



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 06 Nollaig 2012

Thursday, 06 December 2012

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

Paidir.
Prayer.

Leaders' Questions

Deputy Dara Calleary: We all knew before 2.30 p.m. yesterday that this budget was not going to be easy. We knew the Minister for Communications, Energy and Natural Resources and his colleagues in the Government were at pains to condition people about tough but fair choices. Congratulations. The Government achieved the tough part. Unfortunately, it completely failed on the fair part. The Tánaiste and Minister for Foreign Affairs and Trade said he knows the budget is tough but the problem is he does not seem to understand or be able to do anything about it.

Many of those who voted for Labour in 2011 are ruing their decision today. They voted on the basis of a series of promises. Clearly, the Minister and his colleagues in government have forgotten about those promises. So, permit me to remind the Members opposite with these election pamphlets. "Families Need Labour in Government", "Protect Child Benefit – Vote Labour", "A Cut Too Far – Fine Gael – Every Little Hurts".

An Ceann Comhairle: We cannot display election pamphlets in the Chamber.

Deputy Dara Calleary: There is no need to display Labour's shame.

Deputy Tom Hayes: Did the Deputy come up with this himself?

Deputy Dara Calleary: The Government has introduced the second regressive budget in a row. It has targeted children for major cuts in a range of areas.

Deputy Finian McGrath: The Government took €10 off the kiddies.

Deputy Dara Calleary: It has cut child benefit, taxed maternity benefit and cut the clothing and footwear allowances. What did it give in return? It gave just a few child care places.

One of the most unfair cuts which will impact on 70,000 families is the cut in the respite care grant which provides significant service to families in difficult situations. These families

have been singled out in particular. Every one of the welfare cuts imposed in this budget could have been avoided if the Minister had proceeded with what his Labour backbenchers wanted him to do which was to put a tax on those who can pay and those earning over €100,000.

Deputy Bernard J. Durkan: Is that Fianna Fáil's policy?

Deputy Dara Calleary: It seems this budget was framed in advance with Fine Gael going to war with Labour in order that Fine Gael could protect the elites of society in its ambition to be the Tea Party.

Deputy Bernard J. Durkan: That is laughable when one thinks Fianna Fáil destroyed Irish society.

Deputy Dara Calleary: Will the Minister confirm that all the provisions announced in yesterday's budget will be contained in the social welfare Bill when it is published next week? Or will there be changes to some of these provisions?

Deputy Emmet Stagg: Fianna Fáil will be joining the United Left Alliance next.

Deputy Finian McGrath: Welcome aboard.

Deputy Barry Cowen: Deputy Stagg should better start looking around him. He might be heading off into the sunset.

An Ceann Comhairle: Perhaps we could have the Minister's reply without interruptions.

Minister for Communications, Energy and Natural Resources(Deputy Pat Rabbitte): Thank you, a Cheann Comhairle. Yes, indeed, this is a difficult budget. I do not recall anyone on the Government benches at any stage saying other than it would be a difficult budget. The challenge confronting the Government was taking €3.5 billion out of the economy, an action with which Fianna Fáil agrees. It ought to agree with it because it negotiated it when it handed over control and direction of economic affairs outside of the country. The Government was confronted with doing this in a balanced way which protects the most vulnerable while stimulating greater employment growth in the economy. Achievements have been made in protecting core social welfare rates, protecting the pupil-teacher ratio to ensure there will be more teachers in the classroom because of demographics-----

Deputy Barry Cowen: Yet the Government now pays the teachers half the salary.

Deputy Pat Rabbitte: -----protecting the tax rates for those going to work, creating 10,000 jobs in successful schemes such as Tús and JobBridge, restoring home help, defending people with disabilities, and contrary to what Deputy Calleary has said, raising more than €500 million from those who are better off. Deputy Calleary seems to want to ignore the fact that this is the first budget which has addressed issues that have been staring us in the face for so long.

Deputy Luke 'Ming' Flanagan: Fergus Finlay would not agree with the Minister.

Deputy Pat Rabbitte: We addressed capping relief on pensions at €60,000 per annum and top-slicing enormous severance packages. The measures that have levied more than €500 million from the better-off in our society are the main contributors to these overall savings.

Deputy Jonathan O'Brien: That is not true.

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Deputy Billy Kelleher: This was a budget for the rich.

An Ceann Comhairle: We do not want any comments on what the Minister is saying. Will Deputies please let him finish?

Deputy Peadar Tóibín: Emigration is going up too.

Deputy Billy Kelleher: The Government is like the Tea Party.

An Ceann Comhairle: Would you stay quiet, Deputy?

Deputy Pat Rabbitte: The difficulty is that Fianna Fáil and Sinn Féin broke with tradition this time and did not submit their pre-budget submissions for evaluation.

Deputy Niall Collins: People can take great comfort from that.

Deputy Barry Cowen: What tradition is that?

Deputy Pat Rabbitte: If my name was Cowen, I would stay quiet in this debate.

Deputy Barry Cowen: There are no rabbits to be pulled from the hat here.

An Ceann Comhairle: We are over time.

Deputy Pat Rabbitte: Some 40% of total current spending goes on the social welfare budget and that budget contributed 10% to the adjustments here.

Deputy Billy Kelleher: We are talking about people on low pay, not those on social welfare.

Deputy Pat Rabbitte: If anyone can tell me how to address the budget, in circumstances where 40% of spending goes on social welfare, without making some savings on social welfare, it cannot be done.

Deputy Dinny McGinley: What about the dirty dozen?

Deputy Pat Rabbitte: As John Maynard Keynes said: When the facts change, I change my mind. What do you do, sir?

Deputy Niall Collins: Deputy Rabbitte is ignorant of the facts.

Deputy Pat Rabbitte: We are confronted with the mess Fianna Fáil left. That is what we must deal with. I am happy to say that, thanks to the efforts of the Irish people, 85% of the heavy lifting is behind us-----

Deputy Billy Kelleher: On the backs of the poor.

Deputy Pat Rabbitte: -----and that is considerable credit to the people who bore the cost of the mess Fianna Fáil inflicted on the Irish people.

Deputy Dara Calleary: The Minister did not protect families yesterday, those who need the respite grant or families on low income by charging them the same PRSI increase as those on high income.

Deputy Aodhán Ó Ríordáin: Does Deputy Calleary remember the cut to the minimum wage?

Deputy Dara Calleary: I will quote from-----

An Ceann Comhairle: Perhaps Deputy Calleary will ask a question instead.

Deputy Dara Calleary: -----the Minister, Deputy Rabbitte's party chairman. I am referring to the Labour Party because I know the Minister, Deputy Rabbitte, has been in many parties. The party chairman, Deputy Colm Keaveney, said:

Tonight's vote not a vote on #Budget13 in its entirety, only on elements that I can live with. Next week is a different story.

Later he said:

Tonight's vote touches little that is problematic in #Budget13. That's for next week and the effort to stop them begins this evening.

What is Deputy Keaveney's effort to stop them? Can the Minister confirm all of the provisions announced by Minister for Social Protection, Deputy Burton, will be contained in the social welfare Bill or will Deputy Keaveney's effort to stop them undermine the entire budget?

Deputy Pat Rabbitte: With regard to PRSI, for the first time in the history of the State, following the decision to lift the ceiling so that PRSI is attachable to all income, in future PRSI will be attachable to all unearned income. If income is from shares, dividends, rental properties or professional fees, it will be now necessary to pay PRSI. One cannot take a single item and present it in the partisan fashion Deputy Calleary has done.

Deputy Dara Calleary: Hello. The Minister, Deputy Rabbitte, wrote the book on it.

Deputy Pat Rabbitte: Overall, the PRSI fund is in deep trouble and it is essential to maintain benefits. The very poorest and most modest paid in our society receive most of the benefits. Whether one is earning €120,000 or €20,000, one gets the same pension. For the first time, those with unearned income are now responsible for PRSI. It is the utmost of humbug for Fianna Fáil, having brought the country to the verge of ruin, to take these positions. It would appear the leopard does not change its spots.

Deputy Barry Cowen: How many spots are on the Minister, Deputy Rabbitte's back, with all the parties he criss-crossed?

Deputy Pat Rabbitte: From where I am looking across at Fianna Fáil Members, there are as many spots as if they had the measles.

Deputy Tom Hayes: Members should be careful of diseases.

Deputy Pat Rabbitte: Let us look at this leaflet being put around in opposition to the property tax.

An Ceann Comhairle: We do not display leaflets.

Deputy Pat Rabbitte: Who is putting it around? The very man who negotiated it, Deputy Micheál Martin. The Dalai Lama of Ballinlough comes in here-----

An Ceann Comhairle: We do not display leaflets in the Chamber. It is a long tradition. I ask the Minister to finish; we are over time.

Deputy Pat Rabbitte: I will not display leaflets. It is the utmost in hypocrisy for the party that brought this country to the edge of ruin to pretend, having negotiated the very memorandum of understanding that required the Government to introduce a property tax, to take up a position of opposition to it.

Deputy Dara Calleary: Here is Chairman Keaveney.

An Ceann Comhairle: I will not tolerate shouting from either side of the Chamber. I am giving Members plenty notice. I call Deputy McDonald without interruption.

Deputy Mary Lou McDonald: It is the utmost in humbug, Scrooge, to come in here and make any pretence that yesterday's budget was fair. We all know it represented a betrayal of a range of promises the Government collectively, but the Labour Party in particular, made to the electorate before the last election. That is the Government's problem. More to the point, it represented an all-out attack on older people, families, women and children. I could raise a range of issues, including the cut to child benefit, which is an obvious one, the taxation of maternity benefit and the mean cut to the back-to-school allowance for footwear and clothing for children. I find it shocking and indefensible.

(Interruptions).

Deputy Mary Lou McDonald: I want to raise one of the bad decisions made by the Government and it concerns the decision on the respite care grant. The Government has cut €325 from 77,000 families, 20,000 of whom receive no other State payment. All of the families care for people, many of whom have severe disabilities, including children. The Minister needs to reverse this decision. Fairness was breached in the budget comprehensively but this cut is not even about fairness but about decency. Making this kind of cut breaches decency. The backbenchers will make much noise while indulging in amateur dramatics and theatrics on a range of issues. On this cut to respite for families who give care to people, the Minister and his Cabinet colleagues must back down.

An Ceann Comhairle: I call the Minister without interruption.

Deputy Pat Rabbitte: My backbenchers cannot compete in making noise with Deputy McDonald. She makes less sense economically than the flaky stuntmen in the Technical Group and she refused-----

Deputy Finian McGrath: The Minister should answer the question about respite care.

Deputy Michael McNamara: Deputy Finian McGrath is all right with his €40,000 allowance.

An Ceann Comhairle: I ask Deputy Finian McGrath to sit down please.

Deputy Finian McGrath: The Minister is a disgrace.

Deputy Mary Lou McDonald: This is serious.

An Ceann Comhairle: Deputy McGrath should sit down. You were at this the other day. You are trying to get yourself thrown out again but I am not going to satisfy you. Sit down and do not be making a show of yourself.

Deputy Pat Rabbitte: That is stuntman No. 1.

Deputy Finian McGrath: What about the Minister?

An Ceann Comhairle: The Deputy will not be thrown out.

Deputy Pat Rabbitte: It was interesting during the budget that the only squealing from the Technical Group was when it was made to account for its leaders' allowances.

Deputy Finian McGrath: That is rubbish.

Deputy Pat Rabbitte: That is the real respite Deputy McGrath is concerned about.

An Ceann Comhairle: Answer Deputy McDonald's question, please.

Deputy Luke 'Ming' Flanagan: What does the Labour Party do with its leader's allowance?

An Ceann Comhairle: This is impossible and I am getting fed up with it. Minister, please answer the question and let us get on with the business. Deputies, please stay quiet.

Deputy Pat Rabbitte: With regard to women, families and social welfare, the budget has protected core social welfare rates. It has maintained in existence the qualified child allowance and family income supplement. It has maintained child benefit as a universal payment.

Deputy Jonathan O'Brien: Answer the question.

An Ceann Comhairle: Stay quiet.

Deputy Luke 'Ming' Flanagan: He is paying millionaires children's allowance.

Deputy Pat Rabbitte: It has protected lower and middle income families from tax increases. Contributions from the better off in our society have contributed more than half a billion euro.

Deputy Peadar Tóibín: He cannot answer it.

Deputy Pat Rabbitte: The difference between the task confronting the Government and that confronting Sinn Féin is that we have to bring in a budget that is workable, and 40% of current spending goes towards the social welfare budget. It is not possible to make the savings we are mandatorily required to make and not impact on social welfare. The question was how to do it best. The decisions that have been made-----

Deputy Dessie Ellis: Is the Minister saying it is fair?

Deputy Pat Rabbitte: Compare the rates to those that apply up the road in Newry-----

Deputy Barry Cowen: The Minister was not elected in Newry.

Deputy Pat Rabbitte: -----and that have been approved by Deputy Ellis's party.

Deputy Dessie Ellis: The Minister should read up on the range of provisions available in Newry.

Deputy Dinny McGinley: That is another country entirely.

Deputy Pat Rabbitte: Compare the fact that property tax is between £800 and £1,100 in

Newry.

Deputy Peadar Tóibín: Does the Minister know the difference between the parliaments on both sides of the Border?

Deputy Pat Rabbitte: Sinn Féin seems to have no difficulty with that, but it has a partitionist mentality when it comes to dealing with the budget down here.

We have gone out of our way to ensure those who can pay most have done so in this budget-----

Deputies: Carers?

Deputy Pat Rabbitte: -----and that those who need to be protected are protected.

Deputy Mary Lou McDonald: I am not interested in Minister's outpourings and attacks on Sinn Féin. That is par for the course. I asked a direct question about respite care. He should not try to worm his way out of this. He knows this cut is wrong. He has to know. He cannot talk about protecting the vulnerable and then launch an attack on carers, who care, in many instances, for people with profound disabilities.

Does Pat Rabbitte get that? I heard his colleague, Joan Burton, saying to parents who rely on the back-to-school allowance to shop around. How out of touch is she? She clearly does not know how much it costs to get a child back to school these days. Is he now telling carers to shop around? Is he actually that cheap and that glib?

This is not a moment for comedy. This cut of €325 is wrong, indefensible, unfair and indecent. If he has any decency left in him, he should revise this matter and tell the carers he will roll back on it. He must do that. If he does not, there will be sufficient public outcry to force him to reverse it. Do the decent thing, Pat Rabbitte.

An Ceann Comhairle: There is a tradition in the House that we address Members by their title. I ask people to do that.

Deputy Barry Cowen: You should tell Deputy Rabbitte to do so, given the reference he made earlier.

An Ceann Comhairle: I have been reminded that it is, in fact, a Standing Order.

Deputy Pat Rabbitte: A very serious objective of the Government was to ensure the caring profession was protected. Confronted with the situation that faced us, we had a choice of protecting the carer's allowance or the half carer's allowance and dealing with a modest cut in the respite allowance.

Deputies: Modest?

Deputy Pat Rabbitte: The people who do the caring will get exactly the same allowance as before the budget. The people who are entitled to claim the half carer's allowance will get it, just like the day before the budget. We have gone to great care to ensure those people's payments are ring-fenced.

In terms of throwing in rhetorical flourishes about the back-to-school allowance and various other things-----

Deputy Mary Lou McDonald: It was not a rhetorical flourish. It is a statement of reality and is shocking.

Deputy Pat Rabbitte: -----the Ministers for Social Protection and Education and Skills will bring forward proposals later showing, for example, additional investment in the provision of hot meals for children in certain socioeconomic areas where that has been especially successful up to now.

We have protected the core rates of social welfare and maintained the benefits for the people who are doing the caring. This is a respite grant. Do we take a modest decrease in that-----

Deputies: It is not modest.

Deputy Pat Rabbitte: -----or do we cut the provision for caring? It was not possible to bring in a budget, which is the sixth in a row of budgets that have made cut upon cut because of the crisis in which the country finds itself, unless savings were made across the board.

Deputy Peadar Tóibín: You could have raised tax on higher incomes.

Deputy Richard Boyd Barrett: You could have taxed the rich.

Deputy Sandra McLellan: A wealth tax.

Deputy Pat Rabbitte: Everyone had to contribute something. Otherwise it would not have been possible to comply with the targets imposed on us.

Deputy Dessie Ellis: The Minister still did not answer the question.

Deputy Thomas Pringle: In the run-up to the budget, we were constantly told it would be fair and equal and that those who can pay would do so. Yesterday, we saw where the truth lies. Low earners are left to bear the brunt of the cuts and they have the Fine Gael-Labour coalition to thank for it.

Yesterday, we were told we are near the end of the austerity budgets. Again this morning, the Minister said 85% of the heavy lifting has been done. He fails to understand that many people just cannot take any more. This is yet another budget that fails to hit the highest earners in society and targets the vulnerable in a brutal way. The Government has clearly lost sight of what people are experiencing.

Removing the €127 PRSI exemption threshold will cost every worker earning more than the minimum wage €264 per annum. A person earning €18,000 a year will pay the same PRSI increase as we Deputies, who earn €92,000. How can a Labour Party Minister justify that? Fine Gael guaranteed there would be no increases in income tax, but for low income workers PRSI is a tax on income. To say they have not increased income tax is misleading, at best.

The Minister for Finance said PRSI is good value, especially for those on the lower end of the income distribution scale and those who have shorter contribution histories. If these people's voices were heard they would say good value is when the money is in their pockets and not being taken from them with this cut.

Labour made much of wanting to increase the universal social charge for those earning more than €100,000 per year, but they lost that battle to their masters in the coalition. Nevertheless, they are happy to take away the PRSI threshold. Labour does not protect the vulnerable.

It is targeting them further. How can the Minister and his Labour Party colleagues stand over the cutting of the PRSI allowance threshold? Is that what he calls a fair budget?

Deputy Pat Rabbitte: I agree with Deputy Pringle that no one in their right mind would want to find themselves where we are. We have to deal with the world as we find it, however, and not as we would like it. The countries we are trading with are in recession. The eurozone is back in recession. Growth expectations have not been realised. Savings have to be made. We have only one lender and we will not be able to pay carer's allowance, teachers, firemen and gardaí unless we can raise the money. Only one lender is prepared to give us the money and that lender established certain conditions with which we must comply. That is what we are seeking to do.

11 o'clock

Deputy Pringle raised the PRSI issue but he chose to ignore that for the first time in the history of the State, the best off in society will be required to declare unearned income from whatever source for PRSI purposes. That is part of refurbishing the social insurance fund. The people who are most dependent on the social insurance fund are not those paid €100,000 or €200,000 or more, because they get the same pension as someone on €20,000; those who get most from the social insurance fund are those on modest and low incomes. The social insurance fund is in dire trouble and we must maintain that fund as an act of solidarity with those on low and modest incomes. That is what we are doing. No one earning less than €18,300 will be liable for the PRSI disallowance, and no one earning less than €10,600 is liable for the universal social charge because we took 330,000 people out of the universal social charge net last year. The social insurance fund is the one insurance policy people on modest and low incomes have in an uncertain world and in preparation for their senior years. In terms of the overall changes, they are well balanced and well judged. What is more important for people than to have that safety net if they should come to need it, as they will when they reach pension age?

Deputy Thomas Pringle: Now the troika is being blamed for the PRSI increase; it was forced upon the Government. That must be what the Minister is telling the Labour Party backbenchers to make them accept this.

The Irish League of Credit Unions offered the Government €5 billion for investment but the Government would not take it. There are other lenders that could be tapped into. The social insurance fund is in deficit and in a recession it should be, while in good times it should be built up again. We have been funding the social insurance fund through the recession from Government revenue. Does the Minister think it is fair to tell people on €18,000 per year that they should lose €264 from their wages and that it is balanced by charging PRSI on those with high incomes? The Labour Party tried to have the universal social charge increased but it lost that battle with Fine Gael and now it is introducing this PRSI increase. The Labour Party should have refused unless one was done in exchange for the other. It could not even manage that. There is no fairness in this budget for the low paid and all the other items people have identified today. How can the Minister still claim that is a reasonable outcome?

Deputy Pat Rabbitte: We want to ensure that in future people who are unfortunate enough to temporarily lose their employment or who reach retirement age are protected as far as the State can do it. It does it quite well; it does it better than comparable states in the OECD or the European Union. It does it better than the northern state adjacent to Deputy Pringle. I am proud of that. For Deputy Pringle to sneer at the troika's injunctions simply means he does not have

to contend with them.

Deputy Thomas Pringle: No one is sneering.

Deputy Pat Rabbitte: There is no sentiment; the troika lends us money, setting conditions for that, and we comply with those conditions or it does not sign the cheque. There is no mystery to this.

Deputy Mattie McGrath: What about Greece?

Deputy Pat Rabbitte: What about Greece? There are people hungry at the bottom of the pile in Greece.

Deputy Mattie McGrath: There are hungry people here too. They cannot live on rabbit.

Deputy Pat Rabbitte: Tens of thousands of public servants have been disemployed.

Deputy Finian McGrath: The Minister wants to pull a rabbit of the hat.

Deputy Pat Rabbitte: People who are paying the USC in this country on as little as €10,000 are liable to full tax in Greece and many other impositions. If colleagues on the Opposition benches think we should go the way of Greece, this Government does not agree.

Deputy Luke 'Ming' Flanagan: No one said that.

Deputy Pat Rabbitte: Deputy Pringle refuses to acknowledge decisions in the budget like slashing tax relief on pension pots for people who expect a pension of more than €60,000.

Deputy Róisín Shortall: When?

Deputy Pat Rabbitte: He refused to acknowledge the mansion tax on homes worth more than €1 million.

Deputy Finian McGrath: Will the Minister pay that?

Deputy Pat Rabbitte: He ignored the 3% increase in USC for better off pensioners.

Deputy Finian McGrath: Will the Minister pay the mansion tax?

Deputy Robert Troy: How many homes will that affect?

Deputy Pat Rabbitte: I will not trace along the benches there on that one because it would not be helpful.

An Ceann Comhairle: Only Deputy Pringle is asking questions.

Deputy Pat Rabbitte: We have extended PRSI to all incomes and made changes to capital gains tax, capital acquisitions tax and DIRT, all of which affect the better off. In so far as the Government had it within its power, it took money from those best able to pay.

Deputy Finian McGrath: Except the respite care grant.

Deputy Pat Rabbitte: Everyone must contribute something.

Deputy Patrick Nulty: Why did the Labour Party not impose a financial transaction tax?

It is Labour Party policy.

Deputy Pat Rabbitte: For those who need a safety net, however, the safety net has been protected and we are proud of that.

Order of Business

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): It is proposed to take No. 1, Motion re Standing Orders Relative to Private Business; No. 12a, Supplementary Estimate for Public Services [Vote 37] (back from committee); No. 19, Financial Motions by the Minister for Finance 2012, Motion 15 (resumed); and No. 17, Statements on the Report of the Expert Group on the Judgment in the A, B and C v. Ireland Case (resumed). No. 17 will be taken not later than 4.30 p.m. today and to adjourn not later than 9.15 p.m. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 5.45 p.m. tonight and shall adjourn on the conclusion of Topical Issues. The sitting shall be suspended at 3 p.m. for 30 minutes. Topical Issues shall be taken on the adjournment of No. 17 and Nos. 1 and 12a shall be decided without debate. In the case of No. 12a, any division demanded thereon shall be taken forthwith. The following arrangements shall apply for the resumed debate on No. 19: the speech of the Taoiseach, Tánaiste and the leaders of Fianna Fáil, Sinn Féin and the Technical Group, or persons nominated in their stead, who shall be called upon in that order, shall not exceed 30 minutes in each case and such Members may share their time. The speech of each other Member called upon, who may share his time, shall not exceed 15 minutes in each case. The Dáil shall sit tomorrow at 10.30 a.m. and shall adjourn not later than 4 p.m. and there shall be no Order of Business within the meaning of Standing Order 26 and accordingly, the business to be transacted shall be as follows: No. 2, Transport (Córas Iompair Éireann and Subsidiary Companies Bill 2012 [Seanad] - Second Stage, which shall if not previously concluded be brought to a conclusion at 1.30 p.m.; No. 17 Statements on the Report of the Expert Group on the Judgments in the A, B and C v. Ireland Case (resumed).

The Dáil shall sit on Monday, 10 December 2012 at 10.30 a.m. and shall adjourn not later than 4.30 p.m. and there shall be no Order of Business within the meaning of Standing Order 26 and accordingly the business to be transacted shall be: No. 17, Statements on the Report of the Expert Group on the Judgment in the A, B and C v. Ireland Case (resumed). The Dáil shall meet on Tuesday, 11 December 2012 at 11 a.m. and the business to be transacted from 11 a.m. until 1.05 p.m. shall be No. 16a, motion re proposed approval by Dáil Éireann of the State Airports Act 2004 (Shannon Appointed Day) Order 2012, the proceedings on which shall, if not previously concluded, be brought to a conclusion at 1.05 p.m. and the following arrangements shall apply: the opening speeches 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, shall not exceed 15 minutes in each case and such Members may share their time, the speech of each other Member called upon, who may share their time, shall not exceed ten minutes, and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; the sitting shall be suspended on the conclusion of No. 16a or at 1.05 p.m., whichever is the later, until 2 p.m., whereupon the normal order of the day shall commence with Oral Questions.

An Ceann Comhairle: There are six proposals to be put to the House. Is the proposal that

the Dáil shall sit later than 5.45 p.m. tonight and shall adjourn on the conclusion of Topical Issues, and the sitting shall be suspended at 3 p.m. today for 30 minutes agreed? Agreed. Is the proposal for taking Topical Issues and Nos. 1, motion re Standing Orders relative to Private Business, and 12a Supplementary Estimate for Public Services [Vote 37], without debate agreed? Agreed. Is the proposal for dealing with No. 19, Financial Motions by the Minister for Finance, agreed? Agreed. Is the proposal for the sitting and business of the Dáil tomorrow agreed? Agreed. Is the proposal for the sitting and business of the Dáil on Monday next agreed?

Deputy Mary Lou McDonald: It is not agreed. I presume it is deliberate that we are being afforded so little time to debate the budget. Next week, as we know, will be taken up with the social welfare Bill. We have had some debate on the expert report and while I fully appreciate that more consideration is necessary, at a minimum we need to change the order for Monday to allow Members of the Dáil to have a full debate on the provisions of the budget. It would be very ironic if this was being discussed everywhere throughout the length and breadth of the country bar in here. I ask that the Government reconsider the order for Monday and make allowance for that debate.

Deputy Pat Rabbitte: I cannot change the order for Monday.

Deputy Mary Lou McDonald: Why?

Deputy Pat Rabbitte: The Deputy will be aware that it was she and others who sought that we would make special provision, as we have done, to discuss the report of the expert group on the A, B and C v. Ireland case. Uniquely in my experience, we will be sitting for five days next week. Apart from that, the social welfare Bill, a central part of the budget, will be taken next week as will the property tax Bill on Friday. There will be more than adequate time for whatever contributions the Deputy wants to repeat. If she believes that is inadequate, I am happy to ask the Whips to facilitate her and leave it open-ended if that is what she wishes. However, we cannot change the order for Monday.

Deputy Mary Lou McDonald: A Ceann Comhairle-----

An Ceann Comhairle: I am sorry, we cannot have a debate.

Deputy Mary Lou McDonald: I am asking for your guidance on this matter. It is not to facilitate me, but to facilitate the Members of the Dáil. This is a democratic forum and it is a budget. Why can the business not be reordered? Can you give us clarity on that?

An Ceann Comhairle: Government business is set by the Government.

Deputy Mary Lou McDonald: We have a member of the Government sitting opposite.

An Ceann Comhairle: We cannot amend it. The Deputy can object to the proposal as she is doing. If there is a majority in favour of that objection, then the business can be changed. It is my business to put the question.

Question put: "That the proposal for dealing with No. 5 be agreed to."

The Dáil divided: Tá, 78; Níl, 41.	
Tá	Níl

Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Breen, Pat.	Broughan, Thomas P.
Burton, Joan.	Browne, John.
Butler, Ray.	Calleary, Dara.
Buttimer, Jerry.	Collins, Joan.
Byrne, Eric.	Collins, Niall.
Cannon, Ciarán.	Colreavy, Michael.
Carey, Joe.	Cowen, Barry.
Collins, Áine.	Crowe, Seán.
Conaghan, Michael.	Ellis, Dessie.
Conlan, Seán.	Ferris, Martin.
Connaughton, Paul J.	Flanagan, Luke 'Ming'.
Conway, Ciara.	Grealish, Noel.
Corcoran Kennedy, Marcella.	Healy, Seamus.
Costello, Joe.	Kelleher, Billy.
Coveney, Simon.	Kitt, Michael P.
Creed, Michael.	Mac Lochlainn, Pádraig.
Daly, Jim.	McConalogue, Charlie.
Deasy, John.	McDonald, Mary Lou.
Deering, Pat.	McGrath, Finian.
Doherty, Regina.	McGrath, Mattie.
Donohoe, Paschal.	McLellan, Sandra.
Dowds, Robert.	Martin, Micheál.
Doyle, Andrew.	Moynihan, Michael.
Durkan, Bernard J.	Murphy, Catherine.
English, Damien.	Nulty, Patrick.
Farrell, Alan.	Ó Caoláin, Caoimhghín.
Feighan, Frank.	Ó Cuív, Éamon.
Flanagan, Charles.	Ó Fearghaíl, Seán.
Flanagan, Terence.	Ó Snodaigh, Aengus.
Hannigan, Dominic.	O'Brien, Jonathan.
Harrington, Noel.	O'Dea, Willie.
Harris, Simon.	O'Sullivan, Maureen.
Heydon, Martin.	Pringle, Thomas.
Humphreys, Heather.	Ross, Shane.
Humphreys, Kevin.	Shortall, Róisín.
Keating, Derek.	Smith, Brendan.
Keaveney, Colm.	Tóibín, Peadar.
Kehoe, Paul.	Troy, Robert.
Kelly, Alan.	Wallace, Mick.
Kenny, Seán.	

Dáil Éireann

Kyne, Seán.	
Lawlor, Anthony.	
Lynch, Ciarán.	
Lynch, Kathleen.	
Lyons, John.	
McFadden, Nicky.	
McGinley, Dinny.	
McHugh, Joe.	
McLoughlin, Tony.	
McNamara, Michael.	
Maloney, Eamonn.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Mulherin, Michelle.	
Murphy, Dara.	
Murphy, Eoghan.	
Neville, Dan.	
Nolan, Derek.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Dowd, Fergus.	
O'Mahony, John.	
Phelan, Ann.	
Phelan, John Paul.	
Quinn, Ruairí.	
Rabbitte, Pat.	
Reilly, James.	
Ring, Michael.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Wall, Jack.	
Walsh, Brian.	
White, Alex.	

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 6 agreed to? Agreed.

The time has expired for the Order of Business, therefore, I am obliged to move on.

Standing Orders Relative to Private Business: Motion

Deputy Jack Wall: I move:

That, in respect of the Report of the Joint Committee on Standing Orders (Private Business) on the Revision of Standing Orders (Private Business) 1939, dated 7th November, 2012, and with immediate effect, the amendments to the Standing Orders relative to Private Business 1939 in Appendix 2 to the Report be adopted.”

Question put and agreed to.

Deputy Luke ‘Ming’ Flanagan: On a point of order.

Education (Welfare) (Amendment) (No. 2) Bill 2012: First Stage: Second Stage [Private Members]

Deputy Jonathan O’Brien: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Education (Welfare) Act 2000 to impose mandatory requirements on the board of management of recognised schools to adopt counter bullying and preventative measures which are to be implemented by the board of management and to direct the Minister for Education to introduce regulations based on existing guidelines and to ensure these regulations are reviewed.

An Ceann Comhairle: Is the Bill opposed?

Minister for Communications, Energy and Natural Resources(Deputy Pat Rabbitte):
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 Jonathan O’Brien: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

Deputy Luke ‘Ming’ Flanagan: If the Ceann Comhairle does not want to listen to me, I will say it anyway. Will the Ceann Comhairle desist from talking about me to the national media?

An Ceann Comhairle: Would the Deputy mind addressing the Chair? I ask him to resume his seat.

Deputy Luke ‘Ming’ Flanagan: Will he desist from insulting me in the national media?

(Interruptions).

An Ceann Comhairle: Will the Deputy resume his seat? If Deputy Flanagan sits down I will call him.

Deputy Luke ‘Ming’ Flanagan: Let me make my point.

An Ceann Comhairle: Please sit down and I will call you. Let me make it quite clear that when the time for the Order of Business expires, it is my job to proceed with the business. I was doing so, and in the middle of it no one is entitled to start shouting a point of order which has nothing to do with the business I am reaching. If the Deputy has a point of order, now that I am finished, I will listen to it. What is Deputy Flanagan’s point of order?

Deputy Luke ‘Ming’ Flanagan: My point of order is this morning I got up waiting to talk to various-----

(Interruptions).

An Ceann Comhairle: What is the Deputy’s point of order?

Deputy Luke ‘Ming’ Flanagan: May I speak without interruption?

Deputy Frank Feighan: Was Deputy Flanagan still in his pyjamas?

An Ceann Comhairle: Please allow the Deputy to make his point of order. Please proceed, Deputy.

Deputy Luke ‘Ming’ Flanagan: I will proceed if it is without interruption, but it has not been so far.

An Ceann Comhairle: Please proceed, Deputy.

Deputy Luke ‘Ming’ Flanagan: If it is without interruption. The point I wish to make is, this morning when I got up I received a phone-----

(Interruptions).

Deputy Luke ‘Ming’ Flanagan: This is a farce. Am I not allowed to speak? I was elected to this House and I am not being allowed to speak. Every time I attempt to speak-----

An Ceann Comhairle: Will the Deputy please proceed?

Deputy Luke ‘Ming’ Flanagan: -----they insult me and cut across me.

An Ceann Comhairle: Please proceed.

Deputy Luke ‘Ming’ Flanagan: The point I wish to make is to ask the Ceann Comhairle to desist from making comments to the national media about the way I and other Members of the House dress.

6 December 2012

An Ceann Comhairle: That is not a point of order.

Deputy Luke 'Ming' Flanagan: This morning I received a call from my wife to tell me my children-----

(Interruptions).

Deputy Luke 'Ming' Flanagan: Am I not allowed to make a point in the House?

An Ceann Comhairle: Excuse me, Deputy, please sit down.

Deputy Luke 'Ming' Flanagan: My children are being teased because of the comments the Ceann Comhairle is making about me.

An Ceann Comhairle: Please be seated. I did not make any-----

Deputy Luke 'Ming' Flanagan: I want an apology. The Ceann Comhairle's comments are making-----

An Ceann Comhairle: Please sit down.

Deputy Luke 'Ming' Flanagan: -----my life and my family's life difficult.

An Ceann Comhairle: I am going to suspend the sitting.

Sitting suspended from 11.32 a.m. to 11.37 a.m.

An Ceann Comhairle: Before recommending business, I want to repeat what I stated prior to suspending the sitting. I did not in any article mention any Deputy in relation to his or her dress code.

Personal Apology by Minister

An Ceann Comhairle: I understand that the Minister, Deputy Rabbitte, wishes to correct the record.

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): In the heat of exchanges with Deputy Cowen, I made a remark which I regret and I want to withdraw.

I knew the former Taoiseach, Mr. Brian Cowen, better than most in this House. I have a great deal of regard for the fact that, like his father before him, he did his public service in this House according to his own lights. I regret the remark I made and I want to withdraw it on the record.

Estimates for Public Services 2012

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I move:

“Estimates for Public Services [2012]:

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

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2012, for the salaries and expenses of the Office of the Minister for the Environment, Community and Local Government, including grants to Local Authorities, grants and other expenses in connection with housing, water services, miscellaneous schemes, subsidies and grants.

Vote 37 — Social Protection (Supplementary Estimate).

That a supplementary sum not exceeding €685,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2012, for the salaries and expenses of the Office of the Minister for Social Protection, for certain services administered by that Office, for payments to the Social Insurance Fund and for certain grants.

Vote 39 — Health Service Executive (Supplementary Estimate).

That a supplementary sum not exceeding €360,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2012, for the salaries and expenses of the Health Service Executive and certain other services administered by the Executive, including miscellaneous grants.”

Votes put and agreed to.

Financial Resolutions 2013

Financial Resolution No. 15: General (Resumed)

Debate resumed on the following motion:

THAT it is expedient to amend the law relating to inland revenue (including value-added tax and excise) and to make further provision in connection with finance.

--(Minister for Education and Skills).

An Ceann Comhairle: I call on the Taoiseach to speak on to the motion.

The Taoiseach: Yesterday the Ministers, Deputies Noonan and Howlin, delivered the Government's second budget. This is not an easy budget for the people of Ireland nor could it have been, but it is a necessary step as part of our long-term plan for economic renewal. This budget is about supporting jobs, and about ensuring that the burden of the adjustment is fair. To fulfil

our potential as an economy and as a country, we have to restore the public finances to a healthy condition. That is our real challenge as a country.

The budget will deliver the necessary fiscal adjustment, but it will also provide extra support for job creation and for small Irish businesses. Our role is to build the supportive environment so that the private sector can deliver the jobs that our people and our economy need.

I do not accept that we must be saddled indefinitely with current high rates of unemployment, slow growth and a squeeze on disposable incomes. These are neither inevitable nor tolerable. Our ambition is to move beyond the progress achieved to date, and to tackle these key issues head on.

Without the difficult action taken by the Government, the economy would not be on a solid pathway towards recovery and growth once again. Since taking office less than two years ago, the Government has worked to address the economic crisis we inherited from the previous Administration.

Some commentators attribute all of our economic difficulties to the banks and the enormous bailouts given to them by the previous Government. The reckless behaviour of banks and the equally reckless bank bailouts of the previous Government remain a major burden on the Irish people, and one which our European partners have now promised to reduce through renegotiation of the bailout deal, but reducing the burden of the bank bailouts will not, by itself, keep our economy on a sustainable path back to prosperity and full employment. This requires that we tackle with equal determination the two other economic legacies of recent Fianna Fáil-led Governments - the damage done to our export and foreign direct investment-led economic model during the credit-fuelled property boom and the massive underlying deficit we inherited in the public finances.

Even if the State had no banking-related debts whatsoever, we would still be dealing with an unprecedented gap between Government revenues and spending - the legacy of the reckless unfunded spending commitments of the previous Government and its "when we have it we spend it" philosophy. Even if the State had no banking-related debts whatsoever, we would still be dealing with the massive job-destruction legacy of the property and construction crash - the legacy of what one might call the "Galway tent" school of economics that left hundreds of thousands of our people without work and in need of re-skilling for the more sustainable, enterprise-led economy that we are trying to recreate.

Since taking office less than two years ago, the Government has worked hard to address the economic difficulties we inherited. We have prioritised fixing the public finances, restoring the banking system to some sense of normality, and supporting job creation and economic growth. Our economy finally returned to growth last year with GDP increasing by 1.4%, the first annual increase in GDP since 2007. We anticipate further modest growth this year. It proves that the Irish economy can grow even during a period of necessary and difficult budgetary consolidation and in a very challenging international environment.

The labour market has shown encouraging signs of stabilisation in recent months. While unemployment is still unacceptably high and its effects are felt far too wide, the most recent quarterly figures show that the employment situation has stabilised. The pro-job measures in the budget aim to build on these tentative steps to encourage greater job creation and investment.

Over the past year 20,000 new private sector jobs have been created following the loss of over 250,000 jobs in the private sector during the previous three years. The package of measures in the budget announced yesterday aimed at the small business sector will encourage businesses throughout the country to start expanding and hiring again. They will restore a much needed measure of confidence to the job creation sector.

The budget is a building block in the transition from the old failed economic plan based on property speculation and debt to a new competitive Irish economy based on enterprise, exports and innovation. That competitiveness is crucial for continued investment so that jobs can be created.

We have also seen signs of stabilisation in other parts of the economy, such as the property market. Residential property prices show a modest increase over the most recent three-month period, and the pace of annual decline is at its slowest since September 2008. While there is some way to go before the market returns to more normal levels, the latest surveys show the past quarter having the largest volume of mortgage loans issued since the end of 2010 - 3,983 for the third quarter of the year.

Budget 2013 also sees Ireland continue to face up to its economic challenges. Ireland and its people are recognised internationally for its sensible and pragmatic approach in dealing with our financial difficulties. This has greatly helped the Government in its important work of restoring Ireland's international reputation, which, as the House will be aware, had been badly damaged under the previous Administration. We continue to make very significant progress and there are many clear signs that Ireland's reputation has steadily improved.

In recent months the country has taken its first steps to restoring its economic independence by returning to the international markets for funding. Both pillar banks have raised money in the markets without State guarantee. Last year saw exports reach new heights of a record €173 billion - some 10% higher than in 2007, the highest pre-crisis figure. A good export performance is expected again this year. Nobody can deny the importance of that.

Budget 2013 will build on this progress by reducing the transport and export costs of small and medium sized businesses. Export transport is provided by hauliers, the majority of whom themselves are small businesses. I am pleased to note the introduction of a rebate on diesel with effect from the middle of next year.

This will also benefit the export orientated foreign multinational sector. Over the past year we have seen a strong line of investment decisions from new and existing multinationals creating thousands of new jobs.

Important job announcements from both indigenous and foreign companies include the Kerry Group, Voxpro, Paddy Power, EA Games and Arvato Finance, to name but a few. These are all strong signs of confidence in Ireland and show that our considerable efforts to rebuild our reputation are bearing fruit. A significant amount of work remains to be done and the challenges before us are great.

We will continue to work to enhance our international reputation. Our EU Presidency, starting in January, will give us another opportunity to demonstrate our strengths as a nation. The one thing that no money can buy, however, is a reputation for hard work, creativity, skill and strength of character. The Government is not complacent about the challenge ahead. We acknowledge and fully understand the hard work of the Irish people to get us to this position.

They know that there are no easy answers to restoring this country's prosperity and future progress. I thank them for their indulgence, understanding and patience.

Despite the many changes made as a country, we continue to spend more than we collect in revenue. This has to be addressed. Fixing our national finances and putting them back on a sound footing is an absolute prerequisite for job creation and economic growth. It is absolutely necessary for confidence and certainty in our economy. To this end, the Government remains fully committed to the 2013 deficit ceiling of 7.5% of GDP and to reducing our deficit to below 3% of GDP by 2015. For 2012, we will be well within our deficit target agreed with the troika.

In May, the Irish people voted overwhelmingly to ratify the fiscal stability treaty. This much needed reform will ensure that governments now and in the future will manage the public finances appropriately and sustainably, so that what happened in the past will never recur. In recognition of mistakes made by previous governments, this budget has broadened the tax base. For too long, successive governments have relied on a very narrow source of revenues. The introduction of a fair, progressive and proportionate property tax will help us to address the budget deficit and will help to avoid additional taxes on income. Increasing income taxes at this time would only serve to destroy jobs, hit working families and affect our competitiveness. These families and their futures are the central focus of this budget.

As the Minister for Finance reiterated in his speech, in order to underpin the high levels of foreign direct investment and sustain indigenous enterprise and job creation, we will maintain Ireland's 12.5% rate of corporation tax, which is a long-standing and core element of our enterprise strategy. Ireland's corporation tax regime is transparent, easy to navigate and very close to the effective rate of 11.9%. This is to provide certainty to Irish businesses so that they can plan for the future with clarity and confidence, and thereby create more jobs.

Obviously, the Government is not satisfied with the high level of unemployment throughout the country. For this reason we have deliberately focussed on job creation and are committed to ensuring that our policies support strong and sustainable employment growth. We are committed to adding 100,000 jobs to the economy by 2016 and to have 2 million people in employment by 2020. To achieve this, as I have said on many occasions, I want Ireland to be recognised as the best small country in the world in which to do business by 2016.

Earlier this year we launched a comprehensive and detailed action plan on jobs. That action plan is about taking incremental and necessary steps right across Government to support enterprises to grow, create and retain jobs - quarter by quarter, reform by reform and step by step. In tandem with our action plan, we launched Pathways to Work, which is a fundamental reform of the way we support, engage with and treat jobseekers. The recently launched new, integrated service Intreo transforms the way we support jobseekers back into jobs, treating people looking for work as real contributors to our society and not as mere statistics. This new service is already working well, offering new hope and new opportunities for the future.

We have sought to maximise private investment in much needed infrastructure. Last year, we announced the establishment of NewERA and the Strategic Investment Fund. NewERA is a key commitment in the programme for Government and is central to the Government's plans for job creation, investment and reforming how the Government manages its semi-State companies. In August, the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, published a national broadband plan which sets ambitious targets for the roll-out of high-speed broadband throughout the entire country. Some 200 secondary schools are cur-

rently being connected throughout the country as part of that plan, thus giving young people the opportunity to connect with the world.

To improve the availability of credit for business, the credit guarantee scheme commenced in October of this year. Initially, the scheme will facilitate up to €150 million of additional lending per annum to small and medium enterprises, in addition to the lending targets set for the pillar banks. It will provide a 75% State guarantee to banks against losses on qualifying loans to firms with growth and job creation potential. A microfinance scheme also opened for business in October. This will provide loans on a commercial basis for start-up businesses and micro-enterprises, which are very important for communities all over the country. Over a ten year period, it is expected that over €90 million in additional lending will be provided to 5,500 micro-enterprises with the potential to support the creation of an anticipated new 7,700 jobs. This drive is being led by the Minister of State at the Department of Jobs, Enterprise and Innovation, Deputy Perry.

This budget is about building on the progress of the past 18 months to create more jobs and support small Irish businesses. It introduces further measures to support Irish business and sustain our economic recovery. As in our first budget, we have not raised income tax. We want to make work pay for families. We do not want to add extra taxes onto jobs and investment, which would be a step back on our path of national recovery.

Supporting small and medium-sized Irish businesses, which have a presence in every townland across the country, is absolutely essential if we are to get our country working again. Therein lies the key to Ireland's future prosperity. The ten-point tax plan for small business is therefore a central feature of this year's budget. The plan includes a series of measures that, taken together, will make a real difference to small and medium enterprises. New measures in that plan include, first, a 25% increase in the threshold for VAT cash receipts basis accounting, to improve cashflow for small and medium enterprises, which is so important and so often raised with us. The threshold will be increased from €1 million to €1.25 million. Second, a doubling of the amount of expenditure on research and development by small and medium enterprises eligible for tax credit, to support more innovation by businesses. The threshold has been increased from €100,000 to €200,000. I see evidence of this all over the country when I visit these small and medium enterprises. This issue means real progress for many such SMEs. Third, extending the employment investment and incentive scheme, which was due to run out in 2013, to 2020. This supports investment in businesses by providing tax relief of up to 41% on investments up to €10 million in companies. This extension gives clarity and definition to the horizon for planning and investment by these companies. Fourth, measures to reduce the burden of tax compliance for start-ups and small businesses, including an extension of the three-year corporation tax relief scheme and moves to look at ways of reducing costs of compliance for micro businesses. As Ministers are aware after engaging with so many businesses around the country, this is an issue that has been raised on many occasions. Fifth, an extension of the foreign earnings deduction scheme, to support companies putting personnel abroad - or "boots on the ground", as they say - in eight more countries, which will help our agricultural sector in particular to export more. I am always enthused by the energy and ambition of so many young people to work abroad in promoting Ireland and selling the country's brand products. This extension of the foreign earnings deduction scheme to eight new countries offers opportunities for further trade, exports and therefore more jobs all over the country here in Ireland.

As we know, credit is the lifeblood of business and this is recognised in the budget.

12 o'clock

The Government has provided for the delivery of a range of new and improved supports for companies in need of credit and is using resources to leverage funding from the private sector to provide credit for all business sectors. Among the new initiatives in this regard is a €700 million seed and venture capital scheme in which €175 million in Exchequer funding is expected to leverage a further €525 million in private sector funding. I strongly support this and expect that more than 100 innovative Irish companies will benefit with the potential for the creation of thousands of jobs and hundreds of millions of euro in additional exports expected as a consequence. An additional Exchequer allocation of €25 million under the development capital scheme will now provide a total of €225 million in funding to mid-sized indigenous firms to target the development of a really strong indigenous sector comprised of strong indigenous companies. The National Pensions Reserve Fund is also developing a range of support funds for the small and medium enterprise sector, initially ranging in size from €100 million to €400 million, to provide equity, credit and recovery investment.

Another area in which I perceive great potential for Irish business and especially the tourism sector is the extension and reform of the Irish film relief scheme. The decision to extend the film tax relief scheme to 2020 will put Ireland on the map and make us even more attractive for foreign film and television productions. This is an area the Government intends to pursue strongly in the new year and I note the hospitality sector also will gain from the retention of the lower level of VAT. I want Irish agencies to promote Ireland proactively in major production centres around the world. We have the talent and support services, as well as a land and cityscape, that should be attracting new business and productions.

The budget is fair because at its heart is a plan to create new opportunities for jobs and income growth for struggling low and middle-income families. There is no doubt that this is a difficult budget and it will have an impact on families across Ireland. However, it is as fair and equitable as possible. The Government has ensured that those who can afford to contribute most will do so. Primarily, it is supporting hard-working families struggling to make ends meet by not increasing income taxes. Moreover, it is providing an additional 6,000 after-school child care places to help hard-pressed working families balance working and family life. It is ensuring that everyone makes a contribution to the national effort by widening the tax base and introducing a property tax, including a higher rate for those who have houses worth more than €1 million.

While it is true that the Government wants to encourage those on average incomes to save for pensions, it can no longer allow pensions of the scale previously accepted to be accumulated at the expense of taxpayers. In this regard, tax relief on pension contributions will only serve to subsidise pension schemes that deliver incomes of up to €60,000 per annum. Tax relief on pension contributions will continue at the marginal rate of tax and the pension levy announced as part of the jobs initiative will not be renewed after 2014. In addition, while it will only contribute a modest amount to the total fiscal adjustment, the Government has introduced new reforms to political pay, expenses and allowances. It was an overdue step to introduce vouched expenses for politicians. It has also ended the practice of severance payments for officeholders and has introduced proper auditing of the leader's allowance following a cut of 10%. In the new year, I expect to appoint a referendum commission on a permanent basis. Next autumn will see the people decide on the future of Seanad Éireann by referendum and consideration will also be given to recommendations put forward by the Constitutional Convention.

This budget is a building block in the transition to a new enterprise-focused economy. It will ensure we reduce our deficit towards a more sustainable level. It has introduced a number of targeted measures to support business, job creation and growth across all sectors. The Government will do everything it can in 2013 to make sure its policies support job creation and growth. The measures announced in this budget are only the first steps in this effort. Work is well advanced on our action plan for jobs report for 2013, which will be published early in the new year. The Government will continue to work with our European partners to address banking debt issues, which are of such importance to us and I note Ireland's Presidency of the Council of the European Union commences formally in January.

A Cheann Comhairle, I wish to acknowledge the severe and damaging impact on Ireland as a result of the economic crisis of recent years. The scale of the cumulative budgetary adjustments to date, though necessary, has been painful and challenging and is very difficult. Every day, I speak to people who share their experiences of hardship, whether through losing a job or as a result of the impact of changes to valued public services. The Government is committed to making sure it does everything in its power to restore this country's economic prosperity in everyone's interests. Just as I expect our country to emerge from the troika programme next year, so too do I intend to put an end to austerity budgets and while this will not be easy, it is achievable. One must not forget or neglect the many strengths of this country. We have faced a very serious and destabilising economic crash, unprecedented in its scale and have done what has been necessary.

I see a bright future ahead for our people. We have already seen many positive signs including renewed private sector job creation, sustained and significant foreign investment, strong exports and restored access to international funding markets. I acknowledge these developments may not yet translate into visible improvements at the local and community level. We are on a difficult journey but we are travelling with a sense of purpose, a clear objective and a clear goal. My vision of Ireland is one where those who are unemployed can find jobs, where rising incomes reward hard work, where the most vulnerable in our society are supported by reformed and reinvigorated public services and where we can grow old with a sense of dignity. This is a fair, equitable, and pro-jobs budget. The Government has set the country on the path to recovery and will get Ireland working again. I commend the budget to the House.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): This is a difficult and hard budget that will hit many people's pockets. However, it also is a necessary, honest and fair budget. This budget is not an end in itself but is a step that, as a country, we must take on the road to recovery. This is the budget that takes us 85% of the way and it is a bridge to the future. For weeks, all one has heard from the Opposition is fairytale economics. As for Fianna Fáil, there is no such thing as BC or AD as history begins in March 2011. As for Sinn Féin, what it does in government in Northern Ireland has absolutely no bearing on what its Members say down here and for the Technical Group, arithmetic is an imperialist plot.

We would all love to go back in time and to start again from a different and more favourable place. We would all like to undo and roll back the damage that was done to the people by the greed of the few. While it would be wonderful if a small group of other people could pay for everything, the Irish people know that is not possible. What we can and must do is repair the damage, pursue the guilty and then wipe our feet on the mat and move on. This budget is a bridge to the future, because it is necessary to get us from where we are to where we need to be. The mission of the Government is simple, namely, to fix the economy in order that it works for the people and delivers for the needs of the many, not the greed of a few. Moreover, the

Government's means of doing that is not by shouting at the problem but by taking the difficult yet necessary decisions that must be taken.

There are many in this House whose favourite word is "austerity" and the word is bandied around at every possibility. However, the Government is not engaged in a policy of austerity. It is engaged in a policy of solvency. Our country is in an EU-IMF programme because the last Government reached a point where no-one would lend money to Ireland. After 14 years of misgovernment and after the fatal mistake of the bank guarantee that Sinn Féin supported, the point was reached at which no-one would lend Ireland money at any price. That is the key point as a country that cannot fund itself cannot function, and the economy of that country cannot function either. Once the creditworthiness of the State is undermined, there are profound implications for the rest of the economy, for firms large and small and for families young and old.

The first step on the route to recovery is to restore financial stability and rebuild the creditworthiness of the economy. This budget is part of that process. Such was the extent of the property bubble that this year, even after all the consolidation we have done, the Government will take in €12.6 billion less than it will spend. We will borrow €42 million per day to finance the State. That is simply not sustainable or just, as we are passing on debt to the next generation. This budget takes us another step closer to bridging that gap and bringing our deficit down to a sustainable level.

The Government has been clear that fiscal consolidation on its own will not solve our problems. We have a three-dimensional crisis and we need a three-dimensional solution involving restructuring the banks, dealing with the budget deficit and doing everything possible to promote employment. Our employment strategy is itself built on a number of pillars, each of which involves major programmes of change and reform. During the summer, we launched a major stimulus package, progress on which was reported in the statement by the Minister for Public Expenditure and Reform, Deputy Howlin, yesterday. Pathways to Work is nothing less than a transformation of the way in which we think about and deliver social welfare services. Yesterday, my colleague, the Minister for Social Protection, Deputy Joan Burton, was able to announce a further 10,000 activation places to assist people on the live register. The Minister for Jobs, Enterprise and Innovation, Deputy Bruton, is driving the implementation of a suite of supply side and competitiveness measures and working with other colleagues to develop a plus-one initiative to tackle long-term unemployment. The Minister for Finance, Deputy Noonan, yesterday announced a suite of measures to assist small business and the agrifood sector, including funding for enterprise from the strategic investment fund, to add to measures taken last year.

The domestic economy, which is still a major challenge, is beginning to stabilise. The budget measures announced last year assisted the normalisation of the property market that is taking place, and further measures on commercial and residential property are contained in this year's budget. Allowing early withdrawal of additional voluntary contributions, AVCs, which has the potential to stimulate domestic activity, will be provided for in the new finance Act. The Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, is bringing forward a major programme to promote construction activity in the retrofit area.

The biggest drain on the domestic economy is the uncertainty and fear that surrounds the problem of household debt. Before the end of the year, the Personal Insolvency Bill, a massive undertaking, will pass all Stages in the House, and the personal insolvency service will go live on 1 February. As families begin to sort out their debt issues and as others see there is light at

the end of the tunnel, we will begin to see an impact on consumer confidence and investment.

In my own portfolio, the Minister for Finance, Deputy Noonan, announced the extension of the foreign earnings deduction for companies that are sending key personnel to develop new trade opportunities in developing countries and emerging markets. We are expanding support for exporters so that the foreign earnings deduction will now include Africa, a continent home to seven of the world's ten fastest growing economies. In particular, we are targeting Algeria, the Democratic Republic of Congo, Egypt, Ghana, Kenya, Nigeria, Senegal, and Tanzania.

Nobody in this Government is under any illusion about the scale of the challenge we face. The problem of unemployment and the tragedy of forced emigration are a significant loss of human and economic potential to our country. We all know that the export sector is performing well but the domestic economy is still a major issue. Nonetheless, where there are signs of progress, we should acknowledge them.

The notional cost of borrowing as expressed in the bond yield has fallen to new low levels. The National Treasury Management Agency is making a phased return to the market and yield on long-dated paper is today approximately 4.5%. Several major Irish banks and companies have been able to borrow money on international markets, our bank deleveraging programme is on target, and we are progressively reducing our reliance on European Central Bank funding. In the last quarterly national household survey, there were modest signs of recovery in private sector employment. Export performance remains strong. The economy is growing again and our balance of payments surplus for this year is expected to reach 3.4% of GDP in a sign that our economy can reduce debt and grow at the same time.

To sustain that progress, there is no alternative to getting our public finances under control. A deficit of 8.2% of GDP, while falling, is still extraordinarily high and we must reduce it; there is no good or painless way to do that. The measures contained in this budget will affect many people but we can say the budget is fair. We have protected weekly rates of social welfare because we believe that as a people we must look to the needs of those on the lowest incomes. To achieve this end, both Ministers, Deputies Howlin and Noonan, have found resources to reduce the quantum of measures needed in social protection from €540 million to €390 million. Although difficult measures are being taken, we have also found resources to take a number of positive steps, including 6,000 additional after-school child care places for low income parents and an additional €2 million for school meals.

We have also made an important commitment to an area-based child poverty strategy, which will build on a number of highly successful pilot projects that were jointly resourced by the State and Atlantic Philanthropies. I pay tribute to Atlantic Philanthropies for the vision it has shown and the results that have been achieved in developing these schemes. I am hopeful that our partnership will continue, and I congratulate Deputy John Lyons in particular on the work he has done in promoting this cause.

Despite the immensely difficult financial circumstances, we have managed to find resources to continue providing new social housing units and to maintain the effort in urban regeneration. This fairness agenda was only possible because we found additional resources from a tax package which is manifestly fair and which asks most of those who have most. The tax measures in this budget are reforming and progressive. The budget measures contain a wealth tax package that amounts to over €500 million in full-year terms. Several of these measures will take time to introduce precisely because they are fundamental changes to the structure of the tax system.

The wealth tax package includes the reduction in the standard fund threshold so that the State will no longer subsidise pensions of more than €60,000 per annum. There is a progressive structure in the property tax so that houses valued at more than €1 million will pay a higher rate of 0.25%. Changes to PRSI will mean that unearned incomes will also be liable to social insurance contributions and there will be a higher rate of universal social charge on pensions over €60,000 and a €200,000 cap on top-slicing relief. There will be increases in the rates of capital taxes, which bring all rates to 33%, and a 10% reduction in the thresholds for capital acquisitions tax. These rates now mean there is a far greater parity between taxes on capital and taxes on labour, ending a distortion introduced by Fianna Fáil. The vast bulk of these taxes will be borne by those who are better able to bear them. This is a real wealth tax package, in contrast to the make-believe fairy tale figures that every Sinn Féin Deputy is ordered to parrot.

The reform of pensions policy comes after years of debate and analysis that highlighted the inequity of what was once some €3 billion in tax reliefs. By capping relief rather than standard rating, we are maintaining an incentive for people on middle incomes to contribute to their pensions while removing the biggest tax shelter in the Irish tax code. The scale of this reform is such that it will bring some €250 million into the Exchequer and affect some 30,000 higher earners.

The introduction of a property tax will impact significantly on households across the country. I do not expect people to be happy about paying a property tax but it must be recognised that this is a major reform that will provide a stream of revenue to local authorities without taxing work and will enhance the quality of local democracy. Those who oppose the property tax will have to explain to their electorates how they intend to provide services on the very same streets they are canvassing. When combined with the changes to local government announced by the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, we are driving the most fundamental modernisation and reform of local government since 1898.

This budget is not only about deficit reduction but also about reform. It is not only about building a financial bridge to a more stable future but also about shaping that same future. While this financial crisis imposes real constraints on what the Government can do, it is also the case that we are not wasting the crisis. This budget has prioritised education by reducing to a minimum the expenditure reduction measures in the Department of Education and Skills. There is an increase in capital spending to provide schools to serve demographic needs. We are driving ahead with fundamental reforms of what happens in the classroom, including junior certificate reform, the national literacy and numeracy strategy and a sensitive reappraisal of the position on patronage.

In social protection, we are developing a system that is far better suited to the needs of a modern open economy, in line with principles similar to the “flexicurity” approach driven by social democrats in Scandinavia. While social protection needs to provide income support for those who lose jobs or suffer illness, we are moving to a system whereby one’s first day on the live register is also one’s first day on the route back to education, training and a job.

In health, we are driving ahead with our primary care strategy and have published a road-map setting out the steps towards universal health insurance. Despite all the financial problems and the planning issue thrown up by the mistakes of the previous Government, we will begin construction of a national children’s hospital.

Notwithstanding the many financial constraints we face, the Minister for Justice and Equal-

ity, Deputy Alan Shatter, has been one of the most reforming justice Ministers of the modern era and has made real strides on penal reform with limited resources. In addition, the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, is working to end the practice of committing 17 year olds to St. Patrick's Institution.

After a series of hard budgets, we now have an income tax code which is among the most progressive in the developed world. This budget makes the system even fairer. The challenge we face, however, is to ensure that when people pay their taxes, the State makes the best possible use of their money. The work the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, is doing in driving reform in the public service is driven by that principle. I am committed to ensuring we have the best quality, service driven public services. To achieve this objective we need to make the best possible use of public funds. Such is our commitment to better schools, hospitals and local services that we are determined to take back control of our financial destiny.

We are also bringing transparency and reform to the system of political funding. I note that no single measure caused as much outrage among members of the Technical Group yesterday as the suggestion that they be required to audit their leader's allowance in the same way as political parties.

Deputy Catherine Murphy: That is not true.

Deputy Eamon Gilmore: The hypocrisy we have heard from that quarter now comes with a price attached.

Deputy Catherine Murphy: Shame on the Tánaiste.

Deputy Eamon Gilmore: For the people of Ireland, what this budget does is bring the end into sight. No one can understate the sacrifices and no one should overstate what has been achieved. However, we can see progress and it is being made with a purpose. Even in these most difficult times, we have the resources to drive important reforms and we have protected those who most need to be protected.

This is the centenary year of the Labour Party. The men and women whom I have the honour to lead in this House know full well the cost this budget will bring to the families and communities they represent. However, they also know this budget is not about today or tomorrow but is a bridge to the future. Delivering it is part of our commitment to bringing our country back from the abyss to a stronger better future. While none of this is easy, it is necessary. In the future, people will look back and ask the following three questions of the Members and parties who were in this House at this time. Did they take responsibility for solving the problem or seek to exploit it? Did they act with fairness? Did they think of the future? In respect of all three questions, the Labour Party and this Government will be able to answer "Yes", which is something of which I, for one, am proud.

Deputy Micheál Martin: Irish people have shown time and again that they are willing to accept hard choices. They understand there is no easy way out of an unprecedented crisis which has engulfed Ireland and much of Europe and the world in recent years. However, their support is based on measures meeting two core principles. They want budgets which are both fair and make a clear contribution to returning growth and job creation. This budget fails on both measures.

Last year, having won a mandate from the people promising a radical and progressive Government, Fine Gael and the Labour Party chose to abandon their promises and introduced by far the most regressive and unfair budget in many years, as shown in independent assessments. This year they have done it again. In some cases, Ministers appear to have sat down to find new ways of making sure the most vulnerable suffered more. To take only one example, how else can one explain first cutting home help and then cutting respite care?

In the ever growing mountain of documents and press releases which have accompanied this year's budget one thing is already clear. This is a deeply unfair budget presented by a Government that has no strategy for growth and job creation other than hoping something will turn up. Driven purely by the short-term political tactics of competing parties, it systematically betrays election promises and places the heaviest burden on those who are least able to bear it. Its budget will further damage the confidence that is essential for recovery.

Yet again, the Labour Party and Fine Gael used true, half true and completely false leaks during negotiations. Their growing band of Malcolm Tucker wannabees were constantly on the telephone to journalists briefing for and against different Ministers and talking up the resolve of their parties. Now we know that for all the tough talk from the Labour Party, ongoing muttering from its Backbench Deputies and soothing words of its Ministers, the party has once again been shafted. On the other hand, the Fine Gael Party used every tactic it could muster in an ultimately successful move to protect the highest earners from taking more of the load. It was a direct trade-off. Every one of the regressive welfare cuts could have been avoided with an increase in the universal social charge for the highest earners, a proposal which enjoys widespread political and public support. Fine Gael should have the honesty to explain the reason it demanded that supports for the poorest families be cut rather than hitting those who earn the most.

For all of its smug sense of having prevailed over its coalition partner, the Fine Gael Party must also explain the reason it did not lift a finger to try to stop a family home tax, which the Taoiseach once described as "unjust, immoral and illegal."

The Taoiseach: The Fianna Fáil Party drew up the property tax in the memorandum for understanding.

Deputy Micheál Martin: No, we did not. The memorandum of understanding refers to a completely different type of tax from the one the Government has introduced.

The Taoiseach: The Deputy should not come in here with that.

Deputy Micheál Martin: The only Government strategy evident this week is a public relations strategy.

The Taoiseach: The Fianna Fáil Party signed up to a property tax.

Deputy Micheál Martin: The Government has been putting its trust in the idea that people will not compare the claims it is making-----

The Taoiseach: Fianna Fáil signed up to it.

An Leas-Cheann Comhairle: Deputy Martin has the floor.

Deputy Micheál Martin: I did not interrupt the Taoiseach and I would appreciate an opportunity to make my contribution to the House.

The Taoiseach: I am merely reminding the Deputy of the truth that his party supports a property tax.

Deputy Micheál Martin: The Government has been putting its trust in the idea that people will not compare the claims it is making with the substance of what it has decided to do. Most Ministers have been making claims which are the direct opposite of the truth and have been using unprecedented gimmicks to try to cover up the hard reality of their choices. In the next few weeks, they will have to explain exactly what is involved in many of the general adjustments in their allocations. At that point, there is no doubt we will find many more unfair, damaging and avoidable cuts. However, from what is already known there is more than enough to see the mean spirit and lack of direction which lie at the heart of this budget.

The overall fiscal framework for next year is widely accepted and we believe it to be correct. It did not originate from the troika but is a required next step in bringing the deficit to a sustainable level. As the budget documentation points out, the major part of the fiscal adjustment was done in previous years, with next year and the year thereafter being easier than previous years in relative terms. We are all somewhat amused by the Tánaiste's use of the phrase that we are 85% there, given the fact that, year after year, the Taoiseach, the Tánaiste and their parties voted against 80% of that journey and every single measure involved.

The Taoiseach: We have a mandate from the people.

Deputy Micheál Martin: They always claimed that there was a better and easier way.

Deputy Willie O'Dea: Labour's way.

Deputy Micheál Martin: Labour and Fine Gael made reckless commitments and promises before the election that they could not fulfil.

While the targets are correct, there is reason to believe that they might not be met and that public support for them has been undermined by the crass and growing inequity of the decisions being taken by the Government. A new concern is that these targets may not be met because of a combination of overspending and reduced revenue. In spite of Government claims about having an iron hand on spending, including the repeated claims by the Minister for Public Expenditure and Reform, Deputy Howlin, that everyone would stay within budget, the two largest Departments are showing major overruns this year. The inclusion of large amounts of unspecified savings in these Departments for next year suggests that exactly the same situation will obtain.

On the revenue side, last week's figures showed a serious undershooting of key taxes, particularly the €300 million deficit in income tax receipts. For 2012, the combination of overspending and lower receipts has been covered up by a number of one-off measures and the benefit of the Greek interest rate deal being automatically passed on to all countries. These will not be available next year and there is no reason to believe that this year's problems have been effectively tackled.

One of the most striking elements of the budget is how little it has to say about the economy. Beyond empty generalities, there is no analysis of the direction of growth or employment or discussion of the budget's impact on any economic indicator. There is no attempt to set out anything that updates plans made two years ago. In a major departure from tradition, most economic projections were relegated to appendices that the Ministers did not mention. It is in these that one finds the detail of a Government that has already missed every one of its targets

for broad economic indicators.

This year, targeted growth of 2.5% will actually be less than 1%. The target of 3% growth for next year has been halved. These are not cold, irrelevant statistics. They have a real impact on people's lives, particularly in terms of employment. It is for this reason that they were not mentioned in the Ministers' speeches.

Last year, the Government claimed that it was all about jobs. It had a jobs budget, which it downgraded to an initiative, and the Budget Statement was almost entirely given over to claims of jobs being on the way. The Minister for Finance, Deputy Noonan, predicted a growth in employment of 0.5% for this year. The reality is minus 1.2%. He predicted a fall in unemployment to 13.7%, but it will be nearly 15%. Yesterday, all that he had to say about the failure to hit any major economic target was that everything is Europe's fault. While the Taoiseach was speaking with the Minister of State, Deputy White, I outlined all of the budgetary targets for this year that have been missed by the Government. To blame Europe for everything is untrue. The Government's policies have had a direct impact on reducing growth and employment. Front-loading a major VAT increase, removing investment funds from the economy through a significant levy on pension funds and threatening employers with extra costs for every employee were among the measures that helped to drive down domestic demand and confidence, the two elements that our economy needs most if it is to recover.

In this debate last year, the Government was told that implementing these policies would damage the economy, but it went ahead with the measures anyway. Let no one be in any doubt - the policies of this Government have directly damaged domestic confidence and thereby reduced growth and employment this year. They will do so again next year unless there is significant external growth that drags us up with it.

What is also striking is that the Government is silent on the vital issue of debt sustainability. We are apparently seeking a deal to make our debt sustainable, but no member of the Government has yet said what he or she believes we need our debt to be for it to be sustainable.

Domestic demand and confidence are the most important elements that we require to build a strong recovery, but the situation in Europe is also important. To date, the Government's approach to Europe has been to hope that others can win concessions that will be automatically extended to us. Every development has been overspun and underdelivered. Getting a substantial deal to reschedule the promissory notes would provide significant extra resources. Ireland's case is strong. As the Taoiseach finally admitted in October, "Ireland was the first and only country which had a European position imposed upon it in the sense that there was not the opportunity, if the Government so wished, to do it their way by burning bondholders."

In spite of the claims made since June, nothing was agreed in respect of Ireland's debts and the news this week from Brussels marks a significant setback. The German Minister explicitly stated that he did not intend to support Ireland and Portugal getting major concessions and that the banking union, which was supposed to be operating from January and which is essential for our banks, has been delayed to some unspecified time. Given how important Europe is, after nearly two years in office it is time for the Government to set out a policy on Europe that goes beyond hoping that something turns up that can be claimed as a great victory.

The number of promises broken by both parties in this budget is even larger than anyone imagined. The defence being trotted out is the usual one, in that they are being forced to break

their promises because circumstances changed. In reality, the only element that has changed is that Fine Gael and Labour are in government and their reckless campaigns to win votes has left them needing to justify the systematic abandonment of pre-election promises. The budgetary constraints faced by this Government were fully known to Fine Gael and Labour before they made their promises. In fact, last year the situation was ahead of what was targeted. No one forced them to make these promises and no one is forcing them to break them.

The overpowering cynicism of their campaigns is summed up by Labour's "Every Little Hurts" advertisement. In the closing days of the campaign and as the Taoiseach well remembers, Labour decided that it needed to attack Fine Gael. Labour drew up a list of cuts and extra charges it said would be implemented if Fine Gael got in without Labour there to stop it.

Deputy Mattie McGrath: By God, it did.

The Taoiseach: Labour never said anything about-----

Deputy Micheál Martin: The report card shows that every one of those cuts and charges has been delivered.

Deputy Willie O'Dea: Well done.

Deputy Micheál Martin: Labour even went so far as to say that there were red lines-----

Deputy Mattie McGrath: Fine Gael gave Labour a hand.

An Leas-Cheann Comhairle: Deputy, please.

The Taoiseach: It was the biggest bailout in history.

Deputy Dara Calleary: The Tea Party's-----

Deputy Micheál Martin: -----it would never cross. Everyone should replay the current Tánaiste's interview with RTE about child benefit.

Deputy Mattie McGrath: Labour had its own way.

The Taoiseach: Deputy Martin had never even heard of the IMF and did not know that it was here.

Deputy Micheál Martin: The Tánaiste was absolute about it.

Deputy Dara Calleary: Does the Taoiseach want to discuss Roscommon hospital?

Deputy Tom Hayes: Deputy Mattie McGrath allowed the previous Government.

An Leas-Cheann Comhairle: Deputies, please.

The Taoiseach: Deputy Martin did not know that the IMF was here.

Deputy Micheál Martin: Let us also remember the response of the current Minister for Finance, Deputy Noonan, at the time.

The Taoiseach: "We will never need a bailout." Play that back.

Deputy Micheál Martin: At a press conference, the Minister had journalists rolling in the

aisles as he found new and creative ways to dismiss Labour's warnings as empty scaremongering. How right he was about Labour's capacity to stop any of this from coming about.

Deputy Mattie McGrath: Sucked it in and blew it out.

Deputy Micheál Martin: Less than two years later, we know that every little does hurt. Labour has implemented everything it claimed it would never do.

Due to the mounting wave of negative commentary about the Government's regressive policies and lack of any real innovation in almost two years, it yesterday unveiled a new tactic. This involved changing the baselines wherever doing so might give a better result. As the Government believes that it can claim success in some areas, it refers to what has happened since March 2011. In most areas, however, it has started using earlier dates to present a better picture.

Yesterday, there was messing with the presentation of figures in a range of areas from fiscal adjustments to the reduction in public service numbers. However, the brass neck award must go to the attempt to claim that budget policy has been progressive. The Minister, Deputy Noonan, referred to how we had one of the most progressive tax systems in the developed world and stated that the role of recent budgets in this was contained in an annexe to his speech.

Deputy Joe Costello: It has been acknowledged independently.

Deputy Willie O'Dea: Listen.

Deputy Joe Costello: It is a fact.

Deputy Micheál Martin: Yes.

Deputy Joe Costello: We are not saying it. It is what is being said around the world.

Deputy Dara Calleary: What about the west of Ireland?

An Leas-Cheann Comhairle: Deputy Martin, without interruption, please.

Deputy Micheál Martin: When one takes the time to read the annexe, one discovers that our tax system is progressive only because of two budgets against which every member of the current Cabinet voted.

Deputy Mattie McGrath: Including the Minister, Deputy Hogan.

Deputy Joe Costello: This is not the minimum wage.

Deputy Micheál Martin: The Government is right about the system being progressive, but its members voted against every measure in the two key budgets that made it so.

Deputy Joe Costello: Who abolished the minimum wage?

Deputy Micheál Martin: If one includes just the budgetary decisions of Fine Gael and Labour, one finds a deeply regressive impact. The backing away from a real reform of the political and budgetary process has been obvious to anyone paying attention. Last year's budget fortnight has been abandoned and a traditional budget day restored. In the Oireachtas, discussion was allowed in advance of the Estimates, but there is nothing in what has been published which even slightly reflects Oireachtas input. Within Government, the increasingly ineffective Economic Management Council has destroyed collective responsibility with Ministers actively

distancing themselves from unpopular decisions on the basis that they were not properly consulted. Sitting around doing nothing for hours and ordering in pizza might be okay for teenagers with a few days off, but it is not what you expect from a Cabinet.

Deputy Mattie McGrath: It is a farce.

Deputy Micheál Martin: What the final budget decisions reveal is a Government that holds many meetings with outside groups but rarely ever listens to what is being said. How else could one explain all the meetings with children's organisations which were followed by the targeting in this budget of families with children?

Yesterday's announcement that 100 Garda stations will be closed will rightly lead to demonstrations throughout the country. When closing stations the Government repeatedly said they were only marginal stations, which were more trouble than benefit. In seeking to close 100 stations this excuse is irrelevant. It is a programme to change policing in Ireland radically by making it more distant from the community and exposing large sections of the country to significantly reduced coverage. If one believes the Garda make a difference to keeping us safe - I have no doubt that is the case - then one must accept that this radical and dangerous proposal must be stopped before it goes any further.

Each one of the welfare cuts imposed in the budget could have been avoided if the proposal to target the highest income earners had been adopted. Instead, Fine Gael insisted that social welfare must feel the pain and the Minister for Social Protection, Deputy Burton, went about designing a set of cuts which is deeply mean spirited. Families with children have been singled out for major cuts in their income. Last year the Government told us that Scandinavian child care was on the way. This year the Fine Gael and Labour vision of Scandinavian child care is being implemented, with cuts to child benefit, taxing of maternity benefit, cuts to clothing and footwear allowances and a handful of extra child care places. When she was in opposition the Minister, Deputy Burton, liked nothing more than to find ways of attacking welfare packages no matter how generous they were. She was particularly happy to have coined the term "save age 16" and said of the Minister concerned, "her actions make Margaret Thatcher look like a socialist." Today, the conscience of the Labour Party in government-----

Deputy Mattie McGrath: What conscience?

Deputy Micheál Martin: -----is justifying cuts which are dramatically more severe and targeted against the most vulnerable. When challenged about cutting basic support for clothing and footwear, her callous response is to tell people "there is a lot of good value in shops".

Deputy Willie O'Dea: Attila the hen.

Deputy Micheál Martin: The mounting evidence that the Department of Health is out of control is clear to everyone in the country but the Taoiseach.

Deputy Mattie McGrath: He knows too.

Deputy Micheál Martin: Even other Cabinet Ministers are saying that the Minister for Health, Deputy Reilly, is turning tough conditions into a crisis. In this budget we see more about the truth of a regressive and cynical health policy. The move by the Government to restrict the over-70s medical card is especially shameless given its past campaigning on this issue.

Deputy Tom Hayes: What about the situation of Fianna Fáil?

6 December 2012

Deputy Micheál Martin: The Minister, Deputy Reilly, tabled a motion demanding an extension to medical card eligibility and said it was merited because-----

Deputy Tom Hayes: Does Deputy Martin remember poor Máire Hochtóir?

Deputy Micheál Martin: This is what the Minister said-----

An Leas-Cheann Comhairle: Deputies, please.

Deputy Mattie McGrath: She is a principal.

Deputy Micheál Martin: -----“Those are the people who made this country what it is today....They raised us, nursed us when we were sick, protected us from violence, grew our food”. That is what the Minister said not so long ago in this House about medical cards for over-70s. The Taoiseach joined in that debate with great gusto.

The Taoiseach: Of course I did.

Deputy Micheál Martin: I have all the Taoiseach’s speeches in a large file, demonstrating his hypocrisy and lack of sincerity.

Deputy Mattie McGrath: There is great value in the Taoiseach’s speeches.

The Taoiseach: The shredder broke down because it could not cope with all the reports generated by Deputy Martin when he was Minister. They cost €130 million.

Deputy Joe Costello: There was not room to file them all away.

Deputy Micheál Martin: The Minister, Deputy Reilly-----

An Leas-Cheann Comhairle: Order, please.

Deputy Micheál Martin: The Minister’s speech might well rate in history alongside the visit by the Minister for Education and Skills, Deputy Quinn, to the front gate of Trinity College for breathtaking cynicism.

Deputy Willie O’Dea: What happened there?

Deputy Micheál Martin: That was the breaking of a promise made before the election, the trebling of prescription charges does that and adds to it the breaking of a post-election announcement.

The Taoiseach: I have not heard a constructive suggestion from Deputy Martin since he began to speak.

Deputy Micheál Martin: One should remember that the Minister, Deputy Reilly, was only days in office when he summoned journalists to hear that he intended not just cutting, but abolishing prescription charges.

Deputy Willie O’Dea: The Government cannot even keep the promises it made after the election, let alone before.

Deputy Micheál Martin: The prescription charge is €1.50. Many pensioners are on medication and use six to nine items a month. The Government might not have cut the old age pen-

sion but through this measure alone it is taking approximately €20 off them - €19.50 - as a result of the prescription charge. The Government fulfils its election rhetoric by saying that core rates will not be changed but it gets people in other ways. It is a completely cynical approach.

Deputy Mattie McGrath: They are taxing the hearse.

The Taoiseach: Céard é sin, Mattie?

Deputy Mattie McGrath: The Government is taxing the hearse.

The Taoiseach: Céard atá á rá ansin?

Deputy Mattie McGrath: It will be the shroud next.

An Leas-Cheann Comhairle: Please.

Deputy Micheál Martin: The cut in the respite care grant is callous when added on top of the cut to home help. How could the Government distribute thousands of leaflets claiming to have delivered a fair budget when it has done that? I heard people on the radio this morning-----

The Taoiseach: Deputy Martin distributed 1,000 leaflets about the property tax during the children's referendum campaign even though his party in government designed the scheme.

Deputy Micheál Martin: ----interrupting the Minister for Public Expenditure and Reform, Deputy Howlin-----

An Leas-Cheann Comhairle: Please. Deputy Martin should be allowed to speak.

Deputy Micheál Martin: -----with a passion and conviction that left the Minister speechless.

Deputy Willie O'Dea: The Government will have to reverse the cut.

The Taoiseach: The leaflets were distributed all over Cork.

Deputy Micheál Martin: I ask the Taoiseach to reverse the cut.

Deputy Willie O'Dea: For heaven's sake.

Deputy Micheál Martin: Mistakes were made in the previous budget as well. There were appalling attacks on DEIS schools. The most disadvantaged schools were affected in last year's budget.

Deputy Joe Costello: St. Augustine. We want it, but not yet.

Deputy Willie O'Dea: The Minister of State, Deputy Costello, is a Labour Deputy.

Deputy Micheál Martin: We fought a campaign against that and the Government eventually reversed the cuts to DEIS schools. The Minister for Education and Skills, Deputy Quinn, came to the House and apologised for what he did.

Deputy Tom Hayes: I thought Deputy Martin said it was the Labour backbenchers.

Deputy Micheál Martin: I put it to the Taoiseach that he must examine the matter again. The saving identified is approximately €26 million.

Deputy Mattie McGrath: Can you not go over behind him if-----

An Leas-Cheann Comhairle: Deputy, please.

The Taoiseach: Céard atá á rá ag Mattie?

An Leas-Cheann Comhairle: Members should have respect for the speaker.

The Taoiseach: Níl mé in ann a chloisteáil céard atá á rá aige.

An Leas-Cheann Comhairle: Níl aon rud le rá.

Deputy Joe Costello: Tá eolas ag Mattie.

The Taoiseach: Cur smacht ar sin.

Deputy Micheál Martin: If I might continue, €26 million is involved. People watching are not interested in that kind of tomfoolery, they are interested in whether anything can be done about the respite grant.

The Taoiseach: Cur smacht air.

Deputy Micheál Martin: It can be done and it should be done.

Deputy Willie O’Dea: The Government should reverse it.

Deputy Micheál Martin: I plead with the Taoiseach on the matter today. This is what the debate is about; for people to listen to what we are saying and to take on board some of it, at least a bit of it. Of all the things that have been done, I urge the Government to restore the respite grant because it is paid to people who care on a 24/7 basis for relatives, people with severe disabilities and for people with special needs. We must do that if we respect the caring ethos, which is fundamental to how we look after the elderly in this country, and those with special needs. In many instances the State is not doing all it would like for carers and people who need care. Given what people across the floor are saying, the Government has time to do so in the context of the social welfare Bill. We will table amendments to secure the reversal of the decision and the restoration of the grant. We brought the grant up to the current level because it can be helpful to people, even those who are not in receipt of carer’s allowance. Most of the people contacting offices this morning say the payment is used for basic things such as heating, transport and to keep the household going. It is important that the Taoiseach would examine the issue again.

In the third-largest Department, Education and Skills, cuts are once again being targeted at disadvantaged families and communities. The increases in third level fees will continue and now an effort is being made to ensure that more and more families have to pay the fees. Combining an increase in fees with a reduction in eligibility for grants means that the reversal of advances in equal access will be accelerated. I do not understand why such a sneaky, underhand move was made on the means threshold for third level grants because education will be central to coming out of this crisis. We want young people to continue on to third level and fourth level. Due to the mess caused by SUSI for the first time in a long time I have met students on the street who said they were contemplating leaving college.

Deputy Joe Costello: Deputy Martin should not be so silly. When he was Minister for Education and Science we got a number of complaints about grants and he never did anything

about them. Grants were not available until after Christmas.

Deputy Micheál Martin: It is true.

An Leas-Cheann Comhairle: Order.

Deputy Micheál Martin: I was in Castlebar three weeks ago and a young student doing biomedical engineering in UCG said he was contemplating leaving because the grant had not come through and he had no information about it. I do not like saying that.

Deputy Joe Costello: SUSI is a new mechanism to improve the awarding of grants.

Deputy Mattie McGrath: It is not working.

Deputy Micheál Martin: Students have no confidence in the Minister of State, Deputy Costello.

Deputy Joe Costello: Fianna Fáil had 15 years to get it right.

Deputy Robert Troy: The system only came in this year. How could we put it right when it has only just been introduced?

Deputy Joe Costello: This year was the first time a centralised system was introduced. The Deputy should look at the beam in his own eye.

Deputy Mattie McGrath: SUSI went on holidays.

An Leas-Cheann Comhairle: Deputies, please.

Deputy Micheál Martin: The only image that is embedded in the minds of students is the Minister for Education and Skills on the steps of Trinity College, Dublin, swearing blind and signing on the dotted line that he would reverse the student contribution charge and not increase it. Yesterday, we discovered the student charge will now be over €1,000. That is what students are saying about the Minister. The Government should not tell us it is trying to improve the situation for students because it is not.

The Taoiseach: Where was Deputy Martin when the IMF came in here?

An Leas-Cheann Comhairle: Deputies, please.

Deputy Micheál Martin: The increase in the charge is regressive. We need to encourage people to get through education.

Deputy Joe Costello: Who got us into this spending mess?

Deputy Micheál Martin: The Minister is talking about the past 14 years. The most important statistic to come out in the past three weeks about Irish education is that we now have a 90% completion rate in second level. That is because of the strategic decisions we took about second level completion and investment.

Deputy Joe Costello: Who introduced free third level education?

Deputy Micheál Martin: Our second level participation rates have moved from 78% to 90% in a decade. We want to do the same with third level. We have one of the highest par-

ticipation rates of second level students going into third level of any European Union country. This is because of a sustained and agreed approach to third level education. It cannot be thrown away now because it will undermine a key strategic intervention in getting the country out of its crisis.

Deputy Joe Costello: The Deputy needs to give credit where credit is due.

Deputy Micheál Martin: Yesterday, there was a bit of delegation going on with the budget. The Higher Education Authority was given a €25 million cut but it was claimed no services would be impacted, which is simply not credible. Again, the Minister will be at one remove when these cuts are introduced.

Deputy Robert Dowds: Like what the Deputy did when he set up the Health Service Executive.

Deputy Robert Troy: Deputy Dowds should get back in his box.

Deputy Micheál Martin: The same goes for the unspecified cut of €13 million for the vocational education committees.

Deputy Joe Costello: What is Fianna Fáil going to do?

Deputy Micheál Martin: When it happens on the ground, it will not be the Minister who will be blamed but some anonymous group.

Deputy Joe Costello: Why was Fianna Fáil not able to submit its pre-budget submission to the Department of Finance?

Deputy Micheál Martin: We did. The Minister is wrong. That is a spurious political claim. We costed our budget proposals and tabled parliamentary questions to get more information.

Deputy Willie O’Dea: That would be to the Department of Finance.

Deputy Joe Costello: It is based on parliamentary questions?

Deputy Micheál Martin: I hope the Minister of State is not suggesting parliamentary replies are untrue or inaccurate. Is that what he is suggesting?

An Leas-Cheann Comhairle: Please, order.

Deputy Micheál Martin: We look at the replies in good faith that they are accurate and tell us the truth. Maybe they do not.

Deputy Robert Troy: Maybe some things have to be hidden.

Deputy Micheál Martin: I will acknowledge we have had to use freedom of information requests much more frequently because of the reluctance of the Government to give information to the House.

This year’s shambolic introduction of a household charge proved there is no public acceptance of a family home charge. As the troika has repeatedly said, it is up to the Government to decide how to raise its money. No one is forcing it to introduce a family home tax.

Deputy Mattie McGrath: Except for Big Phil.

Deputy Micheál Martin: Before the election, Fine Gael said such a tax is unfair and would not be introduced. Labour said nothing should be done before 2014 and that it must, under no circumstances, be a flat tax.

The Taoiseach: Deputy Martin signed up to this when he signed up to the programme with the troika.

Deputy Micheál Martin: The Government's proposal is for an unjust tax which is weighted against urban areas. It does not have and will not earn public support because of its unfairness and it could cause much wider problems. It is even more unfair to introduce such a tax before the rising social and economic impact of mortgage and household debt in the economy is tackled where one in five mortgages are actually in arrears. The lack of any major initiative in this area yesterday was striking.

As Fianna Fáil set out in its pre-budget document, the measures announced yesterday are not inevitable. They are the product of political choices between parties manoeuvring for position and they are bad choices. They will increase the already rising sense of unfairness about who is bearing the load of reducing our deficit. They will damage the confidence which is vital for a return to growth in our domestic economy. They will make our country less safe by withdrawing community policing from large sections of the country. They are being introduced without any overall strategy for growth or job creation other than hoping that something will turn up in Europe.

One of the most unmistakable traits of this budget is how it is lacking in new ideas or a major initiative. Many small things are being done in order that claims can be made to visionary leadership, but the difference between the rhetoric and the reality is growing every day. The only significant departure in this budget is that the Government has doubled-down on its policy of implementing profoundly regressive cuts. No matter how often the Taoiseach claims he is about fairness and job creation, the public will simply not buy it.

Deputy Gerry Adams: The Government could have brought forward a fair budget. This, however, was not a fair budget. Tá a fhios ag an Taoiseach nach raibh sé deacair na roghanna cearta a dhéanamh. Rinne an Rialtas na roghanna míchearta arís, áfach. Cén fáth? Sinn Féin has shown how in our fully costed alternative budget, yet the Taoiseach chose to ignore this. Instead, yesterday, he produced a regressive, anti-family, cruel budget, one that is neither fair nor just. The Tánaiste and Minister for Foreign Affairs and Trade spoke about a fairness agenda. However, fairness demands equality and justice. Fairness means increasing taxes for those who can afford to pay more while protecting working families, citizens on low and middle incomes and those struggling to make ends meet. It means protecting front-line services. This budget does none of this. There is not even a whisper of a jobs plan.

Neither can we pretend it imposes any real burden on the wealthy. That is a sham argument by a Labour leadership desperate to escape criticism for introducing an anti-working class, anti-children and anti-jobs budget. Yesterday, the Labour Party leadership abandoned all pretence of leading at being the party of James Connolly. The truth is that this budget disproportionately targets hard-pressed families and will slash front-line services.

This budget will undermine any possibility of growth in the economy. Hundreds of thousands of families have been hit by a family home tax, more PRSI payments, cuts to child benefit, hikes in college registration fees and increases in motor tax. Sinn Féin is opposed to the

Government's tax on the family home. It calls it a property tax. It is a tax on the family home, sin é. It is clear the Government is prepared to use all means to take this tax from struggling families.

Deputy Robert Dowds: Sinn Féin set up a property tax in the North.

Deputy Gerry Adams: A Leas-Cheann Comhairle, I sat here in complete silence and listened to the Taoiseach, the Tánaiste and the Leader of Fianna Fáil. The other Deputies may not like what I am saying but they should at least listen. I can say as someone who comes from the North that there is no property tax there. Sin é. The Deputy is telling fibs.

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy Gerry Adams: Many families in the State will not be able to pay this tax. I am putting the Taoiseach on notice that from today, Sinn Féin will be actively campaigning to resist the introduction of this unfair tax on the family home. It is not yet law and it can be stopped. Sinn Féin has an alternative that is fair, namely, a wealth tax that is levied on the property of the wealthy. The so-called mansions tax is little more than a gimmick and a poor one at that. The Government had the option of a real wealth tax and chose not to take it. Instead, it chose to impose a punitive tax on the family home.

Sinn Féin is calling on every citizen to make a stand and resist the imposition of this unfair home tax. There is time for the Government to reverse this decision. This home tax is the brainchild of Fianna Fáil. If the Government is allowed to legislate for it, it will be the tipping point for many families across the State. The limits imposed for those allowed a deferral are pitiful. A deferral of tax is not an exemption and the fact the Government plans to charge 4% interest on deferrals will only add insult to injury for hard-pressed home owners. While I welcome the three-year property tax exemption for first-time buyers, the fact is the thousands of people in severe mortgage distress will have to pay this family home tax, if the Government is allowed to bring in the relevant legislation.

The Government is continuing to place the burden on low and middle income families, on the coping classes and the working poor. Despite the Government's promises not to increase income taxes, the amount of PRSI that citizens must pay has been increased, including for the lowest earners.

1 o'clock

The decision to abolish the weekly PRSI threshold of €127 will mean an increase of €264 a year for those earning over the minimum wage. On top of the family home tax, this will cause great distress. The Government also increased PRSI for the self-employed but they will get nothing for it. Sinn Féin would have introduced a third rate of tax for people earning over €100,000, which would have raised €365 million. Instead the Government has targeted the low paid and levied additional taxes on those earning €18,000 and over. These are people on the minimum wage. Was the Taoiseach ever on the minimum wage? One must spend every cent in the local economy. Taxing them has the dual effect of hurting them, their families and the local economy. More small shops and businesses close and more jobs are lost.

The high earners on over €100,000 will not feel the impact of the extra €264 a year but those on the minimum wage will definitely feel the loss of €264 out of their pockets. No matter how the Government spins it, the budget means a family of two parents and two children with an

income of €55,000 will lose, on average, over €500 a year. A lone parent earning €35,000 with two children will also lose just over €500 a year. That is not fair.

For many, particularly in rural Ireland, a car is a necessity. While there is no increase in excise duty on petrol or diesel, the price will increase as a result of the increase in carbon tax. The vehicle registration tax rate and motor tax rates will also increase from 1 January through flat rate increases. The fuel hikes, the motor tax hikes and the VRT change will make it more costly for many families. Between the universal social charge, the septic tank charges, the household charge and cuts to the agriculture budget, the Government has abandoned rural Ireland and its people and the people of rural Ireland know it.

The Government could have implemented Sinn Féin's proposals. We called on the Government to standardise pension and other tax reliefs. It has been revealed time and time again that the top 20% of income earners avail of 80% of the tax reliefs paid. These are the people the Government is protecting, not the poor but the wealthy. No other issue reveals the depths to which the Government has sunk than its decision to cut child benefit. Shame on the Taoiseach, the Tánaiste, the Fine Gael Party and the Labour Party. I now have the attention of the Taoiseach because the word shame gets him to focus.

During the last election campaign, the Labour Party called on the public to protect child benefit by voting Labour. The Labour Party leader told the electorate it was a red line issue. Adverts defending child benefit and warning of Fine Gael's intentions were placed in newspapers. Labour put up posters across the State. Yesterday, and not for the first time, the Labour Party leadership, at least, abandoned its core values.

The Taoiseach: Let us hear the constructive suggestions of Sinn Féin.

Deputy Gerry Adams: Under the proposal from the Labour Party and Fine Gael, child benefit cuts of €10 for the first and second child, €18 for the third child and €20 for the fourth and following children, will be introduced.

The Taoiseach: Deputy Ferris admitted Sinn Féin did not submit costings.

Deputy Gerry Adams: This means a family of four children will be down €58 per month in child benefit cuts alone and a family of 6 children will be down €98. That is a lot of money and will have a crippling effect on families dependent on it. Children and the young families have borne the brunt of the budget.

Less than one month since the passage of the children's referendum, the reality of the Government's commitment to children is exposed. I warned the Taoiseach before the referendum that people saw the difference between the Government's rhetoric and the reality of its policies on children. The number of children at risk of poverty and deprivation will rise as a consequence of this budget. A recent report revealed that 10% of households suffer from food poverty. It is a new buzzword that means hunger. I come from a community where mothers and grandmothers have been taken to hospital with malnutrition because they are feeding their children. I am sure it is the same in the Taoiseach's constituency. This budget will make matters worse. Basics such as food, clothing and shelter will become unaffordable for thousands of families. The crisis for families will be exacerbated by the decision to cut the back-to-school clothing and footwear allowance by 50%. Does the Taoiseach know what it is like to clothe three or four children going back to school when one is earning the minimum wage? The mark of this Government is the defence of the despicable cut by Deputy Joan Burton, the Minister

for Social Protection – mar dhea – who told journalists there is a lot of good value in shops in relation to clothing and footwear. It is easy for the Minister to say that, with a take home pay of €169,000. It shows how the Government is living in a bubble and how its ivory towers are removed from the reality of life of most families.

Our leas-uachtaráin, Deputy McDonald, raised the following point this morning. One of the most despicable decisions of the Government parties is the cut to respite care for children with severe disabilities. An féidir leis an Taoiseach éisteacht liom ar feadh bomaite agus gan a bheith ag caint?

The Taoiseach: Ta mé ag éisteacht an t-am ar fad leis an Teachta.

Deputy Gerry Adams: Bhuel, éist agus foghlaim. The Taoiseach has cut €325 from more than 77,000 families. Some 20,000 of those families receive no other support from the State for providing full-time care for a family member. How low can one get? That is scandalous and shameful and certainly not a fair measure in a budget that was trumpeted as fair. Before the last general election, Labour and Fine Gael vehemently opposed prescription charges for medical card holders imposed by Mary Harney. In this budget, the Government has trebled the charges and increased the monthly maximum payment from €10 per month to €19.50 per month. It is only the tip of the iceberg and is building up for working people. The health system, under the millionaire Minister, Deputy James Reilly, has staggered from one crisis to another, with each more damaging than the last. The Minister has failed to deliver promised reductions in the price of medicines. Instead, he is passing the cost on to patients with higher prescription charges and the increase of the threshold for the drugs payment scheme. Older people, in particular, are attacked in this budget. People over 70 with an income of €600 to €700 per week will lose their medical card and will receive the GP-only card. They will have to bear the full cost of medication.

The Taoiseach keeps talking about the North and it is heartening for the people in the North to hear about what Sinn Féin is doing in government. Sinn Féin insisted that prescriptions would be free in the North. The Taoiseach can trumpet that. In response to questions tabled by me, we were told there would be no supplementary health budget but, because the Government completely mismanaged the health budget, which is almost €400 million in deficit, on Tuesday the Government was forced to bring in an emergency supplementary health budget. Yesterday, the Government announced further cuts of over €1 billion in health. The health service cannot bear this. How could it? One day, extra funding is allocated, the next day there are more cuts. It is a recipe for disaster and for deeper poverty and poorer health care, especially for low to middle income families with children, and for older people. It will mean job losses in the health service and greater risk to patient care. Leaving aside the philosophy that underpins these decisions, it is bad economics.

While the cuts in education are less severe their impact is nonetheless significant. The €23 million cut in the education budget will have a disproportionate impact on learners from the more disadvantaged sections of Irish society. The millions of euro to be cut from higher education will seriously impede opportunities for people to upskill and diversify. Funding for higher education institutions has taken a significant hit with a €25 million reduction being imposed in 2013 and a €13.2 reduction in the allocations of the VECs. The reduction of income thresholds for eligibility for student grants by 3% is a continuation of Fianna Fáil's policy and will prevent even more students from low and middle income families from pursuing higher level courses. The cut being imposed by the Department of Social Protection in relation to the back-

to-education allowance and the estimated saving of €17 million will impact greatest on the less well-off who wish to return to education.

Do we remember the Minister, Deputy Ruairí Quinn's public flourish before the last election in signing up to opposition to any increase in student fees? It is another U-turn. Yesterday, the same Minister announced another increase of €250 to the third level contribution. Students will now have to pay €2,500 in fees. So much for the claim that third level education is free.

The negative impact of Government policy imposes the greatest burden on those who have least and can least afford further burdens being imposed on them. There is also a negative impact on the economy. This is evident in the 20,000 net job losses and the 14.6% of citizens on the live register. We can see it in the overworked voluntary sector where organisations like the Society of St. Vincent de Paul cannot cope with the demands being made on it. Demands are, incidentally, being made on the society by Government Departments. The Government is asking a voluntary charity to help it.

The Government claims that after this budget we are 85% of the way there, but it does not tell us to where. We hear it parroted that we will be the best small country in which to do business. What about being the best small State to live in?

The Taoiseach: In 2016 we will be the best small country in the world to do business in.

Deputy Gerry Adams: Where, exactly, is the Government taking us and what are the social consequences of the Government's austerity policies?

The Irish League of Credit Unions revealed several months ago that the number of people who are left with €100 or less at the end of each month has risen to over 1.8 million. Where will these citizens find the money for the Taoiseach's family home tax or to deal with his decision on PRSI? What of the tens of thousands of our young Irish people who are already in Australia, Canada, the US or Britain?

While the Minister tells us the economy is growing, the reality is that growth forecasts are being continually revised downwards. It gives me no pleasure to say the domestic economy is on the floor. Retail sales have fallen by over 30% since the start of the recession and thousands of jobs have been lost. The budget will do nothing to restore confidence in the domestic economy.

What really galls people is that, in a parody of what passed before, the Taoiseach tells people to tighten their belts. He tells us we are all in this together and patronises people by saying he understands how this hurts them. Meanwhile, the fat cats in the banks' headquarters continue to cream it at the expense of taxpayers. The Government borrowed €67 billion from the troika and gave €64 billion of it to the banks.

How has that money been spent? Just last month Sinn Féin revealed that nearly 3,000 staff at banks that have been bailed out are still paid over €100,000 every year. The Government takes away the carer's respite allowance while allowing this to continue, despite the mess the banks have created. There are 326 bankers who receive more than €200,000, 104 receive more than €300,000, 48 receive more than €400,000 and 27 receive more than half a million euro a year. These are salaries ordinary people can only dream of.

The banking system shows no compassion for its customers or the taxpayers who bailed

them out. Instead of passing on rate cuts from the ECB to mortgage holders, they hike up their fees. They massage their figures on lending to small and medium enterprises. The Government had an opportunity to tackle this in the budget. The Minister for Finance could have used the tax system to claw back some of the pay-outs and pay-offs to the bankers and politicians who wrecked our economy.

The Government has announced a 3% increase in the universal social charge on pension income over €60,000 per year for people over 70 years of age. I have no doubt that some in the Labour Party will try to spin this measure as a meaningful tax on the very wealthy in our society. It is not in the least.

The Taoiseach: We have capped tax relief on pension contributions.

Deputy Gerry Adams: There are 160 retired bankers from the covered institutions who are receiving annual pension payments in excess of €100,000 per year.

The Taoiseach: And there will be PRSI on unearned income.

Deputy Gerry Adams: Many of these are not even 70 years old? Seán Fitzpatrick is not 70 and neither is Brian Goggin, Eugene Sheehy or Colm Doherty.

The Taoiseach: DIRT is increased to 33%.

Deputy Gerry Adams: What of the former Ministers who bailed out these bankers? Former taoisigh are living the high life on lavish pensions while ordinary people bear the brunt of the crisis they created.

There was no impediment to cutting the pay of bankers, Ministers, special advisers or the Taoiseach himself in the budget. The Government did not do that. There was no impediment to cutting bankers' pay.

The Taoiseach: Severance payments to Ministers have been abolished.

Deputy Micheál Martin: They have not. The Taoiseach took his severance pay. I waived mine.

The Taoiseach: They have been abolished for everyone.

Deputy Micheál Martin: That is true. I apologise.

An Leas-Cheann Comhairle: Please Deputies, Deputy Adams has seven minutes remaining.

Deputy Gerry Adams: Go raibh maith agat, a Leas-Cheann Comhairle. Fine Gael and Fianna Fáil have much to talk about but this is my time to say something.

Sinn Féin presented the Government with legislation last month that would enable the State to claw back a large amount of the money paid to bankers without breaking any contracts, merely by applying a levy on excess payments. The Taoiseach did not do it, but he has no problem making demands of the Irish people, telling them they have to give more and live on less. Why does he not make those demands of the bankers, politicians and those who have retired from the banking industry? The reason is that he does not have the stomach for it. It is easier to take on those who are less powerful.

So, what is it all about? What is this institution, this Parliament, Teachtaí Dála and Seanadóirí about? What is the Government doing? Labour went into Government claiming they would rein in Fine Gael. The Greens said the same thing about Fianna Fáil and, before that, the Progressive Democrats claimed they were here to keep Fianna Fáil honest. They all failed. What is the purpose of Labour remaining in the Government? Next year, Labour will celebrate the centenary of the 1913 Lock-out. In 2013, the rich will be rich and the poor will be slaves. Labour has very little to celebrate, but perhaps they can celebrate bums on ministerial seats, flashy cars and big wages and pensions.

I know there are decent people in every party and among the Independents. Probably everyone comes into the Dáil with good intentions, but we are here to serve the citizens, all the citizens and not the elites. Equality should be our watchword. We should be servants of our people. That is to whom we owe our allegiance. After last year's budget I quoted Luke Kelly. People of a certain age will have fond memories of Luke Kelly. I will quote him again - he says it better than I do:

For What Died the Sons and daughters of Róisín, was it greed
Was it greed that drove Wolfe Tone to a pauper's death in a cell of cold wet stone?
Will German, French or Dutch inscribe the epitaph of Emmet?
When we have sold enough of Ireland to be but strangers in it.
To whom do we owe our allegiance today
To those brave men and women who fought and died that Róisín live again with pride?
Or the faceless men who for mark and dollar,
Betray her to the highest bidder?

The Taoiseach made his choice, he has decided what side he is on. His Government's vision is narrow and selfish; it is Fianna Fáil light. There is, however, an alternative vision. It is a vision of a new Ireland, a new republic that embraces all the citizens of this island, a republic that is democratic and inclusive and based on equality, freedom and social solidarity, a republic that shares its wealth more equitably, looks after its aged and young, provides full rights for people with disabilities, liberates women, and delivers the highest standards of public services. In the here and now, it is about providing a real effective and alternative Opposition to the Government and to Fianna Fáil. It is about articulating an economic approach that is realistic, viable and doable.

This morning Sinn Féin launched our campaign against the family home tax. I am appealing to citizens and families to make a stand and resist the imposition of this unfair tax. I appeal to Teachtaí Dála and Seanadóirí in every party who still believe in the core values of republicanism, and Sinn Féin has no monopoly on this, and to those in this Oireachtas who believe in equality to vote against these regressive measures and the social welfare and other cuts.

This is a bankers' budget; it is a budget for the elites. It is a budget for austerity and against the interests of the majority of citizens. The Taoiseach and the leader of the Labour Party should be ashamed of it.

Deputy Shane Ross: The Minister for Finance is a kindly, avuncular man who is popular on all sides of the House. It was surprising, therefore, in the last two days to hear him growling in interviews when he was asked about the property tax. He has said at least twice that it is being left to the Revenue Commissioners to collect it and that the Revenue Commissioners are very good at collecting taxes. I find those words ominous and somewhat threatening but above all they are an admission of the fact the property tax will be extraordinarily difficult to collect.

The reason for this is not that there will necessarily be, despite what the last speaker said, some sort of property strike on the same lines as the household charge strike, it is because some people simply cannot afford to pay it. I heard the Minister say the reason the Revenue Commissioners may use attachment orders to people's pay to collect this tax is because people cannot afford to pay. It would not be necessary otherwise. We are a tax compliant nation now. People will pay their taxes, particularly if they are self-assessed and if they can do so. It is obvious, however, in the Government's thinking that it has been forced to provide for the fact that people will not just be unwilling to pay, they will be unable to pay. This is a tyrannical attitude the Government should rethink.

The prospect of this tax being deducted from people's pay means one thing. If it is taken at source, there will be less bread on the table because that is where discretionary money goes. I appeal to the Taoiseach to think again about this and to be more sympathetic to middle Ireland, those people who have some earnings but who simply will not be able to meet this infliction on them. Middle Ireland is not a large body that can be placed in a box, but many people will not be able to pay what the Government is asking of them.

There has been a lot of talk about this budget broadening the base. It is a lovely phrase, it sounds right and Ministers can say that nearly every country in Europe has this and we must broaden the tax base. To me this is not broadening the base. Saying that people have property and it can therefore be taxed is not broadening the base. The source of this tax will be the same source for so many other taxes. In some ways this narrows the tax base because the people who will be forced to pay property tax are the same people who will be hit by PRSI, third level fees, reductions in child benefit and increases in DIRT and motor tax. The base does not broaden because the Government taxes another commodity.

There has been an attempt to confuse the issue by holding a flag and saying a tax will be imposed on mansions, which has very cleverly entered the lexicon already and is a brilliant piece of spin, but it does not deceive anyone because there are only a couple of thousand houses in that category. It will not raise much money. It might be a bone to be thrown to the Labour Party, but it is the thick middle that will suffer, some of whom will be unable to pay.

The proposal to increase capital gains tax, with which I have no problem, will generate very little revenue. Hands up anyone who has had a capital gain in recent years. It simply has not happened. It is something to throw to the Labour Party as an ideological bone, and it has succeeded.

Pensioners, property owners and families have been hit very hard by this. They are the same struggling people who are earning a little money but who increasingly cannot cope. These are the people Deputy Adams referred to as the coping classes. There will not be any coping classes if we continue to take so much out of their pay packets that they cannot pay. The property tax is built on a false assumption that people have an illiquid asset from which they can produce liquidity. It does not happen like that. There is no liquidity in owning a house. The Govern-

ment is trying to squeeze apple juice from an orange. It cannot say that because a person owns a house, it will take cash from him.

I note what the Government has done in giving deferrals, but deferrals are a cop-out. They are not a waiver, they are not even a relief, and they simply create another debt. The Government is saying to those who cannot pay that they can defer but they must pay some time. There is no reason to believe those who defer today, who are mostly on very small incomes of €15,000 for a single person and €25,000 for a couple, will be able to pay tomorrow. Why would anyone believe that? It is a political cop-out to soften the blow, but at the end of the day it is to postpone evictions or something equally unpalatable. The idea those who defer because they cannot pay should then be loaded with a 4% interest rate is utterly unacceptable; it is penal. The Government is loading them with a debt they cannot pay and it is increasing it every year. While I know it is only simple interest, it is also adding 4% per annum. There is no earthly hope of these people paying this money. So, what will happen? They will have a debt and will live in these houses for as long as they live. They will be condemned and immobilised by this. It also has social consequences. It is cruel and unthinking. Regardless of what the Government spokesmen say, 4% is a very high interest rate for people who have no money and cannot pay back. It is also considerably beyond the rate of inflation. I do not know where this 4% came from, but some genius in the Department of Finance came up with the idea. It is simply a paper transaction that will never come to completion because those deferrals will be on the individual's balance sheets for the rest of their lives.

Approximately 18 months ago the Taoiseach promised that he would look into the pensions industry. That industry is staffed by people who are very rich who are making an enormous amount of money. It is full of the pension contributions of people who are very poor and much more impoverished than others. Nothing has ever happened to that investigation but I believe the industry reaps approximately €800 million a year. From all the surveys and research that has been done, I believe it would be possible to get €400 million out of it overnight. Nothing happened. Instead the Government goes back to the pensioners, makes them convert their medical cards to GP-only cards, raises the drugs payment scheme threshold, and trebles the medical card prescription charge.

What on earth is going on when the Government has to take food out of the mouths of children by reducing child benefit? I am tired of hearing people saying that the rate of child benefit is excessive and that people use it for foreign holidays. Of course that may happen but on the whole, those with three or four children need that benefit. No one has explained why people are being docked €20 for the fourth child, €18 for the third and €10 for the first two children. Massive amounts are coming out of the family budget of someone with four children. That is utterly unacceptable. Middle Ireland is being crucified by this budget.

Deputy Joe Higgins: Budget 2013 constitutes a savage new twist to the pernicious austerity agenda relentlessly pursued so far by the Fine Gael and Labour Party coalition Government, but at huge cost to ordinary people and to society. It is all simply to rescue the European financial market system together with Irish bankers and speculators from their reckless super profit-seeking gambles in the Irish property bubble. Budget 2013 means that virtually every ordinary family will be hammered for at least €1,000 next year. The mantra from the Government that the budget is “tough, but fair” reeks of the most acute cynicism. It put intolerable new burdens and acute suffering onto low and middle-income workers, and social welfare recipients. However, because it imposed a few minor demands on very high-income earners, it supposedly makes it all right. It beats the living standards of working class people to a pulp and because

it throws a few perfunctory shapes in the direction of the wealthy it is supposed to make the assault fair and justifiable. What cynicism. This is the logic of a government which lives in a bubble, which is being dictated to by a troika representing the interest, not of the people of Europe, but of European finance capitalism. It is a government whose moral compass is driven by the immorality that informs the European capitalist financial markets and driven by the influences of those who created first the massive orgy of speculation, liberalisation and deregulation on the world financial markets and then crashed the system at huge cost to poor and working class people throughout the world.

Budget 2013 represents a grotesque betrayal by the Labour Party in particular of working class people to whom it made utterly cynical false promises to protect them from what it termed “Fine Gael excess”. Do Labour Party Deputies remember this advertisement, published in their name in every national newspaper during the general election campaign which stated, “Look what Fine Gael have in store for you!”

Deputy Alan Kelly: Chairman-----

Deputy Joe Higgins: It portrayed six specific attacks, ranging from cuts in child benefit to VAT increases, every single one of which Labour has swallowed. Do they remember what the end of the advertisement stated?

Acting Chairman (Deputy Seán Kenny): I am told the Deputy is not to display such images.

Deputy Joe Higgins: The end of the advertisement stated, “Fine Gael: every little hurts!”. Is the Labour Party suffering such delusion that it believes the savage cuts by Fine Gael hurt, but, when Labour blesses those cuts, somehow they do not? Is the Labour Party suffering from delusion that savage cuts in the living standards administered by Fine Gael might hurt badly, but when supported by the Labour Party, those cuts come with a miracle anaesthetic that working-class people miraculously will not feel the pain?

The property tax - a home tax in reality - constitutes one of the most vicious impositions of the budget, designed to gouge anything from €200 to €600 a year from the majority of low and middle-income homeowners. With water tax following, the cost will quickly become €1,000 and beyond. The administrative procedures outlined for the attempted collection of the property tax give the lie to and blow out of existence the propaganda of Government that it is, first, a broadening of the tax base and, second, a local tax. The myth that a property tax broadens the tax base is a transparent ruse to pretend that because it is called a property tax, it does not come out of incomes but from some other mysterious source. It is, therefore, allegedly not a tax on work. However, what is proposed in the budget? According to what we were told yesterday the Revenue Commissioners can instruct an employer, a pension provider or the Department of Social Protection to deduct the amount of property tax from wages. So much for the property tax not being a tax on work or on incomes.

Deputy Shane Ross: Hear, hear.

Deputy Joe Higgins: Hopefully we will hear no more of this ruse. Calling it a local property tax is another cynical ploy. If it is a local property tax, why is its collection centralised in the Revenue agency, which is, itself, highly centralised at national level? That of course arises from a recognition that the imposition of the household tax last year was resisted bitterly by an active boycott. To this day 50% of single-home owners have refused to register for that tax or

pay it in a massive show of opposition and civil disobedience to an injustice and an immorality that was being imposed upon them as part of the bailout of bondholders and bankers. If, however, the Government thinks that people will be cowed next year into paying their property, which they cannot afford, it should think again. There will be massive and organised resistance, an intensified boycott and massive mobilisations. When the Revenue Commissioners sends out demands in March left, right and centre to every home seeking this nefarious new home tax, as we are told it will, there will be a massive revolt.

The property tax is a vicious imposition. What we know of the coming legislation would mark it out as draconian. What is the Government proposing? Next Friday, it is proposing to lash through all of Second Stage, guillotine it after a few hours' debate and ram it through all Stages the following week. What we have is a Fine Gael-Labour Government that is now moving from routinely implementing savage austerity to verging on a financial dictatorship over home owners.

Next year is 2013 - 100 years after the historic 1913 Lock-out when the working-class people of Dublin with significant support from around the country rose in rebellion against impositions and injustices by the employer and capitalist class of the day. They found leaders worthy of them in James Connolly and Jim Larkin and other men and women who gave courageous leadership against the injustices of their day. How ashamed they would be that the injustices are now being imposed by the party they founded. The Labour Party, like William Martin Murphy and the *Irish Independent* in 1913, will be surprised by the massive opposition and revolt they will face next year.

Capitalism is now a sick system and European capitalism is particularly sick and getting sicker. A total of €3 trillion of accumulated profits is lying uninvested by eurozone big business in banks and speculation while 25 million Europeans languish in enforced idleness through unemployment. That is a sick system and to look to it or to try to tweak or manage it for the benefit of society is futile and destructive. We on the left propose instead a socialist alternative by which the resources of society are freed from that system and from the grips of the bondholders and bankers and utilised for the benefit of society and the majority. In this way, we will remake our society into a place where people can live with dignity, jobs and happiness rather than this nightmare that continues to be criminally imposed by Fine Gael and the Labour Party in budget 2013.

Deputy John Halligan: The Government commemorated the 90th anniversary of the enactment of the first Constitution of modern Ireland yesterday in a very ironic manner. The Constitution recognised the inalienable rights of the family as superior to all positive law, but what the Government did was to hang out the ordinary man and woman to dry. Our debt is growing more than our growth rate and this budget will do nothing to move us in any other direction. We have done this for wealthy foreign speculators who have bankrupted this State.

We must be the only country in the world where a Labour Party pursues right-wing policies. I know of no Labour Party in any other country that would pursue the policies that the party is pursuing. This is a Labour Party that can suggest that it is fair that the low paid pay the same PRSI increases at the rich, that child benefit be cut, that carers sustain a significant reduction in respite care and that those who cannot afford to pay their mortgages now have to find money to pay the property tax. How can it stand over a budget that will reduce the average family's income by €120 per month but makes no mention of cutting the salaries and pensions of Deputies, culling or merging ineffective quangos, cutting the private education subsidy, abolishing

the Seanad or cutting the bloated pay or pensions of top civil servants?

It is inevitable that the reduction in spending power brought about by this budget will once again result in the loss of thousands of jobs. The Government has insulted the people by failing to increase tax on high earners and instead increasing tax on people earning just over the minimum wage by €250. It simply does not make sense that a person earning over €100,000 also faces this same increase of €250. There is much more in this budget.

I addressed a meeting in Waterford on Monday night that was attended by about 500 people. For the first time in the history of the State, the Society of St Vincent de Paul addressed a political meeting, as did a GP, and the stories they told were horrendous. The people at the meeting were from all walks of life - small businesses, the unemployed, middle-income earners, those on low pay and single mothers - and were all stressed and in a state of turmoil. What is offensive is that the Government refused to meet the Society of St Vincent de Paul and read its pre-budget submission. This is an organisation at the coalface in dealing with the problems of the less well-off. We are not talking about few hundred or a few thousand people. We are talking about 700,000 people on or below the poverty line and 250,000 children who will go to school hungry or without proper clothing. The Society of St Vincent de Paul used the term "malnutrition" for the first time in its history. Did the Labour Party think it would hear that terminology in 2012 because this is what is happening? It is out of touch with the reality. There are people going hungry and people who do not have a cent to spend and the Government wants more from them. It wants more from people who have no income and rely on the State and middle-income groups. It wants to take more off those 700,000 people on or below the poverty line. Shame on it.

It wants to take a property tax off 170,000 people in mortgage arrears. They cannot pay their mortgages so how can they pay the property tax? The Government is out of touch with reality. When it will not listen to the Society of St. Vincent de Paul and Social Justice Ireland, it will listen to no one. Within a number of years, perhaps before the three remaining years of the Government are up, the Labour Party Deputies will be put out of office and reduced to having a paltry number of seats, and rightly so.

During our lives we all make personal and individual choices, and there are choices to be made in every given situation. A swathe of people in the country rely on others to make choices for them because they are economically unsound through no fault of their own. They have been buried in bad debt and have lost their jobs through no fault of their own. All of these people are put on social welfare and bring with them mortgage, car and credit union arrears. They all rely on someone to make choices for them and they need compassion when these choices are being made. They need people to tell them they will show compassion and help them, and not leave them go hungry, send a child to school without proper footwear, sit in a house with no heating or wonder on Thursday whether they will have money to buy food at the weekend. This is when governments, and those of us on the left, when we have the opportunity to do so, are supposed to step up to the plate and look after those who need our help. What has the Government done? It has abandoned them, and this will never be forgiven.

The Labour Party Deputies have fallen into a false sense of security if they think things will get better in time for the budget after next. By then they will have done irreparable damage to hundreds of thousands of people in the State. They will have been complicit with the bankers who have sent people to their deaths and to absolute despair. A total of 450,000 people in the country suffer from depression, which is one of the highest percentages per population in

Europe. The Government is complicit with this, and shame on it. These are not my words, they are those of a GP who spoke at my meeting on Monday about people who have attended his constituency office and clinic, some of whom have killed themselves. The Government is complicit in this. It has let down the ordinary everyday average people who wanted it to make a choice for them because they cannot do so. The Government Deputies will pay a heavy price for this.

This morning I received an e-mail from a girl called Jean who stated she could have cried when she heard the details of the budget because the Government is bringing our people to their knees. She is a lone parent with a mortgage who works part-time but also attends college part-time, for which she pays. This year she approached the Society of St. Vincent De Paul to help her with her college fees, having never thought she would be in such a situation. She stated she does not know where she will find the money to put food on the table from week to week or to bring her children to the doctor if they get sick. She stated she is embarrassed to find herself in this position as she has always kept her head above water and tried to pay her bills, but she is slowly sinking. This sums up what the Government is doing to people in Ireland. All of these people will remember what the Government has done and they will make the Deputies pay for it.

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I am pleased to have this opportunity to outline to the Dáil the principal features of the 2013 Estimates for the Department of Arts, Heritage and the Gaeltacht. I echo the comments of my colleagues, the Minister for Finance, Deputy Noonan, and the Minister for Public Expenditure and Reform, Deputy Howlin, who outlined the full package of budgetary measures yesterday. Ireland is making steady progress, but we still have a long way to go. The Government is prepared to travel the distance that remains to reach a sound and stable economic position. The Department will play its part in making that journey.

In this context, gross funding for the Department of Arts, Heritage and the Gaeltacht will be €252.4 million in 2013 with an allocation for current expenditure of €215.3 million and a capital allocation of €37.095 million. A further €8.1 million, comprising €7.183 million in current funding and €905,000 in capital funding, is provided through Vote 34 for the National Gallery. This brings total funding for 2013 to €222.4 million in current spending and €38 million in capital. Within this funding allocation, the Department will oversee the conservation, preservation, protection, development and presentation of Ireland's heritage and culture. The Department will also promote the Irish language, support the Gaeltacht and assist the sustainable development of island communities.

Funding for 2013 will be reduced by approximately €10 million in current and €6 million in capital on the 2012 figures. As Members will appreciate, as a consequence of the significant fiscal deficit facing the country, we just do not have the same level of resources available to fund this work as we had in previous years. However, the Department will work hard to ensure the best possible use is made of the available funding.

Approximately €125.4 million, or 50% of the Department's resources, will be allocated to the Department's arts, culture and film programmes in 2013. Funding for the arts, culture and film represents a significant contribution not only to sustaining the arts and national cultural institutions but also to the economically important cultural tourism sector. My key focus for the arts and culture is to protect jobs and stimulate creativity. Of this total, €60.7 million will be allocated for the Arts Council for 2013 from current, capital and European Presidency funding.

6 December 2012

This is the maximum possible funding I can allocate to the Arts Council for next year, and is below the average reduction I have had to apply across the board in the Department. This will allow the council to continue to support arts organisations of varying sizes - from national bodies such as the Abbey Theatre to small, locally based groups - across a broad range of individual art forms and arts practices.

It is worth noting that between 2007 and 2011, funding to the Arts Council declined by almost 22%, from €83 million to more than €65 million. Since becoming Minister I have also had to reduce funding to the council, but I have worked to slow this decline as much as possible. This year, funding to the Arts Council was 2.9% lower than in 2011, the smallest year on year reduction since 2008. Next year, the reduction will be approximately 4% below the average reduction I have had to apply in other areas of the Department.

The 2013 allocation is also an acknowledgement by the Government of the contribution of the arts in the generation of employment in communities. The arts are the bedrock of many communities and also play a real role in Ireland's cultural tourism offering. I have worked hard to minimise the level of reduction in funding to the Arts Council for 2013.

Within the arts and culture envelope, I will hold current funding to the National Archives at its 2012 level of €1 million. This is to assist in the ongoing work of the archives, which is of great importance, and also to recognise the role of the archives in the current commemorative programme. With regard to national cultural institutions, the priority in 2013 will be to keep venues open and to maintain as far as possible front of house services to the public to ensure what they offer to the public continues to draw large numbers of people, including overseas and domestic tourists. Funding of approximately €11.3 million will be allocated to the group of cultural institutions comprising IMMA, the Chester Beatty Library, the National Concert Hall and the Crawford Gallery. Approximately €3.9 million will be allocated to regional museums, galleries and cultural centres. Approximately €11.9 million will be allocated to the National Museum of Ireland and €6.7 million allocated to the National Library of Ireland.

The rate of reduction in the core funding for the Department's Culture Ireland programme has been arrested.

2 o'clock

Including the EU Presidency culture programme funding, the total allocated to the culture Ireland programme in 2013 will increase compared to the current year.

A provision of over €18 million is being made available in respect of capital expenditure. The bulk of this capital funding will be channelled toward the Irish Film Board, in recognition of its importance from both a cultural and employment perspective. One of the key reasons Ireland continues to be chosen as a film location is the work the Irish Film Board does to promote Ireland at international film and television markets. The positive impact of this work is threefold, in terms of creating jobs in Ireland, creating spend on local goods and services, and promoting Ireland on the big and small screens to audiences of millions internationally.

I also welcome the decision by the Minister for Finance, Deputy Noonan, to extend the section 481 film tax relief scheme until the end of 2020. This will give a great deal of certainty to the Irish audiovisual sector to the end of the decade. Moving to a tax-credit model will be a significant change, but there is an extended lead-in period to the new arrangements to enable the sector to adapt. This year alone a number of significant productions are filming in Ireland,

including “Vikings”, with a spend in Ireland of €25 million, and “Ripper Street”, with a spend of almost €11 million. The extension of the scheme is important for Ireland, for both the jobs that are supported by this sector and our location as a place for film and audiovisual investment.

Funding of some €44.3 million has been made available in the context of my Department’s heritage programme. A provision of almost €37.6 million has been allocated for current expenditure with a further €6.8 million in capital funding. A further €1.2 million in capital funding will be carried over into 2013 giving an overall reduction in funding for heritage of approximately 6% next year.

Exchequer funding of around €4.4 million will be made available to support the work of the Heritage Council. My Department will be working with the council over the coming months to implement the findings of the recent review which recognised the council’s particular strengths in supporting and building links with local communities and local government in the promotion of our heritage.

With regard to natural heritage, the key outputs in 2013 will focus on meeting our obligations under EU directives. Turf-cutting and the protection of designated raised bogs remains a key concern for my Department and I remain determined to address this issue in a way that is fair, balanced and supportive of those affected. My Department and the Peatlands Council will continue to work closely with turf-cutters who are required to cease cutting turf on Ireland’s 53 special area of conservation raised bogs so as to ensure that their needs are met through relocation to a new bog or through compensation. A national plan will be progressed for the management of these protected habitats together with an overarching peatlands strategy to set out national policy on the future of all of Ireland’s peatlands.

Heritage functions in my Department will also continue to be supported through the Environment Fund in 2013. The level of allocation from that fund will be decided in due course.

I am committed to developing North-South co-operation within the broader arts, heritage and commemorative activities of my Department as well as through the funding of North-South bodies. An indicative provision of €40.3 million is being made available to support the two North-South implementation bodies, An Foras Teanga comprising Foras na Gaeilge and the Ulster-Scots Agency, and Waterways Ireland. These allocations will fall to be agreed by the North-South Ministerial Council in due course.

My Department makes a significant contribution to supporting economic activity and employment across the country, both in the sectors that it directly supports and, equally, in the context of cultural tourism. My primary concern is to make every effort to ensure that, within the provision available to me, I can continue to support the agencies that are contributing to job creation while also maintaining front-line services to the public. In addition, for 2013 every saving that can be made from cutting down on overheads, and through the public service reform plan, will continue to be pursued. The Government has reaffirmed its commitment to fairness, jobs and reform in the budget. My Department will continue to play its part to help move Ireland to a sound and sustainable economic position.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Denny McGinley): Tá áthas orm an deis seo a fháil labhairt sa Teach inniu maidir leis an soláthar do mo Roinn i dtaca le cúrsaí Gaeilge, Gaeltachta agus Oileán. I dtús báire, ní miste a rá gur figiúirí tascacha iad na figiúirí a bheidh á lua agam, faoi réir na Meastachán a bheith foilsithe

agus faofa i Feabhra 2013.

Is léir go bhfuil acmhainní an Stait thar a bheith tearc faoi láthair agus go raibh cinntí crua le tógáil dá réir ag an Rialtas maidir le leithdháileadh na n-acmhainní sin sa cháinainéis a cuireadh i láthair an Tí seo inné. I bhfianaise an tsoláthair laghdaithe atá curtha ar fáil do ghnóthaí Gaeilge, Gaeltachta agus Oileán, is léir go mbeidh cinntí crua le tógáil ag mo Roinnse fosta. É sin ráite, tá sé i gceist againn na seirbhísí túslíne a chosaint oiread agus is féidir.

San iomlán, beidh beagnach €57 milliún le caitheamh ag mo Roinnse in 2013 ar ghnóthaí Gaeilge, Gaeltachta agus Oileán, lena n-airítear an Foras Teanga. Áirítear anseo beagnach €42.4 milliún atá le caitheamh ar ghnóthaí Gaeilge, Gaeltachta agus Oileán agus tuairim is €14.6 milliún atá le caitheamh ar an Fhoras Teanga thuaidh agus theas, faoi réir chomhaontú na Comhairle Aireachta Thuaidh Theas.

Ní miste a rá go bhfuil laghdú idir 4% agus 5% tagtha ar an bhuiséad reatha agus go bhfuil laghdú 10% tagtha ar an bhuiséad caipitil sna réimsí a thagann faoi mo chúram. Ach é sin ráite, tá mise dóchasach go mbeimid in ann aghaidh a thabhairt ar ár gcuid tosaíochtaí a chomhlíonadh taobh istigh den tsoláthar a bheidh againn.

Mar is eol don Teach, tá cur i bhfeidhm na Straitéise 20 Bliain don Ghaeilge ar an chloch is mo ar phaidrín mo Roinne ón uair gur tháinig sí i bhfeidhm i mí na Nollag 2010. Agus Acht na Gaeltachta 2012 ina dhlí anois, táimid ag tabhairt tús áite don phróiseas pleanála teanga agus muid ag treabhadh ar aghaidh le cur i bhfeidhm na straitéise.

Má bhreathnaítear ar an chaiteachas reatha i dtosach, tá me an-shásta a fhógairt go mbeidh tuairim is €3.4 milliún ag Údaras na Gaeltachta a bheidh le caitheamh ar chur i bhfeidhm na straitéise sa Ghaeltacht agus, ach go hairithe, chun an próiseas pleanála teanga a fheidhmiú i gcomhar leis na heagraíochtaí pobalbhunaithe sa Ghaeltacht. Is díol suntais atá ann gur éirigh linn buiséad reatha an údaráis a mheadú agus is féidir liom a rá gur tógadh an cinneadh sin mar gheall ar thábhacht an phróisis, pleanála teanga. Ina theannta sin, beidh tuairim is €9.2 milliún ag Údaraá na Gaeltachta dá bhuiséad riaracháin.

Chomh fada is a bhaineann sé le caiteachas reatha mo Roinne, meastar go mbeidh tuairim is €6.7 milliún againn le caitheamh ar na scéimeanna tacaíochta Gaeltachta agus tuairim is €4.1 milliún againn le caitheamh ar na scéimeanna tacaíochta Gaeilge taobh amuigh den Ghaeltacht. Cé go bhfuil laghdú tagtha ar na figiúirí seo ón bhliain seo caite, tá mé ag súil go mbeimid in ann na seirbhísí túslíne a chosaint sna réimsí seo, ar nós na mná tí agus na coláistí Gaeilge, oiread agus is féidir.

Ní miste a rá go bhfuil mé an-shásta a fhógairt go mbeidh an t-allúntas céanna, is é sin €5.9 milliún, ann do na seirbhísí iompair do na hoileáin. Arís, is díol suntais atá ann gur éirigh linn an t-allúntas seo a choinneáil ag an leibhéal céanna, i bhfianaise na laghduithe atá curtha i bhfeidhm beagnach trasna an bhoird i mo Roinn.

Ar an taobh caipitil, tá mé an-shásta a fhógairt go bhfuil méadú tagtha ar an allúntas d'Údarás na Gaeltachta go tuairim is €6 mhilliún. Tógadh an cinneadh seo i bhfianaise tábhacht an allúntais seo do chruthú fostaíochta agus d'fhorbairt fiontraíochta sa Ghaeltacht. Idir allúntas an Státchiste agus acmhainní an Údaráis féin, tá mé ag súil go mbeidh an t-údarás in ann leanúint orthu ag cruthú post nua sa Ghaeltacht agus ag cosaint na bpost atá ann faoi láthair.

Maidir leis an allúntas caipitil a bheidh le caitheamh ag mo Roinn, beidh tuairim is €1.2

milliún le caitheamh ar na scéimeanna tacaíochta Gaeltachta agus beidh allúntas de thuairim is €680,000 ar thaobh na n-oileán.

Maidir leis na háisíneachtaí a thagann faoi scáth mo Roinne, creidim go mbeidh soláthar dóthanach acu in 2013 chun leanúint orthu lena gcuid feidhmeanna reachtúla a chur i gcrích. Beidh allúntas iomlán de thuairim is €18.6 milliún ag Údarás na Gaeltachta chomh maith le maoiniú breise óna gcuid foinsí féin. Beidh allúntas de €615,000 curtha ar fáil d'Oifig an Choimisinéara Teanga in 2013.

Ina theannta sin, beidh tuairim is €14.6 milliún ag an bhForas Teanga thuaidh theas, faoi réir chomhaontú na Comhairle Aireachta Thuaidh Theas in am trátha.

Mar fhocal scoir, creidimse go bhfuil tiomantas an Rialtais don Ghaeilge, don Ghaeltacht agus do na hoileáin le feiceáil go soiléir sa leithdháileadh atá beartaithe do mo Roinn don bhliain 2013. Ciallaíonn an soláthar seo go mbeidh mo Roinn in ann leanúint uirthi ag tabhairt tosaíochta do chur i bhfeidhm na Straitéise 20 Bliain don Ghaeilge, chomh maith le tacaíocht a thabhairt do phobal na Gaeilge, na hUltaise, na Gaeltachta agus na n-oileán tríd an réimse leathan gníomhaíochtaí a mhaoiniú mo Roinn agus áisíneachtaí mo Roinne.

Deputy Willie O'Dea: This budget is first and foremost an arithmetical exercise, as all budgets are, designed to bring in a certain amount of tax, spend a certain amount of money and come to a final result at the end of the day. A budget also needs to be more than just an exercise in mathematics, but the problem is that this one is not. A budget needs to be part of an overall strategy and must have a certain strategic element. It must be obvious where it fits into that strategy. I can see no evidence of any overall or coherent strategy in this budget. It lacks direction and is aimless. Quite honestly, I have seen more coherence in a bunch of fireworks. There is no direction or plan involved.

Before the most recent general election, the Labour Party favoured a 50-50 split between tax and expenditure, while Fine Gael's position was 3:1 in favour of expenditure. When both parties got together to write a programme for Government, they compromised on 2:1. I can understand that but in a compromise at that level when budgeting, especially in a time of crisis when one is trying to close a yawning fiscal gap, one must introduce measures that basically pass two tests. First, they will necessarily take money out of the economy, which will reduce activity, but they must also be geared to do minimal damage and create opportunities for the country to begin to grow back to prosperity. The second criterion is that a budget must be fair in order that those with the broadest shoulders take the hardest hit. There is no evidence that this budget has either direction or fairness. This budget is simply a compromise, consisting of a mishmash of measures to which both Government parties, or at least one of them in particular, could be persuaded to sign up, rather than having any coherent strategy.

That is underlined by the much publicised row over the universal social charge. Apparently, the Labour Party's Cabinet members went into various meetings on the basis that they wanted to increase the universal social charge for people earning more than €100,000 per annum. That was also part of our policy proposals. Fine Gael said the only way it would agree to that would be if the Labour Party agreed to let it punish the poor by reducing social welfare. Fine Gael apparently proved to be particularly unyielding on that, so both party leaders had a side meeting and what emerged was something called a mansion tax. What a nonsense.

Deputy Shane McEntee: Over three years, Fianna Fáil's budgets broke the country. I will

not be lectured to by the Deputy.

Deputy Willie O’Dea: I did not interrupt anybody here and I expect at least the same courtesy from the Minister of State.

Acting Chairman (Deputy Seán Kenny): Please allow the Deputy to continue.

Deputy Shane McEntee: That is why the Green Party walked.

Deputy Willie O’Dea: The mansion tax is a phantom, a chimera and a shameless fig leaf to conceal the naked capitulation of the Labour Party to the demands of Fine Gael. How can a party that calls itself Labour and claims descent from Connolly and Larkin sign up to consecutive cuts to the clothing and footwear allowance? In addition, there have been cuts to the back-to-education allowance, respite care grant, jobseeker’s benefit, household benefits for the poor and elderly and a trebling of prescription charges.

The latter is an invention of the Minister for Health, Deputy James Reilly. He was the man who proved that not only could Fine Gael not keep its pre-election promises, it could not keep its post-election promises either. After the election, I well recall Deputy Reilly saying that he intended to abolish the prescription charge. I do not take anything he says particularly seriously. He has proven that he is the man with the un-Midas touch. Everything Midas touched turned to gold, but everything Deputy Reilly touches turns to mould.

Deputy Shane McEntee: The Deputy would know all about that.

Deputy Willie O’Dea: The discussions on how this matter was played out between both parties, which got a lot of coverage in the national newspapers, is most interesting. In last Monday’s *Irish Independent*, a Labour source - and Labour was part of the Government the last time I checked - said: “We feel Fine Gael are out of touch and decided to throw welfare cuts into the pot ... It reveals the priority of our coalition partners about who they want to protect and who they want to target.” That is from a Labour source and is well said. I could not have put it better myself.

Deputy Shane McEntee: Why did you not say it on Sunday?

Deputy Willie O’Dea: In the same edition of the *Irish Independent*, a Labour Party Deputy - somebody who is keeping the Government in office and will probably vote for this budget also - said: “They [Fine Gael] don’t care about the ordinary punter ... We’re furious.” Not furious enough obviously, although we will see next week. I notice that a lot of them are wrestling with their consciences. I have been here a long time and I have often witnessed the spectacle of Labour wrestling with its conscience; it usually wins. Let us hope the trend changes on this occasion.

The old guard in the Labour Party, what some political journalists like to refer to as the grumpy old men, the leadership who are coming up to retirement on massive pensions, seem to be dictating the pace. Their policy can be summed up in one sentence - pensions before principle.

There was an extraordinary story in the *Irish Independent* on Tuesday, from a Fine Gael source this time.

Deputy Shane McEntee: The Deputy writes rubbish every week on Sunday.

Acting Chairman (Deputy Seán Kenny): Please, Minister.

Deputy Willie O’Dea: It said that the Minister for Social Protection, Deputy Joan Burton, wanted to have even more savage cuts. He said: “We were ... irked that she [Deputy Burton] put herself out as the protector of the oppressed when she had put forward this package.” She actually had to be talked out of a couple of cuts, including to the bereavement grant and some other aspects of social welfare. It is difficult enough to live in this country under this Government, but if the Minister for Social Protection had her way, it would be equally difficult to die under it.

That is where we stand. I am looking forward to see how that contest between the various Labour Party members and their consciences plays out next week when we have to face up to it and vote on these social protection measures. I can assure the House that, as my party’s spokesman on social protection, I will give them every opportunity to vote against any of those measures they wish.

The greatest social and economic problem facing this country, and from which many other problems stem, is the scandal of unemployment. In his budget speech yesterday, the Minister for Finance, Deputy Noonan, told us that “Unemployment fell by 3,600 on an annual basis in the third quarter of this year”. In the name of God, what planet is this man living on?

Last week in Limerick city, a small businessman advertised for two full-time jobs and one part-time job. They were not highly paid jobs and were pretty difficult. He got 700 replies, 80% of which were from people who were massively overqualified for the work in question. There are 50 applicants for every job vacancy. That is the reality of unemployment in every quarter, not just the third.

Deputy Shane McEntee: It is different in my county to yours. People are working.

Deputy Willie O’Dea: In his budget speech last year, the Minister for Finance said “The core [mission] of this Government is to get Ireland working again”. Therefore the core mission and unifying aim of the Government was to bring down unemployment. As the Minister has set the yardstick, Members should consider how he measures up to it. When the Government took office, the unemployment rate was 14.1% and it now stands at 14.8%. However, that does not even begin to tell the story. It does not relate how almost two out of three of those who are unemployed have been unemployed for at least 12 months and more than one in three of them have been so for at least two years.

Deputy Shane McEntee: Thanks to Fianna Fáil.

Deputy Willie O’Dea: It does not reveal that many people are leaving the workforce. As Dan O’Brien noted in an article in *The Irish Times* last Monday, one measures the participation rate, which is the true measure of unemployment. Moreover, it does not take into account the fact that people are hiding out in the education system and in all the training schemes and nor does it take into account that, if my arithmetic is correct, 200 people per day are emigrating from this country. They are not doing so from a desire to view the Seven Wonders of the World, as the Minister for Finance, Deputy Noonan, once suggested, but simply because they have no job and they wish to get one. Moreover, many of them are taking with them skills expensively acquired at the expense of the Irish taxpayer, that is, those very skills needed to get the country going again.

If one measures this in another way, the Government published a stability programme up-

date in April 2011, which is fair enough. It projected that the numbers at work would grow by 102,000 over the period from 2011 to 2015. However, if one fast-forwards to April 2012, when the famous jobs initiative was published, that figure of 102,000 had fallen to 67,000. Moreover, if one fast-forwards a further six months to last month when the Government published its medium-term fiscal statement, the number by which employment will grow in the period from 2011 to 2015 had now fallen to 18,000. In its projections last year, the Government expected employment to grow for the past 12 months but instead, it has fallen by 24,000. Consequently, the net result of all these bamboozling figures is that at present, 1.81 million people are at work and the Government expects that figure to be 1.828 million, or 18,000 more, by 2015. What does this make of the Taoiseach's promise that he will take 100,000 long-term unemployed people from the live register during the lifetime of the present Government? There is as much chance of this happening as the man had of finding El Dorado or the people had of finding the Holy Grail, when they all became lost, suffered from disease and illness or were destroyed. That objective has disappeared and the Government's own policies have helped to create this situation.

I refer to lack of investment, regressive taxation and cuts in capital expenditure etc., as well as an excessive and almost exclusive concentration on the supply side of the economy when a large part of the problem is on the demand side. How much time have I left?

Acting Chairman (Deputy Seán Kenny): You have one minute and 30 seconds left.

Deputy Willie O'Dea: In that case, I will not dwell on social welfare because I will have plenty of time to talk about it next week while debating the Social Welfare Bill, on which I will have much to say.

Deputy Shane McEntee: The Deputy should put it into a *Sunday Independent* article. No one will be reading it anyway.

Deputy Willie O'Dea: In conclusion, as a result of these savage social welfare cuts and as a result of another regressive budget on top of the one which preceded it-----

Deputy Shane McEntee: The Deputy does not know what he is talking about. He does not have a clue.

Deputy Willie O'Dea: -----Ireland now is a tale of two countries. On the one hand, there are the rich and the exempted, whose privileges are protected and preserved intact, while on the other hand, 750,000 people are living below the internationally-recognised poverty line in a population of slightly more than 4 million. In other words, 750,000 people are living below what is regarded as the international threshold of decency, of whom 250,000 are children. As Deputy Halligan who preceded me remarked, for the first time in perhaps half a century, children, the unemployed, those with special needs and, increasingly, those on the margin are going without. Members will deal with the issue of social welfare next week and I have recorded carefully everything all those Labour Party Members who have been wrestling with their consciences have said and I will hold them to account next week.

Deputy Shane McEntee: Deputy O'Dea need not worry, as we have recorded everything he has said for the past five years.

Deputy Willie O'Dea: Deputy Brian Hayes has an intellectual giant beside him.

Deputy Shane McEntee: It is Fianna Fáil that has us in this position.

Acting Chairman (Deputy Seán Kenny): The next speaker will be the Minister of State, Deputy McEntee, followed by the Ministers of State, Deputies Brian Hayes and O'Dowd.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Shane McEntee): From the outset of this budgetary process, the Government was determined to build on the progress achieved in recent years in developing the agrifood sector and in particular to further contribute to the future growth and prosperity the sector can achieve for Ireland in expanding its revenue base through growth in export earnings. The Exchequer contribution to the Vote of my Department in 2013 will amount to approximately €1.25 billion. Although constrained by tight budgetary disciplines imposed right across the economy, which originally demanded a reduction of €114 million for next year, the Government was determined to minimise the impact of the scale of the reduction in order that the most important schemes and programmes upon which the sector relies most were protected to the greatest extent possible. I am pleased to state that through re-orientating and re-scheduling payments, the Department of Agriculture, Food and the Marine has managed to fund new schemes and programmes, while also reducing the scale of savings to a lower amount of €89 million compared with 2012, while protecting farm incomes.

The 2013 budget reflects a significant Exchequer commitment of support for the agrifood sector and is recognition of the contribution the sector can make to economic recovery and future growth. The voted expenditure for 2013 of €1.25 billion is comprised of approximately €1.057 billion in current expenditure and €193 million in capital expenditure. The downward budgetary movement between 2012 and 2013 of €89 million reflects lower budget requirements for a number of measures. The Department was particularly pleased to secure an increased capital allocation in 2013 of approximately €25 million from the Department of Finance in a period of very scarce resources. This enables a meaningful capital programme to be undertaken, including funding for approximately 7,000 ha of new forest planting.

As for the key priorities, this year's budget is consistent with that of last year with regard to the Government's priorities for the agrifood, marine and forestry sectors, namely, the protection of incomes for family farms, support for small farm holdings in disadvantaged areas, taxation measures to restructure, modernise and promote growth in the agrifood and farming sectors, the provision of support programmes in line with the targets of the Food Harvest 2020 strategy, particularly concerning job creation, the provision of support for the future of the sector through new research and development funding and through investment in food safety and animal health and welfare controls and a continued programme of reform within the Department aimed at continued improvement in service delivery and reducing costs.

I refer to taxation measures in respect of restructuring and modernising the agrifood sector. In addition to and together with direct financial support for the agrifood sector, the Department has secured agreement for a range of taxation reliefs that will link in with the key measures being pursued in the Food Harvest 2020 strategy for the growth and development of the agriculture, food and marine sectors. The main taxation measures in the budget which will benefit the sector are the retention of the general 25% rate of stock relief for all farmers and 100% stock relief for young trained farmers, a new farm restructuring initiative to allow consolidation of land parcels with the aim of improving the overall efficiency of the combined holdings, an expansion of the foreign earnings deduction scheme, which benefits SMEs, to apply where an individual spends 60 days a year developing opportunities for Ireland in certain key markets,

the extension of the farm partnership scheme to sectors other than milk production partnerships, subject to State aid approval and relief from excise duty on auto-diesel for licensed road hauliers. These taxation measures reflect the Government's commitment to the agrifood industry and in particular to the expansion planned in the Food Harvest 2020 strategy. They are designed specifically to address key constraints in the sector and ensure the growth potential of the sector is fully realised.

In respect of beef, I note the €25 million of continued investment in suckler beef. The Department was anxious to build on the success of the suckler cow scheme that operated from 2008 to 2012 and accordingly, has allocated €10 million in 2013, financed from unspent single farm payment funds, for a new support programme for suckler beef farmers to participate in a new beef data programme. When taken together with residual payments of €10 million under the suckler cow welfare scheme, this will amount to €20 million in direct payments to suckler farmers in 2013. This programme will assist farmers in improving the genetic quality of Irish cattle and will maintain the data flow into the Irish Cattle Breeding Federation, ICBF, to build further knowledge and more rapid progress in breeding and ultimately in profitability for farmers. In addition, the sum of €5 million has been set aside to support the continuation for another year of the beef technology adaptation programme, a scheme that provides beef farmers with better information and improved skills to increase profitability on farms.

The dairy sector continues to perform very well on international markets. New growth projections arising from the abolition of quotas in 2015 will allow Ireland to increase milk output by up to 50% in line with the industry target set out in Food Harvest 2020. My Department is anxious to continue to support this growth and has provided some €10 million under the targeted agriculture modernisation scheme in support of dairy farm modernisation, providing grant assistance of up to 40% for investment in dairy farm facilities. Although the dairy discussion group programme has come to an end and has achieved its objectives, an additional sum of €1 million has been provided to allow a further opportunity to new entrants to participate in this valuable programme, which builds organically a level of knowledge of best farming practice, tutored by peers, and which has proven extremely popular and beneficial in building greater levels of on farm efficiency.

Minister of State at the Department of Finance (Deputy Brian Hayes): I am thankful for the opportunity to contribute to the debate, as I have a number of points to make. It is inevitable, when €3.5 billion is taken through tax rises and expenditure reduction, that it will be difficult for our people. That is on top of the fact that since 2008, €24.5 billion in tax rises and expenditure cuts have occurred. We must focus on the remarks of the Minister for Finance, the Taoiseach and the Tánaiste. When this budget is in play next year through a finance Act and social welfare Act, some 85% of the adjustment required to get the deficit to 3% by 2015 will have occurred. The House must be clear about that.

I wish to say to the Irish people that there is light at the end of the tunnel and we are getting to the last furlong of this race. It has been a torturous process for our citizens, whether they live on their own or as part of a family. The most difficult part of the race is for the 300,000 people who have lost their jobs since the collapse of this economy under Fianna Fáil, and that is where we must focus. We must get back to a state of creating and sustaining jobs.

The comments of my colleague, Deputy McEntee, have highlighted the very progressive and innovative ideas now taking root in agriculture that will spur the agricultural food industry. The ten-point action plan announced by the Minister for Finance, Deputy Noonan, and the

Minister for Jobs, Enterprise and Innovation, Deputy Bruton, has made the cornerstone of this budget the small and medium enterprise sector, which employs 70% of all workers within the country. The only way out of this is getting employment back to previous levels, and that is the only way to provide the funds needed for public services.

I will speak to the taxation system in the short time I have today. Despite the polemics, Punch and Judy antics and hyped comment made on all sides of the House, I ask Members to read annexe F in the budget documents submitted to the House by the Minister for Finance yesterday. Within annexe F, it can be seen that the Irish tax system is the most progressive taxation system of the 27 member states of the European Union; I am making that claim in the House today. A European Commission study indicates that since the adjustment process began in 2008, 30% of the overall adjustment has been borne by the richest 10% in this society, with 70% borne by the richest four income groups within the society. The ESRI report highlights that from 2008 to 2012, the greatest losses in the period were for those with higher incomes, with the smallest losses for those on low incomes. An OECD report on taxing wedges indicates that from 164 countries, Ireland has the second most progressive taxation system.

Those opposite have put the charge to this Government that we have not introduced progressive taxation measures during the course of budgets. Those with the biggest incomes have borne the most, and the top 10% of income earners in this society pay 60% of all tax. Some 70% of people in our country have incomes of €50,000 or less and they pay 19% of all income tax. That is the way it should be. Yesterday's measures included increases in capital taxation, deposit interest retention tax, capital gains tax and capital acquisitions tax. There was an extension of PRSI to unearned income, including consultancy, rent and the like. There was also the extension of the universal social charge to older citizens with very substantial pensions.

These are examples of the continuation of a progressive budget where those who have more would pay more. Ultimately, this budget will only be determined on the ability of our Government and the country to get people back to work. It can sometimes be appalling to listen to the Opposition as every time the Taoiseach makes a positive jobs announcement, such as recent announcements about PayPal, Paddy Power or Google, the heads of those opposite drop because they do not want to hear about it. For them, the perpetual Punch and Judy Ballymagash politics continues, where good news for this country about foreign direct investment can be pilloried.

I ask the Opposition to work with the Government as we attempt to get Ireland out of a hole and the legacy in which we were landed by the previous Administration. In that regard I believe the measures obtained in this budget will once again highlight the progressive nature of our taxation system and the fairness through which adjustments are being borne.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): Is dóigh liom go bhfuil an buiséad seo féaráilte, cé nach bhfuil aon dabht ach go bhfuil sé crua ar a lán daoine. Táimid ag troid ar feadh blianta anois chun fostaíocht a chruthú agus chun postanna a chur ar fáil, go háirithe do dhaoine óga. Tá sé an-tábhachtach go leanfar leis an obair seo agus go dtiocfaidh críoch leis. It is very important to note, as my colleagues have said, that although this is a tough budget, it is part of a series from the past number of years. There is light at the end of the tunnel and we know where we are going. We have made very significant progress economically, and by the end of next year 85% of the heavy lifting of decisions and burdens to be borne proportionately will be done. The more people have, the more they will pay, as that is the only way forward.

In many ways this budget is the watershed for really tough decisions. With every euro coming to the tax coffers, approximately 82 cent is spent by three different Departments. The Department of Social Protection has a budget of €20 billion, the Department of Health has a budget of €13.8 billion and the Department of Education and Skills has a budget of approximately €8.6 billion. In most Departments, a significant proportion of money goes to paying people who work in the areas so the amount left is critical when we are discussing cuts. People will judge the equity and fairness of the budget.

We are looking to the future and the creation of jobs. In my constituency we have been lucky in the past number of years and this year in particular because we have created jobs. In my home town over 600 jobs have been created this year from foreign direct investment. Why is that investment coming and why have 10,000 jobs been created this year by IDA Ireland? It is because the economy is competitive and our costs have decreased. Internationally, we are much more competitive than we have been, and people wish to invest in a country with a young, talented and educated work force. We have modern communications with broadband and road and rail networks. People are coming to Ireland because they can do business with our country.

One of the key points about the budget is that there is no change in corporation tax, which remains at 12.5%. Long may that be the case.

As my colleagues noted, the burden of the budget is falling on people in a manner proportionate to their income. In other words, the greater one's salary, the more tax one pays. Speakers have referred to equity in the context of the property tax and I accept it will be difficult to pay the tax. North of the Border, however, people pay a property charge whether they live in a terraced house on the Falls Road or in a semi-detached house on the Malone Road. The average annual charge equates to €1,200 and every improvement a person makes to his or her home results in an increase in the tax. Moreover, councils may impose an additional amount and I note with interest that members of Sinn Féin on Belfast City Council and other local authorities in the North have proposed raising funds locally for local issues.

The property tax will deliver greater accountability and democracy in local government because from 2015 onwards local authorities will have the power to levy local charges to improve their local areas. While some will argue that 1977 was a long time ago, the most damaging political decision taken in our lifetime was made in that year. I refer to the ridiculous decision to abolish property charges and road taxes. This proposal was used to buy the 1977 election and the country suffered as a result.

This Government did not create the current appalling financial mess but was elected to deal with it. Our role is not to be popular but to do a job. We are fighting to get out of the current mess and taking tough decisions. There is, however, light at the end of the tunnel as it is clear from conversations I have with people involved in commercial life, whether business or property, that a change is coming. The tough decisions being made and the burdens being imposed on people, proportionate as they are, will deliver success and the Government will stay the course.

Deputy Caoimhghín Ó Caoláin: The members of the coalition Government and all who support it in the Oireachtas should hang their heads in shame at the disgraceful budget introduced yesterday. For members of the Labour Party in particular, yesterday was a day of shame. Where now are the claims of their party to be the protectors of the vulnerable? A leading member of the Labour Party, who was previously a member of both Democratic Left and the Workers Party, once famously had a bonfire of documents in his back garden, as I am sure some of

the Deputies opposite will remember.

Deputy Sean Sherlock: On a point of order, I did not hear the Deputy's point.

Deputy Caoimhghín Ó Caoláin: That is too bad. The junior Minister can read the blacks.

Deputy Sean Sherlock: Will he repeat what he said?

Acting Chairman (Deputy Seán Kenny): It was not relevant to the discussion.

Deputy Caoimhghín Ó Caoláin: Today, members of the Labour Party must be regretting that they did not burn every one of the posters they put up all over the country in the final week of the 2011 general election campaign featuring the slogan, "Protect Child Benefit - Vote Labour".

Deputy Sean Sherlock: The House is about to hear a lecture in partitionist politics from Sinn Féin.

Deputy Caoimhghín Ó Caoláin: I ask the Chair to allow me to speak uninterrupted and ask the junior Minister to have manners and listen.

Acting Chairman (Deputy Seán Kenny): I ask everyone to address the motion.

Deputy Caoimhghín Ó Caoláin: Even the political opponents of Fine Gael and the Labour Party are shocked at the extent of their attacks on children, the poor, the sick, the old and financially struggling families. The Minister for Finance, Deputy Noonan, with his talent for stating the blindingly obvious, indicated the financial crisis could be summed up in one word, namely, "debt", before proceeding to pile more debt on household budgets that have already been pushed beyond breaking point. The cuts to child benefit are the single worst assault in decades on the incomes of families with children. They hit low to middle income families worst and come in the wake of the children's referendum when Fine Gael and the Labour Party claimed to be defenders of children's rights.

I deplore the cynical spin from the Government, repeated by many media outlets, that the cut to child benefit is €10 per month. The position is much worse than that. The cut of €10 per month applies to the first and second children, while the cut for the third child is €18 and it is €20 for the fourth and subsequent children. This equates to a €58 monthly cut for a family with four children and €98 for a family with six children. Do members of the Government have any conception of the impact of such cuts on struggling families? Tens of thousands of families rely on child benefit payments to pay monthly bills that keep their children fed, clothed, in school and with a roof over their heads.

Among the cruellest cuts was the Government's decision to impose a reduction in the back-to-school clothing and footwear allowance, which severely punishes the most needy families. Need I remind the House that it was a children's footwear tax that brought down a previous Fine Gael-led coalition. Are there any brave souls among the Fine Gael and Labour Party Deputies who will stand against these cuts?

Families will also be hit by the so-called property tax. This is not a property tax but a family home tax that will result in unsustainable debt being piled on unsustainable debt for families across the State. The family home tax will be resisted and opposed even more strongly than the household charge. It is clear that some Government voices are very uncomfortable with this

measure and I call on the Government, even now, to step back from the brink by not proceeding with it. I urge maximum opposition across the State to this cruel measure. Let there no doubt that the choice is to tax wealth as opposed to family homes.

A cynical but futile attempt at deception is being made about the true impact of this budget. It began with the withholding of the budget documents during the speech of the Minister for Finance, Deputy Noonan, and is being maintained across all Departments, none more farcical than the Department of Health. The Minister for Public Expenditure and Reform, Deputy Brendan Howlin, tried to give the impression that spending on health would increase when the truth is that cuts of €781 million are to be imposed in 2013. Fine Gael and the Labour Party are destroying our health services. When they cut more than €750 million from the health budget for 2012, in addition to the €1 billion cut in 2011, we said the cut was unsustainable and would cause significant damage to the health services. They then cut a further €130 million last August and only this week the Minister for Health, Deputy James Reilly, had to ask the Dáil for an additional €360 million Supplementary Estimate to prevent services from collapsing before the end of 2012. Next week, we will have the bizarre spectacle of the Minister coming before the Select Sub-Committee on Health to address his Supplementary Estimate for 2012, just as he is planning to impose further unsustainable cuts for 2013.

The Minister for Health and his Cabinet colleagues are imposing massive cuts that are unsustainable and will deliver further hammer blows to our public health services. The Government promised free general practitioner care for all, yet it is planning to impose further restrictions on access to the medical card in 2013 in order that fewer of even the most needy will have access to free GP care. So much for the trumpeted so-called health reforms of Fine Gael and the Labour Party.

The Government's failed austerity programme has resulted in the savage cutting of 950,000 home help hours in 2012. Far from restoring these vitally needed hours to some of our most vulnerable citizens, Fine Gael-Labour Party spending cuts in 2013 will mean more home help cuts, notwithstanding the vague claim by junior Minister, Deputy Kathleen Lynch, that there is a commitment to "restore" these services. Anyone relying on a Labour Party junior Minister to deliver on that promise after this budget is living in cloud cuckoo land.

I will describe the reality of the cuts in home help hours using some examples I cited to the Minister in committee last week. Last Saturday, people with disabilities and older people met in Cavan town in my constituency to protest at these cuts. One local example they gave me related to a 94 year old man whose home help hours have been halved from 11 to five hours per week. I have also received a representation on behalf of a 99 year old man in County Mayo who is living alone and has had his three hours home help per week cut to two. I could provide several more examples but will instead conclude by reflecting on the fact that, despite vehemently opposing prescription charges for medical card holders imposed by the former Minister, Ms Mary Harney, the Labour Party and Fine Gael have trebled these charges to €1.50 per item and increased the monthly maximum payment from €10 to €19.50. The Minister for Health, Deputy Reilly, has failed to deliver the promised reductions in the exorbitant prices of medicines. Instead, he is passing on the cost to patients through higher prescription charges and the increase in the threshold for the drugs payment scheme from €132 to €144 per month.

I could go on *ad infinitum*, there are so many serious fault lines in this budget package, but I will conclude. We reject this budget, we stand shoulder to shoulder with those who bear the brunt of its attacks and we will campaign and work even more vigorously for a real alternative.

Deputy Aengus Ó Snodaigh: This budget is cowardly and indefensible. In particular, the cuts in social welfare target the most vulnerable in society. So much for the pre-election promises and programme for Government's commitments. By design, the Government has set out to target children and the parents on whom they depend. Also by design, it has set out to target the disabled again.

Only one month ago, the Government campaigned on children's rights, promising the Earth, moon and stars, but we can see today the colour of its commitment to children. The number of children at risk of poverty and the numbers experiencing acute deprivation will increase as a consequence of this budget. Basics such as food, clothing and shelter will become unaffordable for thousands of families. Without hesitation, I condemn the cuts to the child benefit, the back to school allowance, the respite care grant and the maternity benefit in particular, although there are many others.

Yesterday, the Labour-Fine Gael Government dipped its hand into families' pockets and ripped out €10 for each child. In the case of a family of four, the Minister for Social Protection has taken €58 in child benefit per month, some €696 per year. The parents of twins and triplets will struggle in particular, having been targeted by the Government last year.

If all of that was not low enough, the Government has decided to tax the unborn. The decision to start taxing maternity benefit could see some mothers losing more than €1,300 at an expensive time in their lives.

If it was not already bad enough for mothers and their young children, the Government has once again targeted them by cutting the back to school allowance by €50. This annual payment assists the country's poorest children and their families when children return to school each September. Combined with last year's cut of approximately €50, €100 has been cut across two Labour Party and Fine Gael budgets. This is supposed to be a fairness agenda. So much for fairness.

Struggling families should fear not, however. The Minister, Deputy Bruton, and her colleagues have included some measures to "compensate" for the cuts. The Minister for Public Expenditure and Reform, Deputy Howlin, has been all over the place claiming that there is a "suite" of 14 measures to tackle wealth. However, he announced a suite of measures yesterday that will push more people into poverty, target the low paid and the vulnerable and dig further into their pockets. The Minister, Deputy Howlin's wealth suite also targets the poor and the low paid.

The Minister for Social Protection, Deputy Burton, has a solution for the majority of families, one that is taken out of Ms Mary Harney's book. Do Deputies remember Mary Harney of the Progressive Democrats? She told people to shop around. This is the answer that the Minister, Deputy Burton, has for parents whose back to school clothing allowance she has slashed.

I will address one of the meanest cuts of all. The annual respite care grant for children and others with severe disabilities is being cut by €325 at a time when respite services are being steadily reduced because of the Government cuts of recent years to the health service. We need only recall the issue of home help. The respite care grant is invaluable to the financial and mental well-being of family carers. This morning, the Tánaiste referred to its recipients as members of the caring profession. That is a joke. The State has never fully recognised the cost of disability, let alone the value of caring. Using a phrase that incites the rage of many of the

carers whom I have met, the Minister, Deputy Burton, has regularly referred to them as unsung heroes. They do not want her patronising praise. They want the cuts reversed and the Government to give them a break.

When people are at their lowest having just lost their jobs, what is the Government's response? The response of the Labour Party, which supposedly represents the working class - at least that lie is in tatters - to jobseekers is to walk all over them and to kick them when they are down. The Government proposes to cut jobseeker's benefit entitlements by three months, amounting to 25% and 33%, respectively. The Government is removing people's insurance repayments, as jobseeker's benefit is a payment due to them from their PRSI contributions. Claimants paid their premiums while working and are entitled to expect that they be repaid to them once they lose their jobs. Since 2007, 300,000 people have lost their jobs. In the past three months alone, the total number of people employed has decreased by 5,800.

The Government has done nothing in this budget to live up to its promise not to cut social welfare core rates. The changes to the jobseeker's benefit is proof of this, were any needed. Just as workers, trade unions, Sinn Féin and members of the Labour Party agree that allowances in the public sector form part of core pay, social welfare allowances and secondary benefits are core social welfare payments. Has the Government no shame in trying to represent this manifestly unfair budget as fair? Shame on it.

Acting Chairman (Deputy Seán Kenny): The next speaker is the Minister of State, Deputy Sherlock, but the House is due to suspend at 3 p.m. As it is now 2.58 p.m., the Minister of State can use the remainder of his time when the debate resumes.

Minister of State at the Department of Education and Skills (Deputy Sean Sherlock): With the Chair's permission, I would like to share my time with Deputies Harrington, Twomey and Kyne.

Acting Chairman (Deputy Seán Kenny): The Deputies will have five minutes each.

Deputy Sean Sherlock: I will conclude my contribution within the two minutes remaining before the sos, after which my time will revert to the other Deputies, with the Chair's permission.

Acting Chairman (Deputy Seán Kenny): That is fine.

Deputy Sean Sherlock: There are two Sinn Féins on this island - Sinn Féin in the Six Counties and Sinn Féin in the Twenty-six Counties. They preach one message in the South and another in the North. I do not understand Sinn Féin's vehement opposition to a property tax in the South, as it does not appear to oppose it in the North where it is in government and where the average household pays approximately £1,000 per annum. If Sinn Féin is so vehemently opposed to property tax, why has it not rolled back on that tax in the North?

In October, Sinn Féin nodded through the Welfare Reform Bill in the North, which will have the effect of permanently reducing the North's £5.1 billion benefits bill.

3 o'clock

I do not understand why Sinn Féin did not block that in the North, as it is in the Executive.

Acting Chairman (Deputy Seán Kenny): As it is now 3 p.m., I call on the Minister of

State to move the adjournment.

Deputy Sean Sherlock: I thought I had one minute.

Deputy Aengus Ó Snodaigh: The Minister of State's time is up.

Acting Chairman (Deputy Seán Kenny): I am sorry about that.

Debate adjourned.

Topical Issue Matters

Acting Chairman (Deputy Seán Kenny): 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 Tom Hayes - the need to attract multinational investment and to create employment in areas outside of Dublin, particularly in County Tipperary; (2) Deputy Derek Keating - the increased incidences of tuberculosis throughout Dublin city and county; (3) Deputy James Bannon - the potential national fall-out of the loss of approximately 100 jobs at Ericsson, Athlone, County Westmeath; (4) Deputies John Browne and Mattie McGrath - the need to insist that the code of conduct for business lending introduced by the Central Bank of Ireland is fully adhered to; (5) Deputy Áine Collins - the need to provide proper treatment for sufferers of cystic fibrosis at St. Vincent's hospital, Dublin; (6) Deputy Aodhán Ó Ríordáin - the murder on Tuesday evening in Killester and the Garda response to a potential escalating feud on Dublin's north side; (7) Deputy Mick Wallace - the termination of penalty points by members of An Garda Síochána; (8) Deputy Pádraig Mac Lochlainn - concern over the proposed closure of Garda stations and the scrapping of Garda districts; (9) Deputy Clare Daly - the termination of motoring offences by members of An Garda Síochána; and (10) Deputy Robert Troy - the need for the Minister for Social Protection not to proceed with the proposed cuts in child benefit rates.

The matters raised by Deputies Tom Hayes; James Bannon; John Browne and Mattie McGrath; and Aodhán Ó Ríordáin have been selected for discussion.

Sitting suspended at 3 p.m. and resumed at 3.30 p.m.

Financial Resolutions 2013

Financial Resolution No. 15: General (Resumed)

Debate resumed on the following motion:

THAT it is expedient to amend the law relating to inland revenue (including value-

added tax and excise) and to make further provision in connection with finance.

--(Minister for Education and Skills).

Deputy Noel Harrington: I wish to share time with Deputies Twomey and Kyne.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Noel Harrington: I welcome the opportunity to speak on what has been a very difficult budget. It has been one of the most challenging budgetary processes this country has experienced. It goes without saying that any effort to correctly balance Ireland's books by €3.5 billion could be expected to meet with approval or popularity. Nevertheless, it had to be done and it is worth noting it was agreed by all parties in this House that an adjustment of €3.5 billion was required. Ireland is lumbered with many great challenges, the greatest of which is a significantly inflated unemployment figure which has proved to be a crippling obstacle to growth and greater prosperity. The desire to deal with this millstone around the neck of our country is fundamental to every decision taken as part of this budget. There are too many people, hundreds of thousands, who rely entirely on State benefits. We all agree every effort must be made to provide for an environment to get these people, too many of them on long-term unemployment, back to work.

There is less agreement, however, on how that environment needs to be created. Making work more attractive as an option is a way with which I agree. It is interesting to note that Sinn Féin, with all its rhetoric and polemics, not once referred to jobs. Attracting capital and foreign direct investment has to be encouraged. People are enterprising, hard-working and resourceful. Given the chance, they will respond positively.

Similarly, investors and entrepreneurs need one measure more than any other – stability. Even in a poor economic environment, a predictable and stable State provides the basis to create jobs. We have to take indecision, fear and negativity from any consideration by these entrepreneurs and investors to make their decisions. Our tax regime, our competitive environment and an ability to take hard decisions will pay dividends. We are beginning to see small but encouraging signs in this regard. This time last year we were completely locked out of the bond markets. Our yields were 10% but are now less than 2%. There is increasing confidence in our economy and unemployment is slowly beginning to fall.

A second challenge we need to address is debt, both national and personal. Again, it was an issue not referred to by earlier speakers. Even if our bank debt was struck out, our borrowing requirements for next year would only fall from €13 billion to €11 billion. If that striking out involved default, we would still need €11 billion from the very bond markets we told we would not repay by defaulting on our bank debt. Overnight, this would have catastrophic economic consequences with ATMs drying up while public service pay, pensions and welfare payments would be halved.

No one in this House should be satisfied, content or smug about the situation in which we find ourselves or how and when we will recover. It is the people who work every day of the week and on whose shoulders that this country will re-emerge leaner, more competitive and with a fairer society. We must get the country back to work. Subsequently, everything else will fall into place. These budget measures were difficult and not popular but needed to be taken. Hopefully, as the weeks and months progress we will see genuine and real improvements in our economic situation.

Deputy Liam Twomey: The extreme peak of the Celtic tiger was in 2006. Since then, there are 350,000 more people living in Ireland, 50,000 more students in our schools, 30,000 more students going to third level and 80,000 more people receiving a State pension. However, there have been some negative developments too. Over half a million more people are medical card holders while 200,000 more are seeking jobseeker's payments. All of this has happened against the background of economic collapse of our public finances and significant changes to the lives of the people. Every budget must be measured against these parameters.

To get a steer on the way Members were approaching this debate, I listened to several contributions from the Opposition. Some were measured but one would also need a sense of humour to listen to some of the drivel that passes for debate from the Opposition. I know the Opposition parties could not have been bothered to get their alternative budgets costed by the Department of Finance. Some of the Members who receive €40,000 of taxpayers' money to run parties of one were alternating between collapsing the economy completely to the unusual suggestion that we should follow the blood sacrifice of 1916 and Irishmen and Irishwomen should start killing each other over the local property tax. That was surpassed by a former Fianna Fáil Minister lecturing the Government on how unemployment figures have impacted on people. One would never have believed he was part of a government that essentially destroyed the sacrifices Irish people made and the gains they achieved since the foundation of the State. All of these were thrown away by the former Government. It is up to this Government to restore these.

It is acknowledged by Members, especially Government Members, that circumstances are very difficult for some of our citizens and they have every reason to be angry and frustrated. Unfortunately, it is easy for some to exploit the raw anger, genuine frustration and the fears so many of these citizens have. I hope we can identify those most in need and help them as best we can as we modify this budget and government policy over the next several months. It is left to Fine Gael and Labour, as collation partners, to work together - with a certain amount of friction I accept - and debate the serious financial and social issues that so clearly need to be resolved in this country. Unfortunately, we have not got the interaction one would expect from the Opposition. The debate from Members opposite, as previous speakers have said, is just drivel and polemics from people trying to make space for themselves in the political arena rather than having a genuine concern about what some people are going through. I hope we will come through this crisis in three years' time. I hope the negativity that seems to have infected the Opposition will dissipate to some degree over time. Political opportunism will be seen for what it is by the people outside of this House. Many Ministers have made sterling efforts since we came into office to make life better for the people and minimise the impact of some difficult policy choices. It will be left to the Government's backbenchers to hold our Ministers to account to ensure these budgetary impacts are lessened.

Deputy Seán Kyne: In February 2011, the Government - Fine Gael and Labour - received a mandate from the people to regain our economic sovereignty, restore our economy, jobs and investment, and put our country back on the right, sustainable, compassionate path. Budget 2013, although undoubtedly difficult, is part of the process. The Government faces the most challenging task it could face: to rebuild our economy on solid foundations of jobs, enterprise, exports and innovation rather than the old, shaky foundations of property speculation and financial trickery.

We are a long way from the days of Charlie McCreevy's giveaway budgets when populist but short-sighted measures were compounded by the squandering of public money, which often found its way to those in society who least needed it. Unfortunately, every decision in budget

2013 has been drawn up in one context, the reality that must be clear to everyone inside and outside the House. The painful reality is that the country is spending close to €17 billion more each year than we raise through taxes and revenue. This is not sustainable and cannot continue.

Some in society would prefer deep cuts in social welfare and other spending areas while others prefer higher taxes or levies. The challenge we face is to listen to the different interests and to reach a compromise rooted, first and foremost, in fairness. Despite the denials, our tax system is the most progressive in Europe, a fact espoused by the OECD, the ESRI and the European Commission. Those most able to pay taxes and charges in Ireland do so and budget 2013 continues this. For example, capital gains tax, capital acquisition tax and DIRT have all been increased by 3% following last year's increases. Tax relief on pension contributions has been significantly reduced and capped, and PRSI and the tax base have been broadened with unearned income now subject to tax. However, despite these new measures, the primary weekly rates of the many social welfare benefits and schemes have been protected. I believe in the safety net social welfare provides as it is a system on which all citizens will depend at some point in their lives.

The confirmation of no income tax increases, no reduction in tax credits and no changes to tax bands as well as no VAT increases is welcome news to workers grappling with the effects of the recession. To help as many citizens as possible reduce their need for social welfare, a Government must support job creation and small to medium-sized enterprises. Budget 2013 achieves this with the ten-point tax plan for SMEs to help reduce administration costs, to protect and increase cashflow and to assist Irish SMEs compete on the global stage. Competing abroad requires efficient transport systems, and the rebate on diesel for our hauliers will help achieve this. The positive support the tourism industry has received will continue with the retention of the lower rate of VAT introduced in the stimulus plan of 2011.

Repairing the damage takes time but it also requires reform in order that we learn from the mistakes of the past. The Government has begun fundamental reform in the delivery of public services to safeguard essential services while maximising value for public money. Public representatives, Deputies and Senators cannot be, and are not, immune from reform. Budget 2013 is the first in many years to specifically cut public representation expenses, abolish ministerial severance payments and inject much needed transparency by abolishing entirely the system of unvouched expenses.

This budget is unquestionably a difficult one. However, there was not a credible, workable alternative put forward by any Opposition group in Dáil Éireann. The fact that no Opposition group sought the assistance of the Department of Finance for costing and estimating proposals is proof of this. Budget 2013 will be difficult for all as we try to maintain public services while closing the gap between State income and spending. We are on the correct path and about 85% of the measures needed to restore sustainability and economic confidence have been put in place. To succeed, everyone – young and old, public sector and private sector, urban and rural-based - must work together. The future of the country depends on it.

Deputy Maureen O'Sullivan: I propose to share time with Deputy Joan Collins and Deputy Tom Fleming. I listened to the tones of assurance and confidence with which Ministers spoke yesterday and the conviction that the decisions they were making were the right ones and the positive language, such as “success”, “growing and developing economy”, “well on the road to recovery” and “protecting the most vulnerable to the greatest extent possible”. There was a disconnect between hearing that and the reality on the ground. I left the House at 5.30 p.m.

to attend two community meetings in Dublin Central. I looked at the reality from the point of view of those groups. A number of the people involved were senior citizens. While the primary weekly rate for older people is maintained at current levels, such people will have to pay more out of the amount because of the reduction in the household benefits package. People were delighted the free travel scheme was kept but they were particularly mad about the trebling of prescription charges. Low-income groups and the unemployed are disproportionately affected by the budget. I think of families struggling in communities across Dublin Central who see few, if any, real benefits to them. Instead, they must contribute more and, at the same time, the quality of services in health, social protection and justice are further stretched.

The reduction in child benefit is particularly hard because it is not fair. It targets everyone the same, regardless of their circumstances. The sum of €10 will hit the less well off much harder than those on high incomes. I acknowledge the effort to offset this by the provision of child care supports for lower income families and disadvantaged communities, but the sum of €10 is gone immediately and the supports may take a while and involve bureaucracy before they materialise. This time last year we heard about the Scandinavian early school model but we are still waiting to see it in action.

With regard to corporation tax, no one wants to drive multinationals out of the country but we want multinational companies making billions in profits to pay their fair share of tax. If we are interested in transparency and accountability, we will show exactly how much corporation tax is paid. The Chairman of the Committee of Public Accounts is just back from Africa where he investigated corruption and possible fraud. The Committee of Public Accounts in Westminster called in multinationals to meetings in Westminster to examine the billions of pounds of profits and systematic underpayment of taxes. Our Committee of Public Accounts is more concerned with ensuring money going to Uganda and Mozambique is monitored and accounted for. That is all very well because no one wants to see the money being wasted. However, what about what is happening in our country? We are not getting the full 12.5% which, if collected in full, would more than cover the €10 being taken from child benefit.

Yesterday, the European Commission presented a package to fight tax evasion and aggressive tax avoidance by multinationals. It estimates that European countries lose €1 trillion in much-needed revenue every year. Our tax revenue cannot be used to reduce the overall tax bill of transnational businesses. Apart from ethical considerations, there are economic benefits to Ireland. Even a modest financial transaction tax would bring in much-needed revenue.

Despite submissions from reputable organisations and a report by the Commission on Taxation in 2009, the site value tax was not considered. If the recommendations in the Kenny report of 1973 had been adopted, we might have been spared the reckless planning and crazy rezoning that took place when landowners and property speculators made huge profits. We must stop the possibility of another property bubble and a site value tax would have gone a long way towards preventing it. It would also have been a fairer way of assessing value and reducing dereliction.

The Minister mentioned seeking targeted incentives in already identified regeneration areas. Three such areas exist in Dublin Central: O'Devaney Gardens, Dominick Street and Croke Villas. Regeneration is not just about houses but also facilities and services.

We should have a draft budget some months before in order that we can have a real debate. There should be equality proofing in order that there is social impact analysis alongside each spending measure or reduction. We need specific policy measures on women and children

with disabilities and young people. At the heart of every budget should be the principle of not increasing inequality. A social impact analysis would show what taxes on the wealthy would introduce. Alcohol and tobacco are costing enormous amounts in the health budget so it is very disappointing that nothing was done on minimum pricing of alcohol or a social responsibility levy on alcohol sales and betting transactions.

The building of youth facilities will take people out of St. Patrick's Institution. Where are the resources to ensure they do not end up in those places? We note the proposed changes and the increase in the numbers of people on community employment schemes, but some of the programmes are unlikely to attract those who most need them, namely, lone parents. The number of lone parents in Dublin Central is far above the national average. Community employment has been very progressive in moving people into second chance education and training. I welcome the development aid budget and the mental health budget and while the sum of €35 million is ring-fenced, we need to see movement on it if it is to be spent where it is intended to be used.

Deputy Joan Collins: Last year, when I made my first contribution in the Dáil, my first comment was that I welcomed the "coalition of cuts" to the Dáil. Unfortunately, I have been proved right. The democratic revolution spoken about by Deputy Kenny was a rout of the Fianna Fail Party but because of the lack of an alternative we have seen the continuation of the same Tweedledum and Tweedledee politics of the past 20 or 30 years.

A couple with two children and earning €25,000 a year are the working poor. They are putting in long hours and feeling the pressure of austerity budgets. The budget is a savage assault on their living standards. Assuming they live in an average family home, they will pay property tax of €315. Their increased PRSI payment will be €264 a year, the cut in child benefit will be €240 a year and their back-to-school allowance will be cut by €100. This amounts to a total loss of €919 a year, or €18 a week. The Irish League of Credit Unions reported that a huge number of people have €100 or less of disposable income per month. The budget cuts will take another €18 a week from the pockets of that average family.

To cut the income of a family who are trying to survive on €25,000 a year by almost €1,000 is an outrage. The cut of €26 million in funding for the annual respite care grant is an outrage. Increased prescription charges from 50 cent to €1.50, to raise €84 million, is an absolute outrage. The cut to the homecare package for electricity, gas and telephone is shameful. It is more than an outrage.

Our Lady of the Wayside national school in my own area has been in the media recently. It has been affected by cuts and cannot provide proper heating or maintenance for classrooms. The school asked for a reverse of cuts so that it could provide pupils with the education working class children in a DEIS school deserve and should receive. Those previous cuts should have been reversed in the budget.

I have three words for members of the party of Connolly and Larkin who will vote for this outrage. They are shame, shame and shame. There are no Labour Party Deputies in the Chamber but I hope they are watching the television screens in their offices.

Inflicting this pain on the poor, in this case the working poor, is not only immoral and unjust, it is completely unnecessary. Reversing the cuts and tax increases that have hit those on low and moderate incomes, including removing the universal social charge from all earning less

than €40,000, would cost €3 billion. This could be replaced by an emergency 5% wealth tax on the top 3% to 5% who control huge wealth, and a financial transaction tax. Alternatively, the Government could have raised money by making the 12.5% corporation tax an effective rate of tax which would have brought €5 billion into the economy. This is not a lot of money to ask corporations to pay to keep citizens alive and to put more money into the economy. The Government could have raised money by making the marginal tax rate on individual incomes above €100,000 an effective tax rate. That would have brought in €2.5 billion. The Government did have choices.

The budget is an insult to those who are on the dole or who have emigrated in their thousands. It offers nothing for these people. When the United Left Alliance raise the need to tax wealth, high incomes and hugely profitable multinational companies, we are told it would drive these people out of the country and create a brain drain. What about the tens of thousands of our best and brightest young people who have been driven out of the country by the failed policy of austerity?

Some speakers seem to have the impression that austerity is something that is not really happening. The IMF has said austerity measures are not working and that every euro taken out of the economy actually means €1.70 is taken out, because of a lack of growth. Is the choice between keeping our young people here and giving them a role in the economy and society and satisfying a handful of bankers and CEOs who will not work for less than €500,000 a year, the untouchables? That choice is not difficult.

Deputy Tom Fleming: This is a totally regressive budget. It is an attack on the household-er, the sick, the elderly and the families and children of Ireland. It has compounded the layers of austerity imposed in four previous budgets by, once more, stripping the weaker sectors in society who have already had to endure job losses, negative equity and mortgage default while billions of euro are handed over to foreign bondholders.

The budget offers no hope to the hundreds of thousands of exiles who have left our shores over the past five or six years. It is likely that the exodus will accelerate after this week.

The property tax is being introduced at the most inappropriate time, shortly after the property crash. The property market is still on the floor and prices have not even bottomed out yet. A number of months ago, Deputy Peter Mathews ascertained, in a parliamentary question to the Minister for Finance, that more than half a billion euro could be accrued from a third rate of income tax, placing a 5% surcharge on incomes over €120,000. Deputy Mathews subsequently proposed that this would fund the annual income derived from the property tax. I am disappointed that his proposition was neither considered nor acted upon. The proposal was not simplistic and nor would it have been complex to implement. The method of collection would be straightforward and I believe the troika would have agreed to it. It does not matter to the troika where money is derived from so long as it is paid. The proposal by Deputy Mathews was never followed up on and many people, myself included, are disappointed that it was not pursued. The tax would also have been based on ability to pay.

The huge mortgage arrears crisis has gone out of control and the vast majority of people will not be able to pay the property tax. Up to date statistics indicate that 170,000 people are in arrears or are having their mortgages restructured.

The proposed format of the cut in child benefit is crude and cruel. A family of four children

will suffer a reduction of up to €700 per annum. This is a hammer blow to the average Irish family. The only fair and equitable system is to means test child benefit and let reductions apply to those at the upper end of the income scale. Child benefit to those earning between €70,000 and €90,000 could be reduced by 25%, to those earning between €90,000 and €100,000 by 50%, to those earning between €100,000 and €120,000 by 75%, and abolished after that. A huge hardship and sacrifice is being imposed on those people who really need the benefit and are on the breadline. The system I have outlined would make essential welfare money available for those who most need it.

On the child benefit issue and with regard to the respite care grant, household benefits and medical cards, the Government will have to get back to the drawing board and consider reversing and amending these very harsh measures. They are neither fair nor equitable. Surely the Minister for Social Protection can renegotiate with providers of utilities, get better value for the €61 million being expended and spread the money around better.

The abolition of PRSI exemptions is a drastic decision. The reduction in the back-to-education allowance and the taxing of maternity benefit will drive families further into poverty. The threefold increase in the medical card prescription charge, from 50 cent to €1.50, is amazing and is another hardship on those at the lower income level.

4 o'clock

The means test for medical cards removes the allowance for the card to work - people are not even being allowed essential improvements to their homes because of the means test. With the weather conditions we have seen in recent years, this is a retrograde step. In rural areas people need a car; there is no Luas or bus service. We should have made allowances for that. I am amazed at the €17 million reduction in child family resources. I hope this will be reversed and that we will look after those with disabilities and special needs, and home helps. We have a caring society so I ask the Ministers to take note of what we are saying and address the deficiencies over the next month, while ensuring the HSE gives proper money to those I have referred to.

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): This has been a very difficult budget to frame. Every Department has had to make hard decisions. Nevertheless, I have been able to protect spending on vital areas like marine safety and the Coast Guard. I have also been able to safeguard spending in some areas of tourism and sport by ameliorating the reduction in spending agreed in the comprehensive review of expenditure published last year.

The Department's total allocation for 2013 is €1.7 billion, representing a reduction in spending of €387 million or 20%. This is a significant cut in spending, the single biggest cut in any Government Department in terms of capital spending, and the biggest cut of any Government Department in terms of overall spending after the Departments of Health and Social Protection. Capital spending drops by €314 million to €900 million in 2013, a cut of around 26%. This accounts for three quarters of the total €419 million cut in overall Government capital spending for 2013. I am satisfied to make this contribution and in doing so, I know that I am allowing the Government to avoid deeper cuts in education, health, and children's services and even more taxes on people and business.

The current expenditure provision for my Department for 2013 is €758 million, a reduction of €73 million, or 9%, on the Estimate for 2012. This €73 million in savings includes a base

saving of €38 million on the original current expenditure provision for 2012, plus €35 million for the once-off payment of €36 million to CIE, which brought the subvention paid to the group to its fifth highest level ever. Nevertheless, there are welcome measures in this budget for hauliers, for tourism, the aviation sector and job creation in the broader economy, in particular the diesel rebate, the aviation package and the increased VAT threshold.

Hauliers have sought a fuel rebate for some time and I have long been sympathetic to their cause. The Government has now announced a rebate on diesel which will come into effect next July. This will be crucial for hauliers who have felt the impact of the rising global cost of fuel. It will also benefit exporters by helping to control transport costs. Excise duty on diesel and petrol remain unchanged by the budget, although carbon tax will rise next May.

This week, the Government announced plans to restructure the State-owned airports. We have identified that Shannon and other airports have the potential for significant job creation. This potential has been acknowledged in the budget through a package of aviation measures. New incentives will be put in place to facilitate the construction of hangars and other assets at airports to attract aviation business to Ireland. The package could benefit Shannon Airport when it becomes independent in the near future, as well as all airports across Ireland whether in public or private ownership, as all airports may avail of it. The Government will also consider the feasibility of new funding sources for airlines, and for aircraft financing and leasing companies. More details will be announced in the finance Bill.

In 2013, we will see an additional reduction of €16 million or 6% in subsidies for public transport PSO services on the 2012 base, or 19% taking account of the once-off provision of an additional €36 million to CIE in 2012. CIE is currently preparing a revised five-year business plan to address its financial situation. It will have to take a range of steps, including the realisation of non-core assets; the reduction of its cost base, including payroll reductions; multi-annual fare increases; and the curtailment of its own-funded capital programme. The emergency bailout of 2012 cannot be repeated next year - I just do not have the money. However, it has provided some breathing space to the CIE group to implement its recovery plan by selling assets, rationalising services, securing new borrowing facilities and reducing labour and other costs. Good progress has been made in the past few weeks. It is essential that management and staff in the CIE companies use this window of opportunity to address the group's serious financial position. There is no time to waste.

Current spending on national road maintenance will fall by 1%, from €42.3 million to €41.6 million, a drop of €633,000. Current spending for grants on regional and local roads will fall from €96 million to €82 million, a cut of €14.5 million, or 15%. The main programmes affected are the restoration maintenance grant and the urban block grant. As a result, regional and local road maintenance will have to be reduced by 500 km. The Department's grants are not, and never were, intended to cover the full maintenance cost of regional and local roads. Local authorities have other revenue sources to assist with the funding of such works, including the new local property tax.

Maintenance of the national road and motorway network will be reduced by over 1%, saving €634,000, and €13 million will be saved in reduced operational payments for PPP roads. A reduction of over 7% will be applied to rural transport, saving €637,000 by reducing spending from €9.7 million in 2012 to €9.1 in 2013. Almost €3 million, or 4.5%, will be saved from reductions to the administrative budgets of the NRA, RPA, Railway Safety Commission and MBRS. Funding for the Green Schools programme will be maintained at the current level of

€1.9 million.

The allocation for the Road Safety Authority will be reduced by €5.9 million, or 42%. The reduction in the RSA allocation for 2013 is possible due to the impending increase to the RSA's revenue stream following the transfer of the driver licensing function from local authorities to the RSA in 2013. The RSA is expected to become self-funding in the longer term. The new plastic card driver licence will be introduced from 19 January. From that date all driving licences and learner permits issued will be in the new plastic card format, replacing the current paper licences. This is an EU initiative to introduce a secure, compact style of licence in all member states. Anyone who applies for a licence or learner permit after 12 January will receive the new version.

I also intend to transfer responsibility for the driver licence service to the Road Safety Authority from 12 January. Last year, the Government decided that the RSA should take over the operation of the driving licence service. The RSA already oversees the driver theory test and driver testing. Customers will now have a one-stop-shop for all matters related to the driving licence. Although the RSA will have responsibility for the service from 12 January, the new structures will be developed over a number of months. Local authorities will continue to operate the applications during the change-over, including front-line desk operations. This means that applications for licences and learner permits can still be submitted to local authorities during the first half of 2013.

As part of this change-over, new licence fees will be brought in to cover the cost of the service, and to reduce the RSA dependency on Exchequer funding. The cost of a ten year licence will rise to €55 from 1 January. A three-year licence fee will be €35 and a one-year licence will be €25. Under the terms of the EU directive, the three-year licences will only be available to those over 60. This new price for a full licence compares favourably to the €85 cost for a full licence in Spain, €62 in Britain and more than €100 in Australia. It is also better value than a ten-year Irish passport, which costs €80. The new fees represent the first licence fee increase since 2001. In recognition that older citizens must change their licences regularly and often must pay for eye tests, the current exemption from paying any fees for the licence for the over 70s will remain in place.

I intend to maintain funding for civil aviation at the 2012 level of €22.2 million for 2013. This includes a small increase in funding to the Air Accident Investigation Unit in 2013.

The final allocation for maritime activities in 2012 was €46 million, but this will increase to €65 million in 2013, a rise of 41%. The Irish Coast Guard responds to 2,000 incidents annually and assists around 3,500 people. Around 160 of these could have died without Coast Guard intervention. Our waters are being used more and more for leisure purposes by the public, with the Coast Guard responding to around 600 pleasure craft incidents a year, involving the use of helicopters, lifeboats and coastal rescue units. Current funding for the Coast Guard will increase substantially next year from €38 million to €58 million, an increase of €20 million or over 50%. This increase is largely due to the provision of a new fleet of search and rescue helicopters. As a result, the capital budget for the Coast Guard rises from €4.9 million in 2012 to €18.4 million in 2013, an increase of 276%. Although it is considerably more expensive, the S92 is a modern, safer aircraft with a significantly greater capacity, range, and speed. It is configured for search and rescue operations with a range of 270 nautical miles. The Coast Guard also launched a new helicopter emergency medical service, HEMS, last July and has completed almost 100 missions. This service will expand further in 2013.

The Coast Guard is fortunate to have an extensive voluntary service at its disposal, with 900 Coast Guard, 2,000 Royal National Lifeboat Institute, 300 community rescue boats and 500 mountain and cave rescue volunteers providing a 24 hour on-call service to respond to emergencies at sea, on our cliffs or on our coasts. Without these volunteers, it would not be possible to provide the same level of emergency response. Similarly, funding for the RNLI, mountain rescue, weather buoys and the Marine Casualty Investigation Board will be maintained at current levels through to 2016. These are essential services and much of the cost is met by volunteers. I cannot justify any cut in these budget lines.

The boxers, Paralympians and individual athletes, along with our national teams and local and county sports people, lifted the nation's spirits throughout the year, and we are grateful for that as a nation. Moreover, rising levels of participation in sport suggest that our policies are working and investment in sport is producing a real return. In recognition of this, I am reducing the planned cut in funding to the Irish Sports Council from 5% to 2.9% for 2013, representing a marginal decrease in funding from €44.4 million to €43.1. Funding for the National Sports Campus will be maintained at €1.5 million per annum, leaving aside the provision of an additional €300,000 on an exceptional basis. The Minister of State, Deputy Ring, will expand further on funding for sports in his contribution.

The 2013 allocation includes €7 million in funding for The Gathering Ireland 2013. In 2012, I allocated €5 million to The Gathering, and it is important to increase resources next year when the events and festivals are being held. The budget for Fáilte Ireland will be reduced slightly from €65 million to €63.3 million, saving just over €1 million, with a further reduction to €53.2 million planned for 2014 and 2015. However, plans are under way to merge Shannon Development's tourism functions with Fáilte Ireland's in 2013, and their combined spend on tourism will amount to €65.3 million, representing a small increase in current spending on domestic tourism. The tourism marketing fund will be reduced by 5% or €2 million to €37.2 million. The Minister of State, Deputy Ring, will provide further details.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): I start by acknowledging that it is a difficult time for public transport in this country. Retaining services will be a major challenge in the year ahead for private operators, public operators, taxi drivers, passengers and those dependent on the rural transport system, but one from which we will not shy away. We have found ourselves in an horrific economic situation left to us by the previous Administration, where we have had to make cuts to funding with which we would not otherwise agree. We have reduced and will continue to reduce public transport subvention. Unfortunately, this is a necessity.

Having said that, I acknowledge the contribution of the three main Opposition parties, namely, Fianna Fáil, Sinn Féin and the United Left Alliance, to the public transport debate. Despite constantly moaning in this House about the cuts to public transport, I can take it from their pre-budget submissions that they are in favour of the enforced reductions in subvention to public transport. When it came to putting forward a constructive proposal on the matter, not one of them even mentioned the possibility of reversing reductions in subvention, which is amazing. We can only conclude that either they support the measures the Government is taking to balance the books or, alternatively, that public transport is quite low on their priorities, either of which is quite worrying. The United Left Alliance's 34-page pre-budget submission makes no mention of increasing the public transport subsidy. Sinn Féin's 29-page pre-budget submission makes no mention of taking away the public transport subvention, while Fianna Fáil's pre-budget submission is exactly the same. The only conclusion one can draw is that they support

the Government's position in this difficult time or they simply could not care less.

However, as challenging as it is for the public transport system right now, there is a positive story to be told by the Government. The free travel pass has been maintained. While I believe we should do more to tackle fraud and abuse of this privilege of which we are aware, maintaining it was certainly a challenge. With the Leap card, real-time passenger information signs, the introduction of Wi-Fi and the national journey planner, we are beginning to see some form of stabilisation of passenger numbers and, hopefully, this will militate against further reductions in future.

Since November 2009 it has been the responsibility of the National Transport Authority to contract for PSO services with the CIE bus and rail companies on the basis of total funding advanced by my Department. In recent years the total subvention paid to the three CIE subsidiaries has been reduced from a high of €308 million in 2008 to €242 million originally earmarked for 2012. On 24 July, the Government decided to provide additional funding of €36 million to CIE to ensure the companies could continue to operate for the rest of 2012. This would bring the total subvention for this year to €278 million, which is higher than the subvention level for 2010 and is the fifth highest level of subvention ever. At this very difficult time for the public finances, it was not easy to find a large amount of additional funds. It involved very difficult decisions in terms of having to divert funding from other very worthwhile and important projects and initiatives, and imposing sacrifices on others.

Despite our economic problems and the reduced sums available for capital and current expenditure, the Government will continue to prioritise the role of public transport. Unfortunately, the amount that can be made available for PSO subvention must be reduced again. Further reductions of 6% per annum for 2013 and 2014 will be applied. As stated previously, the Opposition does not seem to have any issue with this.

The additional funding for this year only provides a very short breathing space to CIE. It is essential the management and staff in the CIE companies implement proposals to cut costs that can help to address the serious financial position in which the CIE group finds itself. In this regard, I am anxious that the current negotiations between management and unions at the two bus companies are concluded as soon as possible. In view of the difficult financial situation of CIE and the need to finalise its business planning for 2013, it is imperative these discussions bring forward a positive outcome in the coming weeks.

There are some positive elements to the transport budget. The Government has maintained smarter travel and carbon reduction capital investment in 2013 at the same level as the 2012 allocation, which is €17.4 million. If we want to take people out of cars and onto bicycles and public transport, we must invest in the necessary infrastructure to achieve this. We are achieving this through the smarter travel demonstration areas programme, active travel towns programme and the national cycle network. We are actively seeking a private sector sponsor to extend the dublinbikes scheme to other cities. All of these are designed to encourage people to cycle while also focusing on important elements of infrastructure.

This is only a small part of what my Department is actively doing. Working with the Minister, Deputy Varadkar, we are maintaining public transport as much as possible in what is a very difficult time. Public transport is not by its nature profit making. It is a social need that facilitates consumer spending and one that we are actively preserving and improving as much as practicable.

An Ceann Comhairle: I call Deputy Ó Cuív, who is sharing time with Deputy Troy. As we are due to adjourn at 4.30 p.m. and you have 12 minutes, Deputy Ó Cuív, you will probably bring us to the adjournment and Deputy Troy can follow later.

Deputy Éamon Ó Cuív: Before I deal with the details of the budget, I wish to express concern over some underlying trends. The Government would claim that one of the failures of the Celtic tiger period was that the overall picture was missed when looking at the detail of budgets. Considering there were contributions from two Ministers, yesterday's budget had the longest speeches but contained the least amount of information. Most of the information had been leaked beforehand and other information has been coming out in dribs and drabs in the 24 hours since the budget. Estimates, which seven or eight years ago were quite detailed when they were published, have now become four-liners giving total figures for Departments without giving any indication of the breakdown.

More seriously, the overall economic performance was glossed over in the Budget Statement by the Minister for Finance. He blandly stated that we had achieved a debt-to-GDP ratio of 8.2% and that this was beneath the troika target. He did not expand on how that was achieved despite the failings of the budget last year.

The budget normally concerns itself with tax revenue and voted Government expenditure. When we look at the voted Government expenditure for the past year, we see that the sums were on the wrong side by an alarming amount. The only way the Government half saved the day was by cutting further into the capital allocations. When we look at the Exchequer returns at the end of November and the projections for the end of the year, we see that the capped expenditure - the one that is productive - is way under target but that the two big Departments are operating as runaway trains. Between the Department of Health and the Department of Social Protection we, without very much debate, passed supplementary budgets of about €1 billion. The problem is that this is not a one-off occurrence but must be carried forward into the new year.

As I have pointed out time after time, there is a hidden time bomb in respect of the Department of Social Protection because it is storing up ever more applications that must be back paid to the day of application when approved. For example, it has one year's worth of applications for carer's allowance on hand. That is not accounted for because we do not have an accrual system. Therefore, what we are getting here is a potential liability because if all of these applications are approved - the vast majority will be - we will find there is a significant charge on the Exchequer. Similarly, invalidity and disability reviews are being rejected by the Department and the appeals process takes a year and a half. The Minister cannot go on forever extending the date of the processing of applications so some day this cash flow management will fail. Let us not talk about the obscenity of having people wait that long for a decision. There is also the issue of the effect of the pent-up demand on these Votes that is not taken into account because of our accounting system.

On the tax side, we see that income tax receipts are falling below targets. When we take the total tax bundle into account, we can see it did not raise the revenue expected this year. A similar failure next year if one did not have the lucky dip of getting extra non-tax receipts, particularly this year from the Central Bank and the guarantee, would lead to a failure to reduce Exchequer borrowing. This will lead us from the current stagnation into total recession. I am concerned that this Government has massaged the figures but that sooner or later, the financial chickens will come home to roost.

I accept that we must close the gap between expenditure and income and have no problem with taking hard decisions. It is well known that I believe it is imperative that we do a deal on bank debt and I would have thought that last spring was the opportune moment. What I do not understand is the obsession with hitting families. What has the Government and the Minister of Social Protection in particular got against ordinary families who are struggling? The entire budget targeted them, as last year's budget targeted rural people and women. I do not know what this Government has against people in rural Ireland and women and particularly struggling families.

I will give the Minister an example. The tax rises tend to have an effect on a household, therefore irrespective of the wealth of the household, the tax and social welfare changes have an equal effect per household with possibly a slight variation in the household charge. Let us take a couple with three children. What did the Government do? It hit child benefit by €9 per week, while the household tax will come in at, say, €8 per week. Motor tax increases will add €1 per week where one person is working and €2 where two people are working. PRSI increases will be €5 if one person is working and €10 per week if two people are working. We must remember that this PRSI chips in regardless of whether one gets €400 or €4,000 per week. That means that an average household is now facing an extra cost of €23 per week before it has any social life and the odd pint of beer or glass of wine. If one adds them in, it comes to a minimum of €25 per week. A sum of €25 per week comes to €1,250 per year but to have that money to spend, one would need a salary of double that, at about €2,500 in a one-income family and over €3,000 in a two-income family. The Government can say it did not hit income tax but it hit them on the come down. It hit virtually every household with children in the exact same way irrespective of their ability to pay. It is totally regressive.

On the other hand, if one the burden had been imposed on the top end of income tax and, for example, if an extra charge on the PAYE worker earning over €100,000 was imposed, the extra revenue generated would amount to €200 million. Therefore, this Government seems to have an obsession with hitting families. Let us look at the situation of a single person or a person who does not own a house with an excellent job. The Government has hit the drink and increased motor tax by €1 per week and PRSI by €5 per week and it stops there. Who has more disposable income? Let us take the case of the couple who have paid the mortgage on their house and whose children are grown up and compare them with the household whose children are in college. Over three years, the Minister of no fees has added €750 per year for a student starting college. This adds to the bill I have outlined. In three years one will need another €1,500 in gross income to pay the bills. This Government is completely anti-family and I do not understand the logic behind it.

I give credit to the Minister for Agriculture, Food and the Marine because he took on board some suggestions I made to the agriculture committee. I took the risk of engaging in the process and he did listen. I would not agree with everything he has done. The suckler cow scheme at €20 is too low. I do not agree with the changes he made to the disadvantaged area payments but I recognise that he did not hit the farmers in the mountains this year and for that I am grateful. What is wrong with the Minister for Social Protection and what has she got against rural people? The Minister will cost a farmer with an income of €100 from farming €30 a week. A farmer with three children in receipt of the farm assist payment with an income of €200 from the farm will have to pay a total of €72 a week, while an income of €400 a week from farming would mean a cost of €132 a week. This is obscene. The Minister has placed a 100% tax on farming. This is a Government afraid to raise taxes for those earning more than €100,000

but has no problem with effectively taxing at 100% farmers in receipt of farm assist. I hope between now and when the social welfare Bill comes before the House the Minister of State, Deputy McEntee, will persuade the Minister to change this meanest of cuts and on behalf of the agricultural community he and his colleague, the Minister for Agriculture, Food and the Marine, Deputy Coveney, make a stand for the people of rural Ireland.

Debate adjourned.

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

Deputy John O'Mahony: I am pro-life and anti-abortion. I also support the protection of the mother's life. Every debate on abortion over the years has been very emotive, polarised and, in most cases, carried out in highly-charged circumstances with little respect shown to the opposing view. I would have hoped that this time it could be different but so far the signs are not good.

I was one of those who genuinely held that sufficient guidelines were in place to protect the mother's life. I was clearly of the view that the law and the Irish Medical Council guidelines of allow doctors to intervene to provide essential medical treatment to women and recognise this may sometimes result in the unintentional death of the baby. In all circumstances where a pregnant mother experiences a life-threatening complication, the ethical and legal requirement should be to provide whatever treatment is necessary to protect the life of that mother.

The tragic case of the death of Savita Halappanavar, which touched the heart of the nation and the wider world, has been used by some to heighten the emotion in this debate, without the facts of the circumstances of the case being established. The facts of the case must be established and only when this happens can we use them as an example or can blame be attached.

The media will also be very much under scrutiny when the true facts emerge. How many true facts got lost in the reporting, such as that UCHG had not had a maternal death for the previous 17 years, how some parents of staff working in the hospital were visited in their homes by media outlets trying to get a sensational angle as the story developed and how UCHG staff members were confronted with vitriolic comments on the streets of Galway based on comments made in the media? I thought it could be taken for granted in a democratic country that one was innocent until proven guilty. In this context I note the journalist who broke the story is coming to the view that we should await the outcome of the inquiries before reaching judgments.

It is now being put forward that nothing has been done for 20 years so we should now make a decision and act on it within a few weeks. I do not agree with the analysis that nothing has been done, as two referenda have been held, one of them in 2002 which was narrowly defeated. In 2002 people were confused by the attempt to deal with the X case. This is evidenced by the fact pro-choice and pro-life supporters, who had dramatically opposing views, voted "No".

I will support any measure which will bring clarity to the medical profession attempting to save the life of a mother. However, I am of the view that while one can bring clarity or put Medical Council guidelines into legislation, one cannot possibly legislate for all eventualities.

I also believe the suicide issue is too complex to deal with in the short timeframe suggested.

Deputy Seán Kyne: I welcome the opportunity to speak on what is a very complex issue. It is evident that this debate, which has been ongoing since 1983, is one which divides the nation like few others. Since my election to Dáil Éireann I have not received as much correspondence on any other issue as this one. The labels of “pro-life” and “pro-choice” are regrettable and do not account for the complexity of the various issues and problems which can arise during pregnancy. I believe the vast majority of the people in this country do not wish to see abortion on demand. I do not and I feel it is important to state this.

I welcome the publication of the expert group report. The establishment of the group was a commitment given by the Government. The complexity, sensitivity and multifaceted nature of this issue demanded that it be properly examined which is why the expert group was established. Its purpose is not to direct Government policy but to assist by examining and analysing the facts to provide a series of recommendations which can then be considered, accepted and amended.

At the heart of the debate, but strangely not commented upon to any great extent, is our Constitution and respect for the primacy of law. In 1992, the Supreme Court, which is the chief interpreter of our Constitution, passed a judgment focusing on the inclusion of the risk of suicide under the definition of the risk to the life of the mother. Therefore, with this judgment it is clear the highest court in the land has interpreted our Constitution as permitting a termination when the life of the mother is endangered either through physical or mental health conditions.

As the expert group report notes, “The Supreme Court decided in 1992 *Attorney General v X2* (the X case) that the Constitution permitted abortion in certain limited and particular circumstances, namely, where there was a real and substantial risk to the life of the woman which could only be removed by terminating the pregnancy”. The reality is that this judgment has been ignored by several Governments, and as I have pointed out to people who have contacted me on this matter it is not at all healthy for a society’s Government to ignore the courts. It shows a lack of regard and respect for the primacy of law which all right-thinking members of society will agree is a very necessary feature for any democracy. Other Governments attempted to mitigate the Supreme Court’s decision through holding two referenda, which it must be emphasised were both rejected by the people of Ireland.

In *A, B and C v. Ireland* the European Court of Human Rights found that Article 8 of the European Convention had been violated because although our Constitution contains Article 40.3.3 there is no provision in Irish law to measure or determine the risk referred to in the X case. Therefore, in effect we have uncertainty, and uncertainty is the anti-hero of properly functioning legislation.

The recent, tragic events in Galway have exposed the uncertain environment which is operating. I do not know the precise details of what happened in University Hospital Galway. Too many people have made assumptions on what went wrong. While not knowing where fault lies, it is important to note, for balance, that the hospital in which I was born, University Hospital Galway, formerly known as the regional, did not experience a single maternal mortality in years prior to the tragic death of Ms Halappanavar. In that time, my seven nephews and nieces were safely delivered, as were countless others.

What we do know for certain is that Ms Halappanavar died before her time and because of

this, the need to investigate is paramount. It is only right that three investigations are under way, one each by Galway Roscommon University Hospital Group, the HSE and HIQA. I am confident these inquiries will determine precisely what happened at UHG which led to the tragedy. Furthermore, we must also note that the Minister, Deputy Reilly, has not ruled out a public inquiry. However, it is also important that the staff of UHG is not deprived natural justice. Much commentary in the media, and elsewhere, has been unfair speculation.

As with most other Fine Gael Deputies, I have received postcards on this issue containing a message, which reads: ‘Without the right to life, all other rights are meaningless’. I could not agree more with this statement, but I also believe that this statement applies to pregnant women as it does to unborn children. The task before us is to remedy the uncertainty which exists. The women of Ireland and the medical profession need to know where they stand in relation to the law. The opinions and views of the masters of the maternity hospitals must also be carefully considered as it is these men and women who are the front line of this issue. Above all, in addressing the complexities of this issue we must proceed carefully. This issue requires careful consideration because of the far-reaching consequences of any decisions taken which will undoubtedly be of a legal, medical, ethical and constitutional nature.

Deputy Seán Conlan: The constitutional position on the legality of abortion has been clear for 20 years. The Supreme Court, in the X case, established that Article 40.3.3° of the Constitution permits lawful abortion in Ireland in circumstances where the life of a pregnant woman has been established as a matter of probability to be at real and substantial risk and that risk can only be avoided by a termination of the pregnancy.

The judgment of the European Court of Human Rights in *A, B and C v. Ireland* confirmed that Article 40.3.3° of the Constitution is not inconsistent with the European Convention for the Protection of Human Rights. In this case, the court found, however, that there had been a violation of C’s right to a private and family right contrary to Article 8 of the Convention. C had been treated for cancer for three years. When she became unintentionally pregnant she was in remission and, being unaware of this fact, went for a series of follow-up tests related to her illness. She was unable to obtain clear medical advice as to the effect of the pregnancy on her health-life or as to the effect of the medical treatment on her foetus, and feared the possibility that the pregnancy might lead to a recurrence of the cancer. She decided to have an abortion and travelled to the UK for that procedure. The court held that there was no accessible and effective procedure to enable her to establish whether she qualified for a lawful abortion, defined as a lawful termination of pregnancy, in accordance with Irish law.

Ireland has signed and ratified the European Convention on Human Rights, Article 46 of which states that signatories agree to abide by any judgment of the court in any case to which they are parties. Therefore, Ireland is under a legal obligation to implement the judgment of the European Court of Human Rights in *A, B and C v. Ireland*. This is the factual position and it is up to all of us to deal with the implications of this. I believe we should not rush to a decision on this matter, but I accept the reality that it must be dealt with and the public wants it dealt with. Irish society is much divided on the issue of the circumstances in which abortion should be available, but I believe everybody deserves clarity on the issue.

There have been a number of referendums to try to deal with the implications of the X case. In 1992, the proposed 12th amendment, which was designed to exclude the risk of suicide as a ground for lawful abortion, was defeated. In 2002, the Twenty-Fifth Amendment of the Constitution (Protection of Human Life in Pregnancy) Bill 2001 was also defeated. It aimed

to prohibit abortion except in circumstances where there was a risk to the life as distinct from the health of the mother. Under the proposed legislation, a threatened suicide would have been excluded as a risk to life and would thereby have limited the effect of the X judgment.

I believe that a substantial majority of the public does not want to see abortion on demand made available in Ireland. For the record, I do not want to see abortion on demand made available in Ireland. I believe that most people in this country feel that the physical act of aborting a foetus is abhorrent. Many feel that the decision in the X case, in particular the inclusion of risk of suicide as a legitimate ground for seeking an abortion, will be open to widespread abuse and will lead to the situation that exists in England. Many of those who argue this point would have a lesser objection if they could be assured that strict safeguards were put in place to ensure the risk of suicide was real and substantial. Many of these same people would have less of an issue with the availability of abortion for those who are victims of rape or incest and believe, notwithstanding their general objection to the availability of abortion, that a termination should be available in those circumstances. Others believe that the long-term health of the mother is also of paramount importance. It is not a black and white issue and legislating for the X case will not deal with these situations.

I have been contacted by many constituents who believe that the long-term solution is another referendum to seek once again a removal of the inclusion of risk of suicide as a ground for obtaining a lawful abortion while, in the interim, introducing non-statutory guidelines. Many others have contacted my office by e-mail. In fact, it is probably the biggest issue I have faced since I was elected as a Deputy. There have been a substantial number of e-mails and letters, both for and against legislating on this issue. Many have contacted me demanding legislation for the X case immediately. I am conscious that the Cabinet has decided to agree on a course of action before the end of December. My preference would be the introduction in the interim of clear guidelines for the medical profession. This has the advantage of being speedy and it would allow time to debate fully the implications of legislating for the X case and explain fully to the people how safeguards could be put in place preventing the introduction of abortion on demand and preventing the real potential for abuse which could result in legislating for the X case. Whatever the final decision reached, I believe the medical profession and pregnant women deserve clear guidelines on this issue from politicians.

Deputy Billy Kelleher: We speak again on this sensitive and emotive issue. It is emotive in view of the tragic circumstances surrounding the recent death of Ms Halappanavar in Galway. That certainly heightened and charged the debate on this issue. The publication of the report under discussion around the time of Ms Halappanavar's death has brought this issue very much to the fore in the public consciousness in terms of the debate on whether to legislate. This debate is taking place in the context of the report's recommendations but also, and more importantly, in the context of what the Constitution states in Article 40.3.3°, the interpretation in the X case and the European Court of Human Rights Grand Chamber findings that there was a breach of C's constitutional rights to clarity on the issue of whether a lawful termination could be sought in this country. The debate has, been respectful by and large. It is a divisive one, obviously, and we have stated this on numerous occasions. We have come to the stage where a decision must be made by the Government on foot of the publication of the expert group's recommendations, and that is something that will bring further debate on this issue.

It is healthy that we in this Chamber have this debate because the issue divides families, parties and society. It is truly very divisive. The key point on all sides is that people are allowed to protest and to voice their opinion but, equally, as parliamentarians, we should be allowed to go

unhindered about our duties as elected representatives. In the interests of having a debate that allows all sides express their view without fear, that courtesy should be afforded to all public representatives irrespective of whatever opinion they hold on the issues.

This debate is about the report and its recommendations and findings. The background to the report is well known. Three women, A, B and C, brought proceedings against Ireland before the European Court of Human Rights claiming violations of Articles 2, 3, 8, 13 and 14 of the European Convention on Human Rights and Fundamental Freedoms. A and B complained about the prohibition of abortion for health and well-being reasons in Ireland. C complained about the alleged failure of Ireland to implement the constitutional right to an abortion in Ireland in the case of a risk to the life of the woman. The Grand Chamber of the European Court of Human Rights delivered its judgment on 16 December 2010. It dismissed the claims brought by A and B and upheld the claim brought by C. It found that Ireland had failed to respect C's private life contrary to Article 8 of the convention, as there was no accessible and effective procedure to enable her to establish whether she qualified for a lawful termination of pregnancy in accordance with Article 40.3.3° of the Constitution. The European Court of Human Rights stated that it was not its function to identify the most appropriate means for the State to comply with its obligations. It accepted that the implementation of Article 40.3.3° would be "a sensitive and complex task". As Ireland is part of the European Convention it is obliged to abide by and implement the judgments of the European Court of Human Rights. This was recognised by the Irish Government in a press release issued on the same day the decision was delivered. It stated that the Government will examine the judgment carefully and consider what steps are required to implement the judgment. The body charged with supervising the implementation of the European Court of Human Rights is the Committee of Ministers. The current Government committed itself - on page 8 of the programme for Government 2011-2016 - to establish an expert group to address this issue, drawing on appropriate medical and legal expertise with a view to making recommendations to the Government on how this matter should be properly addressed.

In the action plan on the implementation of A, B and C v. Ireland case submitted to the Committee of Ministers on 16 June 2011, the Government informed the committee of its intention to create the expert group. The Government announced the terms of reference of the expert group on 29 November 2011. These were as follows: 1. to examine the A, B and C v. Ireland judgment of the European Court of Human Rights; 2. to elucidate its implications for the provision of health care services to pregnant women in Ireland; and 3. 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 expert group was established on 13 January 2012. The report of the expert group was published on 27 November 2012. The report is 56 pages long and it is divided into eight chapters. Chapter 1 is the introduction and sets out the terms of reference of the expert group. Chapter 2 gives an overview of the current legal provisions governing the termination of pregnancy in Ireland. Chapter 3 outlines the historical developments which have taken place on abortion in Ireland over the last 30 years. Chapter 4 sets out the decision of the ECHR and its legal implications. Chapter 5 sets out the principles adopted by the expert group for the implementation of the ECHR decision. Chapter 6 sets out the procedural options. Chapter 7 outlines the implementation options and chapter 8 sets out the conclusion. The key chapters in this report are chapters 4 and 8.

It is useful to start at the end and mention what the expert group stated about the report in its conclusion, since this informs everything in the report. At page 53, the expert group stated:

Under the expert group's terms of reference, it was not its function to specify how the judgment should be implemented but rather to provide options. The group has endeavoured to put forward options that are practical and consistent with the Constitution and the law of the State.

At paragraph 4.7, the expert group summarises the legal obligations on the State pursuant to the ECHR decision as follows:

- 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 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; and
- e. Address sections 58 and 59 of the Offences Against the Person Act, 1861.

Having summarised the legal obligations, the expert group goes on in chapter 5 to set out the general principles that should apply to the implementation of these legal obligations. These are as follows:

1. The entitlement to have the right to lawful termination of pregnancy ascertained should be established;
2. The State's constitutional obligations under Article 40.3.3o should be reflected in the options proposed to implement this judgment;
3. Termination of pregnancy should be considered a medical treatment regardless of whether the risk to the life of the women arises on physical or mental health grounds; and
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.

In chapter 6 the expert group goes on to examine the procedure for determining entitlement and access to termination of pregnancy. At paragraph 6.2 the test to be applied is set out. This is the test set out by the Supreme Court in the X case, as follows:

The Supreme Court in the X case held that the correct test was that a termination of pregnancy was permissible if it was established as a matter of probability that:

- (1) there is a real and substantial risk to the life of the mother; and
- (2) this risk can only be averted by the termination of her pregnancy.

It is not necessary for medical practitioners to be of the opinion that the risk to the woman's life is inevitable or immediate.

The expert group stressed that “implementing the decision does not, therefore, require another definition of the test” and added, “neither is it necessary or desirable to seek to explain it with synonymous terms.”

The expert group then considered, at paragraph 6.3, the qualifications of doctors involved in the process. At paragraph 6.4, the expert group considered the number and role of doctors. It considered three options: option 1 - two doctors of relevant speciality; option 2 - two doctors, one of whom is an obstetrician; and option 3 - two doctors of relevant speciality plus an obstetrician.

At paragraph 6.5 the expert group considered whether provision should be made for emergency situations where the risk to life is “imminent and inevitable” rather than “real and substantial” and a medical practitioner is unable to seek the advice and assistance of another medical practitioner. It posited two options, the first of which was to make provision for emergencies, and the second of which was not to make provision for emergencies.

The expert group then went on, in section 6.7, to consider a formal review process. The expert group stated that the review process would have to be before an independent body; competent to review (i) the reasons for the decisions and (ii) the relevant evidence; the procedures should include the possibility for the woman to be heard; it should issue written reasons for its decisions; and decisions must be timely.

The expert group underlined the words “independent”, “competent”, “heard”, “written reasons” and “timely”.

The report has obviously presented the Government with a number of options. While it is important for us to debate the report’s recommendation, it is also important to continue to debate this matter based on what is available to us as legislators.

The key issue is that Article 40.3.3o interpreted by the Supreme Court decision in the X case in 2002, which lays out quite clearly that a lawful termination may take place when a woman’s life, as opposed to her health, is at risk.

People may have strong views - as expressed in the Upper House today and here also - on other issues such as incest, rape and fatal foetal abnormalities. The fact of the matter is, however, that unless there is an amendment to the Eighth Amendment to the Constitution, or it is repealed, we are talking about the very narrow, defined interpretation in the context of the X case. That clearly is what the expert group consistently says in its findings regarding the options available.

Both in the debate here and in the Upper House, many speakers have referred to the Irish Medical Council’s guidelines. It is not true to say that there are no guidelines available to the medical professionals. The Institute of Obstetricians and Gynaecologists has requested that there be a proper legal framework. The masters of the two largest maternity hospitals have said that clarity is needed.

The Irish Medical Council’s guidelines were most recently updated in 2009. Under section 21.1, they state that:

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.

Under section 21.4, the guidelines state that:

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.

The Irish Medical Council's guidelines clearly give guidance to medical professionals. However, when those charged on a daily basis with assisting women and at times saving their lives, say they need legal clarity it is important for us to listen to them.

There is a big division of opinion on the issue of suicide. Most people in this Chamber would support any measures that will protect the life of the mother on medical grounds. However, the matter becomes very divisive when one discusses suicide or a threat to self destruct.

5 o'clock

Clearly, this point will be the difficulty for both this Parliament and the Government when bringing forward options that are recommended in this report. I have listened to the debate last April, as well as a number of weeks ago when Deputy Clare Daly reintroduced her Bill and indeed during this discussion, and this clearly is the issue.

An Leas-Cheann Comhairle: One minute remains to the Deputy.

Deputy Billy Kelleher: I am trying to make the point as clearly as possible, if it is possible to state it clearly, that until such time as a decision is made on the broader issues, Members should not make it more convoluted by talking about issues for which they simply cannot legislate, even if people wished to do so, because the Constitution is quite clear, as is the interpretation in the X case judgment. Moreover, the cases that were taken to the European Court of Human Rights also vindicate that position regarding the interpretation of the X case and Article 40.3.3°. However, one interesting case, which has not been discussed, is the D case. Perhaps it should have been included in the terms of reference for the report under discussion but I believe it will engender further discussion in this debate. In the meantime however, Members should be responsive to the actual needs that are being called for and respectful of the fact that many people, both within and beyond this Chamber, have different and opposing views.

In this context, whatever position a person may have, I ask that the language be tempered. Many thousands of Irish women have gone and continue to go abroad and Members should be highly conscious of this when they speak on the issue of abortion. They should be conscious of this because they are our sisters, mothers, daughters and neighbours and one must be conscious of the use of language that is inflammatory, hurtful and destructive even if people hold strong views on the issue. While I can respect those views, people should be conscious of that. I also note that people on the other side sometimes have used highly intimidatory tactics but the Chamber itself should be a venue in which Members are allowed to reflect on and discuss this issue, while coming forward with proposals that can bring clarity to meet the needs of both the European Court of Human Rights judgment and the medical professionals who deal with the

issue every day of the week.

Finally, it is of equal importance that the word goes out that Ireland has the best maternity services in the world, bar none, and it is very important that people have full confidence in that. I still believe there is a need for an independent inquiry into the death of Savita Halappanavar in Galway to satisfy her family and the broader public and to find out precisely what happened, why it happened and to ensure it will never happen again. In the meantime, people should not use these tragic circumstances to advance either side of the argument.

An Leas-Cheann Comhairle: I call on Deputy Tom Hayes and then Deputy Twomey, who have 15 minutes between them.

Deputy Tom Hayes: I am glad to have the opportunity to say a few words in this important discussion that allows Members to make a statement prior to the Government's decision in respect of the recommendations by the expert group. Members must be humane and open-minded with regard to their views and those of the public. Consensus is the element I believe Members must strive to achieve and if that takes longer than the time laid out by the Minister, then so be it. Time should not be an inhibiting factor in letting everyone get across their viewpoint in an open and honest way.

When dealing with what is an important and difficult subject, more time should be given, if necessary. As the Leas-Cheann Comhairle is aware, the issue is complex with medical, legal and ethical dimensions. It is extremely difficult to deal with all the issues involved and this is the reason I consider it to be important to provide time and space to allow for an informed debate on the matter. It is not helpful to have a discussion based on presumptions and the issue of presumptions relating to the area of suicide must be dealt with. I recognise the Minister for Health, Deputy Reilly, is a medical doctor of great experience. Members are fortunate to have a medical doctor dealing with this serious issue, with which I find it highly sensitive to deal and on which there are strongly-held views on opposing sides of the debate. I also recognise the Oireachtas cannot ignore its responsibility and that women and medical professionals in Ireland are entitled to legal clarity. Many people in the medical profession have told me in the past that they need legal clarity and they are entitled to that. Consequently, it is the duty of Members in the Oireachtas to provide such clarity as we live in an age in which litigation is widespread and is sometimes the order of the day. There may be a temptation on the part of the Government to shy away from controversial issues, which is understandable as it is impossible to meet everyone's expectations. However, this debate is not about populism or about pleasing people but pertains to recognising the duty of the Oireachtas to provide legal clarity.

I welcome the Government's commitment to allow Members to make statements no matter what their perspective and to set forward their views in an open and transparent manner. Many Members of this House have strong feelings in this regard and consider themselves to have a clear view. My views at all times have been anti-abortion. I am not in favour of a free-for-all or liberal abortion regime in our society and I hold this up as a principled stand I wish to declare and take on this issue. All Members have been forced to examine their views in recent times due to the tragic situation of Ms Savita Halappanavar in Galway and the publication of the report of the expert group on the judgment in the *A, B and C v. Ireland* case. The stark reality is that Ireland is in breach of the European Convention on Human Rights. While there are those who will state we are not compelled to legislate, I believe we must deal with the issue, due to the extraordinary level of public concern in respect of these issues.

I have confidence that my party colleagues in Cabinet, and indeed those of the Labour Party, will listen to the views of Members when coming to a decision regarding the expert group report. The Taoiseach and Deputy Reilly both have made it clear to Members that they will not allow for a liberal abortion regime in Ireland. I do not want a liberal abortion regime and that is a principled position I always have held. More importantly, I do not believe the people of Ireland want it either. I want to protect the life of a pregnant woman where life is threatened by the pregnancy and that is the issue here. This is about the health of a woman and that is the priority. While that may be a straightforward wish, I recognise there are legal and medical complexities involved in giving effect to it. I am neither a medical nor a legal expert but I am a legislator and believe I must face up to my responsibility in dealing with the report before the House. The Government has both the time and the access to national and international expertise to frame appropriate measures. The Medical Council guidelines must be adhered to and medical and legal experts must be involved. Members can work their way around to a position in which they can deal with this issue. They must do the right thing for the women of Ireland. Abortion on demand should not be allowed in this country. However, the life of the mother must be protected in all cases. I wish the Government well in this regard and I thank it for giving Members the opportunity to have this discussion. I again appeal to all sides in the House to try to achieve a consensus view based on the best medical practice and protecting the life of the mother and child. I am assured by what the Taoiseach has said on the matter and am confident the decisions the Cabinet ultimately will take will reflect the views of both the House and the vast majority of the people of Ireland.

Deputy Liam Twomey: I had reason to be in the Four Courts this morning and while there, I listened to the President of the High Court and another High Court judge, Mr. Justice Gerard Hogan, who were debating points of law on the issue of assisted suicide. If there is one thing for which I can give credit to those gentleman, it is that they know how to discuss law. That is where we are heading and there has been much discussion around the legal issues.

The Supreme Court has ruled that termination of a pregnancy where there is a real and substantial threat of suicide by the mother is lawful in Ireland. However that came about - whether we messed up amendments or discussions - that is the way the law currently stands. The European Court of Human Rights has upheld the position and we must legislate for it. We are discussing two issues: the matter of *A, B, C v. Ireland* and the matter of Irish Medical Council guidelines, and both of them can be dealt with conclusively with legislation.

With a very emotive issue like this I can understand perfectly why many Members may not like to spell out their position as clearly but we have no choice but to legislate. We must make regulations for how the medical profession assesses the risk of suicide so as to look after the best interests of mother and child. Legislation will come first but we also need regulations, as it will be up to the Irish Medical Council to give doctors guidelines. The doctors will include obstetricians, psychiatrists and general practitioners, and the council is well up to ensuring those guidelines are to the satisfaction of Members in these Houses and people in the communities.

In the United Kingdom the mental health of the mother is the basis of whether an abortion can be sought. The expected Irish law will concern the risk of suicide, which is vastly more restrictive than what is evident in the United Kingdom. People are discussing comparisons between the United Kingdom and Ireland but it is chalk and cheese: there is no comparison with what we will legislate for. All the other issues being discussed, including abortion on demand, pregnancy associated with rape and incest or unviable pregnancies that could go to full term, are emotive and sensitive but would require a referendum. That would be completely different

from what we wish to deal with here, which is legislation and regulations dealing with Irish Medical Council guidelines and the X case, as has already been decided upon by the Supreme Court.

As the legislation stands, it does not protect doctors or give the confidence needed by pregnant women. Aside from that, the care in our hospitals is world class and women have absolutely nothing to fear. Obstetric care in our hospitals is fantastic and patients are very well looked after and highly respected. I do not know what will come of the inquiry in Galway but I ask people to hold their counsel: I have worked in obstetrics and I know how fraught cases can become. If we had more time I would give examples of what I experienced working as a junior house officer in obstetrics. People would see the issue differently if they saw the human side of work in our health services.

A patient may present to her general practitioner and state she is suicidal due to her pregnancy. The first responsibility of the GP is to ensure the risk is assessed properly, and if necessary, the patient can be placed in an appropriate care unit. Ideally, this should be like any other medical emergency, and a case where an obstetrician, GP or potentially a psychiatrist has to make a decision over one or two hours is wrong. A decision could be made over days as long as the appropriate level of care is given to the patient in the mean time. This must be taken into account when framing legislation. We do not need to rush into a decision making process and much time can be given to how we work this out.

Some people feel there will be no limit to when an abortion can be carried out. At this time, a child in a neonatal unit at 25 weeks gestation has a great chance of surviving because we have moved on so far in neonatology. A full-term baby would be approximately 40 weeks. I have no doubt that we could push this further. If we had proper guidelines for behaviour and medical practice, we could continue to keep a person in appropriate care while the most appropriate action is decided. Many people fear this debate because they know we need very good checks and balances with guidelines and regulations. The legislation can do this, and this may be the most closely monitored piece of legislation or regulations we have. That is why we must work really hard to ensure we get it right.

Everybody must remember that this is what the people of Ireland want us to do and not about Members' personal beliefs. The people want us to face up to our responsibilities and deal with this very sensitive issue. I am delighted this debate is taking place but nobody is baiting opponents to get views on record. The discussion has been very measured and people are treating it with the respect and sensitivity that is due to it. I am glad to see that.

The idea that one of my patients would feel she had to have an abortion would upset me greatly but we all strive to be as human as possible and not pre-judge people. I would be the first to admit that it is probably easier to do this as a doctor than a politician. Others might rush to judgment, taking their own ideology on board. We have a very open-minded health care system and we have always been very fair with people having their own consciousness in dealing with issues. I know of doctors who would not prescribe and pharmacists who would not dispense morning after pills, contraceptive pills, the Mirena coil and, even up to a number of years ago, condoms. This was because of their personal beliefs. The law existed but nobody prosecuted these people, took away licences or reported them to the council. People have a human understanding of how our culture works, and it is not the same as that in the United Kingdom. We should stop making those comparisons.

I have written medical reports when a young woman has told me she was going for a termination in the United Kingdom. I would not want that woman to go to the United Kingdom without doctors being fully aware of her medical condition; I would be putting her life at risk on the back of my own beliefs otherwise, which would not be right. The woman may need to return to my practice because of complications after the termination, and I have had women return with quite advanced complications arising from a termination. They feared that if they came to me sooner, I would have reported them to the Garda. We do not need that kind of environment or fears that people will be treated like that in the Irish health care system. It is not the way they would be treated, and people are seen with the utmost humanity. We must continue to aspire to that.

Over the past 30 years, as I went through secondary and medical school and progressed to being a doctor, I saw the strong divisiveness of what we call the abortion debate. In the past weeks and months I have been amazed at how ordinary people in this country are engaging in the debate in a fashion not seen before. We need to encourage that behaviour when we discuss the issue. There will be no choice but to have legislation and we should be discussing what will be in that legislation, how the guidelines will be considered and how doctors should act.

Suicide is subjective. If I perform a CAT scan I could see a tumour in a bowel and remove it but because suicide is subjective, the opinion of a psychiatrist would be needed before a final decision can be made. We should be moving the debate in that direction.

Deputy Caoimhghín Ó Caoláin: The publication of the Report of the Expert Group on the Judgment in *A, B and C v. Ireland* should mark the final stage before legislation in line with the X case judgment is initiated, debated and enacted by the Oireachtas. In time the publication of this report will always be associated with the tragic death of Savita Halappanavar, a tragedy that once more placed the issue of abortion high on the political agenda and in public consciousness. The courage of Ms Halappanavar's husband, Praveen, and family in speaking out should be commended and we offer them our continuing condolences.

Coincidence or not, the publication of the report in the immediate aftermath of the tragic death in Galway University Hospital has concentrated minds on the issue and this concentration needs to be maintained in order that appropriate action will follow. The public consideration by society of the very difficult and fraught issue of abortion has been punctuated by tragedies. From the X case in 1992 to Savita Halappanavar in 2012, we have seen women in a variety of very difficult circumstances bringing legal challenges, all of which are cited in this report. These cases represent only the tip of the iceberg as they are only the visible manifestation of the experiences of countless women over the past 20 years and more.

The authors are to be commended on a clear report that gives an overview of the current legal provisions on the termination of pregnancy in this State and the historical background to the legal developments regarding abortion that have taken place over the past three decades. In a cogent manner the report sets out principles for the implementation of the judgment of the European Court of Human Rights in the *A, B and C v. Ireland* case. It sets out proposed procedural options for determining if and when termination is lawful, options for decision making by doctors and an appeals process. Finally, and crucially, it sets out options for how this should be implemented in law.

The judgment of the European Court of Human Rights confirmed that there is an imperative to put into legal effect the judgment of the Supreme Court in the X case. The European court

found that there was no accessible and effective procedure to enable Ms C to establish whether she qualified for a lawful termination of pregnancy in accordance with Irish law. Why is this the case? The reason, as the court accepted, is that Article 40.3.3° of the Constitution, as interpreted by the Supreme Court in the X case, provides that it is lawful to terminate a pregnancy if it is established that there is a real and substantial risk to the life - as distinct from health - of the mother, which can only be avoided by a termination of the pregnancy. Therefore, the State is in breach of the European Convention on Human Rights in failing to give effect to the right identified by the Supreme Court in the X case.

In setting out the current legal position, the report reminds us of what have been described as the chilling words and effect of the Offences Against the Person Act 1861 and its blanket criminalisation of all terminations of pregnancy. Anyone responsible for a termination under this Act is “guilty of a felony and being convicted thereof shall be liable to be kept in penal servitude for life.”

The report recites the sorry saga of the 1983 amendment and the legal battle that had to be fought to establish the rights to travel and information, culminating in referendums and legislation which provide for these rights. It is important to recall, as the report does, that “X” was a 14 year old girl who became pregnant as a result of rape and was put through the additional trauma of a High Court injunction to restrain her from leaving the State for a termination of the pregnancy. It is important also to recall that the Supreme Court judged in the X case that if it were 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 and that this real and substantial risk could only be averted by the termination of the pregnancy, such a termination is lawful. Crucially, the court also found that the threat of suicide constituted a real and substantial risk to the life of the mother.

The immediate result of the X case was the lifting of the injunction to enable the young girl to travel abroad. Any other outcome would have outraged the vast majority of people in this country and led to a regime in which the State operated effectively as an internment camp for pregnant women, release being possible only if they could prove they were not travelling abroad to terminate their pregnancy.

The 1992 referendum followed, allowing for the right to travel and to information. In 1992 and again in 2001, the electorate in referendums rejected proposals to exclude the risk of suicide as a ground for lawful termination. Thus, more than a decade ago, and long before the A, B and C case was initiated, the clear obligation for the Oireachtas to legislate in line with the X case judgment, including the threat of suicide as a real and substantial risk to the life of the mother, was confirmed. As well as the referendums, there was the 1996 Constitution review group, the 1999 Green Paper on abortion and the all-party Oireachtas committee on abortion which reported in 2000. Following the defeat of the 2001 referendum, there was legislative inaction as successive Governments again failed to face up to their responsibilities.

The A, B and C case, begun in 2005 with judgment delivered in December 2010, effectively reaffirmed the Supreme Court judgment in the X case. The absence of legislative implementation of these judgments has created very dangerous grey areas in which, as we know all too well, women can die. The European Court of Human Rights judged that there is a “striking discordance between the theoretical right to lawful abortion in Ireland on grounds of a relevant risk to a woman’s life and the reality of its practical implementation.” The real dangers this position creates were shown in the case of Miss D in 2007. In that case the Health Service Executive prevented a 17 year old girl in its care from leaving the State to have an abortion and

even notified the Garda that she was not permitted to leave. The court ruled that the actions of the HSE were without foundation in law and vindicated Miss D's right to travel. If a young woman could face such denial of her rights in circumstances where the law was very clear and had even been affirmed in a referendum, how much more danger must women face when they are legally entitled to a termination in line with the X case judgment, albeit in the absence of the required legislation?

This matter is addressed explicitly in the report which states: "Indeed, while the constitutional provision in Article 40.3.3° (as interpreted by the Supreme Court in the X case) qualified sections 58 and 59 of the 1861 Act, those sections have never been amended, so that, arguably, they remain in force with their absolute prohibition on abortion and associated serious criminal offences, thereby contributing to the lack of certainty for a woman seeking a lawful abortion in Ireland." This also has implications for the medical and legal professions.

The case for legislation now is compelling and the report makes it even more compelling. The five obligations of the State, as set out in the report are to provide effective and accessible procedures to establish a woman's right to an abortion as well as access to such treatment; to establish criteria or procedures in legislation or otherwise for measuring or determining the risk to her life; to provide precision as to the criteria by which a doctor is to assess that risk; to set up an efficient independent review and appeals system; and to address sections 58 and 59 of the Offences Against the Person Act 1861.

The four principles for the implementation of the European court judgment are that the entitlement to have the right to a lawful termination of pregnancy ascertained should be established; the State's obligations under Article 40.3.3° should be reflected in the options for implementation; termination should be considered a medical treatment regardless of whether the risk to the life of the woman arises on physical or mental health grounds; and 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. We in Sinn Féin believe that those formulations of the State's obligations and the principles for implementation are sound. We have long held that legislation in line with the X case judgment is necessary. The challenge before the Oireachtas, in particular this Government, is to summon the political will to legislate and to legislate in the best possible manner.

This brings us to the core of the report. Chapter 6 addresses the procedures to be applied for determining entitlement and access to termination of pregnancy. It notes that where there is a real and substantial risk to the life of the mother, it is not necessary for medical practitioners to be of the opinion that the risk is inevitable or immediate. The options for procedures in terms of numbers and types of doctors involved in these decisions and the form of review process to be adopted need careful consideration.

Two factors are essential. First, the woman must be at the centre of the process and her voice must be heard and heeded at all times. Second, the process must not be so cumbersome and complex that vital time is lost, thus creating further dangers. For this reason, we would advocate the medical model of review rather than the legal model.

It is clear from chapter 7 of the report that regulations alone will not suffice and that primary legislation is essential. Likewise, legislation alone will not likely be sufficient to meet the requirements. A combination of robust primary legislation and regulations, in careful balance, would seem to be the optimum approach.

It is a pity that the review group was not mandated to produce recommendations rather than options. This forces us to read between the lines, especially in chapter 7, which I have cited. I would urge that the review group members be permitted to appear before the Oireachtas Committee on Health and Children to address us and to answer questions when we sit specifically to carry out that function in the second week of January.

We must legislate. This is the task that the Oireachtas must face up to. All Teachtaí Dála, without exception, have an obligation to address this need and to step up to the mark as legislators. As I have stated previously, there is no selfish political advantage in this for any party. This is not 1983, it is 2012. We must approach this issue with compassion, understanding and respect, conscious of the strong and sincere views held on all sides of this debate. Now more than ever the majority of Irish people know the complexity of this issue and that simple black and white solutions do not exist.

We have a task before us. We should face it together.

Deputy Dan Neville: I welcome the opportunity to contribute on this debate on a sensitive issue that causes extreme difficulties for many people. The decision of the Supreme Court in respect of Article 40.3.3° provided in law that the State must facilitate a termination where there is a real and substantial risk to the mother. This is the judgment of the highest court in the land and, therefore, is binding on all courts.

The Supreme Court stated that it was lawful to terminate a pregnancy if it was established that there was a real and substantial risk to the life, as distinct to the health, of the mother that could only be avoided by termination of the pregnancy. According to the X case judgment, no matter how high the probability that the mother will die, it is not and never can be a certainty. This point has already been discussed.

In 1996, a review group recommended legislation that would include definitions, protections for appropriate medical intervention, certification of real and substantial risk to the life of the mother and a time limit on the lawful termination of pregnancies. The 2009 Medical Council guidelines stated that abortion was illegal except where there was “a clear and substantial risk to the life of the mother” including suicide, in which event it directed medical professionals to “undertake a full assessment of any such risk in light of the clinical research on this issue”. This is one of the clearest statements on the matter. Clinical research is a developing area in which new information is coming to light.

The European Court of Human Rights legally obliges Ireland to put in place a legislative or regulatory regime to provide procedures to establish whether a pregnant woman is entitled to a termination if there is a real and substantial risk of suicide that can only be avoided by that termination. We must establish criteria and procedures for measuring real and substantial risks to life that can only be removed via terminations. This is key to the situation. There should be some type of risk index that consultants can examine to ensure that there is a real and substantial risk to a mother’s life. We accept that a medical diagnosis is not always a clear-cut process and does not exclude differences of opinion.

The constitutional obligation to defend and vindicate, as far as practicable, the right to life of the unborn must also be recognised and included in any consideration of the issue and the dignity of the foetus must be protected. As recommended, all of the steps involved in reaching a decision on a real and substantial risk to a mother’s life must be documented clearly. Extra

regard should be given to suicide risks, given the clinical challenges involved in diagnosing suicidal behaviour. It has been suggested that two psychiatrists and perhaps an obstetrician should form the team that would make the decision, with the backup of other professionals, such as psychotherapists, and the involvement of the woman's general practitioner, GP, who may have a great deal of knowledge about her. It will be argued that since two team members are sufficient for a medical situation, having three in a potential suicidal situation is discriminatory. While there is a case for this argument, we should accept that the team to decide whether there is a real and substantial risk of suicide should comprise two psychiatrists and one obstetrician, given the clinical challenges involved in diagnosing suicidal behaviour. There has been a great deal of debate on this issue.

It is understood that motherhood and pregnancy are protective influences against suicide, as borne out by studies in the UK and the US. One UK study shows that the rate of suicide among pregnant women is one sixth of the rate among women who are not pregnant. There are no figures to indicate whether suicides resulted from a real and substantial risk owing to their pregnancies, only that they died while pregnant. No figures are given for the number of terminations completed. Abortions are available under the liberal regime that pertains in the UK.

As such, we must temper any figures from the UK and the US on the basis of their liberal termination regimes which make abortion less strictly controlled than we intend to introduce. Consideration must also be given to the fact that a liberal abortion regime influences the number of suicides recorded during pregnancy. However, while there is substantial evidence from research that pregnancy reduces the risk of suicide, there is no evidence that pregnancy prevents suicide. Every life is important. The saving of one of the 600 lives of people who died by suicide last year would be welcome.

I am often critical of the psychiatric profession because of the way it deals with families. However, I have the utmost confidence in the psychiatric profession to diagnose mental illness in the most ethical and professional manner. I have confidence that the profession will not endeavour to subvert the law in any way in the course of coming to a decision on whether a pregnant woman is at real and substantial risk of suicide. Medical diagnosis is not a clear-cut process and there are clinical challenges to a psychiatric diagnosis of someone as a suicide risk. The Medical Council will have a key role in that regard.

I am a member of the advisory board of the College of Psychiatry of Ireland. I have been involved with psychiatrists for more than 20 years and I have the utmost respect for their ethical approach to the issue. It has been argued that women will attempt to deceive. That is debatable given the nature of the crisis situation. I do not believe women will be deceitful to the extent of persuading a psychiatrist that they are at a real and substantial risk of suicide which only a termination could avoid. I do not believe two consultant psychiatrists who are dealing with seriously mentally ill patients all their lives could be persuaded by someone who is not in that category that they are suicidal, and that they would come to a decision to grant a termination on that basis. A total of 4,000 women in this country with crisis pregnancies decide to have an abortion each year. That is another situation with which we must deal. I do not know the solution to the problem.

Reference has been made to the significant number of unplanned pregnancies in this country. That is the case, within and without of marriage. However, it does not mean they are unwanted pregnancies. We know of situations where people are in crisis because they had not planned the pregnancy but after a week or two their attitude changes and they look forward to

having a new baby regardless of the initial shock they experienced on discovering their pregnancy. Whether pregnancies are unplanned is irrelevant to the issue we are discussing.

There has been discussion on whether we should introduce legislation or regulation. Whatever route we choose we must introduce rules to implement the decision of the Supreme Court, which has decided that termination in certain circumstances is legal in this country.

Discussion on the suicide aspect of the matter has been positive to date. We must consider vulnerable people with crisis pregnancies who are listening to or reading comments we make. We are aware of the copycat element of suicide where people with suicide ideation could be tempted to take their lives when otherwise they would not do so. We must consider whether what we say would make it more likely that women in a vulnerable situation would take their lives or seek help. Vulnerable people will listen to the debate and relate what they hear to their particular crisis.

We must also take into consideration how what we say will affect those who have been bereaved by suicide. Bereavement by suicide falls outside the normal range of human experience. It is an overwhelming loss which leaves the bereaved confused and helpless, overwhelmed by many emotions and unanswered questions. As well as the normal range of grief reactions, those bereaved by suicide often experience a sense of stigma, shame, loneliness or rejection. We must take that trauma into account when discussing the overall issue. A friend of mine is involved with public meetings on bereavement because his son died at 23 years of age. There is a stigma surrounding suicide. People say when someone dies from cancer or heart failure that they wanted to live but their illness got the better of them. One could erroneously say that someone who completes suicide wanted to die. Nothing could be further from the truth. People who complete suicide want to live as much as anyone else, but living becomes too painful. They do not want to die but they just cannot bear to live with the incredible pain their illness causes them. It is important for people to hear the message to clear up one misconception surrounding suicide. People think that suicide is a cop-out of life, but nothing is further from the truth. People who complete suicide are not copping out of life; they cannot bear the pain anymore. They have reached the end of their tolerance. They have fought long enough and hard enough and the time has come when they know no other way to end their pain. That is the issue we are discussing.

Suicide is no longer a crime. It was decriminalised in 1993. It is no longer a sin on the basis of the test I was taught going to school, namely, grave matter, clear knowledge, and full consent. It is certainly grave matter but hardly clear knowledge or full consent given the pain a person suffers. We must try to change the language we use. A person who dies by suicide does not commit a sin or a crime. He or she dies by suicide or takes his or her life. There has been a great improvement in the past 20 years in our campaign to change the language we use.

On 2 October 2009 a pastoral letter on suicide from the Irish Bishops' Conference was published. It stated:

Life matters. It is commonly accepted that those die by suicide don't want to die; they simply wish to end their pain. Suicide prevention is, therefore, a duty of everyone in our society. In this area we need to be particularly concerned for other people and sensitive to their difficulties. [Bishop Fleming concluded] I welcome the updated media guidelines ... Everyone has a responsibility to treat the tragedy of suicide in a conscientious manner, being sensitive not to stigmatise it, understanding and supportive of those affected by it and at

the same time avoiding its glorification.

I agree with the bishops.

Acting Chairman (Deputy Thomas P. Broughan): Deputy Richard Boyd Barrett and Deputy Seamus Healy are sharing the allocation of 15 minutes. Is that agreed? Agreed.

Deputy Richard Boyd Barrett: It is very depressing that we are debating this issue 20 years after the terrible circumstances of the X case and have done nothing in the interim. Successive governments have not had the courage to deal with the issue after the tragic circumstances following the rape of a young teenager. The State attempted to prevent her from travelling abroad to have an abortion. The Supreme Court ruled that where there was a threat to the life of a woman, she had the right to an abortion. That view has been confirmed in referenda and attempts to limit that right as set out in the X case judgment have been rejected on two occasions by the people. The opinion polls in the past week or two confirm that the majority believe at the very least that where there is a threat to the life of a woman, she has the right to have an abortion. In spite of the clear legal position and a clearly expressed view on the part of the majority in the country, politicians have still failed to do anything about it. I believe the decision of this House to vote down on two occasions an attempt to bring forward a Bill that would allow for that legislation to be passed is more of the same cowardice, delaying tactics, refusal to respect the law and the wishes of the people and crucially the rights of women.

It has taken successive tragedies, the most recent being the tragic death of Savita Halappanavar who died begging for a termination, which she was denied. The obstetricians and gynaecologists, people who know more than the public about these matters, say there is a legal problem which has impeded medical practitioners from being sure they have the legal right to intervene to save a woman's life because of the failure of politicians to legislate on the issue. It is shameful that we have failed to do it. We have had successive admonitions by the Supreme Court. The now deceased Supreme Court Judge, Mr. Justice Niall McCarthy, the European Court of Human Rights and in March of this year the Committee of Ministers of the Council of Europe have all told us that we must act and yet we have failed to do so.

As far as I am concerned this report adds nothing at all. It tells us what we knew - we need legislation. It gives us options - legislation, legislation, or legislation. We need legislation. We needed it 20 years ago. We must get on with the work and provide the legislation that we should have had 20 years ago. It is particularly depressing that this failure has resulted in people dragging up almost medieval arguments.

People say this is a sensitive and divisive issue. It is at one level. It is very sensitive, when one sees tragic circumstances such as the X case, the C case and the case of Ms Savita Halappanavar. Everybody is entitled to his view, when it comes to his life, his freedom and the right to decide what to do with his own body. All of the problems arise from the fact that people seem to think they have the right to decide what other people do with their lives and with their bodies, specifically they think they have the right to tell women what to do with their bodies, with their lives with their health. We get into arguments that I do not believe we should be having about when a threat to one's health becomes a threat to the life of the individual. There is no conclusive answer and no matter how many doctors sit down to tease out the law, one will not get the right answer.

In life as opposed to the law there is no distinction between health and life. One can die

from the flu. Will a person definitely die from the flu? No, but millions die from it every year. One cannot draw a distinction and we should not attempt to do so. We are in a legal limbo as a result of the X case and we must draw this distinction and in so far as we are tied by the Constitution we must say if there is a possibility that a woman might die, she must have that right. We can push that far within the constitutional framework and we should do so. If we do not we are playing with the lives and bodies of women. We must push it as far as we can go in order to safeguard the rights of women.

No man can have somebody else intervene in his medical treatment. If a man goes to the doctor, the doctor identifies his condition and sets out how it should be treated. The man can then make a decision on the treatment. With women, it is different. That must end. A woman's welfare and life must be safeguarded. One cannot have a situation where other people make these distinctions and because of this we must repeal the eight amendment to the Constitution. At the minimum, we must repeal the law dating from the 19th century that criminalises abortion. We have known this for 20 years and it is confirmed in the report of the expert group. Can we make progress on it? We must repeal the eight amendment so that the only people who can make these decisions in any sort of fair way that truly respects the welfare and autonomy of the individual and safeguards the life of the woman is women. That is the right we must uphold and vindicate.

Acting Chairman (Deputy Thomas P. Broughan): Deputy Healy has six and a half minutes.

Deputy Seamus Healy: I welcome the opportunity to speak on the report of the expert group. It is both a difficult and sensitive issue, with which we must deal with compassion and understanding. The issue must be dealt with urgently. We simply cannot continue to put women's lives at risk. We cannot have a situation where the medical profession is unclear as to the legal position of the professionals on this issue. This Government must take its responsibilities seriously and in my view legislate urgently on this matter.

We have been discussing this issue for 30 years, dating from the referendum on the right to life of the unborn.

6 o'clock

The amendment was passed and is part of the Constitution as Article 40.3.3o. Some ten years later, in the Supreme Court case known as the X case, the court found a termination is lawful if, as a matter of probability, a woman faces a real and substantial risk to her life, including through suicide. The decision of the Supreme Court has been dealt with by the people on two occasions, in referendums in 1992 and 2002. The finding of the Supreme Court was endorsed by the public on both occasions.

The A, B and C v. Ireland case was heard in the European Court of Human Rights in 2010. That, and recent developments, led to the issue arising. The late Mr. Justice Niall McCarthy, in the Supreme Court case of 1992, said the delay was not just unfortunate but inexcusable. How much more inexcusable is it not to have dealt with the issue 20 years later? There are no further excuses for delay. The courts, including the European Court of Human Rights, dealt with the issue and the people have spoken on it on two occasions. Now we have the expert report. Six successive governments have failed to deal with it and this Oireachtas must deal with the issue.

I welcome the report, which is thorough and detailed on a sensitive issue. I compliment

Mr. Justice Sean Ryan and the members of the expert group. It is a difficult area and the report refers to this where it states: “The reasons are not hard to understand. Intense ethical, religious, social, political and intimate personal issues coincide.” There are opposing views but there is an absolute and significant majority in the middle ground in favour of legislating for the X case based on the finding of the Supreme Court. The terms of reference of the report are specific and deal with the A, B and C v. Ireland case with the X case in the background. Many people argue that other issues should have been included in the terms of reference, particularly in respect of fatal foetal abnormality and pregnancies arising from rape or incest. The report lists various options and comes down in favour of legislation and regulations.

With regard to legislation, the reports states: “The issue of how to provide for the X case has been considered by other bodies, who have all concluded that legislation ... is the most appropriate way in which to regulate access to lawful abortion in Ireland.” The report refers to the advantages of the legislation and regulations option being that it fulfils the requirements of the judgment, provides for the appropriate checks and balances between the powers of the Legislature and the Executive and would be amenable to changes that may arise from clinical practice and scientific advances. It also refers to a range of other advantages to that option. It has been recommended in previous reports. It is past the time when the Oireachtas should deal with the issue and I hope legislation will be prepared and brought before us in the very near future.

Deputy Ciara Conway: I propose to share time with Deputy Ann Phelan. This afternoon, I was very pleased to be able to attend the address by US Secretary of State Hillary Clinton on her visit to Dublin when she spoke about human rights. She spoke very clearly about recognising the need for the human rights of women to be vindicated all over the world. It was a timely speech considering what we are discussing.

Some speakers have picked up on the following sentiment. When we are talking about women and their bodies and the right to medical treatment when they need it, in this country we are often outraged about how women are treated in other countries. The Taliban refuse to let women work, yet, in the 1970s in Ireland, a woman who got married no longer had the right to work. For years, women had to try to get access to contraception so they could plan their families and space children apart. This is something developing countries are getting right with their young women because they understand that if you educate women and allow them to space their children apart, they are in a much better position to provide for them. However, in this country, we grappled with these issues in the not too distant past. In this spirit, I am not shocked it has taken us this long to deal with the issue under consideration.

Another reason is the lack of female legislators in the country. As legislators, we have acted as cowards over the past 20 years. We made extremely difficult circumstances unbearable for women. We colluded with our cowardice to make this country an inhumane place for women. In the spirit of the speech made by Hillary Clinton, we should hang our heads in shame. Let us not forget that, often, we look far away to those whose human rights are not being vindicated. We jump up and down about them, yet we have cases of human rights not being vindicated for half of the population. What did we do? Nothing. As part of this Government, I am proud the Labour Party has campaigned on the issue and has often been targeted by parties for political gain. We took a stance on the issue and continue to do so.

I thank the expert group for its clear report. Paragraph 7.4.3 of the report alludes to legislation and regulation. In the game of politics, we also talk about advantages and disadvantages. Considering what the expert group has written, the only option for legislators is to provide the

primary legislation that will allow for regulations. The expert group has helpfully drawn up the advantages and disadvantages of this approach and include only one disadvantage, which is that it may take a long time to draft legislation. This is not an insurmountable barrier. As legislators, we must act to ensure and vindicate the rights of women.

The people have had two opportunities to reverse the X case and twice the people confirmed the judgment in the case. Political cowardice and conservatism that is out of step with the reality of women's lives and their bodies have meant we have failed the women of the country for 20 years. I do not say that lightly. I mean it.

It is incumbent on all of us in the House to address this so that the disadvantage suffered by women will not remain. We must act. We must legislate to ensure the safety, health and well-being of women in the future.

Deputy Ann Phelan: I will not need much time because I will not repeat what has been said by other Deputies.

I am grateful for the opportunity to speak on one of the most important complex and sensitive issues in the State. We must try to grapple with this legislation and deal with it. I support my colleague. The speech made by the United States Secretary of State, Ms Hillary Clinton, today was illuminating. It clarified for me that women make up 50% of the population of the world and that we are able to be responsible. When one delegates to women and gives them responsibility and economic choices, we are able to stand up and be counted.

People have significant fears about abortion and our ability to destroy. On a very basic level, human beings are programmed to produce. We are not programmed to destroy. We are trying to be compassionate to the women of this country, and we can do it. If we legislate for the X case I do not believe the whole world will fall off its axis. We just need to get on with it.

The Government set up the expert group to examine the judgment of the European Court of Human Rights in the case of *A, B and C v. Ireland*. This followed a 20 year old judgment by the Supreme Court in the X case that termination in life threatening circumstances, including a risk of suicide, can be lawful. This was further upheld by two referendums. Despite the 1992 ruling, no legislation has been introduced to allow abortion to protect the mother's life.

The Government's commitment to this issue is clear and is reflected in the agreed programme for Government which committed to the establishment of the expert group to examine these issues and make recommendations to Government on how the matter should be properly addressed.

The Labour Party unanimously voted against two motions brought before the House this year which called for immediate legislation to be implemented in the light of the X case judgment. The expert group was made up of doctors, psychiatrists, the general practice and legal professions, and doctors in obstetrics. It was, therefore, inconceivable that legislation be enacted prior to the recommendations of the group.

Abortion is a sensitive, not to mention emotive, issue but it is also a female issue. I am not trying to disparage any of the sentiments expressed by our male colleagues on this issue. I find it hard to take, however, when men feel it incumbent on themselves to oppose a woman's right to a termination if or when her life is at risk. It is a position they will never have to deal with in the same way as a woman must. The House has only 15% female representation. If the situ-

ation were reversed in favour of women, would this legislation have been implemented years ago?

The expert group's report has been published and the legislation in question provides for the drafting of regulations to deal with the detail and practical matters relevant to the issue, such as changing medical practices and scientific advances, as well as addressing emerging challenges to implementation. Most aspects of the provision of lawful termination of pregnancy would be set out in primary legislation with certain operational matters delegated to the Minister to govern by way of regulation.

The Labour Party has had a long history on this issue. We have repeatedly outlined that we will not be part of the seventh Government in the history of the State not to act on the Supreme Court judgment of 1992. This is one of the most complex issues we will ever have to deal with. It is both medically and legally intricate. It does not fit easily into legislation. Other Bills in this area have been brought before the House. They were not appropriate nor were they fitting to form a legislative foundation around the issue. In fact, I question the bona fides of some of the Members who brought Bills before the House on this issue. If we are to legislate for the X case, we will require an overall majority. The Labour Party, although united in our stance on this issue, makes up 35% of the votes in the House. If and when we legislate for this case, it will not be the end of the world. It may even be the beginning for women.

It is incumbent on us to ensure that all the relevant facts and legal clarity on the issue are provided, based on the core principles of the expert report. I am neither pro-abortion nor pro-choice. I have been contacted by pro-life and pro-choice people. None of them was pro-abortion.

The women of this country who find themselves in a crisis situation, such as A, B and C, are not just statistics or fictional examples. They are real, rational human beings. They are our daughters, our nieces, our mothers, our sisters, friends and colleagues. Although I respect the views of those who are pro-life, I cannot help but wonder whether protecting the right of the unborn is obliterating the rights of the living.

Deputy Dara Calleary: I welcome the chance to speak on the report of the expert group. The report was due around this time but the sequence of events means discussion of it is happening against the backdrop of the death of Ms Savita Halappanavar in Galway University Hospital, which we know as "the Regional" in my part of the country. I must refer to that because Galway University Hospital is my regional hospital and I need to know, on behalf of my family and my constituents, that every procedure and process in the hospital is safe. I welcome the fact that HIQA and the HSE are conducting investigations but I would be more assured and confident if those investigations were independent and involved people who had no strategic interest or involvement and could make an independent assessment. There is still time for the Government perhaps to expand the HIQA remit. We have not heard the end of this case and, potentially, other cases. The people who depend on the hospital not just for maternity services, but for services across the board, need to know the fantastic staff who work there, particularly the nursing staff, are vindicated and have our confidence. Whoever is responsible for the sequence of events in those few tragic days needs to be held to account for whatever happened.

I am conscious of not linking what happened in Galway with the publication of the report. The report was due to be published and we would be having this debate regardless. As a representative for Mayo and the west, I would be failing in my duty to the people I represent if I did

not put these concerns on the record.

We have had a far more respectful debate generally about this report and the options presented in it than we have had for some time on the entire issue of abortion. Space has been given to those with very strong opinions on either side to express them and I hope that continues, especially in this House.

One of my concerns is that we are having this debate on the publication of the report, the Government will come up with recommendations and then go to the Oireachtas Joint Committee on Health and Children to debate and discuss those recommendations. We would be far better off, however, if this went to the committee first and the various groups, particularly the medical groups, gave their presentations. I am looking forward to hear how the Medical Council views this report, along with the other medical groups that are made up of the people we entrust with decisions. I would like to hear them before being presented with the Government's decision.

I have absolute confidence that the Chairman, Vice Chairman and members of that committee will run the hearings in a way that will give us information in a non-partisan and neutral fashion. I need information, I am not a qualified medical practitioner and there are so many areas that confuse me that I still am at a loss how to make a judgment I can be happy with. It would be better if the committee hearings had taken place in a calm manner, with the various groups coming in to discuss this and then we debated what we had heard from those various groups. We could then make a judgment on whatever recommendations came from of this. That said, the hearings in January will be important and the committee must give as much time as possible to the hearings. I get a sense the Government is trying to rush this without proper debate on the report and what follows. There was a sense this could all be done and dusted by February. We must resolve it quickly but if we rush it, we will make bad decisions and end up with bad law. We must be far more careful.

The notion nothing was done for 20 years is wrong. Significant efforts were made to come to a consensus. I cannot allow the record of my late friend and colleague, Brian Lenihan, to be distorted in this regard. He chaired an all-party group in the House and brought recommendations forward. We had a referendum in 2002 and the decision reached in that referendum was not as clear-cut as people have presented it. There were conflicting interest groups campaigning for a "No" vote in that referendum so people voted "No" for very different reasons. Time was lost after the referendum, it was ten years ago, but the political process was so bruised by it that it is not so much there was a lack of courage but a wondering where we would go from there. I am not being smart when I say that, or defensive, but when we look at the amalgam of groups that combined to oppose that referendum, there was a genuine political sense of confusion about what to do. No matter what way the political process had turned, there would have been consequences for all sides, and not just political consequences.

We then had the hearings in the European Court of Human Rights and now we have the report of the expert group. I started by thinking whatever we do, we must respect maternal health. We have a strong record in this country but we cannot take it for granted. There have been three maternal deaths since September. There are three families tonight who were expecting the happiest time of their lives and that has now become a nightmare of proportions we cannot begin to understand. We cannot take the strength of our maternal health care system for granted and we cannot assume it will always be the way. I understand there may be a report that measures maternal safety next year that might not paint as rosy a picture. Whatever decision we reach

as a legislature must be based on our having the maximum possible information and tonight we do not have that. I cannot say with confidence that I can reach a definitive position on the recommendations without seeing that information. It would be a disgrace if we as Oireachtas Members allowed this issue to go beyond this Dáil. We must have it finished by this time next year but we must not rush it if a few weeks in February would allow an informed debate where those of us without a medical background can ask questions that might seem stupid to medics but might help me find some clarity and security on these decisions.

Various claims have been made by both sides. We have had information meetings in this House in the last two days where eminent people directly contradicted each other. I listen to one person and he makes complete sense and then at the next meeting, someone who is equally qualified has the complete opposite view and he makes sense. Rushing this, then, for the sake of a few weeks is a bad idea. We will not do anyone any service if we rush this. We cannot allow it to go beyond next year but we must not put unnecessary deadlines in place because that will not serve the interests of the women or families of this country.

I ask the Government to give the committee time. We respect our committee system and we should give it the support it needs. Whatever resources the Oireachtas Joint Committee on Health and Children needs to do this it must be given so it will have the budget for the hearings and legal and medical advice available. This cannot be a normal committee session in the basement of Leinster House 2000 and I hope the Ceann Comhairle would hear the message that those hearings should allow for a specific budget so it can get the sort of advice committee members will need so that advice can, in turn, be made available to us.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): I am delighted to have the opportunity to say a few words on this difficult subject. At the outset, I listened carefully to Deputy Calleary and I respect his views and judgment. He is a serious politician but I disagree with his conclusions. This is not the time to wait for the committee to make a decision. It is a decision the House must make and we must give political direction. The expert group has shown us the options and it is the political direction that is important now. It is still up for the committee to look in detail at how that recommendation we decide upon is to be framed, be it by legislation or otherwise. We can no longer set up committees and say we will not make any decision until it makes its findings.

We have been dealing with this serious issue for 30 years, with reproductive rights for women being the most contentious issue in the history of the State in the last century. The programme for Government we signed up to was categorical that we would acknowledge the recent ruling of the European Court of Human Rights subsequent to the established ruling of the Irish Supreme Court on the X case and that we would establish an expert group to address the issue, drawing on appropriate medical and legal expertise. When we read the report we see the expert group did that with a view to making recommendations to Government on how this matter should be properly addressed. It is essential that we, in this House, address in depth the findings of that report and that we give political direction as to how to proceed.

We have reached a very sad situation where the lives of women were at risk down along the line. We have seen what has happened most recently with the tragic death of Savita Halappanavar. We will not know the full outcome until we receive the final report from the HSE and HIQA. Certainly a strong case has been presented that based on the words of her husband, Savita Halappanavar had been seeking a termination and that no termination was permitted. She had requested it on several occasions but was refused because there was still a foetal heartbeat.

The termination only took place after the heartbeat had ceased. In the course of the contents of the womb being removed subsequently, she died, having contracted e-coli and septicaemia.

It was a terrible tragedy that reminds us of the tragedy of the X case 20 years ago where a girl of 14 was abused for two years and then raped. A case was taken in the High Court, which decided that she should not be allowed to travel for an abortion. That decision was overturned in the Supreme Court, which led to further referenda. The outcome of the three referenda that took place was conclusive in the minds of the people. Article 40.3.3° of the Constitution states: “The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.” It established, as a right, the right to life of the mother and the right to life of the unborn also. The Supreme Court then interpreted that very carefully in the context of circumstances where there was a real and substantial threat to the life of the mother, which could only be removed by terminating the pregnancy.

Clearly the result of the referendum on which the people voted was that the State should introduce laws that would vindicate that right. It states in a straightforward manner: “guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.” Once the right was spelled out, it should have been compulsory on the State to introduce those laws, but that has not taken place over a very considerable period of time. It has not been addressed by this House or by any Government until now. It is a significant failing of this House not to address the matter of citizens having a right that was vindicated in the Constitution. We can no longer put it on the long finger.

When the matter was reviewed and attempts were made to limit it further by leaving suicide out of the equation, two further referenda enhanced the right by specifying the right to travel across the board and not for any particular purpose, but the right to travel to have a termination of a pregnancy in another country was the context in which it was debated. That is now part and parcel of Article 40.3.3° of the Constitution. That was supplemented by a further right to information, including information to a pregnant woman that could be used to facilitate the termination of a pregnancy. There was no provision for pregnancy termination in this country, but the right to information is written into the Constitution.

When Article 40.3.3° of the Constitution is read in its entirety, it cries out to the Legislature to introduce legislation to act on the right enconced in the Constitution. It is telling us that the only meaningful option and the only option, as envisaged in the Constitution, is legislation because it states that the State shall guarantee “in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right”. It is written in the Constitution.

There are four options before us in the expert report and they are addressed very carefully. They are that we could have regulation, guidelines, primary legislation, or primary legislation and regulation. It does not make sense to have guidelines unless they are statutory guidelines, which automatically means legislation. Likewise, it is not possible to have meaningful regulation unless it is statutory regulation. So there is no option other than having primary legislation or primary legislation plus regulation. The constitutional provision is crying out for us to introduce legislation. It would seem it is preferable to introduce primary legislation plus regulation which can deal with changing medical circumstances as medical and scientific developments in the area move on.

I state categorically that as far as I am concerned there is no other choice. We in this House

have no choice but to be true to the Constitution, which means that we must legislate on the matter. The sooner we do so the better. The function of the committee, to which we should refer this matter after we finish our deliberations, should be to decide how to frame and formulate the best possible legislation to allow the right enshrined in the Constitution to be vindicated as proposed in Article 40.3.3°.

Deputy Paul J. Connaughton: I welcome the opportunity to speak in this debate. Few subjects in Irish public discourse are as sensitive as the subject of abortion, which is the focus of the report of the expert group. Views are polarised on both sides and no solution will ever be found that will satisfy the demand of these polar opposites. However, it is worth noting that the tone of the current debate is much more reasoned than the previous debates on the topic. This debate has been led by those in the centre as opposed to the extreme views held on either side, which is most welcome, as it will allow the important issues to be teased out in a reasoned manner.

At the outset, I state that I have no particular medical or legal expertise or background. As a Member of the Dáil and a representative for Galway East I believe it is important that we all have an opportunity to explain our views on the matter. I would always have considered myself to be pro-life. However, I do not believe in having to fall within the narrow parameters of being either pro-life or pro-choice, which obscures rather than illuminates the issues. I have no issue with or concern over providing legal clarity for doctors dealing with a mother whose life is at risk, which is the minimum for which we should be providing.

One other thing about this that always comes up when one moves on from that is the issue of suicide. To bring that up then means one needs to have much more expertise on that matter. Even having sat in this Chamber for the past hour and heard many different people's opinions and experiences on that, it is not easy to make a decision on it. I heard Deputy Neville, Deputy Twomey and some of the other Deputies who spoke on this. That is why it will be important in January to hear what the Oireachtas Joint Committee on Health and Children comes up with and what the legal experts say on the matter.

It has been two decades since the Supreme Court made its decision in the X case and 2013 should not pass without the Government putting the legislation on the Statute Book to provide clarity for doctors dealing with the complex medical issues involved.

The report of the expert group is an important document as it brings forth the views of experts in the fields of obstetrics, psychiatry, general practice, law and public policy and was chaired by a High Court judge. It considers the A, B and C v. Ireland judgment in the European Court of Human Rights and puts forward various courses of action. The case was brought to the court three years ago by three women who alleged a breach of their rights under the European Convention on Human Rights in respect of abortion in Ireland. All three had unintentionally become pregnant and travelled to the UK for abortions. The judgment in that case found that the Constitution is not inconsistent with the European Convention on Human Rights and accepted the Supreme Court interpretation of the X case, which found that it is lawful to terminate a pregnancy in Ireland if it is established as matter of probability that there is a real and substantial risk to the life as distinct from the health of the mother which can only be avoided by a termination of the pregnancy. The European Court of Human Rights found there had been no violation of rights under the convention in terms of Ms A and Ms B but in respect of the third applicant found that Ireland had failed to respect the applicant's private life as it has no procedure for her to establish whether she qualified for a lawful termination of pregnancy in

accordance with Irish law.

This is the nub of the difficulty which now faces the State. The court ruled that no procedures had been laid down in Irish law which can measure or determine risk and this has led to uncertainty. It stated that further legal clarity was required. This further legal clarity must be provided and can and will be provided by this Government, but I do not accept that the judgment of the European Court of Human Rights means that Ireland must legislate to introduce a much more liberal abortion regime. Ireland has signed and ratified the European Convention on Human Rights and thus is under a legal obligation to implement the judgment of the European Court of Human Rights, an obligation that successive Governments have sidestepped because it was not politically expedient to do so.

However, the issue can no longer be sidestepped, particularly in the wake of the death of Savita Halappanavar in Galway University Hospital. Savita presented in hospital 17 weeks into her pregnancy and was miscarrying her baby. She died later of blood poisoning after enduring days of pain and her treatment is the subject of multiple inquiries. It is important to let those inquiries report before making any further judgment. Savita's death has promoted a debate which has often centred on the limits facing doctors operating in a legal fog unsure of the ramifications of their actions. What the debate should have focused on was the limits facing women presenting to hospitals in such difficulties and their rights in terms of treatment.

The report of the expert group which is before us was in train before Savita's tragic death but her death has brought home to people on all sides of the debate the human tragedies that lie behind all the legal terminology. Successive governments may have shied away from this emotive, controversial and difficult subject but when the highest court in the land has recommended that clarity is needed and the European Court of Human Rights has echoed that call, we as legislators must recognise that and deal with the problem presented to us.

Deputy Mary Lou McDonald: I am conscious that after a 20 year delay, we have had a flurry of debates on this matter in the Dáil over the past number of weeks. The extent of the debate serves to highlight the extent of the delay which ran to two decades and the disrepute in which it places this Oireachtas. Many speakers have spoken about the sensitivity on the issue of abortion and I would not disagree with them. We all know from history, certainly in the 1980s, just how polarising was the issue and the debate. It is true that politics and politicians have taken a safety-first attitude to the issue and run for cover because it was considered too contentious. The fact that we are discussing legislation for the X case two decades later does politics, politicians and this institution no credit.

I am glad the report of the expert group has been published. My colleagues and I have studied it and I have a few things to say about it which I hope will be useful and in some way insightful. The main thing I want to say is that we cannot countenance any further delay. While it is very useful and indeed appropriate that the report is considered and debated and that every Member who so wishes has a right to put his or her views or misgivings on the subject on the record, this cycle of debates should not be used as a pretext for further delay. I say this to the Minister of State with the utmost respect and urge the Government now that it has the report and will hear the views of the Members of this Dáil to lose no time in making clear which option it will select and move that forward with all due haste.

It is very important that we understand that the kinds of restrictions the Constitution contains and the X case reiterates. The X case reiterates the need for legislation in very narrow

terms. It is important that people, regardless of their views on the broader issues of women's reproductive rights and abortion, understand what is constitutionally permissible and stated within the X case. We are concerned with very restrictive circumstances in which a medical termination is permissible. There are two tests that must be met. The first is that the woman's life must be in jeopardy. It is not a matter of health, rather it is a matter of life and death. The second test is that in the event that the woman is heading towards death, only a termination can save that life. These are very important things to understand. There are many who would argue that this is far too restrictive but that is a debate for another day. As we debate in the here and now, that is the current position.

When we come to the element of suicide, it is in those circumstances that the restrictive nature of the judgment must be most particularly borne in mind. In order for a medical termination to be allowable on the grounds of suicide, the woman's life must be in jeopardy. There must be a real peril to the woman, which is the first test. The second test for the suicidal person is that it would have to be established that only a termination could spare that life. Those are remarkably high thresholds. I found it disturbing that some commentators in the media sought to portray the X case and the grounds of suicide as some sort of permission for termination on the basis of mental health. That is not the case. In a scenario, heaven forbid, where a pregnant woman was suicidal, a doctor, physicians, clinicians and experts would have to judge the range of medical treatments that would be appropriate for that woman, be it hospitalisation, medication or the other full range of treatments.

We need to be very careful as we move to the point of legislating for the X case that we do not allow the public debate to be captured by a kind of hysteria, be it by accident or design, that would confuse mental health as a general category with a woman who is suicidal and who can only be saved by a medical termination. Those things are worlds apart from each other. Having said that, I hope the Government is not minded to legislate for the X case and somehow try to rule out the suicide risk. I do not believe this would be legally possible and would cause any legislation to fall at the first hurdle. It would also be very wrong to proceed on that basis because although the restrictions are in place but the law is clear. If a woman's life is in danger and that danger can only be offset by a medical termination of pregnancy, it is legally allowable to do so.

Having studied the report it is evident that the expert group was not asked to arrive at any recommendation or conclusion. Perhaps from the Government's point of view there was merit in this to set out the options but it is a pity the experts, given their expertise, were not asked to make a clear-cut recommendation. As the Minister of State, Deputy Costello, stated, it set out four distinct options. When one reads the report, it becomes clear that primary legislation is necessary and that such legislation needs to be bolstered with regulation. Although the expert group does not recommend this, it is clear if one reads between the lines that it is the logical conclusion of its deliberations. The report states the legislative plus regulation approach fulfils the requirements of the judgment and 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. This is sensible and it is the way to go. To reiterate, the powers of the Legislature and the Executive are fully bound by what is permissible within the Constitution. Therefore, this is not a blank cheque for anyone elected to this Chamber or anyone in a ministerial position to expand the horizons of where abortion is permissible in the State. This cannot happen without another constitutional referendum or without the say so and permission of the people.

There is some discussion in the document on the appropriate level of qualification of the medics who would make a determination in any individual case. It is a question of striking a balance between the best medical expertise which can be accessed as a matter of good practice and issues with regard to timing and promptness. Situations can arise where a woman's life is in danger and time is of the essence, and it will be for the Government to strike this balance to have in place the necessary expertise which can have the full confidence of the public, the Legislature and women who are having babies and using the maternity services. We must ensure we put in place a system which is sufficiently efficient and does not leave somebody in danger which might result in the loss of life.

Decisions must also be made in respect of the appeals procedures, and balances need to be struck in this regard being duly conscious of the rights of the woman and the needs of the medical profession, and some consideration must be given to whether a woman might have the right to make an application to the High Court for a review of a decision she might contest. On one level these issues are complex, and in another sense it is a matter of the Government finding an orderly, reasoned and reasonable approach to resolve these matters. Decisions can be taken on these matters quite speedily. I do not believe they will require months of deliberation.

I listened very carefully to the Minister for Justice and Equality, Deputy Alan Shatter, who made a very thoughtful and interesting contribution in the course of the debate on Deputy Clare Daly's legislation. I sensed from his contribution that he, or perhaps the Department and officials, are probably some way down the road in puzzling out the technicalities and architecture which might be contained in the legislation. I read this as a very welcome signal and I hope I am right.

Deputy Peter Mathews: Is the Deputy being pre-emptive?

Deputy Mary Lou McDonald: I do not believe so.

Deputy Peter Mathews: We are a Parliament, not a pre-emptive debating chamber.

An Ceann Comhairle: Allow the Deputy to speak.

Deputy Mary Lou McDonald: I accept that and I do not presume to pre-empt anything. I am simply putting on the record the position of my party, which is that we require legislation for this matter and Deputy Mathews is familiar with this, and also my sense of where the debate is at and my reading of the report.

Deputy Peter Mathews: This is why we have a Ceann Comhairle, to keep debate within its confines.

An Ceann Comhairle: Deputy McDonald has two minutes remaining.

Deputy Mary Lou McDonald: On several occasions attempts were made to overturn the decision in the X case, both of which failed. We can all analyse why this happened but the people spoke. It is now abundantly clear that we need to act and to legislate. We need primary legislation and we will also require regulation.

Savita Halappanavar has, not surprisingly, been mentioned in the Chamber. The distressing element of this young woman's death is that she had lost her pregnancy and died at a time of such terrible distress. The public reaction to this from everybody, and particularly from women, was that one could place oneself in her position, which was a truly horrific circumstance. The

occasions upon which a pregnant woman's life is in danger are, thankfully, very rare, but it falls to us as legislators to legislate for these very rare occasions. Far from this debate being led by what are called extremes, which is an unfortunate way of describing deeply and passionately held views, there is a bulk of public sentiment which is somewhere in the middle and understands that for the most important things in life there are no absolutes and no 100%. In legislating for the X case we legislate for restrictive measures at this time to protect women's lives and the medical profession on these very rare occasions.

Deputy Joe McHugh: I welcome the opportunity to speak on this issue. When we speak about this issue the word "abortion" is thrown into the ether and it is on the radar. However, terminology should be carefully considered when we contribute to this debate. This Chamber is a political forum, but anyone who has studied philosophy or theology or addressed any moral issue such as abortion or suicide knows there is a moral and religious element to the issue. The debate is intertwined between politics, morality and religion. Over centuries religious baggage has been accumulated and famous philosophers have tried to come to a conclusion and offer clarity on abortion but they have not been able to do so, and we will not be able to do it in this Chamber unless we address the core element of the issue which is about saving lives, be they that of the mother, child or embryo, with the conjoined lives being the important factor therein.

7 o'clock

We are also tempted as legislators to talk about our personal journeys and tap in to our personal judgments to form value considerations. That is dangerous. Our personal journeys are not enough because here we are dealing with moral choices, whether objective or subjective, be it the moral choice that I make with respect to my core belief in the protection of life or the subjective value judgments of others on the right to travel to the United Kingdom or on the right of access to information. There is an intertwining of moral consideration in this debate about which we need to be careful.

We also must be careful around the inherent dangers in the timeframe that we are allowing to discuss this. Deputy McDonald offered a window, stating that this needs to be done in two or three months. I hope I reflect accurately her point of view. There is an inherent danger in the time restriction that we afford to this. If we think for a second that we can come to a careful considered viewpoint in the short window afforded to us, we are starting off on the wrong foot. We should allow as much time as possible and allow for enough consideration to harness as much as possible of the ethical viewpoints and judgments, be they of theologians or persons with a moral compass. We need help here. We cannot come to a careful conclusion on this as politicians as we are only one element of a trilateral jigsaw of morality, politics and religion.

I find myself agreeing with Deputy McDonald on how stifling this debate is when a battle line is drawn in the sand between pro-life and pro-choice. That is extremely unhelpful. Perhaps I have been leading a humble quiet existence, but I have never come across a person who is not pro-life. I am sure the other 165 Deputies have shared a similar experience. The battleground to which I refer does not exist. Maybe I have had a sheltered upbringing and in living in Philadelphia, the Middle East and London, I led a sheltered existence, but in all my time I have not met anybody who is not pro-life with a core value system regarding the protection of life.

I want to talk about the role of those who are involved at the coalface, the obstetricians and medics. They take their job extremely seriously and are faced with the choice of co-joined lives where a decision must be made. We as adults know such decisions are being made on a daily

basis. If we do anything in this House, we should facilitate an enabling mechanism for these medics, who are making these important choices with their own moral compass and strict code of ethics as medical practitioners, where their core moral belief is in the protection of all lives, be it the mother or the unborn.

We need their help. The Irish Medical Council, IMC, has made statements, but we need its help. We need it to articulate exactly what is going on and the choices it faces on a daily basis. If it feels restricted because of the lack of legislation and there is a barrier in place with respect to its work, we need to find out the *status quo*. I have had communication with persons of a strong pro-life view and I was surprised on Friday when one of them said: “We are happy with what is going on in the hospitals already. We know what is going on. We know the choices are being made.” If anything comes out of this process, it should be an enabling mechanism to address what is happening and protect those faced with the decision, which is a moral decision obviously intertwined with a medical one.

We should go further with respect to this debate, and I say this carefully. In the past four or five years, we have been talking about the economy. That is the reality of where we are as a society. People are hurting and have less money. There is a danger that we have monopolised the conversation in this House around the economy and forgotten about society and the type of country in which we want to live and into which we want to bring the next generation. Even if tomorrow morning we get a debt write-down from the EU-IMF-ECB and everything is sorted, our deficit is paired back, everything is hunky-dory and the unemployment problem evaporates, we still need to allow a space in this House to talk about society. The constitutional convention will certainly play a role, primarily at a nuts and bolts level, but we have a role in talking about the type of society we want. From my communication with the people, we are at a new level and it is not because everybody got greater access to education and the people are smarter than 50 or 100 years ago. There has been an empowerment process over the past 30 or 40 years due to a myriad of factors such as greater independence, less adherence to restrictive autocracy leadership, be it at a political or a religious level, and greater confidence. We should have the confidence as legislators to articulate where the people are at.

I have total confidence in the ethical judgments of obstetricians and medical staff who have the important task of saving co-joined lives, be it the mother or the child. As they are faced with a decision in the theatre with lives at stake, we need them to rise up and get involved in this conversation because we cannot do it on our own. We can have the political forum to articulate viewpoints on either side, be they strongly held or less so, but we do not have the moral compass on this issue that the medical staff at the coalface have. I call on the Irish Medical Council to get more involved in this debate. We need its help.

Deputy Peter Mathews: Hear, hear.

Deputy Joe McHugh: We need the help of civic leaders. We also need the help of the church and theologians. While they have a right to stand outside this House and to join in protests, I call on them to get involved in the debate because we need their help. We cannot do this on our own. For centuries, philosophers and theologians have tried to do this and they cannot do it on their own. We need their help. I make that appeal to the IMC and the religious and civic leaders because this is an opportunity to start the debate on the type of country in which we want to live and in which we want to raise our children.

Deputy Barry Cowen: Like other speakers, I welcome this debate. I also welcome the op-

portunity for Members to analyse and respond to the expert group's report. As Deputy McHugh has said, it is important that we, in conjunction with others outside this House, consider this report in its entirety, including its recommendations and options, and offer our response to them. As much as people want this issue to be resolved - some want it resolved as soon as is humanly possible - it is only right and proper that an opportunity for in-depth analysis is given by society as a whole. I await the Government's comments on the exact procedures that will follow from the Committee on Health and Children after Christmas, including what its terms of reference will be and for how long it will engage with experts and the professions affected and associated by what may be proposed thereafter in legislation.

There are many wide-ranging views on this area. Many people are very stringent in their views. I expect and hope that Members will continue to respect the sincerely held views and opinions of all Members of this House. It is impossible to discuss the contents, findings, recommendations and options of the report, as well as the background to it and the reasons for it, without being conscious of the recent death of Savita Halappanavar. Our entire country was saddened by this horrible and unfortunate event. The outpouring of grief exercised the nation in a manner we have not seen in recent years.

That case in its own right cannot be judged in isolation until the relevant investigations and explanations come from the process that has begun. On the issue of that investigation and efforts to establish the chronological order of events, I want to place on record my disappointment at the manner in which the Government, in particular the Minister for Health, handled that process in the immediate aftermath of that terrible event. The insensitive manner in which they dealt with the family was unfortunate. I hope that, even at this late stage, relationships in that regard can be retrieved and that there can be a mechanism and process that will meet with the support of all parties involved.

In the immediate aftermath of that event, we heard the masters of the maternity hospitals state that existing legislation needs further legal clarity with regard to the safeguards of the mother in the event of the threat to her life being real at the expense of her unborn child. I would have thought that the existing legislation catered for this matter, as allegedly was the case in Galway. I think the majority in this country would have thought that the existing legislation was sufficient in that regard. Since then, I am sure the country is also united in its wish to uphold that existing legislation and strengthen it, if that is what has to be done.

With regard to the expert group and its recommendations following the judgment in the *A, B and C v. Ireland* case, we acknowledge the expertise concerning the configuration of that group. We welcome and respect its report and we expect a considered and informed debate on the options contained therein.

Many speakers have referred to the series of events that have followed the 1983 referendum and more specifically the Supreme Court judgment in 1992 on the X case. To say that nothing was done or attempted by governments since then is somewhat disingenuous. The 2002 referendum was held on both a text for the Constitution and a supporting legal framework to allow medical practitioners to intervene to save the life of the mother where there was a real and substantial risk of loss of life other than by self-destruction. It also involved the repeal of sections 58 and 59 of the Offences Against the State Act 1861. In 2002, the Government felt that it was a moderate proposal excluding suicide as a reason for abortion. However, it was rejected by 10,000 votes. Irrespective of whether it was rejected by one vote or hundreds of thousands of votes, that result charged the State with a responsibility to act on the Supreme Court's decision.

The decision of the European Court of Human Rights has reinforced that onus of responsibility. We will have to look at the debate that has ensued recently. Some commentary could lead one to believe that any mechanism - whether it be by the options mentioned or by legislation ensuing from them - could lead to the provision of limited abortion on demand or abortion as an option for those affected by rape, incest or those carrying children suffering from foetal abnormalities or which cannot survive outside the womb. Obviously, however, that is not necessarily the case. It is only in that context and as a result of any of those issues, that suicide is emanating from those horrible predicaments. It is only then that those issues become real.

It therefore needs to be clarified that the expert group's findings, recommendations and options contain only options which cater for a framework to deal with the X case. Our Constitution guarantees the right to life and we must uphold that right for all our citizens and protect those who cannot protect themselves. It is against that backdrop that one must consider the options proposed by the expert group. It is against that background that one must also consider the response to these options from the medical and legal professions. Only then can we afford the legal framework and clarity for the medical profession to carry out its duties.

Make no mistake, it remains a most difficult procedure for this State to provide specifically for the findings of the X case while protecting the right to life as enshrined in our Constitution. Regardless of how much help and assistance has been given by this expert report in providing options and narrowing the focus, as Deputy McHugh has noted, assistance to the Government does not necessarily stop there. Members must encourage engagement on the part of society as a whole in this regard. It is against these backdrops that Members await further details of the role of the Committee on Health and Children in giving assistance. Thereafter, Members can await the Government's consideration and can analyse its proposals. Moreover, as I indicated earlier, Members will be mindful of their absolute willingness to safeguard the right to life because allied to their own opinions and thoughts in this area, as well as to the consideration they must give to those they represent, Members also must be mindful of their obligation to legislate for the common good. They are not necessarily here to legislate as they see fit and while that formulates the majority of their opinions in any area, they must give some credence and weight to the effect of legislating in the common good.

I thank the expert group's members for their work in preparing the report, in narrowing the focus and in seeking to advise the Government and the Legislature of their responsibilities in respect of what has been acknowledged to be a most difficult mechanism to be devised to address the predicament in which we find ourselves. However, as Members of the Government have stated, doing nothing is not an option. Fianna Fáil Members accept that but are conscious of everyone's opinions and are conscious of the role that is to be played by Members of the Oireachtas, the medical profession and by society at large. Ultimately, however, the decision then rests with the Government to bring forward legislation. Thereafter, there will be further analytical exchanges and perhaps further amendments from this side of the House, if it is forthcoming, in arriving at a solution that can be agreed by all. I hope there can be a consensus in this area to bring forward legislation. I wish the Government well in what I acknowledge is not an easy task. As for any assistance that any Member can elicit from whatever quarter, let that be done and let it be done with the best intentions and in the best interests of those they represent.

An Ceann Comhairle: While the colleagues on the list before me do not appear to have arrived, Deputy Catherine Murphy is in the Chamber and I will call on her. The Deputy has 15 minutes.

Deputy Catherine Murphy: A small but significant number of women each year find themselves in circumstances where, because of an underlying medical condition, the continuation of a pregnancy would involve a serious risk to their health or life or both. It is important to be clear about the scope and intent of the expert group report. There must be no confusion about the report and one must not allow any misrepresentation of the report to frustrate the efforts of this Legislature to implement the judgment in the *A, B and C v. Ireland* case. The scope of the report is extremely limited, regrettably so. However, as legislators Members must deal with the report that has been presented to them and not with misrepresentations or misinterpretations of its aims and contents. The task of the expert group was to propose mechanisms to give effect to the limited constitutional right to abortion which is established under the *X* case, that where as a matter of probability, there is a real and substantial risk to the life of a pregnant woman, which can only be averted by the termination of the pregnancy, such a termination can lawfully take place. While I acknowledge that other Members have made this point earlier in the debate, the preface to the report is unambiguous in stating “the *X* case decision is the law of the State”. Moreover, this was declared by the highest court of the land and is binding on all the lower courts and is the law. The report does not advocate or present options that would allow termination of pregnancy in circumstances that fall outside the limited constitutional right and nor does it advocate for or propose options that would be more restrictive than the existing case law allows. The options outlined in the expert group’s report address only the rare cases that arise where pregnancy presents a risk to the life of a pregnant woman, with a view to ensuring that all necessary medical treatment can be carried out within the law in such cases.

The report is grounded in four principles that govern all the options discussed and seek to strike a balance between a woman’s right to a termination where her life is at risk and the constitutional obligation to protect and vindicate, as far as practicable, the life of the unborn. The first principle was that the entitlement to have the right to lawful termination of pregnancy ascertained should be established. The second principle was that the State’s constitutional obligations under Article 40.3.3° should be reflected in the options proposed to implement this judgment. The third was that 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. The fourth principle was it always will 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. In this context, I can recall Mr. Praveen Halappanavar talking about how he and his wife were looking forward to a healthy baby at the end of the pregnancy. This was a much-wanted baby and in many cases in which there is a risk to life, the baby is much wanted. I have listened to some of the debates in recent weeks in which people were talking about walk-in and walk-out-type services. This is not what Members are talking about. This is an extremely limited report with a limited scope that is in line with the constitutional provision in Article 40.3.3°.

In scope, the expert group report addresses the court’s finding of a violation of the privacy rights under the European Convention on Human Rights in the case of one of the three applicants in the case, namely, Applicant C, who was in remission from cancer when she became pregnant and was unable to obtain clear advice about the risks to her health and life and to the foetus if she continued to term. It is regrettable that the scope of the report is so limited because there are cases that require serious consideration beyond the scope of the expert group report. While the court did not hold that there had been a violation of the rights of the two applicants whose cases did not involve risk to life, the court did find that the necessity to travel to the United Kingdom for an abortion amounted to an interference with their rights. The court held that the State was free to decide on how such cases should be addressed. The expert group

could have considered how the law might be changed to bring Ireland's abortion regime into line with the approaches in other European countries that allow terminations in a wider range of circumstances but it did not do so. In this context, it is useful to study the third appendix at the end of the report to see how other European countries deal with this issue. The only one with which Ireland is absolutely comparable in this regard is Andorra. However, as the latter has a population of 86,000, the situation is hardly comparable.

The report states the legal position that the European Convention on Human Rights is legally binding on the State and that Ireland's duty to comply with the judgment of the European Court of Human Rights is integral to the scheme of the convention. The report is unambiguous about Ireland's legal obligation as a result of the ruling. In the words of the court, "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 report addresses a number of issues relating to access to treatment. It details the working of the Offences Against the Person Act 1861 and one can consider how a doctor would read it. It is very much something from two centuries ago, even if we just take in its terminology. The report addresses one of the central concerns of the European Court of Human Rights, the continuance on the Statute Book of the criminal provisions of the 1861 Act and the chilling effect on women and doctors due to the risk for both parties of criminal conviction and imprisonment. The report recognises that only legislation that would provide a defence to these provisions would give the required legal protection for woman and their doctors.

The report proposes a number of models of appeal processes for cases of disagreement between a woman and her doctors or between doctors. It highlights that a right to legal abortion must be supported by procedural safeguards to ensure that the law is correctly applied. Medical and legal models and models that combine both perspectives are proposed. The report is clear that the core issue is medical, not legal, and that a seriously ill pregnant woman should not be subjected to an adversarial legal process which would be protracted, embarrassing and invasive of her privacy. It outlines the attributes of an appeal process, including that it must be independent, competent and give written decisions in a timely manner, and that the procedures must include the possibility for the woman's voice to be heard.

With regard to conscientious objection, the report highlights the need to regulate individual rights to conscientious objection in such a way that it cannot be exercised to frustrate a woman's right to receive treatment. The report highlights cases where particular options could create procedural or practical barriers to access to treatment, such as options creating the necessity for two psychiatrists to make a decision in a case of suicide intent and options imposing a requirement for lawyers to be included in any review panel.

The expert group makes it absolutely clear that the judgment in the *A, B and C v. Ireland* case implies an obligation on the State to the ruling of the Supreme Court in the *X* case. The report gives some consideration to aspects of the *X* case that have been considered particularly problematic. The issue of suicide arises most often. The report is unambiguous that termination of pregnancy should be considered a medical treatment in cases where the risk arises on mental health grounds, which is an obvious reference to suicide. The report acknowledges that diagnosis of suicide intent presents challenges and considers whether a risk to life from suicide warrants extra safeguards such as, for example, the involvement of two psychiatrists in the decision making process. This might give the woman and her doctors more security in the diagnosis and decisions but there are also significant disadvantages outlined by the report. These include

the extra burden on a patient by imposing a practice which is not standard when a patient is not pregnant, the risk of stigmatising mental health conditions and the possibility of delay due to geographical and service delivery issues.

The report directly addresses concerns that the judgment in the X case establishes a right to a termination at any gestational age. The expert group is clear that the right to have the pregnancy brought to an end does not entail the right to end the life of a viable foetus. The report proposes measures to maximise the chances of survival of a foetus that is at the “fringes of viability”. The report highlights that the issue of how to provide for the X case has been considered by other bodies which have all concluded that legislation in some form is the most appropriate way to regulate abortion in Ireland. It casts doubt on whether any implementation option that does not include legislation will satisfy the requirements of the court for substantive measures that will give effect to the right to abortion in the X case.

Nevertheless, the report also expresses serious concern about the lengthy nature of the process of legislative drafting and democratic scrutiny. Attention was drawn to this in 2000, as if we had legislated for the issue at that stage, we would not now be talking about a lengthy process. The Government must introduce emergency legislation or other interim measures, such as, for example, the announcement of a moratorium on prosecutions, in order to ensure that no pregnant woman will be denied a termination of pregnancy in circumstances where her life is at risk. Even with legislation to implement the judgment in the A, B and C v. Ireland case, Ireland will still have one of the most restrictive legal system approaches to abortion in the world. I draw attention for anybody who cares to read it to the last couple of page of the report, which outline how such issues are handled in other countries.

The expert group gave consideration only to the requirement to give effect to the right to an abortion where a woman’s life - as distinct from her health - is at risk. No other country in Europe makes that distinction. It is a very hard line to draw with certainty, meaning a clinician can be left with a very difficult decision. The great majority of countries with otherwise highly restrictive abortion laws, such as Colombia and Costa Rica, recognise that when women’s lives or health are threatened by a pregnancy, measures must be taken in order to preserve women’s health. The right to life of a foetus cannot be absolute, as it must be understood in tandem with the woman whose life on which it is dependent.

Some have suggested that the right to lawful therapeutic abortion should be further restricted by the exclusion of the threat of suicide. It is clear that introducing legislation to exclude suicide as reason for a therapeutic abortion is currently unconstitutional and would require a referendum. Proposals to amend the Constitution with this intent have twice been rejected in referendums. Rather than propose a further referendum, the expert group outlines a number of ways of regulating the application of the law, such that women whose mental health condition leads to a real and substantial threat of suicide have access to all appropriate treatment, including the option of a termination. These merit consideration by the Legislature. If suicide were to be excluded, inevitably, at some point, the death of a pregnant woman would occur. Are we willing to be implicated in such a death?

The expert group was not mandated to consider the ban in Ireland on abortion to preserve a woman’s health in cases of rape or incest, cases of serious foetal abnormality or in any other case. We know that 4,000 women every year travel to the UK for abortions. The European Court of Human Rights accepted that these women experience significant physical, financial and psychological burdens and those whose experience is the hardest are those who are most

marginalised and who experience most disadvantage and discrimination in our country. These are women with little or no income, with care responsibilities, with disabilities, with mental illness, women experiencing violence, young women and women of uncertain residency status who are unable to leave or re-enter the State freely. The report is limited in scope. If its scope were broadened, a constitutional referendum would be needed to address such issues as the right to health as well as rape, incest and fatal abnormalities in a foetus. All of these issues deserve consideration in a civil society.

Deputy Kevin Humphreys: I thank Deputies Mary Lou McDonald and Catherine Murphy for their contributions. I often find in debates of this nature that men should perhaps shut up and listen to women.

Deputy Mary Lou McDonald: Hear, hear.

Deputy Kevin Humphreys: Deputy Murphy critiqued the circumstances in which we find ourselves. This is a sensitive time in the history of the nation. Before coming to the Chamber, I listened on the monitor to Deputy McDonald describe with passion the hurt the abortion issue has caused for generations. The Government has signalled the importance it attaches to the issue by providing more than 20 hours of Dáil time to discuss it.

I thank Sinn Féin and Deputy Clare Daly for tabling valuable motions earlier this month which allowed us to frame this debate in the context of the actions the Government must take. These motions were tabled in good faith and the Minister and Cabinet are working on this issue in good faith. The Government acted on its commitment in the programme for Government to establish an expert group on the judgment in the A, B and C case. The expert group published its report only shortly after an unfortunate young woman passed away in a Galway hospital. I welcome the Government's commitment to make a decision before the Christmas recess on what action it will propose to take on foot of the report. I also welcome the decision by the Joint Committee on Health and Children to hold public hearings into the issue. It will be important that the committee ensures all sides are afforded an opportunity to speak and be heard.

Abortion divides society and has been a major political issue for the past 30 years. The 1983 referendum on the eighth amendment to the Constitution was only the second campaign in which I became involved. I was also involved in a long and bitter strike at the time. During the campaign, posters were put up on my housing estate and I recall explaining to people in the area that the amendment was in my view wrong. On the evening of the vote, I was in my sitting room when a neighbour knocked on my door and asked whether I could give her a lift to the polling station, which was some distance from my home. I agreed to drop her to the polling station and within ten or 15 minutes of my return, five or six more neighbours, mainly women, had called to my home asking for a lift. I recall that it was not a particularly nice evening. It emerged in the course of our conversations that the husbands of the women had refused to drive them to the polling station because they were not happy with their wives' voting intentions. This incident had a major effect on me. The reason I stated that men should perhaps shut up in this debate is that I find it difficult to stomach listening to men articulate a position on an issue that affects women and their health.

Society has come far in recent years. For the remainder of the time I lived on the housing estate in question, I had the label of "abortionist" hanging over me. The term was used in my presence to describe me, although I am as pro-life as anyone else. Given that people have deeply held positions on abortion, we must respect the feelings and convictions of others on

this issue. At one stage, it was dangerous to be a progressive voice in this country. Most Deputies will remember the two referendums on divorce and a time when one could not openly buy contraceptives. It is only recently that the rights of the lesbian, gay, bisexual and transsexual, LGBT, community, are starting to be recognised and members of that community only now feel comfortable with being open.

Thousands of women who must leave Ireland and travel to England for abortions do not receive any recognition. They are hidden members of our families and society - in my view society is our family. If we are truly caring, we must accept that these women experience torment as they travel alone and endure an abortion before returning and hiding their experience from their families. Many of these women cannot sit down over a cup of tea and discuss this traumatic event in their lives.

Tonight, the House is full of men discussing the health issues of women. Progress is being made, however. The introduction of a gender quota will be an interesting and welcome development that will fundamentally change politics. We have heard about women's influence on the budget. Few women are present for this discussion of a women's issue. It is time we allowed women to make decisions about their own health. I believe every Member of the House will try to show consideration for the deeply held beliefs of others. Fulfilling our responsibility to legislate will be a difficult challenge because Members will come under extreme pressure. However, the least the House can do is legislate for the outcome of the X case.

I will not discuss the detail of Deputy Catherine Murphy's contribution. I am proud of the Labour Party, not of symbols such as the rose but of its members. In the previous general election, some of my campaign workers had holy water and rosary beads thrown at them while canvassing. They are deeply religious people who were shocked to encounter this type of aggression on doorsteps. Their experience illustrates how deeply divided society remains on the issue of abortion. I still recall the bitterness that marked the 1983 referendum and my view on abortion was formed on the basis of experience.

I do not propose to discuss the recommendations of the expert group's report. Instead, I appeal for tolerance and an understanding that others have deeply held views. A fundamental health issue arises in this debate. Moreover, women have a right to make decisions about their bodies.

I would prefer if an equal number of male and female Deputies were present for this debate. Voting in the 1983 referendum, during which men would not drive their wives to polling stations, was not especially long ago. I appeal to everyone to listen carefully to their wives, daughters and sisters because the legislation we pass will affect them and subsequent generations. There is no appetite to revisit this matter time and again. We must deal with the X case, but that is only the beginning and the Dáil must take a further step and address other issues, for example, rape, incest etc. I thank the Acting Chairman for allowing me time.

Deputy Dominic Hannigan: I am glad to be able to contribute on this debate. It has been 30 years since I first spoke publicly about this issue. In the early 1980s, a campaign was under way to introduce a constitutional ban on abortion. Some wanted the amendment inserted into the Constitution because of their concern that we could otherwise have seen a decision similar to that in the *Roe v. Wade* case in the US in the early 1970s. I was on the students union of UCD at the time and a motion was placed on the agenda asking that the union affiliate with the anti-amendment campaign. I remember the strength of the debate and the intensity of feelings

across the campus and in the lecture theatres. I also remember the discussions in the bars and the churches of our home towns. Everyone got involved in the debate and contributed a viewpoint. It was an intensive campaign and some of the arguments and tactics used were shocking. Like my colleague, Deputy Kevin Humphreys, it educated many of us on the problems facing half of our society.

It is shocking that so little has changed in 30 years. Despite a number of amendments to the Constitution, there is still uncertainty about the rights of a pregnant woman in Ireland. There has been no legislation on the back of any of the amendments and individual tragedies have since occurred.

I have received hundreds of e-mails since the publication of the expert group report. I have probably received more e-mails about this issue from constituents than I have received about any other issue in my time as a public representative, which goes back eight years. Those constituents are concerned that a failure to legislate and to give clear guidance to doctors on terminations has led to an inequality in medicine. Medical professionals are also concerned. I have seen them on television and heard them on radio expressing their concerns that the lack of legal clarity on this issue has led to certain treatment options for sick women being ignored. We need to ensure that we remove this lack of clarity. We must give legal clarity to the medical profession so as to remove the grey areas.

The Labour Party has campaigned on this issue for many a year - decades, in fact. It was in our manifesto last year and the agreed programme for Government is clear on the issue. The latter reads: "We will establish an expert group to address this issue, drawing on appropriate medical and legal expertise with a view to making recommendations to Government on how this matter should be properly addressed." The expert group report has been completed and we have sent our action list to the European Court of Human Rights.

As Deputies have stated, this is a polarising issue. I have not just received communications from one side of the debate. I have also received communications from the other side. Opinions on both sides are undoubtedly well held. As such, it is important that we approach this issue with the sensitivity it deserves. However, it is 20 years since the X case and the Dáil has still not acted despite the fact that the Supreme Court laid out exactly what we should do. We cannot ignore a Supreme Court decision. That is not debatable. The House has been spineless on this issue for far too long.

The expert group report provides us with options and it is clear that we need to act. The report cannot be left to gather dust. We were elected to deal with a range of issues facing the Ireland of today. Some of those issues are economic and some are social. I am clear on the fact that this is an issue that I was elected to address. The Cabinet is discussing what we should do. I wish to add my voice to those of my colleagues - this situation has gone on for far too long and we need legislation now.

Deputy James Bannon: In order to discuss this report and its ramifications, we must focus on the findings of the expert group and their implications for the issue of abortion legislation. However, given the tragic circumstances of Savita Halappanavar's death in Galway in late October and the efforts of both sides - the pro and anti-abortion lobbies - it is impossible not to include it in any discussion of A, B and C *v.* Ireland and the report before us.

That this sad occurrence is now an integral discussion point associated with the findings of

the report is a testament to the power of the media and indicative of an exercise in opportunism, shamefully focused on the death of Savita. I would like to take this opportunity to extend my heartfelt sympathy to her husband and family. While I cannot adequately express my horror at the sad death of Savita, I have had a sense of disquiet from the moment her situation was highlighted. The timing of the release of the information regarding her circumstances on the morning after the report under discussion was given to the Minister for Health was questionable to say the least. I am sure that it was no coincidence that, although she died on 28 October, her death was not extensively reported until the day after this report was delivered to the Minister. The circumstances of her death have been shamefully used as a justification mechanism by both the pro and anti-abortion lobbies.

One could perhaps call the revelations about Savita's death coincidental, but the resultant media outbursts and overwrought reactions seem too opportunistic for that. From being a weapon to try to force the Government's hand, I hope that calm will prevail and that this report will be assessed and viewed in an independent light. However, I am anxious that any legislation should not be rushed through in a knee-jerk reaction to the report, the death of Savita and the other matters that are impacting on it.

Having had major reservations about the timing of the news of Savita's death, the publication of which came as a shock and surprise to her family, the fact that there is now a question mark over some of the reporting of the facts of the case only serves to add credence to the opportunism of the exposure of this tragic death. I am shocked to read that the sequence of events may have been at least muddled but, at worst, distorted. That what was reported or not reported, whatever way one looks at it, prompted a recent independent inquiry into the death of Savita, was inexcusable.

Despite the worldwide reporting to the contrary, Ireland is not in the dark ages medically. I have always been of the opinion that judgment should be reserved until the independent reports into Savita's death have been published. Medical opinion at the highest level is divided on this case, but only an in-depth investigation or investigations will give all of the facts. That people with little or no medical background are rushing to judgment and being listened to is extraordinary.

While it could be said that discussing the circumstances of Savita's situation is to diverge from the matters concerning us *vis-à-vis* this report, timing and media intervention have made it part and parcel of any discussion on abortion or abortion-related topics. The most important aspect of the current report is that it shows the need to bring clarity for the health of the women of Ireland and those treating them. It should not be regarded as an invitation for the pro and anti sides of the abortion debate to stir up that debate in a manner that is designed to cloud the issues as presented by the report.

8 o'clock

It is essential that we try to separate this report on the A, B and C v. Ireland case from the upcoming reports into the death of Savita Halappanavar so as to provide clarity and safety for mothers-to-be and to copperfasten guidelines for the medical profession.

Abortion in cases of potential suicide is very much an ongoing debate. It is a particularly grey area and one that is open to abuse. Should this provision be included in any future legislation, it would require medical guarantees and judgements, which would be extremely difficult,

given that a decision would have to be made in what would necessarily be a fraught and rushed scenario. The threat of suicide is used as a tool in many different ways. I speak outside and beyond the area of the termination of pregnancy, but the implicit threat of suicide is one that is extremely difficult to rationalise and could lead to abortion on demand in the broadest sense. While there is, as yet, a lack of well-established medical evidence, it is held that abortion can negatively affect a woman's mental health. However, in a recent poll on the X Case, 85% of respondents said they supported legislation allowing abortion where the mother's life is threatened, including by suicide; 10% said they would not support it and; 5% said they did not know. On the other hand, a separate question excluding the threat of suicide as grounds for termination was supported by 63%. Such surveys are totally dependent on the way questions are framed and are by no means conclusive.

While I fully agree with the need for legal certainty and clear guidelines for pregnant women, the issue of threatened suicide is likely to be potentially abused. I do not believe the unintentional death of a baby while medical care is given to the mother should be regarded as abortion. I do not advocate the viewpoint of the Catholic Church or any other organisation, but the church, despite accusations to the contrary, does not teach that the life of the child in the womb should be preferred to that of a mother but rather that both are sacred with an equal right to life. In addition, where a seriously ill pregnant woman needs medical treatment which may put the life of the child at risk, such intervention is ethically permissible provided every option has been exhausted to save both the mother and the child. It is standard medical practice in this country to do everything possible to save the life of a pregnant woman when complications arise. That may include interventions which result unintentionally in the death of a baby. Death in such circumstances does not constitute abortion. As it stands, the Medical Council's guidelines are very clear. Women in pregnancy must receive all necessary medical treatment to protect their lives, even where the death of the baby unavoidably results. The Supreme Court has already established that women with complications whose lives are at risk must have, or be allowed, therapeutic intervention.

Much abuse has been heaped on the situation in Ireland and the lack of availability of abortion on demand. It might be more appropriate to consider the benefits or otherwise of such a determination by the State. In the UK, for example, 6 million abortions have taken place since the introduction into law there of the Abortion Act in 1967. That is now leading to a situation where people consider it a right to abort a foetus on grounds of sex or even to take matters to extremes, which might be implausible as yet, on the basis of eye colour. What makes it a right of the human condition to abort a foetus at will or on a whim? I hope that will never be the situation in this country where we have forged a medically and morally acceptable protection of the mother, while accepting the right to life of the unborn. We have come a long way in this country since the days when a husband would be told in the same breath that his wife had died and that he had a beautiful baby girl or boy. The reality was often indescribably tragic. A family might already consist of six or more children who would be left without a mother and a grieving husband without a wife. Sense has prevailed and directed our actions. I hope that will continue to be the case.

I am puzzled by the statement of the Taoiseach late last month that he wanted to get "maximum consensus" to settle the divisive issue of abortion. He further elaborated by saying this is not a matter for any individual parties, this is a matter for the country to get maximum consensus on what is the best and correct thing to do here. I could not agree more but, nonetheless, I am at a loss to know how that can be achieved without a referendum. Such consensus would be

extremely hard to gauge without a referendum. However, the Taoiseach has ruled out a referendum and we are told there is no appetite in the country for such. That is not the case and after 20 years of foot-dragging by previous Administrations, we urgently need to gauge the view of the country and to adhere to people's wishes on the matter. There must be a referendum in this case. As a member of the Constitutional Convention, I am particularly aware of the need to engage with the broader context of the Constitution in this matter for the protection of women and the unborn. A blurring of the provision of Article 40.3.3° and the two-patient model it inspires is not the way forward. A referendum is the only way to finally judge the view and wishes of the nation in this matter. I am totally opposed to abortion and would not stand over any legislation that would introduce abortion on demand in this country.

Deputy Patrick Nulty: My contribution will be different in emphasis from Deputy Bannon's but what is important in the debate in this House and elsewhere is that we respect everyone's views. As citizens of a republic, we might have different views that are strongly and sincerely held, and in the best interests of the country. I am also pleased the Minister of State, Deputy Alex White, is present this evening because he has a strong track-record on these issues over many years. It gives me confidence that he is a Minister of State in the Department of Health when this sensitive issue is being tackled. I wish to place that on record.

The current abortion debate and the tragic cases that are now in the public domain end the convenient fiction that pregnant women in this country receive all the medical treatment they require. Recent weeks have seen an extraordinary outpouring of comment and analysis from doctors who specialise in obstetrics and gynaecology, politicians and commentators. Most significantly, we have heard the testimonies of numerous women on their experience within the health service when pregnancy has threatened their health or lives. That circumstances arise in which abortion is necessary to save a woman's life has been routinely dismissed by those who oppose abortion as some kind of abstract ideological construct, invented by pro-choice organisations and advocates. There is no doubt that cases occur where real women experience genuine risks to their health and to their lives and actual practising doctors are placed in the appalling situation of trying to navigate the grey areas of the law and to protect themselves from prosecution while trying to do the best for their patients.

Women in these circumstances travel abroad for an abortion rather than risk being refused one in Ireland. This is one of the reasons that Irish maternal mortality rates appear very low. Without the safety valve of UK abortion clinics, the rates would be higher.

Many doctors, including the masters of the three Dublin maternity hospitals have called for a statutory framework and workable clinical guidelines so that they can provide best medical services in these circumstances. In response the Government is finally and slowly moving to restore Ireland's tarnished human rights reputation by giving effect to the constitutional right to abortion established 20 years ago in the Supreme Court judgment in the X case, in which it ruled on a right to abortion where there was a real and substantial threat to the life of the mother, including suicide, as decided by the Supreme Court of the Republic.

It is a principle of human rights law that access to a right must be practical and effective. The current regime of case, constitutional and criminal law combines with inconsistent application of the law in clinical practice to render the narrow constitutional right in the words of the European Court of Human Rights illusory and theoretical.

The expert group sets out a series of proposals for practicable legislation and a regulatory

framework for the implementation of the judgment of the European Court of Human Rights. It is critical that the options decided upon and enacted by the Government retain this practicable approach. Efforts to appease those who oppose abortion must not be allowed to result in legislation and guidelines of such procedural complexity as to be rendered completely ineffective in practice. The expert group makes crystal clear that only legislation will suffice to give effect to the *A, B and C v. Ireland* judgment. The report makes repeated reference to the considerable period of time this will entail. What will be in place for women while we wait for the Government to act?

The Committee of Ministers of the Council of Europe expressed concern about the lack of interim measures. I raised this question with the Minister for Health last March and in response he outlined measures which he acknowledged as neither satisfactory nor appropriate. If a situation such as that of applicant C, a woman who was in remission from cancer when she became pregnant or when cases similar to the *A, B and C v. Ireland* arises, it will be the responsibility of the doctor of the seriously ill pregnant woman to determine whether the criteria of the law were met and if so a termination could lawfully occur. In the case of disagreements between a woman and her doctor or a refusal of a necessary life saving treatments, she could seek a second medical opinion or apply to the High Court for orders directing the necessary treatment be provided. She or presumably her family could subsequently take a case for medical negligence invoking the European Convention on Human Rights Act 2003.

The action plan submitted to the Council of Ministers on 30 November includes similar statements, in other words no new measures have been put in place or are contemplated until such time as the Government introduces legislation to address the judgment in the *A, B and C v. Ireland* case. A woman who finds herself in the situation of applicant C will be in exactly the same position as has been the case for the past 20 years, with no effective means of asserting or giving effect to her democratic rights under *Bunreacht na hÉireann*.

Those who voted for the eighth amendment to the Constitution did not intend that it would result in such a scenario or in the endangerment of women's health and lives through delays in or refusal of care. The current scaremongering by anti-abortion campaigners is unfortunate but entirely predictable. Implementing the X case they tell us, will inevitably open the floodgates to "abortion on demand", that dreadful phrase. Absurdly, it is claimed by anti-abortion groups that the inclusion of the threat of suicide as a risk to life that fulfils the X case, means that Ireland has the most liberal abortion regime in the world. This is incorrect. The campaign to exclude the threat of suicide as grounds for an abortion to save a woman's life rests on two false assumptions. First, that women, doctors, psychologists and psychiatrists will collude in claims of suicidal intent and will do so in large numbers. Second, where services are made less restrictive, more women will be encouraged to have abortions. Both these assumptions are entirely false and insulting to Irish women and their families.

On the first assertion, the expert group has outlined an approach to the issue of suicidal intent in the context of pregnancy which would place such a situation within the health services that already exists and would not stigmatise mental ill-health or termination of pregnancy. Women have abortions because they have an unplanned or unwanted pregnancy and not because the service is easier to access. In any event two referenda have rejected attempts to exclude suicide from the rights in the X case judgment. As Mr. Justice Seán Ryan succinctly and definitively states in his preface to the expert group report: "The X case decision is the law of the State, as declared by its highest court. It is binding on all lower courts and generally".

As legislators it is our responsibility to implement the law of this State. The opinions of those who disagree with the ruling of the Supreme Court are irrelevant to the debate we are engaged in at present. The expert group report is an excellent report and the Government must consider its recommendations carefully and act promptly as a matter of urgency to put in place the necessary measures of the report. It is regrettable that the expert group did not look beyond the implementation of the X case and address the broader context of abortion.

Ireland's prohibitive regulation of abortion and the discriminatory nature of its application runs contrary to a number of UN human rights treaties to which Ireland is a signatory. This has been subject to criticism by international human rights bodies, including the UN Human Rights Committee, the UN Committee Against Torture, the UN Committee on the Elimination of Discrimination against Women and the Council of Europe Commissioner for Human Rights, which have criticised the following: the extremely restrictive legal regime whereby abortion is lawful only to save the life as distinct from the health of a pregnant woman and in no other circumstances; the failure of successive governments to give legislative effect, even in limited circumstances, so that abortion is available to women who need it and are in crisis; the continued existence on the Statute Book of harsh criminal sanctions dating back to the 19th century in relation to abortion; the need for women who seek abortion to travel to other jurisdictions to avail of these medical services and the consequent psychological, financial and health burdens this places on women, particularly women from lower socio-economic groups; and the discriminatory ways in which the regulation of abortion impacts on vulnerable women, minors, undocumented, and migrant women and women living in poverty is particularly unfortunate in a modern western democracy.

At Ireland's universal periodic review in 2011, Norway, Denmark, United Kingdom, Slovenia, Spain and the Netherlands made recommendations on the restrictive abortion regime in Irish law and called for firm time-lines for the implementation of the judgment of the European Court of Human Rights in *A, B and C v. Ireland*. It is a shame that the expert group was not asked to focus its expertise on the broader context and looked only at the violation of the rights of applicant C in the A, B and C cases. It did not consider the interference with the rights of applicants A and B that the court also found. The court held that it was for the Government to decide how to address the situation of these two women, and women in similar situations, and that it was a case of what the Government must now do. There is nothing to stop the Government from going further than the expert group's recommendations or reconvening the expert group to continue its excellent work and consider the future of the debate in Ireland when we, hopefully, legislate shortly for the limited terms of the Supreme Court judgment on the X case.

We know that at least 4,000 women travel to Britain each year for terminations. The figure does not include those who do not give Irish addresses or those who travel to countries such as Spain or the Netherlands. These are women from all walks of life and each has her reasons and story. Women's experiences of abortion are diverse and complex and the decision to have an abortion is not one any woman takes lightly. Women's reasons for choosing abortion, such as financial worries, concern about the well-being of other children, diagnosis of serious foetal abnormality, pre-existing health problems, including mental health, and relationship issues, can be extremely stressful. As a male Deputy, I am conscious I will never be faced with the difficult decision women must make. For those inside or outside the House to imply the decision is taken lightly is, at best, misinformed. For these women, the need to travel abroad involves unnecessary hardship and, in many cases, a huge financial burden.

For any progress to be made, the Constitution must be addressed. To hold a third referen-

dum to attempt to exclude the threat of suicide from the right to termination of pregnancy in Article 40.3.3° would be a farce but a referendum to remove or amend Article 40.3.3° would allow Ireland to progress and to bring its laws into line with the highest standards of human rights and the best medical care, similar to that of our European neighbours. A good start would be to legislate for the X case and I know the Minister of State will make every effort to ensure it happens.

Deputy Billy Timmins: I acknowledge the recognition by Deputy Nulty of the various strands of opinion in this debate and how it should be held in a sensible and humane manner. No one has a monopoly on concern for the life and health of women and the unborn. This debate has the potential to bring out the worst in us. Many people who purport to have an intellect can let their individual prejudice cut across a reasonable view. I do not like using the term pro-life or pro-choice. I have received many e-mails from, let us say, people who want to legislate for the X case and beyond. If I was to produce them, many of the 500 e-mails may amount to cyberbullying in the current climate. Politicians on all sides of the argument are subject to e-mails that have no place in a democratic society. Perhaps we should reproduce some so the public can see what a small minority on either side thinks.

I also have a document I am sure other Members received from Family Life:

There will be a massive and sustained programme of actions, some of which will be directed towards securing a referendum to remove the intended legislation, as well as those who support it. It is worth noting that in the 10 years since the 2002 referendum all those TDs who campaigned against that amendment have lost their seats.

I am not beholden to any group. I will listen to every group's views and these will be an influence but not a deciding factor. Most politicians legislate for the common good and what they believe is the right thing to do in the best interests of society. Many aspects inform their opinions, including personal views, the people they meet and experts in the area. There is not much expertise in this area from the medical profession in the House.

I refer to the case of Savita Halappanavar. Some 300 or 400 people who sent e-mails to me seem to know the details of how she died. I am not sure what happened in this sad and tragic case and my sympathies go to her family and her husband as they go through extreme difficulties. Some people dispute the figures on maternal mortality. Be that as it may, Ireland is one of the safest places in the world for a woman to go through pregnancy and have a child. The statistical information is one maternal fatality in 17,800 while the rate is one in 4,700 in Britain and one in 6,600 in France. While one can dispute the accuracy of the figures on the basis of the criteria used to establish them, it is important to acknowledge that our medical profession does an excellent job. It is unfair to send a message around the globe that Ireland is an unsafe place for pregnant women. It is one of the safest places in the world. I hope the independent inquest under the remit of the HSE and the HIQA report are published and brought into the public domain as soon as possible.

Speaking previously on the issue, I mentioned the sad and tragic death of Tania McCabe. An excellent report carried out by the HSE found she died from sepsis linked with haemorrhaging. Not many women die from sepsis during childbirth. In England, between 2006 and 2008, some 13 women died from the condition. One death is too many but it is important to acknowledge the HSE carried out the report without much controversy and did a good job.

6 December 2012

The claim has been made that we are 20 years waiting to deal with this issue and that political cowardice is the reason behind it. I do not agree. In the period 1992 to 2002, efforts were made to bring some clarity to the issue. Despite two referendums, it was no clearer in 2003 than in 1992. It has been stagnant for the past ten years and part of it is due to the inability to find a solution in addition to the old Irish adage of leaving well enough alone. A hard and tragic case came up and now causes difficulty.

I cannot recall the Institute of Obstetricians and Gynaecologists or the Medical Council asking for clarity on the issue. Whether we legislate or do something else, there will always be a grey area. We will not be able to legislate to remove the grey area.

Regarding the report of the expert group, I refer to the commitment in the programme for Government:

We acknowledge the recent ruling of the European Court of Human Rights subsequent to the established ruling of the Irish Supreme Court on the X-case. We will establish an expert group to address this issue, drawing on appropriate medical and legal expertise with a view to making recommendations to Government on how this matter should be properly addressed.

This is a fair commitment in the programme for Government. It was not the same as the Fine Gael commitment before the election or a commitment to legislate for the X case, as per the Labour Party. Many of the promises made by parties prior to the election were superseded by the programme for Government. Some of the commitments in the programme for Government will not be adhered to. I am concerned that, when the terms of reference were drawn up for the expert group, the decision was made there and then. On 29 November 2011, a decision was made at Cabinet that we would go from A to B, without recourse to the House or the parliamentary parties that make up the Government. We always decry the irrelevance of the House and this is a case in which the House has been made irrelevant. We are debating an issue but the decision has been made and the only question is how we will go from A to B. Should we go via C, via D or both? The Minister read the terms of reference into the record.

The chairman stated: "The only brief the Minister gave this group was to deal with the requirements of the European Court of Human Rights judgment and to advise the Government on how to give effect to existing constitutional provisions". In other words, the terms of reference tied the hands of the expert group to coming up with a process for implementing the Supreme Court decision which interpreted the 1983 constitutional amendment and referred to the substantial risk to the life of the mother, including suicide. That is regrettable.

I am not sure if all the members of the Government are aware of this or if it was the Government's intention, but it is certainly the interpretation the chairman of the expert group put on the terms of reference. He also states, in his preface:

There are groups that think the X case was wrongly decided and there should be another referendum to row back on the right to an abortion, especially in the case of suicide. Two referendums tried to remove suicide as a ground and were defeated. There are still some advocates of another vote by the People.

The chairman does not pass judgment because that was not within his remit. It was my expectation, albeit due to misinterpretation by me, a lack of attention to detail or a misunderstanding of the terms of reference, that the expert group would give its views on the broad issue

and how we would move forward on that. Despite the fact that we are having this debate, it is irrelevant if the Government adheres to the group's decision.

Of course, the Government does not have to accept all the recommendations of the expert group. It can decide to act on only one recommendation. It cannot implement all of them. Many review groups are established and governments often choose, for one reason or another, to ignore their recommendations.

I acknowledge that this is a difficult decision for Government. There is no easy way out. It is, nevertheless, important that we analyse it. When I say do not rush the cynics will say we have had 20 years to think about this. We have not debated this issue in the Dáil in ten years, however. It has not been discussed. At the time of the bank guarantee, there was a huge momentum towards guaranteeing the banks. Very few people questioned it. I accept that the Labour Party did not support the guarantee but it supported the nationalisation of banks, which was the same thing. I am sure you agree with me on that, Acting Chairman. Deputy Kieran O'Donnell questioned certain aspects of the guarantee but the momentum was to support it. There was a herd mentality. We are all familiar with it. It is easy to roll over before that mentality.

There is a large common ground of uncertainty on this issue. I am unsure about it. I do not have a monopoly of wisdom. I have a view, however, that the decision of the electorate in 1983 might not have been as the Supreme Court interpreted it. I was severely rebuked in an e-mail from a post-graduate law student for challenging the Supreme Court's interpretation of legislation. I was told it was not my role.

There were two referendums, in 1992 and 2002. The chairman of the expert group mentioned that the issue of suicide was voted upon on those occasions. I am not a spokesperson for the church and many church figures have let society down. Nevertheless, I remember Cardinal Connell and a number of bishops supporting a "No" vote in 1992. I do not think they were advocating for suicide to be used as a ground for termination or to intervene in a pregnancy.

I am uncertain of a few things. I am uncertain where the Irish people stand on the issue of suicide. I am conscious of the opinion polls carried out over the weekend. I am also conscious of the inaccuracy of opinion polls on social issues. We need look back no further than the children referendum campaign, when opinion polls predicted an 8:2 vote in favour of the amendments. Despite the fact that there was a very limited "No" campaign, the result of the referendum was a much closer 55% for the amendments and 45% against.

I do not take my lead from opinion polls on social issues. I do not even take my lead from the majority of people. I take my lead from what is the right thing to do. Trying to establish that is very difficult. We could have a referendum on the suicide issue tomorrow and if it were defeated people would still want it included as a ground. Many people might vote against it because they want to go a step further.

Irrespective of what the Government decides to do, I am of the view that the two extreme ends of this bell curve will not be satisfied. If legislation is brought forward with very tight controls on the suicide issue it may be challenged in the Supreme Court and overturned, and we may well have to have a referendum anyway. That is a danger and I do not know how it would go.

Dr. Alex Bourne was the gynaecologist who, in 1938, used the danger to the mental health of the mother as a defence for carrying out a termination. Many years later he changed his

view. Ms Norma McCorvey, for whom the pseudonym Jane Roe was used in the case of *Roe v. Wade* in the United States Supreme Court in 1973, later changed her position. In reading the following I am conscious of the danger of scaremongering. I remember at the time of the mobile telephone masts it was put to us that one would not want to be walking behind coffins going down the road. It is, however, important to read this because it shows the complexity of the issue. I do not want to say, in a number of years, that I felt it was not right but I let it go through because that was how the flow was going, that I did not stand up and express my view, that I did not take a stand and that I should have done so because what I did was wrong. This is a concern for me and for many others like me. It is important to acknowledge that.

This is, to the best of my knowledge, a correct statement by Ms Norma McCorvey. If others want to verify or refute it that is fair enough:

It was my pseudonym, Jane Roe, which had been used to create the “right” to abortion out of legal thin air. But Sarah Weddington and Linda Coffee never told me that what I was signing would allow women to come up to me 15, 20 years later and say, “Thank you for allowing me to have my five or six abortions. Without you, it would not have been possible”. Sarah never mentioned women using abortions as a form of birth control. We talked about truly desperate and needy women, not women already wearing maternity clothes.

I do not want to sensationalise this issue, but it is important to realise that Ms, McCorvey sought a judicial review to overturn the decision in her own case some time in the mid-1990s. She failed in her attempt to do so.

People on all sides of the argument have concerns. I recognise the bona fides and difficulties of everyone involved in the debate and for women, many of whom claim men do not have a right to talk on this issue because we have not experienced birth and the difficulties associated with it.

I am also concerned that we lack medical and clinical statistics on the issue of suicide. How many pregnant women commit suicide as a result of their pregnancy? How many go on to have terminations and commit suicide afterwards? Is that statistical information available? It would be important for the Minister for Health or the Minister for Justice and Equality to come to the House before the end of the debate and outline those details.

I thank you, Acting Chairman, for allowing me to speak. I acknowledge the difficulties this issue presents for people. It is important that we do what we believe is right and in the common good.

Deputy Mattie McGrath: I too am pleased to be able to speak on this very difficult and challenging issue for our society.

When the expert group was set up I commented that expert groups are usually made up of civil servants and the professions concerned, and rightly so. I do not question the inclusion of any of the eminent professors or members of the group. However, I asked at the time if any lay people had been asked to serve on the group. On a group of such a size surely there is room for one or two lay people, especially a mother. Some of the members of the group may be mothers, but was there an ordinary home-maker or ordinary person among them? We can sometimes forget that ordinary people are intelligent, progressive and *au fait* with matters. Who better to talk to about any life situation than a mother who has given birth once, twice, three, four times, sometimes more, and is living with the day to day issues of running a family, rearing children

and trying to ensure sanity prevails, especially in these challenging times, particularly austerity and media interference?

I am not here to shoot the messenger by any manner of means but I am here to ask some questions of the media, especially in this case, although not the report, which I welcome. I question why we have not been given an answer as to why one member of the group resigned. That is a matter for herself but it has not been made clear to me at any stage why. Were there differences or was the group told what to come up with? I am suspicious of a lot of issues like this.

I believe this case, obviously a tragic case, in Galway has catapulted this issue on us. I have to take issue with *The Irish Times* and the lady who broke the story. I will not mention her name but we all know who it is. The media are picking up on the story and there was an astonishing interview with Marc Coleman recently on Newstalk where *The Irish Times* journalist who broke the story on Savita Halappanavar's tragic death now says the story may be muddled and it may be found there was no request for a termination. All I am asking for, and I ask for it all the time, and most ordinary sane people would ask for it, although it was a tragic situation that happened to Mrs. Savita Halappanavar, is to await the outcome of the inquiry in the hospital in Galway.

That hospital has many specialties and does good work on an hourly basis. Why should we demonise that institution and make all kinds of assertions without any investigation or facts? We must caution against the hysteria here. We do not know. While I agree there is no need for three consultants to be put on the investigative committee from Galway University Hospital, certainly the hospital's side of the story must be told, in fairness to every member of the staff of that hospital, from the porter at the front gate right through to all the staff and clinicians and all the different clinicians who are in that situation of quite eminent qualifications. They are entitled to due process and fair play: we can never forget that.

The Life Institute has said there are extraordinary admittances given to the global hysteria raised by the sensational reporting of Savita's death by a certain newspaper. The Life Institute is an institution of some renown. The newspaper's description of events led to an uproar when it was suggested that Savita had been allowed to die because of Ireland's ban on abortion and because of a supposed Catholic interfering with necessary medical treatment to save her life. That was reckless reporting because we simply do not know. We should await due process. This is a democracy. It was fought hard for and I like to call myself a republican and many of us are so we must wait and give due process to the people working in the hospital.. We cannot let hysteria rule us.

In an interview on the "Coleman at Large" programme, the journalist was firstly asked why she wrote in a later article in *The Observer* that the fact that Savita had been refused a termination was a factor in her death has yet to be established. She wrote that in a later article when she omitted it from the story that first broke the news of Savita's death to the world. She was then pressed to explain discrepancies in the newspaper reporting as to when Savita was started on antibiotics in Galway University Hospital. She then said all one could surmise is that in her husband's recollection of events, the actual timeline and days may be a little muddled. We only have Praveen and his solicitor's take on what was in or not in the notes: we are relying all the time on their take of what happened. Any of us who were lucky enough to be present at the birth of our children know it is a wonderful time, but a challenging time too, especially if anything should go wrong. We can all be quite nervous and apprehensive in normal deliveries

and births so I appeal for calm and sanity to prevail.

Thankfully I think it is starting to sink in and settle down. I will not say much more but at a time when Indian newspapers are printing headlines saying that Ireland murders pregnant Indian dentists, perhaps it is time for the truth to emerge from the so-called newspaper here. India cannot hold up its head proudly in human rights. I am not boasting about that but I am challenging it. Thankfully, in studies by the World Health Organisation, Ireland is deemed as the second or third safest place for pregnant mothers in the world. We might not have that proud record for many things but we have it for that. I am testimony to that, as is the Cathaoirleach and any of us who are here who have family. I salute and compliment all the people who work in the gynaecology wards, nurses, midwives and specialists, and those who work in aftercare in South Tipperary General Hospital and across the country.

We have to be very careful, very sane and very understanding. In this modern world that we now like to cherish I, for example, am pro-life, as I believe are the vast majority of people in this country. I want to challenge the people who now proclaim themselves as pro-choice - and rightly so if they want to, it is a democracy. I want to challenge them on the behaviour that happened outside this House last week, when there was such a frenzy and such an attack on people who, like myself, dare to speak in favour of pro-life. I am elected by the people of south Tipperary and they will not all agree with me but I have to make that decision, speak with my conscience and deal with the people at the next election for decisions I make. To be unable to leave this Parliament, along with many others like me, because of the aggression, violence, intimidation, innuendo and insults that were thrown by so called pro-choice people was appalling and it was a landmark in our society and we must challenge it very seriously. Are we going to be bullied into opening the flood gates? Are we going to be bullied into not making a decision we want to make honestly and openly in our own Parliament as representatives of the people for the time being?

One of the main advantages of both guidelines and referenda approaches is that they avoid legislation for the X case. Why have seven successive Governments decided against legislating for the X case despite a resolutely pro-abortion media? The answer is simple. The X case was a flawed judgment based on non-existent medical evidence and did not foresee how open to misinterpretation its test would be. That is a fact. The Governments did not do it and are being challenged and attacked for not doing it, with comments they did not do it out of cowardice. They did not do that for fun. The majority of people who come in here over the years and who will come in here are honest people who will act according to their conscience and will act lawfully with the best intent.

The X case provides for abortion on mental health grounds, specifically where there is a risk of suicide. By sad way of comparison, and I mentioned this last week in my contribution, roughly 95% of the 190,000 abortions that happen in Britain each year are on mental health grounds. That is a staggering figure. During the debates on the British Abortion Act 1967, I was only nine years old. The Bill's sponsor, David Steel, promised it would not lead to abortion on demand and I believe he did that honestly. Over the course of the last decade he has on numerous times acknowledged how wrong he was. International experience is unanimous in showing that once abortion is introduced on supposedly narrow grounds, it quickly expands into a much more liberal regime. Why will Ireland be any different? We must ask that question in this modern age. Any mental health grounds are the most elastic, subjective and open to manipulation. This is not even to mention that the medical science of psychiatry does not consider abortion as a treatment for suicidal indication in pregnancy. On the contrary, there is

a growing consensus that abortion can actually damage women's mental health in some cases. Do we really want to provide for abortion on grounds that have no basis in medical science? I am no medical expert but I accede to the medical experts. We need to take care not to actually harm women.

We must make haste slowly and give the matter careful consideration. We cannot be bullied or pushed by this frenzy and we cannot be forced. I appeal to the media and the programme makers. I have received some of the nastiest e-mails. I remember the last two referendum campaigns. I was involved in some of them. We had a recent referendum in which opinion polls indicated one thing and the result by the people was completely different. Let us not forget we have an intelligent electorate. There was another opinion poll last week but one must question these opinion polls in the way the questions are phrased and the types of answers they want to get.

We cannot be bullied and while we can have this debate, we must await the outcome of all the investigations. In the fullness of time when we have done the investigations I hope the Indian media, which have castigated us here, might be able to see fit to apologise to our country because we have a pretty proud record on human rights, unlike the record in India and in other parts of the world. I think of Mother Teresa and others who have given valiant service in helping children in that country. We cannot be forced to legislate in an environment of a frenzy of international madness. We must await the facts.

I have heard reports that members of staff of University Hospital Galway and their parents have been subjected to all kinds of allegations. We are not a democracy if we are going to be pushed into legislation without the facts. We live in a modern world of fast communications. I challenge some of the pro-choice groups over last week's behaviour and over the people involved, whether knowingly or unknowingly, at those gates. They were there again last night and they threatened to come to my town and Deputy Tom Hayes's town last week, and we had to have a huge Garda presence. I challenge the people who organised the rally and invited them down. We must have responsibility for our actions and cannot allow mob law. We cannot allow a frenzy to push us into voting in a particular way.

I thank the Acting Chairman for his forbearance. I add my voice to the call for cool, calm reflection. We should await the outcome. I salute those working at UHG because we cannot throw the baby out with the bathwater. It is challenging to work in any hospital and life-saving decisions are made on an hourly basis. We have to await due process.

Deputy Gerald Nash: I am glad to have this opportunity to comment on the report of the expert group on the judgment of the *A, B and C v. Ireland* case. The reason we have this report at all is that Labour insisted on it being part of the programme for Government. For 20 years now, the Labour Party has been a strong, and often, a lone voice on the need to act on the judgment in the *X* case. The Labour Party has never been silent on this matter. I have the scars on my back from this debate. I am only too well aware that this issue has been with us for 20 years. This is the first Government that has decided we are going to deal with it. Six previous governments have, shamefully, in my opinion, neglected and failed to act on the 1992 Supreme Court judgment. As the Minister for Health has said on the record of the House, this Government will not be the seventh.

None of us needs reminding of the tragic circumstances that propelled this issue back into the national and international headlines. Savita Halappanavar's name has now become a sad

chapter in Ireland's history. When Savita and her husband came to Ireland they did not plan on becoming household names. Their plans were simple, the same as every ordinary couple who work hard and plan to start a family and build their lives together. The appalling tragedy of her death has touched a nerve across the country. Along with other Members of this House, I have never previously received so many letters, e-mails and telephone calls on any one issue. Ordinary people are appalled that this could happen. I am sure all Members of the House experienced a similar response, often from people who had never previously contacted a Deputy.

For me and my colleagues in Labour it has without doubt highlighted the need to deal with the legacy of the failure to act on the judgment in the X case. While we still do not know the exact details of Savita Halappanavar's case, it has once again become starkly obvious that there is no clear guidance in this area. We do not yet know whether her life could have been saved, but it is clear that medical staff are being forced to work in a grey area. Staff in all our hospitals are forced to make life and death decisions every day. It is a fearsome and sobering responsibility, and it is only fair to those staff and to their patients that they are free to apply their expertise and make those critical decisions within a clear legal framework. Doctors and consultants should be able to act in the best interests of their patients without having to second-guess the outcome of a possible court case. They do not have the time nor should they have the responsibility to interpret the provisions of Bunreacht na hÉireann and make an informed, safe and, crucially, lawful decision on a medical dilemma that may face them.

The majority of the correspondence I have received has called for legislation, a view with which I concur. Legislating for the judgment of the X case has been a long-standing policy of the Labour Party. I have read the report in detail and nothing in it has changed my view that legislation is required. I was of that view at 16 years of age when this issue first came to public prominence, and little did I know at that stage that a full 20 years later I would be one of the people required to address this issue once and for all in this House.

As I said, the majority of the correspondence I have received has called for legislation, but it would be remiss of me not to acknowledge that I have also received correspondence expressing a different view and, by and large, that correspondence has been important to me. It is important we respect everybody's opinion. I know that this is a very difficult issue for some people and that their gut instinct is to shy away from any legislation which would allow for abortion even in the most limited circumstances. Equally I am sure that they would not in a million years wish to see a mother dying unnecessarily. Their fear, if I understand it correctly, is that any legislation could effectively lead to abortion on demand. I speak honestly in saying that this is a red herring.

Our Constitution as it stands now expressly forbids termination of pregnancy except when there is a direct threat to the life of the mother. That cannot be changed without a referendum carried by a majority of the people. I hold my own views on that and I believe that sometimes in very limited circumstances, a termination can be the least bad option available. However, they are views for another day.

Leaving aside the prospect of a referendum and returning to the Constitution as it stands now in the aftermath of the judgment in the X case, I believe we are confronted with one fundamental question. What constitutes a direct threat to the life of the mother? The only honest answer I can give to that is that I do not know. I am a politician, not a qualified medical practitioner. I cannot make those decisions nor should I be making them. However, what I can do and what I should be doing as a politician and a legislator in this House is to provide a clear

legal framework to allow those who are qualified to make such decisions the autonomy to do so.

As we are all aware, Deputy Clare Daly recently introduced a Bill and, while I welcomed the debate it generated, I do not believe it was the finished article in terms of what is required now. The best and most appropriate place to draft legislation of the complexity required to address this issue fundamentally and definitively is in the Office of the Attorney General.

9 o'clock

It should then be debated thoroughly in these Houses. I hope that this House will, after the engagement process outlined at the outset of this debate by the Minister and on publication of the report of the expert group, legislate to give effect to the X case ruling, having fully considered the implications of this report and the legislation tabled before us.

There is an infuriating tendency in this House and the political system in general to long-finger and prevaricate, hoping that complex issues of this nature might one day sort themselves out but we know that they do not. Politicians who are serious about their job should not live their lives by opinion polls but I would implore those who are uncomfortable with taking a stand on this issue to reflect on the views of the people. Last week's RedDC poll showed a huge majority, unimaginable in its scale just a short time ago, who were in favour of legislating for the X case.

Statements from experienced and familiar opponents in this area in recent weeks advising that we all must be subject to the "court of the conscience" in regard to this issue are offensive to me and offensive to the intelligence of members of this House. The court of somebody else's conscience should not be allowed to sentence any sick woman to be imprisoned in the narrow confines of his or her own minority views. If Members of Dáil Éireann are not prepared to uphold judgments of the Supreme Court and if the representatives of the Irish people choose to dispense with the mandate given to them in referenda by the Irish people directly then we should all reflect on our function here. I read today the statement from the Catholic bishops on their approach to this debate. I fully respect the right of the Catholic Church and leaders of other faiths to make their views known. That is their right and I will always defend that right but nobody in this House and Republic should feel compelled to be bound by it. The nature of these interventions reminds me of Talleyrand's remarks about the Bourbons and how they were doomed to learn nothing and forget nothing. No republic worth the name should impose one ideology over any other on the rights of women to safe health care and medical interventions, or on any other issue.

Today the Council of Europe Committee of Ministers expressed its concern regarding the situation of women who are of the opinion that their life may be at risk due to their pregnancy. It also invited the Irish authorities to take all necessary measures to implement the European Court of Human Rights ruling. The council's human rights commissioner is quoted on RTE News this evening as saying:

If you have a provision that grants this legal possibility - in very limited circumstances - then there has to be some way for people to actually access this possibility. If you have a court ruling - we're talking about the rule of law here - we are talking about implementing a court ruling, as well as providing this provision.

Today, US Secretary of State Hilary Clinton spoke very eloquently at Dublin City University about the human rights challenges facing the world. She set out four pillars on which those

human rights challenges can be addressed. She said the full vindication of women's rights across the globe represents what she termed "unfinished business". I urge Members here and the citizens of Ireland to closely consider those words shared with us in Dublin today and commit to definitively resolve this critical social and human rights issue once and for all.

Minister of State at the Department of the Taoiseach(Deputy Paul Kehoe): This is a very difficult issue for anybody to speak on. I know that everyone who has spoken on this thus far has his or her individual views on and feelings about it. This has been a very divisive issue in Ireland over a very long period of years. If I would ask for one thing - Deputy Mattie McGrath spoke about it earlier - it would be to have a calm debate on this issue. This is the first time since I was elected to the Oireachtas in 2002 that this issue has been debated so extensively.

When I speak to some colleagues who have been here for 15, 20, 25, 30 or 35 years, they tell me their own stories. They remember the most recent constitutional referendum on abortion and how difficult and emotive it was. I have no doubt that what happened then will happen again because, as many Deputies have said, there are people on both sides of the argument who have very strong views - on the pro-life and pro-choice sides. We as Members of this House have a very difficult decision to make. Some people can make it easily while others make it with very heavy hearts. We must strike the right chord between everybody in the House and on both sides and I believe that can be done if we listen to each other's views on this issue.

Deputy Timmins said something that struck a chord with me. I heard it recently on the radio. It is when people query what a man would know about abortion, having babies, maternity units, etc. We have come a very long way in Ireland over a long period of years. I am a father of two children and was present at both births. I have seen the very thin line regarding what can happen and nature at work. It is unbelievable. One looks at this with a totally different perspective when one has children and sees their birth and what can go wrong. One can see things going very smoothly and things going very wrong very quickly. The most important thing is the health and well-being of the mother. It is paramount in this debate.

It is a very thin line when one sees the birth of any child and one does look at it in a totally different way. In another way, one can see the risks involved in the birth of a child. Deputy Mattie McGrath said that the birth of a child is probably one of the happiest moments in one's life and there is no doubt this is true. It is something one will always remember. One remembers what time your child was born at, the date of birth, who was there, whether it was morning or night, whether it was raining, the time one brought one's partner or wife to the hospital, who delivered the child and the nurses who were there. I have no doubt that every father and mother across the world remembers and relives that on many occasions.

This Government has a duty to listen to every side of the argument. The Government is doing so. When the expert group published its report a number of weeks ago the Government decided to debate it in the Chamber so all Members could give their views after which, prior to Christmas, the Government would come forward with an option. It will then bring experts before an Oireachtas committee to see what is the best way forward.

I have no doubt it will be one of the most difficult decisions I will make, and this will also be true for other Deputies from my party. I know Labour Party Deputies see it differently and I respect their views. I hope those on the other side respect our views. I ask for respect and that people do not push down our necks what we have to do. We must take our time on this and look

at it from different angles to ensure we make the right decision. The decision we will make will affect many other people around the person about whom we are making the decision. I have reservations about parts of it, but in having these reservations I believe we are not rushing this and that we will make the right decision.

Deputy Kyne stated he has never received as much correspondence about an issue as he has about this one. I can state the same. I have received more correspondence on this issue than I have on any other issue since becoming a Member of the House.

We know what happened in Galway a number of weeks ago, and I expressed my sadness and sympathy to the husband of Savita Halappanavar because I can imagine what he went through over those days and what he has been going through since. However, we must wait for the true facts to come out before jumping to any conclusions. I know Ireland has changed in recent weeks, and conservative people have spoken to me about how sad it was, and it was terrible. That husband was expecting a wife and child to come out of hospital healthy, but unfortunately this did not happen. It shows the very thin line that is there and the risks which exist and what consultants, gynaecologists, nurses and midwives go through on a daily basis. They do a very difficult job because they help another life to come into the world and we must respect the work they do and respect the decisions they make on a daily basis.

In saying all of this, it goes back to the very difficult decision we must make. However, I have confidence the Government can strike the right chord and listen to all Members of the House. We will not rush it. There are many legal and medical complexities in the A, B and C v. Ireland case, the X case and the area of abortion. I hope all of these complexities are well examined before any decision is made. This is a very difficult issue for everybody to speak on and if there is one issue on which people speak from their heart it is this one. I have listened to the debate and those who contributed spoke from their hearts.

Debate adjourned.

Topical Issues

Foreign Direct Investment

Deputy Tom Hayes: I thank the Ceann Comhairle for selecting what is an incredibly important issue for people throughout the country and for my constituents in Tipperary. While I do not want to be accused of bias against Dublin, the fact is that 80% of foreign direct investment goes to the large urban centres of Dublin, Cork and Galway. We are obviously in the midst of a deep recession brought about by reckless lending, poor governance and a depressed world economy. Nevertheless the country still retains the key characteristics which have in the past been cited as the reasons for multinational companies choosing to invest here. We have a young well educated workforce and Ireland is an English speaking country seen as a hub for European operations. We have improved our competitiveness and reduced our labour costs in recent years and we have given a firm commitment on our corporation tax rate remaining at 12.5%, which was reiterated yesterday in the budget.

When the economy was growing quickly these were cited as the reasons we were able to attract and win investment from large companies, and although there is now strong downward pressure on costs and wages, reduced red tape and increased incentives we are not securing foreign direct investment for rural areas. I understand the role the world economy growth rate plays in this but I want to know what efforts are being made to ensure we are in pole position to capitalise on growth in the world economy. It is often stated that when the world economy starts to grow Ireland will reap the benefits.

We have made huge strides recently in restoring our international reputation and confidence in the economy. While I acknowledge the work of the IDA and the past success of the Department of Jobs, Enterprise and Innovation I urge everyone involved in attracting foreign direct investment not to be complacent. I encourage the Minister to consider the rural areas in the country when courting multinational investment. My constituency has suffered jobs losses in recent years in Clonmel, Cashel, Carrick on Suir, Thurles and Tipperary town. Empty factories are available in each of these towns and areas. I call on the Minister to give his attention to these locations. Huge opportunities seem to be available for large-scale businesses in rural locations such as these.

Biotechnology, pharmaceutical, information technology and professional services companies to mention but a few can grow and develop in a different environment. The costs outside of the capital are lower. The quality of life available to employees is very different to that in the major cities. The road, rail and broadband infrastructure which was not in place years ago is now available. The road from Dublin to Cork passes through Tipperary and makes it accessible to the airports in Dublin, Cork and Shannon, which are at most an hour and a half away. I urge the Minister of State to punch this home when visitors come to our country and ensure these arguments are made to CEOs when they are deciding where to invest. They will see the broader picture and choose to locate in rural areas and thus help the infrastructure and quality of life in areas outside the main cities. With the deficit under control and confidence restored, a growing world economy can be hugely beneficial to Ireland once we position ourselves to capitalise and attract inward investment to rural areas as well as the large cities. I urge the Minister of State to do this.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I thank Deputy Tom Hayes for raising this important issue.

IDA Ireland's primary responsibility is to attract foreign direct investment, FDI, to Ireland and to grow and expand FDI companies in Ireland in the face of strong international competition. In accordance with its strategy, Horizon 2020, which covers the period 2010 to 2014, IDA Ireland is working to create 62,000 direct jobs in 640 investment projects over the period, resulting in an additional 105,000 jobs overall in the economy, with 50% of investments being located in areas outside of Dublin and Cork. The strategy also confirms that IDA Ireland will continue to work with its existing client companies in Ireland to transform the existing FDI base to develop, retain and grow employment in these companies.

IDA Ireland has assured me that it continues to work with all its client companies in Tipperary and across the country to ensure their long-term sustainability and encourage their growth and development, the broadening of their mandates and the continuing re-investment in their sites. There are 12 IDA Ireland client companies in the whole of County Tipperary, employing almost 3,700 people on a permanent basis.

The global economy, in particular the European economy, which is the primary target market for FDI clients in Ireland, is in a low growth phase. The challenge for IDA Ireland is to win FDI in this low growth environment. As Ireland competes for investments at the highest end of the value chain, the concept of scale is crucial. Leading corporations require a significant population of highly qualified talent, effective physical and digital infrastructure coupled with the availability of sophisticated professional support services. To best address this challenge, IDA Ireland prioritises the marketing of gateway locations within each region as the locations of critical mass, that is, sufficient scale of population, skills, infrastructure, companies, business services, etc. and highlights the opportunities provided by hub locations which are within commuting distances of these gateways. In addition, IDA Ireland promotes other locations as part of its marketing efforts and in response to specific client requirements. With continuing enhancement and improvements in physical and digital infrastructure, an FDI project secured for one gateway economic region has a positive impact on other gateway economic regions and surrounding areas.

Because Tipperary is divided into two administrative regions, Tipperary North is part of IDA Ireland's mid-west region along with counties Clare and Limerick, while Tipperary South is part of IDA Ireland's south-east region, along with Waterford, Wexford, Carlow and Kilkenny.

In addition, the provision of flexible and cost-effective property solutions has been a key aspect in developing differentiating regional value propositions and attracting FDI into regional economic locations. For example, in Tipperary, the availability of the 300 acre park at Clonmel business park could facilitate the creation of investment and employment opportunities from FDI and from projects supported by Enterprise Ireland, EI.

Strong performance was seen in 2011 in the level of FDI won by Ireland. IDA Ireland client companies created more than 13,000 new jobs in 2011, despite the current global economic situation and a strong increase in international competition. This strong performance has continued into 2012 and, to date, there have been 81 IDA announcements with the potential to create in the region of 8,550 jobs.

Deputy Tom Hayes: I thank the Minister for the information and bring us up to speed. I acknowledge that IDA Ireland has been quite helpful in the many projects in Tipperary. However, on the issue of empty factories in the county, there is an advance factory in Tipperary town which is top class, and two more sites available. In Cashel, Johnson & Johnson had a state-of-the-art facility which was closed almost two years ago. At that stage, we were given to believe that either an investor would be taking it over or Johnson & Johnson would reinvest in it. That has not happened and the facility lies idle. In Clonmel, as the Minister of State correctly states in his response, there is a 300 acre business park. That has been there for many years. I do not want to be negative about the county. Certainly, there are many good developments in it.

I emphasise that at a time when we are coming out of this mess and after yesterday's budget, there is no doubt there is light at the end of the tunnel. American firms will look at this country and we must be ready. The reason I raise this is to highlight how Tipperary is a great place in which to work and live because it is so accessible now. I would make one further point on the two administrative counties. The decision about the two administrative counties, Tipperary North and Tipperary South, has been taken by the Government and we are a long way down the road of the amalgamation process. Hence, Tipperary is in a far better position to market itself to market itself as a county with wonderful places and I want IDA Ireland and the Minister to acknowledge that.

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I will press hard over the next few months and years to ensure there are jobs created for the highly educated young people who would otherwise be leaving our shores, and for those who have gone to Australia, America and Canada and would prefer to be here. I urge the Minister of State, Deputy Perry, to bring what I have said back to the Minister. I know he will do that. I want to see action at the highest level for my county.

Deputy John Perry: The Minister, Deputy Richard Bruton, who is in Brussels this evening, sends his apologies to the Deputy. The challenge ahead of us all in Government, in Departments and in agencies is to do everything possible to ensure this strong flow of jobs and investments continues. This means we must concentrate on developing indigenous industry, in particular, the small and medium-sized enterprise sector, and yesterday's budget was a good start. We cannot forget that 129 Enterprise Ireland client companies employ a total of 4,547 people in Tipperary.

Deputy Hayes has raised this issue on numerous occasions and the Minister, Deputy Bruton, assured me he would speak to the Deputy directly on this. Earlier this week the Minister and I announced that Enterprise Ireland had established a new micro-enterprise and small business division to spearhead the delivery of an enhanced national enterprise support model to entrepreneurs and small businesses in 2013. This is a key part of the Government's plans to restructure the support infrastructure for small businesses and represents delivery of a key action under the Action Plan for Jobs 2012.

The micro-enterprise and small business division will develop a world-class centre of excellence providing best-in-class support to entrepreneurs and small business in the execution of a national micro-enterprise policy. The new business support model will also see the establishment next year of local enterprise offices, LEOs, in Tipperary in the local authority network, and these new offices will deliver services and support to the micro and small business sectors on behalf of Enterprise Ireland.

The Enterprise Start programme is a one-day information workshop which forms part of Enterprise Ireland's entrepreneurship development activity. Two regional workshops for the mid-west, which includes north Tipperary, were held on 21 March and 10 November 2012 in Shannon which 20 potential entrepreneurs attended. An Enterprise Start programme will be held by EI in Clonmel on 12 December.

We must also strengthen links between multinational companies and the rest of the economy in order that the full benefit of these major investments can feed through to the domestic economy, for example, through supply chain opportunities and mentoring for SMEs. In this regard, in accordance with the Action Plan for Jobs, Enterprise Ireland and IDA Ireland have formed a senior management team to maximise the impact of their resources, staff numbers and budget, to deliver on their respective targets in terms of job creation, investments and economic spend in the economy. If Deputy Hayes wants to arrange a meeting directly with IDA Ireland, that can be facilitated as well.

Job Losses

Deputy James Bannon: I thank the Ceann Comhairle for allowing me highlight this important issue, the recent loss of 100 jobs at Ericsson in Athlone. The implications of this on the local and national economy are undisputed, as is the need for the Minister, Deputy Bruton,

and my friend, the Minister of State, Deputy Perry, in tandem with IDA Ireland, to support the workers and prioritise jobs for the midlands. I have been seeking a debate on the cutbacks since the announcement on 8 November.

I fully support the need to put every structure in place to assist the workers who have lost so much, and who must be given every assistance to gain new employment. My thoughts are with these workers and their families and I hope to work with the Minister in a positive way to assist them. All the supports of the State must be made available to these workers and their families. This is an issue about which my colleague, Deputy McFadden, is also very concerned.

Ericsson employs 700 people in Athlone and 1,200 countrywide. These jobs must be protected. The supports the Minister plans to put in place are of the utmost importance in the context of the potential fallout for workers from what the company describes as global restructuring. This has also resulted in job losses in other Ericsson facilities around the world. The reality in my constituency of Longford-Westmeath is that the midlands are haemorrhaging jobs. Athlone has been left in shock by the latest losses. The announcement by Ericsson that approximately 100 workers are to be let go is nothing short of devastating for Athlone and the midlands generally.

Over 9,000 new jobs have been created nationally in IDA Ireland-supported companies since the start of 2011, but very few have come to the midlands. While I am delighted that the company is still committed to its Athlone facility, as demonstrated by the announcement last July of 100 high-end research and development jobs in Athlone, I am somewhat disturbed that 100 workers who are described as being in older, low-cost activities are now being shed six months later. No matter how this is rationalised, the end result is that 100 workers and their families are being left to cope with the devastating financial implications and adverse impact on their well-being. It is more than time for jobs to be prioritised for the midlands. Ongoing job losses must sound a note of alarm to IDA Ireland and focus its efforts on Longford-Westmeath.

The ten-point plan for small and medium enterprises in yesterday's budget is the most positive news for growth and will probably provide a window of opportunity for the midlands. Over the past few years, Longford-Westmeath has seen the closure of Chemical Electric and B3 Cables, and losses at C&D Foods, all in Longford. There have been agricultural losses in Longford and Westmeath, in addition to the loss of Army barracks in Mullingar and Longford, and the courthouse in Granard. It was announced yesterday that seven Garda stations are being closed in the Longford-Westmeath area. Meanwhile, the M4 from Mullingar to Rooskey is not assured, which represents an infrastructural loss for the midlands.

Longford-Westmeath is urgently in need of a rapid injection of inward investment. While the proposed Chinese hub in Athlone is an exciting prospect, there is no assurance that it will go ahead. I am reminded of the fanfare associated with Cardinal Health in Longford back in 2004 and the incredible fallout from the loss of a potential 1,300 jobs. Proportionally, the midlands have been neglected in terms of job creation opportunities and denuded of services to an excessive extent. Each loss contributes to the economic downturn, which is turning vibrant areas into dying centres. Communities are demoralised, while health services, educational facilities and businesses are operating at an inadequate level.

An Leas-Cheann Comhairle: Is the Deputy aware that he has two further minutes after I call the Minister of State?

Deputy James Bannon: I know. Following the closure of seven Garda stations, security will be at crisis level. The recent job losses are another wake-up call which I am asking the Minister of State not to ignore. For many years, I have been calling for a task force which needs to be established to drive the economic recovery and provide jobs for sustainable growth in the midlands.

Deputy John Perry: I would like to thank Deputy Bannon for raising this important issue. Ericsson originally established a manufacturing operation in Ireland in 1957 and now has three business groups based in Athlone and in Clonskeagh in Dublin. The research and development unit in Athlone employs 800 people. The Clonskeagh site employs 489 staff in its operations competence centre and 52 in its marketing unit.

The Athlone research and development unit has global responsibility for Ericsson's operation support systems. In June 2011, the Athlone unit announced its intention to create an additional 100 research and development positions over its then existing research and development staff level of 620. To date, it has created an additional 180 research and development positions, well in excess of the original plan. Over the past four years there has been a corporate emphasis on shifting research and development to the east in order to drive costs down. The latest corporate focus is on high performance rather than low cost and is driving a review of all research and development activities.

The job reductions announced by Ericsson on 5 November 2012 will take place under a voluntary programme. This is a significant aspect of this unfortunate reduction in numbers and one to be strongly welcomed. These job reductions result from a review undertaken by Ericsson's global operation support systems research and development business. The total headcount reduction in Athlone of 100 staff comprises 50 outsource management roles and 50 legacy systems development roles. The proposed rationalisation programme will solidify the Athlone operation and position it for further future growth.

Ericsson is fully committed to Ireland and has confirmed Athlone's global research and development status. It has also acknowledged the Irish management team's leadership in shifting towards a lean and agile operation, and is using it as the model for all its other research and development operations worldwide to follow. The company is a major contributor to the economy paying annual salaries of €108 million, PRSI and corporation tax of €11 million and expending €80 million in the local economy. Given the company's commitment to Athlone, I am confident that Ericsson will remain a strong employer with a significant economic presence here.

The midlands region, including County Westmeath, has the linked gateway of Athlone, Tullamore and Mullingar and, as such, will continue to be a key location of focus for the winning of foreign direct investment. My Department and its agencies will continue to promote Athlone and the surrounding area for industrial projects and enterprise development. These activities will, in turn, help to protect existing jobs in the area.

Job creation is central to our economic recovery and the programme for Government has this at its core. It is obvious that the Government does not create jobs - entrepreneurs and successful businesses do. However, the Government has a key role to play in providing the environment where businesses can start-up, expand and create jobs. The action plan for jobs, which was launched earlier this year, aims to transform the operating environment for business in order to support enterprise growth and job creation. The Government will achieve this objective by systematically removing obstacles to competitiveness, putting downward pressure

on business costs, promoting innovation and trade, supporting new and existing businesses to develop and expand, and deepening the impact of foreign direct investment in Ireland.

In the action plan, the Government has also identified a number of key sectors where Ireland can gain competitive advantage in global markets. The role of my Department is to ensure that we have the right policies in place that will support and grow our enterprise base in order to facilitate both job creation and job retention. The programmes supported by my Department and its agencies will be critical in achieving economic growth and I know that the agencies - Enterprise Ireland, IDA Ireland and the county enterprise boards - will continue to promote Athlone and the surrounding area for industrial projects and enterprise development.

I am convinced that the actions we are taking across Government through this process will result in improvements to the operating environment for business and bring about a reduction in the numbers on the live register, as was shown in the most recent data from the Central Statistics Office earlier this week.

Deputy James Bannon: I thank the Minister of State for his contribution and the fact that Ericsson is fully committed to Athlone and to Ireland generally. This is most welcome. I ask the Minister of State to remember, however, that there are many people in my constituency who suffer from severe depression because they are unable to find jobs. The midlands has probably the highest rate of unemployment to be found in the country at present.

The Minister of State mentioned that the midlands region, including County Westmeath, has the linked gateway of Athlone, Tullamore and Mullingar, but there is no reference to Longford. There is a need to revisit the national spatial strategy that was announced some years ago because it is out of date. Longford and other midland towns are not getting a fair crack of the whip. The Minister of State should consider this matter.

A task force should be set up next year to examine all aspects of employment and the jobs profile of the midlands in order to realise the potential of this gateway, including Longford, to all parts of the country. It has the potential to be a vibrant economic centre. We must at all times be conscious that we have lost two Government Deputies in the midlands. This is indicative of the outrage and despair that the withdrawal of services is causing to the region. The heart is being ripped out of the midland counties. We must acknowledge that this is happening and take action to remedy it. This situation cannot continue. I want to see action with the establishment of a task force to co-ordinate all agencies in order to bring jobs to the midlands, and particularly to my constituency of Longford-Westmeath. I am sure the Minister of State will take note of that and bring my concerns for the midlands to the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton. I have spoken to him on numerous occasions about this and the time for talking is long over. I want action and want to see it quickly.

Deputy John Perry: Deputy Bannon is very passionate about his constituency, which I greatly appreciate and he may be assured that I will tell this to the Minister, Deputy Bruton. As well as marketing the midlands region for new greenfield investment through its gateway of Athlone, Tullamore and Mullingar, the IDA continues to engage regularly with the existing clients in the region to assist in driving transformation and expansion opportunities in these companies, which can contribute to ensuring long-term sustainability and investment. I refer to research and development, investment in capital, technology, energy-efficient equipment and people, that is, upskilling and retraining. The majority of foreign direct investment, FDI, projects secured for Ireland are won from the existing base of approximately 1,000 multinational

companies in Ireland. At present, there are 44 IDA-backed companies in the midlands, employing 4,624 people across a range of activities and centres. In addition to Ericsson, these companies include Covidien, PPD, KCI, Harmac Medical Products Limited and the NPD Group. These investments bring spin-off benefits right across the region through indirect employment and expenditure in the supply chain and indigenous supply of logistics, security, catering companies and so on. The IDA will continue to compete vigorously - I assure Deputy Bannon that I appreciate fully the manner in which he raised this matter - for both Ireland and the midlands region.

He should be assured that Enterprise Ireland's activity in Athlone and the surrounding area is focused on the creation of new jobs. The Minister, Deputy Bruton, has personally seen to this through supporting entrepreneurs to set up new high potential start-up companies. It is from the small acorn a large oak tree can grow and these new companies can be the future. As for the retention and creation of jobs in existing companies, it acts through the support of company development plans and enhancing the innovation capability of business. It is about supporting the existing companies through supporting research in those companies. Enterprise Ireland engages actively with its client companies and has a number of supports and initiatives in place to assist. In 2011, there were 95 Enterprise Ireland client companies in County Westmeath employing more than 2,100 people in full-time jobs. In 2011, Enterprise Ireland paid more than €1.4 million in financial support to client companies in County Westmeath and has paid almost €1 million this year to date. Enterprise Ireland also has supported the development of a community enterprise centre in Athlone.

In conclusion, it is important to remember that Ireland continues to be competitive in attracting new investment. More than 1,000 multinational corporations have chosen Ireland as their strategic European base and multinationals currently employ 146,000 people directly and many more indirectly. The Department and its agencies will continue to work with companies to safeguard existing jobs and to create new jobs. Moreover, the Government will continue to deliver on its commitment in the action plan for jobs, which will be an annual process setting out clear targets to be delivered each year to support job creation. I assure Deputy Bannon that any support that can be given by the IDA and Enterprise Ireland will be delivered.

Bank Codes of Conduct

Deputy John Browne: I thank the Ceann Comhairle and Leas-Cheann Comhairle for allowing Deputy Mattie McGrath and me to raise this issue. Last weekend, a situation arose whereby Friends First Finance, based in Dublin, sent boot boys down to a farmer in north County Wexford to repossess a tractor. These guys were armed with anything they could have in their van. On their arrival, the farmer resisted the actions to take the tractor and as a result, both he and his son were attacked with jackboot tactics. They were battered, received belts on their arms, legs and bodies and were in severe pain.

The point Deputy McGrath and I wish to raise tonight is that banks should not be allowed to operate in this manner. They have a code of conduct laid down by the Central Bank, which requires firms to have in place procedures for the handling of arrears cases to give the borrower a reasonable time in which to solve the arrears problem and to endeavour to agree an approach to assist the borrower to solve the arrears problem. The section was revised recently and now contains more detailed requirements and the revised requirements have been effective since 1

January 2012. In some instances, a person who is dissatisfied with his or her treatment by a hire purchase company can make a complaint to the Financial Services Ombudsman.

Obviously, however, both in this case and many other cases nationwide, banks now are taking the law into their own hands. They are operating in the dead of night and the people to whom I referred earlier arrived in the early morning when it was dark and tried to take the tractor from the local farmer. Of course the farmer, his son, the family and their neighbours resisted the attempt and there certainly was no talking to the people who arrived. They attacked the farmer straight away and attacked his son. They created mayhem in that part of north County Wexford.

During the week, a number of meetings took place between Friends First and the local action committee, at which Deputy Mattie McGrath was present at different times. An agreement was reached with the managing director of Friends First that no further action would be taken until such time as the Garda completes its investigations. However, it is important that such banks operate within the law and under the code of conduct as laid down by the Central Bank, but they certainly are not doing this at present.

Deputy Mattie McGrath: I thank the Leas-Cheann Comhairle and Ceann Comhairle, as well as the Minister of States for his attendance. This is the most grave topic I have ever encountered. I spoke on this issue 13 months ago and was assured by the Minister then in the Chamber, who is not the same Minister as this evening, that there was a code of conduct for these banks. While the code of conduct was renewed and upgraded, it is not worth the paper on which it is written because one has these bankers and thugs on the ground to whom Deputy Browne referred. While I will not name those people, I will name the people in the banks in suits, that is, those who direct such activities. They are like a third force that is similar to a militia about which one might read in foreign lands. We have An Garda Síochána here with a proud record and our Army. They are the only agents we respect and to whom we look up. I want all these people taken off the road. I want to ask Mr. David Taylor, managing director of Friends First-----

An Leas-Cheann Comhairle: Sorry Deputy, you are not-----

Deputy Mattie McGrath: -----and Mr. Gordon Hill, recoveries manager-----

An Leas-Cheann Comhairle: Deputy, sorry.

Deputy Mattie McGrath: -----and Ms Rachel Ellis. No, I am going to name them because they need to be named and outed.

An Leas-Cheann Comhairle: No, Deputy, sorry.

Deputy Mattie McGrath: I met these people during the week and I wish to state that I am grateful to the staff at Friends First who met us, looked after us and were very kind to us, but not these people, who would not give us a cup of tea for the 13 hours I was there or the 24 hours for which the other remained. I thank Mr. Tim O'Brien, chairman of the Association of Farm Contractors in Ireland, Mr. Sam Deacon and the two neighbours who accompanied us there, namely, Mr. Peter Doyle and Mr. Alymer Dalton, as well as the many other farmers and sub-contractors who went to Friends First to show their anger, annoyance and hurt. This behaviour cannot be accepted. This is modern Ireland and is a democracy. We are putting billions into the banks and while this particular bank is not one of the banks under the State guarantee, it is

a banking institution. I also calling on Mr. Pat Farrell, chairman of the Irish Banking Federation, to deal with these people. I am putting them on notice that unless this matter is dealt with within seven days and unless such activities cease and desist, it will be necessary to take other actions, because the people of counties Tipperary and Wexford are proud people with a proud history. Are we going to have such people like the Peep o' Day Boys or the Black and Tans, who we resisted? These people broke into the farm. They had equipment in their car that was like what one would need to get into the Central Bank.

An Leas-Cheann Comhairle: Sorry, Deputy.

Deputy Mattie McGrath: They had no identification, no security tags and are not Garda-checked. Moreover, the Garda Síochána are not prepared to deal with them and are unable to so do. I am not attacking the gardaí as they do not understand the code of practice. These activities must be outed. Our people are struggling in the face of another austerity budget this week and yet these thugs are being sent out by men in suits who are directing these terrorist-like operations.

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Mattie McGrath: I wish to finish.

An Leas-Cheann Comhairle: Please, no more references to-----

Deputy Mattie McGrath: Obviously, we were told that it is a salvage company.

An Leas-Cheann Comhairle: Deputy, people should not be named.

Deputy Mattie McGrath: No, one is told this was done by a salvage company based in Northern Ireland but it was militia-style. The company is called Salvage Direct and when one checks them on Google, one is told it has limousines for hire but this is what they are up to. Our people, including an ordinary decent young boy of 16 who is studying for his leaving certificate, should not be subjected to such beatings. Were it not for the ambulance and fire brigade people who attended the scene, they could have been left dead on the road. I am worried that someone will be killed unless this kind of militia or third force is stood down and dealt with by the powers that be.

Deputy John Perry: I thank Deputies Browne and Mattie McGrath for raising this issue. All of the financial institutions in Ireland have benefitted from the support provided by the Irish taxpayer. Even if they have not been directly recapitalised, they benefit from the stability that Government guarantees and recapitalisation have provided to the Irish financial system. In return, the Irish taxpayer has a legitimate expectation of being treated in a fair and equitable manner by the financial institutions. This legitimate expectation is underpinned by the code of conduct for business lending to small and medium enterprises, SMEs, that ensures banks live up to their obligations in dealing specifically with SMEs.

The code of conduct was issued by the Central Bank under section 117 of the Central Bank Act 1989 and became effective from 1 January this year. The code of conduct is part of a suite of measures that the Government has undertaken to support the vital SME sector. The Government's commitment to the sector was underlined by the measures announced in yesterday's budget, which included a ten-point tax reform plan to help small businesses, increased resources for the Credit Review Office and the development of a suite of investment funds in the SME

sector by the National Pensions Reserve Fund Commission. It is gratifying that these measures were welcomed by the business representative organisations.

The code of conduct replaced the 2009 code and strengthened the protections available to SMEs in financial difficulties. The banks are required to comply with it as a matter of law. The code makes it clear that anybody acting for a bank is subject to the code and banks cannot avoid their obligations by getting an agent to act on their behalf. The Central Bank can invoke its statutory powers to require compliance with the code and a breach of the code is a breach of a regulatory requirement and may be the subject of enforcement action. The code imposes a number of requirements on security, including that the bank must not impose unreasonable collateral requirements, it must not impose unreasonable personal guarantee requirements on borrowers and it must explain clearly the possible implications for the guarantor of giving collateral or a personal guarantee. Any enforcement of a personal guarantee over a principal private residence must be in accordance with the code of conduct on mortgage arrears.

I should say that the provisions of the code are without prejudice to a bank's legal rights to enforce any agreement, including any security taken in connection with any agreement. If a borrower has pledged security to a bank as part of a loan agreement and has failed to make the repayments, the bank has the right to take the security. I am aware of media reports of an incident in Wexford in which it is alleged that the agents of the bank broke the law in attempting repossession of a vehicle. I understand that the Garda Síochána is investigating the incident. If any breach of the law is revealed in the investigation, I would fully expect the Director of Public Prosecutions to prosecute those involved.

The Central Bank has a number of options at its disposal if there was a breach of the code of conduct. The matter has been brought to the attention of the bank and I expect it will examine the case in detail. That said, the Central Bank is a separate entity from the Department of Finance and operates independently from the Department. The code of conduct is due for a full review next year and any gaps in the code will be fully addressed in that review. I wish to make it absolutely clear that I do not condone any actions in breach of the law and I call on the parties to this dispute to make every effort to resolve it in a mutually acceptable manner.

Deputy John Browne: I am not questioning a bank's legal right to enforce any agreement but it must operate within the law. The banks and financial institutions must realise that we now operate in a civilised State. We suggest that representatives of these institutions should only go to premises during working hours and there should be no early morning raids or movement in the dead of night, which is happening now. There should be no "rough house" tactics, violence or any other form of intimidation against the persons or families involved.

This issue was raised last December by Mr. Seán Kelly, MEP, a member of the Minister of State's party, in Strasbourg. He referred to farmyard raids in isolated areas in the dead of night, when enforcers were frightening the living daylights out of people, ignoring all protocol, threatening people and doing enormous damage while using foul language and physicality. It is not just us who have raised the matter, which has been ongoing for some time.

Every visit by representatives of banks to people being acted against should have a Garda presence. If there is a Garda presence, these people would not be able to operate outside the law and the banks would benefit far more. I have been told this farmer was continuing to make payments to the best of his ability and there was no need for these tactics or the repossession of the tractor as a result.

An Leas-Cheann Comhairle: I ask Deputy McGrath not to identify people.

Deputy Mattie McGrath: I have said what I said. The people in suits orchestrating this did not get where they are by being nice. During my occupation last Tuesday of my own bank in Kilcash in my own count I got calls from locations in County Longford, in Tullamore and in Dublin. I was told other instances like this happened in those locations. The Minister of State's colleague from Wexford, Senator Michael D'Arcy, raised this in the Seanad yesterday. This is happening on a nightly basis so we must deal with the issue.

The Minister of State spoke about a code of practice. Why did it take from 1989 for the code of practice to be implemented in 2012? We are looking at it again. Codes of practice mean virtually nothing to these people, as they are ruthless, dogmatic and their actions are bordering on terrorism. I am not saying that where there is a complete breakdown in communications, banks cannot carry out repossessions. The sheriff may have bad connotations but at least those people are authorised. They must have a bearer's letter and court order. I was told by the managing director of the bank, with a solicitor and the gentleman I spoke about present, that the leasing and hire-purchase agreement was more powerful than a court order. If the people in the banks believe that, we are in big trouble. They have that belief and are acting on it.

The Minister of State is a businessman and knows about the effects of this serious trauma. This practice must stop before somebody is seriously injured or killed. Our people are bailing out the banks and although this institution is not covered, the Minister of State has said it is supported. There are only two directors and we do not even know the identity of the parent banks. It is an evolving issue. The bank in question is only acting as a debt collector at this stage and it has no interest in this country or economy. It has no interest in farmers or other business people who have leases. It is collecting money so it is no good to anybody except in feathering its nest.

I appeal to the Minister of State as a business person of some repute with much experience. He knows what is going on. We have a legitimate Garda force and an Army. We cannot have a third force, a militia, so it should be stood down.

Deputy John Perry: The law applies to everybody and nobody is above it. If there has been any criminal activity, it is a matter for the Garda to investigate and the Director of Public Prosecutions to prosecute anybody against whom evidence is available. The Government cannot get involved in individual cases. The framework with the recapitalised banks makes it clear that the Government does not get involved with the daily operations of banks.

The code of conduct is part of a suite of supports put in place for SMEs. It is legally binding and is working fairly well. Nevertheless, all codes may be improved, as can be seen with the most recent version of the code, and it will be subject to further review shortly.

Enforcement actions that may be taken by the Central Bank include monetary penalties and a direction for reprimand to the institution concerned. The Central Bank regularly publishes outcomes of investigations. Financial services firms must comply with business rules in all dealings with customers and the Central Bank of Ireland uses a number of methods to monitor compliance with consumer protection requirements. These include inspections, general reviews on a particular topic and mystery shopping of monitoring and advertising financial services. I appreciate the Deputies raising this matter.

Deputy Aodhán Ó Ríordáin: Ba mhaith liom buíochas a ghabháil leis an Cheann Comhairle as ucht an deis seo a thabhairt dom labhairt an ábhar seo inniu. Last Tuesday a constituent of mine was shot dead in Furry Park in Killester. A street was cordoned off, Garda barriers were erected and local children learned that a man was shot. Eamon Kelly was a notorious criminal but daylight murder should not happen in a civilised society.

There are those who would openly argue that as long as these people are killing each other, it does not matter. There are those who say people who live by the sword die by the sword or that this was no loss. These people do not have a clue about what they are talking. I am thankful this murder did not injure or harm any bystander or other innocent party.

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However, such events imprint themselves on the consciousness of a community, which is not healthy. I know children who have lost family members to violent crime, and this has created a scar that will last a lifetime and poison their minds, possibly irreversibly.

The killing of Eamon Kelly was connected to the murder, also in my constituency, of Alan Ryan, who was shot dead on 3 September last. *The Irish Times* reported the following in connection with the killings:

Gardaí believe Ryan was shot dead in a conspiracy between a number of crime gangs as part of their efforts to resist the extortion demands of the Real IRA, with Ryan having led that extortion campaign. Intelligence suggests the Real IRA believe Eamon Kelly had assisted the gangs in organising the Ryan murder, with Kelly believed to have been gunned down as a result of his involvement.

Deputy Kevin Humphreys and I represent areas where young children and men are dragged into gang culture as they seek a perverse sense of empowerment.

I have a number of direct questions for the Minister. Does he agree that murder is murder regardless of who is the victim and whether he or she is known to the Garda? Does he have a view on how we can prevent this specific feud and feuds in general from spiralling out of control to avoid further bloodshed? Does he agree that constant attacks by politicians and media commentators on the pay, terms and conditions of the Garda Síochána are undermining Garda morale? Is he confident the Garda has sufficient resources to address this issue? How can we prevent young men and women from being sucked into this destructive way of life?

Deputy John Perry: I thank the Deputy for raising this important matter. I am speaking on behalf of the Minister for Justice and Equality who is unable to be present owing to other business. The Minister shares the widespread outrage at the type of criminality to which the Deputy refers and fully appreciates the concerns of communities who find this violence taking place on their streets. The brutal nature of these crimes is a stark reminder to us of the mentality of those involved in organised criminality and the danger they pose to society.

The Minister is in ongoing contact with the Garda Commissioner about all aspects of serious crime, and the Garda will continue to bear down heavily on the activities of those involved in gangland crime. The only effective way to combat organised crime is by disrupting and prosecuting those involved in its operations, especially the drugs trade which is at the heart of much of its profits. Extensive Garda operations have been launched against gangs and significant drug seizures made in recent months and weeks. These have included a major programme of

more than 200 searches which were carried out nationwide under Operation Wireless, resulting in the seizure of a substantial amount of drugs and more than 100 arrests. Overall, An Garda Síochána seized drugs of an estimated value of €65.5 million in 2011, with drugs seizures estimated at €90.4 million for the first nine months of this year.

The Garda is also determined, in co-operation with colleagues in the PSNI, to continue to tackle robustly the activities of so called dissident republicans. It is clear that some of these groups have inextricable links with organised crime.

It is worth noting that the most recent recorded crime statistics, which were released at the end of September, show that crime levels in most categories are falling, which reflects well on the work of An Garda Síochána. For the 12-month period until the end of June, murder decreased by 8% and assault offences declined by 9.7%.

We should not underestimate the difficulties the Garda faces in trying to prevent gangland killings and related crimes and bringing the perpetrators to justice. These crimes are carefully planned and carried out by people who are familiar with criminal and forensic investigation techniques. Moreover, despite the clear risk to themselves, members of gangs will not generally co-operate with Garda investigations. The Minister understands that despite these difficulties, the Garda has been able to bring people before the courts, particularly in relation to a number of high profile killings in recent years, although it will be some time before these cases are disposed of.

As Deputies will be aware, the prompt action of gardaí resulted in the arrest of a man close to the scene of the horrific killing in Killester this week. The House will appreciate that because a person is in custody in relation to the killing, it would not be appropriate for me to go into detail about this particular incident.

It would be wrong to characterise this as a budgetary matter. There has been gangland violence for some time in Ireland and the number of murders was higher when Garda numbers were higher than at present. It is also unrealistic to expect the Garda Commissioner to devote his entire resources to protecting individually people who are routinely trying to avoid the Garda in order that they can continue to engage in criminal activity. Such an approach could only come at the expense of ordinary Garda activity to protect the community generally.

Strong anti-gangland legislation is in place. The Minister has made it clear to the Garda Commissioner that if he believes other measures could be taken in this area, he will examine them positively. It would be misleading to suggest, however, that there is some simple legislative solution which would prevent dangerous criminals from trying to kill each other. If that were the case, it would have been enacted years ago.

Furthermore, the Garda Commissioner is leading what he rightly describes as “the most fundamental restructuring of An Garda Síochána” since its foundation. There is a clear imperative to free up gardaí to ensure they are available for front-line operational purposes, and this is precisely the strategy the Commissioner is pursuing. The Commissioner enjoys the full support of the Government in continuing to confront criminal gangs and in bringing those involved to justice.

Deputy Aodhán Ó Ríordáin: I thank the Minister of State for his response and ask him to elaborate on the following statement in his reply:

It is also unrealistic to expect the Garda Commissioner to devote his entire resources to protecting individually people who are routinely trying to avoid the Garda in order that they can continue to engage in criminal activity. Such an approach could only come at the expense of ordinary Garda activity to protect the community generally.

If there is a suspicion that someone may be shot, surely other persons in his or her vicinity will also be at risk? I will repeat my question and ask whether the Minister agrees that murder is murder. The Minister of State's reply did not give any of the Minister's thoughts on how the feud to which I referred could be prevented from spiralling out of control. We are aware of two killings related to this particular issue, both of which occurred in a small geographical area of my constituency. How can we prevent someone else being shot? Both of the recent killings took place in broad daylight. Such events do not take place in a civilised society and I do not want to see Garda tape about the place when I travel around my constituency.

I am not convinced by the reply the Minister of State gave. While I do not expect the Garda Commissioner to devote his entire resources to protecting those who are at risk of assassination, at the same time, we must understand the nature of these types of murder attempts and who could be hurt or potentially killed as a result of them.

The Minister of State addressed the issue of Garda resources. Does he agree that when people consistently attack Garda pay and conditions, which are covered by various agreements, they undermine Garda morale? How can we prevent young people from disadvantaged areas being sucked into a criminal way of life to pursue a perverse sense of empowerment?

Deputy John Perry: I thank the Deputy again on behalf of the Minister for Justice and Equality. I also acknowledge the presence of Deputy Kevin Humphreys. I will convey the points Deputy Ó Ríordáin makes to the Minister for direct reply. Notwithstanding the shocking events to which he referred, we should remember that, week in and week out, the Garda successfully brings people involved in gangland activities before the courts and secures convictions. A substantial number of gangland criminals are serving prison sentences. As I stated, I cannot comment on the details of the case the Deputy raises.

The Minister will continue to pursue important improvements to the overall legislative architecture. In this regard, the legislative priority for combating crime is the publication and enactment of a new criminal justice (forensic evidence and DNA database system) Bill. This Bill represents a major step forward and will be important in the fight against serious crime. It will lead to the establishment for the first time of a national DNA database and give the Garda access to intelligence on a scale and of a quality that were not previously available. This is welcome news.

Despite the constraints on public finances, substantial Garda resources remain in place. These must be seen in the context of a programme of real reform being delivered by the Garda under the Croke Park agreement. The Garda has the Minister's full confidence and I am sure that every Deputy would acknowledge its achievements in tackling serious and all other forms of crimes and its continued work on behalf of our community.

Regarding the activation of people on the ground, social enterprise and the education system are important, as the Deputy knows from his involvement in his community. Being a rural-based politician, I know that this is a question of educating young people at an early stage and community leaders getting as many people as possible involved. This week, the Minister for

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Social Protection, Deputy Burton, announced her plan to return 10,000 people to work. I hope that the jobs budget will have this result for people who are currently unemployed and are being retrained, upskilled and so on.

Activity is the best approach. The social enterprise agenda is being enacted in every community and is undoubtedly relevant to the Deputy's constituency. It must be supported. We must support facilities for community involvement. One cannot beat the role of communities and the volunteers therein. The State cannot do this alone. Rather, a partnership between people and State agencies is necessary. It will undoubtedly make a difference.

The Minister for Justice and Equality, Deputy Shatter, will reply to the Deputy directly on the issues that have been raised. I thank Deputy Ó Riordáin. I also thank Deputy Kevin Humphreys for his attendance.

Written Answers follow Adjournment.

The Dáil adjourned at 10.15 p.m. until 10.30 a.m. on Friday, 7 December 2012.