



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	2
Priority Questions	2
Leader Programmes	2
National Asset Management Agency	4
Pyrite Remediation Programme	6
Motor Taxation	9
Other Questions	17
Household Charge	17
Pyrite Issues	22
Water and Sewerage Schemes	26
Building Regulations	27
EU Directives	29
Housing Regeneration	30
Topical Issue Matters	31
Leaders' Questions	32
Ceisteanna - Questions (Resumed)	41
Diplomatic Representation	41
Constitutional Convention	53
Order of Business	58
Misuse of Motor Vehicles (Public Spaces) Bill 2012: First Stage	66
Estimates for Public Services 2012: Leave to Introduce	67
Estimates for Public Services 2012: Referral to Committee	69
Topical Issues Debate	70
Periodic Payment Orders	70
Gas and Oil Exploration	74
Hospice Services	77
Hospital Services	80
Report of the Expert Group on the Judgment in the A, B and C v. Ireland Case: Statements	81
Funding of Disability Services: Motion [Private Members]	97
Health Insurance (Amendment) Bill 2012: Report and Final Stages	119

DÁIL ÉIREANN

Dé Máirt, 04 Nollaig 2012

Tuesday, 04 December 2012

Chuaigh an Ceann Comhairle i gceannas ar 14.00 p.m.

Paidir.
Prayer.

2 o'clock Ceisteanna - Questions

Priority Questions

Leader Programmes

55. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government the legislation that will be used to amalgamate LEADER and Integrated local development companies into local authorities under Putting People First; if their financing will be ring fenced; the discussions he has held with the bodies involved; and if he will make a statement on the matter. [54347/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd): There are no proposals to amalgamate local development companies into local authorities. The report, Putting People First: Action Programme for Effective Local Government, recommends greater alignment between local government and local development, including the 51 local development companies that currently deliver important programmes for the Department. This follows from the Government's acceptance of the recommendations made by the steering group on alignment between local government and local development. The group's report was published alongside Putting People First and is available on the Department's website at www.environ.ie. Under those recommendations, local development companies will continue to have a role in local development activities and programmes. The availability of funding to local development companies and the level of such funding is dependent on the programme activities that they are contracted to deliver, and therefore ring-fencing of funding has not in the past arisen and does not now arise. In line with the alignment steering group's recommendations, the local development model is to be retained

and local development companies will continue to have a delivery role.

Both the Minister, Deputy Hogan, and the Department have met the representatives of local development companies on these matters and this dialogue will continue as the alignment process is advanced. Both the Minister, Deputy Hogan, and the Department officials have met representatives of local development companies on these matters. This dialogue will continue as the alignment process is advanced.

Deputy Barry Cowen: I thank the Minister of State for what appears to be a concise answer. I accept his statement that there is no proposal to amalgamate but rather to align them. I am sure that will consist of a sharing of facilities and administrative staff. If that is the case, will it have a knock-on effect on existing administrative staff who are employed by these agencies? Can the Minister of State categorically say that funding that has heretofore been given to these agencies for distribution among the communities they serve and represent will be ring-fenced?

The Minister of State says he has spoken to some of the agencies' representatives. I have had numerous contacts with different agencies, Leader groups and development companies in recent weeks. I agree with the concept but will this process be negotiated to achieve the end result rather than being imposed? No success can be gained by imposition and a lack of negotiation in arriving at a solution one wants to see.

Can the Minister of State confirm that all funding for these programmes will be ring-fenced and can be expected to continue as heretofore? Will administrative staff be shared and, if so, will it mean a loss of jobs in those agencies? Is there a timeframe for the negotiations, when will they progress and when are they likely to conclude?

Deputy Fergus O'Dowd: The report refers to new synergies between local government and development agencies. As regards sharing facilities, if there is space in a local authority office, why should a development agency not go in there, if it is free from its lease? It makes sense to reduce costs, including electricity. The key issue is that it will be recommended, where possible, and it is very practical in that more money will go to the front line for community projects. According to the review group, of the €135 million involved in the four main programmes, €35 million was spent on administration and overheads. There is no issue about people keeping their jobs, but we will get new synergies and will reduce our costs.

Like the Deputy, I have met people from the network. Their views are clear, as is the Government's view. It will remain a bottom-up approach and they will make a contribution, especially at the socioeconomic committees in local authorities, to be established by legislation. Their views will be very important and they will have a dedicated role to perform.

Deputy Barry Cowen: Is there a timescale for whatever negotiations or discussions take place to satisfy these agencies? Such a timescale would allow the Minister of State to agree a means by which this can take place seamlessly. It would be to their satisfaction as well as the Government's and, ultimately, to the satisfaction of those whom they represent and whose funding the Government targets in various areas. That is all I am asking. There should be an arrangement and an understanding that this can be done in partnership.

Deputy Fergus O'Dowd: The local development network is an important part of the process and pays a significant local and national contribution. The Minister will establish an implementation group shortly and the network will be part of that. This is to make better use of the money we have through new synergies and directing money to the front line. I can assure

the Deputy that nobody is dictating the pace. It will be a bottom-up approach. The commitment and contribution that development agencies currently give will continue in the new socio-economic committees. This will involve other stakeholders, including public private partnerships, local authority members and voluntary groups, in order that the good work will continue into the future.

National Asset Management Agency

56. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if he has explored the possibility of lease agreements with the National Assets Management Agency housing which would result in properties over time coming under the ownership of local authorities and remaining within the social housing system. [54241/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): Since December 2011, NAMA has identified more than 3,800 properties as being potentially available for social housing. The local authorities and the Housing Agency are working systematically with NAMA to determine if there is a social housing demand for properties identified as potentially suitable for social housing, including the need for accommodation for those who are homeless. Where a demand is identified, this information is provided to NAMA and efforts are made to secure as many of the suitable properties as possible for social housing. It is anticipated that in the main, suitable properties will be secured through leasing arrangements with the property owners or receivers or directly with NAMA. The local authority will have the option of leasing the properties directly. Alternatively, the preferred approach may be to arrange for an approved housing body, AHB, to secure the properties through lease or, in some cases, purchase arrangements and make them available for social housing support through payment and availability agreements. An option to purchase at a future date can also form part of leasing arrangements.

As of the end of August 2012, 133 housing units had been provided from the portfolio of units identified by NAMA, of which units 49 are funded under leasing arrangements, with the balance of units delivered purchased with funds from the local authority social housing capital investment programme or by approved housing bodies under the capital assistance scheme. The 49 units funded under leasing arrangements were purchased by AHBs through a combination of State and private capital.

Deputy Brian Stanley: I thank the Minister of State for her reply. I acknowledge some good work has been done in respect of NAMA houses and houses in unfinished estates with the money used for safety purposes. However there is a problem with the houses themselves and not the infrastructure in that a promise was made that many housing units would come on-stream for social housing. If I heard the Minister of State correctly, approximately 1,400 such units have come on stream to date. The problem is that the social leasing schemes cost thousands of euro every year for each unit and this is money which goes back to the developer or investor. The other point to remember is that another cost is being cooked up with regard to long-term leases, as such units must be returned in perfect condition. In effect, this is acting as a second bailout for developers. Moreover, it is pushing up the prices of rent, which sometimes are artificially high because NAMA properties are not available for rent.

An Leas-Cheann Comhairle: The Deputy should ask a question please.

Deputy Brian Stanley: I will get to the question shortly but must first set the context. A total of 16,881 units remain empty in the unfinished estates even as 100,000 family units await housing within the State. A total of 17,070 estates have been left unfinished but 16,881 housing units remain vacant. There is a huge demand for housing at a time when all these vacant houses are available. In my constituency of Laois-Offaly, approximately 3,500 people are in need of housing and yet 657 vacant units exist there, 174 of which are in County Offaly and the other 483 in County Laois.

An Leas-Cheann Comhairle: Thank you Deputy.

Deputy Brian Stanley: The question is-----

An Leas-Cheann Comhairle: Sorry Deputy, I must share the six minutes between the Deputy and the Minister of State.

Deputy Brian Stanley: I must ask the question and will be brief.

An Leas-Cheann Comhairle: I will revert to the Deputy if I have time.

Deputy Brian Stanley: One sentence.

An Leas-Cheann Comhairle: In fairness, the Minister of State must reply.

Deputy Jan O'Sullivan: I thank Deputy Stanley. First, all Members share a determination to ensure that as many of these unoccupied units as possible will become occupied and will become homes for people. However, I make the point, of which the Deputy probably already is aware, that not all the unfinished houses are in NAMA. Indeed, only a relatively small proportion of them actually are in NAMA. It is a question of trying to provide for the existing need in as effective a way as possible. While I am unsure whether the Deputy actually asked the question, I will provide him with the figure. The cost of leasing is approximately €7,400 per annum whereas were one to attempt to build houses, one would get an awful lot of leasing units for the cost of building a single house. Moreover, the Government must make do and, given the times, must try to house as many people as possible by whatever method it can use. The leasing arrangement provides housing for people. I admit all Members would probably prefer to be able to build more houses but we cannot because we do not have the money. In addition, only 80% of the market rent is paid under the leasing agreements. Consequently, the entity which owns the house, be it NAMA, a receiver, a property developer or whoever, does not get the full market rent. There is a possibility of purchase although that varies depending on the different units. It is a complex issue but the Government is trying, in so far as possible, to get as many such units as possible for social housing to provide homes for people.

Deputy Brian Stanley: Everything, including bank debts, can become complex when we try to do something but we must try to make this simple. There are almost 17,000 vacant houses in unfinished estates but 100,000 people are on the waiting list. The Minister of State mentioned issues regarding the purchase of houses. Many of these houses are now for sale for less than €50,000, and there is a cost at the end of the process. That is seven years of rent.

Will the Minister of State reply to me on the idea of a rent to buy scheme? There are conditions for planning in some of these estates that relate to social housing but there could be a scheme where the tenants could rent a property and own it after a period. There could also be a super-affordable scheme, as it were. I could show the Minister of State some estates where

properties cannot be sold, although she probably knows them. There are apartment blocks outside Dublin for which people cannot get loans so why are we not moving to use some of them for homeless people? We are paying millions of euro for rent allowance in a process that cannot continue as it is.

There are local authority estates that have not been completed because of inadequate funds. If a local authority has to spend €100,000 finishing an estate, should it get some units in lieu of the work when there is no money for payment? I am trying to provide solutions.

Deputy Jan O’Sullivan: We are engaging regularly with NAMA and we push the agency all the time to ensure we get the best possible outcomes. We will put the various suggestions to NAMA. If we did not have a leasing system, there would be many more people on housing waiting lists. It is the most cost-effective way to house people in the current economic climate and we must use it. There are ongoing issues and we are working very hard on them. Some of the units coming from NAMA will be for homeless people. I will ensure that as we want to prioritise the people most in need.

Pyrite Remediation Programme

57. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if, noting that the Homebond company which led house purchasers to believe that they were insured against major structural damage has shown surplus funds of €25 million which will not be called upon for major structural damage for houses built before Homebond negotiated backing by a real insurance company in 2008, he will ensure that these funds are used to remediate Homebond guaranteed housing damaged by heave inducing pyrite. [54253/12]

59. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government the actions he is now putting in place as a result of his meetings with the construction industry insurance, quarries and banks with a view to levying these industries as was recommended by the pyrite panel; and if he was successful in his discussions with these groups and has agreement been reached or will he now look to impose a solution. [54547/12]

Deputy Fergus O’Dowd: I propose to take Questions Nos. 57 and 59 together.

HomeBond is a private limited company providing structural guarantees for new houses and, since November 2008, the HomeBond insurance scheme has been underwritten by Allianz Insurance. As in the case of any private company, its operations, including how it deals with the management of funds, inspections or claims, are matters for its management and board of directors. In that regard, HomeBond Insurance Services Limited is regulated by the Central Bank of Ireland and my Department has no function in these matters. The Minister, Deputy Hogan, has put on record his disappointment with the stance adopted by HomeBond by withdrawing in August 2011 cover for home owners for pyrite related damage.

Following receipt of the report of the independent pyrite panel in late June 2012, the Minister has engaged with all of the main stakeholders identified in the report, including HomeBond, to explore options for a resolution to the pyrite problem, including possible funding mechanisms for a remediation scheme. Discussions are now at an advanced stage and are expected to conclude very shortly, with outcomes arrived at on the basis of the pyrite report. The pyrite panel was unambiguous in its view that those with direct and indirect responsibility for the

pyrite problem should bear the cost of remediation, and this has been the core of the Minister's discussions with the stakeholders over recent months.

It was considered that sufficient progress had been made to justify the continuation of these contacts for a further short period. However, matters must be concluded very shortly and outcomes must be arrived at on the basis of the report of the pyrite panel in order that the entirely unacceptable position in which affected home owners find themselves can finally begin to be addressed. The Minister has made clear that in the event that stakeholders do not, either individually or collectively, agree a voluntary funding mechanism for a remediation scheme, he will seek Government approval for the imposition of a statutory levy on the construction, quarrying and insurance sectors. He has already announced that he is proceeding with the establishment of a resolution board, as recommended by the independent panel, and final arrangements for its establishment will be made in conjunction with consideration of the final written positions of the stakeholders.

Deputy Joan Collins: The Minister of State indicated that reports should be available soon. It is disgraceful that the Government continually provides the same information on what will be the position at some point in the future. In the meantime, pyrite remediation measures have not been carried out on a single house. People can no longer wait for action. Has HomeBond been challenged to use its surplus of €25 million to fund remediation measures or investigations to certify whether pyrite is present in homes? It is crucial that the company is tackled on this issue as it is unacceptable to leave families in limbo. The Government, which has acknowledged the scale of the problem on numerous occasions, must speed up the process. Has it raised with HomeBond the company's €25 million surplus?

Deputy Fergus O'Dowd: With respect to the Deputy, her figure on the remediation of homes is wrong. The independent report, which I have with me, states that 1,100 homes which were seriously-----

Deputy Joan Collins: HomeBond has not done any remediation work.

Deputy Fergus O'Dowd: I did not interrupt Deputy Collins. The report states that 1,100 homes with serious pyrite problems are being addressed. I concur with the Deputy that all of the families involved are in an awful and extremely difficult position. They purchased homes for a fortune at the height of the market and generally before 2008 only to find significant pyrite problems with their homes. Another 850 houses, for which claims have been made, are also being addressed. It is estimated that in theory pyrite problems could occur in 11,000 houses. The report maps these homes using a colour code in which red indicates the homes in question must be immediately addressed, yellow means they must be monitored over a lengthy period and green means there are no individual problems.

Deputy Dessie Ellis: It is disappointing we have not yet had word back from the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, given that he has twice indicated to us that he has given the industry a deadline to produce a solution to the pyrite problem. He stated previously that he was considering making requests for funding remediation measures in the houses in question. The issue of funding is fundamental.

The Minister of State referred to a figure of 11,000 homes. As Christmas approaches, it is vital that urgent action is taken to address serious problems found in 850 homes. If legislation is required, as appears likely, a solution will not be found until the new year. Legislation must be

retrospective as we must avoid a scenario in which people are informed they missed a deadline for submitting applications and so forth. This issue needs to be addressed urgently.

Deputy Fergus O'Dowd: I agree with the thrust of the Deputy's argument. As he correctly noted, this is a serious a problem. I stress, however, that the Minister established the independent panel in June 2011 and it did not report until earlier this year. He has held a number of significant meetings with all of the stakeholders and insists that responsibility for meeting the costs of addressing the pyrite problem rests with those who built or insured the homes in question. The Minister is committed to resolving this problem as quickly as possible.

One of the proposals in the pyrite report is to establish a resolution committee to address all outstanding issues. This will provide a fail-safe mechanism in the event that problems in certain houses are not addressed. The Minister is establishing a body which will deal effectively with any issues that may yet arise. This will provide closure for families. The Minister is working extremely hard to resolve this matter and whatever needs to be done will be done. If possible, however, it is better to have a voluntary, agreed process.

Deputy Joan Collins: The people who are experiencing this problem are frustrated because time and again they have heard about deadlines. Pyrite remediation works on the 1,100 homes to which the Minister of State referred were carried out by Premier Guarantee rather than HomeBond. I have been reliably informed that there has been no movement on the red category claims submitted nine months ago. For those who most need it, the pace of change is still sluggish. Has HomeBond been challenged in respect of the surplus of funds and the €25 million for quick remediation?

Deputy Dessie Ellis: Regarding the resolution board, it is important that there be a mechanism for judging the cost of the remediation works. It will vary and we have heard figures from €50,000 to €80,000. Local authority housing has the same problem. While there is a mechanism to get money from the Department for such housing, would it not make sense to include local authority housing in this scheme so that it could receive funds to deal with its problems? We will get no money from the builders, the Construction Industry Federation, CIF, and so on. Insurance companies should have dealt with many of these cases. If we pursue people, we will need to go to the ends of the earth. It is important that we include local authority houses with pyrite problems.

Deputy Fergus O'Dowd: Local authority problems in places such as Ballymun are being addressed successfully.

Deputy Dessie Ellis: Yes.

Deputy Fergus O'Dowd: Fingal County Council is not being criticised. The council dealt with the issue adequately as soon as it came to its notice in 2007. However, this matter never appeared on the building horizon until it occurred.

Deputy Joan Collins: Wrong.

Deputy Fergus O'Dowd: None of the academic or training courses for professionals, inspectors of buildings and so on viewed it as an issue. The problem is being addressed.

I agree with Deputy Ellis, in that the standards must be independent and stand up to scrutiny, and the job must be done and certified. A home owner will have a certification to the effect that

the house is pyrite free.

Notwithstanding Deputy Joan Collins's concerns, the Minister, Deputy Hogan, is committed to resolving this issue as quickly as possible. When the board is announced and voluntary agreement is reached, there will be finality to this issue, at least in terms of the process.

Motor Taxation

58. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government the number of motorists paying road tax broken down by band; the total amount paid per band to each local authority in 2011 and to date in 2012; and if he will make a statement on the matter. [54348/12]

Deputy Fergus O'Dowd: I propose to circulate in the Official Report a tabular statement setting out details of the number of motorists paying road tax by band for 2011 and to the end of October 2012 and setting out motor tax receipts by band in respect of 2011. Arrears are broken down by motor tax class. As indicated in the replies to Questions No. 476 on 27 November 2012 and No. 362 on 2 October 2012, a breakdown of motor tax receipts by band in respect of 2012 is being prepared. I will forward this information to the Deputy when it becomes available.

Data on income, vehicle numbers and trends in payment of motor tax, such as the uptake of online payments and the proportion of discs taken out annually, half-yearly or quarterly, are compiled by the National Vehicle and Driver File, NVDF, to monitor income to the local government fund and facilitate projections on future income. Information on total income by county is made available as a matter of course. This information was set out for you in a previous reply.

A breakdown of the total amount paid per band to each local authority, as well as via the online motor tax system, is not compiled on an ongoing basis. There are over 70 separate categories of motor tax for private vehicles, commercial vehicles and various other classes of vehicle. Providing a breakdown for all these categories across 29 licensing authorities and the online system will take some time. As soon as it is available, it will be forwarded to the Deputy.

Vehicle numbers by band at 31 October 2012

Private vehicles based on engine capacity

Engine size	No. of vehicles at 31 October 2012
not over 1,000	121,325
1,001 to 1,100	5,972
1,101 to 1,200	83,676
1,201 to 1,300	101,016
1,301 to 1,400	389,771
1,401 to 1,500	52,917
1,501 to 1,600	232,654
1,601 to 1,700	5,714
1,701 to 1,800	90,749

Dáil Éireann

1,801 to 1,900	119,525
1,901 to 2,000	161,651
2,001 to 2,100	403
2,101 to 2,200	20,034
2,201 to 2,300	6,474
2,301 to 2,400	3,349
2,401 to 2,500	17,646
2,501 to 2,600	1,442
2,601 to 2,700	3,369
2,701 to 2,800	4,165
2,801 to 2,900	292
2,901 to 3,000	16,401
3,001 or more	9,778
Total	1,448,323

Private vehicles based on CO2 emissions

Band	CO2 emissions g/km	No. of vehicles at 31 October 2012
A	O – 120g	126,788
B	More than 120g/km up to and including 140g/km	191,231
C	More than 140g/km up to and including 155g/km	67,068
D	More than 155g/km up to and including 170g/km	27,487
E	More than 170g/km up to and including 190g/km	10,991
F	More than 190g/km up to and including 225g/km	4,492
G	More than 225g/km	694
-	Total	428,751

Goods vehicles

Unladen weight (kg)	No. of vehicles at 31 October 2012
Not over 3,000	280,699
3,001 to 4,000	4,006
4,001 to 5,000	3,500
5,001 to 6,000	2,298
6,001 to 7,000	1,417
7,001 to 8,000	1,723
8,001 to 9,000	1,997
9,001 to 10,000	1,651
10,001 to 11,000	1,962

4 December 2012

11,001 to 12,000	2,904
12,001 to 13,000	2,694
13,001 to 14,000	2,491
14,001 to 15,000	1,724
15,001 to 16,000	898
16,001 to 17,000	487
17,001 to 18,000	257
18,001 to 19,000	115
19,001 to 20,000	43
20,000 or more	152
Total	311,018

Miscellaneous vehicles

-	No. of vehicles at 31 October 2012
Off Road Dumper	22
Dumper/Forklift Truck	1,927
Excavator/Digger	4,106
Mobile Machine	5,312
Agricultural Tractor	63,077
General Haulage Tractor	861
Taxi/Hackney	24,137
Schoolbus	844
Large PSV/Youth & Community Bus	8,382
Motorcycles	35,084
Vintage & Veteran	28,172
Motor Caravan	9,584
Island Vehicles	929
Hearse	859
Total	183,296

Motor tax receipts by band for 2011

Private vehicles based on engine capacity

Engine cc	No. of vehicles		Licensing Period		Total
-	31 December 2011	Annual	Half-yearly	Quarterly	€m
not over 1,000	128,675	14,728,981	5,010,647	8,356,727	28,096,355
1,101-1,200	6,331	12,073,952	5,084,252	9,985,484	27,143,688
1,001-1,100	88,565	840,015	344,330	584,969	1,769,314
1,201-1,300	109,338	15,487,519	6,730,113	14,340,523	36,558,155
1,301-1,400	413,158	64,174,826	28,291,106	55,073,440	147,539,372

Dáil Éireann

1,401-1,500	54,953	9,365,211	3,653,220	7,816,039	20,834,470
1,501-1,600	246,576	47,717,556	23,021,907	46,689,880	117,429,343
1,601-1,700	6,150	1,160,145	588,823	1,311,689	3,060,657
1,701-1,800	97,959	25,368,206	9,489,423	22,682,753	57,540,382
1,801-1,900	127,402	31,443,442	13,873,287	32,871,420	78,188,149
1,901-2,000	174,130	46,296,498	22,712,652	44,502,675	113,511,825
2,001-2,100	440	172,905	64,444	130,883	368,232
2,101-2,200	21,650	8,409,501	3,787,425	6,553,666	18,750,592
2,201-2,300	6,952	2,779,446	1,256,157	2,177,440	6,213,043
2,301-2,400	3,732	1,801,374	609,307	1,112,351	3,523,032
2,401-2,500	19,939	8,832,994	3,676,282	6,955,122	19,464,398
2,501-2,600	1,596	896,460	414,548	600,494	1,911,502
2,601-2,700	3,947	1,917,024	1,084,292	1,808,919	4,810,235
2,701-2,800	4,428	3,000,350	1,188,228	1,407,603	5,596,181
2,801-2,900	451	172,788	110,824	323,385	606,997
2,901-3,000	18,007	12,793,482	4,495,284	6,715,002	24,003,768
3,001 or more	10,924	10,036,518	3,398,511	4,546,754	17,981,783
TOTAL	1,545,303	319,469,193	138,885,062	276,547,218	734,901,473

Private vehicles based on CO 2 emissions

CO2Emissions-Grams per km	No. of vehicles		Licensing Period		Total
-	31 December 2011	Annual	Half-yearly	Quarterly	
-		€	€	€	
A (0 - 120)	85,703	14,674,685	798,697	500,711	15,974,093
B (121-140)	157,480	19,694,527	1,368,641	1,279,570	22,342,738
C (141-155)	59,924	12,688,950	2,353,940	2,270,811	17,313,701
D (156-170)	24,842	7,564,514	1,551,688	1,491,216	10,607,418
E (171-190)	9,938	4,288,707	914,844	780,429	5,983,980
F (191-225)	3,968	2,893,280	654,434	437,498	3,985,212
G (226 & over)	652	914,210	162,655	110,436	1,187,301
TOTAL	342,507	62,718,873	7,804,899	6,870,671	77,394,443

Goods Vehicles

Unladen weight (kg)	No. of vehicles		Licensing Period		Total
-	31 December 2011	Annual	Half-yearly	Quarterly	
-		€	€	€	€m

4 December 2012

not over 3,000	290,100	64,426,105	13,244,063	10,075,615	87,745,783
3,001-4,000	4,246	1,230,531	213,248	133,190	1,576,969
4,001-5,000	3,704	1,263,209	322,942	208,664	1,794,815
5,001-6,000	2,355	1,092,544	294,810	203,070	1,590,424
6,001-7,000	1,448	830,418	293,788	233,310	1,357,516
7,001-8,000	1,755	1,255,710	394,454	390,539	2,040,703
8,001-9,000	2,038	1,615,902	693,428	601,418	2,910,748
9,001-10,000	1,693	1,575,489	606,273	806,220	2,987,982
10,001-11,000	2,006	1,822,218	770,367	1,627,996	4,220,581
11,001-12,000	2,963	2,636,063	1,305,594	3,189,258	7,130,915
12,001-13,000	2,609	2,540,190	1,448,240	3,152,233	7,140,663
13,001-14,000	2,377	2,916,371	1,457,841	2,643,864	7,018,076
14,001-15,000	1,725	2,296,929	1,174,719	2,030,469	5,502,117
15,001-16,000	898	1,566,768	555,673	917,862	3,040,303
16,001-17,000	466	955,234	378,335	346,234	1,679,803
17,001-18,000	241	559,981	150,986	191,100	902,067
18,001-19,000	105	255,093	73,077	63,116	391,286
19,001-20,000	51	139,986	37,664	46,813	224,463
20,001 or more	151	374,185	127,625	198,120	699,930
TOTAL	320,966	89,352,926	23,543,127	27,059,091	139,955,144

Miscellaneous Vehicles

Vehicle Type	No. of Vehicles	Licensing Period			Total
		Annual	Half-yearly	Quarterly	
-	31 December 2011				
-		€	€	€	€m
Off Road Dumper	13	6,128	1,700	4,536	12,364
Dumper/ Forklift Truck	2,074	182,622			182,622

Dáil Éireann

Excavator/ Digger	4,228	356,639			356,639
Mobile Ma- chine	5,530	1,373,456	162,415	88,287	1,624,158
Agricultural Tractor	64,423	5,713,888			5,731,888
General Haulage Tractor	939	251,932	15,754	7,938	275,624
Taxi/Hackney	25,129	2,082,615			2,082,615
Schoolbus	833	70,095			70,095
Large PSV/ Youth/Com- munity Bus	8,276	1,713,378	220,124	122,253	2,055,755
Motorcycle	36,582	2,605,713			2,605,713
Vintage & Veteran	27,194	1,240,930			1,240,930
Motor Cara- van	10,938	966,925			966,925
Island Ve- hicle	814	72,814			72,814
Hearse	856	75,814			75,814
TOTAL	187,826	16,730,737	399,999	223,220	17,353,956

Vehicle licence arrears receipts 2011 by motor tax class

Motor Tax Class	Receipts
-	€m
Private – engine capacity	17,874,617
Private – CO 2	1,084,638
Goods	3,438,957
Dumper/Forklift Truck	5,260
Excavator/Digger	9,405
Mobile Machine	40,947
Agricultural Tractor	150,274
General Haulage Tractor	5,162
Taxi/Hackney	33,678
Schoolbus	832
Large PSV/Youth/Community Bus	29,445
Motorcycles	83,792
Vintage & Veteran	25,723
Motor Caravan	19,675
Island Vehicle	2,333

Hearse	1,869
TOTAL	22,806,607

Deputy Barry Cowen: I thank the Minister of State and look forward to the information. I might ask a further question subsequent to receiving it.

My question is on foot of reports to the effect that the Government is seeking to raise a further €100 million from this section in tomorrow's budget. It would come on top of last year's increase of 50% in the case of CO2 band cars. Has the Government abandoned efforts to promote environmentally friend vehicles or does it have a new initiative of which no one is aware to promote these vehicles?

In regard to the household charge fiasco last year and the manner in which the Department cut the Central Fund to local authorities on foot of the collection, or lack of, on the part of some local authorities, was the Minister not mindful at any time in the entire saga of the fact that many motorists had paid their motor tax and that they were not taken into consideration when he then saw fit to cut the budgets of local authorities, and in doing that saw fit to cut the funding available to local authorities to deal with secondary, primary and regional roads? Had the Minister not thought of them when he cut the funding? Did he not think about people telephoning radio stations this morning to report that no salt gritting had been applied to many roads throughout the country? They were not taken into consideration when the Minister made the decision to cut local authority funding in the manner in which he did. In my local authority, for example, this year more than €500,000 has been taken from a budget that it had agreed in good faith this time last year. I have no doubt it would have taken seriously its role in the collection of the household charge had it been properly organised, given proper notice, informed in time and given the support necessary in order to do it properly.

An Leas-Cheann Comhairle: I will revert to the Deputy. The Minister must be given an opportunity to respond.

Deputy Barry Cowen: The Minister took the motorists out of the equation when he made the decision.

Deputy Fergus O'Dowd: On a positive light, when people go to a Garda station to say that their car has not been driven for X amount of time and therefore they do not have to pay their motor tax, it is commonly referred to as gapping. We are dealing with that. The loss to the Exchequer is believed to be approximately €55 million per annum. The matter will be dealt with shortly. The Minister, Deputy Hogan, has a file with the Attorney General on the issue. We are ensuring that does not happen. In future one will have to declare in advance that one's car will be off the road before one can benefit. Whatever happens in this or any other budget, any changes the Government makes will be in line with the terms of reference of the review which we announced last year. The adjustment of CO2 bands and rates of VRT and motor tax in line with technological advances in motor vehicles will maintain a positive environmental incentive to reduce transport emissions and ensure a stable funding base for motor taxes. If anything were to happen, one would still have an incremental difference.

Deputy Barry Cowen: I take it from the response the Minister of State agrees with my allegation that when the Government decided to cut funding to local authorities in the manner in which it did in the middle of the year, it had no consideration whatsoever for the motorist who had paid his motor tax in good faith and the expectation he had for the maintenance of the roads

in his county.

Deputy Fergus O'Dowd: I refute that utterly. Coming from a party which in 1977 – perhaps the Deputy was not around then-----

Deputy Barry Cowen: No, I was not elected to the Dáil in 1977. I had no hand, act or part in it.

Deputy Fergus O'Dowd: I remind him that Fianna Fáil did away with motor tax completely.

Deputy Barry Cowen: I was elected to this Dáil in 2011 and perhaps the Minister of State would deal with the questions which relate to people's livelihood.

Deputy Fergus O'Dowd: I did not interrupt Deputy Cowen. Let me repeat, in 1977 the then Fianna Fáil Government did away completely with all motor taxation-----

Deputy Barry Cowen: That has nothing to do with the question. The Minister of State should address the question.

Deputy Fergus O'Dowd: -----and household charges.

Deputy Barry Cowen: We are not playing that game.

Deputy Fergus O'Dowd: That is one of the reasons we got into the current mess. We are trying to clear up the last mess Fianna Fáil made when in government and part of the process is, unfortunately, what needs to happen. Any differentiation that existed previously with reduced CO2 emissions will continue even in the event of a change.

Question No. 59 answered with Question No. 57.

Other Questions

Household Charge

60. **Deputy John Browne** asked the Minister for the Environment, Community and Local Government the payment rate per local authority of the household charge to date; and if he will make a statement on the matter. [54179/12]

71. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the total number of persons who have paid the household charge to date; and if he will make a statement on the matter. [54181/12]

(Deputy Fergus O'Dowd): I propose to take Questions Nos. 60 and 71 together.

The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date is li-

able to pay the household charge unless otherwise exempted or entitled to claim a waiver. It is a matter for an owner of a residential property to determine liability and pay the charge. The Local Government Management Agency is administering the household charge system on a shared service basis with all councils.

I understand from the data recently provided that as of 29 November 2012, the number of registrations, including waiver registrations, for the household charge is 1.1 million. The table following details the total number of payments and waivers registered nationally and by local authority area. The figures are also presented as a percentage of the estimated total number of liable properties nationally and locally.

Overall, compliance continues to grow. It ranges from local authority to local authority, from 85% in Dún Laoghaire-Rathdown to 55% in Donegal. It is a matter for each local authority to use the provisions of the legislation, combined with its local knowledge and judgment, to increase compliance. I expect that local authorities will use the available avenues to the fullest to help fund the services which are most important. The legislation empowers local authorities to bring and prosecute summary proceedings for an offence, and local authorities will pursue those who may have a liability and initiate court proceedings where it is considered appropriate.

I urge all liable persons who have not paid the charge to contact their local authority as a matter of urgency. Property owners who are unsure of their liability should also contact their local authority.

County/City Council	Estimated number of liable properties	Total registered (paid + waivers)	Registrations as a % of total estimated liable properties
Carlow	18,257	12,097	66%
Cavan	25,611	17,204	67%
Clare	45,786	33,046	72%
Cork City	41,649	28,125	68%
Cork County	143,887	93,123	65%
Donegal	65,331	36,139	55%
Dublin City	190,685	138,359	73%
Dún Laoghaire-Rathdown	74,390	63,396	85%
Fingal	90,286	62,044	69%
Galway City	27,086	20,184	75%
Galway County	62,851	41,765	67%
Kerry	58,792	43,475	74%
Kildare	68,215	45,856	67%
Kilkenny	32,067	21,417	67%
Laois	26,185	16,475	63%
Leitrim	13,069	9,176	70%
Limerick City	20,380	14,131	69%
Limerick County	46,473	31,741	68%
Longford	12,928	8,761	68%

Louth	41,176	25,255	61%
Mayo	51,363	38,741	75%
Meath	60,652	38,278	63%
Monaghan	20,176	13,871	69%
North Tipperary	24,839	18,077	73%
Offaly	25,224	15,175	60%
Roscommon	23,888	16,124	68%
Sligo	25,281	17,821	70%
South Dublin	81,822	52,378	64%
South Tipperary	30,368	20,737	68%
Waterford City	15,753	10,661	68%
Waterford County	24,777	16,474	67%
Westmeath	29,872	20,448	69%
Wexford	56,030	36,695	66%
Wicklow	45,665	32,035	70%
National	1,620,814	1,109,284	68%

Deputy Barry Cowen: I thank the Minister of State. Will local authorities be funded by the Minister's Department regarding any further proceedings they have to take to get the household charge from those who have not paid to date? Also, notwithstanding what I said earlier about the household charge fiasco in the past 14 or 15 months, the property tax that is mooted and appears to have been agreed is due to commence in June next year. Is it expected, therefore, that half the household charge will have to be paid in the first six months of the year? Can the Minister of State confirm whether the penalty incurred on the second home tax will be continued with the property tax regime coming into effect in June? Regarding the costs that are to be borne by local authorities, will the Minister fund them or has he established what that cost will be and who is to fund it? Also, regarding the first half of next year, is it the case that all householders will be expected to pay 50% of a household charge based on the fact that the property tax will not be introduced until June of the following year? Can the Minister of State confirm also that second home tax and property tax will apply into the future, as was the case heretofore?

Deputy Fergus O'Dowd: This time tomorrow the Deputy will have the answer to those questions. I cannot say what may or may not be in the budget.

Deputy Barry Cowen: The Minister of State has given out enough information so far, so he may as well go the whole hog.

Deputy Fergus O'Dowd: No. I am trying to answer the Deputy's questions fairly. His questions are about the household charge and not about the property tax. As I said, the property tax, if there is one, will be fully debated tomorrow. The report on the property tax should be published shortly thereafter. There will be total transparency about what is happening and where it is happening. I am not in a position to discuss that now but I would encourage everybody who is liable who has not paid the household charge to pay it. I am sure the Deputy will agree with me that in not paying, they will continue to increase the charges on themselves because if they do not pay at the end of a year, they will owe €140 instead of €100, and at the end of two years, instead of owing €200, they will owe €240 plus the expenses incurred should

it happen. I urge everybody to pay it to fund local authority essential services.

An Leas-Cheann Comhairle: I ask the Deputy to be brief as there are four Deputies offering.

Deputy Barry Cowen: I will ask the question again in the hope I might get an answer this time. First, has an exercise been carried out on the cost of proceedings in the event of having to pursue people for these charges? If that has been costed, who is to bear that cost? Will the Minister of State fund local authorities because they do not have the funding themselves? Second, will the household charge be applicable for the first half of next year?

Deputy Fergus O'Dowd: The household charge is in place for this year and if there are changes in the budget for next year, that policy will be announced tomorrow. If anybody is successfully pursued through the courts, the person who loses that case is liable for costs. I presume, therefore, that if a local authority is successful in a prosecution-----

Deputy Barry Cowen: Live horse and get grass.

Deputy Fergus O'Dowd: -----it would be able to recover its costs from the person found to be liable.

An Leas-Cheann Comhairle: Five Deputies are offering and I ask for their co-operation. I call Deputy Mick Wallace followed by Deputy Clare Daly.

Deputy Mick Wallace: The reporting by two gardaí of terminations of fixed charge penalties on a massive scale has been ignored by the Government since last January, and we are being blocked from discussing that in this Chamber. A public inquiry is now needed. Honest gardaí are being undermined. Those gardaí need protection. They went to the Garda confidential recipient for whistleblowers but did not get any satisfaction or protection. Instead, they got a warning when one of them said to one of the gardaí: "I'll tell you something. If Shatter thinks you're screwing him, you're finished." That is a disgrace.

An Leas-Cheann Comhairle: Deputy, please. We are on the household charge. I call Deputy Daly. Is this the same issue?

Deputy Clare Daly: This is a matter of national interest. Honest gardaí are being victimised because they have uncovered the systematic abuse of motoring charges and terminations to those of some very powerful and influential people in the State, including members of the Judiciary.

An Leas-Cheann Comhairle: Deputy-----

Deputy Clare Daly: Judge Devins has been named in the newspapers, as have sports figures and other officials, including gardaí.

An Leas-Cheann Comhairle: I ask the Deputy to resume her seat.

Deputy Clare Daly: We have been denied the opportunity to raise this issue in other ways-----

An Leas-Cheann Comhairle: No, I ask the Deputy to resume her seat.

Deputy Clare Daly: We are talking about the loss of millions to the State.

An Leas-Cheann Comhairle: This is Question Time and we are on Deputy Barry Cowen's question on the household charge.

Deputy Clare Daly: We have tried to raise the issue and gardaí are being undermined.

An Leas-Cheann Comhairle: I ask the Deputy to resume her seat. I will call Deputies Stanley, Joan Collins and Luke 'Ming' Flanagan.

Deputy Brian Stanley: Deputy Cowen did not ask the Minister of State how much the figure will be next year. Will people be charged the household charge until 1 July?

Deputy Barry Cowen: That is what I asked.

Deputy Brian Stanley: We have not received an answer to that and I do not know why because it is not a budgetary matter.

How will local authorities budget for this when there is such uncertainty? How will local authorities fill the gaps? I suggest to the Minister of State to merge the post of directors of services and senior executive officers in local authorities. It is a ridiculous situation that local authority sections have senior executive officers and directors of services. There are some 230 of them across the State and the positions could be abolished or merged as well as cutting the pay of county managers. Some county managers receive salaries equal to or greater than that of the President of France. Will the Government consider it next year? The figure must be reduced.

Deputy Joan Collins: I also want to raise the national issue of corruption in respect of penalty points.

An Leas-Cheann Comhairle: Please, Deputy, no.

Deputy Joan Collins: It is outrageous. We have been trying to get the issue on the agenda and I submitted it as a topical issue.

An Leas-Cheann Comhairle: We are on a question about the household charge.

Deputy Joan Collins: There are fixed-term notices and judges are giving down charges-----

An Leas-Cheann Comhairle: The Deputy can talk to the Ceann Comhairle-----

Deputy Joan Collins: -----to people with penalty points and Mary Devins is named in this. It is outrageous.

An Leas-Cheann Comhairle: I call Deputy Luke 'Ming' Flanagan on the household charge.

Deputy Luke 'Ming' Flanagan: I would also like to raise the issue of corruption when it comes to removing penalty points from people's licences.

An Leas-Cheann Comhairle: Deputy, no-----

Deputy Luke 'Ming' Flanagan: This country should protect whistleblowers but it has never done so.

An Leas-Cheann Comhairle: This is an orchestrated campaign.

Deputy Luke 'Ming' Flanagan: This is one of the reasons we are in the hole we are in.

An Leas-Cheann Comhairle: I ask the Deputy to resume his seat.

Deputy Luke ‘Ming’ Flanagan: We need to protect whistleblowers, not punish them. We are being denied the right to talk about corruption. What is new? Nothing.

An Leas-Cheann Comhairle: This is Question Time.

Pyrite Issues

61. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government when the recommendations of the recent report of the Pyrite Panel will be implemented; and if he will make a statement on the matter. [54207/12]

62. **Deputy Alan Farrell** asked the Minister for the Environment, Community and Local Government the response he has received from industry stakeholders regarding the repair of homes affected by pyrite; the contact that has been made with all stakeholders named by him for those who have not engaged with his Department to date; and if he will make a statement on the matter. [54229/12]

84. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government if he will provide an update on restoration work being carried on pyrite affected homes and the proposed levy. [54248/12]

Deputy Fergus O’Dowd: I propose to take Questions Nos. 61, 62 and 84 together. The implementation of many of the recommendations in the pyrite report requires the involvement and co-operation of a number of parties, and implementation will be on a progressive basis. Given their particular impact on affected homeowners, priority is being given to the recommendations dealing with the establishment of a resolution board as well as the development of protocols for the testing and categorisation of dwellings and a remediation method statement, to which Deputy Ellis referred.

Following receipt of the pyrite report, the Minister for the Environment, Community and Local Government, Deputy Hogan, engaged with representatives from the Construction Industry Federation, the Irish Concrete Federation, HomeBond, the Irish Insurance Federation and the Irish Banking Federation. Discussions with key stakeholders on possible funding for a remediation scheme are at an advanced stage and are expected to conclude shortly. The Minister will then be in a position to finalise arrangements for the establishment of the resolution board.

A sizeable number of dwellings have been, and continue to be, remediated under various remediation processes. In a number of instances responsible builders are directly undertaking remediation works. Remediation work is also being undertaken under structural defects insurance and other types of insurance and as a result of arbitration and mediation processes. Similarly, where pyrite has been identified in social housing schemes, the relevant housing authorities are pursuing a range of actions to have the necessary repairs carried out by the contractors in accordance with the terms of their contracts. In some cases the remediation work is now complete and in other cases it is progressing in accordance with the contract.

Deputy Alan Farrell: I thank the Minister of State for his response.

I am concerned that this is dragging on. As the Minister of State is aware, I have personal

involvement in this matter. It is deeply traumatising, months after the report was published, that uncertainty continues as to what we propose to do with regard to the establishment of the resolution board and standardised testing. This is very important to residents not only in my constituency, but in the Minister of State's and right across Leinster. I am deeply concerned that, a number of months after the pyrite panel's findings were published, we are still uncertain as to who has not engaged with the Minister or with the panel with a view to finding resolutions to the issue.

We now learn that an amber category has been created. Residents in this category, many of whom live not far from myself, are aware of structural movement in their properties that does not conform with drying out or settlement but have not had their properties tested and do not have the means to have them tested. They are probably affected by the issue but because they are in the amber category, their homes will probably not be checked for pyrite. That is unacceptable. I agree that it is entirely the responsibility of the construction companies to ensure that the properties are up to standard. Given that the report is on the public record, however, the State should cajole those individuals into providing the testing that so many residents are seeking. The standardisation of testing is also important.

Deputy Fergus O'Dowd: A key factor is that only five of the 1,200 quarries in the country have been identified as being involved in pyrite. I am not making little of the problem when I say that a total of five quarries are involved. The known spread of pyrite is around Fingal, counties Dublin and Kildare and parts of Meath and Offaly. It is a serious problem for anyone who has it. There can be pyrite heave when the building has actually moved. We saw in the report the appalling vista people face when their walls move out of place and doors cannot open. This is very significant and is adversely affecting thousands of people.

I accept what Deputy Farrell is saying about the amber category. There are estates where pyrite is definitely present and where there is absolute evidence of pyrite heave or movement. That does not mean every house in the estate has a pyrite problem. Pyrite reacts with water at a certain temperature to form gypsum and increases to twice its size. In such an estate, because the mix in the floors came from different locations, some houses may not be affected. Such houses are in the amber category. Every house where it is believed pyrite is present is watched. If there is actual movement in a house, it will definitely be dealt with. If there is not actual movement, the house will definitely be observed and watched. In Ireland, this observation can take between one and nine years. In Canada, for geographic and climate reasons, I understand it can take up to 20 years for something to happen.

It is fundamental to the Government and to the Minister that the issue is being dealt with. It will, ideally, be dealt with through a voluntary consensus agreement with no cost to the State but with rigorous oversight independent of the people concerned. I hope that is what will happen.

Deputy Barry Cowen: I accept the bona fides of the Minister with regard to his efforts to put in place a resolutions board. We have all given him the benefit of the doubt in that regard but this cannot be allowed to carry on indefinitely without arriving at a conclusion. I ask a specific question to that end.

The stakeholders are pivotal to making the solution cost neutral for the State. Have the Construction Industry Federation, the Irish Concrete Federation and the banks and insurance federations committed to the process, to a resolutions board and a rectification process and pro-

cedure? This should not be confined to the findings of the pyrite panel report but should take consideration, for example, of what Deputy Farrell has said about the amber category. Have given that commitment to the Minister since he met them in recent weeks, have they committed to a levy mechanism or a funding mechanism? If they have not, what is their difficulty with it and how long has the Minister given them to sign up to it? In the absence of committing to a financial resolution, he has promised to impose a levy. Has far has he pushed that boat out? Our patience is wearing thin and we would like a timeframe for this that could be adhered to.

Deputy Fergus O'Dowd: Everyone's patience is wearing thin on this, most of all the people who live in those homes. We are all *ad idem* in this Chamber that it must be dealt with, ideally through a voluntary agreement where the stakeholders, builders and vendors actually pay for it. The Minister is clear that he hopes this is finalised shortly and if that does not happen, he will put the levy in place.

Deputy Barry Cowen: Can the Minister of State not say he is committed to the concept and the fund?

Deputy Fergus O'Dowd: All I can say in the absence of the Minister is that he believes the process is crystalising and hopefully there will be a resolution shortly. If there is not, there is an alternative for resolution.

Deputy Dessie Ellis: It is important we find a resolution to this. There have been numerous promises made and I have attended many meetings on this. Are all of the companies engaging? There were suggestions some of them were not engaging and if that is the case, we were promised a solution would be imposed.

While we are talking about houses, there are also paths, roads and boundaries that have been affected by pyrite. The levy must be used to deal with that as well. Will that be the case? I assume it is the case because there are so many problems now with these estates and we do not know the long-term effects. Pyrite heave can appear at different times. There could be pyrite heave here in another four or five years. Are we going to take into account the people who will be affected in those situations? We do not know the exact numbers. Originally we were told there were roughly 11,000 affected but there could be many more, particularly when we taken into account local authority housing that has been affected by this. We do not know the full effects so will people who suffer the effects of pyrite in future be taken into account? If legislation is needed, we do not want to hear it is not retrospective.

Deputy Fergus O'Dowd: That is a good point. The report clearly states there is a moral duty on all of the people involved, building federations, concrete suppliers, the quarries and on HomeBond in particular, to resolve this issue. If a person buys a house in the future from a builder, where is the benchmark for guaranteeing the structure is sound? I understand that following a High Court case, HomeBond changed its position significantly on this: it had previously refused to honour any further agreements. Now, however, it is involved in the discussion and clearly we all urge that this be finalised as soon as possible. Everyone must step up to the mark and those who do not will be made to step up. It is far better for them to do it on a voluntary and transparent basis because we need that for the future of the building industry.

On road building, the report states that standards for road construction aggregate exclude the possibility of the use of pyrite.

Deputy Dessie Ellis: I am talking about the roads in estates.

Deputy Clare Daly: I was not going to say anything but the Minister of State was wrong on so many counts that I felt I had to speak. Five quarries were mentioned to the panel but the panel was given evidence of six quarries, and a seventh quarry with pyritic material in it is still operating. The amber system is not as the Minister of State described, it is for houses that have pyrite but the visible displays are not sufficient and they are deemed to be monitored as time goes on, which is the same as passing a death sentence on them. Premier Insurance, which was remediating houses in that state, is now not doing so, it is leaving the work off, which is completely unacceptable. We need a systematic approach with all houses in the affected estates tested.

On the other issue, the Government has had in its possession knowledge of the systematic writing off of motoring offences for almost a year and it has done nothing. To deny us the opportunity is unacceptable.

An Leas-Cheann Comhairle: This is totally out of order.

Deputy Clare Daly: We have to have some opportunity.

An Leas-Cheann Comhairle: The naming of persons outside the House is specifically regulated by Standing Orders and rulings of the Chair. The general practice is that such persons should not be named or referred to in such a way as to make them identifiable, particularly where to do so would be an unreasonable invasion of privacy or where the reference could be in the nature of being a defamatory utterance under Standing Order 59.

Deputy Clare Daly: I know, but in the national interest-----

An Leas-Cheann Comhairle: I want no more debate on the issue.

Deputy Clare Daly: -----when tens of thousands of motoring offences-----

An Leas-Cheann Comhairle: There are other ways that this can be raised.

Deputy Clare Daly: -----are being written off-----

An Leas-Cheann Comhairle: I call the Minister of State.

Deputy Fergus O'Dowd: I am only quoting from the report and if the Deputy has information about other quarries, I would be very happy to receive that. The report refers to five. If there are six or seven, that is fine. Regardless of the number, we want them all sorted out.

The report outlines what amber represents and notes that the identification of pyrite in an estate does not necessarily mean that all dwellings in the estate are affected. The report states that because different contractors and suppliers are used for the hard core, it does not necessarily mean that all the houses will have pyrite. Any of them that do will be dealt with. Any of them that do not and are amber estates will need to be monitored properly to the satisfaction of everybody concerned, especially the people living in them. The Minister, Deputy Hogan, will reach agreement with these people on this matter.

An Leas-Cheann Comhairle: As Deputy Farrell tabled the question, I call him briefly for a supplementary question.

Deputy Alan Farrell: On the reactive pyrite issue that the Minister of State just mentioned, the properties in that category will be virtually unsaleable. The clarity for those home owners

of providing a standardised testing regime through the pyrite resolution board will be a necessary step in the resolution process. I know the Minister of State is aware of that and I wanted to put it on the record of the House.

On the voluntary compliance with the arrangement the Department and Minister are trying to agree, while I might be unpopular in saying so, I would rather some more time being taken to come to a final resolution on the issue rather than going down the legislative route, which would clearly take months if not years.

Deputy Fergus O'Dowd: I concur with the Deputy. If we can sort it out without legislation, all the better. However, it must be sorted out independently and properly, particularly for the unfortunate home owners who must live with the issue.

Water and Sewerage Schemes

63. **Deputy John McGuinness** asked the Minister for the Environment, Community and Local Government when the Environmental Protection Agency is due to publish their National Inspection Plan under the Waste Water Services Bill; and if he will make a statement on the matter. [54194/12]

Deputy Fergus O'Dowd: The Water Services (Amendment) Act 2012 provides that the Environmental Protection Agency will make the national inspection plan for domestic wastewater treatment systems. A public consultation on a draft plan was publicised by the agency on 11 October, and submissions received are being reviewed. A training course for the water services authority personnel who will be appointed to carry out inspections is also being finalised and this is being overseen by the water services training group. I understand the plan and the training course will be finalised shortly.

The training course for inspectors will be extended to suitably qualified local authority staff in early 2013. This will be followed by the commencement of inspections, which will be based on the national inspection plan. Prior to inspections commencing, an extensive information campaign to advise householders of how to comply with the legal requirements regarding operation and maintenance of on-site wastewater treatment systems will be undertaken.

Deputy Barry Cowen: Does the Government plan to fund rectification works for those who may fail the testing the Minister of State mentioned? As taxpayers - God knows how much they will be paying after tomorrow - do they not have the same right to water and sewerage services as somebody living in the middle of a town? They deserve the same level of facilities and services from the State. To that end the Government has responsibility to have in place means and mechanisms for those who through no fault of their own may find themselves at the wrong end of this inspection.

3 o'clock That being the case and in the absence of any rectification funding being available, the Minister is abandoning them. In doing so, he is not respecting their rights which they have by virtue of the fact they pay their taxes the same as anybody else who has those facilities at his or her doorstep.

Deputy Fergus O'Dowd: The Minister has stated repeatedly that he is prepared to consider all possible options to provide financial support to householders whose systems are deemed,

following inspection, to require substantial remediation or upgrading. Any financial support will have regard to the overall budgetary situation and the financial position of individual households. I understand this matter is under active consideration in the Department.

Deputy Barry Cowen: I would hope it was under active consideration within the Department many months prior to today and that, in coming forward with a proposal for next's year budget, funding for this purpose would be set aside under the auspices of the Department of the Environment, Community and Local Government. Can the Minister of State confirm this? If he cannot, he need not tell us it will be forthcoming next year because there is not a red cent to do it. If that is the case, where stand those people who through no fault of their own find themselves at the wrong end of this implementation? Is the Minister of State concerned by the fact the Commission is pressing ahead with the court case in this regard?

Deputy Fergus O'Dowd: The reason this was brought in by the Minister was to avoid potentially quite severe and continuous penalties under the Commission's legislative role. In an effort to avoid that but primarily to protect drinking water and water courses, it is very important that and issues around contamination of drinking water in particular are addressed.

In a separate and different category, there was an outbreak of cryptosporidium in County Galway some years ago which meant it was not possible to drink water from the taps in Galway city for months. One must balance two things: the health impact of faecal contamination and the improvement of the quality of the water supply. The Minister was very clear in what he said and while I will leave it to him make his statements at the proper time, his intention and commitment in respect of the matter raised by the Deputy are clear.

Deputy Barry Cowen: Will funding be available?

Deputy Fergus O'Dowd: Any financial support will have regard to the overall budgetary situation and the financial position of individual households, and we know who is responsible for the overall budgetary position.

Building Regulations

64. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if, in view of the increasing incidence of post construction exposure of non-compliance with fire safety regulations in timber frame construction and it would appear that all these structures were confirmed as fire safety complied by persons who were certifying their own work or may not have monitored the construction, he will allay the concerns of thousands of home owners by instructing inspections to competent fire safety specials of all timber framed apartment blocks to ensure their safety. [54251/12]

(Deputy Fergus O'Dowd): I acknowledge the distressing and stressful situations which individuals face when building works in their home are not completed to the required acceptable standard. Since 1 June 1992, all new, extended or materially altered buildings, including those which have timber frame structures, must be built in compliance with the requirements of the national building regulations. Primary responsibility for compliance with the requirements of the regulations rests with the designers, builders and owners of buildings. Implementation and enforcement of the building control system is a matter for the local building control authority. The Department of the Environment, Community and Local Government has no function

in assessing, checking or testing compliance or otherwise of specific works or developments.

The Department is liaising with local authorities in relation to significant building control issues that have arisen in several multi-unit developments. Local authorities have extensive powers of inspection and enforcement under current legislation and have used such powers on a number of occasions where circumstances giving rise to concern have arisen. I expect local authorities to continue to use all of the powers currently available to them to address serious building defects.

Deputy Clare Daly: This is a major issue, especially with regard fire safety. While there is an obligation of compliance, an increasing number of examples of non-compliant post-construction and completed works have come to the fore. We are talking about Priory Hall, which was partly a timber frame construction, Belmayne, which was completely timber frame, Dundrum, where people were moved out of their homes because of fire safety issues and cannot go back because the remedial works would be too much, and Airside in Swords. I have no doubt there will be fatalities in this area because of inadequate fire regulations.

The Minister is not addressing the key point, which is that although builders and architects stated they were compliant and fire safety officers signed off on them, tens of thousands of timber frame homes are not compliant and represent a serious hazard for homeowners. Will the Minister of State consider asking the Department to undertake a programme of inspections by fire safety specialists using non-invasive methods such as thermal imagery to identify the faults and organise a programme of corrections? Otherwise, how can people have certainty? They live in total fear in their homes.

Deputy Fergus O'Dowd: Deputy Daly put her finger on the issue. Non-invasive inspections are visual inspections in many respects, and unless someone is physically examining each stage of construction as it proceeds there cannot be absolute certainty about any construction. People certified the works were in order when they were not, as the Deputy rightly pointed out.

Local authorities and the building inspection regime are very active, and local authorities are pursuing people throughout the country. In Carlow 120 premises were inspected recently. In Clare, four large apartment blocks were inspected and closed since 2006. In Longford, fire safety issues which have arisen in three residential developments are being dealt with. In Fingal, enforcement action has been taken with regard to Martello Towers estate which was built by Newlyn Developments. Court deadlines for works were certified as having been met, but Fingal County Council has not as yet signed off on them. There are also many other cases. The Minister, Deputy Hogan, announced a number of measures to be advanced by the Department with a view to improving compliance with and oversight of the requirements of the building regulations and they are being discussed at present.

Deputy Mick Wallace: We know inspections have not been thorough enough. We know architects and engineers sign off on work without being present themselves and without having an assistant or employee inspecting on their behalf. Work is being covered up and one does not know the situation regarding the work carried out most recently. If supervision is not as good as it should be I suggest timber frame has become risky for use in construction in Ireland. Masonry is much safer. Timber would be fine provided all inspections are done at all stages and it is perfect. However unless this is done it becomes very risky.

Deputy Dessie Ellis: In recent years log cabins have been built in tourism areas, such as by

lakes. Local authorities seem to be very lax in checking them. Are measures in place to check the Scandinavian-style log cabins being built in scenic areas? Some people are saying they are sub-standard and not made of the right type of wood and not very good in terms of fire and safety. Perhaps they have fallen beneath the radar.

Deputy Fergus O'Dowd: I have met fire officers in local authorities and they are very active. Highly professional staff examine all of these issues and I am sure that first and foremost in their minds is identification. In Offaly, 22% of valid commencement notices were inspected in 2010 where previously the level had been much lower, perhaps 10% or 15%. A total of 408 buildings were inspected with regard to fire safety in 2010. South Dublin County Council has taken enforcement and successive court actions against Coalport Building Company Limited. A file is with the DPP at present with regard to a development in Mullingar in County Westmeath. Cases are before the High Court in respect of fire safety issues in a six-storey 100 unit apartment block in Limerick. In July the Minister, Deputy Hogan, announced measures to be advanced with a view to making improvements. These are with regard to oversight of the requirements of the building regulations; the introduction of mandatory certificates of compliance by builders and designers of buildings confirming that the statutory requirements of the building regulations have been met; the lodgement of drawings at commencement and completion stage to show all of the requirements have been met; more efficient pooling of building control staff and resources to ensure more effective oversight; standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions; and better support and further development of the building control functions nationwide.

I would not like it to go out from the Oireachtas that any house constructed of timber is unsafe. Clearly, that is not so. There must be balance in this regard. We need to make it crystal clear that it is a priority for local government but I would not create unnecessary worry in people's minds.

EU Directives

65. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if he will revisit the issue of restrictions on slurry spreading times, taking account of the implementation method in other jurisdictions, with a view to easing the difficulties that the current calendar based system is causing for farmers; and if he will make a statement on the matter. [53802/12]

(Deputy Fergus O'Dowd): Set closed periods for the spreading of fertilisers, including slurry, is a requirement of the Nitrates Directive and is mandatory. The purpose of closed periods is to protect ground and surface water bodies, including drinking water sources, by prohibiting the application of fertilisers when such application poses an unacceptable risk to water courses. The closed periods in Ireland were decided following an extensive consultation and were discussed with farming bodies and the European Commission at the time.

Good agricultural practice involves the application of fertilisers as early as practicable in the growing season in order to maximise the uptake of nutrients and to minimise pollution to water. In this regard, the application of fertilisers in the months of November and December is not considered good farming practice and this has been the case long before the Nitrates Directive.

Closed periods for the spreading of fertilisers are part of Ireland's Nitrates Action Pro-

gramme. The regulations underpinning the programme were subject to a comprehensive review in 2010. Expert opinion was that the closed periods should remain unchanged in the programme. The action programme is due to be reviewed for a second time in 2013 and will be subject to full public consultation.

Housing Regeneration

66. **Deputy Jonathan O'Brien** asked the Minister for the Environment, Community and Local Government if he will provide an update on the regeneration of Knocknaheaney, Cork, including what is currently under construction and what has been completed; the number of families that have been rehoused; and the timeframe for completion. [54247/12]

(Deputy Jan O'Sullivan): The redevelopment of Knocknaheaney Block D, which comprised the comprehensive refurbishment of some 80 dwellings, the provision of new infill units, sheltered housing and the provision of community facilities, was completed over the past two years with substantial financial support from my Department. In light of the experience at Knocknaheaney Block D and the fact that over ten years had elapsed since the development of the original regeneration masterplan for the Knocknaheaney area, my Department instructed Cork City Council to undertake a review of the plan to ensure that it continued to be relevant and fit for purpose. This review was completed in 2011. The revised plan, which now covers a wider area including Hollyhill, was re-branded as the Cork City North West Regeneration Masterplan. This presents a much broader view, beyond a simple upgrading of the housing stock, to address underlying issues of social exclusion and socio-economic disadvantage. Issues such as connectivity and permeability, investment and employment have also been explored. Wide-ranging schemes of demolition and rebuilding, public realm upgrades including addressing areas of anti-social behaviour, and significant investment in social regeneration activities are all proposed. While my Department is satisfied with the broad thrust of the regeneration masterplan, it will be liaising with the city council on an ongoing basis to prioritise individual schemes for inclusion in annual work programmes.

Under the National Regeneration Programme, Cork City Council received an allocation of €12 million in 2012 in respect of its proposed programme of works which included completion of the works at Ard Sionnach housing estate as replacement social housing stock for units to be demolished as part of the regeneration programme, strategic demolitions and various estate and public realm works such as the closure of Hollyhill Lane, temporary refurbishments to houses and refurbishment of McSwiney Sports Hall. Phase 1 of a five-phase demolition programme has commenced with the relocation of 68 families, the majority of whom have transferred to nearby Ard Sionnach housing estate. I understand that demolition works will commence shortly. Work is also progressing on the other initiatives included in the 2012 work programme.

Additional information not given on the floor of the House.

Projected levels of activity in 2013 will be subject to the financial provision for housing, which will be determined in the context of the 2013 Estimates process. Having regard to the scope and extent of the overall proposed regeneration in Cork city and the potential availability of Exchequer funding in the coming years, it is not possible to indicate a timeframe for the completion of all elements of the masterplan.

Deputy Dessie Ellis: There has been funding put forward in the regeneration for Knock-

naheeny and the Glen, but the rest of the regeneration is important. Although it has not been mentioned in the past in terms of funding, I hope further regeneration in the Cork area will be looked at, that there will be a clear timetable in terms of how that is laid out and, according to the plan the Minister of State mentioned, this will be put in place over a period of time.

I have a fear that residents are being moved out of the estate into other housing and as Christmas approaches, they are sitting in uncertainty. Many have even bought furniture and household goods in anticipation of their move. We need to give them greater clarity and commitment as to when it will take place and how long it will take.

Deputy Jan O'Sullivan: I visited the programme earlier this year and I felt that it was going well. It is working, residents are moving out to allow for demolition and they are staying within their own communities, etc. I felt that there was a positive response in Cork to it.

We will be allocating further funding next year and the year after to ensure that we continue with the programme. I have an element of detail for which we probably do not have time today, but it is proceeding in accordance with the plan. As Deputy Ellis will be aware, Cork City Council is also active in terms of moving on the socioeconomic side of it which was not part of the original plan.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Willie Penrose - the need to introduce legislation to enable periodic payments be made in respect of personal injuries awards in catastrophic injuries; (2) Deputy Michael Healy-Rae - the need to retain the Aer Arann service to the Aran Islands; (3) Deputy Simon Harris - the need for the provision of hospice facilities in County Wicklow; (4) Deputy James Bannon - the potential national fallout of the loss of approximately 100 jobs at Ericsson, Athlone, County Westmeath; (5) Deputy Thomas P. Broughan - the need to ensure that key teacher and learning resources in DEIS schools and other schools in areas of disadvantage generally will be maintained in budget 2013 and specifically that educational resources will be protected in the parishes of Darndale Belcamp, Priorswood and Bonnybrook in Coolock, Dublin 17; (6) Deputies Brendan Griffin and Martin Ferris - the need to establish a State body to co-ordinate and maximise the potential of the oil industry here; (7) Deputy Derek Keating - the increased incidences of tuberculosis throughout Dublin city and county; (8) Deputy John McGuinness - the need to set up an inquiry into the sudden death of a young man following knee surgery in Kilkenny Orthopaedic Hospital; (9) Deputy Michael Moynihan - the need to reverse the cuts in home help hours; (10) Deputy Áine Collins - the proposed changes in services for special needs schools in relation to multidisciplinary disability services for children aged five to eight; (11) Deputy Eamonn Maloney - the need to involve the Irish diaspora in the Constitutional Convention; (12) Deputy Clare Daly - the termination of motoring offensives by members of An Garda Síochána; (13) Deputy Mick Wallace - the termination of penalty points by members of An Garda Síochána; (14) Deputy Niall Collins - the need for the Minister for Justice and Equality to make a statement to Dáil Éireann on the report he has received from An

Garda Síochána into allegations of some people having their penalty points written off; (15) Deputy Éamon Ó Cuív - the future of the subsidy to Aer Aran services to the Aran islands; (16) Deputy Patrick O'Donovan - the need for lands owned by Shannon Development in Limerick to be transferred to the local authority as part of any restructuring of Shannon Airport and Shannon Development; (17) Deputy Charlie McConalogue - the number of grant applications processed to date by the higher education grant SUSI system; (18) Deputy Mattie McGrath - the urgent need for the Central Bank of Ireland to clarify if it stands over its code of conduct for business lending to small and medium enterprises; (19) Deputy Joan Collins - the termination of motor-ing offensives by members of An Garda Síochána; (20) Deputy Richard Boyd Barrett - Israeli plans to build in the West Bank; and (21) Deputy Luke 'Ming' Flanagan - the termination of penalty points by members of An Garda Síochána.

The matters raised by Deputies Willie Penrose; Brendan Griffin and Martin Ferris; Simon Harris; and John McGuinness have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: I am sure the Taoiseach will agree that Cabinet collegiality is important in terms of the smooth running of Government and honesty between colleagues, in particular, is important. When Fianna Fáil tabled a motion of no confidence in the Minister for Health, Deputy Reilly, in September last we were conscious of anonymous leaks to the media from some of his Cabinet colleagues that they did not have confidence in him. They were complaining on an ongoing basis about him and notwithstanding that, they voted for the Minister in that debate.

However, there is now the extraordinary revelation, reported in the *Sunday Independent* and other newspapers, that on Wednesday last the Minister for Education and Skills, Deputy Quinn, spoke clearly about his lack of confidence in Deputy Reilly's ability to do the job. It was following a discussion at the parliamentary party at which some Deputies expressed strongly held views. The *Sunday Independent* reported that Labour Party chairman, Deputy Keaveney, railed against Deputy Reilly's "privatisation agenda" of health and that Deputy Ó Ríordáin stated that the Minister was the "elephant in the room"-----

Deputy Bernard J. Durkan: Deputy Martin must have been there.

Deputy Micheál Martin: and was quoted as stating: "We are going to have to do something about Reilly and soon. Clearly he is not up to the job of being Minister, and in my view he should go. He simply can't do his job, makes a hash of everything he [does]". The key intervention was made by the Minister, Deputy Quinn's, when he responded that "your sentiments are shared by your cabinet colleagues", but he then went to state that the party "can't be seen to be looking for a head".

The Minister, Deputy Quinn, is fast becoming the poster boy of breathtaking political cynicism in this House. He did not speak during the debate on that confidence motion, but he voted confidence in the Minister, Deputy Reilly, and acquiesced in the principled resignation of then Minister of State, Deputy Shortall. Now we have learned that all along he did not believe any of that.

I believe that the Minister, Deputy Quinn, did speak thus at the Labour Parliamentary Party meeting.

An Ceann Comhairle: Deputy Martin has run over the time. Would he put his question?

Deputy Micheál Martin: Did the Taoiseach meet the Minister, Deputy Quinn, and has he asked him to confirm or deny that he made those comments at the Labour Parliamentary Party about a ministerial colleague?

The Taoiseach: It is not so long ago since there used be 12-hour meetings of the parliamentary party of the party in which Deputy Martin is involved. I notice that Deputy Martin has moved from a point of accepting everything he reads in the newspapers to be the truth. Let me inform him that I have spoken to both Ministers, Deputy Quinn and Deputy Reilly. They are absolutely at one concerning the job we have to do. The Minister, Deputy Quinn, has full confidence in the Minister, Deputy Reilly. Deputy Martin has been spouting on about motions of no confidence, so he should put one down again whenever he wants and the Government will deal with it.

Our job is to fulfil the mandate given to us, to sort out our public finance problems, to deal with the creation of jobs and to continue to provide opportunities for job creation so that people can go to work. In addition, we want to improve the climate for investment in the country both from abroad as a foreign direct investment location and to improve the circumstances of our own indigenous economy.

Deputy Martin can speculate all he likes and can give truth to speculation, rumours or quotes in newspapers if he wishes. I want him to understand, however, that the Minister, Deputy Reilly, will fulfil his mandate as Minister for Health.

Deputy Billy Kelleher: What about the Minister, Deputy Quinn?

The Taoiseach: This Cabinet is focused entirely on the mandate given to us by the people to sort out the mess that Deputy Martin left behind him. We will do that irrespective of the claims or allegations that he makes.

Deputy Micheál Martin: I have made no claims or allegations.

Deputy Bernard J. Durkan: The Deputy implied it.

Deputy Micheál Martin: I was not at the Labour Party meeting. I asked the Taoiseach a simple question. I know that the Minister, Deputy Quinn, has come out to say he has confidence in the Minister for Health, but did he make those comments at the party meeting or not?

Deputy Jerry Buttimer: Like Brian Cowen.

Deputy Micheál Martin: That is the simple question I asked the Taoiseach, but he avoided answering it yet again, just as the Minister, Deputy Quinn, avoided answering it yesterday.

Deputy Pat Rabbitte: The Taoiseach was not at the Labour Party meeting.

Deputy Micheál Martin: He neither confirmed nor denied making those comments. We know that the Labour Party Deputies agree with opposition Deputies on the Minister for Health's performance, including all those whose home help hours have been cut, the debacle over primary care centres and the attack on people with disabilities. That is why Labour Deputies do

not have confidence in the Minister for Health.

Deputy Barry Cowen: What does Deputy Buttimer think of that?

Deputy Micheál Martin: Many Fine Gael Deputies and Ministers do not either.

Deputy Bernard J. Durkan: Does Deputy Martin remember his hand in all that?

Deputy Micheál Martin: We are on the cusp of yet another major health Estimate that will wreak further damage on health services. I just want to ask this simple question: did the Minister, Deputy Quinn, confirm to the Taoiseach that he made those comments at the Labour Party Parliamentary Party meeting, “Yes” or “No”? Did the Taoiseach talk to him about it and did he confirm it?

The Taoiseach: If Deputy Martin was not the leader of his party I would say something else to him about the nature of his questions. I do not have to speak for the Minister, Deputy Quinn, or anybody else. I can assure Deputy Martin that the Minister, Deputy Quinn, has full confidence in the Minister for Health. Far from Deputy Martin saying that he made no claim, he is just after saying that what he read in the newspapers is the truth, as if he was there. It is the same old story, as when Deputy Martin had the opportunity to say if the IMF was in the country, if our banks were solvent and were we ever to have what he termed the cheapest bailout in history. His amnesia is setting in at a very early stage politically speaking.

Deputy Micheál Martin: What does the Taoiseach mean by that?

The Taoiseach: Deputy Martin has not made a claim, yet he claims that something written in a newspaper is the truth, as if he was there. Let me repeat for him that the Government has a challenging position ahead. We never said that this was going to be an easy remit, but we are not lacking the courage to sort out the mess Deputy Martin left behind him.

Deputy Micheál Martin: Neither the Taoiseach nor the Minister, Deputy Quinn, has denied it, so it must be the truth.

An Ceann Comhairle: Please allow the Taoiseach to continue.

The Taoiseach: In that sense, let me assure Deputy Martin that the Ministers, Deputies Reilly and Quinn, are part of a Government that is focused on dealing with our problems - that is, to improve the state of our public finances and to continue to provide opportunities for investment, growth and employment. That is the Government’s remit and all members of the Government are focused on it.

Deputy Micheál Martin: He said he cannot be seen to be looking for a head. That is dangerous for the Minister, Deputy Reilly.

Deputy Jerry Buttimer: Deputy Martin would know.

Deputy Micheál Martin: We know where Deputy Buttimer’s head is.

An Ceann Comhairle: The Deputy has had his outing. I thought I had quietened Deputy Buttimer down a while ago. Will you please resume the quietness? I call Deputy Adams.

Deputy Gerry Adams: The last few days have been filled with Government-inspired leaks in the media, which are causing great concern to citizens. I have picked this up this morning in

Dublin city and over the weekend in my own constituency. I note it is the Taoiseach's normal practice when asked about the budget to say that he will not comment on what may be in it. That might be fair enough if there was not so much speculation quoting Government sources. There is a responsibility on the Taoiseach to remove some of these fears. I will not take the Taoiseach through all the issues but there is a particular annoyance about Government leaks that there will be more cuts to child benefit, on top of last year's cuts and on top of cuts introduced by Fianna Fáil in its time in office. These have hit the most vulnerable parents and children hardest.

Just a few weeks ago we had the referendum to strengthen the rights of children in the Constitution. It would be an outrage if, in the wake of that constitutional amendment being passed, the Government was to attack child benefit. People want to know why the children of the State should suffer while high earners have their incomes protected. Maybe this speculation is wrong. I ask the Taoiseach to make it clear and assuage the fears of these citizens that he will not cut child benefit in this budget.

The Taoiseach: First of all, I am glad Deputy Adams has been able to remove the dark shades.

Deputy Gerry Adams: All the better to see you, my dear.

The Taoiseach: I hope the little interaction he had with the medical service has proven to be a really good success. I wish Deputy Adams well in his recovery.

Deputy Gerry Adams: Thank you, Taoiseach.

The Taoiseach: Some of the speculation that I have been reading and hearing about in the past couple of weeks has certainly been fuelled by Deputy Adams and members of his party making outrageous claims and spinning rumours of this, that and the other.

Deputy Mary Lou McDonald: The Taoiseach's own Ministers did that.

The Taoiseach: Let me assure Deputy Adams that as regards tomorrow's budget, we have made no secret of the fact that our country faces a challenging time. We have never been talking about green shoots or having turned corners. Everybody knows that economically our country faces a challenging period and we are going to deal with that. Tomorrow's budget will be a further step in the direction of recovering our competitiveness, making this country an attractive location for direct investment, and the opportunities - such as they are - to stimulate our own indigenous economy by opening doors for access to credit for small and medium-sized enterprises, whereby jobs are created.

The Deputy is clearly interested in what will happen in tomorrow's budget and he asked me for clarification on one particular issue. He has less than 24 hours to go before details of the budget - not rumours, speculation or allegations - will be unveiled by the Minister for Finance and the Minister for Public Expenditure and Reform. On that occasion, the Deputy can talk on the basis of fact instead of speculation, innuendo, rumour or allegation.

Deputy Gerry Adams: I thank the Taoiseach for his best wishes. I can tell him that my eyes are much better and will hopefully continue to improve in the time ahead. Of course, I can wait until tomorrow but these rumours and speculation in the media are quoting Government sources. That is what is causing public concern. The only way in which I can interpret the

Taoiseach's answer is that he is confirming that he will cut child benefit, but I hope I am wrong.

I also want to directly address the Taoiseach's colleagues in the Labour Party. During the last election campaign, the Labour Party called on the public to vote for them to protect child benefit. The Labour leader said it was a red line issue. These posters were displayed across the State by the Labour Party.

An Ceann Comhairle: No, we do not display posters in the Chamber.

Deputy Pat Rabbitte: I was wondering who took down our posters.

Deputy Gerry Adams: I was wondering who put them up.

An Ceann Comhairle: I will not ask Deputy Adams again. Will he please obey the Chair? He knows it is out of order.

Deputy Gerry Adams: The Taoiseach and his Labour Party colleagues know whether child benefit will be cut.

Deputy Micheál Martin: Where is the Labour Party?

Deputy Gerry Adams: If they are not to cut it, fair play. That would be a good thing for our children, but if they are there is still time to pull back from that. I ask the Taoiseach to do that and to look again at tax increases for those earning over €100,000 because they can afford cuts. The children of the State cannot afford cuts in their benefits.

The Taoiseach: Deputy Adams has again asked me for confirmation regarding issues in the budget that will be delivered tomorrow by the Ministers for Finance and Public Expenditure and Reform. Let me confirm a number of matters for him. Interest rates have fallen from 14.4% to 4.3%. A total of 20,000 jobs have been created in the private sector whereas when we took office, 300,000 jobs had been lost in the private sector.

Deputy Timmy Dooley: What about the increases in unemployment? Businesses are closing.

Deputy Finian McGrath: What about child benefit?

The Taoiseach: The ratings agency, Fitch, has improved the ratings status of the country.

Deputy Barry Cowen: What about commercial rates?

The Taoiseach: Bank of Ireland raised €1 billion without a State guarantee.

Deputy Timmy Dooley: What of the increase in pension levies?

Deputy Barry Cowen: Or the legislation on upward-only rent reviews?

An Ceann Comhairle: Would Deputies please desist? Thank you.

The Taoiseach: Moreover, Allied Irish Banks raised serious money without the State's guarantee. The ESB and Bord Gáis also did the same-----

Deputy Barry Cowen: They are for sale.

The Taoiseach: -----in exercises that have been oversubscribed many times.

Deputy Timmy Dooley: Their prices have risen as well. They are charging the consumer more.

The Taoiseach: The sale of the analogue spectrum-----

Deputy Barry Cowen: A special offer.

The Taoiseach: -----brought in both a significant amount of money and confirmation of signals from three international communications companies of their interest in investing in Ireland.

Deputy Mary Lou McDonald: What has that to do with child benefit?

Deputy Barry Cowen: *Time* magazine.

The Taoiseach: These are facts I can confirm for the Deputy. As for the details of the budget, everyone will have all the details tomorrow. As I stated, these are challenging times but this budget will build on the platform already made and moving in the right direction of dealing with our public financial problems, of creating opportunities for jobs and employment and of continuing to make Ireland competitive and attractive for foreign direct investment by organisations such as Mylan, PayPal, Apple and all those which have invested and created, and continue to create, serious job numbers here. In addition, it will pertain to a real concern shared by everyone, that is, stimulating the indigenous economy, making it easier for young people to be employed and providing opportunities in small and medium-sized enterprises to have access to credit in order that the spend can move through the economy and people can plan their lives with a greater sense of security and strategy for the times ahead. This is what the budget will be about tomorrow.

An Ceann Comhairle: Thank you.

The Taoiseach: The Government has tried and has worked hard to make it as fair, equitable and affordable as is possible. These things are never easy. This is a major challenge for Ireland and the budget tomorrow will be a step further in this country's exiting of the programme we are in, in retrieving our economic sovereignty and restoring the opportunity to grow our economy and to create jobs, which is in everyone's interest. The people know this. Deputy Adams should believe it is not with any great sense of satisfaction that any Minister must deliver on or to deal with hard challenges. In that sense, the Minister for Finance will spell out all the details of the budget tomorrow while the Minister for Public Expenditure and Reform will outline the spending arrangements.

Deputy Richard Boyd Barrett: The whole country knows the Government is sharpening the knives to inflict even more suffering on struggling families, pensioners, students and those who depend on the health services. People also know from yesterday's events that Ireland's European Union partners are completely unimpressed with the Government's slavish obedience and willingness to impose such suffering on its own citizens. They intend to give us no debt relief whatsoever. The people of this country are looking into a dark and endless night of austerity and suffering if the Taoiseach continues down this failed path. When workers, unemployed people, pensioners and community groups assemble to protest outside the Dáil tomorrow afternoon against what the Government plans to do to them-----

Deputy Simon Harris: The Deputy already has it arranged.

Deputy Richard Boyd Barrett: -----will the Taoiseach go out and tell them how they are supposed to pay their bills? Will he tell them which meals they should skip or that their children should skip to pay the Government's home taxes, its car tax increases, its new taxes on pensions, its cuts in child benefit and its increased registration fees? The Taoiseach has proven to be highly adept at using other people's money to pay off the loan sharks of the international financial markets. Will he go out tomorrow and tell these citizens how they can use his skills to pay off the street loan sharks from whom they are obliged to borrow money to pay for groceries and bills? Perhaps the Taoiseach might offer to swap places with one of those families who are dependent on family income supplement or social welfare----

Deputy Mary Mitchell O'Connor: Would the Deputy?

Deputy Simon Harris: Would the Deputy do that?

An Ceann Comhairle: Thank you.

Deputy Richard Boyd Barrett: -----and live on what they live on for a week. If the Taoiseach is not willing to do this, will he stop and tell the troika that we cannot take any more?

An Ceann Comhairle: Thank you.

Deputy Richard Boyd Barrett: Will he tell it that the poor, the pensioners, the unemployed and the working poor of this country cannot take any more? Will Taoiseach finally stand up for the citizens of this country instead of protecting the interests of bondholders and financiers?

Deputy Noel Harrington: What is the Deputy on about on the Dublin riviera?

The Taoiseach: Unlike the Deputy, I did not have the benefit of a private school education but if one studies what is happening, this country is in a very different position and on a different path than are the citizens of Greece. As for the decision of the Minister for Finance in respect of the arrangements made for Greece, they are very different than the position in which this country finds itself. Deputy Boyd Barrett will appreciate the Greek Government now has a target of reaching a debt-to-GDP ratio of 124% by 2024, whereas the Irish Government expects to exit its programme in 2013, to retrieve its economic independence and to be able to grow the economy. In that sense, the Government is already working with the troika on the arrangements that will be most appropriate for Ireland in exiting its programme.

The Deputy speaks of all the different sectors and mentioned the unemployed, workers and those who are in receipt of social protection. Does the Deputy not think the Government appreciates the challenges these people face? Does he not understand such individuals approach all public representatives with their genuine concerns and anxieties? This is the reason the Government, in the circumstances it faces, will do its best to ensure that the budget is as fair and as equitable as possible. Not everything can be done tomorrow and it is a case of putting this budget clearly on a platform of progress for the entire country and the economy in order that investment and jobs can be created. It is never going to fix itself and with his private school education, Deputy Boyd Barrett is aware of this. While the Deputy might be highly gratified to have another protest outside the gates, I assure the Deputy that where I come from, we know all about that.

Deputy Finian McGrath: The Government pays all the private schools to the tune of €100

million.

The Taoiseach: We know all about challenge and adversity and all about the difficulties the people have faced for many years. Deputy Boyd Barrett should not come into this Chamber and lecture us about all of that.

Deputy Joan Collins: It is reality, not a lecture.

The Taoiseach: I am sure he will be present for the budget tomorrow when the details will be spelled out by the Ministers for Finance and Public Expenditure and Reform.

Deputy Micheál Martin: The Taoiseach is in very bad form.

Deputy Finian McGrath: The Government is bailing out the private schools.

Deputy Bernard J. Durkan: Deputy McGrath should take it easy.

Deputy Finian McGrath: Deputy Durkan should remember the €100 million.

Deputy Richard Boyd Barrett: It does not matter what school one attended because any schoolchild could work out that if one has nothing, one cannot pay any more and 1.3 million people have €50 or less at the end of the month after paying for essentials. How will they pay €300 or €400 in home tax? How can they pay hundreds of euro extra in car tax? How will they deal with cuts in child benefit or other cuts and austerity taxes the Government plans to impose on them? Simple mathematics makes it clear this cannot be done. This is a recipe for driving hundreds of thousands of families into poverty.

An Ceann Comhairle: Thank you. A question please.

Deputy Richard Boyd Barrett: The Taoiseach states he has no choice but there is a choice. The Government should impose the taxes on those who can afford them and tell the bondholders and financiers that the ordinary citizens of this country cannot take it any more. If he intends to persist with this madness, I again ask the Taoiseach whether he at least will go out tomorrow to explain to those pensioners, workers and ordinary struggling families how they are supposed to pay their bills or live as they must for a week or two to see how he manages?

Deputy Finian McGrath: Hear, hear.

The Taoiseach: Does the Deputy think I live in some kind of ivory tower?

Deputy Richard Boyd Barrett: This House is the ivory tower. Will the Taoiseach go out tomorrow?

An Ceann Comhairle: Sorry, would you allow the reply please?

The Taoiseach: The Government has a particular ask in respect of our colleagues both in Europe and with the ECB and that is to restructure and re-engineer the level of the bank debt the country has faced. Patience is an important element of what we must do here. I agree that I would love to be able to come into the Chamber tomorrow and tell Members this has all been sorted out. However, the Deputy should believe me when I tell him it is neither as easy nor as facile as he attempts to put forward. I can confirm that a great deal of work has been done and is ongoing in respect of the promissory notes with the European Central Bank, with a view to having the issue resolved before March next year.

Deputy Boyd Barrett is aware that the discussions were progressed yesterday in respect of the banking union requirement, a decision of the European Council, which can only take place once the legal framework allows that to happen. I hope it can be in place by January and that the discussions on that element of banking union and a supervisory element over the banks of Europe can take place. I hope the framework will come together during the course of 2013.

Tomorrow's budget will be presented on the basis of it being a challenging but positive step towards putting the country on a continued path for recovery, economic growth and opportunities for job creation. That will not happen unless we continue to understand that we must continue to make the country competitive and attractive to investment from abroad, where opportunities exist for credit to be available here and where people can avail of a facility to create jobs.

Deputy Richard Boyd Barrett: We have heard this for four years.

The Taoiseach: The Deputy seems to have the impression that we should have a population that is entirely unemployed. I have never heard the Deputy speak about opportunities to create jobs in his constituency or anywhere else.

Deputy Richard Boyd Barrett: The Taoiseach should read our pre-budget submission.

The Taoiseach: Instead of wallowing in disillusionment, which the Deputy does all the time, he should focus on some of the signs of confidence-----

Deputy Frank Feighan: He is only happy when he is miserable.

The Taoiseach: -----around the country. People are striving and winning. Some 20,000 jobs have been created in the past 12 months in the private sector, which is an indication of confidence that those people have in putting their money where their mouth is to invest in job opportunities for the good of the country.

Deputy Seamus Healy: There are fewer people working now than when this Government took office.

Deputy Richard Boyd Barrett: There has been zero net jobs growth.

The Taoiseach: The Deputy does not want this or to recognise it.

Deputy Finian McGrath: That is why we are second in the opinion polls.

The Taoiseach: The Deputy is entitled to his opinion. The budget tomorrow will have a continued focus on rectifying our public finances and continuing to be competitive.

Deputy Finian McGrath: We are on 21%.

The Taoiseach: There will be opportunities to create jobs, which are essential and fundamental to the good of the country and the future of hundreds of thousands of young people-----

Deputy Richard Boyd Barrett: They are being exported.

The Taoiseach: -----looking forward to the expectation of a job, if they wish to take it up.

Ceisteanna - Questions (Resumed)

Diplomatic Representation

1. **Deputy Micheál Martin** asked the Taoiseach if he held any bilaterals on his recent trip to America; and if he will make a statement on the matter. [45688/12]

2. **Deputy Gerry Adams** asked the Taoiseach if he will report on his visit to the United States on the 12 and 13 October. [45696/12]

3. **Deputy Gerry Adams** asked the Taoiseach if he will report on the politicians, business leaders or other organisations he met during his visit to the United States in October. [45697/12]

4. **Deputy Joe Higgins** asked the Taoiseach if he will report on his visit to the US on 12 and 13 October 2012. [49715/12]

5. **Deputy Derek Keating** asked the Taoiseach if he will extend a formal invitation of a State visit to the President of the United States of America, Barack Obama, in view of next year's G8 Summit taking place in Enniskillen; and if he will make a statement on the matter [52458/12]

6. **Deputy Derek Keating** asked the Taoiseach his views on extending a formal invitation for a State visit to the President of the United States of America, Barack Obama; and if he will make a statement on the matter [52459/12]

7. **Deputy Gerry Adams** asked the Taoiseach if he has been in contact with US President Barack Obama in relation to his plans to attend the G8 summit in June 2013. [53788/12]

8. **Deputy Gerry Adams** asked the Taoiseach if he has any plans to extend an invitation to US President Barack Obama for a State visit in view of his attendance at the G8 summit in Fermanagh in June 2013. [53846/12]

9. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent visit to the US on 12 and 13 October 2012; the achievements of the visit; and if he will make a statement on the matter. [54225/12]

10. **Deputy Richard Boyd Barrett** asked the Taoiseach if it is his intention to invite US President Obama to Ireland given the G8 summit taking place in County Fermanagh next year. [54226/12]

The Taoiseach: I proposed to answer Questions Nos. 1 to 10, inclusive, together.

On Thursday, 11 October, I travelled to the United States for a series of engagements in Philadelphia and Cleveland. The visit was part of the Government's ongoing efforts to drive economic recovery and employment by delivering the message to international business people and investors, and to the diaspora, that Ireland is open for business. This was my first visit to Philadelphia as Taoiseach and I was delighted to meet Mr. Tom Corbett, Governor of Pennsylvania, on Friday morning. We noted the special relationship that Ireland enjoys with the state of Pennsylvania by virtue of the presence there of so many people of Irish heritage. We noted in particular the significant contribution of successive generations of Irish people to the building

of Philadelphia. I briefed the governor on Ireland's progress towards economic recovery and on our current bilateral business relations with the United States.

I met some of the leading supporters of the American Ireland Funds in Philadelphia. I recognised the contribution made by the Ireland Funds to worthy causes in Ireland as well as to supporting links between Ireland and the US. I addressed the Brehon Law Society symposium on Doing Business in the US and Ireland, attended by over 200 experts and business people. In my address I spelt out how Ireland has become more competitive and represents an excellent investment opportunity for US companies. Later that morning I performed the official opening of the Philadelphia office of Zenith technologies, which is an excellent example of a high-tech Irish indigenous company which is making significant headway in the US market. I am convinced that it is ambitious exporting Irish companies such as Zenith that will drive Ireland's economic recovery. While in Philadelphia I also met briefly representatives of the Irish American Business Network and a number of Irish community groups.

Later I travelled to Cleveland for a series of further engagements, including an address at the City Club of Cleveland, which is celebrating its 100th anniversary this year. In this address I again outlined the positive measures being taken by the Irish Government to stabilise our finances and to return our economy to competitiveness and growth, while highlighting the attractions of Ireland as a location for business and investment. I emphasised the importance of transatlantic trade and investment links between the United States of America and the European Union. These links are vital to both the European and American economies, especially given the crucial importance to both of us of growth and recovery. I said that I strongly believed that concluding a comprehensive trade agreement between the United States and the European Union would take this relationship to a new level and I will be aiming to make as much progress towards this goal as possible when Ireland assumes the Presidency of the European Union in January 2013.

While in Cleveland I participated in a number of other business events to support Irish companies expanding into the US, as well as to promote Ireland as a location for inward investment. Some of these Irish companies are doing business with the prestigious Cleveland Clinic in the health care and technology sectors. I was greatly impressed by the first class facilities which I saw at the clinic, where I also met with senior clinical and research teams who outlined the practices and research being undertaken there. While I was in Cleveland, I was delighted to officially announce the new strategic partnership between the Enterprise Ireland supported company i360 Medical and the Cleveland Clinic, including an investment from the Cleveland Clinic in the company.

On Saturday morning, I met the Mayor of Cleveland, Mr. Frank G. Jackson, at the City Hall. Following our meeting we both attended a public event at the Irish Garden, which is part of the Cleveland Cultural Gardens. The gardens represent the contribution that immigrants have made to the heritage of the US over the centuries. Mayor Jackson and I both addressed representatives of the Irish American community at this landmark Irish site. I also met members of the Ancient Order of Hibernians, where we discussed immigration issues and the prospects of an Irish E3 visa being agreed. I was delighted on Saturday evening to have an opportunity to attend and address the eighth annual charity ball hosted by the Mayo Society of Greater Cleveland and to honour the bonds that connect Cleveland and County Mayo. I returned home later that night.

While in the US I also used my various speaking opportunities to promote The Gathering

2013 throughout the region and was very encouraged by the reaction we are getting to this important initiative, which will be held during the course of 2013. I am delighted that British Prime Minister Cameron has confirmed that next year's G8 summit will be held in Lough Erne, County Fermanagh, as this will no doubt give a great boost to the region. Although it is too early to speculate on an invitation being extended to American President Obama to make a state visit to Ireland around that time, when I recently spoke to the president on the telephone to congratulate him on his re-election, I mentioned my firm hope that he would be in a position to visit Ireland again following his very successful visit last year.

Deputy Micheál Martin: I take it that as Ireland will hold the EU Presidency, the Taoiseach will be invited to participate in the G8 summit. Will the Taoiseach confirm that? Prime Minister Cameron's decision on the location of the summit is important and I welcome it.

The positive relations between the US and Ireland are beneficial in an ongoing sense, taking in social culture and economic life in both nations. I welcome the fact that the Taoiseach made the visit and established contacts as outlined in his reply. Such engagement is extremely important but it is also vital that we use such contacts and visits to push for strategically important matters for this country.

As we can see from the debates leading into the American presidential election, corporation tax loomed large in rhetoric and articulation of policy by President Obama and his team. Has the Government put in place any new initiatives to withstand the pressure that will arise with regard to corporation tax on the American side, particularly repatriation of profits, disincentivising the establishment of companies overseas and so forth? This occurred during the previous presidential election when the Government of the time put key IDA personnel in our embassy in Washington to lobby effectively on Capitol Hill and among political contacts in the United States on the issue of corporation tax, which is extremely important to our capacity to attract inward investment.

On immigration, the Taoiseach met representatives of the Ancient Order of Hibernians. When I was Minister for Foreign Affairs my Department launched the E3 visa initiative which, owing to political difficulties on Capitol Hill, moved away from a blanket demand for the immigration issue to be resolved. An E3 visa programme would enable us to create a legal framework to prevent illegal inward migration into the United States. From the contacts he made during his visit to the United States, will the Taoiseach indicate the position in respect of advancing the E3 visa and assisting those who are illegal in the United States?

I am pleased the Taoiseach met representatives of Zenith Technologies. Having met representatives of the company many years ago, I am pleased to note it continues to make good progress in the United States. Zenith Technologies illustrates the importance of small and medium sized Irish enterprises which can develop products and services that are needed worldwide and provide solutions to worldwide challenges.

The Taoiseach: I know Deputy Martin is familiar with Zenith Technologies. It is doing a wonderful job and is an example of a company that is growing in importance. As a consequence, it is able to expand its business and employ more staff.

Prime Minister Cameron indicated to me a number of months ago that it was his intention to hold the G8 summit in Northern Ireland. He also stated he would extend to me an invitation to me, as Taoiseach, to attend. If and when his invitation arrives, I will be very happy to accept it.

I raised the issue of corporate tax with the American companies I met, pointing out that the issue is our business and that a number of other countries in Europe now have corporate tax rates below 20%. While some corporate tax regimes are more complex than others, Ireland's rate has been very straightforward, simple and transparent for many years. It is 12.5% and the effective rate is 11.9%. I raised this matter with all American businesses with which I had contact in terms of their requirement for clarity and a horizon against which they can plan. As we have pointed out at European level, there will not be any change in Ireland's corporate tax rate and we do not have any intention of moving away from it.

I noted the comments made by President Obama following the first meeting of the new US Cabinet. The Administration's focus is clearly on the so-called fiscal cliff, on which the Republican Party, or GOP, presented its options yesterday. I mentioned the difficulties and challenges President Obama faces when I called him on the telephone. The US Government is clearly anxious to have this matter resolved before the end of the year. I hope it achieves this objective which is in everybody's interest.

I did not have an opportunity to discuss immigration policy with the President, although I discussed it with the Irish ambassador who accompanied me in Philadelphia and Cleveland. It is important to allow the new Administration to settle in, as it were. Various members of the Senate and Congress have commented on this issue and the President also spoke about wishing to have a resolution to the immigration problem. I am aware that Deputy Martin and other Members have been involved in this issue and would like a resolution to be found. Once the President has been inaugurated again and his Administration established, this issue will be followed through as a priority. I hope in the case of undocumented Irish emigrants residing in the United States and Irish people who wish to emigrate to the United States that we will be able to follow through on a path that will bring about clarity and provide an opportunity to have their status legalised and be documented. This will be a major issue for the Government. It is clear from comments made by the United States Administration that it will focus on this matter. However, its priority at present is to deal with the so-called fiscal cliff. The Government will take up this issue in the new year, including in its capacity as the chair of meetings during the Presidency of the European Union.

Deputy Gerry Adams: I very much welcome the interest the Taoiseach has taken in Irish-America and note the good work done during his recent visit to the United States. I visited the east coast of the United States and Canada last month on the back of super-storm Sandy. The Taoiseach will be aware of the devastation the storm wreaked, including in traditional Irish communities. Hundreds of homes were destroyed on Breezy Point and Staten Island. The House should extend condolences to Damien Moore from Portnoo in County Donegal and his wife, Glenda, whose two sons, Connor and Brendan, were swept from their mother's arms and drowned. Have our consular services been engaged in providing assistance to any Irish passport holders caught up in the storm?

The Taoiseach's visit to the United States is proof that Irish-America has a major contribution to make to recovery here, although this should not be reduced to a financial role alone. Successive Governments have ignored the plight of the undocumented Irish in the United States and Australia. It is disappointing, therefore, that the Taoiseach did not discuss the issue with the Administration. While it may not have been opportune to do so in the thrust of an election, the Government should raise the issue on a consistent basis.

With The Gathering imminent, when will the Government fulfil its promise in the pro-

gramme for Government to enact legislation to allow for the publication of the 1926 census? This information would be a valuable resource for those who seek to explore their Irish heritage.

I read Prime Minister Cameron's remarks on the forthcoming G8 summit in which he outlined three main themes for the meeting, namely, the fight against protectionism in global trade, action against tax avoidance and promoting greater transparency and openness. While these are commendable objectives, the Prime Minister misses the point. The G8 must address the economic crisis facing the world, in particular the poor of the developing world. I ask the Taoiseach to raise the grave situation in the Middle East and the failure thus far of the international community to intervene in the conflict there. In this regard, I commend the Government's decision to vote in support of the Palestinians at the United Nations General Assembly last week. Surely it would be opportune to raise this matter when world leaders come to Ireland where we have a successful peace process.

The Taoiseach: I thank Deputy Adams for his comments. The US Secretary of State, Hilary Clinton, is due to attend an OSCE conference in Dublin this week, which will bring to Ireland the largest number of foreign ministers ever to visit the country. High Representative, Baroness Catherine Ashton, will attend on behalf of the European Union. The Russian Foreign Minister, Sergey Lavrov, will also attend, as will the British Foreign Secretary, William Hague. I expect to have a short meeting with Secretary of State Clinton at which I will raise the immigration issue, as I have already indicated.

Publication of the 1926 census is a matter of cost and the 100 year rule. I would like it to be published as it is of great interest to millions of people the world over. However, there is a hefty cost attached to doing so and consideration must be given to the rule precluding publication for 100 years. The Minister for Arts, Heritage and the Gaeltacht, Deputy Jimmy Deenihan, is dealing with the issue.

4 o'clock I spoke to President Obama and sympathised with him in the same way as Deputy Adams has about people from Ireland and other countries who lost their lives. I made the point to him that Breezy Point, Staten Island and New Jersey have significant Irish communities. I said to the President that we had significant numbers of very skilled people here in the country, many of whom were unemployed following the collapse of the construction sector. Be it small numbers of Army personnel dealing with logistics or people who are skilled at driving machinery, demolition experts, roofers or whatever, I said to him that perhaps we should look at the question of what kind of assistance Ireland could give in that context. The President was, I think, very taken with the suggestion. What we agreed was that both the ambassador in Washington, Ambassador Collins, and his counterpart in the Administration would look at how best Ireland might actually be able to contribute in that fashion to restoring and rebuilding the areas that were devastated by Hurricane Sandy.

I have seen some of the documentaries. Significant areas are entirely Irish, or are certainly Irish connected. In that sense when one looks at a home that was completely flattened as if the place had been by a series of bombs, clearly people are very upset and want to get back to being able to live their lives where they have been for so many years. That issue is being followed through on behalf of this country by our ambassador with the US Administration and we will be happy to assist Deputy Adams in any way that we can in that regard. I think that, with the numbers of skilled people that we have here, we could make a significant contribution.

To be honest with Deputy Adams, the reason that I did not have an opportunity to discuss

with the Administration the question of the E-3 visas and immigration was that I left here on Thursday night to fly out, was busy all of the following day and came back on Saturday night after the last function. I got here on Sunday morning. On this occasion, there just was not the time to fit it in. Next time, hopefully, and with a new Administration in office in the US, we will be able to devote more time and follow through on the new connections that need to be made very diligently.

I might point out that, from Deputy Adams's party, Deputy Martin's party, our own, the Labour Party and everybody else's party, there have been delegations to Washington over the last 15 to 18 months. We will keep that up because it requires constant contact. As Deputy Adams is well aware, now is the time to do this - at the start of President Obama's second term in office. Hopefully, we can bring about a resolution to it.

Deputy Derek Keating: I thank the Taoiseach, particularly for dealing with the part of my parliamentary question that asked the Government to invite President Obama for a formal state visit next June. While I was framing the question, I recalled that I was eight years of age when President Kennedy visited Dáil Éireann. If my sums are correct, the Taoiseach was 12 years of age. What I recalled in particular was that, in the decades since, Irish people still hold that wonderful occasion close to their hearts. This is a mark of the respect, friendship and closeness between the Irish and American peoples.

As the Taoiseach alluded, Prime Minister Cameron's recent announcement that the G8 Summit will be held on the island of Ireland will provide us with an opportunity next year. Given The Gathering and the fact that we will hold the Presidency of the European Union, we are presented with a wonderful opportunity to promote Ireland and its people as a nation with further potential in terms of tourism, and to enhance the Irish economy. The eyes of the world will be on us. For this reason, it is important that we avail of the opportunity and extend President Obama an invitation to visit Ireland. Recently, I visited a school-----

An Ceann Comhairle: A question, please.

Deputy Derek Keating: -----that the Taoiseach had the opportunity to visit previously, namely, Lucan community college. He greeted all of its students-----

An Ceann Comhairle: Could we have a question, Deputy? This is not the time for statements.

Deputy Derek Keating: -----some of whom have already invited President Obama. Will the Taoiseach give my suggestion the serious consideration that it deserves? The Irish people yearn for and would welcome it.

The Taoiseach: I thank Deputy Keating. I spoke to President Obama to congratulate him on his re-election and the start of a second term in office. I expressed the wish that, during the course of his term, he would have the opportunity to visit Ireland again formally with Michelle, his wife, and his delegation. It was not the time to say that I was formally inviting him, but I did say that I hoped he could come back to Ireland.

The President has said on a number of occasions that his visit last year had an extraordinary impact on him and was one of the most exciting days of his presidency. In its own small way following that, the Irish community across the United States seemed to have borne this in mind in terms of their support as well.

I recall how, while I was a young lad, President Kennedy came here in 1963 and spoke from this spot. At that time, he quoted poetry: “to come back and see old Shannon’s face again.” That opportunity did not present itself for him. I wrote to his daughter just last week about the celebrations that will take place in Wexford, to which I have committed my involvement. A number of the Kennedy family are travelling for that.

When I had the opportunity to speak at the Kennedy centre in Boston, I said that perhaps we should look at doing something next year, but in a forward thinking and forward looking way, on the 50th anniversary of the President’s anniversary to Ireland, which was the last before the great tragedy of his assassination.

Deputy Keating is quite right. It is an opportunity for us to promote the country fairly strongly in terms of The Gathering. There is a big effort going in there at the moment. I hope that it will pay the dividend that I have heard about.

When the protocol of the visit becomes a little more clear and when the President’s schedule becomes known, we can reflect on that suggestion. I hope that, during his Administration, he will have the opportunity to come back to Ireland, spend a little longer here this time and, if he could arrange the opportunity, address both Houses. Let me confirm to Deputy Keating that we are working with the American Administration and the Kennedy centre in Boston to do something in June or July of next year in the Kennedy centre with the theme of looking forward for the future as to the significance of that visit and how one might build on the platforms that are there to create a better world for everybody.

Deputy Richard Boyd Barrett: If it is the Taoiseach’s intention to invite President Obama, I ask him to raise two matters with the President. Given the Taoiseach’s comments on corporate tax, I am disappointed that he is still continuing to hold the line and treating the issue as a sacred cow. In the context of the American Government’s examination of this matter, would it not be useful to have substantial co-operation between Europe and the US on increasing the corporate tax take and breaking from the policies of tax piracy and tax competition between Europe and America and within Europe that are destabilising the global economy and robbing states, be it this one, European states or the US, of revenues that they could use for stimulus programmes and employment? This type of co-operation between Ireland and the US would be more beneficial to the citizens of both countries.

I seek a specific answer on my next question. If President Obama is to be invited to the South during the G8 Summit, will the Government also invite some of the representatives of the victims of US foreign policy so that we might at least have some balance in the debate on America’s role in the world? Several times, I have mentioned that the deputy speaker of the Gaza Legislative Council, Dr. Ahmad Bahar, has asked me to ask the Taoiseach whether he can visit this country to meet the Taoiseach and Irish parliamentarians. I propose that the Taoiseach invites him-----

An Ceann Comhairle: That is a separate matter. We are not dealing with it.

Deputy Richard Boyd Barrett: -----when President Obama attends the summit. At the same time, could I ask him to invite representatives of teachers and doctors who are being persecuted by the Bahraini regime when President Obama is at the summit?

An Ceann Comhairle: Hold on a second. We have gone from the United States to Bahrain to Palestine.

Deputy Richard Boyd Barrett: It is US foreign policy.

An Ceann Comhairle: No.

Deputy Richard Boyd Barrett: It relates to US foreign policy and it is entirely in order. I am asking the Taoiseach to ask some of those countries that have been at the wrong end of President Obama's foreign policy and who are suffering as a result of it to have an opportunity to give their side of the story during or around the time of the G8 summit while President Obama is in the country. They want to ask the President why the United States refused to endorse their observer status at the United Nations and why it refused to denounce the behaviour of the Bahraini Government.

An Ceann Comhairle: That is a separate policy issue altogether.

Deputy Richard Boyd Barrett: Could the Taoiseach not do that? That is a serious request that the Taoiseach would do so if he is inviting President Obama to the country.

The Taoiseach: The G8 summit takes place in Lough Erne in County Fermanagh. I have no idea whether President Obama will be attending and, if so, what his schedule might be. As I said to Deputy Keating, I did suggest to the President that he would visit the country if he could do so during his next Administration. I have no intention of using a potential visit of the American President to facilitate invitations from all over the world, as Deputy Boyd Barrett mentioned-----

Deputy Richard Boyd Barrett: I mentioned two.

The Taoiseach: -----of particular sectors of societies that have problems. Clearly, there are other fora and opportunities for those matters to be discussed. As the Deputy is aware, the Irish representative voted in favour of UN observer status for Palestine. That has been this country's position for a long time.

Corporate tax rates are a matter for the Government. We have been clear about that for many years. Those who wish to invest in this country, in particular from the US, like definition, clarity and a horizon against which they can plan their business. Corporate tax rates in this country have moved neither up nor down. They have been static and everyone is aware of that.

Deputy Richard Boyd Barrett: At 6.5%.

The Taoiseach: That is our business. The Minister for Finance, Deputy Noonan, has been examining tax piracy and the double-Irish syndrome, as it is called, in respect of clearing up any perceptions that this country is a tax haven. I raised the point with the President last year when he visited. It is important that everyone understands that this country is not a tax haven for companies which might wish to conduct their business in a manner that is not entirely straightforward. We will see what the President's schedule is like.

Deputy Richard Boyd Barrett: Will there be no invitations for the Bahrainis or the Palestinians?

The Taoiseach: It is not for me to invite any other individual to this country.

Deputy Richard Boyd Barrett: It is, in Ireland's capacity as Presidency of the EU.

The Taoiseach: I am aware that certain people have been in correspondence with the Dep-

uty. There are other opportunities that will allow them to address issues at a European level or a national level. Confirmation or otherwise from the American Administration of a visit by the American President to this country should not be used as an opportunity to invite all and sundry from all over the globe.

Deputy Richard Boyd Barrett: From Bahrain and Palestine.

The Taoiseach: That is not the intention.

Deputy Micheál Martin: In terms of corporate tax, the issue is not so much our policy, which is clear, in terms of maintaining the rate but that in previous times the Administration did issue documentation suggesting we were a tax haven which it had subsequently to correct. The Taoiseach has contacts with the business community and with American companies. We have double taxation laws with many countries. We are in an above-board, transparent and legal corporate taxation framework. In the aftermath of the presidential election there will be an anti-outsourcing lobby in America which believes that jobs are leaving American shores. In many ways it is a protectionist approach to what is a globalised economy. In order for American companies to gain additional custom and to sell their goods and services they set up overseas in major markets. They have set up in European markets for some time and we have been a beneficiary of that. There is a need for an initiative to be taken. Have we taken any initiative to counteract a campaign that will be under way in the aftermath of the election? After the previous presidential election such a campaign involved situating key expert personnel in our embassy in Washington in order to support the ambassador in dealing with legislators on Capitol Hill and bringing a greater understanding of what is the situation in this country. That is the point I was making to the Taoiseach.

The Taoiseach: We will do that. We were expecting a report towards the end of last month which will be ready sometime early in December on the possibilities and potential that exists for free trade between the European Union and the US, which holds enormous potential, of a magnitude of at least 2% growth in the economies of Europe as a consequence because of the extraordinary level of trade either way. We will certainly tie it onto that.

What we are seeking from a European point of view is to get a mandate to open the discussions which will clearly go on for a considerable time. This is the appropriate time to do that. The point Deputy Martin mentioned is one that I raised with the President when I met him last year and it is one on which we will follow through. We want nobody to be under any illusion that this country is some kind of tax haven. We will follow through on that and continue the dialogue to clear up any remaining misconceptions on the issue. That is an important element for American investment but also for the perception globally of Ireland being a country open for business where our tax structure is very clear and there are no misconceptions about our position by US companies. That is a matter on which we will follow through. The views of Members will be important in the debate.

Deputy Gerry Adams: I agree with the Taoiseach that this is the time, at the dawn of a new Administration, to press the US Government on the undocumented. I commend the approach and appeal to the Taoiseach to make representation to the Secretary of State, whom we are advised will be leaving her position this year. I am sure the Taoiseach meets people who are variously called undocumented or illegals. They are not there through any fault of their own. I appeal to the Taoiseach to raise their case and to press it in the future.

I welcome the fact the Taoiseach has been invited to attend the G8 summit in the context of the EU Presidency. I wish him well in that challenging role. The G8 is by any definition an exclusive group representing rich states. Mr. Cameron has taken the opportunity to set out his thoughts on what should be discussed. I invite the Taoiseach to do the same, not just as Taoiseach but in the context of the EU Presidency.

The biggest issue facing us in terms of conflict resolution on a global scale is the Middle East. It infects the entire region and spreads with all of the other difficulties that arise from it. The two elements locked in conflict cannot get a peace process in place because there is no leadership to do it within the Israeli Government and no inclination by it to do so. I support the two-state solution. Will the Taoiseach take the opportunity to put that on the agenda? Notwithstanding our difficulties - everything is relative - will he also raise the issue of poverty? He is aware that people in the developing world, in particular the Continent of Africa, live in extreme poverty, almost like our Gorta Mór. The developed world is represented by the G8 and has an opportunity to put in place proper policies to deal with those issues. I commend that approach and wish the Taoiseach well.

The Taoiseach: I thank Deputy Adams. I do not believe I would have any influence over the agenda as it is one drawn up by the G8 but if and when an invitation comes, I would be very happy to follow through on that.

The crisis between Israel and Palestine has been raised here on umpteen occasions. I am aware the Deputy has been out there, as has Deputy Martin, and I have been there also. It is a very complex issue. I have seen the scale of housing development on the West Bank and I have been through areas of the Gaza Strip following the second last altercation between Israel and Palestine. It is an issue I will be happy to raise although it will be one for discussion with the American Secretary of State also at the OSCE conference that will be held here.

The issue of poverty raised by Deputy Adams is one we can certainly support. When I had the opportunity to go to the Olympics a special meeting was called by Prime Minister Cameron about hunger, malnutrition and under-nutrition, with particular reference to Africa. He had a number of leaders and those involved with NGOs and agencies at that meeting in support of continuing a high level strategy there to make real inputs into that matter. There will be an opportunity at the G8 summit and if it falls to me to have the opportunity, as the President of the European Council, to raise an issue like that, I would be very happy to do so. Ireland has a very strong record as a small nation in making a disproportionate impact on this not just in Africa, but in other locations around the world. I thank the Deputy for those suggestions.

Deputy Derek Keating: I thank the Taoiseach for the comprehensive and detailed reply he gave to my question. It is another indication to me that despite the very difficult economic and financial challenges he and the Government face we are determined to accentuate the positive when it exists and remain focused and determined to bring as much inward investment into the country. Next year promises to be a difficult but exciting year with The Gathering initiative-----

An Ceann Comhairle: Does the Deputy have a question?

Deputy Derek Keating: -----the EU Presidency and also because of the G8 summit. I have no other question other than to thank the Taoiseach.

An Ceann Comhairle: That is grand. I call Deputy Boyd Barrett.

Deputy Derek Keating: I hope the invitation will come to pass.

Deputy Richard Boyd Barrett: There can be no more opportune time than when the G8 summit is taking place in this country at the same time as Ireland will hold the Presidency of the European Union, and when we might have the President of the most powerful state in the world might be visiting this country, to raise issues of global and international importance. We can agree on that. I ask the Taoiseach to raise, not necessarily at the same time and not in a confrontational way, two urgent matters of international importance in regard to the Middle East where Ireland has a particular role. We have a very strong connection to the doctors being persecuted in Bahrain because many of them were trained here and the United States has failed to say what should be said about the persecution of the democratic movement in Bahrain and the persecution of doctors trained in this country. First, I ask the Taoiseach to invite here some time next year representatives of those who are being persecuted to give their side of the story. Second, I ask him to invite a representative of the Gaza section of the Palestinian Legislative Council whose members have asked to come to this country to meet-----

An Ceann Comhairle: Deputy, it is a separate question.

Deputy Richard Boyd Barrett: It is not.

Deputy Micheál Martin: It is not.

Deputy Richard Boyd Barrett: It is part of the question on the G8.

An Ceann Comhairle: We are talking about the Taoiseach's visit to the United States.

Deputy Richard Boyd Barrett: In fairness, a Cheann Comhairle, and with due respect-----

An Ceann Comhairle: You can put down a parliamentary question and by all means I will give you time to question the Taoiseach on it, but this question is about visits to the United States.

Deputy Richard Boyd Barrett: My question is about the G8 summit.

An Ceann Comhairle: It is not about the G8 summit.

Deputy Richard Boyd Barrett: My question is about the G8 summit.

An Ceann Comhairle: What is your question?

Deputy Richard Boyd Barrett: To ask the Taoiseach about his intention to invite US President Obama here given the G8 summit taking place.

An Ceann Comhairle: You are asking-----

Deputy Richard Boyd Barrett: Come on, a Cheann Comhairle. Deputy Adams just raised the Middle East.

An Ceann Comhairle: Last week we had an argument here. There are 17 minutes remaining. We have given 43 minutes to this question.

Deputy Richard Boyd Barrett: It will take me 30 seconds to finish asking my question.

An Ceann Comhairle: We are not getting into-----

Deputy Richard Boyd Barrett: Into what?

An Ceann Comhairle: -----talking about the Middle East difficulties.

Deputy Tom Hayes: We need Dáil reform.

Deputy Richard Boyd Barrett: You did not interrupt Deputy Adams when he asked about that.

An Ceann Comhairle: I did. I asked him to put his question.

Deputy Richard Boyd Barrett: Can I finish?

An Ceann Comhairle: Would you please put your question and stick to the subject matter? Put down a parliamentary question on the issue you are trying to raise. It is a separate matter.

Deputy Richard Boyd Barrett: Regarding the possible visit of President Obama and the G8 summit, I ask the Taoiseach if he will invite also representatives of the legislative council in Gaza, including the health minister in Gaza who is an Irish citizen and who was trained here - the Taoiseach might not know that - to give them a chance to discuss their side of this intractable conflict.

An Ceann Comhairle: That is a separate issue.

The Taoiseach: There is no question that the Deputy's comments are about issues that are very important. I do not have any control over the schedule of the American President. I assume the President's schedule is among matters that are sorted out by the G8. When I spoke to him I told him that I hope he can come to Ireland again. As I said, I have no idea of his schedule but on the question of the Bahraini persecutions and the issue of Gaza, we have a seat at the United Nations. The Tánaiste and Minister for Foreign Affairs has a particular interest in this and in so far as his remit is concerned, not just as the Tánaiste but in foreign affairs holding the chairmanship of the council of the European Ministers, I will ask him to take into account the two points the Deputy raised. I do not think it is for me to invite people here and while they are sensitive issues there are legitimate forums in which they can be raised with validity.

Deputy Richard Boyd Barrett: Why not just invite them?

Deputy James Bannon: I welcome the Taoiseach's initiative to broaden our base to broker a deal on immigration in the USA for the more than 50,000 undocumented Irish in the United States. This Government and this party supported the Kennedy-McCain immigration reform Bill in the US. I would like to know the status of that Bill. I pay tribute to the many Irish-American lobby groups in the United States which also supported the Bill. We have a duty of care towards our citizens in the United States as in every other part of the world.

The Taoiseach: That Bill has fallen. There is a new Administration in place. It is a matter for Senator McCain, Senator Schumer, Senator Brown or any of them to raise the matter again and we will be happy to work with them. We are not the only country with an immigrant problem in the United States. We are not the only country on which there is a requirement for visa regimes. President Obama, in the run-up to the election, made particular concessions in regard to the Latino population, particularly about young people who had come to the country as children. It is an issue on which we will work with the organisations and the Administration through our consular offices, the ambassador and the lobby groups in making connections

on the Hill, both in the Senate and the Congress, to see how we can play our part in bringing about what is the best and most appropriate outcome for Ireland, whether that be part of a major comprehensive immigration reform policy and platform or something more appropriate to deal with our particular case.

Constitutional Convention

11. **Deputy Micheál Martin** asked the Taoiseach if he has approached persons to chair the Constitutional Convention and the responses that have been received; and if he will make a statement on the matter. [45693/12]

12. **Deputy Pádraig Mac Lochlainn** asked the Taoiseach if he will reaffirm his commitment that marriage equality for same sex couples will be prioritised in the upcoming Constitutional Convention. [46415/12]

13. **Deputy Gerry Adams** asked the Taoiseach if he will outline the process used in identifying a Chair for the Constitutional Convention. [47413/12]

14. **Deputy Micheál Martin** asked the Taoiseach if he has met the new Chairman of the Constitutional Convention; the areas that were discussed; and if he will make a statement on the matter. [48012/12]

15. **Deputy Gerry Adams** asked the Taoiseach the date on which the first meeting of the Constitutional Convention is to be held. [49430/12]

16. **Deputy Gerry Adams** asked the Taoiseach if he will report on his decision to appoint Mr. Tom Arnold as Chair of the Constitutional Convention. [49431/12]

17. **Deputy Micheál Martin** asked the Taoiseach the date on which the Constitutional Convention will convene its first plenary meeting; and if he will make a statement on the matter. [49611/12]

18. **Deputy Gerry Adams** asked the Taoiseach the contact he has had with representatives of the Irish diaspora in relation to the forthcoming Constitutional Convention. [49614/12]

19. **Deputy Joe Higgins** asked the Taoiseach if he will report on any discussions he has had with the new Chairman of the Constitutional Convention. [49713/12]

20. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will provide the timeline for the different meetings and topics of the constitutional convention; and if he will make a statement on the matter. [54227/12]

The Taoiseach: I propose to take Questions Nos. 11 to 20, inclusive, together.

As I announced in the House on 24 October, the Government appointed Mr. Tom Arnold as independent chairperson of the constitutional convention. Deputies will agree that Mr. Arnold's personal commitment, qualities and experience make him an ideal choice to lead the convention. Mr. Arnold paid a courtesy call on the Tánaiste and myself on 5 November last when we thanked him for agreeing to chair the convention and wished him well in this important role.

The convention held its inaugural meeting in Dublin Castle on Saturday, 1 December. The

Tánaiste and I attended the meeting to wish the members well in their work, as did other party leaders. The convention operates independently of the Government and will report directly to the Houses of the Oireachtas. It decides on all matters relating to its operation, including its rules and procedures, the timing of its meetings and, subject to the resolutions passed by the Houses, the prioritisation of its work programme. I understand these matters were discussed in private session at the inaugural meeting.

The Government is keen to ensure the views of the diaspora will be heard as part of the convention process and I understand the convention's website has been designed specifically to facilitate the involvement of those currently abroad. I am told the convention secretariat is working to ensure our network of embassies and community groups abroad will receive as much information as possible about the work of the convention, which can then be widely disseminated.

The convention is a new and exciting way of considering constitutional reform. For the first time, ordinary citizens will work side by side with elected representatives from North and South in a dynamic approach to examining constitutional change. I am sure every Member will join me in wishing it well in its work. I also trust that Deputies who are members of the convention will be anxious to work co-operatively with the convention chairperson and the other members to ensure the convention carries out its tasks in an exemplary manner.

I met citizens who have been selected to work with the convention. They are excited about it and many see it as a brand new opportunity for involvement in the political system and working towards improvements, if that be so, of a document that belongs them, the Constitution. It belongs to the people and no one else. I felt a sense of excitement among those nominated as citizens and I wished them well in their endeavours. While it is a completely independent operation, we will respond appropriately when the convention reports to us.

Deputy Micheál Martin: I welcome the appointment of Mr. Tom Arnold. On Saturday, it became clear that there is a restricted agenda imposed by the Government on the work of the convention. It has undermined the idea of radical reform of the Constitution. The difference between the rhetoric of the Taoiseach and the Tánaiste and the reality of the agenda was striking. On Saturday, the Taoiseach gave a commitment to a Government response to the recommendations but not a commitment that the Dáil or the people will have the chance to decide on recommended amendments. It appears we are talking reform but keeping all power in the hands of the Government. Can the Taoiseach state whether he will allow the Dáil and the people the right to vote on the convention's recommendations, irrespective of the Government's view on the recommendations?

I am pleased with the chairperson but I am concerned there is no formal requirement that groups on whom decisions of the convention will have an impact are involved in all stages of discussions. With regard to marriage equality, it would be shocking if same-sex couples were only heard as outsiders rather than entitled to be there for detailed debate. The same applies to the diaspora.

There is a major suspicion that marriage equality is being put into the convention to be kicked down the road for a while. Is it the understanding of the Taoiseach that groups affected by issues such as this will be included in the convention's deliberations, regardless of whether they are members with votes? Is it the understanding of the Taoiseach that the marriage equality recommendation will go to the people and will be dealt with during the lifetime of this

Oireachtas?

The Taoiseach: I have discussed the matter with Deputy Martin before. The convention is set up and is independent in how it does its job. We set out a number of issues on the agenda and asked it to consider, in the first instance, two simple issues that require a “Yes” or “No”, although one issue may require a constitutional bridge if it was to make such a recommendation. I wanted that to happen so that the convention, of which Deputy James Bannon is a member, could see how effectively it works. We may have to tweak its capacity to do its job well. The convention has had a discussion in private about how it wants to conduct its business. We have said that, if there are other constitutional issues the convention thinks it appropriate to raise, it is the remit of the convention to do so in working with the convention chairman.

I am not sure what Deputy Martin meant when he referred to the convention making a recommendation to the Houses of the Oireachtas. The commitment I gave on Saturday, which will be honoured, is that the Government will respond within four months. If there is a positive response, we will set out a tentative timeline. I am not sure if Deputy Martin intended for a debate in the Dáil on the recommendation.

Deputy Micheál Martin: The recommendation should go straight to the Dáil, for the Dáil to have an opinion on whether it is good idea. The Taoiseach is proposing the Government takes possession of it and that the Dáil does not see it until the Taoiseach has made up his mind whether it is a good idea. That is the problem.

The Taoiseach: As I understand it, the convention will report directly to the Houses of the Oireachtas but the Government will give its response because it must set out whether it will prepare for a referendum, including preparing Bills. I do not have any difficulty with this and there is no reason the Oireachtas cannot have a discussion on the recommendations that arise. If the chairman and the convention wish to reorganise the priorities attached to particular issues, it is their right. They are not set beyond dealing with the first two to see how effective it is in the order in which it does its business. I had said that we will hold the children’s rights referendum separate to it and that, next year, we will hold a referendum on the abolition of the Seanad. Beyond that, the convention, the chairman and its members are fully entitled to say they consider Dáil reform, electoral reform and whether the electoral system should be proportional representation, PR, or straight vote to be the priority. It is absolutely the right of the convention to make recommendations where it considers there is an issue of constitutional importance and on which it wishes to make a recommendation to the Houses of the Oireachtas.

Deputy Micheál Martin: I asked a question about marriage equality.

The Taoiseach: If the chairman and the convention decide that is the next issue to deal with, it is the right of the convention to do so. The convention can make a recommendation and we will respond to it.

An Ceann Comhairle: I call Deputy Adams.

Deputy Micheál Martin: I asked a question on whether particular groups would be invited.

The Taoiseach: I do not want to go down the road of having the convention hear endlessly from different lobby groups. We had this in the Forum on Europe, with an endless stream of them. It is an important sector with a particular issue but if the chairman wishes to do so, he is entitled to take into account the requirement for hearings from various groups. That is the

business of the convention and it is not set in stone in that regard. It is a matter for the chairman and the members, political and lay.

Deputy Gerry Adams: I agree the first meeting of the convention was an important day and contributions were informative and educational. The citizen delegates, along with the rest of us, were buoyed by the great privilege of being able to fulfil the patriotic role they were asked to complete. That is all to the good. However, the Government has put the convention on a very tight leash. Voting age and the length of the presidential term are important issues but we do not need a convention to tell us what to do about it. There are more contentious and difficult issues such as marriage equality, which Sinn Féin believes is a civil rights issue for same-sex couples, and the role of the diaspora.

We were talking earlier about the diaspora. The importance of President Obama coming to Ireland, whatever part of the island, is not just because he is the President of the United States of America, although that is a huge thing because the US is such a powerful nation, but because of the connections we have with the USA. Despite this, we have no place for the diaspora in the convention. Next year we will ask them to come for The Gathering and we ask them all the time to assist us in our economic regeneration. We know of all the nascanna idir an oileán seo agus an Oileán Úr. The Government must repair that.

The issue of our ethnic minority is not raised very often. Our ethnic minority, the Traveller community, are treated dreadfully. They are discriminated against dreadfully and yet they are part of what we are and, rightfully, demand to be treated as an ethnic minority. Could that not be looked at by the convention?

Similarly, there are new folk who have come to live on this island. Some people refer to them as the new Irish. They bring great colour, history and culture to mesh with our won history and culture. Do we not do outreach with them? Why can we not go into the North, into Gaeltacht areas or the Border corridor? Why can we not make this a living example of what a constitutional convention can be?

On a previous occasion I commended the approach of the conference put in place in South Africa as it moved into democracy. A wonderful job was done there. We, obviously, have to do it within our own lights.

I throw these ideas forward. I commend and congratulate Mr. Tom Arnold and I wish him well in his role as chairman of the convention. I still think the Government is missing a great opportunity to re-imagine Ireland and to re-imagine a real constitution for a real republic.

Deputy James Bannon: In light of the fact that our independence and our sovereignty was handed to the International Monetary Fund by the previous Administration and that the banking debt of this country has become the personal debt of every man, woman and child in the country, our sovereignty needs to be debated. The previous Administration handed our sovereignty over to the EU.

An Ceann Comhairle: Deputy Bannon, we are discussing the Constitutional Convention.

Deputy Barry Cowen: Was that a question or a statement from Deputy Bannon?

The Taoiseach: It was symbolic that the leaders of different parties and representatives from Northern Ireland attended the launch of the Constitutional Convention in the great hall of

Dublin Castle.

I apologise for not giving a full answer to Deputy Martin. Any proposal that comes from the convention, be it about same-sex marriage or whatever, will be responded to by the Government within a four month timeframe. We are not going to hang around. There may be a recommendation regarding the Traveller community. That is a matter for the convention itself. There may be a recommendation about Irish sign language. I know this is a small issue but it is important for those who use sign language.

It will be up to the chairman to take the convention to locations throughout the country. That was done with the forum on Europe. It remains to be seen whether the members of the convention will speak to one another or whether there will be sufficient interest from groups who might want to watch the proceedings or listen to the discussions that take place.

With regard to the diaspora, the convention website is flexible and vigorous. It may well be extended to video links to groups on the far side of the United States or to individuals who want to speak from New Zealand or wherever. These are all matters that the convention can consider.

I would like this to work and to work well. The convention has been inaugurated and is in place now. It has got its remit and independence and has a very good chairman. Let us see how it operates at its first meeting when it meets again in the spring and move on from there. It may be that the excitement I felt from the citizens in Dublin Castle will be reflected in the energy that is put into the work of and the output from the convention. At this end of the spectrum we will not be found wanting in giving a response to the convention. Let us see how effective it can be. It is new and untried in Ireland. It is an opportunity for ordinary men and women to work with politicians from all parties, North and South, on a document that belongs to them and to no one else.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 11, motion re leave to introduce Supplementary Estimates - Votes 25, 37 and 39; No. 12, motion re referral of Supplementary Estimates - Votes 25, 37 and 39 - to select sub-committee; No. 17, statements on the report of the expert group on the judgment in the A, B and C v. Ireland case, to adjourn after the opening statements if not previously concluded; and No. 18, Health Insurance (Amendment) Bill 2012 - Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that: (1) the Dáil shall sit later than 9 p.m. and shall adjourn not later than 10 p.m.; (2) matters may not be raised under the provisions of Standing Order 32, there shall be no Oral Questions taken on Wednesday, 5 or Thursday, 6 December and there shall be no Topical Issues taken on Wednesday, 5 December; (3) No. 11 and, subject to the agreement of No. 11, No. 12 shall be decided without debate and any divisions demanded thereon shall be taken forthwith; (4) the following arrangements shall apply in relation to No. 17: (i) the opening statements of a Minister or Minister of State and of

the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, shall not exceed 20 minutes in each case; (ii) the statement of each other Member called upon shall not exceed 15 minutes, and such Members may share their time; and (iii) a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed ten minutes; (5) the Report and Final Stages of No. 18 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 10 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Health; and (6) Private Members' business shall be No. 79, motion re disability funding and services, which shall also take place immediately after the Order of Business tomorrow and which shall, if not previously concluded, be brought to a conclusion after 90 minutes on that day.

An Ceann Comhairle: There are six proposals to be put to the House. Is the proposal that the Dáil shall sit later than 9 p.m. and shall adjourn not later than 10 p.m. agreed to? Agreed. Is the proposal for dealing with the business of the Dáil tomorrow and Thursday agreed to? Agreed. Is the proposal for dealing with No. 11, motion re leave to introduce Supplementary Estimates - Votes 25, 37 and 39, and No. 12, motion re referral of Supplementary Estimates - Votes 25, 37 and 39 - to select sub-committee agreed to?

Deputy Micheál Martin: We oppose these motions on the basis that they relate to three Supplementary Estimates, one of €685 million for the Department of Social Protection, another of €360 million for the Health Service Executive, and a third of €1 million for the Department of the Environment, Community and Local Government. We have serious issues with the Supplementary Estimate for the HSE. Last year, a fraudulent Estimate was introduced in the House which bore no relation to reality and has led to extraordinary difficulties within the health service. Given the fundamentally flawed nature of last year's Health Service Executive Estimate, we need a plenary debate on this Supplementary Estimate.

There have been savage cutbacks in home help hours in recent months because of the absence of a Supplementary Estimate coming through and because of the absence of a proper HSE Estimate in the beginning. People with disabilities were hit very hard as a result of the flawed nature of the Estimate. Personal assistants were taken from people who wanted to live independent lives, and many people had access to hospital and medical facilities delayed. During the week, I met nurses at the opening of the Irish Nurses and Midwives Organisation centre in Cork. They told me they cannot advocate or articulate on behalf of patients who are at risk because of the HSE Estimate and the failure to provide adequate funding. They are gagged.

There is a request for a Supplementary Estimate of €360 million. Given the flawed nature of the Estimate given to the House last November, there is a need for a plenary discussion before the Estimate is referred to the sub-committee.

The Taoiseach denied vehemently to me some months ago on Leaders' Questions that there would be any Supplementary Estimate for the Department of Health. We have consistently raised the failure of the Minister in terms of his commitment on health insurers, that he would find more funding from pricing and that he would get €100 million from agency staff. None of that happened and that is why we oppose the motion as presented.

Deputy Gerry Adams: On 21 November, during the Order of Business, I asked the Taoiseach if he intended to introduce a Supplementary Estimate for the Department of Health and he refused to tell me; he refused to answer and dodged the question. Later on the same day,

the Minister for Public Expenditure and Reform confirmed there would be a Supplementary Estimate for the Department of Health. That shows the difference in attitude in the Government parties towards the Minister for Health. The Taoiseach covers up while the Labour Party Minister comes clean. I do not know why the Taoiseach did not tell me. Did he not know? Was the Minister for Public Expenditure and Reform speaking out of turn? How do we do business in this institution?

This is a €360 million addition to the Department's budget and while Sinn Féin supports the proper funding of the health service, this shows the Minister's original Estimate was complete fantasy. He has failed to recoup the costs of private patients in public beds despite a commitment to do so.

An Ceann Comhairle: We cannot debate the issue on the Order of Business.

Deputy Gerry Adams: The savings on generic drugs have failed to materialise. This is not a good way to do business and if the Taoiseach was sitting on the Opposition benches, he would say the same. I asked a straight, legitimate question and the Taoiseach did not answer. A couple of hours later, when Deputy McDonald asked another Minister the same question, he answered it. Why can the Oireachtas not be told what is going on in the health services?

The Taoiseach: I note the opposition of Deputy Martin and Deputy Adams to the proposal. These matters will be referred to the committee on Tuesday and everyone will have the opportunity to talk about them there. The budget is tomorrow and there will be follow on debate with that on Thursday. Other matters are already laid out. The proposition here is to refer this to the Select Sub-Committee on Health next Tuesday. There will be ample opportunity then for people to discuss these Supplementary Estimates.

Deputy Micheál Martin: The Taoiseach indicated that he would not oppose a debate on this.

An Ceann Comhairle: There cannot be a debate on this. I am putting the question.

Deputy Micheál Martin: I am trying to reach a consensus on this. The Taoiseach said that Paddy wants to know but he is the last person who knows round here.

Question put: "That the proposal for dealing with Nos. 11 and 12 be agreed to."

The Dáil divided: Tá, 91; Níl, 47.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Breen, Pat.	Broughan, Thomas P.
Bruton, Richard.	Collins, Joan.
Burton, Joan.	Collins, Niall.
Butler, Ray.	Colreavy, Michael.
Buttimer, Jerry.	Cowen, Barry.
Byrne, Eric.	Daly, Clare.
Carey, Joe.	Doherty, Pearse.
Coffey, Paudie.	Donnelly, Stephen S.

Collins, Áine.	Dooley, Timmy.
Conaghan, Michael.	Ellis, Dessie.
Conlan, Seán.	Ferris, Martin.
Connaughton, Paul J.	Fleming, Sean.
Conway, Ciara.	Fleming, Tom.
Coonan, Noel.	Grealish, Noel.
Corcoran Kennedy, Marcella.	Healy, Seamus.
Coveney, Simon.	Healy-Rae, Michael.
Creed, Michael.	Kelleher, Billy.
Daly, Jim.	Kirk, Seamus.
Deenihan, Jimmy.	Kitt, Michael P.
Deering, Pat.	Mac Lochlainn, Pádraig.
Doherty, Regina.	Martin, Micheál.
Donohoe, Paschal.	McConalogue, Charlie.
Dowds, Robert.	McDonald, Mary Lou.
Doyle, Andrew.	McGrath, Finian.
Durkan, Bernard J.	McGrath, Michael.
English, Damien.	McGuinness, John.
Farrell, Alan.	McLellan, Sandra.
Feighan, Frank.	Moynihan, Michael.
Fitzgerald, Frances.	Murphy, Catherine.
Fitzpatrick, Peter.	Naughten, Denis.
Flanagan, Charles.	Nulty, Patrick.
Flanagan, Terence.	Ó Cuív, Éamon.
Gilmore, Eamon.	Ó Fearghaíl, Seán.
Griffin, Brendan.	Ó Snodaigh, Aengus.
Hannigan, Dominic.	O'Brien, Jonathan.
Harrington, Noel.	O'Dea, Willie.
Harris, Simon.	O'Sullivan, Maureen.
Hayes, Tom.	Pringle, Thomas.
Heydon, Martin.	Ross, Shane.
Humphreys, Heather.	Shortall, Róisín.
Humphreys, Kevin.	Smith, Brendan.
Keating, Derek.	Stanley, Brian.
Keaveney, Colm.	Tóibín, Peadar.
Kehoe, Paul.	Troy, Robert.
Kenny, Enda.	Wallace, Mick.
Kenny, Seán.	
Kyne, Seán.	
Lawlor, Anthony.	
Lynch, Ciarán.	
Lynch, Kathleen.	

Dáil Éireann

Lyons, John.	
Maloney, Eamonn.	
Mathews, Peter.	
McCarthy, Michael.	
McFadden, Nicky.	
McGinley, Dinny.	
McLoughlin, Tony.	
McNamara, Michael.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Mulherin, Michelle.	
Murphy, Eoghan.	
Nash, Gerald.	
Neville, Dan.	
Nolan, Derek.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Dowd, Fergus.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Jan.	
Penrose, Willie.	
Perry, John.	
Phelan, Ann.	
Phelan, John Paul.	
Quinn, Ruairí.	
Rabbitte, Pat.	
Reilly, James.	
Ryan, Brendan.	
Shatter, Alan.	
Sherlock, Sean.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	
Wall, Jack.	
White, Alex.	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Fearghail.

Question declared carried.

*5 o'clock***An Ceann Comhairle:** Is the proposal for dealing with No. 17, statements on the report of the expert group on the judgment in the A, B and C v. Ireland case agreed? Agreed.

Is the proposal for dealing with No. 18, Order for Report, Report and Final Stages of the Health Insurance (Amendment) Bill 2012 agreed?

Deputy Denis Naughten: It is not agreed.

An Ceann Comhairle: I cannot recognise you, Deputy Naughten, because you are not a member of a party.

Deputy Denis Naughten: We have very limited time to debate that matter tonight.

An Ceann Comhairle: I appreciate that.

Deputy Denis Naughten: Giving an extra 15 or 20 minutes to it would allow us to address the issues that have been raised.

Deputy Timmy Dooley: The Deputy will have to re-join Fine Gael.

An Ceann Comhairle: I am sorry, Deputy, but I cannot create a precedent. I ask you to resume your seat.

Deputy Denis Naughten: There are serious issues and we are now encouraging people to remain in hospital.

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

Deputy Denis Naughten: Insurance companies will be paid on the basis that people remain in hospital.

An Ceann Comhairle: Is the proposal for dealing with Private Members' business tomorrow agreed? Agreed.

Deputy Micheál Martin: In the programme for Government, the Government made very strong commitments to Dáil reform. It is very regrettable, therefore, that the Supplementary Estimates for the Department of Social Protection and the Health Service Executive have been rushed through without any debate in plenary session. The Supplementary Estimate for the Department of Social Protection can only be explained by the fact that there are fewer people at work and more people out of work. This is why the €650 million is being sought. We could have done with a debate on that. In terms of the commitments in the programme for Government in respect of the social welfare Bill, could the Taoiseach indicate when he intends to bring that before the House?

The whistleblowers Bill is intended to give freedom to officials and people working in our public services to articulate issues. There is fear and anxiety across the health service in so far as nurses in particular are not allowed to articulate or advocate where patients are at risk. This has been communicated to me. I draw the Taoiseach's attention to the contradiction between

driving through a whistleblowers Bill and at the same time gagging nurses and other medical personnel from speaking about what is happening in our hospitals and health service.

An Ceann Comhairle: This is not on the Order of Business.

Deputy Micheál Martin: Can the Taoiseach indicate when we will get the whistleblowers Bill? In respect of the Government's commitment to change legislation in respect of Cabinet confidentiality-----

Deputy Michael Healy-Rae: What is that?

Deputy Micheál Martin: That is a very good point.

An Ceann Comhairle: We are not having a debate on that.

Deputy Micheál Martin: The people would like to know where stands the commitment to Cabinet confidentiality because the public would dearly love to see Cabinet confidentiality. The absence of confidentiality in the Cabinet has scared the living daylights of people over recent weeks. They are in terror because Ministers cannot button it and keep their mouths closed and are predicting cut after cut.

(Interruptions).

An Ceann Comhairle: Will everyone settle down and not get excited? It is bad for their health. We must yet switch on the Christmas tree lights so can we be given a chance for light on the subject? Could we deal with matters that are in order?

The Taoiseach: The Supplementary Estimate for the Department of Social Protection will be taken tomorrow in committee. The social welfare Bill will be taken next week and the protected disclosure in the public interest Bill will be published early next year.

Deputy Gerry Adams: Tá mé ag cur ceiste faoi reachtaíocht atá fógraithe. Can the Taoiseach confirm when the finance (local property tax) Bill will be published? This is the Bill that Fianna Fáil was committed to bringing in after it signed up with the troika and to which it now says it is opposed. When will it be published and when will it be debated in the Dáil?

The Taoiseach: The Minister will outline the details. As I understand it - if I am incorrect on this, I will advise the Deputy further - the finance (local property tax) Bill will be published on Thursday. Obviously, the announcement will be made tomorrow by the Minister for Finance. If that is not absolutely accurate, I will have it transmitted to the Deputy.

An Ceann Comhairle: We have three minutes left. We must move very quickly now. We will have no speeches.

Deputy James Bannon: Given the implications of passing the children's rights referendum recently, could the Taoiseach update me as to when the courts Bill, which hopefully will bring much needed transparency to child care and family proceedings, will come before the House?

The Taoiseach: The courts Bill is being drafted at the moment and it will be early next year before it can be published.

Deputy Ray Butler: When is publication of the housing Bill expected? I read in the newspapers last week that 100,000 families are on the county council housing waiting lists.

An Ceann Comhairle: The Deputy does not need to talk about the newspapers.

The Taoiseach: I can confirm that a great deal of work has been done on the heads of this Bill but it will be next year before it is published.

Deputy Michael Healy-Rae: The Central Bank issued a code of conduct for lending to small and medium-sized enterprises. Where does that leave us given what happened, which the Government Chief Whip knows about-----

An Ceann Comhairle: What is the name of the Bill?

Deputy Michael Healy-Rae: I am coming to it. Last Wednesday-----

An Ceann Comhairle: I ask the Deputy to be fair to his colleagues. We have one minute left.

Deputy Michael Healy-Rae: A group of thugs acting for an institution beat up a farmer and his 15 year old son last Wednesday night.

An Ceann Comhairle: I ask the Deputy not to get excited.

Deputy Michael Healy-Rae: That must be addressed.

An Ceann Comhairle: What Bill is the Deputy talking about?

Deputy Michael Healy-Rae: Central Bank legislation.

An Ceann Comhairle: The Central Bank Bill.

(Interruptions).

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

The Taoiseach: The Central Bank (Supervision and Enforcement) Bill is on Committee Stage, if this is the Bill referred to by the Deputy.

Deputy Michael Healy-Rae: What about thugs repossessing-----

An Ceann Comhairle: We do not deal with thugs on the Order of Business.

The Taoiseach: The Central Bank (Supervision and Enforcement) Bill is on Committee Stage at the moment.

Deputy Patrick Nulty: I have asked the Taoiseach several times and he has yet to give me a date as to when the Government will bring forward a commitment to provide for a statutory right to collective bargaining, which is a core element of the programme for Government.

The Taoiseach: I do not have an answer to the Deputy's question.

Deputy Róisín Shortall: Could the Taoiseach give an assurance to the House that tomorrow's budget has been fully poverty-proofed? Will he undertake to publish this poverty proofing as part of the budgetary documentation, which has been the practice over recent years?

An Ceann Comhairle: I do not think that is in order on the Order of Business.

Deputy Róisín Shortall: When we can expect publication of the finance Bill and when is that scheduled to be taken?

Deputy Barry Cowen: Reilly-proofed.

The Taoiseach: The finance Bill will be published in the new year. Obviously, the best attempts are always made to proof all budgets on all fronts, although it is never possible to do these things perhaps as one might like.

Deputy Micheál Martin: We saw that.

The Taoiseach: As I said during Leaders' Questions, this budget will be presented as an opportunity to move the country further towards retrieval of our economic sovereignty and independence and create opportunities for investment and job opportunities and creation.

An Ceann Comhairle: I call on Deputy Broughan.

Deputy Róisín Shortall: Perhaps the Taoiseach might answer the question. I asked him whether he can give an assurance to the House that tomorrow's budget has been fully poverty-proofed as is required and as successive Governments have committed to doing.

An Ceann Comhairle: The Deputy cannot do that on the Order of Business.

Deputy Róisín Shortall: Maybe the best attempt is not enough. Will it be poverty-proofed in a professional way, as has been done before, and will the Government publish that documentation?

An Ceann Comhairle: Through the Chair. I am calling on Deputy Broughan to speak.

The Taoiseach: We are very conscious of those who are vulnerable.

Deputy Róisín Shortall: That is not what I asked the Taoiseach.

An Ceann Comhairle: This is the Order of Business. I ask Deputy Shortall to resume her seat.

Deputy Róisín Shortall: There has been a commitment by successive Governments to poverty-proof all initiatives coming from Government. I am asking the Taoiseach whether tomorrow's budget has been poverty-proofed. Can he give that assurance?

An Ceann Comhairle: I ask Deputy Shortall to resume her seat. The Taoiseach cannot give her an assurance on the Order of Business.

Deputy Róisín Shortall: I asked the Taoiseach a straightforward question.

An Ceann Comhairle: I will not ask Deputy Shortall a third time. I am asking the Deputy to resume her seat and she refuses to recognise the Chair. It is out of order. I call Deputy Broughan.

Deputy Róisín Shortall: It is a reasonable question to ask. Has the Government poverty-proofed the budget?

An Ceann Comhairle: I will cut it off now because we are over time. The Deputy must make up her mind. Has Deputy Broughan a question?

Deputy Thomas P. Broughan: Yes.

An Ceann Comhairle: Will he put it?

Deputy Róisín Shortall: Has the Government poverty-proofed the budget?

An Ceann Comhairle: We will move on. The Deputy must wait until tomorrow.

Misuse of Motor Vehicles (Public Spaces) Bill 2012: First Stage

Deputy Dessie Ellis: I move:

That leave be granted to introduce a Bill entitled an Act to give powers to An Garda Síochána to deal with the use of motor propelled vehicles in areas designated public spaces by local authorities.

An Ceann Comhairle: Is the Bill opposed?

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): No.

Question put and agreed to.

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

Deputy Dessie Ellis: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Estimates for Public Services 2012: Leave to Introduce

Minister for Justice and Equality (Deputy Alan Shatter): I move:

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

Vote 25 — Environment, Community and Local Government (*Supplementary Estimate*)

Vote 37 — Social Protection (*Supplementary Estimate*)

Vote 39 — Health Service Executive (*Supplementary Estimate*).

Deputy Billy Kelleher: Is this the motion to refer the Supplementary Estimate for the Health Service Executive to the select sub-committee?

An Ceann Comhairle: That is correct.

Deputy Billy Kelleher: We object to this in the strongest possible manner. We believe this

is sweeping ministerial incompetence under the committee room carpet. We oppose this motion.

An Ceann Comhairle: This is the motion requesting leave to introduce.

Deputy Billy Kelleher: We are opposing the motion on the grounds that we feel there should be a full debate in plenary session on this very important issue with regard to a Supplementary Estimate of €360 million in the Department of Health.

Question put: “That leave be given to introduce Supplementary Estimates for Votes 25, 37 and 39.”

The Dáil divided: Tá, 87; Níl, 45.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Breen, Pat.	Broughan, Thomas P.
Bruton, Richard.	Collins, Joan.
Burton, Joan.	Collins, Niall.
Butler, Ray.	Colreavy, Michael.
Buttimer, Jerry.	Cowen, Barry.
Byrne, Eric.	Crowe, Seán.
Carey, Joe.	Daly, Clare.
Coffey, Paudie.	Doherty, Pearse.
Collins, Áine.	Dooley, Timmy.
Conaghan, Michael.	Ellis, Dessie.
Conlan, Seán.	Ferris, Martin.
Connaughton, Paul J.	Fleming, Sean.
Conway, Ciara.	Fleming, Tom.
Coonan, Noel.	Healy, Seamus.
Corcoran Kennedy, Marcella.	Healy-Rae, Michael.
Coveney, Simon.	Kelleher, Billy.
Creed, Michael.	Kirk, Seamus.
Daly, Jim.	Kitt, Michael P.
Deasy, John.	Mac Lochlainn, Pádraig.
Deenihan, Jimmy.	McConalogue, Charlie.
Deering, Pat.	McDonald, Mary Lou.
Doherty, Regina.	McGrath, Finian.
Donohoe, Paschal.	McGrath, Michael.
Dowds, Robert.	McGuinness, John.
Doyle, Andrew.	McLellan, Sandra.
Durkan, Bernard J.	Martin, Micheál.
English, Damien.	Moynihan, Michael.
Farrell, Alan.	Murphy, Catherine.
Feighan, Frank.	Naughten, Denis.

Fitzgerald, Frances.	Nulty, Patrick.
Fitzpatrick, Peter.	Ó Cuív, Éamon.
Flanagan, Charles.	Ó Fearghaíl, Seán.
Gilmore, Eamon.	Ó Snodaigh, Aengus.
Griffin, Brendan.	O'Brien, Jonathan.
Hannigan, Dominic.	O'Dea, Willie.
Harrington, Noel.	Pringle, Thomas.
Harris, Simon.	Ross, Shane.
Hayes, Tom.	Shortall, Róisín.
Heydon, Martin.	Smith, Brendan.
Humphreys, Heather.	Stanley, Brian.
Humphreys, Kevin.	Tóibín, Peadar.
Keating, Derek.	Troy, Robert.
Kehoe, Paul.	Wallace, Mick.
Kenny, Enda.	
Kenny, Seán.	
Kyne, Seán.	
Lawlor, Anthony.	
Lynch, Ciarán.	
Lynch, Kathleen.	
Lyons, John.	
McCarthy, Michael.	
McFadden, Nicky.	
McGinley, Dinny.	
McNamara, Michael.	
Maloney, Eamonn.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Mulherin, Michelle.	
Murphy, Eoghan.	
Nash, Gerald.	
Neville, Dan.	
Nolan, Derek.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Dowd, Fergus.	
O'Mahony, John.	
O'Sullivan, Jan.	
Penrose, Willie.	
Perry, John.	

Phelan, Ann.	
Phelan, John Paul.	
Quinn, Ruairí.	
Rabbitte, Pat.	
Reilly, James.	
Ryan, Brendan.	
Shatter, Alan.	
Sherlock, Sean.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	
Wall, Jack.	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Fearghail.

Question declared carried.

Estimates for Public Services 2012: Referral to Committee

Minister for Health (Deputy James Reilly): I move:

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

(i) 6th December, 2012

Vote 37 — Social Protection (*Supplementary Estimate*) — Select sub-Committee on Social Protection.

(ii) 13th December, 2012

Vote 25 — Environment, Community and Local Government (*Supplementary Estimate*) — Select sub-Committee on Environment, Community and Local Government.

Vote 39 — Health Service Executive (*Supplementary Estimate*) — Select sub-Com-

mittee on Health.”

Question put and declared carried.

Topical Issues Debate

Periodic Payment Orders

Deputy Willie Penrose: I thank the Ceann Comhairle for selecting this matter for debate on the floor of the House this evening and I thank the Minister, Deputy Shatter, for attending personally in the House to address this important issue which has significant implications for many people.

As the House will be aware, where a person is injured in an accident, which event arose as a result of an accident as an employee, as a result of a road traffic accident or under the auspices of the occupier’s liability principles, and the injured party establishes liability against a particular person or company, then that injured party is entitled to recover compensation by way of damages. In deciding the amount of compensation in a civil claim, the courts resort to two headings of damages - general damages and special damages.

General damages is that part of the award which compensates a person for the injury up to the date of the court hearing and also as to the future, which is at best a guesstimate since the effects of the injury can be borne by the injured party right through until he or she dies. This is, therefore, encompassed by a lump sum award which, despite public perception to the contrary, is not unlimited as there is a court defined cap on general damages in civil claims.

The second heading of an award is special damages which encompasses various items which can be calculated with reasonable accuracy with the aid of expert evidence provided by an actuary. Such items include the loss of earnings, both past and in the future, and can be based on the likely future earnings and the possibility of not always being in employment as is currently the position, and this must also be factored in to this estimate. Special damages also includes future medical expenses and in the case of very serious physical injuries, the cost of equipment, the modification of a dwelling house, the requirement for an automatic car, the requirement for home care help, and the cost of specific medical assistance and aids.

Under the system as currently constituted in the Irish jurisdiction, it means that awards in these types of serious cases consist of a lump sum which is a once-off amount of money paid. In so far as the amount awarded in respect of special damages, this is especially problematic as the amount for special damages is intended as a capital sum which, if invested wisely, would yield enough annual income for the person so injured to pay his or her medical and other expenses and live comfortably in the context of his or her injury.

The Judiciary has been active and vocal in this area for the past three years or so. Mr. Justice Kearns, President of the High Court, established a working group on medical negligence and periodic payments under the chairmanship of Mr. Justice John Quirke, who is now retired. Indeed, the first module of this report concerning periodic payment orders was presented in

October 2010. This has been available for the past two years. Notwithstanding the urgings of the members of the Judiciary in recent months, most notably Ms Justice Mary Irvine, who has taken a number of these cases for ruling, to bring forward appropriate legislation to implement the recommendations of this report, nothing appears to have happened today, and I hope the Minister will change that this evening.

The House will be aware that since 2005, in England and Wales, personal injury awards in catastrophic injury claims may be based on structured settlements or periodic payments. A structured settlement is, in effect, an annual payment or annuity purchased from an insurance company to meet the obligations in an agreement to provide periodic payments. Periodic payments are the payments made as a result of a personal injury claim which are made by way of a future stream of payments.

The executive summary of the working group makes 13 specific recommendations. The group was unequivocally clear that a single lump sum award is inadequate and inappropriate in such cases where a plaintiff has been catastrophically injured in the long term or, indeed, permanently, a where this person will require ongoing care and medical treatment in the future. Therefore, I urge that legislation be enacted to empower the courts, as an alternative to lump sum awards of damages, to make consensual and non-consensual periodic payment orders to compensate injured victims in cases of catastrophic injury where long-term permanent care will be required, for the cost of future treatment and future care and the future provision of medical and assistive aids and appliances. The order should apply to the whole or part of an award in any case where, having regard to the nature of the injuries in respect of which the award is being made and the circumstances of the person to whom the award is being made, the court considers it appropriate in the best interests of that person that such order should be made, provided that the parties have been given an opportunity by the court to make submissions and be heard in full on the relevant issues. The court should be empowered to make periodic payments orders to compensate for future loss of earnings only with the consent of all of the parties to the relevant claim.

I look forward to the Minister's reply. This is an innovative area in which I expect the Minister will bring forward legislation as quickly as possible.

Minister for Justice and Equality (Deputy Alan Shatter): I thank Deputy Penrose for raising this important matter. As Deputies may know, the programme for Government has a commitment to legislative reform in this area. The commitment is to empower courts to make provision for structured settlements in circumstances where lump sums are currently awarded as a consequence of individuals suffering catastrophic injury because of the negligence of another.

In our legal system an award for damages, in other words monetary compensation, in personal injury cases is restitutory in purpose. It is the most common form of redress pursued in civil claims. The bedrock principle underlying the awarding of damages in our legal system is that the amount of compensation should restore the injured person, in so far as money can do so, to the position he or she would have been in if he or she had not sustained the wrongful injury.

In general, damages awards are paid by way of a single lump sum. Damages are awarded under two headings: special damages and general damages. Special damages are damages specifically claimed and proven to have been sustained in the circumstances of the particular wrong to the plaintiff. They cover pecuniary losses like medical expenses or loss of earnings,

including loss of future earnings. General damages cover non-pecuniary loss that the law presumes follow from the type of wrong complained of. This loss includes pain and suffering, loss of amenities and loss of the expectation of life.

A one-and-for-all lump-sum award has a number of advantages. It is final, simple and allows the plaintiff to be flexible in deciding for himself or herself the order of priority in relation to his or her different needs and wants. This straightforward approach, however, often results in over-compensation or under-compensation. The calculation in court by reference to average life expectancy may bear little relation to the real life expectancy of the individual plaintiff involved. A claimant may die long before his or her expected time. In that event, the defendant cannot take back the excess of damages paid, and the excess becomes a windfall for the plaintiff's family.

The converse is that a plaintiff may live longer than expected. In that event, his or her damages may simply not be sufficient to meet his or her needs during the last phases of his or her life. This is likely to happen later in life when the effects of having insufficient resources will be particularly hard to handle. Out of excessive prudence, a plaintiff may become so concerned about exhausting the lump sum that he or she does not spend the required amount of money on their needs.

There are other variables we must keep in mind. Investment returns will depend on the person's investment strategy and the prevailing financial and economic climate. A plaintiff's needs may change from those assessed at the time of trial or settlement. The costs relating to care that were assessed at rates or values operative at the time of the trial date may increase substantially later on.

Judges do their best to ensure that a catastrophically injured plaintiff is adequately provided for, whatever the future holds for him or her. However, the pressure on judges in many cases to turn to what is in effect guessing what the future holds for the plaintiff is unreasonable. In this area, accuracy and legal certainty are important values. It is desirable to have a system of compensation that is better able to meet future needs as and when they arise.

To meet some of the difficulties of the current system and, in particular, to ensure that plaintiffs are safeguarded against the danger that at some time in the future their damages might be depleted, a new means of paying damages by way of periodic payments orders needs to be developed. This would allow the courts to structure awards or settlements in a more realistic way. It would provide a guarantee for a plaintiff that he or she will continue to receive regular annual payments for the duration of his or her life so his or her damages will never be exhausted.

The Deputy specifically referred to the work undertaken by the Working Group on Medical Negligence and Periodic Payments, under the chairmanship of Mr. Justice John Quirke. I welcome that work and acknowledge its importance.

On periodic payments, the working group recommended that legislation be enacted to empower the courts, as an alternative to lump sum awards, to make consensual and non-consensual periodic payments to compensate injured victims in cases of catastrophic injury where long-term permanent care and treatment will be required. The working group also recommended that periodic payment orders should only be made where the court is satisfied that continuity of payment under the periodic payments order is reasonably secure.

The viability of a statutory scheme for periodic payments requires the establishment of a

financial infrastructure to ensure that continuity of payment is secure. In this regard the working group recommended that the State, through the agency of the National Treasury Management Agency, be empowered to provide injured victims with the necessary security for periodic payments, either by the provision of annuities to insurers and others or in such other manner as may be appropriate. Alternatively, it was recommended that consideration be given to the introduction of a statutory scheme whereby payments made under periodic payment orders will be statutorily protected and guaranteed.

The NTMA has recently concluded an actuarial review on the feasibility and cost-effectiveness of the State acting as an annuity provider to insurers and indemnity providers in personal injury actions to enable compliance with the security-of-payment principle. The NTMA report is currently being considered by my Department in consultation with the Department of Finance with a view to the development of legislative proposals by my Department. Subject to the outcome of these consultations, which I expect will conclude shortly, I intend to bring to Government for its approval in the coming weeks concrete proposals for the preparation of the scheme of a Bill to amend the Civil Liability Act to give courts the power to make periodic payment orders in appropriate cases.

I regard the enactment of such legislation as of particular importance. I very much appreciate the comments made by members of the Judiciary underlining the need for this matter to be adequately and fully dealt with by this House. I hope we will see the legislation enacted during 2013.

Deputy Willie Penrose: I thank the Minister for his comprehensive reply and for taking this matter on board. I am concerned about cases where plaintiffs live for longer than expected and the imposition that would create where an award would be insufficient to meet their needs. That can put a lot of pressure on parents and others concerned.

In any such legislation, provision should be made for the appropriate indexation of periodic payments. The working group recommended that this should include the introduction of earnings and cost-related indices which would allow periodic payments to be index-linked to the level of earnings of treatment and care personnel and to changes in the cost of medical and assistive aids and appliances. That would ensure plaintiffs were able to afford the cost of treatment and care into the future.

The working group also recommended that the Central Statistics Office is uniquely qualified to compile and maintain the indices required in this regard. It is important that these matters should be taken on board. I thank for Minister for his reply. I look forward to this legislation whose passage, hopefully, will be facilitated by all parties in the House. The Judiciary has been active in this regard but quite restrained and eager that the Legislature would act in an area where long-standing recommendations have already been made. When this legislation is brought forward, it will enhance the Minister's standing by ensuring an issue of such import is accelerated through the Oireachtas.

Deputy Alan Shatter: I regard this legislation as a priority matter of great importance. It is evident that a statutory scheme is required if periodic payments orders are to become a reality. This is clear from the work done by the working group. Further additional work was required in the context of how we ensure necessary security for the long-term viability of periodic payments, which has to be a key element of any legislative proposals. There is little point in putting in place a structure which facilitates the making of such payments unless it is ensured that

those payments are secured into the future. This is one of the issues, among others, which is being examined. The reality is that there is no financial product available to insurers in this area at present. A new financial infrastructure will be necessary to make the legislation workable. This is quite a complex area involving a whole range of issues that need to be addressed. Very careful work is required to ensure that any legislation enacted meets the required objectives.

I want to assure the Deputy, and members of the Judiciary who quite properly raised the importance of this issue, that this is a matter the Government intends to address. It is my objective to ensure the legislation is enacted during 2013.

Gas and Oil Exploration

Deputy Brendan Griffin: I appreciate the opportunity to speak on this matter. I call on the Government to consider establishing a State body to co-ordinate and develop the oil industry. I am anxious to see a proactive State effort to ensure the Irish people will derive the greatest possible benefit from our oil reserves.

Recent significant oil-related developments off the Cork and Kerry coasts signal major potential and Members must ensure the most is made of it. Significant opportunities now present themselves before any oil is actually extracted and preparation and exploration could prove to be significant money spinners and employers for both regions and the State as a whole and Members must be alert to this. They should not wait any longer as the opportunities are there now. This is coming in the midst of the greatest economic crisis the State has ever known and oil and its associated benefits offer great hope. This must be harnessed and put to tangible good use for the people of the country and this is the reason I call on the Government to consider the establishment of this State body to co-ordinate and maximise the potential of the oil industry.

Historically, State bodies such as Bord Iascaigh Mhara and Bord na Móna have delivered major benefits for the State by making the most of the natural resources available to their respective sectors. I envisage this also would be the case in this regard. Oil now offers a massive wealth opportunity to the people and the State must step in and make the most of it for this and for future generations, who will benefit therefrom. This agency should comprise professional expertise brought from the oil industry and it would act as a one-stop shop on oil-related matters. Among other tasks, such an agency would liaise with oil companies to provide access to Irish companies, services and trained personnel. It also would advise the Government.

Acting Chairman (Deputy Olivia Mitchell): I must come back to the Deputy as Deputy Ferris's time now is being taken.

Deputy Brendan Griffin: I had almost finished and was saying the agency would advise the Government on policy areas.

Acting Chairman (Deputy Olivia Mitchell): I will revert to the Deputy for a moment later.

Deputy Martin Ferris: Earlier this year, the Oireachtas Joint Committee on Communications, Natural Resources and Agriculture produced a report, which had the unanimous support and backing of its members, on offshore exploration by the oil and gas industries. In preparing this report, the joint committee sought advice from the Norwegian oil ministry and the Norwegian ambassador and other interest groups also appeared before it. The report is available

and I understand it is probably in the Minister's office. It should be considered in respect of exploiting this potential for the benefit of all the people and not for the oil companies or for a golden circle. The potential of two discoveries off Dunquin and off the South Porcupine Basin offers quite substantial hope for the economy if they are used properly for the common good. The tax regime that forms part of that potential should be consistent with the proposals in the aforementioned joint committee's report.

I also wish to bring to the Minister of State's attention that Fenit Port, County Kerry, has a history and a great track record of servicing oil rigs off the west and south-western coasts from the 1970s and 1980s in particular. It also has available skilled personnel who worked as roustabouts or roughnecks or who worked in galleys or as derrick men and so forth. Many people there still have such experience and some people continued to work right up until the late 1990s by travelling to Aberdeen and so on. County Kerry has almost twice the national average rate of unemployment. Moreover, it received no visits from the IDA this year and nothing has come into the county in recent years. Consequently, from the perspective of the local economy, it would be essential for Fenit to be considered as a port for supplying the oil rigs off the coast.

Acting Chairman (Deputy Olivia Mitchell): While I must ask the Minister of State to respond, I will revert to the Deputy.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): I thank both Deputies for putting this matter before the House for debate. It is an important and current debate and I wish to refer to some of the facts. The first fact obviously is that were oil to be discovered off the Kerry coast or off any other part of the coast, it would indeed be good news. I can confirm for Members that there has not, as yet, been a discovery of oil off the Kerry coast and the last time an exploration well was drilled in this area was more than a decade ago in 2001. Unfortunately, that well was dry. On a more positive note, I can inform Members that planning for an exploration well in 2013 on the Dunquin prospect is being advanced. There has been quite a deal of media coverage on the topic of oil and gas exploration in recent months, including some articles about potential major fields. In some instances, these articles have related to exploration authorisations where the holders have yet to commit to exploration drilling or even to acquiring new seismic data. Forecasts made in such circumstances must be put into perspective. In order for a discovery to be made, there must first be exploration drilling and such drilling in the Atlantic is expensive and involves a high financial risk.

Over the past decade, there has only been an average of a single exploration well per year. In recent years, however, there has been an increase in the number of exploration authorisations granted in the Irish offshore area. In the coming years, this should result in an increase in exploration activity and in exploration drilling in particular. As a consequence of the current low level of drilling activity, there are no offshore drilling rigs permanently based in Ireland. While the current level of exploration activity provides some employment opportunities in ancillary supply and support services, along with specialist port services, there is unlikely to be a substantial oil industry based in Ireland until there is a much higher level of exploration drilling in Ireland's offshore areas. Not alone has drilling activity been low, but it does not all occur in one area and this has implications in terms of anticipating where support services should be located. Clearly, a drilling rig off the coast of County Donegal is likely to be supported from a different port to a drilling rig off the County Kerry coast.

Ireland has a clear policy of actively encouraging investment in oil and gas in order that we

can enjoy both economic and energy security. A reasonable increase in exploration activity levels resulting in further commercial discoveries of oil and gas certainly would result in increased employment and economic activity generally. It also would result in significant financial benefits to the State from the higher rate of corporation tax that applies to profits from production of oil or gas. For the present, however, one must remain realistic regarding both the pace and nature of the exploration effort.

Deputy Brendan Griffin: One does not need to wait for oil to start flowing for the money to start flowing as in itself, exploration is a major industry that offers a massive spin-off to local communities. For example, airports, seaports - as were mentioned - and local hotels could benefit greatly from such exploration. Now is the time to be proactive in this regard and to put in place a one-stop shop for the industry to co-ordinate this effort. There is a need to be proactive in this respect and I am very hopeful that there will be major reserves that can be brought to the surface at some point. However, the very fact of finding it will cost a great deal of money. As the Minister of State indicated, there will be massive expenditure involved and Members must ensure that before any oil is brought to the surface, the people of the country will benefit from such expenditure. This is the reason the particular conduit I have proposed should be put in place for the industry. I again ask the Minister of State to reconsider the matter and to give serious consideration to this proposal.

Acting Chairman (Deputy Olivia Mitchell): I interrupted Deputy Ferris earlier. Did he want to come back in?

Deputy Martin Ferris: The Porcupine Basin was explored in 1978, 1979, 1980 and 1981. A number of exploration wells were drilled there and oil was discovered. However, because of the depth of water at which the oil was discovered - I believe it was approximately 1,700 ft. - modern technology was not then available to deliver the oil to the surface and to the shore and the find was capped and left there. I assume the Petrel Resources company has returned to those areas on the south Porcupine Basin, where it is due to start drilling in the new year. Based on its findings as a result of the two licences it purchased last year, Petrel Resources has stated it believes the area in which it intends to drill has the potential to deliver 1 billion barrels of oil. If that is true, one would be talking about a monetary value of between €85 billion and €100 billion, which would be a significant start. In addition, Providence Resources also has claimed to have made a big discovery off Dunquin.

6 o'clock Both of those will probably start next year and work together.

It would be remiss of us as elected representatives not to make the point that the resources which exist should be for the common good and the greater good of our people; they should not just be for the people who exploit resources for their own good. People may stand to make much money from this but there should be a proper taxation system consistent with what the committee delivered earlier this year. That report would have guaranteed that resources would go back for the use of this country's people.

Deputy Fergus O'Dowd: I thank both Deputies for their comments. So far, Ireland has had approximately 146 wells drilled. That compares with over 4,000 wells drilled in Britain and over 1,200 in Norway. The reason people have not been coming here until now is that a chance of a find is much greater elsewhere. We have resources in the Department, and the petroleum affairs decision is very much involved in the issue. The Department has sponsored, along with the Canadian Government in the Labrador area, a study of geological backgrounds

and the possibility of new exploration based on reversing plate changes. In an Atlantic margin round, 12 new companies have taken up options to examine seismic data. I announced recently that the Department is in discussions about a major new seismic analysis taking in thousands of kilometres off the Atlantic coast to determine what may be under the sea.

We must be realistic and remain factual. We want these companies to find oil and attract them to the country. That is why we have our current level of consent and co-operation. There is also our tax regime, which is often attacked by people. That is comparable with that of Spain and Portugal. We must encourage companies to explore here and we hope they will make oil finds. Nevertheless, they must drill to find oil, and that is up to them. There will be more drilling next year than there has been in previous years, which is good.

Hospice Services

Deputy Simon Harris: I am thankful for the time to raise in the Dáil today the need for the provision of a hospice in County Wicklow and to seek an update on where plans for such a provision are currently within the Department of Health and the HSE. I thank the Minister of State, Deputy Lynch, for her attendance for this topical issue.

The people of County Wicklow, relative to other parts of the country, have been poorly served by the level of palliative care available. In counties such as Limerick, Clare, Tipperary, Donegal and Sligo, the health spend on specialist palliative care services in 2011 was roughly €30 per head of population; in my county of Wicklow, the figure is a paltry €3. Currently, Wicklow does not have the resources to provide a service seven days a week and it cannot provide a weekend on-call service. Whereas the standard of care provided by home care teams of nurses is exceptional and very much appreciated by families in need of such a service, we have experienced weeks in Wicklow where services have been suspended in parts of the county due to staff leave and vacant nursing posts.

Despite this, an amazing group of dedicated and committed people have come together in Wicklow to set up what is known as the Wicklow Hospice Foundation. They have worked day and night and, to date, they have raised in excess of €2.5 million to provide a hospice in Wicklow. They have even obtained a site for the hospice, very kindly donated by nuns, in Magheramore. They now expect to be able to meet all the capital costs of building a hospice through fund-raising, an incredible achievement, particularly in the current economic climate. That makes me very proud to represent such a community in this House.

The people in the Wicklow Hospice Foundation, the residents of Wicklow and I must know where is the provision of the hospice in the view of the HSE and the Department of Health. What consideration has been given to the possible funding streams to staff, equip and maintain such a Wicklow hospice? If the community can build the hospice and has raised funding voluntarily, as well as finding a site for the hospice, where can the Department of Health and HSE meet the community in progressing the work?

I wish to emphasise a few points and seek answers. In 2009, the HSE carried out a major consultation process on palliative care and produced a five-year implementation plan. The list emanating from the plan was based on population, need and clinical opinion on where the hospice facilities should be built, as we cannot build a hospice facility in every town. County Wicklow was included as a location, so the need has already been recognised by the HSE as

far back as 2009. Will the Minister of State indicate where the implementation of the five-year plan stands?

The Government's health document, Future Health, has just been published and it has a strong commitment to develop potential funding channels for palliative care. Will the Minister of State elaborate on the issue and will the funding mechanism be based on the model of money following the patient? It is clearly enshrined in the programme for Government and I know both of our political parties campaigned heavily on it in the last general election.

The provision of a Wicklow hospice is clearly right morally and from a societal perspective. It is also right from an economic view. We all know the cost of acute hospital care is far more than the cost of palliative and community care. Will the Minister of State address that point? The provision of a Wicklow hospice is a perfect example of a partnership approach to the delivery of important community health services. The community has played a leadership role and there is significant buy-in and pride in the project. Residents in County Wicklow have put their money where their mouth is and raised more than €2 million. The nuns in the county have played their part and contributed a site, which has been approved as being suitable by the HSE. We now need to advance the issue with the support of the HSE.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I thank the Deputy for raising the issue as it provides me with the opportunity to outline the position to the House. As somebody from a city that has always been extremely well served with palliative care, I understand the value of such a service.

Our policy is to continue to develop and improve palliative care health services in all regions of the country, thus meeting the objective of providing modern, high-quality palliative and end-of-life care services for those who need them. The development of such services is informed by various sources including, for example, the Report of the National Advisory Committee on Palliative Care 2001 mentioned by the Deputy, the ongoing wider reforms for the health service generally and service priorities and resource availability generally, as indicated in the agreed HSE annual service plans. The Deputy will be appreciate, therefore, that the executive has operational responsibility for the delivery of health and social services, including considering in the first instance proposals relating to developing hospice facilities in Wicklow.

Despite existing resource pressures overall on the health care system, the HSE national service plan for 2012 indicates funding of some €78 million for palliative care. Approximately 75% to 80% of this is being provided to the main voluntary organisations. Palliative care is also additionally funded through both acute and community services. The HSE service plan for 2012 specifically identifies the following deliverable outputs which are of relevance to the Wicklow area. These are the development of a national standardised admission, discharge and referral criteria which will improve uniformity of care; development of a systematic process of assessment of need which will result in improved care plans; development of a benchmark which will ensure improvements from referral to first point of contact; development of integrated care pathways to improve access; development of guidelines and pathways to improve out-of-hours services; and production of readily available information on palliative care and bereavement services which will be provided to individuals and organisations to enable them better access to local services.

The HSE palliative care services five year or medium term development framework for 2009 to 2013 identified the need for an inpatient hospice unit for Wicklow, together with associ-

ated staffing and revenue. The HSE is keenly aware that the current level of service available is less than optimal. The local Wicklow Hospice Foundation has been engaged in extensive fundraising for capital to build a hospice. However, in order to staff and operate such a service, it would be necessary to secure substantial revenue funding and staff. The Deputy is aware of the budgetary pressures currently facing this Government and the HSE and all new developments have to be considered against the current budgetary and fiscal constraints. The executive must also take account of other palliative care issues, such as capital projects approved in the national framework for all areas which face similar service and resource pressures. Nonetheless, the executive is continuing to engage with the hospice to see if it is possible to address funding issues in the context of any flexibility for this from 2013 onwards. In these circumstances the Department and the HSE will continue to keep the matter under review.

Deputy Simon Harris: This is an issue of equity for people in County Wicklow. As I indicated, spending on palliative care in the county is €3 per head of population as opposed to €30 per head of population in counties Donegal, Sligo and Limerick. While we do not begrudge people in these counties such expenditure, some degree of equity is required. The lack of equity was evident when palliative services in north County Wicklow where I live were suspended during the summer owing to staff leave. Moreover, the Health Service Executive, having carried out interviews for vacant nursing posts, decided not to proceed to fill the positions. While I am aware of the current budgetary difficulties, I ask the Minister of State to convey to the HSE my concerns regarding its failure to fill the relevant nursing posts. Addressing this matter in the first instance is important. However, it is also important to address the issue of equity.

One of the Minister's key commitments is to move to a funding model under which money follows the patient. If we are serious about shifting to such a model, money should leave some of our hospitals with patients and go to hospices. In 2011, the percentage of patients in hospice home care programmes who died in hospital was 6% in Limerick and 40% in Wicklow. As Deputies are aware, it is more expensive to care for patients in hospitals than hospices. If we were to introduce a funding model whereby money follows the patient, some financial resources should follow patients being discharged from acute hospitals into hospices.

Politicians are always asked whether Departments have lists of projects. Does the Department have a list setting out where the next hospices will be built? If so, where does County Wicklow feature in the ranking? I would be grateful if the Minister of State would raise these matters with the Health Service Executive.

Deputy Kathleen Lynch: I accept that an issue of equity always arises in the development and delivery of services. The Deputy provided stark figures on the percentage of hospice home care patients in Limerick and Wicklow who died in hospital care. All the research suggests people wish to spend their final days at home and in their communities. I am not certain if the list the Deputy seeks exists but I will convey his request to the Health Service Executive. If information is available on this matter, I will ensure he receives it.

Hospital Services

Deputy John McGuinness: In raising this matter, I express my sympathy to the family of the late Niall Comerford, his parents, Walter and Joan, brothers, Damien and Shane, and sister, Linda. Niall Comerford was a young man who had a routine operation lasting for 15 minutes in Kilcreene Hospital on 24 September 2012. His parents complain that he was not given pre-

operative advice and information on his after-care was not provided on discharge. He was simply asked to return to the hospital within ten days and visit his consultant six weeks later. On 1 November 2012, Niall died as a result of pulmonary embolism and deep vein thrombosis. Professor Beverley Hunt, who has written many papers on deep vein thrombosis, states that the condition can be avoided or addressed by following appropriate advice.

The death of Niall Comerford has been shocking for his family who decided to wait until after the autopsy last Friday before raising the case publicly. I listened carefully to Walter Comerford speak on my local radio station in recent days. Despite his loss, Mr. Comerford is dealing constructively with his son's death and has asked publicly for an independent inquiry. When I met him before the autopsy more than a week ago he was thinking along the lines of seeking an inquiry but chose to await the outcome of the autopsy. He has since issued a public statement requesting an independent inquiry.

It is difficult to believe the Health Service Executive did not contact the Comerford family until after the autopsy. I believe it was for this reason that the family concluded it did not have confidence in the HSE. Put simply, I support the family's request and urge the Minister of State to support the family during this very difficult time by immediately establishing an independent inquiry to ascertain precisely what occurred. Such an inquiry could be carried out by the Health Information and Quality Authority.

Deputy Kathleen Lynch: Before referring to the notes provided to me, which are, by necessity, very short, I extend my deepest sympathy and that of the Department to the family of Mr. Comerford. The loss of a child is unimaginable for most people.

Approximately one week following discharge after routine knee orthopaedic surgery undertaken at Kilcreene Orthopaedic Hospital, Kilkenny, a young man was admitted to Waterford Regional Hospital in a collapsed state and pronounced dead shortly afterwards. The Health Service Executive expresses its deepest sympathy to the family on the death of this young man. On 30 November 2012, the Waterford city coroner recorded a death of acute cardiac failure secondary to pulmonary failure, which was caused by deep vein thrombosis originating in the left calf. The orthopaedic consultant involved in the case met with the family separately approximately one week before the inquest. Following the verdict of the inquest, HSE representatives contacted the family and offered to meet them. The family are to refer back with a decision as to whether they will attend a meeting. The family have expressed their dissatisfaction and requested an independent review of the case. The HSE has confirmed that this case is being escalated to the national incident management team for completion of a review. The family will be consulted as part of this process. I am sure the Deputy will understand that further comment at this time would be inappropriate. I will convey the sentiments he expressed to the Minister for Health when we meet later.

Deputy John McGuinness: I respect the role the Minister of State must play in this matter and note the information she provided, none of which is inaccurate or disputed. She indicated that further comment would be inappropriate. The family of Niall Comerford has requested an independent inquiry and is not interested in discussing the matter further with the HSE, as they made perfectly clear to me today. They are shocked that the HSE did not make contact with them prior to last Saturday. I am not making a big issue of this but asking the Minister of State to consider a reasonable request from the family.

The Minister of State's reply did not address the question I asked. I ask her to reconsider

her response and consider, with the HSE and Department, the family's request, bearing in mind the constructive approach they have taken to this matter at a shocking and sad time. At a minimum, the Health Service Executive must change its normal tack, stop being defensive and come to the assistance of a family by acceding to its request, which was made in a public, quiet and constructive manner, for an independent inquiry. The Minister of State will fully understand why such a family can lose its faith in the health system and the HSE. Given the poor contact between the family and the HSE, rebuilding confidence in the system, the HSE and the Department requires that similar situations be dealt with in a more sympathetic way. I do not expect a reply now, but please reconsider the family's simple request.

Deputy Kathleen Lynch: I will be brief. We all understand the grief that the family must be going through. A healthy young man, a son, was lost. That this situation has been escalated to the national incident management team for the completion of a review is important. As Deputy McGuinness rightly stated and as we all accept, though, I cannot give a commitment now. However, I will bring the family's request to the Minister for Health. Understandably, the family has been deeply traumatised by these events. I will not walk out of the Chamber and leave this issue behind me - I will bring it with me and discuss it with the Minister.

Report of the Expert Group on the Judgment in the A, B and C v. Ireland Case: Statements

Minister for Health (Deputy James Reilly): I am pleased to have the opportunity to make this statement on the report of the expert group on the judgment of the European Court of Human Rights in A, B and C v. Ireland.

The reason for this debate - more than 20 hours have been set aside for statements to be taken in the Houses of the Oireachtas on this topic - is that the Government is committed to allowing all Members of the Houses the opportunity to make a statement on this issue. Time for this purpose has now also been allocated in the Seanad, where a discussion will take place on Thursday afternoon. Following this discussion, the Government will make a decision before the Dáil goes into recess on the option to be pursued to implement the judgment in A, B and C v. Ireland. The public hearings to be held by the Joint Committee on Health and Children in the new year will give us a further opportunity to discuss the option for implementation that the Government will have chosen.

We are conscious that this is a sensitive issue and most of us hold strong personal views on it. However, it is important to bear in mind that the Government has consistently stated its commitment to implement this judgment of the European Court of Human Rights.

I must also reiterate that the Government is committed to addressing this issue within the confines of Article 40.3.3° of the Constitution and its interpretation by the Supreme Court in *Attorney General v. X*. As we all know, this case involved a 14 year old girl who became pregnant as a result of rape and was suicidal. The court deemed that, where it was established on the balance of probabilities that there was 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 her

pregnancy, such termination was lawful. This included where there was a clear and substantial risk to the life of the woman arising from a risk of suicide.

Recent comments inside and outside of this House have addressed other unfortunate situations where pregnancy might arise out of traumatic incidents such as rape or incest. At this juncture, these scenarios *per se* do not come within our constitutional and legal provisions and, therefore, were not and could not be addressed by the expert group or, indeed, by the Government through the implementation of the judgment of the European Court of Human Rights.

Before I move on to discuss the background to the report and its merits and implications, I wish to put on record once again my gratitude to the expert group, in particular to the honourable Mr. Justice Seán Ryan, for its commitment and dedication to this work and for the invaluable contribution it has made in bringing clarity to this complex and sensitive issue. While it is true that a number of other bodies have previously addressed the issue of how to provide for the X case, the House would agree that the report of the expert group presents with consistent clarity and lucidity the many complex issues that need to be resolved in order to bring clarity to the provision of medical treatment to pregnant women whose lives are at risk.

In December 2009, the European Court of Human Rights heard a case brought by three women in respect of the alleged breach of their rights under the European Convention on Human Rights in regard to abortion in Ireland. This is known as the A, B and C v. Ireland case. All of the applicants were women who unintentionally became pregnant and who travelled to the UK for abortions.

The European Court of Human Rights accepted that Article 40.3.3° of the Constitution, as interpreted by the Supreme Court, provided that it was lawful to terminate a pregnancy in Ireland if it was established as a matter of probability that there was a real and substantial risk to the life, as distinct from the health, of the mother, which can only be avoided by a termination of the pregnancy. This provision has not been altered by the judgment.

The court found that there had been no violation of their rights under the convention in respect of the first and second applicants, Ms A and Ms B, and it dismissed their applications, and that there had been a violation of the right to private and family life contrary to Article 8 of the convention in the case of the third applicant, Ms C. 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. The court ruled that “no criteria or procedures have been ... laid down in Irish law ... by which that risk is to be measured or determined, leading to uncertainty...” and held that further legal clarity was required.

The establishment of the expert group and publication of its report fulfil an important commitment in the programme for Government. The expert group was established in January of this year and its terms of reference were as follows: to examine the A, B and C v. Ireland judgment; to elucidate the judgment’s implications for the provision of health care services to pregnant women in Ireland; and to recommend a series of options on how to implement the judgment taking into account the constitutional, legal, medical and ethical considerations involved in the formulation of public policy in this area and the overriding need for speedy action.

The group was composed of experts in the fields of obstetrics, psychiatry, general practice, law, professional regulation and public policy. It met nine times from January to October and submitted its report to me on 13 November.

The expert group's report starts off by clearly indicating that, in order to stay true to its terms of reference, it would not recommend one particular solution for the implementation of the judgment in *A, B and C v. Ireland*, but would suggest a number of options. Sticking closely to its remit, it explicitly stated that it did not see it as its task to consider or recommend changes to abortion law in Ireland.

The expert group report then gives a clear and concise overview of the current legal provisions governing termination of pregnancy in Ireland and meticulously outlines the historical background to the legal developments that have taken place on abortion in the past 30 years. The report then describes the judgment of the European Court of Human Rights in *A, B and C v. Ireland* and its legal implications. The report maintains: the State is under obligation to do the following:

A. Provide effective and accessible procedures to establish a woman's right to an abortion as well as access to such treatment.

B. Establish criteria or procedures in legislation or otherwise for measuring or determining the risk.

C. Provide precision as to the criteria by which a doctor is to assess that risk.

D. Set up an efficient independent review system where a patient disputes her doctor's refusal to certify that she is entitled to a lawful abortion or where there is a disagreement between doctors as to whether this treatment is necessary.

E. Address sections 58 and 59 of the Offences Against the Person Act 1861.

In essence, the expert group indicates that the State is under legal obligation to put in place and implement a legislative or regulatory regime providing effective and accessible procedures whereby pregnant women can establish whether they are entitled to a lawful abortion in Ireland. Furthermore, it asserts that: "It would obviously be insufficient for the State to interpret the court's judgment as requiring only a procedure to establish entitlement to termination without also giving access to such necessary treatment." The expert group then openly and explicitly presents the principles adopted in its deliberations and reflected in the proposals it puts forward for the implementation of the judgment. These are very clear principles and they are fully in line with our constitutional, legal, ethical and medical requirements. These are:

Principle 1. The entitlement to have the right to lawful termination of pregnancy ascertained should be established.

Principle 2. The State's constitutional obligations under Article 40.3.3° should be reflected in the options proposed to implement this judgment.

Principle 3. Termination of pregnancy should be considered a medical treatment regardless of whether the risk to the life of the woman arises on physical or mental health grounds.

Principle 4. It will always be a matter for the patient to decide if she wishes to proceed with a termination following a decision that it is clinically appropriate medical treatment.

I believe that these principles taken together provide a clear and humane framework on which to base the provision of lawful terminations of pregnancy in Ireland. Moreover, in adopting as one of its principles the constitutional obligation under Article 40.3.3° and reflecting its

provisions throughout its report, the expert group has shown us that there are ways in which the right to life of the pregnant woman can be protected, while requirements are also put in place to ensure that due regard is given to the right to life of the unborn, and that the dignity of the foetus is respected in cases where this can be achieved without compromising the woman's right to life.

Therefore, although the report clearly supports the Supreme Court judgment in the X case as the correct criteria to assess whether a woman is entitled to a lawful termination of pregnancy, that is to say when there is a real and substantial risk to the life of the mother, and this risk can only be averted by the termination of her pregnancy, it also explicitly states that, as part of the test, the treating doctors will have to consider whether it is practicable to preserve the life of the unborn in the process of terminating the pregnancy without compromising the right to life of the woman, and evidence of this consideration must be documented. The report also rejects the arguments often put forward that the judgment in *Attorney General v. X* establishes a right to an abortion at any gestational age. The expert group argues that the judgment indicates that where a woman has a pregnancy that places her life at risk and her foetus is or may be viable, she may have a right to have the pregnancy brought to an end but not a right to insist that the life of her foetus be deliberately ended and that this approach also reflects an obstetrician's medical obligation to care for both of his or her patients, namely, the pregnant woman and the foetus. Therefore, for example, a pregnancy that has reached or is approaching viability could be terminated by early induction with appropriate neonatal care to follow.

The four principles outlined in chapter 5 underpin the detailed procedural options presented in chapter 6. This chapter illuminates possible avenues for the assessment of an entitlement to lawful termination of pregnancy in Ireland and for the delivery of this medical treatment. It discusses the possible qualifications of the doctors involved in the process, the number of doctors who would be responsible for reaching a decision, what their different roles might be, and the locations where terminations might take place. It also extrapolates potential exceptions to the process, such as in the case of an emergency or when dealing with conscientious objection. In addition, this chapter provides a lengthy discussion on a formal framework to review the initial clinical decision, which is one of the main requirements emanating from the judgment.

The expert group correctly emphasises that any system that would be put in place should be duly monitored. It indicates that from a clinical perspective there is a need to keep records on the number of women who might seek and be given terminations and the medical reasons that gave rise to such treatment. In addition, statistics are also required to inform policy, as well as to ensure that the legal and constitutional principles and requirements of the system are being upheld.

The final chapter of the report sets out four options for the implementation of the European Court of Human Rights judgment in the *A, B and C v. Ireland* case and these are: guidelines alone, regulations alone, primary legislation alone, and primary legislation coupled with regulations. It is those options that are now being considered and discussed by the Government and the Members of the Houses of the Oireachtas.

I take this opportunity to restate the Government's firm commitment to implement the judgment of the European Court of Human Rights in the *A, B and C v. Ireland* case and bring the required legal clarity to the issue of lawful abortion in Ireland. That does not mean abortion on demand. That is doubtless one of the most divisive issues in Irish society and yet we must try to discuss it in an even and calm manner. We must protect the life of the pregnant mother and yet

vindicate the right of the unborn child. We must clarify what is available by way of treatment to the women of Ireland and clarify what is legal for the professionals who must provide that care. As a Government we are elected to act, and we will.

Deputy Micheál Martin: I welcome the holding of this debate and the opportunity to address the report of the expert group. It is appropriate that time is allowed for legislators, medical bodies and the wider public to consider the issues raised in the report in advance of the consideration of specific measures. In the modern world there are few more passionately debated and divisive topics as abortion. Ireland is very far from being the only state where there is an active debate about abortion. It is an issue which can cross through ideological and party boundaries like almost no other.

There are many people on different sides who operate with an absolute certainty as to how they believe the issue should be handled. Often this leads them to dismiss the sincerity of those who do not share their certainty. There is also a small minority which takes quite an extreme approach – a fact well known to many Deputies and Ministers over the years who have experienced highly intimidatory tactics directed against them in their constituencies. I hope that in this debate Deputies will show respect for the sincerity of each other's views and not seek out ways to caricature those with whom they disagree.

This report was due out last July but the group asked for more time and presented it to the Minister, Deputy Reilly, in the middle of November at the time when the sudden death of Savita Halappanavar was coming to national and international attention. There has been an absolutely appropriate wave of shock among the Irish people about Savita's tragic death, and our profound sympathy is with Praveen and the Halappanavar family. None of us in this House knows the full facts of what happened. Two reports are being prepared, and the Government has said that it may consider an independent inquiry. It is still not too late for the Government to recognise the exceptional nature of this case and to move to immediately establish such an inquiry.

Many people have automatically blamed the lack of legislation for Savita Halappanavar's death. Nobody is in the position to claim that without seeing detailed final reports from medical experts and the outcomes of the inquiries. Unfortunately, there have been other individuals who have also had tragic stories, and that includes the women who are known as A, B, and C. These women as a group lodged a complaint to the European Court of Human Rights alleging that restrictions on abortion in Ireland were in breach of their human rights. These were women who according to the report "became unintentionally pregnant and who travelled to the UK for abortions". The Irish Family Planning Association, IFPA, supported the women who took the case.

"A" was a mother of four who lived in poverty and whose children were already in care. She was trying to reunite her family. She became pregnant accidentally and travelled to the UK for an abortion. "B" was a single woman who became pregnant when emergency contraception failed. She believed she could not care for her child and travelled to the UK for an abortion. "C" had been treated for cancer and had been in remission when she accidentally became pregnant. She was unable to get clear medical advice as to the effect of the pregnancy on her health-life and was very worried that the cancer would return. She decided to travel to the UK for an abortion.

As Deputies will know, while there have been Private Members' Bills, I was the last Minister, and indeed the only Minister, to introduce legislation relating to the X case. The indication, therefore, that nothing occurred in the past 20 years is not factual. Quite a lot occurred

at different periods. That proposal was rejected by the people but no one can claim that, as a decision, the result clarified the matter. The “No” side on that occasion included arguments that the proposal was too liberal as well as not liberal enough.

If the Minister believes that there should be no restrictions whatsoever on abortion, then obviously deciding on a response to the *A, B and C v. Ireland* judgment is not difficult for him. The same goes for those who believe there are no difficult cases and that a simple ban is all that is required. My position is that I do not believe in the provision of general access to abortion in the way that it is available in many other countries. I do not see this as in any way a conservative or outdated view. A growing respect for life is perhaps the greatest achievement of the modern age and it should extend to the unborn.

When woman are pregnant they should have no less protection for their life, and it should be the duty of the medical profession to ensure that their lives are protected. According to the Supreme Court, this principle is reflected in our laws but the question is whether it is reflected in such a way as to give certainty to doctors and patients alike. The answer to that has been found to be “No” by the European Court of Human Rights.

Public opinion has moved over the years, but no one can say that it is clear. In fact, it may be more confused now than at any point in the past 30 years. As the poll published on Sunday shows, a substantial minority, although still a minority, believes in allowing for wide access to abortion. In contrast, two thirds favour it being more restrictive. The poll showed strong majorities in favour of each of the options of maintaining, restricting and going beyond the *X* case ruling.

It is also not true that this is an issue where people divide along gender lines in their opinions. There is little difference between men and women in their opinions on the main choices, with women slightly more against the introduction of widely available access to abortion. Nobody in this House has the right to claim that they know for sure that their position has the support of the public, except to say that a consistent and strong majority of the public wants there to be no doubt that the life of a pregnant woman must always be protected.

It is a myth that nothing has been done on the issue over the past 20 years. The expert group report gives a detailed account of what has occurred in the past 20 years. It is true that this issue has not been resolved, but it is untrue to say that no one has done anything.

In the *X* case of 1992 a majority of the Supreme Court members held that if it were established as a matter of probability that there was a real risk to the life as distinct from the health of the mother, and that this real and substantiated risk could only be averted by the termination of the pregnancy, such a termination was lawful. The stated risk to the mother’s life in that case arose because she had threatened to commit suicide if she had to continue with the pregnancy. In the 1992 referendum two amendments were carried to allow for information and the right to travel, but people voted against the exclusion of suicide as being a reason for abortion.

In November 1997 there was a ruling on the *C* case. This involved a raped pregnant teenager who was allowed to travel for an abortion. At that time the Government decided to produce a Green Paper on abortion and that was published in September 1999. That was then considered by an all-party Oireachtas committee chaired by the late Brian Lenihan. Over 100,000 submissions were received by the committee which held hearings from all the various groups and published a report in November 2000. Subsequently, there was a referendum on both a text for

the Constitution and a supporting legal framework to allow medical practitioners intervene to save the life of the mother where there was a “real and substantial risk of loss to the woman’s life other than self-destruction”.

It also included repealing sections 58 and 59 of the Offences against the Person Act 1861. That Bill outlined that the doctors had to be registered medical practitioners. The procedures would have to take place in approved licensed hospitals to prevent clinics being introduced in Ireland. A section of it dealt with conscientious objection at the request of the medical profession. The then Government thought this was a moderate proposal that excluded suicide being a reason for requesting abortion and it was rejected by the people by only 10,000 votes.

As I mentioned earlier, there was no single reason for the proposal being rejected as it was voted against by groups who held diametrically opposed views. It was fully acknowledged that a wider response was required, including providing key support services for women. As Minister for Health and Children at that time, I established the Crisis Pregnancy Agency to assist women who found themselves in a crisis pregnancy. It did widely acknowledged positive work in educating people on how to avoid crisis pregnancy, and in supporting organisations that worked with women, but also advised and counselled women. There was a reduction in the number of women who travelled to the UK as a result. Over a decade, the number of women who travelled to the UK fell by nearly 40%. In addition, regulations were enacted to allow the morning after pill to be available over the counter to allow women buy that in pharmacies across the country if required.

Ireland is not a country which ignores the interests of pregnant women. Ireland has one of the lowest incidence of maternal deaths in the world. That is something we should acknowledge, be proud of and always strive to improve upon.

In addressing this report I am conscious of the attitudes of the medical profession. Whatever we do here, it is the medical profession that will be responsible for dealing with specific cases. Members of the profession, and predominantly the Institute of Obstetricians & Gynaecologists, are now requesting a proper legal framework to allow abortion in limited circumstances where there is an emergency and where the life of the mother is in danger. They are also considering the expert group report recommendations this week, and I hope they will make their views and preferences known. It is not the case that there is no guidance at all available at present and that there is a deep uncertainty in all cases. Doctors follow the Medical Council guidelines that were most recently updated in 2009. Section 21.1 states:

Abortion is illegal in Ireland except where there is real and substantial risk to the life (as distinct from the health) of the mother. Under current legal precedent, the exception includes where there is a clear and substantial risk to the life of the mother arising from a threat of suicide. You should undertake a full assessment of any such risk in light of clinical research on this issue.

Section 21.4 states:

In current obstetrical practice, rare complications can arise where therapeutic intervention (including termination of a pregnancy) is required at a stage when, due to extreme immaturity of the baby, there may be little or no hope of the baby surviving. In these exceptional circumstances, it may be necessary to intervene to terminate the pregnancy to protect the life of the mother, while making every effort to preserve the life of the baby.

These guidelines could provide the basis for bringing certainty and clarity to Ireland's response to the European Court of Human Rights, ECHR, judgment. The ECHR judgment and the expert group outlined their reservations about only having guidelines as it opened up the possibility of "criminal conviction and imprisonment". While there were advantages to the guidance documents, they concluded that the legal uncertainty arising from the 1861 Act could be subject to legal challenge. Under 7.4.3, the report outlines approaching this issue by introducing the ability of the Minister of Health to issue regulations by legislation: "The Oireachtas would provide the principles and policies and the enacting legislation would give the Minister the powers to issue such regulations." The Minister spoke of four options but placed heavy emphasis on paragraph 7.4.3, which states this approach would satisfy the requirements of the implementation process of the judgment in the *A, B and C v. Ireland* case. It adds that "the advantages of this option are... 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 expert group report goes through advantages and disadvantages of various scenarios involving legislation on its own or legislation with regulation. It also outlines the scenarios of both repealing or updating the 1861 Act by replacing it fully or retaining the Act but amending it by legislation providing for the judgment in the *X* case.

The preference is to change the 1861 Act as there is a lacuna in protecting the life of the unborn and, according to the report, "under Irish law, currently, the life of a baby who is in the process of being delivered is not clearly protected under the offence of murder or the offence of abortion". There is no doubt the expert group did a thorough synopsis of what options are there to enable the Government and the Oireachtas to respond to the *A, B and C v. Ireland* judgment. I acknowledge this and thank the group for its work.

In his introduction to the report, Mr. Justice Seán Ryan wrote:

Abortion is a difficult painful issue in this country and elsewhere.[...] Intense ethical, religious, social political and intimate personal issues coincide.

The public wants to ensure women who are pregnant receive the best hospital services possible and do not want women's lives to be put at risk in the absence of a legal framework. The people have already been consulted twice on excluding suicide and have rejected the proposals. I do not believe the Irish public envisages abortion clinics being available in Ireland and the contradictions in the RED C poll show this. Wrestling with our consciences should not delay us doing what is required. There needs to be certainty in whatever framework is decided to allow the medical profession to use professional judgment in emergency situations to save women's lives. It is important for the House to remember Mr. Justice Ryan's comments in the expert group report when he stated:

The group consisted of people with expertise in the medical, legal and administrative fields and that obviously it is not possible for us to adjudicate on legal or medical controversies and it is absolutely not our business to try to decide political controversies. The members of the group who are doctors are not settling legal issues; the lawyers are not deciding medical controversies and the administrators are not adjudicating on the medical or legal questions.

As legislators, we have a responsibility to consider in full the options that were laid out in the expert group report. We have a responsibility to address the issue in an honest way. We

must take on board all of the expert advice. When the Government outline its response, we should listen to the rationale and engage as constructively as possible with our responses.

On page 25, paragraph 4.7 of the report, the implications of Ireland's obligations are outlined:

Arising from the judgement, Ireland is under a legal obligation to put in place and implement a legislative or 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 be insufficient for the State to interpret the Court's judgement as requiring only a procedure to establish entitlement to termination without also giving access to such necessary treatment.

The Taoiseach has said he would not be rushed into responding to the report. The Tánaiste and the Minister for Health, Deputy Reilly, are on record as saying there will be a legislative response to meet the recommendations of the expert group report and this will be made known before Christmas and debated at the Joint Committee on Health and Children in the second week of January. I presume the Institute of Obstetricians & Gynaecologists will publish its submission on its preferred option so there can be no doubt about the safety of women's lives in Ireland's maternity hospitals. As part of the response from Government, it should outline whether the Medical Council has been consulted and whether it is satisfied with the Government's proposals. The medical profession must be fully satisfied with what is being proposed as it will be faced with taking decisions in individual cases. We need to be sensible about this issue and not try to score political points.

The Fianna Fáil Party believes clarity and certainty needs to be brought to this sensitive issue. We will be consulting members and considering our approach to the report over the coming weeks. We will be constructive and will fully partake in the debate both in the Chamber and at committee level.

Deputy Gerry Adams: The issue of abortion and the failure of successive Governments to legislate for the Supreme Court decision in the X case has come centre stage in recent weeks due to the tragic death of Savita Halappanavar in Galway University Hospital on 28 October. Her tragic death did not come to public attention until nearly three weeks later. By a remarkable coincidence, the report we are discussing landed on the Minister's desk the evening before the story broke publicly. Since the tragic death of Savita there has been an outpouring of grief for and solidarity with her family from across the country and across the globe. Once again, I extend my sincere condolences to Savita's husband, Praveen, and her family on their loss. It is a shame it took this tragic death to refocus minds on the need to deal with the outworking of the X case judgment 20 years after it was made. Two weeks ago, Sinn Féin tabled a Private Members' motion seeking the publication of this expert report and a commitment from the Government to introduce legislation in line with Supreme Court judgment in the X case. The Government should have published the report but I hope the report will spur the Minister to do what successive Governments have failed to do for the past 20 years, which is to introduce legislation in the area.

Sinn Féin supports the introduction of legislation in line with the X case, as well as in circumstances of rape and incest. I welcome indications from the Government that it will set out

how it plans to proceed on the issue before Christmas. The expert group was established in early 2010 in response to the European Court of Human Rights decision in the *A, B and C v. Ireland* case in December 2009. The terms of reference of the group were to provide a range of options as to how the judgment was to be implemented in Irish law. In the report, the expert group offers a range of options. In our view it would have been preferable if it had been allowed to make recommendations, so we would not have to read between the lines to see what options the group may favour. It would be useful if the authors of the report were available to address the Joint Committee on Health and Children in the New Year and to answer questions.

7 o'clock In all of this we need to remember that real women are affected by this grey area in Irish law. These are not letters in an alphabet or statistics. One of these is Ms C, who brought Ireland to the European Court of Human Rights. The court found that her constitutional rights had been violated. Ms C had cancer for which she had been treated with chemotherapy for three years. She had wanted children but her doctor had advised her that a foetus could be damaged by the ongoing chemotherapy. She became pregnant at a time when the cancer was in remission. She was unable to get clear advice from her GP as to the effect the pregnancy would have on her life or health or about the effect any further medical treatment would have on her baby. She was reduced to consulting the Internet and eventually decided to travel to England for an abortion. It is simply unacceptable in this day and age that a pregnant woman, suffering from a life threatening illness like cancer, is left in a medical and legal grey area where she has to surf the net to make these decisions. One can only imagine the trauma and stress this citizen suffered. It is wrong and we, as legislators, can and should do something about it.

The court in Strasbourg held that there was no accessible and effective procedure to enable this citizen to establish whether she qualified for a lawful termination of pregnancy in accordance with Irish law. The European Court found that the failure of successive Governments to legislate on this issue violated this woman's rights. No more women should be left in these grey areas where their lives are at stake. Any legislation being brought forward by the Government, in line with the *X* case, would be very restrictive. The expert report points to the Supreme Court judgment in the *X* case which said that a termination of pregnancy was permissible if it was established as a matter of probability that "There is a real and substantial risk to the life of the mother; and this risk can only be averted by the termination of her pregnancy". These are the tests to be applied if a termination is to be lawful.

The *X* case ruling and any legislation arising from it do not comprise a formula for a liberal abortion regime. Sinn Féin is not in favour of abortion. We are talking about a right to a termination in very limited circumstances where a woman's life is at risk and where this is the only way to save that life. The expert report outlines a number of options for Government on how best to implement the judgment in the *A, B and C v. Ireland* case and to bring legal clarity for pregnant women and medical professionals. Sinn Féin favours the option of legislation plus regulations as being the most appropriate.

In relation to the other range of options put forward, the Government needs to strike the right balance between the need for speedy interventions where a woman's life is at risk and ensuring the highest possible standards. A careful balance will have to be struck between making legislation too prescriptive and leaving too much to be dealt with by regulation. There is also a requirement to deal with what the report describes as the chilling effect of the Offences Against the Person Act 1861. This is a 150 year old English Victorian statute. The 1861 Act leaves both women and doctors open to criminal prosecution. It fails to provide any protections for the right to life of a woman whose life is at risk due to her pregnancy. The expert report

also sets out a number of options for making clinical decisions on whether a woman's life is at risk. These options need to be considered to ensure the correct balance is struck between ensuring the required safeguards are in place and making allowance for speedy action in the case of emergencies.

The people spoke in two referendums in 1992 and 2002 and firmly placed responsibility on the Oireachtas to deal with this issue by means of legislation. In his remarks to the Dáil last April, the Minister for Health acknowledged that no action had been taken by six successive Governments and he did not want this Government to be the seventh. The Government needs to move beyond rhetoric. Sinn Féin has made its position absolutely clear, having debated it as recently as at our Ard-Fheis in May. We believe all possible means of education and support should be put in place in order that the difficult choice to terminate a pregnancy can be avoided by as many women as possible. We are against any attempt to criminalise or to be judgmental of women who have had abortions. No woman wants to be in such a position. The women like Savita, Ms C or, 20 years ago, Ms X is could have been my mother, wife, sister, aunt or any of my women friends. It is time for legislation to be enacted that will protect the rights of these women, as decided by the Supreme Court in 1992.

The publication of this report is a vital step along this road, but it cannot be allowed to gather dust as so many other reports did down the years. One of the striking things about the expert report is the litany of bureaucratic delay in the 20 years since the X case. The people in 1992 rejected a referendum which would have rolled back the X case and exclude suicide as a ground for a lawful abortion. There was the constitutional review group report in 1996 which recommended legislation. Nothing was done. A Cabinet committee was set up to draft a Green Paper on abortion which proposed seven options and was published in 1999. It received 10,000 submissions. The Green Paper was referred to the All Party Oireachtas Committee on the Constitution which reported, giving three options. This report was then forwarded to another ministerial sub-committee from which nothing emerged.

Deputy Micheál Martin: It did. There was legislation and a referendum.

Deputy Gerry Adams: There followed a further referendum in 2002 which again tried to roll back the X case judgment-----

Deputy Micheál Martin: That is not correct.

Deputy Gerry Adams: -----and was again defeated. We have had 20 years of delay after delay, of reports and referendums and six Governments all dodging their responsibilities.

I earnestly hope this will not be the seventh Government to dodge this issue. This means facing up to the reality highlighted by pregnant women who are confronted with life-threatening illnesses and have to cope with awful dilemmas. The expert report sets out the options for the Government. It is clear from the report and the European Court decision that Ireland violates the rights of its women citizens and residents by failing to provide an accessible and effective procedure to enable them to establish whether they qualify for a lawful termination of pregnancy in accordance with Irish law. The decision by the European Court has made clear there is an onus on the State to legislate under the terms of the 1937 Constitution and the decision in the X case.

Deputy Clare Daly: With the agreement of the House I will share my time with Deputy Joan Collins.

We have discussed this issue several times in the past number of weeks and I think the Minister and the Government are trying to present it as a positive that we will have 20 hours of discussion on this topic in the next number of weeks. The reality is that we have had 20 years of waiting for successive Governments to legislate for a woman's legal and constitutional right to an abortion in Ireland where her life is in danger, including from a risk of suicide.

Other Deputies have said it is a scandal that this issue has been ignored for so long, which it is, but I see our discussion in the next number of weeks as a further delaying tactic. Every opinion poll and survey and the outpouring of emotion and discussion in the past number of weeks show that people in Ireland support the provision of lawful abortion where a woman's life is in danger, as they have done in successive referendums. Members of the Government are merely saying they will let us know before Christmas what they are going to do about it, and not that they are actually going to do anything. They will simply tell us what they will do. That is not good enough.

This is not rocket science. It is pretty straightforward. We now have the findings of the fourth expert group and - surprise, surprise - they are not dramatically different from the findings of the many other expert groups, because the reality is quite straightforward.

Comparing the actions of the Minister with the reaction of the British Government to the Leveson inquiry tells an interesting tale. The British Government launched an investigation into cultural practices and the ethics of the press. The inquiry presented a 2,000 page report which was published immediately and the Government made a statement on it within hours. Here we have an expert group set up, issuing a report with 58 pages with a few pictures and graphs thrown in for good measure that was months late. With weeks to release it, the newspapers got it before the Dáil, and weeks later we have still not had an official response from the Government on what it will do on an issue that is decades old.

That sums up the systematic ignoring of the issue that has gone on over decades. This is an opportunity to blood a few backbenchers, let them get their fears off their chests and appease their constituents, talk to whomever they want and then, in the new year, the Government will whip them into line because everyone knows there must be legislation. There is no way out of it in terms of the European Court or any other basis to fail to act. In that sense, it is regrettable that the Government did not take the opportunity to support our Bill progressing to Committee Stage last week because that gave the basis to frame legislation that we could have amended later on to bring in this most basic of provisions.

As the expert group has said, we are talking about primarily medical decisions that have been caught up in a legal quagmire. Let us be honest - this is the case because of the traditional interference of the Catholic Church in the running of State matters in Ireland. That is why we are in this mess, with the original 1983 referendum and the unwelcome amendment to the Constitution. That is the nub of this. These issues should never have been in the Constitution in the first place; these are private matters between women and their doctors and there should be no basis for interference here. Many other jurisdictions manage to deal with this simple medical practice by guidelines and medical procedures as they do for many other medical practices. There is no need to get bogged down in difficulties.

The reason we are in difficulty is because of the constitutional situation. As a result of that, we have succeeded in treating women, as the Minister for Justice and Equality said last week, as second class citizens with lesser rights to equality and whose health has been jeopardised. We

want to make it clear at the outset that if the Government does not come forward with legislation early in the new year, we will most definitely reintroduce our Bill. I would like to see the Labour Party Members on the backbenches try to weasel their way out of this one if there is no provision for legislation. Basic primary legislation can be added to using ministerial powers. There is no doubt that is the way forward. The dogs on the streets are asking how far we will move forward and if it will represent progress after all this time. How could it be posed as a fundamental breakthrough that women have the right to have their lives protected? The fact we are even debating this is quite insulting.

The tragic circumstances of the death of Savita Halappanavar have put on the agenda the circumstances for many women who find themselves pregnant in this country who have to choose to have an abortion. It has opened the debate up beyond this. It would be interesting to examine the mixing up of canon law in the background debate. The church claims that it fully appreciates a woman's life must be protected and in such an instance where there is a termination, it is not really an abortion, dressing it up as if it does not have a problem. That lie was exposed by stories highlighted in Arizona last week, where a Catholic bishop ex-communicated the head nun in a hospital and decommissioned the hospital as a Catholic hospital because it terminated a pregnancy for lifesaving reasons.

We have all heard the stories in recent weeks told by people who have gone on the airwaves, stories of women who have suffered the trauma of carrying foetuses with fatal abnormalities that they know at any minute could die and who have been driven out of the country at significant cost to march around the streets of Liverpool or Birmingham to have a termination. One woman said that the ashes of her foetus that had been incinerated were sent back to her in a DHL package because they could not deal with that situation over there. She could not acknowledge where she had been and this added further shame and trauma, an indefensible cruelty, as the Minister for Justice and Equality said last week. I agree with him but I do not agree with the way he shrugged his shoulders and said he was sorry there was nothing the Government could do.

There are all sorts of reasons for women to decide to have an abortion - rape, incest, women who are too young or too old. There are Irish abortions - they just do not happen in Ireland. Well over 150,000 Irish women have been through this, thousands every year. The people who have contacted us and who are out on the streets and have spoken in the opinion polls say this hypocrisy must be addressed.

This has touched a nerve. I was contacted by a man from down the country during the week who told me the Savita case reopened old wounds for him and his family. He told me how his mother died in similar circumstances in 1961 in the Coombe hospital, where she bled to death during her seventh pregnancy. This man was six years of age, with sisters and brothers ranging in age from 12 to three. The foetus died and as a result of his mother's death, his four sisters, his brother and himself were taken into the industrial schools because their father could not cope. His brother and him ended up in Artane, and his sisters were sent to Goldenbridge. They spent between five and ten years in those institutions before their father could get them back and try to put the family back together. When they arrived back to the house, they had no change of clothes, no bedding or shoes other than the wellingtons they had on. No one ever checked on them afterwards. This is the legacy of how this State has failed to support families or women. All that man wanted was that one day his story would be put on the record in the Dáil and I want to do that now.

It is unacceptable that we continue to ignore the tragedy and trauma that goes on in life. All that any civilised society can do is try to support its citizens in their decision making and in the difficult choices they must make, including the right to have children, have them safely and raise them in dignity without fear of poverty or stigma. We have a lot to learn. We have come a long way in some ways but in other ways we are stuck back in the years that man and his family had to endure.

Deputy Joan Collins: This is the fourth report and yet again it states what we know needs to be done: we must legislate for abortion. Article 40.3.3° is clear on that basis. The dogs in the street know that needs to be done but we are still waiting for the smallest door to be pushed open to secure the right of a woman to have an abortion when her life is threatened up to the point of suicide. The report once again makes the point that legislation is required to give effect to the rights of women under Article 40.3.3°.

There are two issues - the Supreme Court judgment on the X case, and the European Court of Human Rights judgment on the A, B and C v. Ireland case - that place an obligation on the State to plan for the five main points in the report. It must provide effective and accessible procedures to establish a woman's right to an abortion as well as access to treatment, which means facilities must be provided; establish criteria or procedures in legislation or otherwise for determining risk; make provision for the criteria by which a doctor is to assess that risk; and set up an efficient, independent review system where a patient disputes her doctor's refusal to certify that she is entitled to a lawful abortion or where there is a disagreement with her doctor as to whether the treatment is necessary.

The Bill we introduced last week generally covered those points. As Deputy Daly said, if this legislation is not introduced in the new year, we will have no problem reintroducing our Bill to the House.

The last point is to address sections 58 and 59 of the Offences against the Person Act 1861. They have been discussed at length in society in recent years in regard to legislating for the X case. The only way to do this is to provide the legislation, possibly with regulations to back it up, as recommended in the report.

I want to deal with some of the arguments that I believe we will hear, including that Ireland is the safest place to give birth. This has nothing to do with the debate on abortion. The argument is irrelevant because the level of these deaths is extremely low in advanced capitalist economies. Last week *The Irish Times* health section contained a very good report. It stated:

Ireland, we have been told over recent weeks, is one of the safest countries in the world to be pregnant and have a baby. According to figures from the Central Statistics Office (CSO) for 2009, there were four maternal deaths per 100,000 live and still births.

However, experts here now say that figure is an underestimate and the rate is double that.

The World Health Organisation (WHO) defines a maternal death as: "The death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes."

According to figures in the Confidential Maternal Death Enquiry (MDE) in Ireland,

Report for the Triennium 2009–2011, the maternal death rate here is eight per 100,000. Dr Michael O'Hare, consultant obstetrician at Daisy Hill hospital in Newry, Co Tyrone and chairman of the Maternal Death Enquiry group, says the higher rate comes from far more thorough data gathering than that gleaned solely from the civil register of deaths.

That figure can be compared with other countries in favourable and unfavourable conditions. The Irish figures compare favourably with Britain, which had a death rate of 11 per 100,000 births between 2006 and 2008, though not as well as with Norway which had seven maternal deaths per 100,000 births, or Sweden which had five maternal deaths per 100,000. These countries have different levels of abortion access. Some countries have abortion on request and other areas are somewhat more restrictive. I believe that contradicts the argument about Ireland being the safest place as measured by maternal deaths and using that as a reason not to have real discussion and debate, and bring in laws on abortion.

I dealt with the issue of suicide last week, but it is important to continue to make the point. The anti-abortion side of the argument is trying to make an issue of suicide and abortion, and it is deliberately trying to distract the discussion away from the real issue. Speaking on radio last week Anthony McCarthy, one of the country's most prestigious perinatal psychiatrists, made the point that while the risk of suicide is small, it is nonetheless real and must be addressed. This is also the view of the other two perinatal psychiatrists. This is a very important point to make because the idea that suicide is not an issue is ridiculous. It is a real issue and one that people face every day unfortunately.

There is also an attempt by the anti-abortion lobby to mislead by arguing that abortion is a contributor to mental health problems. This has nothing to do with this issue. Last year, the Academy of Medical Royal Colleges in the UK undertook a comprehensive review and the key conclusion was that the mental health outcomes for women who have an abortion are the same as for those women who go on to have a baby. All those arguments are thrown in to distract from the real discussion, which is that the Government must legislate for the X case very quickly. There is evidence that suicide is associated with unwanted pregnancies where abortion is not available.

The point was made that people's views in the debate on abortion have changed and I agree. A recent RED C poll indicated that 85% of those polled said that legislation must be introduced to deal with a threat to the life of the mother up to and including suicide, as was proposed by Mr. Justice McCarthy following the X case. The Government must now legislate. It is no longer the privilege of Government to ignore the right of a woman in such a situation to have legislation allowing her to discuss the matter with her doctor and come to a conclusion that an abortion must take place.

Some 83% of those polled said that there should be access to abortion for women who became pregnant as a result of rape or incest. The report of the expert group does not really deal with this aspect. It does not really deal with the C case issue - A and B are not really part of the discussion from the point of view of the expert group. We must broaden the scope, which can only be done by repealing the Eighth Amendment to the Constitution. The Government must face up to that. If we go back to Europe claiming we are dealing with these issues, we need to outline concrete steps as to how we will enact this and we must repeal the Eighth Amendment to the Constitution. We must repeal the horrendous 1861 Act. As I said last week, in India that Act was repealed in 1971. One of the first things the Government must do is take that absolutely chilling legislation out of our laws.

4 December 2012

We have heard of many cases of women who had fatal foetal abnormalities and they are not included in regard to having access to abortion here. These women are still travelling to Britain in terrible and traumatic conditions. I wish to read an e-mail I received from a woman:

Sunday the 2nd of December 2012 it will be one year to the day since I delivered my baby girl Aoife stillborn, after finding out 3 weeks before that she had a terminal genetic condition called Edwards Syndrome and would not survive outside the womb.

I was, and in ways I still am, devastated. I miss her every day, and I probably always will. Upon being given the news at 22 weeks in to my pregnancy, myself and my husband made the excruciating difficult decision to end the pregnancy early.

For us, it was the most humane and sanest choice, as I could not have functioned, knowing of her condition, spending every second of every day wondering if she had died inside me.

Nor could I see any kindness in bringing her into the world to watch her suffer massive organ failure and die in front of our eyes. I would not put my baby through that.

This is a decision we should have been able to make in private, with the support of a medical team in Ireland.

But to do what we thought was best for our family and for our darling girl, we had to travel to Liverpool Women's Hospital, where we were treated with such kindness and compassion, it may be the only thing that saved my sanity. I felt, and still feel, so hurt and frustrated that this situation continues, and unless cases like ours are considered along with the X case and ECHR judgements, this will continue to happen to several couples per week.

As a public representative, your laws added such unnecessary pain to what was already the worst time of myself and my husband lives. Why? To what end?

Our darling daughter, that we longed for more than any anyone else on this planet, was never going to live. Yet we still found ourselves falling under Ireland's 'abortion laws'.

This needs to change now.

Please, do not forget about cases of fatal foetal conditions, when you are considering action on termination of pregnancy in the coming weeks.

This is a matter we must address. We need to show responsibility and take on board the situations in which these women find themselves every day of the week. The RED C poll indicated that 36% of people are fully pro-choice regarding accessing abortion in Ireland. I cannot understand the hypocrisy of people saying they do not want abortion in Ireland. If they felt that strongly they would be calling for a repeal of the laws on access to information and travel. It is absolutely hypocritical for people for say we do not have abortion in Ireland because we send it away. This debate must widen and we must be serious, responsible and mature. I believe the people have done that.

Debate adjourned.

Funding of Disability Services: Motion [Private Members]

Deputy Billy Kelleher: I move:

That Dáil Éireann:

recognises:

— the fact that there are over 600,000 people with disabilities in Ireland;

— the deep concern among those with disabilities that services affecting them may be cut or reduced further; and

— that it is unfair and unjust to cut services for people with disabilities;

notes pledges in the Programme for Government to:

— ensure that the quality of life of people with disabilities is enhanced and that resources allocated, reach the people who need them; and

— facilitate people with disabilities in achieving a greater level of participation in employment, training and education; and

calls on the Government to provide the appropriate funding and services necessary to honour all its commitments to people with disabilities.

I wish to share my time with Deputies O’Dea, Browne, Ó Cúiv and McConalogue.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Billy Kelleher: The reason we tabled this motion is because there are great difficulties in the area of intellectual and physical disability. There are major concerns among service providers and users of those services. There is no point in us pretending there have not been cuts to the area of services for people with disabilities, both physical and intellectual. There clearly have been cuts in terms of provision of care and services. We have had repeated statements from the Ministers concerned that front-line services will be protected, but the Minister acknowledged in the context of the budgetary statements and announcements last year and the health service delivery plan that there would be cuts to front-line services in intellectual and physical disabilities.

I attended a meeting on Saturday in Our Lady of Good Counsel national school in Ballincol-
lig. It is very concerned because of the reconfiguration being proposed by the Government in terms of mapping services and ensuring the services and supports are in place such that everybody has access to the service. Quite clearly, if the Government continues as it is, there will be very few services to share among anybody. There is considerable despondency, anger and frustration. Exceptional efforts have been made over recent years to provide services for people with physical and intellectual disabilities. It has been acknowledged that we have made some ground,, but the idea that because we are now in difficult financial straits, we would row back on any of the advances we have made for the most vulnerable in our communities and society

is very distasteful.

We are talking about the service providers being asked to find further efficiencies. Everybody accepts that efficiencies should be to the fore in ensuring there is a quality service and that it is delivered efficiently. However, they are being asked to pay the increments out of the savings. There has been no additional allocation from the HSE to the service providers to fund the increments awarded in the context of Croke Park. When we talk about a 3% or 5% cut in the provision of services in real terms, we are talking about multiples of that simply because they do not have the ability to increase the efficiencies and at the same time fund their commitments in the context of Croke Park. If we are to be serious and fair on the issue of providing services to people with physical and intellectual disabilities, the very least we should do is honour in terms of funding an increase in allocations this year to cover the increments awarded under Croke Park. Otherwise, we will have a continual diminishing of services required by many people. We are talking about up to 18% of people who have a disability of one kind or another. Many of these people can get on and work their way through life but there are a huge number of people who are completely dependent on their families and the State for support. Unfortunately, the State is renegeing on its clear obligation to fund the services and provide the supports for the many people who need them.

We were at the meeting to which I referred and one thing we heard continually from parents of children with physical and intellectual disabilities was that they were tired and burnt out. They were fighting the system and consistently up against it. Every time they thought they were taking a step forward, the State forced them to take two steps back. That clearly is something that is unacceptable in modern times.

I want the Minister of State to put a strong emphasis on services for people with physical and intellectual disabilities, provide a clear pathway of funding and ensure service providers do not incur the cost of the increments awarded to employees under Croke Park and upheld by the Labour Court and Labour Relations Commission by providing additional funding to cover those increments. Let us introduce efficiencies in the system and make sure we map the resources and apply them in a way that is fair to everybody - those in the specialist streams and those in the mainstream. If one continually divides these scarce resources, one will reach a point where they benefit nobody because they will not receive the specialist training in terms of occupational, physical and speech therapy, for example. Clearly, that is what is happening.

Our motion is very simple and straightforward. It asks that the Government lives up to its commitments as outlined in the programme for Government - nothing more, nothing less. It is simply what it said it would do in the programme for Government.

Deputy Finian McGrath: Hear, hear.

Deputy Billy Kelleher: We are not even asking the Government to live up to the commitments it made before the election given the wild abandoning of such promises made prior to the election. We are asking just for what is contained in the programme for Government. That is a fair and genuine approach from this side of the House to try to encourage the Government to provide the resources that are needed.

There has been a rowing back and almost an attack on people who are vulnerable and need State services. Examples include the issue of domiciliary care allowance and the placement of people leaving second level. There is genuine concern and we have raised this in the Dáil time

and again. I know the Minister of State is aware of it. There is considerable concern that the 700 people who will be leaving school next year cannot be guaranteed a place.

Deputy Kathleen Lynch: They never were.

Deputy Billy Kelleher: They cannot be guaranteed a place. The reason prior to this was that funding took account of the number of people who were going to leave and funding was provided accordingly. Regardless of whether the place was guaranteed or not, the funding was in place to ensure they would have those services. That funding has been cut and there is a diminishing budget, which is why the Government cannot guarantee places. It simply does not have the resources applied to the service providers. The key reason for that is that the budget last year was completely flawed, a failed entity from the word go and not sustainable throughout the year. This was exemplified in the decisions of the Minister and the HSE to take special needs assistants from people, resulting in protests outside Government Buildings in September and now the attack on home helps and home care packages.

The critical issue is that the resources were not allocated. The savings and income streams identified in the budget this time last year could not be achieved from the word go. We have highlighted that continually. In this budget, the Government must put a strong emphasis on providing the necessary resources that sustain services and provide opportunity and hope to people with intellectual and physical disabilities. If we continue down the path we are going, we will leave behind a generation of people who need our help and support. We are also asking parents to make considerable sacrifices, and they do so willingly, day in and day out, but the State is not willing at this late stage at least to stand up to its commitments in the programme for Government.

We have a situation where the HSE is writing to the Society of St. Vincent de Paul. The State is asking voluntary charitable groups to assist families who are under financial pressure. It is unbelievable that we are in this situation. In the 24 hours before the budget, I ask the Minister or Minister of State to make an impassioned plea to provide funding that lives up to no more and no less than the commitment the Government made in the programme for Government to ensure people have adequate supports and services and places will be available for the 700 plus people who will leave second level next July. Otherwise, the Government is renegeing on its commitment and on a basic commitment to decency in society.

Deputy Willie O’Dea: I compliment Deputy Billy Kelleher on tabling the motion. As I have only a few minutes to contribute, I will concentrate on one aspect of provision for the disabled, namely, the domiciliary care allowance. As the House is aware, the allowance is paid to the parents of children under the age of 16 years who suffer from a serious mental or physical disability to the extent that they need an inordinate amount of care to survive in ordinary society. In the past two years, approximately since the Minister, Deputy Joan Burton, took over in the Department of Social Protection, there has been a significant cutback in provision for those in receipt of domiciliary care allowance and this has been done by stealth. Two or three years ago approximately 65% of applicants for the allowance were successful. However, this figure has dropped to 35%. The number succeeding has dropped from two in three to one in three, although the rules have not changed and neither has the incidence of physical and mental disability among children under the age of 16 years. There is no evidence that fewer young people have autism; in fact, all of the evidence points in the other direction. What has changed? Why is only one in three applications being accepted now when the figure was two in three up until two years ago? If one was cynical, which, of course, I am not, one would say a directive must

have come from on high to officials to reduce costs. It is the only possible explanation I can think of, but not being cynical, I will not say so.

One of the Minister's first acts on taking office was to get the Department to write to thousands of parents of children in receipt of domiciliary care allowance to ask them to justify why their child should still be entitled to receive the allowance. A number of the people concerned came to see me and I contacted the Department to ask what proof or evidence it wanted to receive. I was told the family doctor should certify it and that if people wanted to submit further evidence, so be it. What has happened in approximately 65% of cases in the country as a whole - I could instance a number of cases I have sent to the Minister - is that the family doctor has so certified and that people have also obtained reports from speech therapists, physical therapists and consultants to certify that not only is a particular child still entitled to receive the allowance but also that it is needed now more than ever. However, a faceless bureaucrat in the Department has written back to state they are being cut off. This is without interfacing with the child, meeting the family or knowing the circumstances involved. Somebody in the Department just ticks a box - I believe it is called a desktop review - and cuts off the allowance to a child. This is tantamount to the Department writing to the parents of a child suffering from a serious mental or physical disability, stating it notes what the experts and the family doctor have stated about the child needing the allowance now more than ever and that it believes the parents but that it has good news because, hey presto, it deems the child to be cured.

I am very glad civilisation has evolved in the past 2,000 years. We are now in the lead-up to Christmas and all remember the biblical tales of cripples who walked, deaf people who could suddenly hear and blind people who could suddenly see after the laying on of hands. As we have now evolved, one no longer needs to lay on hands or even needs to meet the child, as all one has to do is tick a box at a desk in the Department and state the child has been cured. This is a shabby, sordid, sneaky attack on some of the most vulnerable in the country and it is ironic it is happening under the aegis of a Minister of the Labour Party. I remember a time in this House when I was trying to introduce legislation for people with disabilities and subjected to a most horrendous campaign outside Leinster House driven, conceived and led by the Labour Party.

Deputy Dominic Hannigan: The Deputy has some neck coming out with that.

Deputy Willie O'Dea: It convinced people that what people with disabilities were entitled to were absolute rights, regardless of the state of the finances of the country, something that did not apply in any other country and which by definition could not apply in any other country. The campaign was led by people such as Mrs. Finlay and her husband who are closely associated with the Labour Party. I tell Deputy Dominic Hannigan and the Minister of State, Deputy Kathleen Lynch, it is a long way from seeking absolute rights, regardless of the state of the finances of the country, to slashing and cutting the inadequate provision made. Shame on the Labour Party. I echo Deputy Billy Kelleher's plea to the Minister for Finance that, for heaven's sake, the relentless assault on the most vulnerable in society should stop.

An Leas-Cheann Comhairle: I remind Members not to refer to persons outside the House.

Deputy Kathleen Lynch: It is a little late.

Deputy John Browne: I am pleased to have the opportunity to speak on the motion tabled by Deputy Billy Kelleher dealing with people with disabilities. We are all aware of the serious difficulties faced by such persons. I have a vested interest in this issue as I have a daughter who

suffers from spina bifida and is confined to a wheelchair. Because of this and also through the Irish Wheelchair Association, the spina bifida associations and many others in my area, I am very much aware of the difficulties faced.

In the 1950s and 1960s the late Fr. Scallon who was a pioneer in looking after people with disabilities established the County Wexford Community Workshop, St. Aidan's Day Care Centre and St. Patrick's Special School in Enniscorthy and managed to find solutions to many of the problems faced by people with disabilities. One can imagine what the difficulties were at the time, even in obtaining public recognition that people with disabilities should have a life, be living in the community, receive an education and be able to attend primary and secondary school. Fr. Scallon broke down all of the barriers in Enniscorthy and throughout County Wexford. We still have community workshops in Enniscorthy which 300 people attend on a daily basis to be trained, upskilled and facilitated, rather than sitting at home day in and day out with their parents. They all tell me the same thing as was outlined by Deputies Billy Kelleher and Willie O'Dea, that they are put to the pin of their collar to provide services for people with disabilities. Cutbacks were made last year and further cutbacks are threatened this year. As a result, they will find it very difficult to provide services and I expect that many of the organisations will not be able to take in new applicants to be trained or upskilled.

People with disabilities face many roadblocks in life. They find it very difficult to access many of the services they require from the HSE and we are discussing the HSE making further cuts next year. Most of those looking after young people with disabilities have already been notified to expect cutbacks in 2013, which will make it very difficult for services to be provided. Last week the Disability Rights Coalition held a demonstration outside Leinster House. It is anxious for the Government to implement the commitments in the programme for Government. Many reports have been published, but people with disabilities and their families have not seen the impact of the changed agenda promised by the coalition Government. They continue to believe they have no voice or control over the services they receive and they receive no information on how public moneys are spent on these services. As the parent of a person with a disability, I attend many meetings of these organisations. People with disabilities and their parents have seldom been consulted on what is best for them. Any decision-making of the future should include in particular the parents who are very much aware of the difficulties and the decisions that need to be made and what is best for those with disabilities. A one-size-fits-all approach certainly does not suit. There are persons with mild disabilities and persons with profound disabilities. Some are able to go to the ordinary primary and second school, and some are not. It is important that the families of children with disabilities would be listened to and given a voice.

Before the last election both the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, and the Taoiseach stated clearly that those with disabilities would be a priority for this Government. The HSE service plan for 2012, on which Oireachtas Members in the south east are briefed regularly, is not living up to the ambitions of the Taoiseach and Tánaiste prior to the last election. Even on Friday last, I was at a meeting with the HSE service management of the south east where they were telling us there would be major difficulties in home help and help for persons with disabilities in 2013 because of the reduction of the budget in all of these areas.

Deputy O'Dea touched on the domiciliary care allowance. It is practically impossible to get domiciliary care allowance under this Government and many have had their domiciliary care allowance withdrawn. In many cases, the domiciliary care allowance is the difference in providing a reasonable standard of living for families looking after children with disabilities. It is important that the review of domiciliary care allowance would be reviewed to ensure that

those entitled to the allowance would get it.

The Labour Party and the Fine Gael Party stated prior to the election that they would provide certain job opportunities for persons with disabilities. I have a criticism to make of local authorities and public bodies generally. They talk about the 3% commitment but from my experience and from speaking to parents of persons with disabilities I can tell the Minister of State, Deputy Kathleen Lynch, that the 3% commitment is being met up nowhere in the country. It is important that the Minister of State would speak to the county managers, the town clerks and the public service to see what can be done to encourage them to take on persons with disabilities. Some of those with disabilities who I know are highly intelligent. They are highly educated to second and third level, and yet they are at home without a job or an opportunity. Many of them tell me they are getting €188 and that for a little extra, a substantially smaller sum than would be expected, they would be only too glad to go into the work environment, particularly in local authorities and the public sector.

The number of job opportunities for persons with disabilities is alarming. If I ask a company to give €5,000 or €10,000 to the spina bifida association or any other association, more often than not it will give the money but if one asks it to employ a person with a disability one will be refused. It is important that we would encourage employers, both private and public, to take on persons with disabilities. They are highly skilled, highly talented and well able to work and they have a role to play in the Ireland of the future. It is important that would happen.

Deputy Kelleher's motion is important. The areas of respite care, special needs teachers, opportunities for persons with disabilities to get what is their right, and to have a say in what is their right, are important. The Government has failed to live up to the promises of the Taoiseach and Tánaiste before the last election. It is important that there be no further cutbacks. Rather, there should be an increase in the budget tomorrow for persons with disabilities. I am sure the Minister of State has fought at the table for that. It is no more than they deserve.

Deputy Éamon Ó Cuív: This is a major topic in need of very serious consideration and detailed changes.

The first issue we must confront is that every year, as the hospitals overspend in the health budget, funding is withdrawn, not only from the hospitals to try deal with the overspend but from primary care. When one looks at primary care, all of the permanent staff have salaries, yet the Government moves on the easy touches such as respite care, home care packages and home help. I believe that one structural change we need now is that from 1 January, no funding given to primary care can be removed to shore up overspends in the hospitals. It is a simple structural change but it would avoid the constant shifting of funding by the HSE from the primary care front-line services to the hospital services.

The second matter I want to deal with is work that I was doing as Minister for Social Protection. I brought in the partial capacity provisions under invalidity pensions and for the first time, we were grading or separating those with a very severe disability, those with a moderate disability and those with a mild disability. The idea was that those on invalidity pension could go back into the workforce and, depending on the level of disability, they could retain part or all of the payment. The Minister has developed the regulation but I do not see any push to implement it on the ground. That was meant to be the first step in trying to look at what we can do to help those with particularly severe disabilities or moderate disabilities.

There had been talk for a long time about the cost of disability allowance. Given the numbers who are in receipt of social welfare disability payments between invalidity pension and disability allowance, the payment of such an allowance across the board has significant cost implications. It also, at the margins, has implications of migration. However, if one follows what the Department was developing and what it advised me could be done, and one separates and grades it in the way that we were doing so for the partial capacity scheme, then it would be possible to ensure there would be a disability payment or whatever one would like to call it that would be graded according to the level of disability.

On the Order Paper today there is a large Supplementary Estimate for the Department of Social Protection. It understates the position because whether by accident or design, the Department of Social Protection takes inordinate amounts of time to process simple forms. It takes a year to process an application for carer's allowance, and that is unacceptable. It could not take that long to check the income details and the medicals. In some cases, the medicals are so obvious there is no checking to be done on them. The only logical explanation is that this is a handy way of kicking the can down the road in terms of payments, and this is unacceptable. There was somebody in contact with my office in the past two days about a person who was going caring for a person with a terminal illness and it was put bluntly by the family to me that the person will be dead before a decision is made on the carer's allowance application. That is unacceptable.

It is important that we look at the effect of possible cuts on the disability service. I was given details by the Brothers of Charity in Galway of the services they provide and the effect of a possible cut in the funding provided to them.

8 o'clock At the moment, they provide services for 943 people, comprising 428 children and 515 adults. That does not include the 386 children in the Galway early intervention service provided in partnership with the HSE and Enable Ireland. They have had budget cuts of €8.3 million or 18% in the last four years, which totally ignore pay cuts and the pension levy. Therefore these are extra cuts outside the pay cuts because they are paid as public servants.

They have done everything to achieve efficiencies, including restructuring and reducing management and administration posts. Staff posts have been reduced by 98. They have also restructured rosters and have achieved savings of approximately €1 million on the skill mix. Their back office support, i.e. human resources, finance, IT and quality, is about 2.61% of budget. The Minister of State can look at her own Department to check how much that back office costs. In my view, 2.61% of the budget is very efficient.

Some 85% of the budget is pay, while 91% of the jobs are exclusively front line. If there is a 5% cut it will require the closure of 24 residential places, which would mean a discharge of 24 people, making them homeless. It would mean the closure of 34 day places and, consequently, individuals would have to remain in residential services at an even greater cost. It would mean the loss of 506 respite beds and the loss of 4,939 family support hours.

One would have to let 52 staff go but since these are covered by the Croke Park agreement there is no mechanism for doing it, even if the Minister of State wanted to cause all this devastation. They have been benchmarked against a value for money report and the average costs have already been achieved in full. Some 85% of the budget is pay and therefore there are no savings.

There has been a lot of loose talk about extra efficiencies and that they will somehow survive. It is important to understand that whatever savings were there to be made by efficiencies have been made in recent years. Possible savings in shared services which I am very keen on, including amalgamations, would be totally inadequate, slow to implement and insignificant. I have a lot of data from the Department on how little money is being saved from all this quangoitis they told us they would get rid of.

There cannot and must not be any cuts to disability services this year. The easy answer we will get is whether we cut money, and yes we did, but there comes a point when there is no more to cut. There comes a point when an organisation does not have any more to give because it has cut everything that could be cut. Therefore this year it is vital that there is no further reduction to organisations like that.

If the Minister of State goes around the country to other similar organisations dealing with people with moderate or severe disabilities, she will find that story repeated everywhere. This year, no money was provided for school leavers and parents are wondering what will happen to next year's school leavers. That was always looked after until 2012.

Deputy Kathleen Lynch: Until 2008.

Deputy Éamon Ó Cuív: We have a decision to make about values. We support the Labour Party in putting the extra 3% on the top rate of self-employed PRSI. If that was done tomorrow, a fair cut could be given to people with disabilities. We will back the Minister of State on this side of the House because we have already said she was right in that particular proposal. In fact, I think we published it first. We do not mind if the Labour Party steals our good ideas, as long as it ensures the most vulnerable in our society are looked after.

Deputy Charlie McConalogue: I join with my colleagues, and in particular our spokesperson on health and disability, Deputy Kelleher, in supporting this motion. We are asking the Government to stick to the pledges it made in the programme for Government to protect disability funding and ensure that those who most require such support are provided with it. I remind the Minister of State that the programme for Government is committed to ensuring that the quality of life of people with disabilities is enhanced and that the resources allocated reach those who need them. The programme is also committed to facilitating people with disabilities in order to achieve a greater level of participation in employment, training and education. Unfortunately, however, in the 18 months since taking office we have not seen the Minister of State live up to those commitments.

While we know it is a difficult task in the current environment and these things are not easily done, we are asking the Minister of State to stand by that pledge in the programme for Government to ensure that funding for the disabled is not cut and that they will be supported as necessary. We have put together our own pre-budget submission which does ensure such funding. We accept the fact that there needs to be a €3.5 billion adjustment in the national spend this year, but we have ring-fenced a few important key areas which we feel need to be protected. They are education, mental health services and disability services, which is the subject of our Private Members' motion. We have taken hard decisions elsewhere in the budget in order to achieve the required targets. I do not underestimate the difficulty in putting a budget together but we are asking the Government to ensure that this happens in tomorrow's budget. We should not see the same mistakes being repeated that we have seen recently.

Over the last 12 months many people with disabilities have been concerned about cuts. They have had reason to worry. In last year's budget the Minister attempted to remove the disability allowance from those aged 16 to 18. Fortunately, due to pressure from many Deputies, including many in the Labour Party, that decision was rolled back on. It was not consistent with what had been promised in the programme for Government.

It has become increasingly difficult for the families of those aged under 18 to get the domiciliary care allowance. In the first six months of this year, 63% of all applications for the domiciliary care allowance have been refused. Up to half of applications for children with autism have been refused. Such families have additional strenuous care needs, which are required for their children. In many instances, it makes it more difficult for them to work and carry out everyday duties. The domiciliary care allowance is there to assist them with the support their children need. Unfortunately, the Government has adopted an approach of stealth, making it more difficult for those in need of the payment to receive it.

The position of people leaving secondary education and seeking to continue in further education demonstrates a failure to deliver on promises in the programme for Government. I refer to the position that obtained at the end of last year, where of the 700 people who were continuing on to further education, 57 young adults had not secured places by the end of August. These young adults were left in a position in which they had no security regarding what would be their next step. These are young adults who depend on Members at State level to ensure places are available and who will find themselves in similar positions in the future, unless Members can ensure the necessary hard steps are taken to ring-fence the funding and resources required to cater for their needs.

Acting Chairman (Deputy Joanna Tuffy): The Deputy's time is up.

Deputy Charlie McConalogue: Finally, I commend the motion to Members. I acknowledge the Minister of State's intentions are good in this area and that it is not an easy task but as a party that greatly values looking after the disabled in society, Fianna Fáil is stating she must make the hard decisions required to ring-fence the budget and ensure the resources are kept there.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I move amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

"recognises:

— this Government's commitments to people with a disability in the Programme for Government, including greater participation in employment, training and education in accordance with a revitalised National Disability Strategy; and

— that around €1.4 billion will be spent in 2012 on health and personal social services for people with disabilities – this is in addition to transfers to people with disabilities from the Departments of Social Protection and Education and Skills and other Government services;

notes that the Health Service Executive (HSE) National Service Plan for 2012 has been drawn up against the backdrop of significant funding challenges and that while the alloca-

tion for specialist disability services has been reduced by 3.7% nationally, in 2012 the level of service reduction will be less than the level of budget reduction as a result of the efficiencies that will be delivered;

acknowledges that some reductions in disability services have been unavoidable in 2012 and welcomes moves by the HSE to tailor such reductions in such a way that minimises the impact on service users and their families as much as possible; and

notes:

— that within the serious resource constraints imposed by the current budgetary and fiscal conditions, the Minister for Health is doing all possible to ensure that as much protection as possible is afforded to the disability sector and the social care area as a whole; and

— the publication of the Value for Money and Policy Review of Disability Services in July 2012, which includes recommendations to ultimately move to individualised funding for disability services so as to provide greater choice and control for people with disabilities.”

I thank the contributors thus far and note there will be many more. I welcome the opportunity to put on the record of the House the efforts that are being made to provide effective, accessible and responsive health and personal social services for people with disabilities. At the outset, I note that Members in government share the concerns of Members opposite and of the concerned parents, individuals, relatives and friends of people with disabilities who are present tonight and throughout the country. I strongly reaffirm the Government’s commitment to the national disability strategy and to doing all that it possibly can to give persons with disabilities the services and support they need.

I will begin by addressing the national disability strategy and other current developments. The growing recognition by society of the right of people with disabilities to participate in and contribute to social and economic life has underpinned the development of services in recent years. In line with the commitment in the programme for Government to publish, following wide consultation, a realistic implementation plan for the national disability strategy, I have established and am personally chairing a new national disability strategy implementation group. This group includes representatives from across the Government, as well as the County and City Managers Association. In this context, I take on board Deputy Browne’s point on where people with disabilities live and on what has the greatest impact on their lives. I believe local authorities do so, which is the reason the County and City Managers Association now has a representative on the national disability strategy steering group. It also includes representatives from the National Disability Authority, a broad range of disability organisations and a number of individuals appointed in their personal capacity to bring their lived experience to the table. I was astonished to find that until I was appointed Minister of State, the group did not include people with disabilities to speak for themselves. I also convened a disability forum, under the stewardship of the National Disability Authority, to ensure the voices of people with disabilities, as well as their needs and concerns, are being heard. In addition, a number of significant developments are ongoing, which touch on all aspects of services and supports for people with disabilities. These include strategies for transferring people with disabilities from congregated residential settings into the community, putting in place a system of registration and inspection of residential centres, reconfiguring day services and supports, implementing the recommendations in the national policy and strategy for the provision of neuro-rehabilitation services,

reconfiguring autism services and services for children with complex disabilities and, of course, implementing the recently published value for money policy review of specialist disability services.

At a time when the Government is trying to achieve more with less funding, changing attitudes and leading by example often can be achieved without any additional funding. Some of the best practice on disability in both the public and private sectors has been as a result of a positive attitude, particularly if it comes from senior management. I see examples of this nationwide every week. The terms of reference of the national disability strategy implementation group include promoting positive attitudes towards people with disabilities and I will work with this group to develop an effective, measurable plan of action to achieve this.

The HSE's national service plan for 2012, drawn up against the backdrop of significant funding challenges, was designed to reflect the changing priorities of the new Government and the significant programme of reform being undertaken. The allocation for disability services has been reduced by 3.7% this year. However, the level of service reduction has been less than the level of budget reduction as a result of efficiencies that have been delivered. Again, this is very much down to the service providers. While the aforementioned service providers have achieved some efficiency savings, reductions in services also have been unavoidable in day services and in residential and respite services. The necessary reduction in 2012 unfortunately mirrors that applied across all areas of the health sector. However, it is timely for me to remind Members of the highly significant levels of service provided for people with disabilities through the substantial investment of €1.4 billion by the Health Service Executive in 2012. I note this is just part of what is spent on disability. Without deviating from the script, I continually make the point that were all the money spent on disability concentrated in a single pot, there would be better outcomes.

At present, more than 9,100 people receive care in residential places, most of whom are living in homes within their communities. Moreover, 6,300 people are receiving respite residential support, 18,600 people are attending day services and 1.64 million personal assistant and home support hours are being provided. Overall, the national intellectual disability database annual report for 2011 states that 26,831 people with intellectual disability were in receipt of services, representing 98% of the total population registered on this database and the highest number of people in receipt of services since the database was established.

A major issue for the Government is to ensure it gets the best outcome for people with disabilities from the resources it puts into the health sector. I published the report of the value for money and policy review on disability services on 20 July last. The objective of the review was to assess how well current health and personal social services for people with disabilities meet their objectives and to recommend how these services should be delivered in the future. Many of the most fundamental changes needed to support the full participation of people with disabilities in society will be achieved through the implementation of this review. From the outset, public consultation was an important feature of the review. The review team listened carefully to what people had to say, as well as to the advice of the expert reference group on disability policy and the thoroughly researched advice provided by the National Disability Authority. As a result, the review recommends a significant restructuring of the disability services programme through migration from an approach which is predominantly organised around group-based service delivery towards a model of person-centred, individually chosen, supports and implementation of a more effective method of assessing need, allocating resources and monitoring resource use. This will represent a seismic change in how services are funded and provided

and will result in shifting choice and control from professionals and administrators to where it rightfully belongs, namely, with the individual with a disability or his or her family. Work is now under way to put the necessary implementation plan in place to move forward the recommendations of the review in 2013.

Even before the drawing up of the value for money review, major changes have been under way for disability services in recent years. There has been a definitive move from an institutional and segregated model of service delivery towards a community-based and inclusive approach that aims to support people with disabilities in community-based living with maximum independence and choice. A number of ongoing policy initiatives support this commitment. For example, in July, I jointly launched with the Minister of State, Deputy Jan O'Sullivan, the national implementation framework to support the Government's National Housing Strategy for People with a Disability 2011-2016. The development of the implementation framework underlines the successful collaborative approach involving my Department, the HSE and the Department of the Environment, Community and Local Government in addressing the housing and related support needs of people with disabilities.

While the Government continues to support people in institutional and other residential settings, the issue of standards and appropriate services arise. I am pleased to say that progress has been made by HIQA on finalising draft standards during 2012. The most recent draft was subject to a five week consultation process which ended on 21 November. I expect to receive the final version of the standards document in the coming weeks and a likely launch date is envisaged in January 2013. Work is also under way on the regulations required to bring the standards into law and further discussions are taking place now on the resources and staffing required by HIQA from 2013, with a view to having the new regulatory system up and running by mid-2013.

The Government is fully committed to facilitating people with disabilities in achieving a greater level of participation in employment, training and education. In the area of special educational needs, the protection of front-line services for pupils is a priority. Approximately 15% of the entire budget of the Department of Education and Skills - some €1.3 billion - was spent in support of children with special educational needs in 2011 and on training initiatives which I will also outline.

In line with the Government's commitment to front-line services for pupils with special educational needs, the current overall level of funding for special education has been retained at last year's level. Services being provided from the education budget to support the care needs of pupils with special needs, including children with disabilities, include 10,575 whole-time equivalent special needs assistant posts in primary, post-primary and special schools; approximately 9,950 learning support and resource teacher posts to provide additional teaching supports; more than 1,100 teachers in specialist schools at much reduced pupil-teacher ratios; and early educational intervention for children with autism from 2.5 years.

The Department of Education and Skills now funds 76 early intervention classes for children with autism attached to mainstream schools, as well as the home tuition programme for children with autism who are unable to access placement in an early intervention class. Funding is also provided for school building adaptations, special school transport arrangements and enhanced capitation rates which are payable to most special schools and special classes. This funding underlines the Government's commitment to special education provision for children with special educational needs, including children with disabilities. In addition, the educa-

tion sector is working very closely with the health sector on the HSE's national programme on progressing disability services for children and young people, which was the issue at hand last Saturday.

In the health sector, the needs of school leavers have also been met this year. Under the auspices of its national consultative forum, and with the co-operation of many agencies, the HSE has worked hard to accommodate the demand for school-leaver and rehabilitative training places, managing to find almost 670 places in 2012. I wish to thank the HSE disability service and service providers for achieving this without any additional funding. Contrary to Deputy Martin's comments, I have at no stage boasted about this. The effort came through very hard work and the people in question must receive thanks for it.

In the area of training needs, the aim is to facilitate people with disabilities in achieving a greater level of participation in employment and training. Along with the option of FÁS mainstream training, training places are also provided specifically for persons with disabilities through specialist training providers. In 2012, FÁS will provide the same volume of training places allocated to these providers as in 2011. The total FÁS budget for specialist training provision in 2012, including training allowances, is €53.7 million, representing 12% of the overall FÁS budget of €453 million.

Meeting training needs is only part of the journey that people with disabilities and special needs generally must face in order to obtain longer-term sustainable employment. In the area of disability activation, the Government is committed to supporting people to participate more fully in training and employment in view of the particular challenges faced by people with disabilities. The integration of the employment services and community services divisions of FÁS into the Department of Social Protection is enhancing the delivery of employment services for all people, including people with disabilities, and will assist in overcoming some barriers in this area. The Department of Social Protection provides an extensive range of income and work-related supports for people with disabilities and employers to facilitate greater participation in employment by people with disabilities.

The recently launched disability activation project, which aims to identify the optimum approaches to mainstreaming labour market activation measures for people with disabilities, is an important first step in this regard. Funding of just over €7 million has been allocated for 14 projects in the Border, midlands and west region to run until April 2015 which are aimed at providing practical insight into how best to engage with people with disabilities and increase their employment prospects. The four strands of the disability activation project include improving access to employment; progression for young people with disability; progression for people with an acquired disability; and innovative engagement with employers.

A number of programmes formerly operated by FÁS are now operated by the Department of Social Protection, including the Employ Ability service, which was formerly the supported employment programme; the wage subsidy scheme; the disability support and awareness grants and schemes; and community employment. The Department also operates a number of other income and employment support schemes, including the partial capacity benefit payment scheme mentioned by Deputy Ó Cuív, the back-to-education allowance and the disability allowance income disregard. The Department of Social Protection is committed to supporting people with disability to participate more fully in society and to become more self-sufficient by providing supports that address barriers that they may face.

I welcome the opportunity provided by this debate to put on the record the Government's position on the numerous and wide-ranging issues raised in the motion before the House. This is a time of change for the health sector as a whole and not just for people with disabilities. Although the changes we have signposted in the value for money and policy review are challenging in the current economic circumstances, they contribute towards the Government's overall vision for a more integrated health service, which can only be to the benefit of each and every citizen of this country, with or without a disability. During this time of change, the Government acknowledges that there will be significant demand for new services and a continuing requirement to make existing services more efficient. The Government is committed to working collaboratively to realise the vision of a more inclusive society for all, where services and supports will be tailored to meet the needs of the individual citizen while at the same time being provided in an accountable and cost-effective manner.

The Bills that will be dealt with shortly, taking in mental capacity and assisted decision making, will have a serious and positive effect not just on all of us but on people with disability. We will be legally obliged to listen to what such people have to say.

Acting Chairman (Deputy Joanna Tuffy): I understand the Minister of State is sharing time with Deputies Nolan, Connaughton and Conway. Is that agreed? Agreed.

Deputy Derek Nolan: I am delighted to speak on this extremely important topic and I commend the proposers of the motion on bringing it forward for discussion tonight. We often speak as politicians in what can be a glib way about the most vulnerable people in society, and every group can in some way lay claim to that title. Boiling it to the core, the people who are the most vulnerable in society are those with disabilities and particularly those with profound and severe disabilities. In my own experience in national politics, which extends to a short two years, this is the group with which I have had the most serious engagement. I have also experienced the steepest learning curve in this role.

I can think of the members of two families I have met. One family has a son in his mid- to late 30s who will always be in residential care. His parents are in their mid- to late 60s and as they are getting older, interaction with their son is becoming more difficult, as they are less able to handle a grown man because they are becoming more frail. Another family has a son who just turned 18 and is in a wheelchair and severely disabled. He will never live a life that we as able-bodied people will but the love and devotion of the family to the son is just as strong as it would be for any other child in a family.

I will speak about the service provider in my constituency, the Brothers of Charity Services and Ability West, which provide great and immense care to some of the most vulnerable citizens of Galway city and county. The Brothers of Charity has a staff of 1,000 who do their utmost to serve the highly vulnerable people who avail of the organisation's services. They have dramatically changed their service model in recent years and I commend them on reducing back office staff and restructuring to deliver a more efficient and dedicated service. No one can deny the need to dispense with the institutional model for providing services to people with disabilities. However, making the transition to a new model will require additional resources if it is to be completed properly.

I thank the Minister of State for coming to Galway to meet those involved in the Brothers of Charity services. She was generous with her time, going through the organisation's budget, strategy and management systems and discussing individual cases. We must always remember

that disability services are provided to individuals. I observed the immense joy felt by the parents of eight children in Galway who were informed that places would be available for them. The Minister of State was in weekly contact with the relevant officials to ensure these places became available.

Delivering the national disability strategy will be the next significant plank for transforming the system. The Minister of State's decision to chair the implementation group on the national disability strategy demonstrates the political commitment and importance she attaches to the issue. I have heard her speak about the necessity for a strategy to drive disability services. Other services and areas of Government have strategies, whereas the area of disability has lacked a strategy and suffered as a result.

Service providers are engaged in change but it must be radical and profound and everyone in the system will have to buy into it. We cannot continue to fund the system in its current form, where one has several service providers, all with head office functions, competing with one another in one city. Integration is needed, as is a shift towards a new funding model under which the service user is given the freedom to choose what he or she wants.

In all of the contributions I have heard the Minister of State make on the two areas of her portfolio in which I have an interest, namely, older people and disability, I have not heard her use the term "people with disabilities" or "older people". Instead, she refers to individuals and what they want or need to lead their lives. She recognises that service users are part of family structures in which their relatives provide care and support. It is vital that when discussing vulnerable persons we do not forget that they are individuals with their own concerns, wants and desires. I am always delighted to hear the Minister of State speak in this manner and commend her on doing so. I am pleased she is in her current portfolio because she is a woman of determination and tenacity with an intolerance of inflexibility. These qualities will be needed if, rather than tweak services, we fundamentally change the way in which they are delivered.

Deputy Paul J. Connaughton: I am grateful for the opportunity to speak to the motion. It is important, even on the eve of what will be one of the most difficult budgets in the nation's history, to reiterate our commitment to protecting the most vulnerable in society, namely, those with intellectual and physical disabilities.

The debate over who made the mistakes that led to the financial crash of recent years will continue for years or decades. However, one group that will not figure when blame is being apportioned is people with disabilities. They did not over-indulge, borrow excessively or engage in reckless lending and for this reason they should not bear the brunt of cuts. The Minister of State, Deputy Kathleen Lynch, has conceded that the next two years will be particularly difficult in terms of the health budget and that expenditure on services for people with a disability, which cost in the region of €1.4 billion this year, will face difficulties. Notwithstanding this, expenditure on areas such as residential care, respite care and placements for school leavers must remain a top priority in 2013.

The Minister of State is committed to the implementation of the national disability strategy and chairs the new implementation group for the strategy. She has included in this group a number of individuals who will be able to bring to the table their experience of living with a disability. The implementation group will also take on board the views of the disability forum, which met for the first time in June.

I note that 15% of the budget of the Department of Education and Skills is spent in support of children with special educational needs, including on the employment of 10,575 whole-time equivalent special needs assistants in primary, post-primary and special schools. We must not overlook the invaluable role special needs assistants play in our education system in ensuring children with special needs are educated among their peers in a local setting.

Understanding of the need for early intervention in respect of autism is growing internationally. It is heartening that there are now 76 early intervention classes for children with autism attached to mainstream schools. Under the home tuition programme, funding is also provided for children with autism who are unable to access placement in such classes. Such early intervention is crucial as it often addresses behavioural difficulties and allows children to attend their local national school. Without such early intervention, more supports would be needed for such children in school and valuable learning time, which cannot be replaced, would be lost.

The need for proper services for adults with disabilities is another crucial issue. In recent months, members of Ballinasloe Advocates group have been to the fore in highlighting the need to retain and strengthen adult services for people with disabilities. Deputy Nolan and I have observed at first hand the tremendous work being done across the west by organisations such as Ability West and the Brothers of Charity. In recent years, these organisations, through the help and goodwill of members of the local community, have steadily built up the services on offer and their hard work must not be negated by a shortfall in funding in the coming years.

Family members of persons with a disability will stress the need for respite hours to be retained at all costs. These hours are often the difference between a person with a disability being able to live at home or moving to a community setting. In many cases, parents who are becoming increasingly frail are able to cope with living with the extra demands of an adult child with a disability because of the support provided through respite care. Reducing respite care hours would result in a major increase in the number of applications for housing in a community setting.

I note the Minister plans to move into the community next year 150 of the 3,600 persons with disabilities who are living in an institution. While progress is slow, it must be acknowledged that the provision of housing is difficult in the current climate. The element of the national housing strategy aimed at people with a disability will come under much more pressure if the current level of respite care is not retained.

Organisations and staff working with people with disabilities have done a tremendous job. Alongside people with disabilities and their families, they have provided a strong voice in advocating for those with disabilities. It is imperative that we continue to hear these voices and direct the money available towards ensuring vital services are retained throughout the country. We must ensure that people with disabilities are not punished for the sins of others. The only real way of measuring justice in any society is to examine how society treats its most vulnerable citizens. While we all acknowledge that further cuts must be faced in the years ahead, we must shield disabled people from such measures.

Deputy Ciara Conway: I welcome the opportunity to speak on this motion. No one can deny the level of commitment and dedication the Minister of State has shown to the area of disability.

Deputy Finian McGrath: The question is whether she can deliver.

Deputy Ciara Conway: Not only is she committed to an inclusive approach but the inclusion for the first time of people with disabilities in the decision making process constitutes anti-discriminatory practice. Service users, their families and the providers of services welcome this approach as it has been absent from the formulation and implementation of social policy through the decades. Pleas by advocates to adopt anti-discriminatory practice have fallen on deaf ears over the years. For this reason, we should not underestimate the commitment the Minister of State has shown in this area. While we all know that stark and difficult budgetary decisions lie ahead, we must commend the inclusive and anti-discriminatory practice at the forefront of the Minister of State's approach to disability. It is not lost on those who work in disability services or the families and individuals who avail of them.

As the Minister of State mentioned, we need a realistic implementation plan for the national disability strategy. Strategy and policy documents have laid on shelves gathering dust for years. This is to no one's benefit. Other Deputies will agree that the Minister of State's approach - she is chairing the group - is to be broadly welcomed.

The HSE's core underlying deficits are disturbing. I sit on the health committee and have seen the black hole in terms of health. It is a difficult situation. I have often spoken at that committee and with parliamentary colleagues about the need for an accounting process that would allow the disability budget to be disaggregated from the quagmire of other health spending. The Minister of State made reference to this. This type of reform is boring and technical and has to do with accounting, software, computers and all of the kind of material about which no newspaper likes to write. However, this is the type of reform of our health services that we need if we are to ensure that money is spent where it is required.

This issue is not aligned with disability services alone. It is equally aligned with mental health, primary care and acute hospital services. We cannot continue to throw good money after bad. Until we see this approach to managing money within the HSE, change will be difficult.

I will reference my experience in my constituency. The Brothers of Charity are active in Waterford city and county. Other Deputies have mentioned them. The Brothers of Charity realise that they cannot continue to practice as they have been doing. Carriglea Cairde Services in Dungarvan has been to the fore in removing people with learning and physical disabilities from institutions and into their communities. This is the type of approach to which the Minister of State and the Government are committed.

Deputy Pádraig Mac Lochlainn: One must hand it to Fianna Fáil. While I welcome the motion on disability rights and the funding of services, it is yet another example of that party's unashamed brass neck. With this motion, it is attempting to reinvent itself as an advocate for those with disabilities.

Deputy Billy Kelleher: Thanks.

Deputy Pádraig Mac Lochlainn: When one teases out the text, it says little aside from Fianna Fáil's stunning realisation "that it is unfair and unjust to cut services for people with disabilities". Had it any shame at all, it would have included a line apologising for the harm that it inflicted on people with disabilities and their families through the years.

Deputy Billy Kelleher: What about the people Sinn Féin has disabled?

Deputy Pádraig Mac Lochlainn: Just a few years ago when Fianna Fáil was in govern-

ment, it cut the disability allowance-----

Deputy Billy Kelleher: What about the 3,000 deaths?

Acting Chairman (Deputy Joanna Tuffy): Deputy Mac Lochlainn without interruption, please.

Deputy Pádraig Mac Lochlainn: I will repeat myself, as Deputy Kelleher obviously does not want to hear it.

Deputy Billy Kelleher: Sinn Féin does not want to hear a few things either.

Deputy Pádraig Mac Lochlainn: Just a few years ago when Fianna Fáil was in government, it cut the disability allowance, the carer's allowance, the carer's benefit and the blind person's allowance not once, but twice.

Deputy Billy Kelleher: We increased them, too.

Deputy Pádraig Mac Lochlainn: The removal of the Christmas double payments also heavily impacted on the disabled and their families and carers. All of this meant that Fianna Fáil cut the income of disabled people and their carers by 10% over two budgets. A brass neck indeed. It is no wonder that Fianna Fáil's spokesperson on social protection and Minister in that Government, Deputy O'Dea, was heckled and booed by disability rights campaigners who were protesting outside the Dáil a few weeks ago.

That Fianna Fáil Government also cruelly slashed funding to voluntary organisations working with the disabled as well as front-line services to the disabled across the State. We witnessed savage cuts to the number of special needs assistants, SNAs, resulting in children with disabilities staying outside of mainstream schools. Was it not the Fianna Fáil Minister for Education and Science, Deputy Batt O'Keeffe, who told primary school teachers that resource teachers for children with learning disabilities would be withdrawn if they had less than nine children in each of their schools? That was in 2009, when the then Fine Gael education spokesperson, Deputy Brian Hayes, issued a statement calling it an "attack" on children with learning disabilities. The Minister of State, Deputy Kathleen Lynch, was the then Labour spokesperson on disability and called for services for children with intellectual disabilities to be protected. It is remarkable how Fine Gael and Labour have changed their views on all of these matters in their alliance for austerity.

The motion "recognises" that there are more than 600,000 people with disabilities in the State and "recognises" their concern regarding cuts to services. It merely "notes" the pledges in the programme for Government and calls on the Government to provide the appropriate funding and services to honour "all" commitments to people with disabilities. It is not unreasonable to ask what Fianna Fáil mean by "all" in this motion. Does it include that party's own commitments to people with disabilities that it failed to uphold in spectacular fashion?

As Members of this House, we must ensure that a threshold of decency on disability supports is developed. There must be a political consensus that people with disabilities will have their dignity and rights maintained and their families will not be abandoned as a result of ongoing cutbacks.

Recently, we have seen images of citizens with profound disabilities who protested outside Leinster House at the cuts introduced by the Minister for Health, Deputy Reilly. They struck

a powerful chord with the Irish people. The courage and dignity of those who braved the elements to make their stand shone a light on the reality that, despite the promises of the Taoiseach and the Tánaiste in the final preelection leaders' debate last year, their Government has proceeded to enforce cut after cut on those with disabilities, their families and their carers.

Their broken promises on disabilities are the cruellest of all. If this Government took a Kango hammer and tore up our roads, there would be uproar, but that is exactly what it has been doing to support services for people with disabilities. Nine leading disability organisations spoke out on this scandal, yet the Government has still done nothing. We should make no mistake about this. Given Fianna Fáil's record in this area, it would not be acting any differently were it still in government.

The disability organisations have outlined a vision for people with disabilities and called on the Government to take urgent action on three key areas. First, halt reductions in the basic standard of living of people with disabilities requiring welfare supports. People with disabilities are most likely to experience real poverty because, on top of the recent cuts in benefit levels and new charges, they must also continue to pay for extras required due to their disabilities. They are among some of the most vulnerable groups that will lay awake tonight in fear at what fresh hell tomorrow's budget will bring.

Second, funding must be guaranteed to the services needed by people with disabilities. Cutting the services required by people with disabilities not only undermines their lives, but also leads to a growing public expenditure in terms of hospital stays and expensive care costs. It does not make economic, let alone ethical, sense to cut their services.

Third, it is a matter of urgency that the Government publish an ambitious implementation plan for the national disability strategy in keeping with the UN Convention on the Rights of Persons with Disabilities so that people can have dignity, individual autonomy and full and effective participation in Irish society.

People's faith in Ireland's eventual recovery depends not just on economic measures. Social protection for all people through this long, stressful period needs to be central to the Government's recovery plans. Government actions must address social inclusion and cohesion. Recent Government cuts have heightened these concerns in the run up to the budget. Sinn Féin fully endorses the people's call and we call on the Government to take up this challenge and honour its promises to our most vulnerable citizens.

Last year, the Minister for Social Protection, Deputy Burton, announced proposals to stop disability payments to new claimants between aged 16 and 18 years. That measure was halted after people took to the streets. The Minister for Finance, Deputy Noonan, let the Minister for Social Protection take the fall, famously describing how they would "revisit" the matter. We must wait and see what will be "revisited" in the coming months.

As far as this motion is concerned, I welcome Fianna Fáil's Pauline conversion to the fight for disability rights. We can legitimately question the motivations behind it, but we support the right to full equality for people with disabilities.

The previous Government cut the income of people with disabilities and their carers by 10% across two budgets. The impact is still being felt. The people in question are some of the most disadvantaged and vulnerable in the State. Community employment schemes, social welfare and so on impact on them. We need to put action behind the rhetoric. It is time for a threshold

of decency on this issue. I repeat my call to all parties, despite their previous and ongoing record, to examine the issue. What citizen, on being informed by elected Members that we would make an all-party, all-grouping consensus that no matter what happens we would not make further cuts to disabled people, their carers and families but we would maintain a threshold of decency, would disagree with the proposal? The issue is how we get to that stage. There has been a shameful history of failure to meet our obligations to citizens with disabilities in recent years. Perhaps we could start to reverse that, treat them as equal partners and give them their rights once and for all.

Acting Chairman (Deputy Joanna Tuffy): As Deputy McLellan was not present, I did not include her previously. Is it agreed that she can share time with Deputy Mac Lochlainn? Agreed.

Deputy Sandra McLellan: An estimated 750,000 people in Ireland have a disability of one form or another. That amounts to 18.5% of the population. In numerical terms that constitutes a significant section of Irish society. However, in spite of that, successive Governments have paid only scant attention to the needs and rights of disabled adults and children. The end result is that people with a disability are more likely to be living in poverty, to be unemployed and to be dependent on State benefits. They are also more likely to be highly reliant on public services especially for health, housing and public transport. All in all, people with a disability are more likely to be excluded from Irish society, or at risk of such exclusion.

However, to suggest that such a situation came about through mere indifference is to ignore the impact of policies enacted by successive Governments on the lives of disabled people. Therefore, with this important caveat to the forefront of the current discussion, Sinn Féin supports this Private Members' business, but it does so reluctantly. I say that because Sinn Féin is of the view that people with a disability should be automatically entitled to participate fully in all areas of Irish life. More important, we believe that the State has a duty and a responsibility to ensure that all necessary resources are put in place to ensure that is the case.

Successive Fianna Fáil-led Governments have repeatedly and cold-heartedly implemented policies that make a nonsense of tonight's Private Members' business. While in power, Fianna Fáil presided over the slow but deliberate dismantling of the welfare state. As we know only too well, that had a disproportionate impact on people and children with disabilities who are almost totally dependent on the State for the provision of key services. There is a huge degree of hypocrisy and opportunism in the fact that the very same party, namely Fianna Fáil, that is responsible for pushing people with a disability to the margins of society, is proposing tonight's Private Members' business as if its hands were clean and its conscience were clear.

The current Fine Gael and Labour Government has not only failed to implement a national housing strategy and a comprehensive employment strategy for people with disabilities, it has also failed to ensure that all public policy measures are disability-proofed. Lest we forget, when Fianna Fáil was in government it too failed miserably in all of those key areas. On all of the key indicators - access to decent health care, decent education at primary, secondary and third level, meaningful employment, and suitable and adequate housing, differently-abled people are discriminated against by policies enacted by the Government, but also by successive Fianna Fáil-led Governments. People with disabilities deserve to be, and should be, treated as equal citizens when it comes to accessing life chances. They should not, as has been the case with the current Fine Gael and Labour Government and successive Fianna Fáil-led Governments be seen as a soft option when it comes to slashing vital services in order to save money to

pay off private bondholders and support zombie banks. Unfortunately, the political landscape is littered with countless examples of where people with disabilities have had their real and pressing needs ignored in the interest of rescuing foreign speculators and dead financial institutions. In a mature and politically sophisticated state all those with a disability, be they adults or children, would be guaranteed the necessary services and resources required to live a life with dignity and purpose. That would mean ensuring people received as a right adequate benefits and that the public services on which they depended were adequately resourced and of a high standard. Such supports are imperative if people with disabilities are to be enabled to live full and autonomous lives. In other words, we must support self-determination of people with disabilities by building their capacity and that of their families.

Sinn Féin supports this Private Members' business, but it does so reluctantly. Disabled people are not pawns in a game of political cat and mouse. They are human beings who deserve to have their rights as citizens fully vindicated. Sinn Féin will continue to speak out in favour of that and to oppose all cuts to services and benefits which impact negatively on them.

Deputy Finian McGrath: I wish to share time with Deputy Maureen O'Sullivan.

Acting Chairman (Deputy Joanna Tuffy): Is that agreed? Agreed.

Deputy Finian McGrath: I thank the Acting Chairman for the opportunity to speak on this important motion on disabilities and the urgent need to protect front-line services to all people with an intellectual and physical disability.

I also speak tonight as a parent of a daughter with an intellectual disability who is a service user. It annoys me and many families that we have to fight each time for services. People in power or in authority do not seem to get it when we talk about the rights of our children with a disability. They do not seem to get it when we demand equality and justice for all people with a disability. Cutting or removing services to people who did not cause the crash is an absolute disgrace. It is wrong and does not protect the vulnerable.

It maddens me when I hear some politicians or Ministers saying it is only a 3% or 6% cut - that it could have been worse. What planet are they on, and do they realise that, for example, in the St. Michael's House services a 1% cut means taking €700,000 out of the system? A 3% cut is €2.1 million. That is the reality. Recently, St. Michael's House suffered cuts of €11.2 million. Less money means fewer staff and that existing staff have to provide more services. That is the case with a disability organisation that has reduced absenteeism from 6.5% down to 3.5% and reduced administration costs by 34%. There is an example of productivity. We cannot take any more cuts. Any further cuts to the budget will have a devastating effect on the service. In real terms, a total of 317 people are on the priority list for residential places and 45 of those are in serious difficulty. There is also the added problem of 283 adults with an intellectual disability who are living with one or more parents who is more than 70 years of age. A 1% cut would be a nightmare for many of the families concerned.

Many other groups such as Prosper Fingal are also facing huge problems if the cuts are implemented. At Prosper Fingal in Swords there is considerable uncertainty at present about funding. In the current climate the only way to access HSE funding for residential places is if someone is in a dire crisis. Staffing and running costs are the major issues and worries. Those are the realities on the ground for people with disability. Their voices must be heard. The Taoiseach, Tánaiste and the Minister for Health should not cut the services. There are other options

and choices because we must build a republic based on equality and supporting all people with a disability.

Deputy Maureen O’Sullivan: As the Independent speaker at the Constitutional Convention last Saturday one of the points I made was that when the eight topics have been dealt with that there is a need to examine human rights. I specifically mentioned people with disabilities, both mental and physical. I also made a point about the rights of prisoners because their mental health has been very much neglected.

This has not been a good year for people with disabilities, both mental and physical, because added to the obvious difficulties of living with a disability and the stress and strain of coping with that both for the person affected and their loved ones, there are also the additional stresses and strains caused by insensitive and unethical measures for personal assistant hours and home help hours. Those measures are also uneconomic because various organisations have made calculations on the cost of keeping someone in hospital or a nursing home. The cost of providing supports for people with disabilities in order that they can be cared for at home, in so far as that is practicable, is minimal in comparison.

There are varying degrees of disability, both physical and mental, and some require 24-hour care, but the general agreement is for community care in so far as that is possible. I know the Minister of State, Deputy Kathleen Lynch, agrees with that. Allied to that is the absolute necessity of respite for the family members doing the caring. People with significant disabilities need more services in order to live independently. The philosophy of independent living is that every person is important and has the right to live a fulfilling life. The role of the personal assistant is vital to that.

9 o’clock Cutting personal assistant and home help hours will be much more costly in the long run, in addition to the awful effect on the person with a disability whose quality of life is being affected.

In terms of mental health, we are aware of the disproportion between the number of people with mental health issues and the financial allocation to services in this area.

Debate adjourned.

Health Insurance (Amendment) Bill 2012: Report and Final Stages

Deputy Billy Kelleher: I move amendment No. 1:

In page 4, between lines 6 and 7, to insert the following:

“(b) the necessity of ensuring, in the interests of societal and intergenerational solidarity, that the more healthy, including the young access health insurance cover so as to ensure that the health insurance market is made up of a sufficient mix of the more healthy, including the young and the less healthy, including the old.”.

This amendment is on foot of the discussion on Committee Stage about the difficulties the insurance market is facing and my concern that if we are to develop the notion of intergenera-

tional solidarity, community rating and risk equalisation, the need to get young people into the health insurance market is of critical importance. That is the reason I put down this amendment. It is because of the necessity to ensure, in the interests of societal and intergenerational solidarity, that the more healthy, including the young, access health insurance cover and that the health insurance market is made up of a sufficient mix of the more healthy, including the young, and the less healthy, including the old.

The purpose of this amendment is to ensure we have a sustainable health insurance market in the next number of years. The Minister has committed himself to bringing about universal health insurance. We can have a debate about that another day but in the meantime, even if we move towards universal health insurance, it is critically important that we have vibrancy and sustainability in the health insurance market. That means we must have an approach whereby young people see it as beneficial and there is merit in taking out private health insurance with a health insurer. Otherwise, we will have a situation, as is currently the case, in which people are reducing their cover and even reducing the number of people insured in their families. We now have cases in which the father in a family has given up health insurance because he cannot afford it.

I do not expect the Minister to resolve the difficulties families are under in terms of funding private health insurance but, at the same time, it is within his remit at least to try to curtail rising health inflation and to ensure also that we have an attractive health insurance market that gives people some reward for taking out private health insurance. If we do not do that we will not have a sustainable intergenerational support base for young people to assist in community rating and cross-subsidisation in terms of those who are older and drawing on health insurance. That is the reason behind this amendment. I tabled it knowing the Minister would reject it, but I wanted to stimulate some debate between now and the time when universal health insurance is established, so that in the meantime we can have a sustainable, vibrant insurance market in which there is cross-subsidisation, risk equalisation, community rating and intergenerational solidarity.

Deputy Denis Naughten: I support Deputy Kelleher's amendment. He has made a valid argument, which we raised with the Minister on Committee Stage, regarding the challenges we face. The reality is that unless we can encourage young people to go into the health insurance market we will continue to see the haemorrhaging of individuals and families out of the system. It is estimated that by the end of this year approximately 200,000 people will have left the health insurance system since 2008. Something must be done to incentivise people to take up health insurance and encourage others to join up for the first time.

The difficulty is that the Health Insurance Authority has said that is a pointless exercise at this stage in that universal health insurance will be introduced in four years' time and therefore it will not make a huge difference. The reality is that it will take a period of time to implement universal health insurance in its totality. It will not happen in four years' time. Hopefully, it will commence at that stage, but it will take a period of time to roll out. There was a contribution by the health insurers at the Oireachtas committee recently and, according to their evidence, it will take ten years to implement universal health insurance. If we are talking about up to 14 years for the full implementation of universal health insurance, many people will have leaked out of the system in the intervening period. Some type of incentive must be built in.

The argument is being made by the Health Insurance Authority that once universal health insurance comes in everyone will be legally obliged to sign up to health insurance and therefore

we will not have to try to incentivise it. The difficulty is that we must try to get new people into the system now if we are to make the health insurance system sustainable in the short term. The argument I made to the Minister on Committee Stage was that some sort of incentive must be put in place, and not just for young people coming into the health insurance market. Why should someone who has continuously paid his or her VHI subscription year in, year out for the past 40 or 50 years have to pay the same amount for the same benefits as someone of the same age who is signing up for the first time?

In the past, when the Minister articulated the view on universal health insurance, he said there would be an incentive for insurers to improve the quality of health of the cohort of people they have insured. They would encourage people to give up smoking, lose weight and so forth, but how do we encourage that? Some incentive must be given to the individual for them to lose weight or give up the cigarettes and if that is not built into the price of the policy some other added bonus must be offered. I have suggested to the Minister that whatever carrot, so to speak, is looked at under universal health insurance, it should also be offered to people currently in the health insurance system in advance of the introduction of universal health insurance here. It is a fair proposal that is being put forward because incentives will be built into the universal health insurance system. Regardless of what they are, they will be decided by the insurers in many cases. Surely we can make some provision, as part of the roll-out of universal health insurance, that people already in the system get some additional benefit on foot of others coming into the new system in the future.

Deputy Timmy Dooley: I support my colleague's amendment to this legislation. It is difficult not to be repetitive considering that the two previous speakers valiantly pleaded for this amendment to be accepted. It is clear that health insurers are having difficulties not just in trying to get the intergenerational mix about which my colleague, Deputy Kelleher, has spoken but also to retain the existing participants in the scheme. I see that as a major challenge, knowing many people who have had no choice, because of the decisions taken by this Government, but to cease payment in the private health insurance market. Some of those are more likely to be young, healthy individuals who by their nature are taking a gamble now in the hope that they will not need insurance in the future. This creates a serious strain on the health insurance sector. I appeal to the Minister to examine the sector, not in the context of moving towards the schemes he has in mind to force people to take out health insurance but to try to assist them in the current climate. I do not have the answers for him, but he is in contact with the sector. Whatever incentive is needed to encourage people in order that they see the immediate benefits needs to be provided. The insurance sector will be put under phenomenal pressure at a time when it can least take it.

Deputy Billy Kelleher who has tabled amendment does not expect the Minister to accept it, but perhaps it might act as a catalyst within the mind of the Minister and his departmental policymakers to see the potential to address what is a phenomenal crisis. We hear statistics trotted out by the health insurance industry for the numbers of lost participants. I see this in my extended family and the constituency I represent. People are feeling the bite and cannot continue to make such a commitment. They are feeding their children, rather than covering the potential risk of illness. It is hard to blame them and unless we do something about it, we are pushing the bubble along a tube and, ultimately, it will burst. I appeal to the Minister to come forward with a methodology to find a way to solve the problem.

Minister for Health(Deputy James Reilly): The Health Insurance Act regulates how private health insurance is provided for those who choose to purchase it. Currently, the figure

amounts to 46% of the population. This has always been a remarkable feature of our system, given that, in theory, everyone is entitled to free hospital care. Over a period covering several Governments people lost faith in the ability of the public service to deliver. Deputy Timmy Dooley is correct in that we must maintain the health insurance market while we move to a universal health insurance system. He was reasonable in his comments, but, needless to say, he slipped in a comment about the decisions of the Government. Nonetheless, I am sure he accepts that it is economic circumstances that determines whether people can afford to take out insurance. Without being overly partisan, he shares responsibility in that regard.

Deputy Timmy Dooley: I will and hope the clinicians do also.

Deputy James Reilly: I agree with Deputy Billy Kelleher in the sentiments he expressed. Young people are not being discouraged from entering the market. I hope the Deputy joins me in calling on insurers to provide student cover until the age of 23 years, as provided for in legislation. The insurers can do so if they want, but they have chosen not to do so. They are free to offer products and set prices at whatever level they like, subject only to compliance with certain minimum benefits outlined in regulations made under the Health Insurance Acts. My role is to ensure individuals who choose to purchase such products are protected from discrimination.

Deputy Denis Naughten made an interesting point about smoking. We want to see the Bill passed as quickly as possible because it will have an impact on the market early in the new year. However, we will refine and re-examine it as we go along and I can see a way by which we can take on board the concerns of the Deputy such that a smoker can be loaded as long as he or she is not penalised because of his or her age. The loading should be the same for smokers of all ages because we believe in community rating and do not want a difference to emerge, as that would make obesity, for example, more difficult to deal with. The issue of cigarette smoking could be examined and I will be happy to do so. There will be ample opportunity to revisit the matter because the matter will come before the Dáil on an annual basis.

The best way to ensure health insurance will be affordable for everyone is to reduce costs. This must be done. I have issued clear riding instructions to the new CEO and chairman of VHI that I expect to see the costs issue tackled. I expect to see a more robust audit and, for the first time, there will be a clinical audit in order that clinicians will be challenged on whether the carrying out of tests was necessary. Fines will ensue.

We can also cease paying by the day and pay by procedure. Private and public hospitals that are efficient in getting in patients on the day of a procedure and home quickly, with low readmission rates, will thrive. I also want to have a full examination of what we are paying for all procedures. Certain procedures used to take two hours but now take 20 minutes. However, we still pay the same remuneration rates. This issue must be addressed.

One of the main purposes of the Bill is to enhance intergenerational solidarity and solidarity between the healthy and the less healthy. This is reflected in my amendment to the Bill which broadens the scope of the cost subsidy to include more of the healthy, generally the young, and the less healthy who are generally older. Another issue we are discussing is that of lifetime community rating which could be introduced to allow insurers to charge people over the age of 30 years taking out health insurance for the first time a loading based on the age at which they take out private health insurance. These are issues I am happy to examine and take suggestions on, but, in the interests of getting the Bill through as expeditiously as possible, I will not accept the amendment. As Deputy Billy Kelleher pointed out, he expected this to be the case. I thank

him for raising the issue because it is an important one. We are examining different ways to make health insurance more attractive and affordable for younger people.

Deputy Billy Kelleher: I have been around the House long enough to know that, even if I had impressed on the Minister the need to accept the amendment through the force of argument, it would not have happened. The Minister has said insurance companies can offer packages to young people and the question is why are they not doing so. If they are to sustain a business model, there must be a number of young, healthy people to cross-subsidise. That is a basic principle. VHI meets more than 80% of the cost and covers only 54% of people. This is another indication that if other insurers do not encourage young people to take out private health insurance, they will be in the same difficulty as the age profile of their clients moves upwards. Other companies will come in and cherry-pick younger people such that there will not be a continual creeping upwards of the age profile of clients. New clients are needed to cross-subsidise others and support intergenerational solidarity. We understand families are under pressure and that there is a need to drive down the cost of medical insurance and the fees charged by health care providers. We also appreciate that the Minister is carrying out an in-depth analysis of the health insurance sector, encouraging clinical audits and encouraging companies to tighten up on costs. However, the principle we are trying to invoke is that there should be positive engagement on policy between the Government, the Department and health insurers to encourage uptake of health insurance. The other reason for the decline in the number of young people taking private health cover is that they are unsure of what universal health insurance means. The Minister says he has a target of providing universal health insurance by 2016. In the meantime, people will ask why they should take out private health cover other than to ensure it will be there for them if they get sick. What other benefit does it give? Does having cover allow a person to build up loyalty with an insurance company? People take out private health insurance for a number of reasons, but they do so primarily because they expect a loyalty bonus if they remain with a particular insurance provider.

I ask the Minister to look on this amendment favourably, even at this late hour. I accept that he cannot accept the amendment but can he give a commitment, at policy level, to ensure that young people see health insurance as beneficial until we move to mandatory health insurance?

Deputy James Reilly: I take on board what the Deputy is saying. Insurers are locked in competition for younger customers because that is where they make their greatest profit. For that reason, they will not cut prices too much. We want to encourage them to reduce their costs so that they are in a position to cut their prices.

We have already undertaken to discuss lifetime community rating with insurers. People take out insurance for the cover. In my experience, they also take it out because they want to have a one-to-one relationship with the treating consultant, which they sometimes feel they do not get in the public health service. That is something we are in the process of changing by having more consultants in hospitals. The new Labour Relations Commission agreement is about ensuring there are more consultants and senior decision makers around at all times.

I hope that clarifies matters for the Deputy. I am afraid I will not be accepting the amendment.

Deputy Billy Kelleher: There is no point in my saying much more. Other Members want to discuss their amendments.

I cannot accept the Minister's argument although I know it is put in good faith. We need to have something in policy that supports the concept of intergenerational solidarity. My amendment would achieve that.

Amendment put and declared lost.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 2:

In page 4, line 35, to delete "old.," and substitute the following:

"old,

(e) the imperative to ensure that all persons receive, in due time and to the highest standard possible, health services on the basis of need alone and not on the basis of ability to pay.".

As I stated on Committee Stage, the Government's reform strategy is flawed because it is based on competing private health insurance companies and will represent the effective privatisation of the health services. The Minister's strategy has no basis in rights as it contains no commitment that patients will be guaranteed in law that they will receive basic essential health care. That is a core principle of mine. One of the core positions of Sinn Féin is a commitment to universal entitlement to health services on the basis of need, and need alone. Instead, the Government's strategy relies totally on regulation of the insurance industry, mainly through the legislation before us.

The purpose of my amendment is to set down a marker for citizens and to enshrine a commitment in law. Insurance companies must be made aware that there is an imperative for the State to ensure that all persons receive health services in due time, to the highest standard possible and on the basis of need alone and not on the basis of their ability to pay or the size of their bank balance.

Sinn Féin sees the amendment as a first step and would build on it, introducing separate rights based legislation and a rights basis for health care. That is necessary and, arguably, needed now more than ever, given the Government's approach to an insurance based model.

In the absence of the principle recognised in our amendment and its reinforcement in rights based legislation, which Sinn Féin is committed to, private insurance companies would be given too great a role in determining the level of basic health care services available to citizens. That is where we are going. Private insurance providers would have a critical role in determining the level of basic health care for each citizen.

The Fianna Fáil regime of 14 years duration promised to introduce an eligibility for health and personal social services Bill. The Minister and I, as Opposition spokespeople on health, repeatedly requested advice on the progress of the Bill. Of course, it never saw the light of day. The Bill would have been hugely important. It would have placed the citizen's right to access health and personal social services in law. The Bill did not see the light of day under the former regime and there is no indication that it will re-present under the Minister's stewardship.

I refer again to a report recently published by the IMPACT trade union. The report had not been prior-studied when we debated the Bill in the select committee. I made reference to the report on that occasion but I do not think the Minister had access to the detail of it. The report was an analysis of the Government's proposed reforms and concluded that the Government

has based its approach to universal health insurance on policy in the Netherlands, which the Minister repeated in his reply to me on Committee Stage. In that country, a system of competing private insurers has created an inequitable and inefficient system of funding with different tiers of entitlement. That is hugely worrying because this is the system the Minister and his Cabinet colleagues have lauded repeatedly. The idea of different tiers of entitlement is what we are, supposedly, trying to avoid and get away from when we commit to universal access to health care on the basis of need, and need alone. Why and how can there be different tiers of entitlement?

I appeal to the Minister, as I did previously, to consider the amendment. It does not change the broad thrust of the legislation or the intent behind it, as the Minister has explained. I believe it is worthwhile and that it serves a particular purpose. It would have to be followed by rights-based legislation and that should follow at the earliest possible opportunity. I urge the Minister to accept the amendment and appeal to him to do so.

Deputy James Reilly: Sadly, Deputy Ó Caoláin has misconstrued the situation, which is a recurring problem. This universal health insurance, as outlined and committed to in the programme for Government, is not based on private insurance. The programme for Government is very clear the VHI will be retained. It is a State-owned insurer and it is to be retained as a public option. Furthermore, the assertion that these competing insurers would dictate the basic health care standard is again wrong. The Health Insurance Authority will determine the level of basic health care. It will determine the standard policy that must be available to all citizens.

The Deputy alluded to the IMPACT study. Our system will be based on a multi-payer model and will be underpinned by the principle of social solidarity, as I have said. Indeed, the Deputy quoted me as saying treatment would be based on medical need and not the ability to pay. Under UHI everyone will be insured for a standard package of curative services. A new insurance fund will subsidise or pay insurance premia for those who qualify for a full payment or a subsidy.

The IMPACT report appears to assume the Government plans to implement the Dutch model in full. This is not the case. I have made it clear on numerous occasions that what we liked about the Dutch model was the multi-payer system, but we are not importing the Dutch model into Ireland. I doubt it would work in its fullness. We looked to Britain for hospital trusts, which we find to be a suitable model from the point of view of new hospital groups, and which we will bring in next year. A report on that is to hand and is being analysed by my Department as we speak. We looked to the North of Ireland, where the special delivery unit had such success before there was a change of Minister and a change of focus. We have brought that to bear here with considerable success, if I can remind the Chamber of the 25% reduction in the number of people who must endure long trolley waits, the number of people who await inpatient treatment for a year, nine months or, indeed, three months, and that the number of children awaiting inpatient treatment has fallen by 800. The 91% reduction in those waiting nine months or longer is, to my mind, considerable progress against a backdrop of reduced budgets and staff numbers. We are also looking to Denmark and Canada for patient safety.

We are not looking at any one model. We are looking at all models and we taking from each one of them what we feel is the best solution for our country in the 21st century. We are completely reforming the health service and that cannot be done overnight. It is akin to turning a huge tanker at sea. We must maintain it while we are reforming it and we have had many people bemoaning the fact that is dangerous because it involves so much change. There is no

other way to do this, however, because piecemeal change in the past has not delivered and we intend to deliver. As I have said before, quoting John Donne, no man is an island, entire of itself, and no part of the health service is an island unto itself either. The emergency department problems cannot be fixed without fixing the hospital's problems, without fixing long-term care problems in the community, and without addressing primary care issues in the community. All these things are being tackled, along with the insurance industry, which has been reformed. I do not believe at any time in the history of this State there has been so much reform undertaken in the health service.

The IMPACT report argues for more analysis of a single payer model and cites Germany and France as examples of single payer models. These models both involve multiple insurance funds. The report fails to consider what would happen to the existing health insurers in Ireland, Aviva, Laya, Glo Health and the VHI, and the jobs they provide, if we introduce a single payer model. To be frank, having watched over recent years what the HSE, with a monolithic monopoly, has done to our health service, how it has robbed the front line of its ability to decide for itself what is best for the patient, I do not want to see a single payer model in this State. Competition is good. It is better for the end user, in this case the patient. If others wish to call him a client, so be it.

In essence, from a technical point of view, the principle objective of this Bill relates only to those who have chosen to avail of private health insurance cover. The issue of the basis on which access to services is available, that is, ability to pay or health needs, does not arise as that is covered by the State's current arrangements on accessibility to secondary care being free to all who reside within the State. Therefore, I do not accept the amendment.

Deputy Caoimhghín Ó Caoláin: The Minister set out to attempt to rubbish the point that the so-called reform strategy and what the Minister envisages in terms of universal health insurance as the basis of the delivery of same into the future is based on competing private health insurance companies, yet he concludes by lauding and applauding that very approach. His conclusion is so contradictory from what he said at the outset that it does not stand up. The Minister cannot have it both ways.

I indicated on Committee Stage that we are both committed to universal access on the basis of need. This, however, is not the basis on which to guarantee that. There are no guarantees. The model on which the Minister is basing so much of his intent, and which I must say from the very outset was referred to consistently by the Minister and others, is the model operated in the Netherlands, and that has been shown on more careful scrutiny to be anything but what it purports to be or, perhaps, what it set out to be.

There is serious concern and a lack of confidence about the approach. The Minister has still failed to produce a White Paper. We have no outline of a plan, although we have the Minister's continued and repeated statements that he is examining this and examining that. He is looking everywhere but he is not coming forward with the outline of how this will unfold, and that is the detail people want.

When I made the point about private insurance companies being given too great a role - not the determination of it in total, but too great a role - and I believe that is what they will have, in determining the level of basic health care services available to citizens, the Minister responded that the Health Insurance Authority would determine that. With all respect the Health Insurance Authority is a quango of little proven worth. That was emphasised and underlined by its rep-

representatives' recent appearance before the Oireachtas Joint Committee on Health and Children.

Deputy James Reilly: I will deal with the last point. I would not have been greatly impressed with the role the HIA had in the past. It is intended to beef it up considerably so it can act as a regulator. One is nearly afraid to use the word "regulator" in this country, having seen all the failures of regulation in the past.

Deputy Caoimhghín Ó Caoláin: And continuing.

Deputy James Reilly: However, it will be independent and will protect the consumer, define the standard policy to be available and monitor very closely any products created by the insurance companies to ensure there is no attempt at cherry-picking and segmenting in the market. By that I mean trying to encourage younger people into certain products and to discourage older people. I would be the first to accept that we need to beef it up.

I emphasise there will be competing insurers, with at least one public in the new arrangements. Ultimately the amendment has no relevance to the Bill, which relates to the current market and to those who chose to have private health insurance. It does not relate to the future universal health insurance system that we plan. The paper on universal health insurance will be available later this month as promised. As the amendment is not relevant to the Bill I decline to accept it.

Deputy Caoimhghín Ó Caoláin: As I have another amendment and as Deputy Naughten is also waiting to move amendment No. 4, I will not make any further contribution.

Question: "That the word proposed to be deleted stand" put and declared carried.

Amendment declared lost.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 3:

In page 6, to delete lines 12 to 14.

It is quite obvious that this will suffer the same fate as my previous amendment. As I explained on Committee Stage, the effect of section 4 as it stands would be to remove the requirement to lay regulations before the Houses of the Oireachtas in draft form. I have explained that by reference back to the principal Act of 1994, which provides that a draft of the regulation shall be laid before each House of the Oireachtas and the regulation shall not be made until a resolution approving of the draft has been passed by each such House. I believe that is a very important provision and is as it should be.

As I recall, in his reply on Committee Stage, the Minister said that another provision, as yet not before us, would eliminate or make redundant such a requirement. I have no doubt he will explain this again in a moment. Regardless of what is to present, at this point that requirement exists. I believe it should remain unless and until a better methodology is presented and no such is offering in this Bill. We are simply being asked to remove a requirement for both Houses of the Oireachtas to have sight of the draft regulations. That should stand and Members of this House should be prepared to argue for and defend it. It is clearly not only in the interest of the Members of these Houses, bearing in mind our role and responsibility, but also in the wider public interest that the earliest scrutiny should take effect. I commend the amendment to the Minister.

Deputy James Reilly: I thank the Deputy and while I share the sentiment, as I explained on Committee Stage, the previous risk equalisation scheme in 2003 was mainly set out in regulations. The new scheme, including rates for risk-equalisation credits and stamp-duty levies are strengthened in future by being set in primary legislation. The Houses will have ample opportunity to discuss amendments now and in the future. To put it another way, the Bill puts all these things that were in regulations into primary legislation, which makes them much more robust. They cannot be challenged in the courts in the way that regulations can be. As I will not be making regulations to provide for a risk-equalisation scheme in the future, these subsections are no longer valid.

As I explained in my Second Stage contribution, I will make regulations to deal with the administration of the scheme, rather than the scheme itself, as provided for in the Bill. The regulations, which will not be introduced until the Bill is passed, under section 11F will include, for example, the making and determination of claims. The other set of regulations to be made by the Health Insurance Authority under section 11E will allow for the categorisation of products.

Deputy Caoimhghín Ó Caoláin: I am disappointed the Minister has not accepted the amendment. I am sure he understands why I focused on the matter and why I believe it to be important. I am not entirely convinced by the explanation he has given that this is no longer a requirement and a protection. There lies the difference between us on this matter, as with so many other matters. I will not prolong my contribution.

Question: “That the word proposed to be deleted stand” put and declared carried.

Amendment declared lost.

Deputy Denis Naughten: I move amendment No. 4:

In page 11, between lines 20 and 21, to insert the following:

“9.—Section 7A of the Principal Act is amended—

(a) in subsection (6), by deleting “may by regulation” and substituting “shall introduce by 1 January 2014 regulations which shall”, and

(b) in subsection (7), by deleting “Regulations under subsection (6) may” and substituting “Regulations under subsection (6) shall, inter alia,”.”.

This relates to an amendment I tabled on Committee Stage and tries to incentivise the provisions in the 2001 Act following the introduction of universal health insurance where we will have lifetime community rating implemented as per the provisions in 2001. I put forward an amendment as an alternative option. It comes back to the argument we had on amendment No. 1. Health insurers no longer announce premium increases on an annual basis, but perhaps three or four times a year. The concern is that premium inflation will continue. At the moment an adult will pay a health insurance levy of approximately €285 and a child pays approximately €95. That will increase significantly on foot of the legislation before us. At the same time nearly 200,000 people have left the health insurance market. The reality is that the best way to protect the community-rated system is to ensure that more young people come into the system.

However, the opposite is happening because with the increase in the cost of private health insurance, young people and young families are leaving the system. We have a bizarre situation where the numbers of older people within the system are increasing. If we look at a comparison

between 2009 and 2010, the number of people over the age of 65 has increased from 40.9% to 43.4%. In real terms, between 2009 and 2011, an extra 5,500 people over the age of 80 joined the health insurance system. The number of people aged between 70 and 79 in the system has increased up by 9,500, while the number of people aged between 60 and 69 in the system has increased by 5,000. Older people are joining health insurance later in life, while younger people are leaving the system. If this trend continues, the only people who will be able to afford health insurance in this country will be the wealthy or people who have no other choice but to remain in the system in order to access vital health care. I have huge concerns that the trend will undermine the principle of universal health insurance, in which most of us in this House believe.

I tabled an amendment to get around the logjam of lifetime community rating on Committee Stage. I have tabled a different amendment here on Report Stage but it is based on the same principle and would encourage the Minister to sign the 2001 regulation, implement lifetime community rating and introduce some type of incentive or give an indication that there will be an incentive built into the new universal health insurance system for people within the health system whenever that happens. The Minister sees where I am coming from in respect of this and acknowledged that in his original contribution this evening. What is crucially important is that we have a timeline in respect of that. I hope that when he responds to me he can give a timeline for the implementation of lifetime community rating. Based on the evidence we have received from the health insurers and the HIA, the only mechanism that is not being used to reduce the cost of health insurance is lifetime community rating. This could have an impact on the rate of increase of health insurance costs and hopefully see a curtailment of them. This could then be followed by a reduction in the rate of health insurance costs and could encourage even more people into the system. This would then take pressure off the community rated system and allow for the implementation of universal health insurance, a principle with which we all agree in this House.

Deputy James Reilly: Deputy Naughten's amendment aims to encourage people to stay or become involved in health insurance and make sure they will go into universal health insurance. The key point there is that universal health insurance will be mandatory so there is no need for incentives to get people into universal health insurance. It will be the law and we have a mandate from the people to do that. It is in our programme for Government and our electoral programme.

The White Paper on universal health insurance, which will be published next year as opposed to the paper which is coming out in a couple of weeks, will outline the details of the universal health insurance model in addition to the estimated costs and financing mechanisms associated with the introduction of universal health insurance. There are many key decisions that require careful planning and sequencing over the coming years and primary legislation, which will be required to underpin universal health insurance, will be developed in the future as part of that process.

The health insurance (risk equalisation) Bill provides for the introduction of a permanent scheme of risk equalisation. Therefore, I do not consider it appropriate to insert an amendment in the current Bill which would have the effect of compelling me to introduce lifetime community rating. However, as I have said, I am disposed to consider any measures that may assist with ensuring the maintenance of a healthy and functioning private health insurance market and will request my officials to further consider the implications of introducing lifetime community rating at this time under the existing health insurance legislation as part of the measures to ensure the sustainability of the private health insurance market in the transition to a universal

health insurance system.

I am aware of the concerns of the Deputies and consumers alike about the cost of health insurance and I have outlined some of the areas which I want to tackle next. In fairness to the VHI, I must advise the House that last week, the VHI reported that its cost containment programme has delivered savings of €200 million since 2009 by applying various cost containment measures including reducing consultants' fees by 15% and reducing the prices paid for various procedures by between 13% and 53%. For example, the professional fee for the insertion of an ordinary stent has gone down from €1,100 to €200 and the cost of an MRI scan has been reduced from €650 to €160. However, I have informed the committee that I came across a patient for whom an MRI scan cost €8,000 because he was kept in hospital awaiting it. That is the difficulty of the current situation where we pay by the day instead of per procedure. Paying per procedure would definitely clear out that element.

The VHI has also introduced a payment system for radiologists and pathologists based on the national quality benchmarks which will lead to reduced length of stay and has the potential to save another €42 million for the VHI. It has also focused on claims recovery through the work of its special investigation unit. This is the audit I spoke about - a much more robust audit will be required. The VHI continues to focus on the issues and the findings of an external review of its claims entitled the Millman review.

The challenge for all of us must be to ensure that the health market remains viable and relevant, in particular given its role in supporting the provision of services in the public sector but also as we prepare for the transition to universal health insurance. Our public health sector has led the way in some aspects of this through the activities of the clinical care programmes, which have been far more efficient in recent times. Indeed, the VHI and some of the private hospitals are engaging with the clinical care programmes to make sure that sort of work ethic and protocols are put in place in their own hospitals.

I hope to have the interim paper from the implementation group on universal health insurance by 18 or 19 December 2012. I will not be accepting Deputy Naughten's amendment and I hope he will understand the reason why but I am committed to further examining with my officials the issue of lifetime community rating.

Deputy Denis Naughten: I thank the Minister for his response. I accept that there is no need for an incentive to get people into universal health insurance. Under the Dutch system, 90% of people were already in a voluntary health insurance system before they introduced universal health insurance in that jurisdiction. If trends continue we could be down to less than 40% of the population with private health insurance in advance of universal health insurance coming in. It makes it far more difficult when one must fund that big a differential compared to what was the situation in the Netherlands. That is why I am saying it is important that we try to keep people within the present voluntary health insurance system and encourage new people to come in. I and everyone involved in the industry believe that lifetime community rating is a mechanism to do that. The difficulty is that it has taken 11 years for the Department to look at this situation, yet no decision has been made. That is why I am asking for a timeline in respect of it.

We all agree with the point the Minister made about moving from a situation where one pays by the day to paying by procedure. The difficulty, as the Minister knows, is that this legislation provides for the opposite. One pays by the length of time one is in the hospital bed. It is a

4 December 2012

weakness within the legislation that there is no sunset clause built into that provision so that it can be removed from the legislation within the next 12 months.

10 o'clock The lack of such a clause will undermine the principle of where we all want to go. This amendment to the legislation is required.

Deputy James Reilly: I reassure Deputy Naughten there is no need for a sunset clause because the provision exists for me to close this by setting the daily rate at nil.

An Leas-Cheann Comhairle: As it is now 10 p.m., I am required to put the following question in accordance with an order of the Dáil of this day: “That the amendments set down by the Minister for Health and not disposed of are hereby made to the Bill, Fourth Stage is hereby completed and the Bill is hereby passed.”

Deputy James Reilly: With the Leas-Cheann Comhairle’s permission, I wish to provide the House with some information. On Committee Stage I gave the details of the risk equalisation credits but it would be remiss of me if I did not inform the House, as I informed the insurers, of the new stamp duty rates. I have sent them to the Minister for Finance and he has agreed with my recommendations which, in a forthcoming Finance Bill, will be proposed to come into effect on 31 March 2013. The existing rates of €95 for a child and €285 for an adult will apply until that date. For those aged 17 and under there will be a new rate for non-advanced cover of €100 and advanced cover of €120. For those aged 18 years and over the non-advanced cover rate will be €290 and the advanced cover rate will be €350.

Question put and agreed to.

The Dáil adjourned at 10 p.m. until 10.30 a.m. on Wednesday, 5 December 2012.