also interesting that the

discussions I had with the French President, Mr. Hollande, the European Council President, Mr. Van Rompuy, and the Commission President, Mr. Barroso, about the CAP and the agri-sector were replicated by many others. Strong opinions were also voiced about the Cohesion Fund and Pillar 2 and the importance of rural development. We are not alone in this regard. Chancellor Faymann of Austria, which has the highest *per capita* income in the Union, referred to Alpine farmers and their difficulties. Prime Minister Gonzi from Malta spoke about the importance of the Cohesion Fund to his small country. The same applied in the case of Hungary and others. It was interesting that the majority of contributions made by the funding countries expressed a wish for a reduction in the overall level of the budget such that the agri-sector could be protected.

Deputy Martin will be aware that we get 85% of our income in Ireland under the direct payments system and others elements of the Common Agricultural Policy. We mounted a strong defence of this, as did President Hollande and others, as well as of the Cohesion Fund and rural development. It is important to remember that the greatest number of jobs being created in Europe comes through the food manufacturing sector and the agri-economy.

I thought it was positive because in the contributions made on the reduction of the overall ceiling of the budget the contributor countries did not try to reduce the importance or the understanding of the CAP and what it offers. At the end of the meeting there was an understanding that there is clear potential to put together a budget from 2014 to 2020. As the incoming holder of the EU Council Presidency, we need to work with President van Rompuy, but we also need to protect the Common Agricultural Policy and Ireland's national interest in it and we need to fight for nothing less than what we have already in the rural development area and the Cohesion Fund. These are important elements for the regions in this country and for the type of developments that have taken place in recent years, in respect of which we have used the money well and few penalties have been imposed on Ireland as a result.

**Deputy Mary Lou McDonald:** Deputy Martin's earlier concerns about An Taoiseach answering multiple questions have been confounded by his capacity to answer 55 in one batch.

**The Taoiseach:** Deputy McDonald is on now.

**Deputy Mary Lou McDonald:** I am curious to know more because the term special case has been used. The Taoiseach tells us that Angel Merkel, Mr. Hollande and all the others recognise us as a special case. Will the Taoiseach set out for us what they understand by this? It is a turn of phrase the Taoiseach has used regularly but there is no clarity to what is meant by it.

The Taoiseach still seems to be placing all his eggs in the retrospection basket on account of last June's agreement. The difficulty with the announcement as cast some months ago is that it does not have a specific or explicit promise of retrospection or deal with legacy debt for Ireland. The statement referred to the sustainability of our programme. I note that in his responses to Deputy Martin the Taoiseach used that turn of phrase. When he is explaining the meaning of a special case perhaps he will unpick these two elements for us. The reference to the sustainability of the programme may not mean dealing with legacy debts. In addition, the Taoiseach seems remarkably confident that legacy issues will be dealt with despite the fact that certain rather influential voices, not least from within the German system, have been categorical in stating that this is not their understanding of the position. It is by no means a done deal, whether via the ESM or any other mechanism, that retrospection and legacy debt have been signed off and dealt with. Anyway, the Taoiseach might shed some light on this for us.

I call on the Taoiseach to refer specifically to the position on the promissory note because there has been a catalogue of statements and public utterances on the matter. The Taoiseach has referred to the technical complexities involved on the restructuring of the note. At one stage the troika were working on a paper on the promissory note but it seems to have vanished or at least we never got sight of it. Will the Taoiseach tell us specifically where this is and in specific terms how much progress has been made? Specifically, when will all the technical dilemmas and questions be ironed out? When will the Taoiseach be able to come into the Dáil and announce that an agreement has been reached?

In a reply to an earlier contribution from Deputy Ross the Taoiseach listed the litany of hardship that Greece and the Greek people are enduring. It made for sober listening. There is no question but that their system and society is under the most incredible pressures at the moment. However, I believe the Taoiseach, perhaps for his own political purposes, has discounted the extent to which Greece has outflanked and outperformed this State in securing a deal for itself, albeit in the most dire of circumstances. How is it that Greece, in the midst of crisis and in such a weakened position, can secure an agreement? Whether it will be adequate to ensure an end to its difficulties remains to be seen and I rather doubt it. However, we know that Greece has consistently achieved some level of recognition and relief while Ireland, also a special case according to the Taoiseach, has thus far had conversations, meetings, side-meetings and summits, but no result.

**An Ceann Comhairle:** I remind the House that there are only 15 minutes left. There are still two Deputies on the benches with several questions.

**The Taoiseach:** Deputy McDonald raised the point about the special case and the circumstances that apply to Ireland. First, we are in a different space from Greece.

**Deputy Mary Lou McDonald:** I accept that.

**The Taoiseach:** I imagine Deputy McDonald understands the vast difficulties that face the people of Greece now. I have outlined some of the decisions that have been taken in terms of restructuring, the dismissal of public service workers and reductions in pensions and pay. I have also referred to the inability to meet various bills and the necessity to put in place a tax structure that will deliver.

I listened to all the talk six months ago about Greece defaulting and being driven out of the euro and about the catastrophe facing us. However, at the meeting there was a recognition by the finance Ministers of a situation whereby after another election the people in Greece elected another Government, which set about trying to deal with the problems. As a result of the decision taken and agreed last night the Greek debt to GDP ratio will still be at 124% by 2022. Given their levels of unemployment and the challenges they face, that is absolutely vast. Greece is in a different place entirely from Ireland.

Why are we a special case? What does this mean? I suppose the circumstances that apply are different. We are placed in a unique situation because of the fact that on top of the national debt our people were required to shoulder the burden of a recapitalisation fund of more than €64 billion. There is a recognition politically and economically of how it is that Ireland finds itself in this situation. That is the reason the circumstances are different and, therefore, the case is special.

The decision taken on 29 June related to breaking the link between sovereign and bank

debt, which could lead to direct recapitalisation by the ESM. The question that then arose was whether that included legacy debt in banks in other countries. In Ireland's case, it is all legacy debt in the sense that what is done has already been done. Our situation is different from that of a banking system in another country which might get into difficulties and require funding from the ESM in the future. The decision was taken on the basis of its potentially leading to direct recapitalisation. For us, it was a recognition of our particular circumstances and, as a consequence, a definition of Ireland as being a special case. The discussions with the finance Ministers are about whether this special case and these unique circumstances can be taken into account. Ireland's case is different from that of a bank in another country that may experience difficulties in a year's or two years' time. We have already been, and still are, in difficulty and have had to recapitalise our banks. The creative discussions and negotiations will be concerned with how we can use the potential of the ESM to deal with that.

I have previously outlined the position with regard to the promissory note, and I will not go into the detail of that matter for Deputy McDonald except to say, as I have already said, that the next payment is due in March 2013. We would like to be in a position, by that time, not to have to issue another up-front payment of €3 billion. As I previously told Deputy Martin, I had the privilege of opening a small school in the west last year which cost €1 million. Three thousand such schools could be built every year for ten years for the amount that has gone into Anglo Irish Bank, now IBRC, which is extraordinary. In any event, it is in that space that the discussions are taking place between the Minister and his officials and officials from the European Central Bank in Frankfurt. The intention is that by March 2013 the promissory note will have been re-engineered in such a way as to ensure we will not have to fork out €3 billion. That is our hope and intent. As I said, the European Central Bank is governed by 17 governors from the different countries in the eurozone, all of whom have their own opinions on a whole range of issues. That is where the discussions are.

The Deputy also asked whether progress had been made. Yes, I would say so. If the Deputy is asking me for a specific date in this regard, it is hoped the matter will be dealt with by March 2013. Obviously, the quicker the better. However, that is the target.

**An Ceann Comhairle:** Can I ask Deputy McDonald for her co-operation with regard to supplementary questions?

**Deputy Mary Lou McDonald:** You can, but can I just say-----

**An Ceann Comhairle:** I cannot do anything about it.

**Deputy Mary Lou McDonald:** The distribution of time has been grossly unfair, a Cheann Comhairle.

**An Ceann Comhairle:** I cannot account for the length of replies.

**Deputy Mary Lou McDonald:** With all due respect, I think you can.

**An Ceann Comhairle:** Would you please get on? There are two other Deputies offering. Does the Deputy have a supplementary question?

**Deputy Mary Lou McDonald:** I really think your position is outrageous.

**An Ceann Comhairle:** People are making speeches.

**Deputy Mary Lou McDonald:** The Taoiseach said a great deal but managed to tell me nothing. This is the problem I have with him in these matters. Do not misunderstand us; we want the Government to be-----

**An Ceann Comhairle:** Sorry, Deputy. Would you please ask a question?

**Deputy Mary Lou McDonald:** Sorry, a Cheann Comhairle.

**An Ceann Comhairle:** You are making a speech. Everybody is making-----

**Deputy Mary Lou McDonald:** You did not interfere with Deputy Martin in the manner in which you are interfering with me.

**An Ceann Comhairle:** I did. I asked Deputy Martin for his co-operation as well.

**Deputy Mary Lou McDonald:** Deputy Martin engaged in an exchange of over 40 minutes with the Taoiseach.

**An Ceann Comhairle:** He did not have 40 minutes.

**Deputy Mary Lou McDonald:** He did. You are not watching your clock, a Cheann Comhairle.

*(Interruptions).*

**An Ceann Comhairle:** I am obliging the Deputy by allowing her to take Deputy Adams's questions. Will you please co-operate with the Chair and show respect to the other two Deputies?

**Deputy Mary Lou McDonald:** I would like a degree of respect shown to me as a Member of this Oireachtas.

**An Ceann Comhairle:** I am showing respect to you.

**Deputy Mary Lou McDonald:** I do not believe you are, a Cheann Comhairle.

**An Ceann Comhairle:** Okay. Put down a motion of no confidence in me, then.

**Deputy Mary Lou McDonald:** I just might.

**An Ceann Comhairle:** Do that.

**Deputy Michael Healy-Rae:** We will support the Ceann Comhairle because we think he is doing fine.

**Deputy Mary Lou McDonald:** I am sure the Deputy would.

**An Ceann Comhairle:** Would you mind proceeding? There are two other Deputies sitting up at the back who between them have tabled 19 questions. Would you please assist the Chair? I cannot account for replies or questions.

**Deputy Mary Lou McDonald:** Oh, but you can, a Cheann Comhairle. That is why you are in the Chair. The whole purpose of having a Ceann Comhairle-----

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**An Ceann Comhairle:** No. I am going to apply the rules.

**Deputy Mary Lou McDonald:** -----is to ensure a fair distribution of speaking time among Deputies.

**An Ceann Comhairle:** Are you going to ask a supplementary question?

**Deputy Mary Lou McDonald:** I am, as it happens.

**An Ceann Comhairle:** Please proceed, then.

**Deputy Mary Lou McDonald:** As Ceann Comhairle of this House, your attitude is utterly outrageous.

**An Ceann Comhairle:** I have to say your attitude is equally outrageous.

**Deputy Mary Lou McDonald:** That may well be your view.

**An Ceann Comhairle:** In all the years I have been a Member of this House I have never heard the Chair being insulted in the manner in which you do so. Please proceed.

**Deputy Eric Byrne:** Sinn Féin is used to bully-boy tactics.

**Deputy Mary Lou McDonald:** I had one exchange with the Taoiseach which amounted to four minutes.

**An Ceann Comhairle:** I am asking for your co-operation. That is all I am asking.

**Deputy Mary Lou McDonald:** You then bark at me to sit down-----

**An Ceann Comhairle:** I did not bark at you.

**Deputy Mary Lou McDonald:** -----having indulged the previous speaker-----

**An Ceann Comhairle:** I asked for your co-operation.

**Deputy Mary Lou McDonald:** You attempted to cut me off after one attempt at a whole range of questions.

**An Ceann Comhairle:** I did not.

**Deputy Mary Lou McDonald:** How you reckon that is fair or balanced is quite frankly beyond me.

**Deputy Michael Healy-Rae:** Does the Deputy want to question the Taoiseach or not?

**Deputy Mary Lou McDonald:** The Taoiseach has said a lot but told us very little. At some stage he will have to give-----

**An Ceann Comhairle:** What is your question?

**Deputy Mary Lou McDonald:** -----a detailed account in this House of the progress made to date rather than vague assertions and words of comfort that the matter is under discussion. Another date has now been set in respect of the promissory note for next March. There is every likelihood that that date will come and go.

**An Ceann Comhairle:** What is your question, Deputy? That is a statement.

**Deputy Mary Lou McDonald:** Yes, similar to the statements that were made by the previous speaker. If you are going to apply rules, apply them fairly.

At what stage, even if a full deal has not been agreed, will we get more information or a clearer sense of what progress is being made on this matter?

**An Ceann Comhairle:** I ask the Taoiseach to assist me by giving as short a response as possible.

**Deputy Finian McGrath:** Sort the Taoiseach out.

**The Taoiseach:** Yes. The reason for the March date is that this is when the next payment is due. Under the conditions of the promissory note a further payment of €3 billion is due by that date. The intention is to have the matter dealt with by that date in order that we do not have to pay €3 billion as a consequence of the promissory note. I do not wish to give any more details of the discussions that are taking place. They have been ongoing now for some time. That is our target date and I hope we can achieve it.

**Deputy Richard Boyd Barrett:** I do not wish to extend the debate as I understand the Ceann Comhairle's difficulty.

**An Ceann Comhairle:** Thank you.

**Deputy Richard Boyd Barrett:** Could I just-----

**An Ceann Comhairle:** I cannot help it if somebody wants to reply to 55 questions. It is impossible for the Chair to control that.

**Deputy Mary Lou McDonald:** That is rubbish.

**An Ceann Comhairle:** Please ask your question, Deputy Boyd Barrett.

**Deputy Richard Boyd Barrett:** On a point of order, consideration should be given to dividing the hour allocated for dealing with these questions equally among the different groups.

**Deputy Micheál Martin:** No, no.

**Deputy Richard Boyd Barrett:** That would seem reasonable. I appeal to the Taoiseach to stop talking down the clock. That is what he is doing.

**An Ceann Comhairle:** Sorry, Deputy. Would you ask a question?

**Deputy Richard Boyd Barrett:** I am asking that the Taoiseach please stop talking down the clock when it comes to Taoiseach's questions.

**Deputy Sean Sherlock:** The Deputy is the best proponent of talking down the clock.

**Deputy Richard Boyd Barrett:** The Taoiseach is doing so deliberately. The former Taoiseach Bertie Ahern used to do that.

**An Ceann Comhairle:** Sorry, Deputy. Would you please put your question?

**Deputy Richard Boyd Barrett:** The Taoiseach should not be engaging in the same carry-on.

**Deputy Finian McGrath:** The same applies to Deputy Sherlock.

**Deputy Richard Boyd Barrett:** The Taoiseach suggested earlier that Ireland was much better off than Greece despite the fact that, unlike Greece, we have no write-down of our debt. In this regard, he cited the disastrous consequences of austerity for Greece. Is it not the case that the reality is the other way around? Europe was forced to give a write-down to Greece, recognising the disastrous consequences of austerity for the Greek economy and people. Greece screamed at Europe economically, socially and politically that austerity and imposing that level of debt on the Greek people was a disaster. When will the Taoiseach and the troika recognise that the same will happen here unless this debt burden is lifted and the austerity linked to it is pulled back from? When will the troika cop on to how badly our society and economy have been damaged a result of the suffocating debt burden that has been imposed on us and the austerity we are being asked to endure in order to pay the debt back? It is time for the Taoiseach to change strategy. He should stop talking up the Irish situation and telling the troika how wonderful things are because the message that is sending to them is that we do not need debt relief and that there is no hurry on debt relief for Ireland. In reality, however, people are being plunged into poverty, hundreds of thousands are unemployed and people are flooding out of the country. At what point is the Taoiseach going to put up his hand to the troika and tell them that this is a disaster for our economy? We do not want to reach the depths that Greece is reaching in order for the troika finally to cop on that we cannot afford to pay this debt. Next year the interest holiday on the promissory notes is over and 15% of Government expenditure will go on repaying interest on debt. Does the Taoiseach honestly think that is sustainable? Does the troika think it is sustainable? It will absolutely destroy our economy. I ask the Taoiseach to speak up on our behalf, like the Spanish, Greek, Italian and Portuguese governments have done, and say we cannot do this anymore and the people cannot take this pain anymore.

**Deputy Joe Higgins:** In the context of the alleged intention at a previous summit that there should be a breaking of the link between banking and sovereign debt, does the Taoiseach agree that this can only have meaning for the Irish people if the €64 billion of taxpayers' funds that was used to bail out the banks and the bondholders is paid back to the Irish people? Does he also agree that the European institutions and the IMF, which were disgracefully allowed to cow an Irish Government into pay the gambling debts of speculators and bond holders, should now take the hit, along with the speculators they were protecting? Does he further agree that if there is any meaning to this and if it is not implemented in that way, the Irish people are fully entitled to cancel the debt, for which they have no responsibility whatsoever? Only that would give any meaning to the bone that Chancellor Merkel threw the Taoiseach some time ago, when he begged her to give him political cover, when she said that Ireland was a "special case". If the Taoiseach disagrees with what I am suggesting, I ask him to outline very clearly what is meant by a "special case", in the sense of any impact it might have on the lives of the Irish people. Perhaps the Chancellor was at a complete tangent and meant something else entirely - that we were all great fiddlers; played the fiddle all day; and danced the Walls of Limerick and the Siege of Ennis or some such.

**Deputy Mattie McGrath:** More like the siege of Castlebar.

**Deputy Joe Higgins:** It would seem that she is quite disconnected from the reality of the suffering of the Irish people as a result of her austerity agenda. What did the Taoiseach mean in

June when he referred to a “seismic shift” with regard to debt? An earth tremor or a tidal wave often follows a seismic shift but we have not seen any waves or tremors that put any different or better configuration on the huge, unsustainable debts that the Irish people have been saddled with. I ask the Taoiseach to elucidate something practical with regard to the massive claims that both he and the Tánaiste have made.

**The Taoiseach:** In response to Deputy Boyd Barrett, I did not actually say, if I recall correctly, that Ireland was “better off” than Greece but that Ireland is in a “very different place” to Greece. I remind the Deputy that just last week Fitch increased the rating of the country, Bank of Ireland raised over €1 billion on the markets without guarantee, the ESB raised €500 million, Bord Gáis raised €500 million and some of the bond issuances were oversubscribed by over 12 times. I also draw his attention to the sale of the communications spectrum for over €800 million to three major telecommunications companies. While these of themselves do not sort out our problems, they are signs of the confidence of international investors in our country, of which we need more so that jobs begin to flow, money begins to circulate, credit becomes available and people can get back down to business. Deputy Boyd Barrett seems to be suggesting that we should be in the same place as Greece but we are not.

**Deputy Richard Boyd Barrett:** I am not suggesting that. I am saying we should stop before we get there.

**The Taoiseach:** We are in a very different place. The people of Greece have an enormous challenge facing them until 2024 and beyond and I am quite sure that Deputy Boyd Barrett does not want our people to have to deal with that level of challenge. I agree with the Deputy when he refers to lifting the level of debt off our people and that is exactly why we are in discussions with the European Council and the ECB.

This leads me to Deputy Higgins’s comments about his musical background, whether it be The Boys of Barr na Sráide, or whatever. It was not an “alleged intention” but a decision to break the link between sovereign and bank debt and that was a seismic shift in European politics because it was never done before and those who said it could never happen did not have much to say about it afterwards. After seismic shifts occur, tsunamis oftentimes take place.

**Deputy Joe Higgins:** I do not see any boats rising.

**The Taoiseach:** The value for the Irish taxpayer and the Irish people lies in translating that decision into reality by reducing the scale of the debt challenge that we face and that must come on two fronts. One is following through, with the euro group, on the decision of the European Council and the other is in respect of the promissory notes related to the former Anglo Irish Bank with the European Central Bank, which I dealt with earlier in response to Deputy McDonald. They are the twin objectives of the Government and I assure Deputy Higgins that there is a great deal of real conversation going on in this regard. I hope we can bring about a conclusion in the shortest possible timeframe. I have set dates for one but the other is a work in progress over the longer term.

*Written Answers follow Adjournment.*

## **Order of Business**

**The Taoiseach:** It is proposed to take No. a10 - Health Insurance (Amendment) Bill 2012 – Financial Resolution; No.10 - Motion re Referral to Select Committee of proposed approval by Dáil Éireann of the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2011; No.11 - Motion re Referral to Joint Committee of proposed approval by Dáil Éireann for a Decision of the European Parliament and of the Council amending Decision No. 573/2007/EC, Decision No. 575/2007/EC and Council Decision 2007/435/EC; and No.18 - Electoral (Amendment) (Dáil Constituencies) Bill 2012 - Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that Nos. a10, 10 and 11 shall be decided without debate; and that Private Members' business, which shall be No. 37 – Medical Treatment (Termination of Pregnancy in Case of Risk to Life of Pregnant Woman) (No. 2) Bill 2012 – Second Stage, shall, if not previously concluded, be brought to a conclusion at 9 p.m. on Wednesday, 28 November 2012.

**An Ceann Comhairle:** There are two proposals to be put to the House. Is the proposal for dealing with Nos. a10, 10 and 11 agreed to? Agreed. Is the proposal for dealing with No. 37, Private Members' business, agreed to? Agreed.

*5 o'clock*

**Deputy Micheál Martin:** Just before I came to the Chamber I received a copy of the report of the expert group on the judgment in *A, B and C v. Ireland* case, as well as the accompanying press release from the Minister. The Tánaiste has promised legislation, while a Fine Gael Minister told RTE that we would be surprised by the speed of the Government's response to the report and that legislation would be taken in the House as early as February. Will the Taoiseach indicate when legislative proposals in response to the report of the expert group will be brought before the House?

On a separate matter, I ask about the Construction Contracts Bill 2010. This Bill was published by Senator Feargal Quinn and the Government promised that it would pass through the Dáil before Christmas. Last Friday I met the Limerick subcontractors who had to occupy a school in Kilfinane to forcibly try to achieve some payments.

**An Ceann Comhairle:** I am sorry, Deputy -----

**Deputy Micheál Martin:** Three subcontractors were owed up to €60,000. They forced the main contractor to pay 40% of the total amount due.

**An Ceann Comhairle:** We are not discussing the issue now.

**Deputy Micheál Martin:** The main contractor went on to win a contract worth €4 million in a separate local authority area. We on this side of the House are willing to facilitate the taking of Committee Stage of the Bill.

**Deputy Mattie McGrath:** We are.

**Deputy Micheál Martin:** It is now 18 months since the general election. I thought most Members of the House were in favour of the Bill. I understand from speaking with Senator Feargal Quinn that the Attorney General is examining certain aspects of it and that amendments have been tabled. However, people are getting very impatient because subcontractors are dealing with a crisis. I was horrified to learn the scale of what they faced in terms of losing payments. Will the Taoiseach indicate when the Bill will be introduced?

**The Taoiseach:** This issue is a cause for great concern. I read about the incident in Kilfinane and I am aware of the difficulties subcontractors face, about which there is no doubt. They are coming to me also. Owing to the interest in the Bill, the Minister of State at the Department of Public Expenditure and Reform, Deputy Brian Hayes, is working with the Attorney General on a number of amendments which arose during the course of the discussions in the Seanad and this House. The Bill is projected to be ready for Committee Stage early in the new year. I am not sure whether the amendments can be completed in time to deal with the Bill prior to the Christmas recess. I will investigate that matter, but I am aware of the importance of the issue, which is why the Bill is being brought forward in this way. Serious work is ongoing on amendments and I will inform the House further on progress made.

In regard to the report of the expert group on the A, B and C case, legal certainty is obviously required, as are security and understanding, for women in particular, in respect of the standards that apply in maternity hospitals. The report has been published and I circulated copies to Deputy Micheál Martin and others one hour before its publication in order that Opposition leaders and spokespersons on health could read it. We will discuss it in the House on Tuesday, with the agreement of the Whips. I will provide as much time as Members desire. Prior to the recess at the end of the year, the Government will make its view known, arising from these discussions and our own views, on which option it has decided to pursue in order that legal certainty can be given where needed. Early in the new year and before the Dáil resumes in January the Joint Committee on Health and Children will hold public hearings on whatever option is chosen by the Government. Deputies will be aware that we changed the rules for committees to allow them to hold public hearings without having to make recommendations on matters of public interest. It is only appropriate that, for example, the masters of the maternity hospitals should be able to address the joint committee to point to the grey areas which need to be investigated by constitutional and legal people. The issues arising from the comments made yesterday by Professor McCarthy, a perinatal psychiatrist, can also be addressed. These issues should be considered in the public interest.

As to when the Dáil will see legislation, following on from the option chosen by the Government and the public hearings of the joint committee, the legislative options will be followed through by the Government.

**Deputy Micheál Martin:** We were promised legislation.

**The Taoiseach:** We have not yet decided on an option. We will make that decision before the House rises for the recess at the end of the year.

**Deputy Micheál Martin:** The Tánaiste and certain Fine Gael Ministers stated legislation would be introduced.

**The Taoiseach:** In fairness, the view of the Tánaiste and his party on this issue has been known for a long time. The report sets out a number of options.

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

**Deputy Mary Lou McDonald:** Apparently, we are.

**The Taoiseach:** This is not just a party issue. I would like to think we can have a calm and rational discussion on the issue to achieve as much consensus as we can.

**Deputy Mary Lou McDonald:** The Taoiseach provided interesting information about the committee hearings, but one would have to be concerned that they will cause considerable delays.

**The Taoiseach:** Only for three days.

**Deputy Mary Lou McDonald:** I thank the Taoiseach for clarifying the matter.

I ask about legislation promised in the programme for Government to deal with the issue of domestic violence. I do not know if the Taoiseach has seen the latest statistics from Safe Ireland which were released today. They make for depressing and startling reading.

**An Ceann Comhairle:** Has legislation been promised?

**Deputy Mary Lou McDonald:** Women were turned away from services more than 2,500 times.

**An Ceann Comhairle:** I am sorry, Deputy, but we are not discussing the issue now. Has legislation been promised?

**Deputy Mary Lou McDonald:** It is shocking that women are treated in that manner. I ask the Taoiseach about the issue of consolidated and reformed domestic violence legislation which I have raised previously with him.

**The Taoiseach:** The public hearings at the Joint Committee on Health and Children will take place for three days only, on 8, 9 and 10 January. They will be for the purpose of informing everybody here and in the country at large about the issues arising. They will be about whatever option the Government decides on. I do not want anybody to run away with the impression that this is an attempt to kick the matter into a committee where it will travel down the road again. That is why we asked an expert group to report on the decision of the European Court of Human Rights.

The programme for Government commitment is to consolidate and reform domestic violence legislation to address all aspects of domestic violence, threatened violence and intimidation in a way that will provide protection for victims. I cannot announce a date for the introduction of the legislation, but it has been worked on since last July. This morning I saw the report on the figures which are simply appalling in the context of the fear among and threats to individuals who suffer domestic violence. I will advise the Deputy on progress on the work to date.

**Deputy Joe Higgins:** The expert group's report was presented to the Cabinet today and we were led to believe until very recently that only the Taoiseach, the Tánaiste and the Minister for Health had seen it. Did the Taoiseach's Department authorise the cynical leaking of the report last week?

**An Ceann Comhairle:** Please, Deputy, not on the Order of Business.

**Deputy Joe Higgins:** It should have been fully published two weeks ago to inform and focus the debate that has been raging in this country in that time. With regard to the timescale for introduction of the legislation, I listened to what the Taoiseach said about the Joint Committee on Health and Children and the expeditious nature of its hearings. What is the subsequent timeline for the introduction of legislation? It was suggested today by a distinguished commentator that legislation would not be finalised before the second half of next year. Is that also suggested

by the Government or can the Taoiseach give us a definitive timescale?

**The Taoiseach:** I have little regard for the person or persons who gave elements of the A, B and C report to the media.

**Deputy Michael Healy-Rae:** Ask the Tánaiste.

**The Taoiseach:** It certainly was not leaked by the Tánaiste, the Minister for Health or my Department.

**Deputy Finian McGrath:** It was the Germans.

**The Taoiseach:** On whoever suggested it would be the second half of next year, that is just not true. I want to see a calm, rational and sensitive discussion on the matters involved. Clearly, certain issues need to be addressed quickly. There are also other concerns we need to address and everybody in the House has a part to play in that. I would like to see this issue dealt with as quickly as is practicable, rather than be forced by pressure from either end of the spectrum here to deal with it. It is a matter on which we must provide certainty, reassurance and clarity for clinicians working in hospitals so there is legal certainty. We must also ensure the concerns expressed around the threat to the life of a mother by suicide is addressed in a realistic fashion. I listened carefully to the words spoken by the perinatal professor yesterday, who said these cases are real, but small in number. However, this is not a box ticking exercise. I am sure the majority of Deputies here, who represent our people, do not want a situation where we have abortion on demand or where it becomes a substitute for contraception.

**Deputy Michael Healy-Rae:** People on social welfare feel terrorised, harangued and harassed by the suggestion that fines and charges may be taken at source from social welfare payments. When is it proposed to introduce the fines Bill and is it proposed to use that Bill to target these people in the way proposed by the Government?

**The Taoiseach:** I did not know the Deputy would be terrorised by a suggestion. The heads of the Bill were cleared on 16 October, but it will be next year before the Bill is published.

**Deputy Finian McGrath:** What is the timetable for the publication of the health information Bill? Last night I received information that six cystic fibrosis patients were sent home from St. Vincent's Hospital because there were no beds for them in the new €22 million unit. Is the Taoiseach aware six patients were sent home?

**An Ceann Comhairle:** That is not a matter for the Order of Business.

**Deputy Finian McGrath:** Six cystic fibrosis patients were sent home and treated in an appalling way. This is unacceptable, particularly when a new €22 million unit has just been opened.

**An Ceann Comhairle:** When is the health information Bill due?

**The Taoiseach:** It is due the middle of next year.

**Deputy Mattie McGrath:** I raise an issue that is very important to the people of Tipperary, being part of a proud hurling tradition. The Ceann Comhairle would know all about this seeing as his bean chéile comes from Tipperary. There is huge concern among hurlers and hurley makers -----

**An Ceann Comhairle:** We are talking about promised legislation.

**Deputy Mattie McGrath:** I am talking about the forestry Bill, in regard to the inaction of Coillte and foresters in the matter of the epidemic affecting ash trees. It would be terrible if we had to play an All-Ireland Final against Kilkenny with plastic hurleys.

**An Ceann Comhairle:** I think the Taoiseach has good news for the Deputy.

**The Taoiseach:** The forestry Bill is on the A list and will be introduced this session. The Deputy can swing away.

**Deputy Simon Harris:** The Taoiseach will be aware of the national substance misuse strategy, which made a number of recommendations with regard to tackling misuse of substances, particularly alcohol. A number of legislative commitments arise from the strategy. What is the current status of the report and where stands the legislation on minimum pricing for alcohol? Also, when does the Government intend to commence section 9 of the Intoxicating Liquor Act 2008, which deals with the separation of the sale of alcohol from the sale of other goods in supermarkets and elsewhere? It is important this section is commenced.

**The Taoiseach:** As far as I know, this will be brought to the Cabinet sub-committee by the Minister of State, Deputy White, but I cannot give the date at this time. Significant work has been done on this and I will let the Deputy know when exactly we expect to receive it.

**Deputy Pádraig Mac Lochlainn:** Section B of the Government's legislative schedule indicates the Government will introduce a criminal justice (miscellaneous provisions) Bill in mid-2013. Can the Taoiseach ensure that Bill incorporates provision 4 of domestic violence legislation as a way to deal with the statistics produced by Safe Ireland, which he has acknowledged are serious?

**An Ceann Comhairle:** We have dealt with that issue already.

**The Taoiseach:** That legislation is planned for the middle of next year. However, if we introduce the other legislation into it, that would compound the issues and make the Bill take even longer.

**Deputy Barry Cowen:** When does the Taoiseach expect the Government to bring forward legislation to give effect to the local government amendments proposed by the Minister for the Environment, Community and Local Government in the People First document? I am conscious that local development companies and county enterprise boards may need a period of negotiation, if necessary, on those changes in the context of any alterations in work practices.

**The Taoiseach:** Does the question refer to the county enterprise boards?

**Deputy Barry Cowen:** Yes and local development companies, Leader boards and so on.

**The Taoiseach:** The Government approved a memo on this recently and I will verify that and give the Deputy a more accurate update on when the Minister will produce his Bill. There are discussions taking place.

**Deputy Bernard J. Durkan:** On numerous occasions I have raised the issue of Internet bullying and the use of electronic media for intimidatory reasons. Is the Taoiseach in a position to indicate whether the criminal justice (cybercrime) Bill could be brought to the House as a

matter of urgency, with a view to identifying to what extent the issue can be addressed through that medium? That debate should also enable the ratification of the Council of Europe Convention on Cybercrime and the transposition of the EU framework decision on attacks against information systems.

**The Taoiseach:** The heads of that Bill were approved in September and quite a deal of work has been done on it. However, I do not have a date for its publication as it has not come back to Government since.

**Deputy Patrick Nulty:** There is a commitment in the programme for Government to introduce a national waiver scheme for waste collection services. However, last week residents across north and west Dublin were told their waivers would be abolished. When will legislation be brought forward to introduce the national waiver scheme the Government has committed to introduce?

**The Taoiseach:** I will revert to Deputy Nulty on that.

### **Health Insurance (Amendment) Bill 2012: Financial Resolution**

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

That Part 9 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999) be amended to make provision for a stamp duty on certain insurers in respect of certain insured persons based on recommendations in that regard made by the Minister for Health to the Minister for Finance pursuant to the Act giving effect to this Resolution.

Question put and agreed to.

### **Approval of Report Regarding Service by the Defence Forces: Referral to Committee**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That the proposal that Dáil Éireann approves the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2011, copies of which were laid before Dáil Éireann on 5th March, 2012, in accordance with Section 13 of the Defence (Amendment) Act 2006, be referred to the Select Committee on Justice, Defence and Equality, in accordance with Standing Order 82A(3)(b) and paragraph (8) of the Orders of Reference of Select Committees, which, not later than 20th December, 2012, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

### **Approval for a Decision of the European Parliament and of the Council: Referral to Committee**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

27 November 2012

That the proposal that Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

a proposal for a Decision of the European Parliament and of the Council amending Decision No. 573/2007/EC, Decision No. 575/2007/EC and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability,

a copy of which was laid before Dáil Éireann on 16th October, 2012, be referred to the Joint Committee on Justice, Defence and Equality, in accordance with Standing Order 82A(4)(j), which, not later than 20th December, 2012, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

## **Topical Issue Debate**

### **Schools Building Projects**

**Deputy Patrick O'Donovan:** I thank the Ceann Comhairle for selecting this issue for debate. As the Minister is probably aware, this issue is pertinent and has come to our attention again in the past week. In my constituency, a new long-awaited school building project was interrupted last week when some subcontractors, desperate for some sort of resolution to their problems, went into a school in Kilfinane in County Limerick and tried to remove material from the school. The issue of whether they were right or wrong to do that is an issue for another forum.

The situation has caused significant distress among the school community, the parents, teachers, management and pupils, who have been waiting on this new building for a long time. The situation has also created a momentum with regard to dealing with the issue of subcontractors. These people entered into contracts in good faith to provide building services for State sponsored buildings. They have been left high and dry on more than one occasion. Indeed, the provision of the school in Kilfinane, County Limerick, has been delayed before. The people have had a previous false dawn. The stimulus package that was recently announced by the State allows for up to 80,000 new school places to be provided. I know from reading the Official Report that this is not the first time the House has considered the issue of subcontractors being left high and dry after working on schools or other public facilities like council houses and State buildings. I am aware that the Construction Contracts Bill 2010 is about to be considered on Committee Stage. I suggest that the Department of Education and Skills could set out provisions to be applied during the tendering process. For example, it would be simple to require a bank account to be opened for the sole purpose of the project at hand. That would enable us to

ensure that cheques and moneys from the Department of Education and Skills or the school's board of management - it depends on whether it is a devolved grant - are lodged into the bank account of the project in question. The only invoices that should be drawn on that bank account are those relating to the project. The problem at the moment is that contractors are getting paid by the State for work being done by subcontractors. The contractors are using that money to pay for other work that has already been done and that other people are waiting to be paid for.

There are no winners in this instance. The subcontractors did not want to do what they had to do. The parents did not want to do what they had to do. At the end of the day, there is a community in the middle of this. When due diligence is being attached to the awarding of these contracts by the Department of Education and Skills or by local boards of management, there needs to be a greater level of input from quantity surveyors to ensure the race to the bottom, whereby a contractor submits a price which we know in our hearts and souls is below the cost at which the project can be delivered, is not successful. It is also hugely important for consideration to be given to anecdotal evidence of the history of these companies. I am familiar with cases - for example, in the south east of the country - in which contractors have left subcontractors high and dry and local authorities are making retention payments in the full knowledge that the subcontractors have not been paid. The State has an obligation to intervene in such cases. I appreciate that the Construction Contracts Bill 2010 is ready to be debated on Committee Stage. There are things we can do in the short term to ensure subcontractors and, ultimately, school communities are protected.

**Minister of State at the Department of the Environment, Community and Local Government(Deputy Jan O'Sullivan):** I am responding to the Deputy on behalf of my colleague, the Minister, Deputy Quinn. I will convey the suggestions made by the Deputy to the Minister. The Deputy will be aware of the context in which decisions on meeting the accommodation needs of schools must be considered over the coming years. Total enrolment is expected to grow by approximately 70,000 students between now and 2018. This equates to more than 45,000 students at primary level and 25,000 students at post-primary level. Second level enrolment is expected to continue to increase until at least 2024. The five-year programme that was announced last spring by the Minister, Deputy Quinn, will provide more than 100,000 permanent school places, of which over 80,000 will be new school places. The rest of the places will be provided by means of the replacement of temporary or unsatisfactory accommodation.

Although the Department of Education and Skills is the primary funding agency, it is generally not the contracting authority on school building projects and therefore has no legal authority to intervene in legally binding contracts involving third parties. A school building project is a complex arrangement of contractual relationships between the client, the main contractor, specialist subcontractors, domestic subcontractors, suppliers of materials and suppliers of plant etc. In general, all subcontractors employed on school building projects are employed directly by the main contractor or indirectly by the main contractor through other subcontractors. It is a matter for all subcontractors to agree terms, conditions and payment schedules with main contractors as their direct employers. As contracting authorities such as schools and VECs have no control over the subcontracts entered into by main contractors, they hold no information relating to those subcontracts. As such, no responsibility or power rests with them to resolve contractual issues relating to those subcontractors.

With regard to the recent cases highlighted in the media, the Minister for Education and Skills is satisfied that all moneys due to be paid under the terms of the main contract on each project have been paid to the main contractor. If an allegation of non-compliance with pay and

conditions of employment arises, the allegation should be reported to the appropriate statutory dispute investigation and resolution mechanisms provided by the State. The main statutory agency charged with this function is the National Employment Rights Authority, which has the remit, resources, experience and statutory powers to investigate and resolve these matters in the most efficient and impartial manner. If serious breaches are alleged, it is possible to refer the matter directly to the Labour Court.

The main aim of the Construction Contracts Bill 2010 is to address the issue of non-payment to construction sector contractors, subcontractors and subcontractors of subcontractors who have completed work to the required standard on construction projects. As currently drafted, the Bill seeks to address these issues by providing statutory arrangements for payments under construction contracts, including interim payments, thereby reducing a payee's exposure to non-payment. It also proposes to introduce a new mechanism for the swift resolution of payment disputes through a process of adjudication. I assure the Deputy and the House that departmental officials will continue to liaise with the school authorities and are monitoring progress on these projects.

**Deputy Patrick O'Donovan:** The Minister of State said in her reply that "the Minister for Education and Skills is satisfied that all moneys due to be paid under the terms of the main contract on each project have been paid to the main contractor". I suppose that is the problem. I think the Department of Education and Skills should be required to retain the final payment until it has sought and received certification from the subcontractors that they are happy for that payment to be made to the main contractor. This could be done very easily. I do not think the final 30% or 40% of contract moneys should be paid to the main contractor until all of the subcontractors have signed off on it in this way. I do not doubt that the Department is committed to this approach. If the problem in Kilfinane is replicated all over the country, there will be no winners. This is a particular problem for children and teachers.

I accept the Minister of State's assertion that the Department "has no legal authority to intervene in legally binding contracts". However, I remind the House that the Department has a role in the formulation of those contracts. As I have said, the race to the bottom means that the Department is not prepared to consider the previous history of these companies. There are characters in the wild west that I would not compare to some of those involved in these companies. The people in question have no interest in providing a decent level of service. They are trying to undermine everybody else as part of the race to the bottom.

I urge the Government to introduce a system whereby 20% or 30% of the final payment is retained pending a certification process to be invoked by the Department. The last tranche of finance should not be paid until the Department is satisfied that genuine subcontractors - plumbers and electricians, etc. - have been paid. In his initial statement, the Minister said that these school projects would stimulate local economies. The local economy in south and east Limerick has been left absolutely devastated by this difficulty, which is being dragged into the public arena for a second time. The Minister of State knows the areas in question. I am sure she knows some of the people concerned. Neither the subcontractors nor the parents wanted to do what they had to do. In the middle of the whole thing is a contractor who has just walked off. The whole thing stinks to high heavens. We need to make sure it does not happen again. As a way of going forward, I have suggested that we provide for a process of certification, with a suitable amount being retained.

**Deputy Jan O'Sullivan:** I am familiar with the situation in Kilfinane. The Minister, Dep-

uty Quinn, wants to do everything he possibly can in this area. As the Deputy knows, and as I said in my main response, the Department is not generally the contracting authority. There are legal restrictions in that regard. The Deputy has made some specific suggestions to be considered while we wait for progress to be made with the Construction Contracts Bill 2010 before it is passed by the Houses of the Oireachtas. I will convey them to the Minister. I know he will want to do everything he possibly can.

### **Tenant Purchase Scheme**

**Deputy Michael P. Kitt:** I thank the Ceann Comhairle for allowing this topic to be raised. I thank the Minister of State for coming to the House to deal with it. She will be aware that I raised this issue at an Oireachtas joint committee meeting some weeks ago. I mentioned that people in local authority houses have just a few weeks left to submit applications under the tenant purchase scheme. The Minister of State should give those people more time to buy out their houses. The 1995 tenant purchase scheme has enabled 10,000 families to purchase their own houses over the past ten years. I understand the number has fallen but people are still very interested in this scheme.

It is important to point out there was up to a 30% discount under the 1995 scheme and up to a 45% discount under the 2011 scheme, which had certain attractions. A new scheme will be introduced in the new year but it will contain changes in that it will not refer to the length of tenure in houses, as in the current system, but rather the discounts will relate to family income. That is a little vague and perhaps the Minister of State will provide more information.

The Minister of State will need to bring in new legislation next year if these changes are to come about. There is talk of an incremental purchase scheme which will incentivise families to remain in the community following the purchase, and I make the point that this is equally true of the present scheme. The Minister of State is to extend the terms of the new scheme to all housing authority stock. Will she consider extending the terms to, for example, the voluntary housing sector, given many in that sector have applied to purchase houses although that is not available at present? Perhaps a new scheme will be considered in this area. I hope the Minister of State will address these issues, namely, the extension of the present scheme and when the legislation will be introduced.

It now appears tenants should apply both under the current scheme and also when the incremental purchase scheme is announced and published in legislation. What is very clear is that information should be made available to those who want to avail of this opportunity. If the date is not being extended, people will want to know they now have only one month to apply under the old scheme.

**Deputy Jan O'Sullivan:** I thank Deputy Kitt for raising this important issue, in which he has previously expressed an interest in the committee. I want to set out the Government's position. The 1995 tenant purchase scheme, as it is commonly known, has been a major success, enabling more than 32,000 local authority tenants to purchase their homes. However, take-up on the scheme has dwindled in recent years and there were only 195 purchases across all housing authorities in 2010. The time is right to look at other tenant purchase options.

In this context, in June 2010 my Department requested housing authorities to notify all eligible tenants of the decision to wind down the 1995 scheme over two years and replace it

with a new tenant purchase scheme along incremental purchase lines. I decided in June of this year to extend the closing date for applying to purchase under the scheme and I have recently signed regulations prescribing 31 December 2012 as the last day for applying to purchase and 31 December 2013 as the last day for selling houses under the scheme. That gives one year in which the applications can be processed. By the closing date, tenants will have had two and a half years to decide whether they wish to apply to purchase under the existing scheme or to await the new replacement scheme.

The Government is committed to retaining an option for local authority tenants, who are in a position to do so, to purchase their homes. My Department is currently developing the heads of a housing Bill which will provide, among other things, for a new purchase scheme for tenants of existing local authority houses. I intend to seek Government approval for the drafting of the Bill as soon as possible so enactment can proceed without delay.

The new scheme will be based on the incremental purchase model, involving sales price discounts for tenants related to household income, and a corresponding local authority charge on the property that will dwindle away over a period unless the house is resold or the tenant purchaser fails to comply with certain conditions of the sale. These provisions are in line with the terms of two tenant purchase schemes introduced in recent years, one for designated new local authority houses and one for local authority tenants of apartments. I look forward to introducing the new scheme as quickly as possible after the existing scheme ends in December 2013.

We have signalled for quite some time that the scheme is coming to an end. People have until the end of the year to apply but there is then a full year for processing, which gives a significant amount of time. In addition, as Deputy Kitt suggested, we will be bringing forward legislation next year in regard to a new scheme.

**Deputy Michael P. Kitt:** I welcome the fact legislation is to be introduced. I make the point that this information should be given as much publicity as possible and I would like to hear further details from the Minister of State on the new scheme.

The bottom line is that local authorities do not have the funding to maintain their housing stock. In the past loans were available from local authorities but they are now very difficult to access in regard to the purchase of houses. There are some good schemes through credit unions and other financial institutions whereby loans could be given, and I hope those financial institutions will provide the money for people who want to purchase their houses.

I do not believe the Minister of State answered my query on the voluntary housing sector. There are people in such houses who feel they should have the same opportunity as tenants of local authority houses to buy out their houses. I hope that will be considered.

**Deputy Jan O'Sullivan:** I agree with the Deputy that we need to give as much public information as possible. We certainly sought to do that and I put out a press statement in this regard. I hope the Deputy's raising of the issue today will give further information. I would encourage all public representatives to inform their constituents that the scheme is coming to an end. If people are interested, they should apply before the end of the year. Given that the length of time somebody has been in a local authority house is much more weighted in the old scheme than it will be in the new scheme, it is important people who have been in a house for a long time are aware the scheme is coming to an end.

With regard to the voluntary sector, at this stage I do not have any definite information but I

will certainly come back to the Deputy when we have formulated particular proposals on that. Obviously, once we start drafting the legislation, we will have a lot more definite information with regard to the new scheme.

### **Reserve Defence Force**

**Deputy Pádraig Mac Lochlainn:** I raised my concerns around the so-called value for money review of the Reserve Defence Force and its role with the Minister, Deputy Shatter, a number of weeks ago during defence questions. I appealed to him to have another look at the submission made by the Reserve Defence Force Representative Association, RDFRA, back in 2010 and the innovative proposals within that before a final decision would be made. I am outraged to learn the representatives of the Reserve Defence Force were given just hours to prepare a response to this 110 page document, although they had been assured they would have at least a week to make a response. As a result, they have not endorsed the report or the recommendations.

What is to happen? Essentially, the Government is going to halve the budget for the Reserve Defence Force and halve the numbers within it. As the Minister of State, Deputy Kehoe, knows, rural parishes throughout the State will lose their outposts, which are being centralised to a number of locations and main camps. There has been an awful lot of pride in these organisations over the years. They are the umbilical link between the Permanent Defence Force and the communities they represent. It is not just about St. Patrick's Day parades. They are involved in fund-raising and other initiatives. Most important, they help young people to establish a civic and patriotic connection with the country. It is a huge tragedy that the Minister has decided to agree to a so-called value for money report that saves €11 million.

I will outline to the Minister of State how €11 million could be saved based on Sinn Féin's budget proposals. The Government would save €11 million if it cut payments to political appointees to State boards by 25%, cut the salaries of Ministers to €100,000 per annum and cut the salaries of Deputies to €75,000. The Government has a choice. It could halve the resource of the Reserve Defence Force, take away the connection with local communities across the State, radically deplete the mostly civic and voluntary service that gives considerable value for money - despite the recommendations in the report - or it could cut the pay of political appointees, Ministers and Deputies. It is all about choices and that is what the Minister has chosen to do. That is a disgraceful way to treat the representatives of the Reserve Defence Force. They were only given hours to look over the report and it was published without giving them any chance to give feedback in response to the recommendations of the report. It was a serious mistake not to take on board their ideas in terms of the final outcome of the report. What is the response of the Minister?

**Minister of State at the Department of Defence(Deputy Paul Kehoe):** I am pleased to have the opportunity to discuss the reorganisation of the Reserve Defence Force. That is a key element of the response to the findings and recommendations of a value for money, VFM, review of the Reserve Defence Force, which was recently completed and published. The value for money review was undertaken by a steering committee with an independent chair. The steering committee comprised representatives from the Department of Defence, the Defence Forces and the Department of Public Expenditure and Reform. The steering committee concluded that the current Reserve organisation required radical reform. The review found that the

current effective strength of the Army Reserve and Naval Service Reserve at 4,500 personnel is less than half that of the 9,692 personnel for which the organisational structures were designed. The Permanent Defence Force, PDF, support framework, was designed for a Reserve of 9,692 and the retention of existing numbers of full-time PDF personnel assigned to Reserve duties was both inefficient and no longer sustainable within a PDF strength ceiling of 9,500 personnel.

In addition, there were significant issues with regard to the uptake of training in the Reserve over the period of the review. In 2011 less than half of the effective strength of 4,554 participated in seven days paid and unpaid training. The details for other years are outlined in the review. The central recommendation from the VFM steering committee is for the retention of the Reserve with 4,000 personnel spread countrywide to be based in barracks and in 16 other locations. That requires the consolidation of existing Reserve units throughout the country into a smaller number of full strength units. The retention of all locations was not a viable or sustainable option.

I accepted the steering committee's recommendations and directed that proposals for new organisational structures be prepared, taking account of the VFM report and the major reorganisation of the PDF. The Chief of Staff and Secretary General submitted an agreed report which set out detailed reorganisation proposals, including unit structures and the location of Reserve units. The Minister accepted the proposals.

A new "single force" concept will see PDF units having Reserve components, rather than a parallel Reserve as at present. Reserve units within barracks will be supported by their parent PDF unit and the 16 units outside of PDF installations will be supported by dedicated full-time PDF personnel. This concept offers significant potential advantages in terms of training and development of the Reserve. The initiative of locating Reserve officers within the Defence Forces management structure will likewise underpin the future Reserve.

These steps create a viable structure while addressing the inefficiency caused by having too many widely dispersed and under-strength units. Direct expenditure on the Reserve will reduce from €22 million in 2012 to €11 million in 2013. The cut in the number of PDF support staff accounts for the bulk of the reduction, while the money available for training activity by the Reserve is being maintained. In order to ensure sufficient paid training for a strength level of 4,000 personnel, gratuities will be withdrawn and the budget redirected to increase the overall number of paid training man-days. Modest savings will accrue over time from a reduction in Reserve property but is not the key driver of the reforms.

Deputy Mac Lochlainn will appreciate that the smaller number of full-sized units, outside of PDF installations, must cover the entire country. Among other considerations, the selection of locations for these units sought to ensure continued opportunities for people throughout the country to serve in the Reserve. These changes to the current Reserve organisation are in response to a compelling case for reform and will dovetail with the significant changes that are occurring in the PDF organisational structures. They are intended to ensure a better Reserve and enhance overarching defence capabilities. The service of all members of the Reserve is very much appreciated by Government and I hope that all personnel will continue to serve within the new organisation.

**Deputy Pádraig Mac Lochlainn:** The Minister of State stated "the service of all members of the Reserve is very much appreciated". That is not really the case because if he appreciated the service of all members of the Reserve Defence Force he would have adequately consulted

with them and given them a chance to have a real input into the so-called value for money report and he would have provided them with a chance to examine the submissions that they made in 2010 and compare them to the findings of the report. The so-called value for money report took 33 months to complete. The representatives of Reserve Defence Force members were given a 90 minute presentation literally hours before the report was published. That is no way to treat people who serve on the ground in communities.

The number of cadres in the Permanent Defence Force has been reduced dramatically and members are being reallocated to various other posts as we speak. I urge the Minister of State to examine the practical reallocation of personnel in terms of where they reside, the previous location of their base of operations and where they are asked to go. Issues in those regards must be examined.

I am a Deputy for Donegal North-East. The Inishowen Peninsula, which has a population of 40,000, has lost its base which is being centralised. I will focus on one geographic location. I could give more examples but this is the area I know best. If one limits their training capacity then young people from the north Inishowen Peninsula will not be able to participate in training opportunities during the week. That is where one gets the statistics on the number of Reserve personnel that are unable to participate.

I urge the Minister of State to re-engage with the Reserve Defence Force Representative Association and to listen to its feedback and concerns. As we speak, the Reserve Defence Force is engaged in consultation across the State in its brigades and that will feed in centrally and will come to the attention of the Minister. I have no doubt it will bring many issues to the attention of the Minister which he has not considered. A grave mistake has been made in haste after such a long process in an attempt to publish the report and go for the headline figure of halving the budget. The mistake that has been made is that disrespect has been shown to those who serve us and the organisation representing them and we must see whether we can change some of the decisions and address the concerns of members of the Reserve Defence Force. I appeal to the Minister of State to address the issue.

**Deputy Paul Kehoe:** I do not believe that disrespect was shown to the members of the Reserve Defence Force. They are very much aware of the value for money review that was being carried out, as the Deputy stated, for some time. They patiently awaited the publication of the review. This was brought to Cabinet last Tuesday and was passed. The Minister for Defence, Deputy Shatter, brought the memo forward and Reserve personnel and their representatives were consulted after the decision of Cabinet. One does not put the cart before the horse. The memo was first passed at Cabinet and the Reserve members were then briefed on the outcome of the value for money review.

The Deputy is not giving a chance to either that review or the report on how the new Reserve will proceed. The Reserve will now be stronger than it was. I understand people do not like change but unfortunately we do not have the same budget we had in previous years to maintain the service and the cadre we have. I assure the Deputy that every member who is being moved will be accommodated in every way possible to the best of the Defence Force's capabilities. I know people do not like being moved and I sympathise with them but unfortunately we are not in the same position we were some years ago.

The Deputy stated the issue was about choices. Every decision made in this House is about choices, as we all know. What I cannot understand is that the Deputy can come down here and

criticise every cutback while his party is in government in the North, carrying out the very same cutbacks in the same areas.

**Deputy Pádraig Mac Lochlainn:** It is very different.

**Deputy Paul Kehoe:** That is happening. The Deputy can snigger but it is unbelievable that he can come down here and be a totally different representative from his colleagues in the North who have to take some tough decisions.

**Deputy Pádraig Mac Lochlainn:** With all due respect, that is nonsense. It is a Tory Government which is responsible.

**Deputy Paul Kehoe:** I outlined the savings made. I assure the Deputy that the Government very much appreciates the work of the Reserve and will continue to do so. We will accommodate all members of the cadre who have to change location and I have no doubt the Defence Forces will do so, to the best of their abilities.

**Acting Chairman (Deputy Joe O'Reilly):** Again, I offer apologies to Deputy MacLochlainn, whom we almost overlooked. Deputies Michael Creed, John Paul Phelan and Finian McGrath have two minutes each.

### Commission of Inquiry

**Deputy Michael Creed:** I thank the Ceann Comhairle's office. I thank the Minister of State for being present to reply to the debate but am disappointed that the Minister for Justice and Equality, Deputy Shatter, did not see fit to attend this particular debate, given its significance.

On 8 July 1985, Fr. Niall Molloy was murdered. To date nobody has been brought to justice for that murder. There is a view, which I believe is sustained by the facts, that the cover up of that murder was aided and abetted by an *omertà*-style collusion between the most powerful forces in the State - the senior political establishment, the Judiciary, the Catholic Church, senior medical personnel and the Garda. For that reason alone, it is imperative that the Minister accedes to the request being made by me and Deputies Phelan and McGrath that an independent commission of inquiry be established. The Minister may well reply that the case is the subject of an ongoing investigation by the Garda cold case unit. The family has communicated with the Garda Commissioner to indicate its members no longer have confidence in that inquiry. The level of mismanagement of this case by gardaí sustains their case and it is imperative that the Minister should now act on the issue.

There is an enormous amount of information in the public arena at this stage about mysterious fires in coroners' offices, files being stolen from the Garda and deals done to retrieve those files, but we have no answers. Gardaí investigating gardaí - which in effect is what the cold case unit is doing - is not an appropriate way to proceed. It is very difficult in two minutes to do justice to the degree of mismanagement and the miscarriage of justice inherent in this case, but I urge the Minister to act. He is familiar with the facts; I have written to him on the issue. I urge him to accede to the family's request for an independent commission of inquiry.

**Deputy John Paul Phelan:** I thank the Ceann Comhairle's office for choosing this motion for the Topical Issues debate. I reiterate what Deputy Creed stated. I have examined this case for a number of years, ever since it came back into the public domain. Our system of criminal

justice is based on fundamental principles of fair procedures but such procedures are a two-way street. There must be fair principles for both those accused and those who are the victims of crime. In this case, the family of Fr. Molloy have been seeking justice for almost 28 years.

Fr. Molloy was murdered in July 1985. A series of events occurred, both on that day and in the time since, which are really extraordinary. I am not one who is taken by conspiracy theories but all evidence as presented seems to suggest clearly that more than merely freak events are in question. There was some level of collusion and cover up by very powerful influences in our society. There was the failure of gardaí on the day in question to retain vital evidence, failure to identify blood and fingerprints at the scene, and inconsistencies identified in the statements given by people to gardaí after the event. There was the declaration afterwards that the judge in the trial had been very familiar with the suspect in the case. Garda files were stolen from the office of the Director of Public Prosecutions, a fire in the coroner's office destroyed files and there was a burglary at Fr. Molloy's house two weeks before he was murdered. There were attempts by the accused to cash in an insurance policy on Fr. Molloy's life. There was the alleged involvement of very serious figures associated with crime in this country in the past 30 years. All these factors present an unanswerable case for the establishment of a commission of inquiry into this event soon as possible, in order that justice for Fr. Molloy and his family may be finally achieved.

**Deputy Finian McGrath:** I thank the Acting Chairman and the Ceann Comhairle for the opportunity to raise the serious and urgent matter of the murder of Fr. Niall Molloy in 1985, along with the serious allegations of a cover up about which many people have serious concerns.

I have particular respect for the great and brave work done by Gemma O'Doherty, a journalist with the *Irish Independent*, William Maher, nephew of Fr. Niall, and the entire family, who want the truth and justice for their relative. We need to get to the truth of this matter. The citizens of this State deserve the facts. They also deserve high standards of professionalism and objectivity from the Garda, the courts, the State and their politicians. That is what this debate is about. My main concerns are based on the evidence. For more than 27 years disquieting allegations have surrounded the murder, the initial Garda investigation and the subsequent trial.

My concerns are these. Fr. Niall Molloy who died in Clara, County Offaly, on 8 July 1985, died as a result of a series of fatal blows to the head. The original investigation team committed errors of negligence and incompetence. There was a failure to retain vital evidence found at the murder scene. There was a broken watch which would have determined the time of the killing. There was a failure to identify blood and fingerprints at the scene, and a failure to interview important witnesses. There were glaring inconsistencies in the Garda statements at the inquest. The judge knew the accused. The Garda file was stolen from the DPP's office by the well-known criminal, the "General", Martin Cahill, in 1987. Why was Fr. Niall Molloy left to die over five hours?

These are just a few of my concerns. These serious questions must be answered and any cover up exposed to ensure that the citizens of this State have trust in our justice system. I urge the Minister to commence a commission of investigation because these are serious allegations. We need answers on behalf of the citizens of this State and for the family of Fr. Niall Molloy.

*6 o'clock*

**Deputy Paul Kehoe:** I thank the Deputies for raising this matter. I am speaking on behalf of the Minister for Justice and Equality who is unable to be present as a result of business in which he is involved elsewhere in the Houses.

The Minister is fully aware of the concerns that have been expressed concerning the death of Fr. Niall Molloy and he sympathises greatly with the Molloy family. I am sure Deputies will join me in expressing sympathy to other families whose loved ones were also killed and where the perpetrators have not been brought to justice. The Minister has previously set out for this House the background to the Fr. Molloy case and the most recent developments with regard to the Garda examination of the issues raised by Fr. Molloy's family and others, particularly Ms Gemma O'Doherty who writes for the *Irish Independent*.

On foot of the concerns raised, the Garda Commissioner arranged for a detective superintendent to meet Ms O'Doherty, as well as members of the Molloy family. The purpose of this was to facilitate an assessment of whether there is any evidence which was not available to the original investigation team and if further investigation is required in this case. Shortly after his appointment, the Minister inquired into the steps being taken by An Garda Síochána and was advised of the position. He has at all times emphasised the importance of all relevant matters being thoroughly examined and investigated. The position is that this examination remains ongoing. The Garda authorities have indicated that during the course of the examination additional information has been provided to the investigating officers and that this identifies further lines of inquiry which have had to be followed up. The Garda Commissioner has assured the Minister that each and every one of these lines of inquiry is being or will be pursued. The Minister also understands that the officers carrying out the examination are continuing to keep Fr. Molloy's family members updated on progress.

The Minister is well aware of the many issues of concern which have been raised in the public domain in respect of the circumstances surrounding Fr. Molloy's death and the context in which some form of inquiry has been considered desirable. However, what needs to be considered, first and foremost, at present is that the matters at the heart of the Garda examination relate to potential criminal liability and, in that context, possible charges. The best form of justice for the Fr. Molloy's family would be for anyone who has any criminal liability in respect of his tragic death to be brought to account through facing charges. In the Minister's view, it would be deeply inappropriate to do anything which could prejudice the possibility of that happening. It is also of crucial importance that the Garda receive the fullest co-operation from any individual who can provide any information of relevance to the inquiries being conducted.

In any case where criminal behaviour is suspected, it is only through a Garda investigation, and where evidence of criminal wrongdoing is available - through the submission of a file by the Garda to the Director of Public Prosecutions - that persons can be brought fully to account before the courts. A commission or judicial investigation or journalistic inquiries cannot do this nor can any other type of review, no matter how thorough or independent. Whatever questions there may be about the original investigation, people should not prejudge the outcome of the current Garda examination. In the Minister's opinion, that examination must be allowed to proceed unhindered and he has been assured by the Garda Commissioner that all relevant evidence, wherever it may lead, will be fully pursued. The House will appreciate that, ultimately, a criminal prosecution has to be based on hard evidence, not rumour, speculation or conjecture. The Garda examination has not been completed and, accordingly, any media or other reports of its findings are, of their nature, speculative.

In making these points, I wish to make clear that the Minister's commitment to reviewing the situation when he receives a final report from the Garda Commissioner remains firmly in place. Against that background, I hope the House can accept that we all share the desire to see justice done to the greatest extent possible in this case. The Minister has tried to set out why, in the first instance, the best chance to achieve this lies with allowing the current Garda examination to proceed.

**Deputy Michael Creed:** I thank the Minister of State for the reply he provided on behalf of the Minister, Deputy Shatter. I am, however, disappointed with the content of that reply. An element of the ongoing investigation is based on a principle that has been long discredited, namely, gardaí investigating gardaí. I accept that there is a broader remit and that gardaí are also investigating - if they are not doing so, they should be - members of the Judiciary, senior members of the political establishment, members of the medical profession and representatives of the church. All of those to whom I refer had a hand in this tragedy and the denial of justice relating to it. I would like the Minister for Justice and Equality to provide an indication as to how long he is prepared to wait for the cold case unit to conclude its inquiry into this matter.

I wish to ask a specific question in respect of the files which were stolen from the Office of the Director of Public Prosecutions, DPP, and which were subsequently retrieved by the Garda. What knowledge does the Minister for Justice and Equality have of the deal done between the State and John Traynor in the context of charges being dropped? Were the Garda detectives who visited Traynor in prison in the UK investigated by the cold case unit? These are specific questions which are of interest to anybody who has an interest in justice and truth, not just in this case but also in the context of the wider institutions of the State. Will the Minister for Justice and Equality refer the dimension of this investigation which relates to gardaí investigating gardaí to the Garda Ombudsman Commission, which can make a report to the DPP in respect of such matters?

**Deputy John Paul Phelan:** I agree with the Minister of State's reply in so far as the best result for Fr. Molloy's family would be to see his killer or killers convicted of the offence committed in July 1985. However, I fully agree with Deputy Creed that the delay in this case is just extraordinary. There is an old saying that "justice delayed is justice denied". Justice has been delayed to an extraordinary extent in this case. Legitimate concerns have been raised by the Molloy family with regard to the initial investigation and the subsequent trial. They are exasperated that two years after the serious crime review unit - or cold case unit - was asked to investigate this matter, there does not appear to have been much, if any, progress made. I completely agree with the Minister of State that the most positive outcome would be the conviction of those responsible. However, this inquiry cannot be allowed to go on into the future without a result being obtained. The least Fr. Molloy's family deserve is to be given some reassurance and an indication of how long the investigation is expected to continue and a timeframe as to when a report will be prepared for the Director of Public Prosecutions.

**Deputy Finian McGrath:** I strongly agree with my colleagues, Deputies Creed and John Paul Phelan. I am furious with regard to the reaction of the Minister for Justice and Equality. This is a major case which has implications for many important individuals within the establishment in this State. People need to wake up to the reality of the allegations that have been made in respect of this matter. I may have missed it but did the Minister of State indicate that gardaí met Ms Gemma O'Doherty regarding this case? If not, are they going to meet her? I have heard some of the tapes relating to some of the people connected with this case. The words that come to mind in respect of those individuals are "credible" and "genuine".

Some gardaí have major concerns with regard to what happened in this case. The Minister of State referred to hard evidence and rumour. Deputies Creed, John Paul Phelan and I do not operate on the basis of rumour; we seek hard evidence. In that context, we were impressed by the evidence with which we were presented. There is a need for a commission of investigation because major establishment figures are connected with this case. There is a whiff of a major cover-up in respect of this matter.

**Deputy Paul Kehoe:** On foot of concerns raised, the Garda Commissioner arranged for a detective superintendent to meet with Ms O'Doherty and family members. Following his appointment as Minister for Justice and Equality, the Minister inquired into the actions being taken by the Garda Síochána in this matter and he was advised of the position. The Minister took a personal interest in this case. I do not have the answers to some of the specific questions asked by Deputy Creed and Deputy John Paul Phelan as to the length of time allowed for this investigation. I will relay the concerns expressed by the Deputies to the Minister.

Deputy Phelan stressed that fair procedure is the foundation of any justice system and I agree with him. The Deputies are concerned that issues were not dealt with appropriately. I will convey their concerns to the Minister. The three Deputies referred to inconsistencies and allegations of a cover-up in the investigation of the case. I assure the Deputies that all the concerns raised by them will be brought to the attention of the Minister. The Minister has asked me to emphasise that he is very conscious of the distress of the relatives of Fr. Molloy. However, the position remains that the outcome of the Garda examination must be awaited before the matter is considered further.

The Minister and the Garda authorities are aware of the need to deal with this matter as expeditiously and fully as possible. They will update the family on the progress. If the Garda Síochána discovers any evidence which could lead to a criminal prosecution, a file will be submitted to the Director of Public Prosecutions. Upon receipt of the final report from the Commissioner, the Minister will be in a position to properly consider the matter further.

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

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

**Deputy Stephen S. Donnelly:** I wish to share my time with Deputies Joan Collins and Seamus Healy.

**Acting Chairman (Deputy Tom Hayes):** Is that agreed? Agreed.

**Deputy Stephen S. Donnelly:** Last week I suggested that an opportunity had been missed. This Bill proposes the reduction by eight of the number of Members. I do not see the point of this proposal. A reduction in the number of Members by eight will not save a significant sum. The offices and staff provided to Members cost the Exchequer just shy of €300,000 a year. Contrary to much of the rhetoric, Independent Members are the least expensive at just over €240,000. Ironically, Fianna Fáil Deputies are the most expensive at in excess of €370,000 - about €130,000 more per Deputy than the Independent Members. The reduction by eight will not save the Exchequer a significant amount of money; it will be a saving of less than €2.5 million; neither will it make the Dáil more effective, which is badly needed. One could remove 20 Deputies from the House tonight and no one would spot any difference tomorrow morning.

This Bill could have been a radical initiative. We are supposed to have a parliamentary democracy but it does not exist in any meaningful sense. Political scientists agree that we have the most centralised Cabinet control of any democracy in the western world. This is a damning finding. Dáil Éireann is constitutionally tasked with holding the Cabinet to account. The Minister was formerly in opposition and he is now a member of the Cabinet. He knows that the party leadership controls its party and controls the voting. Therefore, the Cabinet controls Parliament, something it is not meant to do.

This control is seen to act every day in this Chamber. At Leaders' Questions the Taoiseach regularly avoids giving direct answers to questions posed by the Opposition. This is sometimes legitimate and sometimes not. Ministers are no better much of the time when dealing with questions. Members of the Cabinet use obfuscation on many occasions - although I do not include the Minister, Deputy Hogan, who is present. Private Members' business is one of the only opportunities for Members on this side to table legislation and meaningful motions. However, we can only vote on the Government counter-motion. The Topical Issue debate was initially welcomed. A few months ago the State paid €2.25 billion euro to unguaranteed bondholders in AIB yet I was unable to raise this matter on the agenda of the House that week. I imagine I was not the only Member trying to raise the matter in the House. If I remember correctly, we had a Topical Issue debate about sheep-worrying up a mountain somewhere.

Second Stage debates on legislation are much like this one where people like me make speeches to empty rooms like this one. No Opposition amendments are allowed on Report and Final Stages because the legislation is about to be passed; the Opposition amendments have not been cleared by the Office of the Attorney General; and the Dáil does not have access to similar legal expertise.

Voting is arguably the most important part of a Deputy's work in that it is an expression of parliamentary democracy. Government backbenchers and, indeed, Opposition party backbenchers, have no choice about how they vote. The X case is on the agenda for very tragic reasons. Proposed legislation will be debated tomorrow and I imagine every Government Deputy will vote against it, even though many of them probably agree with it. The Taoiseach said he would not allow a free vote on this, the most sensitive and personal of issues. He said that Fine Gael does not work that way and that he would not allow Fine Gael Deputies to vote according to their conscience on this most sensitive of issues. However, he said that he wants everyone to have his or her say. That is a farce and a parody of parliamentary democracy.

This does not happen in other countries. I refer to a recent report in *The Economist* which stated that this year in the House of Commons, Government MPs voted against the UK Government in 40% of votes. This is also a common occurrence in the United States Congress.

It is said that the real legislative work takes place in committee. I acknowledge I have seen bouts of co-operation break out at meetings of the finance committee and the justice committee. However, this is not normal and the committees are not independent. They do not hold the relevant Minister to account in any meaningful way. I question the point of Dáil Éireann and its 166 Members. Last week I asked the Minister, Deputy Howlin, if the Government would consider a referendum to remove the clause that only a Minister is permitted to table an amendment to any legislation that incurs a charge on the Exchequer. This is a preposterous rule. Imagine a multinational corporation instructing its senior management team to find a way out of financial trouble but that no one is allowed to suggest any solution that costs money. The Minister, Deputy Howlin, replied, in essence, that the Government would never allow Members to make

suggestions that cost money because this would result in a collapse of the system in a flurry of populism and nonsense. If the Government is not willing to accept that Members of this House could potentially act responsibly, then why have a Dáil?

Article 28.4.10 of the Constitution states: “The Government shall be responsible to Dáil Éireann.” Article 28.4.40 states: “The Government shall prepare Estimates of the Receipts and Estimates of the Expenditure of the State for each financial year, and shall present them to Dáil Éireann for consideration.”

Members of Dáil Éireann do not consider the budget. In 2006, a report gave zero out of ten for time given to the Parliament to consider Estimates and zero out of ten for data provided to the Parliament to allow it to interrogate Government proposals. This year sees a crazy situation. The so-called economic management council is even keeping members of the Cabinet in the dark. There is no consideration of the budget by Dáil Éireann, which the Constitution decrees is meant to happen. What is the point, therefore, in spending so much money, €50 million, on all of us if we do not get to do what we are elected to do and that which, to be fair, we all came here to do? The truth is that after the Chamber elects a Taoiseach and he or she appoints a Cabinet, that is pretty much it; the Cabinet runs the show for the next few years with the Departments. For the rest of us, there is a very limited meaningful role to play. While Members put in their time and try to become Ministers of State and, ultimately, Ministers, there is no meaningful legislative role for most of them to play, despite how good or smart they are or how much they want to serve their country. It does not matter how hard one works. Therefore, what is the point in reducing the number of Members of the Dáil from 166 to 158? I accept that the Minister is constitutionally constrained, but, bearing in mind the wider picture, the reduction is window-dressing.

Ireland has one Deputy for every 27,640 people. In the United Kingdom there is one Member of Parliament for every 96,000 people, while in Germany there is one for every 131,000. Why do we have four times as many Members as the United Kingdom and five times as many as Germany?

I appreciate that my proposal would require a referendum and that it is beyond the scope of the Bill. I propose radically reducing the number of Members, perhaps to 100. Perhaps we should halve the number, to 83. This would allow for a meaningful legislative role for every Member to play. It would force us all to think very carefully about who we send here. A referendum would be required. Every Member receives considerable criticism from the public for a wide variety of reasons, some justified and some not. Let us ask the people whether they would prefer to have 100 Deputies or half the current number? There are arguments on both sides. I suggest a radical reduction to 100 or lower.

The people pay a lot of money for 166 Members of the Dáil. Despite the considerable criticism, every single Member does his or her best to represent his or her constituents, but we must ask how many legislators are actually required in a country the size of Ireland. A total of 166 are not required. A reduction of eight is not enough; the turkeys need to vote for Christmas. It is time that this House examined in a very serious way how it is run. We should ask the population the type of Dáil it wants to have.

**Deputy Seamus Healy:** I welcome the opportunity to speak on the Bill. It is often said constituents in Ireland are over-represented and that the country is, therefore, out of line with other countries. If, however, one examines reports by political scientists, one will realise we are

fully in line with international norms.

While I agree with much of what Deputy Stephen Donnelly has said on how business is done in the House, I disagree fundamentally with the suggestion there should be a significant reduction in the number of Members. A significant reduction would mean a lack of democracy and a very elitist and exclusive Chamber. The Chamber would be almost like a vocationally representative Chamber such as the Seanad. It certainly would not allow for proper representation or the very strong contact Members have with their constituents and the public. The link between individual Deputies and their constituents is a very significant strength. It is anything but a weakness and ensures Members do not become out of touch with their constituents or constituencies. It is a considerable strength of the proportional representation and single transferable vote system. I fundamentally agree with and support our electoral process.

The Bill arises from the census findings in 2011. Let me outline the input of Independent Deputies Catherine Murphy and Finian McGrath whose involvement in the case *Murphy and McGrath v. the Minister for the Environment, Heritage and Local Government* ensured constituency reviews would take place very quickly and linked with the publication of preliminary census figures and the constituency review report arising therefrom. The report must be submitted to the Minister within a three month period. The process has been strengthened and this has ensured timely implementation of the Constituency Commission's recommendations.

Since 1980 there have been 166 Deputies elected. In the intervening period the population has increased significantly, from approximately 3.3 million to 4.5 million. The Joint Committee on the Constitution, in its review, did not recommend a change to the number of Deputies elected. It indicated that serious difficulties would arise from a reduction in the number of Members of the Dáil. It stated a reduction in the number would affect the proportionality and representative nature of Dáil Éireann. I agree.

Political scientists internationally have examined this matter. In general, Legislatures in small European countries have more Members of Parliament per head of population than in larger countries. Nine countries - Bulgaria, Denmark, Finland, Hungary, Latvia, Lithuania, Slovakia, Slovenia and Sweden - have Members who represent between 15,000 and 35,000 people. There are four countries - Cyprus, Estonia, Luxembourg and Malta - in which Members represent fewer than 13,000. If one makes a calculation using the cube route of population size, as political scientists do, one realises that people in Ireland are neither under-represented nor over-represented; one actually arrives at a figure of 166 Members.

The average number of seats per constituency, or what political scientists call the average district magnitude, should be as high as possible. There has been an average of four since 1980, but it should be higher.

In other words, the number of seats per constituency needs to be higher to ensure proportional representation in this House. Political scientists have found that larger constituencies give better proportional election results. I believe, as do many political scientists, that five, six or even seven seats per constituency would give a much more proportional result. PR-STV has been hugely advantageous in limiting the effect of a low number of seats per constituency. A higher number of seats results in greater proportionality, greater representation of smaller parties and Independents and better representation across the political divide.

I refer to the terms of reference of the Constituency Commission, apart from the one which

states “not less than 153 and not more than 160 seats” for Dáil Éireann. They include:

“The breaching of county boundaries shall be avoided as far as practicable. ... Each constituency shall be composed of contiguous areas. ... There should be regard to geographic considerations, including significant physical features.”

The commission’s report breaches a number of these terms of reference. County boundaries have been breached in a number of constituencies, particularly in Tipperary. Both the county boundary and physical infrastructure terms of reference have been breached. In the south of the county, part of Waterford county that skirts the Comeragh Mountains, which has traditionally been in Tipperary South because it is contiguous with south Tipperary and is dependent on Clonmel as its main centre of employment, social activity, health services and education, has been transferred. That area should not have been removed from Tipperary South. There was a more significant breach in Tipperary North, with 11,000 people being transferred to Offaly. This area is contiguous with two of the main towns in the county, Nenagh and Roscrea. People living 500 yards outside both towns are now in the Offaly constituency. However, all of these people look on both towns as their centres for education, health services, employment and social activity. It is clear that the commission, in respect of both Tipperary constituencies and a number of other constituencies, has breached its own terms of reference. Will the Minister seriously examine the position in Tipperary and revert to two three-seater constituencies?

**Deputy Joan Collins:** I agree with Deputy Healy that PR is probably one of the most progressive electoral systems in the world; it is much better than the first-past-the-post model used in other countries. I would argue strongly that it be maintained. The issue is what Members do when they are elected. We are seriously lacking in two areas in trying to change the way we work. The first is the use of the Whips, which Deputy Donnelly addressed, and the second is accountability. There is no accountability to the electorate over the five-year electoral cycle and that is a significant issue for ordinary people. They feel they elect Members on a particular programme or agenda but when they get into government, that all changes. Citizens do not have the ability to recall party representatives, and this must be addressed. In America, where the first-past-the-post system is used, accountability is easier with the use of petitions through which, once a threshold of constituents is reached, a politician can be recalled. This is crucial to our form of parliamentary democracy, which is not something I support. I favour more power for local government.

Deputy Donnelly referred to the tabling of amendments and Ministers having the sole right to bring in legislation that has the potential to impose a cost on the State. I tabled an amendment to the personal insolvency legislation which provided for the introduction of the Norwegian model, which was a progressive way of dealing with insolvency. It was ruled out of order without debate. What are we here for if we cannot propose and debate alternatives? The amendment was struck off the agenda and we were not allowed to speak on it. That is a failure in our parliamentary system.

Deputy Healy mentioned the boundary issue. The boundaries were changed prior to the 2009 local elections. Previously, the Ballyfermot ward comprised Bluebell, Inchicore, Chapelizod and Ballyfermot, while the Crumlin-Kimmage ward comprised Drimnagh, Walkinstown, Crumlin, Kimmage and Terenure up to Harold’s Cross, and the south west inner city ward comprised Kilmainham, Christchurch and one side of Clanbrassil Street, including the Tenters. These were natural boundaries, but they were changed and 4,000 out of 5,000 households in Drimnagh were unilaterally cut off and transferred to the Bluebell area. The natural boundary

for this part of Drimnagh was cut off and people were given a new area office to deal with. The same happened in my area with the boundary for Dublin Bay South and Dublin South Central. An unnatural line has been imposed on Parnell Road, meaning the area along one side of Clogher Road into Rutland Avenue and up Sundrive Road has been taken out and put into Dublin Bay South. It is an unnatural alliance for the community. I have been asked by the people in the area to strenuously point out in the House that these changes should not happen and natural boundaries should be looked at first. These issues should be addressed, and it is a little late to debate them after the fact. The deal is done. We cannot make any amendments to this legislation, only speak to it which is another serious flaw of this Parliament.

**Acting Chairman (Deputy Tom Hayes):** I call on Deputy Olivia Mitchell who I understand is sharing time with Deputy English.

**Deputy Olivia Mitchell:** I welcome the opportunity to speak on this short Bill. Often it is the shortest Bills that carry the biggest punch. This certainly carries a punch for politicians, although I suspect the public is less than interested in what we are saying on this or indeed in the constituency changes. I welcome the Bill as far as it goes but I do not believe it goes far enough. I welcome the fact it has been introduced in line with commitments in the programme for Government and election promises. It follows up on other Dáil reforms which have taken place such as the reduction in the pay and pensions of Members, the removal of increments, the reduction of expenses and the longer working hours as well as shorter holidays. These appropriate reforms were needed and no one would think otherwise as we cannot ask of others what we will not do ourselves. I refer to them because they seem to have been written out of history entirely. As a result, they are not reported by the media and, for that reason, are not acknowledged by the public which seems to think none of these reforms has taken place.

The reduction in the number of Deputies is not large but it is significant. A referendum would have been needed to go below a total of 153. In a broad reform that may have been desirable. However, when people claim we are over-represented here, they are comparing us with much larger countries such as Great Britain, the United States and Germany where, of necessity, the level of representation per head of population has to be less because of the sheer numbers involved. In a small country, a minimum number of Deputies is needed in order to be able to choose a government and reflect the diversity that exists in society, even if it is in a small country.

This new dispensation will apply from the next general election and must apply before 10 March 2016. Even if we are all alive in 2016, we know for the first time not all of us can be elected. We have never gone into an election before where this was the case. Again, I suppose this is only of interest to politicians, however.

Of more interest to me is the question of the number of constituencies recommended. A reduction has been proposed in this legislation but it is so miniscule I do not know why it is there. Maybe it is to facilitate the reduction in Deputies. If we want real political reform, we should be looking at a more radical approach. I realise the Minister is constrained by legislation and a referendum would be needed to go further in reducing the number of Members. However, as we are planning a referendum on the Seanad, why should we have this piecemeal reform? We need to examine fundamental changes in how we implement and administer our democracy. With all that has happened to us, no one believes the multi-seat constituency with all its wasteful competition, its pandering to local and special interests, its clientelism with its need to put short-term interests before long-term considerations has not served us well. Just because the

problems have changed, does not mean the system will serve us any better. Real radical reform rather than deciding whether young people should have the vote at 17 should be decided at the constitutional convention.

We should be examining a single-seat model with or without a list system. An electoral system is needed that has a better chance of producing Deputies that can put the broad public national interest before local interest. No matter how loud local or individual groups shout, no matter how worthy their causes may be for local politics, they should not be dictating national politics. Society, as well as the economy and political landscape, have changed. It is increasingly recognised in all areas of life that the old ways are not working and it is time to change to them. It is also time to grasp the nettle of electoral change. While it may be outside the scope of the Bill, with a constitutional convention and a referendum planned on the Seanad, we should be seeking a wider debate on a complete overhaul of the electoral system.

After the next general election, apart from having fewer Deputies and constituencies, we will also have gender quotas for candidates. Smaller numbers will make it more difficult for parties in their individual constituencies to comply with this aspect of the legislation. I have said before that I do not like gender quotas as I believe they demean women. Women levered into the Dáil by virtue of a quota system and, perhaps, supplanting better candidates or individuals who get more votes in selection processes will never command the kind of respect they would get if they were elected on their merits, no matter how deserving they may be, and women tend to be more deserving in general.

Countries which have successfully introduced gender quotas also have list systems. Our approach is shoe-horning gender balance into small constituencies. In my constituency, Dublin South, Fine Gael has three seats out of five. If these were all men, one of the Deputies would have to stand down because otherwise we would have to run five candidates to achieve the quota which would fracture the vote. In Mayo, Fine Gael has four seats. As it is becoming a four-seater, I anticipate with interest how the party will achieve the 30% gender quota unless somebody is driven out of the constituency, which is probably what is planned. In the next election we are going to see many Independent candidates running, candidates from the large political parties who failed to be selected in the normal way through party conventions. The smaller parties will also be badly hit because they will find it extremely difficult to comply with the legislation as many of them will have to run two candidates, split their vote and lessen their chances of getting either elected. Difficulties will arise with gender quotas in multi-seat constituencies, many only with three seats. An unintended consequence of these gender quotas might be that it will produce a much fractured Dáil which is not their intention. While I recognise moving to a single-seat constituency or a list system cannot be effected by legislation, will the Minister examine it in the longer term in the context of the constitutional convention?

I want to make a final plea for the name of Dublin South. As well as butchering my constituency's boundaries, the name is also to be changed. Rarely does a Dublin constituency's name have any resonance with its citizens. Rarely does it give its citizens a sense of place or belonging. The name of Dublin South, however, actually does mean something to people. Outside of Dublin, citizens can easily identify with their county as a constituency but this does not happen in Dublin. People know what one is talking about when one refers to the constituency of Waterford. In the rare case when we actually get a sense of identity from the name of an urban constituency, it is a shame to let it go. The new name chosen, Dublin-Rathdown, is utterly meaningless. It does not even identify the location of the constituency. At least the other name-changed constituency, Dublin Bay South, identifies where it is even if it does sound like a tele-

vision soap opera. Maybe in 20 years time Dublin-Rathdown will mean something to people but now no one in Dublin South wants to lose the name. I know that since the commission was established 20 years or so ago, we have always accepted its recommendations. While I accept the arrangement of the constituencies, I do not think there is any real necessity to slavishly follow the commission's selection of a name. I am unsure whether much thought went into it but certainly it is not resonating with the people of Dublin South. They simply do not like it and it is something they are reluctant to relinquish. I am reluctant to table an amendment to this effect but perhaps the Minister could indicate in his reply if he would consider an amendment in his name. I know the people of Dublin South, for as long as we have the name, would welcome it.

**Deputy Damien English:** I welcome the opportunity to speak on this important Electoral (Amendment) (Dáil Constituencies) Bill 2012. I wish to reflect on this reforming legislation, which, like the Health (Amendment) Bill discussed last week, represents another indication of fulfilment of a pre-election promise by the coalition Government, one for which the Minister for the Environment, Community and Local Government, Deputy Hogan, deserves credit and support.

It is a pity Deputy Donnelly has left the Chamber because I wanted to point out something to him. I listened to his speech earlier on Dáil reform. When I first came to the House I spoke a good deal about Dáil reform as something that was badly needed. In a way it is nice that we are getting a chance to discuss Dáil reform now and that is what some of these Bills are about. Local government reform is being planned and an associated document has been produced. Major changes are planned and a timescale has been set out. Some consultation is still required but major change is under way and this represents reform of local politics. Public sector reform is taking place as is reform of the committee system. The way we do business in the House is being reformed and this is why I wanted to raise the matter with Deputy Stephen Donnelly. I have been embarrassed on many occasions while sitting here during the time of previous Governments when the Order of Business would take between two and three hours while we were acting like children, shouting and roaring and voting up to ten times simply on the Order of Business or the Dáil schedule for the day. It was lunacy. I do not blame anyone for it but the system was ridiculous and needed to be reformed. I accept that some people may believe that the Order Business is somewhat short now and they do not get a chance to intervene, but at least it has some more order to it than before. We can get on with the real business of the day. The Order of Business now takes half an hour and it is not embarrassing to sit here because generally we deal with our business in a more efficient and proper way before we move on to the rest of the business of the day. This represents proper reform.

There are Friday sittings now and this change gives any Member a chance to bring forward his or her own Bill. One need not use the time on a Tuesday or Wednesday evening but at one time that was the only opportunity one had to bring forward one's own Bill and have it debated. Now that has changed and there is a full Friday sitting of three hours to introduce a Bill. Not everyone turns up on that day and often the Chamber is not full but at least the opportunity is there to present one's own Bill and one's own thoughts, whether one is an Independent, a member of Sinn Féin, Fianna Fáil, Fine Gael or the Labour Party. The opportunity is there but it was not always there in the past.

We have established the Fiscal Advisory Council, a major reform. I accept it was part of the last IMF deal but it was also something Fine Gael and the Labour Party had called for well in advance of the last election and well in advance of the direction to create it. I strongly believe that if the Fiscal Advisory Council had been in place we might not be in the budgetary position

we are in now. Everyone in the country refers to the banking crisis and the bailout and many suggest that this is what caused all our problems but it has not caused all our problems. I have said it before and I will say it again - if we never had a banking crisis we would still have a crisis in this country in respect of the budget and the deficit because the short-term money made from housing and construction during the boom was invested in long-term decisions, but that money was not guaranteed in a long-term sense. I have no doubt that an independent advisory council would have helped us to prevent that from happening. This is the reason we have a deficit of €15 billion or €16 billion this year, which must be addressed in the next three or four budgets. It is not simply because of the banking crisis. People should understand this a little more. It is hard to accept all the cuts and changes in our budgets and services and the extra taxes if we do not fully tease this out. That was the big mistake of the last Government.

Let us check the figures of every Department from 2001 to 2008. Expenditure ballooned completely and utterly out of control and this is the reason we have had tough budgets in recent years and why it will continue in the years ahead. It is not only because of the banking crisis. Dáil reform could have helped to prevent this and thankfully we are getting such reform now with some of these changes.

The Minister is bringing forward other reform relating to the funding of politics. This is badly needed to help repair the damage that has been done to our reputation as politicians. Politics needs these changes. The introduction of gender quotas is another positive development. I realise there are many in the House who are unsure whether we need them or whether they will work, but they are needed as a temporary measure. We may not need them in ten or 20 years time but they could be reviewed at any stage. Anyway, they are needed to try to correct a wrong that exists now. There is an imbalance here and there is no harm in bringing in quotas to try to address this in the short term and to get a fix on it.

There has been a good deal of reform. I accept that more reform is needed with regard to the way the House does its business. I was part of the Opposition for almost ten years and some days I was pulling my hair out because of the way the House worked. The Government has a fair say in how Parliament works but eventually we might get to a situation where the Parliament has more powers. That is probably something we all aspire to. I agree with the comment on tabling amendments. It is embarrassing for Ministers. There is a serving and a former Minister in the House at the moment. It is embarrassing when one cannot even debate an amendment because it might result in a charge on the State. That is crazy. We should all put our heads together and sort that out. It does not suit anyone. A Minister need not accept a given amendment after the discussion but at least we should be able to discuss it. This happens on Committee Stage but it does not suit anyone and it is something that several people have raised. This too could be addressed as part of the reform. Each step of reform is a step in the right direction and I congratulate the Minister on this Bill, among other things.

The need for the political system to reform and renew itself for the challenges and opportunities of 21st century society has been evident to many for some time but sadly not acted upon. The great global recession of recent years has produced a challenge to the broad political class here and abroad, among many other players, with regard to their role in what happened and their ability to act quickly and decisively to stem the crisis.

Despite the failures and challenges of recent years we should remember that politics is important and it can and does work. We cannot risk a further erosion in the standing of politics and political participation, whether from the perspective of local or national elected representatives,

political volunteers or party activists, canvassers or voters. To query the need or role of politics is to query the existence of democracy and the personal freedom it brings, a freedom that many billions in the world do not enjoy today and would gladly die for in order to bring about a better future for their children or grandchildren.

I accept that democracy can be costly and time consuming and that it can lead to slower decisions, but there is no better way. Democracy is fair and right. It may not be the quickest system of governance but it is fair and right. Good politics practised by well-intentioned politicians has brought many enduring achievements in the country which will last long after newspapers gather dust and Internet discussion boards go out of date. Among these, peace in the North and increased contact between both parties on this island and between Britain and Ireland stands out. Many former taoisigh and Ministers from many parties are to thank for nurturing that process over 30 years. The common sense of John A. Costello and Sean Lemass in taking on board the recommendations of a young T. K. Whitaker to reform and open up our economy to Europe and the world in the bleak 1950s shows that political vision and decisions are important and that power does not always rest in the permanent Civil Service, as cynics of politics often claim. The work of the United Nations and the European Union, institutions dreamt up and operated by politicians, has prevented a third global war for more than 60 years. Even with many regional conflicts causing concern this is noteworthy and not often given the recognition it deserves.

It is important to reflect on why politics matters in the present, past and future. The education of politics is something we need to get to. Electoral reform is something we tend to discuss but we need to bring the people with us. I welcome the move to consider lowering the voting age but there are people of all ages who do not participate in politics because they do not always grasp it. Before I became a county councillor I had no idea what politics was about or what local councillors did. I had thought they were people who wrote in newspapers during the week, but in fact they have a very important role. We also have a role to educate people on the system of local government, national government and European politics and government. We need to do so at every opportunity. We could use our libraries or post offices to get information out to people about how it all works. If one understands the workings then one can appreciate why tough decisions are made sometimes but many people do not always grasp what is behind decision-making. I have said as much in opposition and I say it again in government. We have a duty to inform people how the system works and to bring them with us.

I am pleased the Government is following through on its commitment in the programme for Government to bring about a new politics. We cannot ask the public or private sectors to be leaner, meaner, more efficient and less costly but not practise what we preach. This is not easy but change is never easy. It will be painful for some but many of the changes brought on by the great global recession have been tough on many people and families, including many in my area. There are people in need in all counties.

The reduction of the number of Members from 166 to 158 is to be welcomed. It represents a sensible compromise between the current system and the calls for a more radical cut in the numbers of the House. The primary purpose of the Dáil is to elect from among its Members a Taoiseach, who will proceed to form a Government from among the Members, with the option of two Senators entering Cabinet as well.

*7 o'clock*

That is the current system under the Constitution. Any fundamental change to the manner in which we select a Taoiseach and Cabinet would have to be addressed in the Constitution by way of a referendum of the people. We must, therefore, work within the system we have. It is important that any future Taoiseach, in forming a Cabinet, have as wide a choice as possible of people in terms of talent, experience, age, gender and geography. A reduction from 166 to 158 Members, although not as radical as some would have hoped for or suggested, is a good compromise when viewed in this context and in the light of the likelihood of a referendum on the future of the Seanad. I admit that in the past I was one of a number of people who called for a greater cut in the number of Deputies. However, following a discussion I had a number of months ago with a wise man, whom I will not name, I now acknowledge the necessity for a critical mass in this House. The formation of a Government and selection of Ministers and Ministers of State and an Opposition require that a particular number be elected to this House. It may sound great to say there should be only 50, 60 or 90 Members, but without sufficient numbers, we would not be able to select the people needed to do the job. I did not always believe that was true, but I have now come around to believing it.

Deputy Stephen Donnelly stated politics did not work. However, there have been improvements, with more to follow. People need to be more honest in their politics; there needs to be less spin and they should get down to the nitty gritty. The committees are the best place to tease out issues, at budget and other times, with Ministers. The Ministers who have appeared before the Joint Committee on Jobs, Enterprise and Innovation have always be open to proper discussion, leaving aside officialdom, and teasing out and often accepting amendments. That is what we need. In fairness, Ministers in the previous Government were also willing to take on board amendments. I am glad we have moved on to a position where Ministers actually make decisions. I recall when sitting on the Opposition benches hearing that owing to partnership talks, decisions on this, that or the other could not be made. At least, now under the Government we have real reform, with Ministers making decisions and being held accountable for what they do. That is reform.

**Deputy Willie O’Dea:** Fianna Fáil supports the Bill. The boundary commission has been a feature of the system since before I was elected a Member of this House, which was not today or yesterday. It is fair to say no Government of any persuasion has ever sought to interfere with the recommendations of a boundary commission, which is good. With all due respect to all sides of the House, if politicians were to start interfering with independent reports, particularly on the drawing of constituency boundaries, we would be at the beginning of a slippery slope.

Following the previous revision in 2008, a number of local representatives in my area who were members of the Minister, Deputy Hogan’s, party, Fine Gael, suggested to the public press that the commission had been interfered with in some way by the then Government. That was a gross libelling of members of the commission. The commission has never been influenced one way or the other by a Government. There is not a scintilla of evidence to support that assertion. In fact, the evidence is to the contrary. With the Acting Chairman’s indulgence, I will give the House the benefit of my experience.

There have been seven or eight constituency revisions during my time as a Member of the House, all of which, bar one, were introduced by a Fianna Fáil or Fianna Fáil-led Government. Only one was introduced by a Fine Gael-led Government. They all had one thing in common, namely, they led to a reduction in the area of my core vote. On each occasion I lost a loyal cohort of voters and had to work immeasurably harder in the remainder of the constituency to make up for that loss. The apogee of that process came in the famous constituency revision

following the 2007 general election which resulted in my constituency being reduced from a five to four seat constituency and the removal of the remaining part of my home area, an area in which I had received 4,500 first preferences in the preceding election. That was at a time when Fianna Fáil was in power and I was a member of the Cabinet. It was not a very palatable change, but there was little I could do about it and I would not have sought to do anything about it either. I recall being at the Cabinet table when the then Minister for the Environment announced that the constituency commission report was out. I did not see the report until several hours after the Cabinet meeting had concluded. The revision being proposed by the Minister in this legislation is the first since I became a Member of the House that actually benefits me in terms of my being able to represent much of my home area again. When I first saw the report, I was so overcome by excitement and exhilaration that I thought I might vote for Fine Gael in the next general election. Thankfully, that madness passed as quickly as it had come on me.

On the procedure to be used generally, the Minister will know that there are criteria set out in the original legislation to which the commission must adhere, including in considering county boundaries, physical features etc.. I know it is extremely difficult for a commission to adhere to these criteria based on changes in population, given the significant shifts during the past two decades. I may be wrong but recent revisions appeared to breach rather than observe these criteria. Perhaps the Minister or his officials might consider examining whether the basic legislation could be amended to ensure these criteria would be taken seriously. They serve a purpose and the commission is supposed to adhere to them.

The shape of constituencies is only one part of the overall constitutional jigsaw. The reality - any objective outside observer would have to admit this - is that the Irish political system is not fit for purpose. I recall saying this many years ago when giving an interview to a national newspaper. It was more fit for purpose then than it is now. I recall being called in by the then Government Chief Whip - Fianna Fáil was in government at the time - and being admonished and having my knuckles wrapped for saying it. I also recall being given the cold shoulder by some because in their view I had let down the club. If it was true then, it is even more true now. I could spend from now until midnight outlining the deficiencies of the system. The fundamental fault lies in the imbalance between the Executive and the Houses of the Oireachtas. It cannot be truthfully said both Houses of the Oireachtas are in a position to properly hold the Executive to account and that has been the case for many years. It has probably been the case since the inception of the State. The only time during my long career that I saw the Oireachtas have power was when a Government was on its last legs and trying to appease the Oireachtas because it had lost its majority and was struggling to buy time. Apart from such a scenario, it is one way traffic. I studied with some respect the Fine Gael and Labour Party election manifestos on which they fought the last general election. Having done so, I thought a constitutional revolution was on the way. Following the election, the Fine Gael-Labour Party Government was formed and the two parties sat down to draw up a programme for Government. That document contains words such as “radical” and “fundamental” and phrases such as “dragging the Dáil into the 21st century” and “significant revamping”. I suppose it was written in the first flush of enthusiasm. While I have noted a resiling from some of the manifesto commitments, to which I will return, the enthusiasm remains. While I recognise that there have been some changes, if one looks at the performance to date measured against the fine words, one sees that terms like radical, fundamental and significant are inappropriate. Deputy English and others referred to the reduction in the membership of Dáil Éireann. The Fine Gael manifesto was very specific and stated that 20 seats would go but only eight went. The Minister has said that if he wanted to get rid of any more seats he would have to hold a constitutional referendum because of the

30,000 per member rule. We have had many constitutional referenda and the Minister could have held one during the Government's honeymoon period when a proposal to the people that we reduce the number of TDs would have been passed with no difficulty. I welcome the idea of fewer TDs and, indeed, I have seen a Private Member's Bill drawn up by Members of the Minister's own party which seeks to reduce the number of TDs to 100 and to create single-seat constituencies. Whatever about the latter part of that proposal, I find the first part very acceptable. While a reduction from 166 to 158 is welcome and is some form of progress, it is hardly radical or fundamental.

**Deputy Anthony Lawlor:** Deputy O'Dea had 14 years to make progress.

**Deputy Willie O'Dea:** I recognise that but the Government made promises and was elected on the basis of those promises.

The centrepiece or jewel in the crown of the Government's proposed constitutional reforms was the abolition of the Seanad. The programme for Government states that the Government will "prioritise" this measure but the Government's understanding of "prioritise" is a bit funny, given that two years have passed and nothing has been done. The Taoiseach has said that Ireland is about to take over the Presidency of the EU and the Government will not have time for this sort of referendum for the next six months and I accept that. However, in six month's time, when Ireland finishes its stint, two and half years will have passed from the time the Government came to office. That is half the constitutional lifetime of the Government before we even start and I am willing to bet it will be much more - perhaps two thirds - of the actual lifetime of this Government, if one takes the average life of a Government in Ireland. At that point, we will not even have started the process.

**Deputy Phil Hogan:** How much is the Deputy willing to bet on that?

**Deputy Willie O'Dea:** Another difficulty arises as we go further into the life of this Government. I canvassed for the recent children's referendum and was one of very few Deputies who did so. I went out and knocked on doors because I strongly believed in it. Towards the end of the campaign, however, I was seriously worried that the referendum would not be passed because so many people told me they would be voting No, not on the merits or demerits of the case but because they wanted to have a crack at the Government. It seems to me that the longer it goes on, the more difficult it will be for the Government to get any referendum passed, even one which proposes to abolish the Seanad.

Various commitments were also made on Oireachtas committees. The Taoiseach, when in opposition, never ceased to talk about "powerful committees", which he asserted was the mechanism through which the Executive could be held to account. I ask the Minister, quite sincerely, where are the powerful committees? What has changed? The centrepiece of committee reform was to be something called the Investigations, Oversight and Petitions Committee but that, unfortunately, was stillborn because the people rejected the referendum proposal on Oireachtas powers. That proposal was badly botched and one of the main reasons it was rejected - I know the Minister will not agree with me but he knows in his heart I am right - was because of the overbearing arrogance of some Ministers in response to the slightest criticism, particularly-----

**Deputy Phil Hogan:** Maybe it was rejected because the Deputy did not go out canvassing for it. Deputy O'Dea should have gone canvassing.

**Deputy Willie O'Dea:** I am not referring to the Minister for the Environment, Community

and Local Government but to the Minister for Justice and Equality. Where are we with these powerful committees that were supposed to solve the problem of the imbalance in power between the Executive and the Oireachtas? We now have fewer committees than before and they are more starved of cash than ever. In reality, nothing at all has changed. If what has happened to the committees is a measure of the Government's commitment to address the imbalance between the Oireachtas and the Executive, then it can only be described as a breathtaking failure.

We were also promised reform on parliamentary questions but again, nothing has changed. There is a new a rule that Members can appeal to the Ceann Comhairle if they feel a Minister is not giving them the proper information but that is a charade and a fig leaf. It has been rarely invoked and even more rarely successful. In fact, I do not think it has been successful at all and I would love to hear of even one example of it working. Essentially, nothing has changed in this area either.

We were promised a 50% increase in sitting hours and got a 25% increase. One might say that is half a loaf which is better than no bread but what does the 25% increase consist of? It consists of Friday sittings, when there are no votes, no questions to Ministers and no real parliamentary activity taking place. It is a parody and a mockery of reform.

In terms of topical issues, the time has changed, admittedly. Instead of being taken at 8.30 p.m., they are taken earlier in the day which could count as a change. A few additional minutes have been given to topical issues, which also counts as a change, I suppose. However, I do not see any real difference between the way topical issues are dealt with now and the old adjournment debates. They amount to a staid, Civil Service scripted encounter between the Opposition Member and the Minister. We had hoped, at the very least, that one valid criticism the Minister's party made of the previous Government would be addressed. During the old adjournment debates there would be three or four adjournment matters and the Minister for the Environment, Community and Local Government might take the first one, for example. He would then sit there and read out the scripts in reply to the other matters raised. Unfortunately, that practice has crept in again. Unrelated Ministers come into the House and talk about things they patently know very little about. I do not have to dig into the realms of parliamentary history to find an example of this. There was an example in the House today only an hour and a half ago. The Chief Whip, Deputy Kehoe, was dealing with topical issues and finished up dealing with a topical issue about the death of Father Niall Molloy. He read his script and when a few questions were put to him, he went back and read part of the script again. That is not real reform in any true sense of the word.

I recall some of the lofty phrases from the Opposition benches during the previous Administration about the overuse of the guillotine. I do not have time to read some of the comments made into the record but one would be forgiven for thinking that the use of the guillotine by the last Government was as damaging as the machine used in late nineteenth century France. We were led to believe that the guillotine would only be used in the most extreme circumstances by the current Government, but what has happened? Ten items of legislation have been guillotined already, including things like the Social Welfare Bill, when the basic income of hundreds of thousands of people was reduced. That Bill was simply guillotined through the House. I was taken in by the language and genuinely thought that the use of the guillotine would change. Again, I am doomed to disappointment because the guillotine is now used as casually by this Government as it was by the Jacobins in France.

Other promises remain untouched, unspoken and seem to have disappeared into some sort

of Bermuda triangle of lethargy. Unvouched expenses are still a feature of this Administration. I do not see anything on the promise of a relaxation of the rules on Cabinet confidentiality. I do not know what happened to the famous Constitution day. I know about Bastille Day but I do not know anything about Constitution day, which the Taoiseach was supposed to introduce.

Looking at the wider picture, we are all familiar with the long-running saga of the Minister's report cards. The Taoiseach promised faithfully that he would introduce a system of report cards for Ministers. On "The Late Late Show" he stated, "I am starting the report cards already". At Christmas 2011, he promised to keep his Minister's noses to the grindstone by publishing a report on their performance. Recently, however, his spokesman admitted that there would be no report cards. That is the saga of the report cards.

The constitutional convention was, again, a good idea in principle but an empty vessel in reality. Deputies on all sides have called for electoral reform but the convention will not be considering this area during the lifetime of this Government. It is considering such monumental matters as whether the President should serve for a term of five years or seven years. Let us be blunt, who cares?

The cost of ministerial cars was supposed to have been halved but I think it has doubled. The issue of appointments to State boards is interesting because a lot of people voted for the parties currently in Government on the basis that they would make the appointment process transparent and clean. What happened every time there was a vacancy on a State board?

**Deputy Phil Hogan:** We have made very good appointments.

**Deputy Willie O'Dea:** We did this, and we were wrong to do so, but the Government was elected on a promise of reform. Every time there is a vacancy anybody with a hint of a connection to anybody other than Fine Gael or the Labour Party might as well go home. We heard a lot about judicial appointments. Six of the last seven judicial appointments were closely associated with a certain political party.

**Deputy Phil Hogan:** They are excellent people.

**Deputy Willie O'Dea:** I could rehearse their names and connections but I do not like to embarrass people who are not here to defend themselves.

Sometimes doing nothing at all is better than box ticking or making a pretence at fulfilling electoral promises. In my naivety I was taken in by some of these promises.

**Deputy Patrick O'Donovan:** Did the Deputy give the Minister for Finance, Deputy Noonan, his No. 1?

**Deputy Willie O'Dea:** I was dubious about the Government's commitments on job creation and the economy - sadly my fears in that regard have been realised - but I thought that on the question of constitutional reform it would be a success. What we find, however, is a flop. Unintentionally the Government may have brought forward the day when we see these much needed reforms because the members of the public have become cynical and sick of broken promises. They were promised fundamental change but all they see are box ticking exercises. The people of this country will force the pace because the disconnect between the political system and the public is enormous. I do not think the people will put up with that for much longer.

**Deputy Tony McLoughlin:** I welcome the opportunity to speak on this Bill, which will

have a dramatic effect on the electoral hinterlands across Ireland. As part of this Government's programme of political reform the Bill provides, for the first time since 1980, a reduction in the number of Members of this House. A number of commentators have argued that it will have little impact but I believe a further reduction in the number of Deputies will have a greater impact on the western seaboard than on the east due to the population imbalance in the country. The Bill proposes to reduce the number of Deputies from 166 to 158. There will be 40 constituencies, of which 11 will have five seats, 16 will have four seats and 13 will have three seats.

The loss of eight Deputies comes largely from the west, including counties Cavan, Mayo, Donegal and Kerry. Population should always be the basis for determining the allocation of Dáil seats but it is clear that certain constituencies will be formed from large geographic areas. I welcome the proposal to reunite County Leitrim politically in the new Sligo-Leitrim constituency, which will comprise counties Sligo and Leitrim alongside west County Cavan and parts of south County Donegal. County Leitrim was divided on two occasions since 2007, which were cruel blows to a county with a population of 30,000. The divisions deprived the county of a full range of candidates as parties sought to achieve a particular result. I found that many people in the county grew disillusioned with politics. The people of Drumshanbo were included with County Roscommon for the 2007 election only to be moved to County Sligo in 2011. This was unfair and anti-democratic. The decision of the electoral commission to propose the reunification of County Leitrim has received widespread approval and results in a good day for the people of the county.

The people of west County Cavan are disappointed because they are now separated from the rest of the county. I am concerned that the distances from Bundoran to Roosky and Ballina to Ballyconnell are 90 km and 127 km, respectively, which is a huge distance to cover. That is the downside of reduced representation in the north west and west.

The terms of reference for the commission will see a reduction of 29 in the number of county council members in counties Sligo, Leitrim, Cavan, Roscommon and Longford. This equates to a reduction of 25% in political representation, not counting the proposed abolition of six town councils and one borough council. When I hear so-called experts demanding further reductions in political representation I ask them to study the impact of such reductions on parts of Ireland with relatively sparse populations.

The Minister for the Environment, Community and Local Government is implementing reform in this Bill and through his proposals to reform local government. Given that the country continues to run a current deficit of almost €1 billion per month it is incumbent on us to reduce our cost base in every sector, including this House. Reducing the number of Deputies was a commitment in the programme for Government, with the objective of reducing the cost and size of government. Savings of approximately €2.2 million are forecast as a result of this reduction. It is also estimated that a further €420 million will be saved through the putting people first proposals which were recently launched by the Minister. Much of this saving will be achieved through fewer committees and members across a broad range of political representatives.

The legislative framework for the next general election will be different to that for previous elections due to the proposed reduction in the number of Deputies and the requirement in the Electoral (Amendment) (Political Funding) Act 2012 that parties must ensure at least 30% of their candidates are women if they are to receive State funding. However, with a reduced number of Deputies there may in fact be fewer women Members. I have no doubt there will be more female candidates but the outcome remains to be seen.

The Bill proposes to reduce the number of three seat constituencies to 13, the lowest in the history of the State. It will be interesting to see the political impact of that reduction. When the current 166 Dáil seats were provided for in 1980 the population of the State was 36% smaller. In real terms this means the number of seats is being reduced by eight. Irish people engage more with their local representatives than in other democracies in western Europe. This engagement allows them to discuss the national and international issues of the day and makes for better engagement between the people and the Oireachtas. A further reduction in the number of Deputies would be detrimental to that close relationship.

The Government proposes to put the future of the Seanad to the people in a referendum late next year. If the people agree to abolish the Seanad, Leinster House will have 68 fewer politicians after the 2016 election and there will be 700 fewer councillors. This Government's intention to introduce reform can be clearly seen in the reduction in representation. The much maligned Minister, Deputy Hogan, is to the forefront of this process. He is the first Minister in many years brave enough to reduce the number of politicians in Ireland. Rather than continually highlighting what they see as mistakes, his detractors should acknowledge his efforts in both the central and local government area to reduce numbers and introduce real reform. I commend the Bill to the House.

Debate adjourned.

### **Estimates for Public Services 2012: Messages from Select Committees**

**Acting Chairman (Deputy Tom Hayes):** The Select Committee on Jobs, Enterprise and Innovation has completed its consideration of the following Supplementary Estimates for Public Services for the year ending 31 December 2012 - Vote 32.

The Select Committee on Justice, Defence and Equality has completed its consideration of the following Supplementary Estimates for Public Services for the year ending 31 December 2012 - Votes 20 and 22.

The Select Committee on Transport, Tourism and Sport has completed its consideration of the following Supplementary Estimates for Public Services for the year ending 31 December 2012 - Vote 31.

### **Medical Treatment (Termination of Pregnancy in Case of Risk to Life of Pregnant Woman) (No. 2) Bill 2012: Second Stage [Private Members]**

**Deputy Clare Daly:** I move: "That the Bill be now read a Second Time."

I propose to share my time with Deputies Collins, Higgins, Healy and Flanagan.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Deputy Clare Daly:** I am sad and angry to be here again to speak on this issue. We said in April when we introduced legislation on this issue that if the Government did not move on it, we would move on it again, a scenario we hoped would not happen. Sadly, here we are.

We had to listen earlier to the fanfare from the Minister for Health, Deputy Reilly, which

was more or less along the lines of the following: “Sure what is the rush? We have the report now - the media had it a week ago - and we will decide what to do about it before Christmas. We do not have to do anything before Christmas, but we will decide what to do and then we can sit around and talk about it for three days in the Joint Committee on Health and Children.” This is put forward as some sort of big concession.

We must be clear on this. This issue was on the agenda of the House for discussion this week, but was bumped to next week because of the budget. Now the Minister tells us, framing it as a concession, that it will be addressed next year. The Taoiseach talks about more time and the need for consensus and the need to move forward carefully. The Minister let the word “legislation” slip out in an interview earlier, but he quickly corrected himself. We know there is no certainty coming from the Government on this. The same arguments we have been hearing over past decades are being repeated. We hear the same arguments we heard when we moved our Bill previously: “Give us more time.” This is not good enough. The person who does not have time is Savita Halappanavar. How many other cases must we wait for? When we moved a version of the Bill earlier this year, this woman was not even pregnant. Now she is dead. Must we wait for another such case? Almost two years ago, the Council of Europe found Ireland guilty of violating the human rights of women by failing to provide for our constitutional right to abortion where our lives were in danger, including the danger of suicide. This was two years ago. The response to that and to the requests of the Council of Europe for interim measures was that the Government was looking at it. This is not good enough.

The findings of the expert group are no surprise. They are exactly as we knew they would be and as found by the other expert groups and by the Supreme Court. In order to secure a woman’s right to an abortion in these very limited circumstances, we need legislation. That is the simple, uncomplicated fact. Our Bill provides a basis for that legislation. We do not say our Bill is perfect, but it is a start. If the Government does not take this start tonight - we are all aware any legislation it plans is only in the commencement stages - the legislative process will not start until at least another four or five months from now. That is not good enough. The only negative opinion expressed by the expert group on legislation was that it might take a considerable period of time to bring it forward. We have saved the House that time by providing the basis upon which to start. That is all we propose. Let there be no doubt about it: against the backdrop of increased austerity, the option of the boat or the plane will not be available for sick women in this country in the intervening four or five months. If we do not begin the process of legislation tomorrow, we will be condemning women and their doctors to the same legal grey area that has been the subject of an outpouring of emotion from women and the medical profession on the airwaves over the course of the past month.

How could anybody say this Bill is rushed? For me, the saddest part of moving this Bill is that it does not even begin to deal with the majority of reasons thousands of Irish women must choose abortions every year. It does not deal with the circumstances of pregnancies arising out of rape or incest, the decisions people must make because they are too young or too old, or many other diverse reasons. It does not deal with the circumstances of women who have contacted all of us because their foetuses had fatal abnormalities and the State had condemned them to carry them to full term or be exported in secret with stigma and shame.

It is a scandal that the House cannot move legislation to deal with this - to deal with simple medical procedures that are, in reality, a private and personal matter between women and their doctors. The reason for this is the eighth amendment of the Constitution. We will champion the call for the repeal of the eighth amendment, but sadly, that is not the subject of today’s debate.

The first vital step we must take is to legislate for the X case. This Bill is not simply a reintroduction of the Bill we tabled earlier this year. We listened to what the Government said at that time and have made relevant amendments to the Bill which satisfy the concerns aired.

The first thing our legislation does is to remove the validity of the Offences Against the Person Act in the area of medical treatment of women who need an abortion to save their lives. This is a necessary provision. Second, the Bill lays out clear criteria for doctors in assessing the risks for pregnant women so that where two doctors have an honestly held and reasonable belief that as a matter of probability there is a real and substantial risk to the life of the woman, they are legally empowered to carry out an abortion. In the case of suicide, it would require the opinion of a consultant psychiatrist or a clinical psychologist or a combination of both of these to make that medical call. I am aware the expert group has suggested a different combination of medical practitioners, and that is fine. The Bill can be amended on Committee Stage to take into account the best medical decisions. We agree with the expert group that these are medical decisions between women and their doctors. All we can do as legislators is provide the primary basis on which that can be done. Our Bill allows the option, after that, of a further opinion, either from a medical practitioner of her choice or via a referral from the other doctor. It also allows for the establishment of an appeals body, the details of which would rest with the Minister for Health in order to give it validity. That body should operate on a timely basis, coming to its decisions within one day, because we are talking about circumstances in which women's lives are in danger.

As the Minister can see, by accounting for these issues we have provided a primary legislative basis which can be built upon and added to by regulation as recommended by the expert group. This is not really that difficult. Every other jurisdiction manages it.

Section 7 of our Bill allows for a medical practitioner to object conscientiously to participating in these procedures, provided the woman's life is not jeopardised and provided the practitioner provides information and refers the woman on to somebody else who will carry out the necessary medical treatment. Conscientious objection should not apply to a hospital or to somebody not directly involved in the medical procedure.

Two other issues we address in our Bill were ones the Government highlighted earlier as being in need of change, namely the areas of consent and offences. We are very satisfied with these areas this time around. In relation to the woman consenting, the normal basis in other laws exists. We had a problem last time around with pregnant girls under the age of 16 whose lives were in danger but whose parents did not want them to have abortions. As a result of the Government's success with the children's rights referendum, an emergency provision now allows the State to act as guardian to a child who is threatened. We think that overcomes the problem in our Bill the last time. The treatment in this Bill of the final point - offences such as the harassment of people who have secured abortions or facilitated somebody else in securing an abortion - is rooted in the Non-Fatal Offences Against the Person Act 1997.

This legislation is quite straightforward. It is not complicated. It is a simple piece of primary legislation. It can be built upon and added to by regulation. We are appealing to the Government not to oppose it. I am not engaging in cheap political point-scoring when I say that. Although this Bill has my name on it, the reality is that it is a joint effort with Deputies Mick Wallace and Joan Collins. It has the full support of the United Left Alliance. A number of our staff were involved in drafting it. If we all take ownership of this Bill so that it belongs to the House as a whole, we will send a signal to our colleagues in Europe, to whom the Minister will

have to report next week, on what this country has done to protect the lives of women in this State. If we move this Bill onto Committee Stage, we can assure the women and the doctors of Ireland that we take their concerns seriously, that these grey areas will not continue for another four or five months, that we have heeded their calls, that we have taken note of what happened in the tragic case in Galway and that we have expedited a situation which we religiously and studiously ignored for 20 or 30 years. It is the Government's choice. It is really in the Government's court to do something to salvage the reputation of this country and vindicate the rights of women.

**Deputy Joan Collins:** I will follow on from what Deputy Clare Daly has said. A point that has been made many times needs to be registered in the Dáil. It is an absolute disgrace that the last six Governments have failed to legislate on the X case. This Government has not exactly been enthusiastic about introducing legislation. I believe the establishment of the expert group was a stalling measure. The Government's grudging acceptance of the need for action came about after a majority of the Irish people demanded action following the tragic death of a woman in Galway. We know that Irish society has changed dramatically in the last 20 years. Those attempting to stem the tide of a more liberal, more human, more secular and more tolerant society have to accept that we are in the 21st century.

This is the fourth time that a review group has called for legislation. As Deputy Clare Daly said, the Labour Party should take this opportunity to begin the legislative process. Many eminent doctors have stated clearly in recent weeks that legislation is needed. In a recent article, Dr. Peter Boylan made the point that doctors need to be able to say with confidence that they can intervene to save the life of a mother. If the current equivocal position is retained, doctors will continue to be in a difficult position when making 50:50 calls. Legislation is needed to protect doctors in such circumstances.

The claim that there is no need for any action because our maternity hospitals are among the safest in the world for women is true to a point. We have a very good record. Unfortunately, the anti-abortion lobby has been using very misleading figures on this and other issues. It persistently uses a CSO figure that underestimates by half the official maternal death rate. The figure in the Irish maternal death inquiry, which was funded by the HSE, is much more accurate. It is twice the size of the CSO figure. It is closer to the British figure at that point.

Anti-abortion groups have been deliberately trying to move the discussion away from the real issues by focusing on the issue of suicide and abortion. A perinatal psychiatrist, Dr. Anthony McCarthy, said clearly on the radio yesterday that when the risk of suicide is small, it is nonetheless real and must be addressed. The view of two eminent psychiatrists is that this is a very serious issue. We have to remember that this issue was at the core of the X case, which involved a 14 year old girl who had been raped and made pregnant. She was denied the right to travel to Britain for an abortion. That right was given on the basis of suicide. The Supreme Court, under pressure from a huge movement, took the Government of the day off the hook. Rather than acting by introducing legislation, two Governments attempted to overturn the Supreme Court decision by means of referendum. Both referendums were defeated when the people voted to uphold the Supreme Court decision in the X case.

An anti-abortion lobby group has tried to mislead people by arguing that having an abortion contributes to mental health problems. While this has nothing to do with the X case, I want to make an important point about it. A key conclusion of a comprehensive review that was commissioned by the UK Academy of Medical Royal Colleges last year was that the mental

health outcome for women who have an abortion is the same as the outcome for those who go on to have a baby. When the American Psychological Association undertook a similar survey, it found no evidence that having a single abortion causes mental health problems. Unbiased reports, as opposed to those with a clear anti-abortion stance, have found there is no evidence that women who have had abortions are at increased risk of suicide. However, there is evidence that suicide is associated with unwanted pregnancies where abortion is not available.

I am proud to be associated with this Bill. Deputy Clare Daly has gone through it in detail. I will not repeat what she said. I remind Labour Party Deputies that this Bill proposes the abolition of section 58 of the Offences Against the Person Act 1861, which is one of the most draconian of the Victorian Acts. It provides that a woman who seeks to procure or bring on a miscarriage herself can be jailed for life, and that any person who assists in the procurement of a miscarriage can be jailed for up to five years. The same Act was repealed in India in 1971. It is mentioned in the report of the expert group:

The Court emphasised the legal uncertainty caused by current provisions arising from the fact that the 1861 Act had not been amended or clarified, following the adoption of Article 40.3.3° of the Constitution... The judgment stated that the criminal provisions still in force would have a significant chilling effect on both women and doctors during the medical consultation process because of the risk for both parties of criminal conviction and imprisonment.

It is important for the 1861 Act to be dealt with.

As I said, Irish society has changed fundamentally in recent years. The United Left Alliance is committed to campaigning alongside all of those who now support its position. Issues relating to the health of women should not be matters for the Constitution, but matters to be discussed between women and their doctors. The evidence of a 2010 YouGov opinion poll is that 78% of respondents - almost eight out of ten - agreed that the termination of a pregnancy should be permitted if the pregnancy is the result of sexual abuse, rape or incest and 62% of respondents - almost two thirds - agreed that the termination of a pregnancy should be permitted if there is evidence of a profound foetal abnormality. We will be campaigning for the repeal of the Eighth Amendment to the Constitution. That is no justification for not taking immediate action at the end of this debate. As the Tánaiste has said, inaction is not an option. By voting in favour of this Bill, the House can start the legislative process. I hope Labour Party Deputies will support this Bill.

**Deputy Joe Higgins:** The presentation of the Medical Treatment (Termination of Pregnancy in Case of Risk to Life of Pregnant Woman) (No. 2) Bill 2012 is a call to action on an issue of crucial importance to women in this State. That action is needed to replace 20 years of inaction since the Supreme Court ruled that a pregnancy can be terminated legally when its continuation poses a threat to the life of the pregnant woman. The report of the expert group that was established to examine the implications of the European Court of Human Rights judgment of 2010 was published today. It should have been published when it was delivered to the Minister for Health two weeks ago. Instead, it was cynically leaked to the media in recent days. It is clear that the report favours legislation. Tonight, the House is dealing with draft legislation to deal with the issue. Those who are serious about advancing the needs of women in these circumstances should accept the legislation and move forward with it. As we have seen from the expert group report, the issues in many ways are very simple and not complex. It is a crucial option to provide medical and legal certainty for a woman whose life is threatened by a problem

pregnancy. What is needed is to provide legal security for doctors undertaking a termination in that instance and to remove what the European Court of Human Rights called the “chilling effect” of the Offences Against the Person Act 1861, which provides in sections 58 and 59 for life in prison with hard labour for anyone assisting with a termination of pregnancy. This, clearly, has made medical personnel extremely nervous.

The tragic death of Savita Halappanavar at Galway University Hospital on 28 October 2012, having been denied an immediate termination when her pregnancy moved towards miscarriage, has surely underlined the urgent action that is needed in the form of legislation. The tragedy has also demonstrated very graphically that the law needs to be changed to allow termination of pregnancy where the life of the woman is at serious risk and she requests it. While we await the outcome of the investigation into Savita Halappanavar’s tragic death, her case illustrates that there can be very serious situations for a pregnant woman where it might not be immediately apparent her life is threatened but where it is apparent there are physical and mental dangers to her health which can lead, and in her case tragically did lead in a short period of time, to a threat to her life.

We have had harrowing personal testimonies from many women in this State in recent weeks and over the past year in particular. They have told of how, when unviable pregnancies were diagnosed and they wanted a termination to end the physical and mental trauma involved, they were left with only one choice, namely, to travel outside this State to avail of an abortion. Many of them did that and recounted the hardship and suffering, as well as considerable financial cost, involved. Their mental and emotional trauma was significantly exacerbated, in their own words, as a result of this situation.

There is no Chinese wall, nor should there be, between a substantial and real threat that a woman might die and a substantial threat to her health. It is simply not acceptable that we say there is a threshold of pain and torture to which we are willing to subject women before they can be granted the right to a termination. It is heartless that the law in this State does not provide for these awful situations. Equally, where a pregnancy arises due to rape or incest, a woman should quite clearly have the right to avail of a termination of pregnancy.

The Government is saying tonight that it will move expeditiously on the issues arising from the expert group report. Undoubtedly, the very sad death of Savita Halappanavar has created a very strong point of pressure on the Government because, here, a human face and a human personality embodied the difficulties raised in regard to problem pregnancies and to the termination of such pregnancies, and clearly showed people the reality of what needed to be done. Women cannot trust the Government, however. This issue has been brought to the fore previously and was then allowed to recede. Therefore, the pressure of people power needs to be applied.

Since the death of Savita, we have seen many impressive mobilisations demanding action. We have seen a very wide cohort of people demanding action and we have seen thousands of young people moving into action and demanding legislation. That action needs to be stepped up with the launch of a nationwide campaign, which I understand is under way and will reach all corners of this State. Major public rallies right around the country could be the focal point for all those who want action to come together and form local committees in all areas. Similar principles of organisation could be used as helped to make the campaign against the unjust home tax a very powerful and effective organisation, fighting a particularly obnoxious manifestation of austerity. That is what is needed to force the Government to act.

While keeping on the pressure for immediate legislation, it is clear we must implement the right of a woman herself to choose with regard to pregnancy. Article 43.3 must be removed from the Constitution, which means a referendum needs to be held and needs to be successful. That might seem daunting but it is very necessary. Moreover, it is realisable, with intensive campaigning and the involvement of the significant cohort - I believe a majority - of people who now have a view that it is a woman who, in this State, must have control of her body and of her life, and must have a right, therefore, to choose with regard to the continuation of pregnancy. Therefore, we need immediate action on this and we need people throughout the country to keep relentless pressure on the Government to force that action.

**Deputy Seamus Healy:** I welcome the opportunity to speak on the Bill and to confirm my support for it. I welcome also the publication today of the expert group report. While I was not surprised, I was disappointed that the report could be read widely in all our weekend newspapers. I believe it was deliberately leaked, which is an affront to the Members of this House who were entitled to see that report immediately. It should have been published as soon as the Minister received it.

Nonetheless, I welcome the report, which confirms that the preferred option in this area is legislation. The report states: “The issue of how to provide for the X case has been considered by other bodies, who have all concluded that legislation... is the most appropriate way in which to regulate access to lawful abortion in Ireland.” The preferred option in the report is legislation plus regulations. The report states that the advantages of this option are as follows: the Oireachtas would have the opportunity to discuss and vote on all the relevant details of the proposed legislation; access to lawful termination of pregnancy in Ireland would be put on a statutory and, therefore, more secure, footing; such legislation would update the 1861 Act and arguably provide better protection for the unborn than is currently provided by that Act; the “chilling effect” of the 1861 Act would be removed and legal protection from prosecution could be attained by compliance with the proposed legislation; the role of the Minister would not come under scrutiny in relation to procedural matters which would be in the legislation; the regulations could be amended relatively easily in order to address changes in clinical practice, scientific advances and any challenges arising from their implementation; and this approach is likely to satisfy the requirements of the implementation process of the judgment in *A, B and C v. Ireland* case.

The Bill before us today can certainly be taken in the same vein as the content of the expert report.

*8 o'clock*

It is important that we deal with the issue now as a matter of urgency. The courts have spoken on the matter and found that termination is lawful where a woman faces a real and substantial risk to her life. On two occasions the public supported this view in referendums. The court case took place in 1992. The late Mr. Justice Niall McCarthy said at the time that the failure by the Legislature to enact the appropriate legislation was no longer just unfortunate, it was inexcusable. Some 20 years later it is much more than inexcusable that the legislation has not been placed on the Statute Book. There is no case for further delay. The Oireachtas must take its responsibility seriously and legislate on the basis of the Bill before the House.

The Bill would provide interim legislative arrangements, as required by the Council of Europe, for a termination of pregnancy where, as a matter of probability, there was a real and

substantial risk to the life of a pregnant woman and make provision for the prevention of any curtailment, hindrance or preclusion of such treatment, again where there was a probability that the life of the mother was at risk. The legislation might need refinement, but that is something that could be done as it proceeded through the House, particularly on Committee Stage. There is no doubt that a majority are in favour of introducing such legislation. The Bill is in accordance with the view of the expert group, the report of which has been published today. I welcome the opportunity to speak on the Bill and affirm my support for it.

**Deputy Luke ‘Ming’ Flanagan:** I congratulate Deputy Clare Daly and the members of the Technical Group that has brought forward the Bill. It is what is needed. It is an improvement on what was brought forward in April as the advice of the Minister has been taken on board. One would imagine, therefore, that he would vote for it.

I also welcome publication of the report of the expert group. As someone who is relatively new to the Dáil, I wonder why we are the last to hear about such matters. Why do employees of multinational media organisations get to see a report before we do? I could also ask why the Minister does not listen to Members when they speak, but that is nothing new. As Members elected to represent the views of the people, we should have got to see the report before anyone in the media. I do not believe there was a leak but rather that the report was deliberately made available. The minute there was word of a leak we should all have been contacted and sent a copy of the report. If one were to do this, it would show respect for us, but obviously the Minister does not have respect for us because if he did, he would have sent a copy of the report to us.

The atmosphere outside Leinster House last Wednesday night and the previous Wednesday night was intense. I had never experienced anything like it previously. It clearly said people needed the Oireachtas to act. It was clear that they wanted us to act quickly.

I will not go through the details of the Bill as that has already been done. Its essence is to provide a framework to make sure what happened to Savita Halappanavar will not happen again. Pregnant young women have contacted me who are scared at the prospect of going into the specific hospital in Galway to have their child. The Minister must do something quickly to give pregnant women the confidence they need that they will be safe in our hospitals. It is difficult to see how they can have such confidence.

This is the fourth report to be produced. How many does the Minister need? He knows what needs to be done. My worry is that there is something else going on; that there is an ideology that says we cannot go down this road because we would be seen as pro-choice or not caring about the life of the unborn. The reality is that in an area such the one from which I come which is considered to be socially conservative people are in favour of addressing the issue. One woman who goes to mass every day of the week – I question why she does, but I respect her for it – voted on two occasions in such a way as to make the Government legislate on the issue. Public opinion has moved on. In fact, it had moved on 20 years ago. This begs the question of what the Government is afraid of in voting for the Bill which provides solutions. It means that one would not have a situation where someone who was raped would be forced to have the child of the rapist, which is not on. Fox News, the most extreme right-wing television news station I have ever seen, is criticising us for being too conservative. If that is not a message that open one’s eyes, that makes one wake up and listen to what people are saying, I do not know what is.

At the core of the issue is the fact that there is not enough respect for women in this country.

That one would force someone who was raped to go through with having the child of the rapist proves that fact. One would think we have moved on at this stage. I remember my mother telling me that on the day I was born she was in agony, as many pregnant women are, and the nun who had helped to deliver me told her that she had had her little bit of fun and that it was time to take the pain. Some 40 years later I had hoped we had moved on, but the events of the past month show that, ideologically, we are still in the same place. When I say “we”, I mean many Members in this House. The general public has moved on and the Government must wake up to this fact. It should not have to follow the public like a weather vane. Tony Benn put it very well - the government is meant to be a signpost to lead the people, but it has failed in that regard. Now the people are leading the Government and I beg it to follow them. What happened in the past four weeks was shameful, but if we were to have a repeat, I would not be a proud man come 2016.

**Minister for Justice and Equality (Deputy Alan Shatter):** I thank Deputy Clare Daly for the work undertaken by her in the preparation and publication of her Private Members’ Bill which is before the House. The debate on the Bill, as Deputies have noted, coincides with the publication today of the full report of the expert group on the judgment of the European Court of Human Rights in the case of *A, B and C v. Ireland*. It is unfortunate that we are debating the provisions of the Bill before Members of the House have had an opportunity to reflect on the report published today and before some Members have had an opportunity to read the full report. The establishment of the group and the publication of this report fulfil an important commitment in the programme for Government. For too long successive Governments have failed to address this issue properly. Over a period of 30 years, since the 1983 referendum, this failure has resulted in a series of difficult court cases for our domestic courts, and also before the European Court of Justice and the European Court of Human Rights. It is the judgment of the latter court which held this State to be in violation of the Convention on Human Rights and starkly detailed both our obligations and our failures as a State. It is important to place where we stand at present in context, following which I intend to detail what must be done having regard to the conclusions contained in the expert group’s report. I will then address Deputy Daly’s Bill and some other matters.

As other Deputies noted, our law in this area starts with section 58 of the Offences against the Person Act 1861 which criminalises “a woman...and whosoever...who unlawfully administers any poison or noxious thing, or unlawfully uses any instrument or other means to procure a miscarriage”. The issue is constitutionally addressed in the amendment to the Constitution, adopted by the people in a referendum in 1983. The article states: “The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect as far as practicable, by its laws to defend and vindicate that right”. In the *X* case the Supreme Court prescribed that under this constitutional provision, where it is established on the balance of probability that there is a real and substantial risk to the life, as distinct from the health, of the mother, and that such risk could only be averted by the termination of a pregnancy, such termination is lawful. That case involved a 14 year old girl who had become pregnant as a result of rape and was suicidal. The court deemed the threat of suicide a real and substantial risk, justifying a termination of her pregnancy. In the referendums held in 1992 and 2002 propositions were put to the people to exclude a threat of suicide as granting a real and substantial threat to the life of a mother, permitting a termination. It is right that we recall that both propositions were rejected.

No action was taken at any stage by this House to prescribe the procedure applicable for

determination as to whether the continuation of a pregnancy posed a real and substantial risk to the life of the mother, nor was any legislation enacted to amend the 1861 Act to ensure its compatibility with Article 40.3.3° of the Constitution, as interpreted by the X case, nor to update its content to take account of modern medical techniques and pharmaceutical advances. The truth is that for three decades we have had a deeply dysfunctional and obtuse legal architecture that is badly in need of reform. This is well articulated in the judgment of the European Court of Human Rights in the C case. The applicant, C, had been treated for cancer for three years and while in remission became unintentionally pregnant. She went for a series of follow up tests related to her illness which were contra-indicated during early pregnancy. She could not obtain clear medical advice as to the effect of the pregnancy on her health or her life, or as to the effect of the medical treatment on the foetus. She feared the possibility that the pregnancy might lead to a recurrence of cancer and travelled to the United Kingdom for an abortion. In its judgment the court held that there had been a violation of Article 8 of the European Convention in respect of C. Referring to Article 40.3.3° of the Constitution, the court stated: “While a constitutional provision of this scope is not unusual no criteria or procedures have been subsequently laid down in Irish law, whether in legislation, case or otherwise, by which that risk is to be measured or determined, leading to uncertainty as to its precise application”.

While this constitutional provision, as interpreted by the Supreme Court in the X case, qualified sections 58 and 59 of the earlier 1861 Act, those sections have never been amended and remain in force with their absolute prohibition on abortion and associated criminal offences, thereby contributing to the lack of certainty for a woman seeking a lawful abortion in Ireland. The court continued: “Against this background of substantial uncertainty the court considers it evident that the criminal provisions of the 1861 Act would constitute a significant chilling factor for both women and doctors in the medical consultation process regardless of whether or not prosecutions have in fact been pursued under that Act”.

Both the third applicant, that is C, and any doctor ran a risk of serious criminal conviction and imprisonment in the event a decision taken in a medical consultation that the woman was entitled to an abortion in Ireland given the risk to her life was later found not to accord with Article 40.3.3° of the Constitution. The court found that the lack of an effective procedure in Ireland, which meant the applicant could not determine her entitlement to a lawful abortion in Ireland, caused considerable suffering and anxiety to C, who was confronted with the fear that her life was threatened by her pregnancy. The court awarded her €15,000 in damages.

The conclusions of the expert group derive from the A,B,C judgment and are clear and unambiguous. They are detailed in paragraph 47 of the report, which states:

Arising from the judgment Ireland is under a legal obligation to put in place and implement to legislate a regulatory regime providing effective and accessible procedures whereby pregnant women can establish whether or not they are entitled to a lawful abortion in accordance with Article 40.3.3° of the Constitution, as interpreted by the Supreme Court in the X case and, by necessary implication, access to abortion services in the State.

It would obviously be insufficient for the State to interpret the court’s constitution as requiring only a procedure to establish entitlement to termination without also giving access to such necessary treatment. A pregnant woman essentially now has a recognised constitutional right to have a pregnancy terminated where continuation of the pregnancy poses a real and substantial risk to her life. This right has existed since 1983 and is the effect of Article 40.3.3° of the Constitution, as interpreted by our Supreme Court. What the State is obliged to do is to put in

place measures to enable a woman to exercise such a right and, in the words of the expert group, “regulate and monitor that right to ensure the general constitutional prohibition on abortion is maintained”.

Any measures put in place must not act as an obstacle to any woman legitimately entitled to seek a termination doing so. The expert group report proposes a variety of procedural options to be put in place for determining entitlement and access to a termination of pregnancy, providing for an initial determination and a review process. It also addresses the position of the conscientious objector. It further discusses how to implement the European Court of Human Rights judgment under the procedures chosen. It gives the options of guidelines, regulations, legislation or a mix of legislation and regulations. These are the proposals to be considered and discussed by Government and Members of this House.

It was decided by Government today that discussion on the expert group report would occur in the House next Tuesday and that further time would be made available. The Government also decided it would make a decision on the option to be pursued to implement the judgment of the European Court before the Dáil goes into recess. It is the intention of the Government to make the necessary decisions to provide the architecture required to fulfil our human rights obligations.

Many of the issues to be dealt with in the report fall under the aegis of my colleague, the Minister for Health, Deputy James Reilly, and the Department of Health. However, the Department of Justice and Equality also has an important role. The context of the European Court judgment is clear that in the criminal law area legislation will be required because of what is described as a “significant chilling effect” of the criminal law provisions in the 1861 Act which impact on both women and doctors during the medical consultation process because of the risk to both parties of criminal conviction and imprisonment.

With regard to section 58 of the 1861 Act and the related provisions of section 59, the expert group states:

The provisions are arguably unclear as to their scope and content. It is not clear from reading the section what sort of conduct would be liable to criminal prosecution and what would not. Nor is it clear whether the scope and content of the prohibition on abortion is coextensive with the constitutional prohibition on abortion. It should be borne in mind that the 1861 Act predates the Constitution. Its provisions are only in force in so far as they are consistent and in so far as they are not inconsistent with the Constitution. The provisions fail to provide specific protection for the right to life of a woman whose life is at risk due to her pregnancy. This has been the subject of sustained criticism by the Irish courts and was impugned in the judgment in *A, B and C v. Ireland*.

The expert group also states it can be argued that the section does not effectively protect the right to life of the unborn. For example, under current Irish law the life of a baby who is in the process of being delivered is not clearly protected, under legislation pertaining to the offences of murder or of abortion. The expert group stated this lacuna should be addressed by changing the 1861 Act. I believe it is absolutely clear that the only appropriate action to take is to repeal and replace the 1861 Act, using modern language which does not criminalise the termination of a pregnancy where its continuation poses a real and substantial risk to the life of the mother.

In her Bill, Deputy Daly attempts to provide a legal architecture to fulfil our human rights

obligations and to give statutory expression to the judgment of the Supreme Court in the X case. The Bill is well intended but unfortunately is substantially defective. It fails to maintain the necessary constitutional balance and does not address in detail a number of important issues dealt with by the expert group. While it seeks to provide protections for a woman whose life is at risk it absolves medical practitioners from any duty to consider whether the life of the foetus is also capable of being preserved. This appears to be a significant flaw in the Bill, which goes to its constitutionality in that Article 43.3 requires the right to life of the foetus to be vindicated if it is possible or practicable to do so without compromising the right to life of the mother. In seeking, understandably, to protect a medical practitioner from criminal prosecution under the 1861 Act should he or she provide medical treatment to woman where there is a real and substantial risk to her life, section 5 provides a blanket immunity to any such medical practitioner from civil liability should he or she be negligent in the provision of said medical treatment and should such negligence result in either the death or permanent incapacity of the woman involved. That is a very serious matter which must be addressed.

The provisions in the Bill relating to decision-making processes as to whether a termination should occur are, unfortunately, confused and inexact. For example, section 5(2) confers an entitlement on a woman to obtain a further opinion from the medical practitioner or practitioners of her choice but does not explain the relevance of such second opinion or what action might be taken pursuant to it. In addition, the provisions in the Bill which deal with the establishment of an appeals body are either flawed or unclear. In cases of medical emergency, they could represent a failure to vindicate a pregnant woman's right to life. By simply conferring a broad power on a Minister to establish an appeals body by order and saying nothing further, this provision is also open to constitutional challenge. Deputy Clare Daly's Bill also fails to adequately deal with the reforms necessary to sections 58 and 59 of the Offences Against the Person Act 1861.

Now that the report of the expert group has been published, we have a clear insight into the issues which need to be addressed. There is also now a clear statement from Government that the necessary decisions will be made before the Christmas recess and that appropriate action will be taken to implement those decisions without undue delay. The debate on Deputy Clare Daly's Bill affords Members an initial opportunity to commence discussion on the expert group's report. In view of the fact that this report has been published and that a commitment has been given by the Government that it will do what is required to address these very important issues, I ask the Deputy to seriously consider not unnecessarily dividing the House by putting her Bill to a vote. I also ask her to consider withdrawing the Bill and to afford to Members the further time they require to debate the expert group's report. On the understanding that decisions will be made by Government before the Christmas recess, it is not reasonable that Deputies should be asked to vote on a Bill on a Wednesday having first received a report that was published at 3 p.m. the previous day.

The Government is now committed to doing what no previous Administration has done in the 30 years since Article 43.3 was incorporated into the Constitution. The steps to be taken are within the confines of that constitutional article and its interpretation by the Supreme Court. I hope everyone in the House will be able to discuss these matters in a common sense, rational and sensitive way, both during the course of the debate on the Bill before us and when the formal debate on the expert group's report commences next week. In addressing this issue, Members should ask themselves what they would do or what would they want to see done if it were their wife, mother, sister, granddaughter, niece or, for those Deputies who are women, themselves who were confronted with the dilemma of being informed that to maintain a preg-

nancy would result in a real and substantial risk to life.

It is the real and substantial risk to life that is the central issue here. Regardless of whatever action the Government takes, Ireland will still have one of the most restrictive laws in Europe with regard to the termination of pregnancies. The Government and I believe that women and medical practitioners are entitled to know where they stand and what procedures are available to address the circumstances in which a pregnancy is terminable under our constitutional code. In debating this issue it is of crucial importance that Members do not resort to extreme language. We should be conscious of the impact of what we say, both in the House and outside, on women who have miscarried or who have had pregnancies terminated where their lives have been at risk.

We should also be clear on what we are not doing. We are not considering, in any shape or form, abortion on demand as is alleged by some outside this Chamber. We are not even addressing - nor can we under the current constitutional provision - issues which many outside the Houses believe should be addressed. For example, whatever decision is taken by Government, we cannot provide in this State for the termination of a pregnancy resulting from rape in the absence of the victim being suicidal. Neither can we provide for the termination of a pregnancy where there is a foetal abnormality which will, as a certainty, result in the birth of a baby unable to survive. I personally believe that this is an indefensible cruelty. The expert group's report documents cases of rape victims and mothers with babies which suffered foetal abnormalities such as encephaly or Edwards syndrome going to Britain in order to effect terminations. In the absence of constitutional change, there will continue to be a British solution to this Irish problem. It is also the position that a pregnancy which poses a serious risk to the health, as opposed to the life, of a woman - even where such risk could result in permanent incapacity - does not provide a basis for effecting a termination in this State.

There is no impediment to men seeking and obtaining any required medical intervention to protect not only their lives but also their health and quality of life. I do not merely have ministerial responsibility for justice and defence, I am also responsible for equality. It can truly be said that the right of pregnant women to have their health protected is, under our constitutional framework, a qualified right. This will remain the position. This is a republic in which we proclaim the equality of all our citizens but the reality is that some citizens are more equal than others. We should not pretend that the limited measures that must now be put in place to satisfy the terms of the judgment handed down by the European Court of Human Rights ensure true equality for all citizens of the Republic, both men and women. They are, however, the essential measures necessary to ensure that pregnant women whose lives are at risk will have available to them the medical treatment they require and which is their right. The Government is committed to ensuring that action will be taken in this regard. In that context, I ask Deputy Clare Daly to give serious consideration to not putting the Bill to a vote tomorrow evening.

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):**

Like the Minister, I also thank Deputy Clare Daly and her colleagues on the work they have done and the effort they have made to ensure that focus has not been lost in respect of this issue. I know how difficult it can be to draft legislation such as this.

The Government shares the concern expressed by Deputy Daly in her Private Members' Bill to the effect that pregnant women whose life is at risk should be able to access appropriate medical care, including lawful termination of pregnancy. As the House was informed last week, the Government is committed to ensuring that the safety of pregnant women in Ireland

will be maintained and strengthened and that will be in a position to fulfil our duty of care towards them. The Government's commitment in respect of this issue is clear and is reflected in the agreed programme for Government, which contained a commitment establishing an expert group to examine these issues and to make recommendations to Government on how this matter should be properly addressed. The expert group's report was published today, a fact I welcome. It can be found on the Department of Health's website and will be debated in the House next week. I urge Members to read the findings of the expert group. All Deputies should be afforded the opportunity to study the report in detail before being called upon to vote on any legislative proposals on the matter. A guillotine will not be applied in respect of the Dáil debate and every Member will have an opportunity to add to the discussion. The Oireachtas Joint Committee on Health and Children will also hold three days of public hearings on the report in the new year, prior to the resumption of the Dáil following the Christmas recess.

On the day on which the expert group's report was published, I do not believe it is appropriate to be considering or voting on what is effectively an attempt to prejudge its recommendations. As I stated last week during the debate on the Sinn Féin motion on the Supreme Court ruling in the X case, we now know that there is a solution in sight and that action will be taken. The expert group's report, which is now at everyone's disposal, is a detailed and comprehensive document. It provides very interesting background information on the topic of termination of pregnancy in Ireland. It lays out, with stark clarity, the current legal provisions governing termination of pregnancy in this country and sets out four options for the implementation of the judgment handed down by the European Court of Human Rights judgment in *A, B and C v. Ireland* case. The report also provides a very clear analysis of the legal, constitutional, ethical, and medical issues to be considered. Further, it lays out - in a simple and concise fashion - the advantages and disadvantages of each option available to us for the implementation of the judgment of the European Court of Human Rights in the *A, B and C v. Ireland* case. Most importantly, the report is clear, that the option of legislation - with regulations - will satisfy the requirements relating to the implementation process of the judgment of the European Court of Human Rights. In my reading of it, the report provides us with a clear roadmap for action. As both the Tánaiste and the Minister for Health stated in the House recently, this issue has been with us for 20 years and this is the first Government that has decided to deal with it. Six Governments in this State have failed to act on the 1992 judgment of the Supreme Court; this Government will not be the seventh. However, legislating for the X case is a serious and legally complex issue. As such, every comma and full stop will be subject to intense scrutiny and may be subject to a challenge in the courts. We all know this is very likely. Legislation in this area requires the most careful and expert drafting, appropriately the work of the Office of the Attorney General. While Deputy Daly's Bill is welcome in facilitating debate, it is not appropriate that it should form the legislative basis for this particularly complex issue. Indeed, the expert group report pointed out that: "Due to the nature of this legislation, the process of drafting and democratic scrutiny is likely to take a considerable period of time." This is a sensitive issue and it is proper and right that it be given the attention it requires. Therefore, I support the Government decision to oppose Deputy Daly's Bill.

The expert group report sets out a number of recommendations and weighs the advantages and disadvantages of each option. The report's findings state that the recommendation for legislation with regulations would likely satisfy the requirements of the implementation process of the judgment in *A, B and C v. Ireland*. According to the report, legislation with regulations "fulfils the requirements of the judgment, it provides for appropriate checks and balances between the powers of the legislature and the executive, and would be amenable to changes that

might arise out of clinical practice and scientific advances”.

The Oireachtas will have the opportunity to discuss and vote on all the relevant details of any proposed legislation in this area. I hope the Government will be supported by the Opposition, especially by those Members who have been so clear in their desire for action on this issue. The Government is committed to acting on this report, with a decision to be made before the Christmas recess and implemented in the new year. However, it is clear that any proposed legislation for the X case will be a complex task.

The expert group report is helpful in that it discusses the various complex issues that can arise and sets out a number of measures that could be implemented to address each issue. For example, the report states:

The Supreme Court in the X case specifically recognised risk of suicide as a legitimate basis for permitting termination of pregnancy where the other criteria were satisfied. This principle was upheld in two subsequent referendums on the issue.

However, the report deals with and rejects the arguments often put forward that the judgment in *Attorney General v. X*, establishes a right to abortion at any gestational age. Even from a cursory analysis, it is clear that the report of the expert group provides a wealth of expertise, both medical and legal, and that this considerable resource at our disposal should not be ignored.

Our responsibility as legislators is not simply to draft legislation, no matter how well-intended. It is our responsibility to pass legislation which is subsequently enacted. This will require 83 votes in favour of the legislation. Deputy Daly introduced this Bill last April. I spoke on the Bill at the time and I have no doubt of her good intentions. However, only 20 Members voted in its favour. This is a far cry from the required number of 83 votes in favour. There is division among all groupings in this House. Not one political party or group speaks with a unified voice on this issue. Fianna Fáil, Fine Gael, Sinn Féin and the Technical Group are all divided on this issue. The Labour Party has been the only party with a clear and unified voice on the need to legislate on behalf of the X case. We stand ready to legislate now. I am confident this will not be the seventh Government to ignore the need to act on the Supreme Court ruling in the X case. The Government has committed to have a decision before the Christmas recess. There is a commitment to implement that decision early in the new year, following the hearings of the Joint Committee on Health and Children. I have no doubt the report will stimulate an extremely interesting discussion in the House next week. I trust that, following on from the events in recent weeks, we will be able to have a thoughtful and considered debate on this sensitive issue that has divided Ireland for at least three decades. For all these reasons I believe that a vote in favour of this Bill is not appropriate at this time.

**Deputy Billy Kelleher:** I welcome the opportunity to speak on this Bill. However, it is not helpful that the report is not available to aid us in a discussion of the broader issues raised by Deputy Daly’s Bill. I wish to express disappointment that the report was leaked extensively over the past weeks. This is a very challenging debate. Many individuals and parties have significant concerns of conscience and concerns on religious or ethical grounds. We are legislators and we are obliged to legislate. We may need to park our individual concerns to debate the broader issues. In my view, the leaking of the report was distasteful and unnecessary. This report was commissioned by the Government as part of the programme for Government and its recommendations were to be made public. I do not understand why it was thought necessary to leak the report to various media outlets. I am not sure what this achieved. The leaking of the

report did an injustice to a report which had been supported by all sides in the House.

There is an obligation on legislators to deal with this very difficult issue which has been with us since 1983. Many Governments have been blamed for failing to act on this issue. A referendum held in 1983 inserted Article 40.3.30 in the Constitution. One could argue that this article is the reason we are debating the issue today. The X case referendum was held in 1992 to deal with the right to travel and the right to information but it removed the ground for lawful termination of the threat of suicide to the life of the mother.

**Deputy Alan Shatter:** The last one was unsuccessful.

**Deputy Billy Kelleher:** I do not think we need to be made aware of that fact. The right to travel and to information was carried but the ground of threat of suicide was unsuccessful. The people decided on the issue of suicide. They believe that the issue of suicide requires a legislative decision. The reason I list these events is because there is a perception that nothing was done in the past. The people were again consulted in 2002 and they again concurred with the view of the Supreme Court. We have an obligation to stand up and be counted and to provide a resolution to this very difficult issue.

The Minister of State, Deputy Kathleen Lynch is correct that many parties have varying views within their membership. This is a matter which will need to be dealt with internally by parties. However, when we assemble here as legislators - whether as members of Fine Gael, Fianna Fáil, the Labour Party, Sinn Féin or Independents - we have a duty to the electorate. We will at times be required to leave aside our personal views - whether pro-choice or pro-life - in an attempt to establish a mechanism that will deal conclusively with the issue of the X case, provide clarification and allow us talk about the other important issues relating to maternity services and access to proper treatments and maternity care for women.

We must deal with this issue as a result of the judgment of the European Court of Human Rights and the case of *A, B and C v Ireland*. The expert group review has provided a number of options. I have not read the report in detail but we will have an opportunity to speak with some authority once we have studied and digested the report and consulted our party members and other interest groups from both sides and no side. We are being asked to divide the House again on this same Bill which was debated last April. On the night of the publication of the report, we are being asked to debate the issue and to divide the House again. We must act in the interest of giving everybody an opportunity to determine, on foot of the expert review group's recommendations, what he or she believes will satisfy the majority in the House. Ultimately, it is the majority in this House who will decide what is required, be it legislation or regulations, in the context of the Government's interpretation of the report. For all these reasons, the Bill is divisive at this juncture. I am not questioning the motivation of Deputy Daly, whose views have been made well known publicly. She has said on numerous occasions that she is pro-choice and that even the eighth amendment, inserting 40.3.3°, is restrictive. However, we must deal with what we have. The bottom line is that the public has spoken and insisted that Article 40.3.3° is the basis on which we make decisions in light of the Supreme Court's interpretation in the X case.

Issues such as rape, incest and fatal foetal abnormalities elicit strong views and people argue for entitlement to termination in such cases, but the current position is that we would actually have to have a referendum to address these particular issues legislatively at a later date if we wanted to. We must work within the current narrow focus. The expert review group has, on

foot of a cursory examination, arrived at proposals that may meet the needs of the majority in the House. I refer to the introduction of legislation or a regulation, or both. I am not sure exactly what the Government's interpretation will be but I am sure it will more or less make a proposal, based on the four or five recommendations, that could be backed by a majority in the House. Otherwise, we will be debating this issue continually where a matter arises that is contentious, divisive or does not secure the backing of a majority in the House. For all these reasons, the Bill is not timely this juncture.

Deputy Shatter, as Minister for Justice and Equality with access to support in analysing the Bill and as a solicitor, will have identified some of the flaws in the Bill. It is evident that it would require considerable work on Committee Stage even if Second Stage is passed tomorrow evening. We must wait only a few weeks for recommendations from the Government. The recommendations will be presented to the Joint Committee on Health and Children in January and there will be an opportunity for people of all views to make presentations and submissions on the views of the expert group and judgments A, B and C. We can then determine whether we can bring society with us. There is no point in making in the House a decision that has no resonance. People refer to Mr. Tony Benn's view on leadership. We must lead but the problem is that if one leaves a divided society behind one, one is not achieving very much in the context of this very sensitive issue.

My party will not be supporting the Bill tonight. We await the Government's recommendations. As I stated publicly, including in this Chamber, we want to play a role that will bring finality regarding our obligations in respect of the A, B and C cases, having regard to the reprimand of the Grand Chamber. Thus, there will be clarity such that women can believe their maternity services are comprehensive and safe and that their human rights will be vindicated daily. Where there is a substantial risk to the life of a woman using maternity services, a termination is legal, but clarity is required in this respect. It is necessary on a number of fronts, primarily because of the statement of the European Court of Human Rights. Masters of various maternity hospitals, obstetricians and clinicians dealing with this matter daily are saying legislative and regulatory clarity is required. They seek a definitive statute to give them confidence to work in the maternity services.

With regard to the inquiry into the death of Ms Savita Halappanavar, it is important that we await the outcome. The matter was badly handled. We raised this a long time ago. When we heard about the issue first, we stated the inquiry should be fully independent. There should have been significant discussions with the family, including Mr. Praveen Halappanavar and the extended family. There is now an inquiry that does not have the confidence of the family; it does not really have the confidence of anybody.

I acknowledge the HSE is obligated to carry out its own clinical investigation. Running in tandem with that could have been an independent investigation that would satisfy the needs of the family. Despite this, there was no discussion or engagement. The Tánaiste brought in the Indian ambassador, and the Irish ambassador spoke to the Indian Government, yet no member of the Irish Government spoke to the husband of the deceased until a couple of days ago. To say the very least, this is distasteful. I refer to a high-profile case with a very tragic outcome giving rise to major concerns on the part of the family concerned over the fact that an independent investigation is not being carried out and that instead, an investigation is being carried out by the HSE. I understand the concerns of the family. We should have appointed an independent investigative team that could have carried out an investigation in tandem with the HSE. The HSE has an obligation to ensure that whatever happened in Galway on the day in question will

not happen again and it is obliged to address deficiencies.

This debate has done a considerable disservice to maternity services. People highlight the issue of Savita Halappanavar but we do not know the circumstances. However, I do know we have one of the best maternity services in the world. It is staffed by the most eminent and qualified obstetricians, gynaecologists, midwives, nurses and support staff. Women ought to have confidence in the safety of our maternity services and believe they provide the best quality of care for mother and child. We must understand that individuals may use certain tragic circumstances to highlight their particular positions but doing so does not do any justice to the thousands of staff who are working week in, week out, in our maternity services and providing some of the best maternity care in the world. It is important that the language we use to highlight issues be used in a way that is understanding of the concerns of others and what flows therefrom.

The Minister stated we have an obligation regarding the statement of the European Court of Human Rights regarding the A, B and C cases. This is really why we are discussing this issue: let us be honest. I have been a Member for a number of years and believe this matter was pushed on us. It may not have become part of the programme the Government had the European Court of Human Rights not stated quite clearly that there ought to be clarity and that an individual's human rights were not vindicated in respect of her having clarity on whether she was entitled to terminate a pregnancy to save her life. This is the kernel of the issue. Nobody has acted on this issue. Had the European Court of Human Rights not vindicated the human rights of the individual in the C case, we might not have been discussing this at all. I welcome the fact that, at long last, in the context of the interpretation of the Supreme Court and the European Court of Human Rights decisions, this issue has been brought to the Legislature, where we can make the points and, more important, the decisions that are now required. It is evident that we cannot muddle along anymore and we have to try to be brave in how we deal with this, although we must do so in a way that is sensitive to, and understanding of the fact, that many Members will not necessarily support some or any proposals. My party has not discussed the report because we only received it earlier. However, unless 83 Members are willing to support this, we can continue to debate this issue forever and a day. We must be understanding that some Members have strong views at variance with those expressed by previous speakers and they have as much right to vote against the Government's proposals as others have to support them. Common sense and a consensus may address this divisive issue.

**Deputy Caoimhghín Ó Caoláin:** Since the tragic death of Savita Halappanavar, the issue of abortion has once again become dominant in Irish politics. It is a double tragedy that it should take the death of a young woman to again focus minds on the requirement to protect women and to address the unresolved legal issues but the need for greater legal clarity has been there for a long time. Disgracefully, that need has been neglected by successive Governments.

This Bill seeks to provide legal clarity. It may not be the required answer but Sinn Féin believes that it should be allowed to proceed to Committee Stage where it can be amended, as appropriate, and we will vote accordingly. Legislation can now be addressed in light of the Report of the Expert Group on the Judgment in A, B and C v Ireland, the publication of which I welcomed earlier. The report reminds us that, in the A, B and C v. Ireland case, the ECHR found that Ms C's right to private and family life had been violated contrary to Article 8 of the European Convention on Human Rights. The court held that there was no accessible and effective procedure to enable her to establish whether she qualified for a lawful termination of pregnancy in accordance with Irish law. That, in a nutshell, sets out the need to legislate.

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The report sets out options for the provision of lawful termination of pregnancy in circumstances where there is a real and substantial risk to the life of the mother which can only be avoided by a termination of the pregnancy. This is the core of the matter on which we have to provide as much legal certainty as possible. From the report's analysis of the options, it is clear that primary legislation is required and that regulations alone will not suffice. The detail of the report will require careful scrutiny in the days ahead, for example, to assess if a combination of primary legislation and regulations would be preferable to primary legislation alone. A first reading of the report makes clear that what is most likely required is both primary legislation and regulations. A careful balance will have to be struck between making legislation too prescriptive and leaving too much to be dealt with by regulation.

It is absolutely crucial that the Government acts speedily on the report. As an immediate next step, the Government should allow the Bill to proceed to Committee Stage. That is our sincerely held view. It will then be up to the Government to determine when Committee Stage will be taken. This can be done in consultation with all parties and any number of amendments can be brought forward to make the Bill fit for purpose. We are willing to play our part in all of that. We should not have to wait another six months for legislation to present and be enacted. As an Opposition party, Sinn Féin is willing to co-operate with the Government and all parties and voices in the Oireachtas to achieve the best outcome and the stated outcome, which is the protection of women in all circumstances that can present and the provision of certainty for medical practitioners where legal certainty is required.

Debate adjourned.

The Dáil adjourned at 8.55 p.m. until 10.30 a.m. on Wednesday, 28 November 2012.