



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Máirt, 10 Márta 2015

Tuesday, 10 March 2015

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Sale of Aer Lingus

114. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he will provide an update on his position, regarding the sale of the Government's shareholding in Aer Lingus to the International Airlines Group; the nature and character of any assurances sought from the group on connectivity, jobs and the management structure at Aer Lingus; and if he will make a statement on the matter. [10010/15]

Deputy Timmy Dooley: Could the Minister outline to the House the current status of the discussions between the Department and the interest group that was set up to involve itself in dialogue with IAG on the notion of the purchase of the State's shareholding in Aer Lingus? Along the way, the Taoiseach mentioned that he was interested in seeing specialised or "cast-iron" guarantees in relation to the sale around issues such as employment and connectivity. Could the Minister, Deputy Donohoe, outline also the nature and character of the assurances that were sought as part of those discussions with IAG?

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): As I stated previously, as Aer Lingus remains in an offer period under the Irish takeover rules, I am constrained in what I can say publicly on the matter, as these rules apply to significant shareholders in some regards as well as offerors and offeree companies during an offer period. However, I did make a detailed statement clarifying the Government's position on the matter last month.

While acknowledging the details and clarifications which both IAG and Aer Lingus have offered since IAG announced its initial proposal to acquire Aer Lingus, it is the Government's view that the IAG proposal does not at present provide a basis on which we could provide an irrevocable commitment to accept an offer. Further consideration of any IAG proposals will be

based on having greater clarity from IAG on the overall employment prospects on the basis of the proposals received, with particular reference to the timeframe within which net additional employment would be created; firm commitments on plans for growing Aer Lingus' transatlantic business; and plans to grow Aer Lingus' routes at Cork and Shannon and to enhance the Knock-Gatwick service. The Government also requires a longer period on the commitments related to Heathrow. The nature and acceptability of oversight mechanisms on the Heathrow slots and routes needs to be confirmed. These would also be subject to any EU considerations.

As I stated last week, the Government, in line with stated policy, remains open to considering any improved proposal. On Wednesday last, the Government's interdepartmental steering group held a further meeting with representatives from the consolidated International Airlines Group at its request. Further meetings are expected.

Deputy Timmy Dooley: I thank the Minister for his reply although he has not added anything to our knowledge. While I understand the issues around takeover rules, it would be possible for the Minister to outline to the House the kind of assurances he has sought. I understand he was seeking assurances on particular areas but I am interested in the nature and detail of those assurances. I am concerned that in the context of any contract that the Minister might enter into based on assurances given by IAG, the only remedy in the event of a breach by IAG of those assurances would be sought through the courts. As I have said before, the likely outcome of such proceedings if a breach was found to have happened would be that State might receive some financial compensation. While that might benefit the State in some way, the loss of access to Heathrow for locations like Shannon and Cork could not be compensated for financially. Furthermore, it is unlikely that it would be open to the courts to insist on the retention or recovery of access to Heathrow. That is why it is extremely important for the Minister to put before the House the nature of the assurances sought and the mechanism he intends to put in place to deal with the fallout in the event of there being a breach of such assurances and a failure to comply with any contractual arrangements that might be entered into.

Deputy Paschal Donohoe: It is now very much a matter for IAG as to whether it wishes to make a further proposal which we would then consider in the way I have outlined. In response to the Deputy's specific question about the nature of assurances, we have not received any further assurances beyond the proposed deal that IAG made available a number of weeks ago which I have said was not acceptable to the Government and which did not provide the basis upon which I could give an irrevocable commitment to sell our share in Aer Lingus. Regarding the Deputy's point on access, we have always made clear that in evaluating any proposed bid we would look beyond the price of a share, important as that is and I have always specifically referenced access as being vital in our considerations.

Deputy Timmy Dooley: I appreciate that the Minister recognises the importance of access but I contend that if he really believed in its extreme importance, he would have to question whether the State should even be negotiating with IAG about the sale of the State's share holding. My contention is that once we sell the State's share holding, our capacity to influence the retention of access to Heathrow from Shannon and Cork is diminished absolutely. In other words, any assurances backed up by letters of warranty or any contractual arrangements that might be entered into have no long-term capacity to be maintained. The State will have no power to maintain those links. At best, in the event of a breach of contract, the State will get some financial compensation which in no way has the capacity to meet the needs and demands of the locations and jobs which are supported by access to Heathrow.

Deputy Paschal Donohoe: It is very important to be clear about the legal powers of the State at the moment. As the Deputy knows, the power that our shareholding confers on us at the moment is the ability to play a role in blocking the disposal of slots at Heathrow but not in determining their use. I must emphasise again that maintaining and growing access for our country, with particular focus on what will happen at airports such as Cork and Shannon, is core to how the Government and I will evaluate this proposal.

Bus Éireann Services

115. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport his plans to extend public service obligation funding to currently unsubsidised bus routes which are economically and socially valuable, such as routes 5 and 7 and the over 100 services which are to be cut by Bus Éireann. [10200/15]

Deputy Dessie Ellis: An bhfuil beartas ag an Aire chun airgead sa bhreis a chur ar fáil do bhealaí PSO, public service obligation, agus go háirithe do bhealaí uimhir a 5 agus uimhir a 7 atá á ngearradh siar ag Bus Éireann? Tá plean ann gearradh siar a dhéanamh ar thart ar 100 seirbhís i 2017. An ndéanfaidh an tAire ráiteas ar an bplean seo?

Deputy Paschal Donohoe: Tá brón orm that I do not have enough of the líofacht to respond to the statement from the Deputy as Gaeilge but I want to accurately respond to the points he made. The National Transport Authority, NTA, has responsibility for securing the provision of public transport services, including the provision of PSO subvented services. I ensured that PSO funding was maintained at current levels in the last budget, the first time this has happened since 2008. I was also able to secure an additional €101 million in funding for our public transport companies in a Supplementary Estimate,

Expressway services are commercial services operated in competition with private operators on main trunk routes and are licensed by the NTA. These commercial services do not receive any PSO funding from the Exchequer. I am acutely aware of the concerns of many people regarding recent decisions to withdraw services to a number of intermediate locations on major routes into Dublin. Major improvements to the national roads network have provided the opportunity for commercial bus operators to offer improved journey times between Dublin and the regional cities in particular with the consequent effect of reducing the level of service provided to a number of intermediate locations.

There are two routes - not hundreds, as reported in the media - that are currently at issue. These are routes 5 and 7. At a recent community meeting in Castlecomer, Bus Éireann agreed to postpone the changes to its licensed route 7 services until June. A working group comprising local representatives and members of the local community is now in place to respond to this issue. The NTA is examining what might be an appropriate PSO service to put in place subject to funding.

Separately, the NTA, in conjunction with Bus Éireann, is examining options to reconfigure existing PSO services in the south east in order to maintain socially necessary services to the affected areas following the withdrawal of route 5.

Additional information not given on the floor of the House

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I assure the Deputy that I will continue to work with the NTA on wider issues around transport in rural Ireland over the coming weeks.

Deputy Dessie Ellis: An mí seo caite, fógraíodh go raibh Bus Éireann chun breis agus 100 seirbhís dá chuid a chiorrú. Is seirbhísí bus iad seo a fhreastalaíonn ar bhailte agus ar shráidbhailte iargúlta. Fógraíodh chomh maith go leanfaí le dhá bhealach thábhachtacht a athrú i slí ins nach mbeidh siad ag freastal ar roinnt stadanna iargúlta anois. Is é an baol atá ann ná go dtarlóidh sé seo le bealaí eile chomh maith. Is ó Chluain Meala go Baile Átha Claith-Aerfort Bhaile Átha Cliath a bheidh i gceist le bealach uimhir a 7 anois agus ní ó Corcaigh go Baile Átha Cliath-Aerfort Bhaile Átha Cliath. Beidh deireadh le bealach uimhir a 5 ó Bhaile Átha Cliath go Port Láirge ach sínfear bealach uimhir a 4 go Ros Mhic Thriúin. Tá inní ar an-chuid daoine faoin bplean seo. Tá inní ar na daoine sna bailte ar na bealaí seo faoin tslí ina cuireadh na hathruithe seo isteach orthu agus ar eacnamaíocht an bhaile. Tá fios ag an Aire go ndúnadh na bancanna i sráidbhailte éagsúla. Tá an seans ann agus inní ann go dtarlóidh an rud céanna anois agus go ndéanfaidh sé damáiste do bhailte éagsúla.

Deputy Paschal Donohoe: I appreciate the point the Deputy is making regarding the tábhacht or the importance of the services to which he is referring. These are services commercially delivered by Bus Éireann and not delivered by way of the PSO funding made available to Bus Éireann by the State. As I outlined in my initial response, one of the challenges to which Bus Éireann is currently responding as the road network improves is the provision of services along the route to enable people within new communities access to villages, larger areas, Dublin city centre and Dublin Airport.

The National Transport Authority is near completion of its analysis of the options for replacement of the services referred to. The response will vary depending on the route chosen.

In regard to the Deputy's point about the worry this issue and the withdrawal of other services is causing people, I am conscious of that and considering how best to respond.

Deputy Dessie Ellis: Ba mhaith liom athrú meoin a fheiceáil maidir leis an gceist seo. Ní dóigh liom go dtarlóidh sé sin. Tá inní ann ó thaobh na ciorruithe siar a tharla ar fud na tíre, go háirithe nuair a dúnadh stáisiúin Gharda agus mar sin de. Anois tá daoine faoi bhrú mar nach bhfuil a fhios acu conas is féidir leo taisteal go dtí na príomhbhailte. Is dualgas an Stáit é, airgead a chur ar fáil le haghaidh na bealaí seo. Is cuma mura dhéanann siad brabús. Tá siad an-tábhachtach le haghaidh cosmhuintir na mbailte seo.

Deputy Paschal Donohoe: In regard to the Deputy's reference to the importance of money in the context of delivery of these services, that is the challenge. Bus Éireann has withdrawn these services because there is no adequate commercial rationale to it delivering them. In the absence of these services, changes will have to be made to existing subvented services. The Deputy will be aware that subvented services are services funded by the taxpayer. Another option is the putting in place of other services that would be delivered via the National Transport Authority, which will cost the State money to deliver. The National Transport Authority is currently engaging on this issue.

In regard to the Deputy's point about the impact of this on rural communities, I fully appreciate and understand that. The approach of Sinn Féin is to continually make big, uncosted promises, as it is again doing in relation to rural transport. Sinn Féin made many commitments at the weekend in relation to services which it proposes to maintain or deliver, including the

filling of many potholes. However, what it did not say is from where this money will come. With the funding available to me, I am responding to the level of social need that I accept exists.

Sale of Aer Lingus

116. **Deputy Shane Ross** asked the Minister for Transport, Tourism and Sport if he will consider making it a precondition of any sale of the Government's stake in Aer Lingus that the longer service Irish Airlines (General Employees) Superannuation Scheme deferred pensioners be compensated in proportion to the compensation given to the current employees of the Dublin Airport Authority and Aer Lingus; and if he will further consider making available the required sums to compensate the deferred pensioners out of the proceeds of the sale of the Government's stake in the airline or, failing that, out of general Exchequer funds. [10012/15]

Deputy Shane Ross: The Minister will be well aware that it is now the eleventh hour for long serving deferred pensioners of the IASS. He has, I suggest, a unique opportunity at this stage to pull the fat out of the fire. Will he pledge that, in the event of a sale of Aer Lingus, he will ring-fence sufficient money - there will be plenty of money over in respect of which the Government has not yet made any decisions in terms of allocation - to compensate the deferred pensioners in equal compensatory proportion to the actives?

Deputy Paschal Donohoe: I thank the Deputy for his question. As I have previously said on a number of occasions, the IASS and its funding is a matter for the trustees, the companies participating in the scheme, the scheme member and the Pensions Authority. The Deputy will be aware that the trustee proposal which was approved by the Pensions Authority and implemented on 31 December 2014 includes a contribution by Aer Lingus and DAA totalling more than €260 million, which includes €60 million for deferred members. The IASS trustee has confirmed that the measures being implemented are in the overall best interest of the members of the IASS as a whole and are fully compliant with national and EU law. Not to have taken the course of action that I did would have meant going against the explicit recommendations of those charged with managing the fund. It would have taken the largest pension fund in the country into uncharted territory, with many risks, including the risk that the scheme would be wound up.

With regard to the proposed sale of the State's shareholding in Aer Lingus, I have consistently set out the Government's position on the issues that it would take account of in considering any offer for its shareholding in Aer Lingus. In addition to price, the other issues that will be examined include connectivity to and from Ireland, including direct transatlantic services and connectivity via Heathrow, competition in the air transport market, jobs in Irish aviation and the Aer Lingus brand.

The specific issue raised by the Deputy in the event of a sale is a matter for the Department of Finance and the Department of Public Expenditure and Reform. However, the Deputy's suggestion raises two issues: first, how such an investment could be made without prompting further demands on a deal that has taken many years to negotiate; and second, the consequences of a direct investment by the taxpayer in a private pension fund when many other pension funds are in serious difficulties.

Deputy Shane Ross: The Minister is correct. The question is specifically directed towards the placing of further demands on a deal that has taken many years to negotiate. That is exactly

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what I am trying to do, because this deal is a dastardly deal that discriminates against people who are now in a hopeless situation. I get no comfort from the Minister's reply. It seems to me that these people have been abandoned by the Government in an absolutely shameless way because they have nothing to fight with. The Minister said the trustee was acting in the overall interests of all the stakeholders. What the trustee, and the Government in its Pontius Pilate-like attitude, are doing is creating an oppressed minority. Here is a minority that cannot fight, that cannot withdraw its labour, and that is being discriminated against in a way that the Government would not dare to attempt with the active members of the scheme. I appeal to the Minister to make representations to the Department of Finance in order that, when the Government gets the money, there is nowhere more appropriate for a small proportion of it to go than to treat these people with equality, justice and fairness.

Deputy Paschal Donohoe: I assure the Deputy that I am absolutely aware of the difficulty and concerns that these individuals face. I have met them and I have had much dealing on their behalf, but a challenge that must be faced is the request - a request made by Deputy Ross and many of the deferrees also - to go against a recommendation from a trustee of the fund who has statutory responsibility for its management. This is a fund which reported a deficit of €769 million on 27 March 2013. The fund has received additional support from the employers involved totalling €260 million - €190 million from Aer Lingus and €72 million from daa. Included within that is €60 million for deferred members, €20 million of which is an increase due to engagement with the expert panel. I would appreciate if the Deputy could clarify his position on the matter. I understand that on 2 February 2015 Deputy Ross wrote in an article stating that the State should not sell its stake in Aer Lingus, yet he has now asked in the Dáil Chamber that I sell the stake to deal with this matter.

Deputy Shane Ross: The Minister is being quite frankly ridiculous. That is a trivial point. I am saying that in the event of Aer Lingus being sold the money should go to these people. The Minister made an absurd point. He is particularly compromised on this issue because it involves a large number of voters in his constituency. This makes it very difficult for him to make objective judgments on a matter of this nature and will obviously influence his decision.

The Minister should be aware that the companies in question have issued strident documents to the employees in which they are told to sign a waiver or see their pensions go up in smoke. The employees are being asked to forego their legal right to sue or take action in future. These letters are placing additional pressure on people to give up their legal rights. The Minister is not being fair to these people who have been treated extraordinarily badly. The money will be available. The Minister should contradict the trustee - that is precisely what I am asking - and act in the just and fair interests of people who served the nation well.

Deputy Paschal Donohoe: If I had contradicted the trustee, Deputy Ross would have come to the House the following day to accuse me of taking an action that went against the recommendation of a trustee of the largest pension fund in the country.

I was struck by the Deputy's description of my motives in this matter. He implied that he is completely insulated from any electoral concerns in respect of the issues that are being raised. It is not ridiculous to point out that he has taken an inconsistent position in this matter when, on the one hand, he opposes the sale of Aer Lingus, while, on the other, he argues that the company should be sold to deal with the matter he raises in this question.

Deputy Shane Ross: That is a gross and deliberate misrepresentation of what I said. I

stated that if there is money available, it should be provided for this purpose. The Minister's statement is outrageous.

Deputy Paschal Donohoe: This is a very vexed issue on which Deputy Ross is trying to play both sides. We are discussing a pension fund that has a deficit of more than €760 million, and a further contribution of €260 million has been made to address the issue we are discussing. The Deputy did not acknowledge that point. I fully understand the concern and worry that many people are experiencing. The challenge facing me was that if I had taken any other course of action, I would have deepened this worry and caused greater concern for even more people.

Bus Éireann Services

117. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his views on the recent decision by Bus Éireann to withdraw service on routes linking Dublin with towns in the south and south-east and plans being proposed by the company that could result in fewer services on the Athlone to Westport route. [10011/15]

Deputy Timmy Dooley: I ask the Minister to expand on the Government's views on the decision by Bus Éireann to withdraw a number of bus services, especially in the south-east. The areas affected include towns such as Bunclody, Castlecomer, Ballyporeen, Roscommon and Castlerea. What is the Government's thinking on this matter? The Minister will be familiar with the ongoing conversation about the hollowing out of services in rural areas. Will he explain how he intends to address the issue?

Deputy Paschal Donohoe: I refer the Deputy to my reply to the earlier priority question relating to bus services in the south and south-east. I am very much aware of the concern that these issues are causing in many rural communities. I reiterate that public service obligation, PSO, funding to public transport companies has been maintained this year at 2014 levels. This is the first time since 2008 that this funding has not been reduced.

I have been advised that Bus Éireann has not taken a decision to withdraw services on Expressway route 21 from Athlone to Westport. The company informed me that it undertook a "Use it, don't lose it" public campaign in late 2014 in the area, with promotional fares and a media and marketing campaign to encourage people to use the service or face losing it. These promotional fares are still in place and the company continues to review the service from a commercial perspective. The Deputy will appreciate that Expressway services do not receive a public service obligation subvention. They are required to operate on a commercial basis and may be subject to competition from other operators.

Deputy Timmy Dooley: I thank the Minister for setting out the position. An issue is emerging in discussions with unions and people who have an interest in the provision of these services. Concern has been expressed about the issuing of licences by the National Transport Authority. There would appear to be a lack of appropriate co-ordination in balancing the needs of the rural community with the necessity for competition on inter-urban routes. While I recognise fully the work the NTA does in ensuring a competitive environment exists on routes between large towns and what may be termed inter-urban routes, the associated effects, or, perhaps, the overemphasis on creating absolute competition on every service, has created a situation in which many services which had been profitable at certain times heretofore are no longer profitable. This is putting Bus Éireann in a difficult position.

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I appeal to the Minister to talk more generally about the approach towards the issuing of licences, the role of the NTA and the direction from Government in terms of a coherent policy position on the provision of appropriate bus services to rural areas.

Deputy Paschal Donohoe: The Deputy has made some very fair and important points. One of the big drivers in all of this has been the fact that we have so many new and improved national routes. There is a great demand from communities on those national routes to make use of services from point to point. As a consequence, some communities are now facing either a significant reduction in a service or a complete loss of that service.

I will set out a direct answer to the core question the Deputy has put to me regarding how this should be managed. I am considering how we could develop it in future, but the way it is being done at the moment is that in the absence of a commercially feasible service we are looking at the alternatives that could be put in place and which would be affordable to the taxpayer to deal with the needs that I know rural and local communities have. This work is ongoing and I expect that we will be in a position to be able to confirm how routes 5 and 7 will be dealt with.

Deputy Timmy Dooley: Will the Minister initiate a review of the issuing of licences by the NTA? I do not mean this in a Big Brother way, but perhaps in consultation with the NTA. Will the Minister review the entire process of the issuing of licences to establish when and if there is effective competition? I call on the Minister to look to the broader need of the catchment area to ensure that all areas are served adequately and appropriately.

Let us consider a route between two large towns or one of the cities and a large town. Not every service need go on the main route. With proper structuring it should be possible to serve the direct requirement and the indirect requirement, perhaps without requiring a subvention. None of us are suggesting that we simply need to find more money to subvent services. Of course it should be provided if it is absolutely necessary, but I believe there is a more appropriate, balanced and structured way of achieving the same result. It will require the input of the NTA as well as a little change in direction. The competitive environment should be considered in a holistic way rather than simply in the point-to-point way it is being considered at the moment.

Deputy Paschal Donohoe: That is a suggestion from the Deputy to which I will give some consideration. All of this is in the context of a bus market that is growing. More passengers are using the services now than last year. Buses and services have been made available. The evidence of my commitment to the need to expand public transport in our country is the fact that, of the Supplementary Estimate of €110 million that I brought to the Dáil before Christmas, a little over half went to public bus transport companies, Dublin Bus and Bus Éireann.

I will give consideration to the point regarding the need to look at how licences are being granted to see if it is contributing at all to the challenge that we are facing. I think it very unlikely in dealing with the services needed by villages and communities below a certain level, although I wish it were the case, that these can be provided without some support from the State. The point is that if they could be supported and delivered in a viable manner, we would not be in the situation where these services are being withdrawn in the first place.

We are working on a model to respond to the issues concerning routes 5 and 7 and we will look at how this broader matter can be dealt with.

Dáil Éireann
Other Questions

State Airports

118. **Deputy Denis Naughten** asked the Minister for Transport, Tourism and Sport if he will report on discussions with the management of Ireland West Airport Knock, County Mayo; and if he will make a statement on the matter. [9877/15]

Deputy Denis Naughten: Mr. Conor Skehan was interviewed last week on the radio as chairman of the Housing Agency. He said the greater Dublin area now runs in an arc from Dundalk to Athlone to Kilkenny. That is the impact of the economy of the Dublin region. However, as the Minister knows, in my part of the country - in western counties like Mayo, Roscommon, Galway, Leitrim and Sligo - we have not seen the impact. Knock Airport can be a key driver to bringing investment into the region. I want to know what plans the Government has to bring new investment into that project.

Deputy Paschal Donohoe: I want to begin by congratulating the management of Ireland West Airport Knock, which last year saw over 700,000 passengers pass through its doors. This was an extraordinary performance on their behalf, making it the best year ever for the number of travellers in and out of this airport. This success should not be forgotten and is, in part, thanks to Exchequer support over the past ten years of over €20 million in capital and operational subvention.

My Department has had extensive engagement with the various representatives of Ireland West Airport Knock over the years and, in particular, was represented on and provided secretarial support to the Ireland West Airport Knock study group, which reported in December 2013 on the options and opportunities for the growth and development of the airport. The outcomes of that study have been reflected in Ireland's draft national aviation policy. They also underpin Ireland's draft regional airports programme 2015-19, which is with the European Commission at present for its consideration and approval.

The most recent engagement with the airport, along with Donegal, Kerry and Waterford airports, has been in regard to the EU guidelines on state aid for airports and airlines, and clarifying issues raised with the Commission which, in turn, are being reflected in the new programme. The Department is also engaging with the airports in preparation for implementation of that programme once we get the necessary EU approval, and also in regard to their future growth and funding under that programme.

Deputy Denis Naughten: I thank the Minister. I would contend that Knock Airport is not a regional airport. It serves a catchment of 1.1 million people and supports 900 jobs within the region. It is a significant economic driver and has the potential to bring more investment into the region.

When was that proposal submitted to the European Commission and when is it likely we will see approval for it from the Commission? What is the timeline for the implementation of the recommendations set out in that working group report by the airport and the Government back in December 2013? What real actions are we going to see on the ground?

Deputy Paschal Donohoe: I can assure the Deputy of the active interest of, for one, the

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Minister of State, Deputy Ring, who is a very prominent and positive supporter of the airport-----

Deputy Denis Naughten: And vocal.

Deputy Paschal Donohoe: -----and raises its position within my Department assiduously and regularly. As it also has the active support of the Taoiseach and Deputies O'Mahony and Mulherin, the airport receives an appropriate and ongoing amount of focus from me.

To deal with the analysis Deputy Naughten has laid out regarding the regional importance of the airport, I accept his point that its importance stretches well beyond the local importance it may have within its county and that it meets regional needs. On the basis of the performance the airport put in last year, with over 700,000 passengers going through its doors, it is delivering a very strong mandate in regard to proposed growth. I have regular contact, through my officials, with the European Commission on the overall airports programme to respond to the needs of Knock and other airports to ensure their continued growth into the future.

Deputy Denis Naughten: I will put things in context. The Minister is very familiar with my county. Some 16% of passengers going through Knock Airport come from County Roscommon and 18% of the tourists that come through Knock Airport visit Roscommon, something which is replicated throughout the west. Knock Airport is a strategically important international airport, just like Shannon, and needs to be treated in such a manner by the Government. Can the Minister assure me that we will not have a situation like we had in March 2013, when a Finance Bill was brought before the House to deal with Shannon Airport? Knock Airport should not be ignored. On foot of that we had a report. We now want to see it, and see the joint approach by Government and the airport implemented quickly. I want the Minister to tell me the timeline for the implementation of the report. When will we see real action?

Deputy Paschal Donohoe: The particular elements of the report to which the Deputy referred are the subject of ongoing discussion and contact with the European Commission. I will not say anything about when I believe that might conclude for fear of compromising the work that is under way. I have to recognise the role the Commission plays, under law, in making decisions on-----

Deputy Denis Naughten: Are we talking about weeks or months?

Deputy Paschal Donohoe: -----aid and support to airports. I fully understand the importance the Deputy accords to the airport and its importance to his county. I have to emphasise that importance is well understood by me and the Government. We have contributed, through plans like the Wild Atlantic Way, to the demand that is facilitating the passenger growth Knock has seen. It has had its best year ever, and I will continue to advocate very hard on its behalf and that of similar airports to ensure that the necessary support is in place for them to continue the growth we saw last year.

Greenhouse Gas Emissions

119. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport in view of the fact that the Environmental Protection Agency has conceded that Ireland will fail to achieve its binding European Union 2020 greenhouse gas reduction target by as much as 15%,

and a briefing from the Department of Public Expenditure and Reform, details supplied, notes that a shortfall, in the range of 1% to 4% on the overall target, could result in significant costs to the Exchequer, the contingency planning his Department is putting in place to cover this eventuality; and if he will make a statement on the matter. [9989/15]

Deputy Catherine Murphy: This question relates to the EPA raising the fact that we will miss some of the targets on greenhouse gas emissions and the relationship between that and the delivery of the mechanisms to meet those targets. If we do not meet the targets, we could end up paying hard cash for not delivering on the targets we have signed up to on reducing greenhouse gas emissions.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I thank the Deputy. As she is aware, responsibility for co-ordinating Ireland's position on climate policy rests with the Department of the Environment, Community and Local Government. Under the 2009 EU effort-sharing decision, the Department of the Environment, Community and Local Government advises that Ireland is on course to comply with annual emissions reduction targets for the compliance period of 2013 to 2016. However, in respect of the remaining years to 2020, a significant compliance challenge has been highlighted by the EPA.

There is an acute awareness of this challenge across sectors, not least by transport. As the Deputy will be aware, the Climate Action and Low Carbon Development Bill is currently progressing through the Dáil. It will create a statutory obligation to develop a national mitigation plan for Ireland which will seek to put in place the necessary mitigation measures to meet the long-term policy objectives of transitioning to a low carbon economy by 2050. The first iteration of the plan will place particular focus on identifying those measures needed to address the challenges arising from the second half of the compliance period, that is, from 2017 to 2020. My Department's contribution to the plan is currently being developed and, in keeping with commitments under the Aarhus Convention, my officials expect to invite stakeholders to a consultative workshop on the transport element of the plan in the coming weeks.

In terms of non-compliance costs, the comprehensive expenditure report 2015 to 2017 sets out three-year expenditure ceilings for each ministerial Vote group. All spending decisions must be cognisant of these limits within the wider context of the new fiscal structures being put in place at a European level through reforms to the Stability and Growth Pact. Mitigation is a cross-sectoral issue that will require a whole-of-government approach in tackling some very complex matters between now and 2020.

Deputy Catherine Murphy: I know the Department of the Environment, Community and Local Government has the co-ordinating function, and part of the reason we may well have understated our problem is the downturn in the economy and the reduction in traffic movements. We must heed what the Department of Public Expenditure and Reform has indicated: if the modelling scenarios are realised, the scale of investment, compliance costs and climate finance required to be funded by the Exchequer for the period from 2021 to 2030 could result in the displacement of other Government programmes. Essentially, it has argued that we will have to make up from the Exchequer what we do not provide for in mitigating measures.

The timeline for the DART underground sees a decision being forced in September of next year, after which the railway order will cease to be legal. That would be a game-changer. One of the difficulties is that the sectoral plans in the climate legislation that has been published and started its passage through the Dáil will not come into effect for two years after the legislation

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is put in place. We are making targets even more unrealistic by pushing this out into the future. This is a real issue.

Deputy Paschal Donohoe: I assure the Deputy that there is no question at all of the Government understating or miscalibrating the consequences of the climate change targets and what it will mean for our own and other economies across Europe. We are working with the European Commission and all our Departments to develop a plan to deliver our contribution to the objective set by the European Union for itself. Within my Department, we will be required to draft the transport element of the national mitigation plan and submit it to the Department of the Environment, Community and Local Government. We will have the first draft of this work done in the coming weeks and I expect that the overall national mitigation plan will be published by the summer of 2017.

Deputy Catherine Murphy: I was not suggesting it was miscalibrated. It is self-evident that if there is less transport because of the downturn, there may have been understatement of the normal position in a functioning economy. It is welcome that there will be a publication in the next few weeks, as we have lost much time on this issue. This leads to another question on the kind of fiscal expansion required into areas such as the delivery of really good public transport. We will be very compromised when it comes to the sectoral plans, particularly with regard to agriculture, and some sectors will possibly have to do more than what would otherwise have been expected. There may well be a role for the European Union or private funding in this area.

Deputy Paschal Donohoe: I do not wish to mislead the House in any way. My comments on the transport element of the mitigation plan indicated that we would be submitting our contribution to the Department of the Environment, Community and Local Government for consideration in the overall plan, which would be published in the summer of 2017. That being said, I understand there will be a period of public consultation in the interim to consider what is proposed and the consequences for our economy, as well as allowing stakeholders to make their views known. I am absolutely clear that public transport has a crucial role to play in alleviating the consequences of climate change. That is why we are delivering Luas cross-city which we aim to have up and running by 2017 to deliver an additional 10 million journeys. That is why we put more than €100 million into CIE before Christmas to maintain existing public transport, and with the funding we will deliver new buses to the Bus Éireann and Dublin Bus fleets this year to meet the needs to which the Deputy referred.

Deputy Richard Boyd Barrett: The Minister should not forget to plant a few more trees.

Sporting Events

120. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent to which he expects to be in a position to assist the Irish Rugby Football Union, in its bid to attract the women's rugby world cup to Ireland, with particular emphasis on the promotion of the national image, and culture, through the medium of sport; and if he will make a statement on the matter. [9926/15]

Deputy Bernard J. Durkan: This question emphasises the importance of attracting major international sporting events to this country, thereby projecting a positive image of the country and promoting the sport.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): Before answering the question I wish to announce to the House that the Minister and I have secured €40 million for a new round of the sports capital programme which I will announce after Question Time today. This is the third round of the programme. Fine Gael and the Labour Party in government were committed to two rounds. I am delighted that we have secured €40 million for many sporting organisations throughout the country.

Deputy Timmy Dooley: Will that be effected by way of a Supplementary Estimate?

(Deputy Michael Ring): No. I am delighted that the IRFU has submitted a bid to host the women's rugby world cup in 2017. I understand that, if the bid is successful, the IRFU proposes to host the tournament pool stages at University College Dublin, UCD, with the semi-finals and final in Belfast. I am confident that Dublin would be a great host for the games, that the public would support the event and make it a very memorable world cup. I wrote to the IRFU in recent weeks expressing my support and the full support of the Department and agencies. Hosting the women's rugby world cup would provide a great opportunity to showcase the island of Ireland internationally.

The programme for Government made a commitment that event tourism would be prioritised to continue to bring major events to Ireland. This provides a great showcase for Ireland and can drive international visitor numbers. Media coverage of sports events helps to put Ireland onto travel itineraries as a holiday destination. The Government is continuing to support the ongoing efforts of the tourism agencies and the national governing bodies of sport to attract international events.

I am very hopeful that the IRFU's bid will be successful. This, along with the recent successful bid to host part of the UEFA Euro 2020 tournament at the Aviva stadium, means that sport will be playing a major part in promoting our national image abroad over the next few years. Successful hosting of the women's rugby world cup here in 2017 would also help boost Ireland's reputation in the bid to host the Rugby World Cup in 2023.

Deputy Bernard J. Durkan: I thank the Minister of State for the extensive reply and the positive announcement as well. Will he be in a position himself or through the Department to assist in the plan to attract the women's rugby world cup to Ireland through the negotiations taking place? To what extent are the negotiations held to date likely to succeed? Is anything further required to be done to make amenities and facilities available or are they adequate?

Deputy Michael Ring: Fáilte Ireland is assisting with the bid. If we could get the women's rugby world cup to come to Ireland it would be a great showcase for the country. It would also help us secure the 2023 Rugby World Cup.

We have the facilities for the event. They propose to hold it at UCD. The semi-final and final will be held in Belfast. It would be a great occasion for the country. The people of Ireland would support the women's rugby world cup.

When I was made Minister of State, one of my priorities to make sure women were given every opportunity to participate in sport. In 2011, we gave €141,000 for women in sports funding through the Sports Council. In 2012 we gave €120,000, while in 2013 and 2014 we gave €114,000. We gave grants of €887,000 to high performers to get them prepared for the women's rugby sevens internationals in Rio. We are supporting women's rugby in every way because it needs to be supported as well as men's rugby. Women in sport have to be supported

in every way we can.

Deputy Bernard J. Durkan: I thank the Minister for his comprehensive reply and wish him and the IRFU well in their agenda. Will it be possible to promote the image of the country as a sporting nation through this medium? I hope it will. This will benefit us from the point of view of tourism and economics because it will show this country's ability to relate to other countries in sport and add thereby to our economic position.

Deputy Michael Ring: As I said to the Deputy, the programme for Government gave a commitment to try to host major sporting events. The Deputy is correct that it brings people into the country who might otherwise not come. Statistics have shown that people who have come to this country for sporting events have come back for holidays at a later stage. We are good at a number of things in this country and one of our best things is our people. When people come here we give them a good Irish welcome and they certainly know they are in the country. If there is one thing our people can do, it is be hospitable, and they can talk and sell a message. We have the scenery, the beauty and the infrastructure, and in the past four years we have increased the tourism figures in very difficult times. Last year was the best year ever for people coming from North America. That creates badly needed jobs and revenue as almost 220,000 are employed in tourism in every corner of the country. People talk about rural decline but this is one way we can get people here. We have the natural infrastructure in rural Ireland and we must also continue with developments like the greenways, the Wild Atlantic Way and other such walks.

Deputy Timmy Dooley: I thank the Minister of State for his announcement on the assignment of the €40 million. Will he confirm to the House that he will revert to the process which was in place prior to his entry into office? In this process departmental officials carried out the initial validation and the scoring. Most important, to ensure independence, departmental officials assigned the money to the projects rather than the way it is done in the system the Minister of State has introduced since he came to office, in which the money has been assigned by him and his political staff.

Deputy Dessie Ellis: Ba mhaith liom tacaíocht a thabhairt d'fhoireann rugbaí na mban leis an iarratas seo agus ba mhaith liom comhghairdeas a ghabháil leo as an mbua a bhí acu i gcoinne Sasana in Ashbourne an lá faoi dheireadh. Tá súil agam go mbeidh an tAire Stáit ábalta cuid den €40 milliún a thabhairt d'fhoireann rugbaí na mban san am atá le teacht.

Deputy Michael Ring: I confirm to Deputy Dooley that I stand over the way the sports capital programme has been implemented, unlike the way it was done by his party.

Deputy Timmy Dooley: I am sure the Minister does.

Deputy Michael Ring: As the media has reported, it will be done on a *per capita* basis, as it has been done in the past two years. There has been no scandal and no problems with sports capital.

Deputy Timmy Dooley: In what way will it be done?

Deputy Michael Ring: I will do it like I did it in the previous two rounds. There will be no change. It will be done on a *per capita* basis and I will ensure every county gets its fair share of the national cake. I will take it from the counties favoured by Ministers of the Deputy's party when they were in power and I will give it to the counties which have not done well in recent

years. When we have corrected this imbalance, we will look at the situation again.

Road Network

121. **Deputy David Stanton** asked the Minister for Transport, Tourism and Sport if he will make additional funding available to the National Roads Authority to progress the planned upgrade of the Dunkettle interchange outside Cork city; and if he will make a statement on the matter. [9986/15]

Deputy David Stanton: This question refers to the need to provide funding to upgrade the Dunkettle roundabout in Cork. I am sure the Minister knows that, thanks to the upturn in the economy, the traffic has increased dramatically and palpably and there are now long tailbacks on the interchange. One can now drive from Belfast to Dunkettle thanks to Newlands Cross, and this interchange is just as busy as Newlands Cross.

3 o'clock

Some 90,000 vehicles a day pass through that interchange, which is the same number of vehicles that pass through the Newlands Cross junction. Therefore, it requires urgent attention.

Deputy Paschal Donohoe: As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in regard to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority, NRA, under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Ireland has just under 100,000 km of road in its network and the maintenance and improvement of national, regional and local roads places a substantial financial burden on local authorities and on the Exchequer. The national financial position has meant there have been very large reductions in Exchequer funding for roads over recent years. Funding in 2008 was €2.3 billion while funding this year is around €730 million for the national, regional and local road network. For this reason it has not been possible to progress a range of worthwhile projects and the main focus has been to continue the maintenance and repair of roads together with a safety focused minor works programme.

Unfortunately, the financial realities are that the budgets proposed for my Department for 2016 and 2017 will continue to be very tight, limiting the scope for progressing additional new projects. I know, however, that it is important to restore capital funding over time for the transport sector to ensure that infrastructure is maintained and renewed to support economic development, but as of now the NRA continues to operate within a very constrained budget.

I appreciate the importance of this project. In the context of the proposed plan for Cork Harbour and Port currently being adjudicated on by An Bord Pleanála, this project is a piece of infrastructure that has a very valuable role to play in responding, in an integrated manner, to the needs of the Deputy's city and county. I appreciate the importance of the project but having regard to the current constraints under which I am operating I am not in a position to give the Deputy the commitment he wants.

Deputy David Stanton: I have three questions for the Minister. Can he indicate the up-to-date cost of that project? He will be aware that it was approved by An Bord Pleanála in May

2013 and the compulsory purchase orders for the NRA to construct the new slip roads were also approved at that time. Can the Minister indicate the up-to-date figure for the number of vehicles passing through that interchange? The figure of 90,000 vehicles per day was reported as passing through it in May 2013 and I know from my experience that number has increased but I do not know the up-to-date number. Can the Minister make that number available? Can he indicate a timescale as to when this project might commence? Is it possible for the NRA as a State agency to borrow in its own right in the same way as Irish Water and other agencies can?

Deputy Paschal Donohoe: The answer to the Deputy's first question is €90 million. Regarding the Deputy's second question, I understand that around 76,000 cars are either in the vicinity of that point or would use that interchange. Regarding his third point on timing, I am not in a position to give him that information because that requires a commitment from me about capital funding being available now and, regrettably, that funding is not currently available.

Regarding the ability of the National Roads Authority to borrow money, I will come back to the Deputy with a written confirmation in respect of the particular point he raised. In the context of what has happened in the past, I understand that the National Roads Authority has funded these through public private partnerships, PPP, and that could well be the approach taken for a project such as this one in terms of a bundled approach, if we were able to find a core of capital funding to move the PPP forward. That goes back to the key point I made, namely, that to do that, a core amount of capital funding would be required to fund the hub of a PPP and that funding needs to come from the Exchequer.

Deputy David Stanton: The NRA has advised that congestion costs the State money and costs commuters much time and finance. Has a cost-benefit analysis been carried out of the cost to the State and to commuters of congestion at this interchange in Cork?

Finally, I am sure the Minister is aware of further job announcements today in Cork, and further growth in the harbour area and in the entire region, which is very welcome. Will he agree that it would be important now for the Government to prioritise this particular bottleneck, which is currently the only blockage, to ensure motorists could have a free run from Belfast to Macroom?

Deputy Paschal Donohoe: On the Deputy's first question as to whether I am aware of figures for the economic cost of the congestion at that point, I do not have such figures in my possession. I would be confident, however, that if there is such a study it would show that there is an economic cost to those levels of congestion, not to mention a social and personal cost for people in terms of spending so much time in traffic.

The Deputy's second question was whether I accept there is a need for this project. What we have done in terms of decisions we have made elsewhere, for example, Newlands Cross, is sought to fund projects that, when delivered in conjunction with transport infrastructure already in place, relieved congestion and made it more efficient for traffic to flow. As I said in my initial answer to the question, I understand this is an important project. I understand it would become even more important were the Cork Harbour project to move ahead, which is a decision An Bord Pleanála will make in terms of planning conditions it may impose with regard to it. However, I have to view all of those projects inside the fixed amount of capital I have available to me, although I hope that amount of capital will increase in the future.

Harbour Authorities

122. **Deputy Richard Boyd Barrett** asked the Minister for Transport, Tourism and Sport in view of the deepening financial difficulties faced by Dún Laoghaire Harbour, if there is any justification for the continued existence of the harbour board, and the senior executives, with all the associated costs; his views on integrating the front-line staff, under direct council control; and if he will make a statement on the matter. [9881/15]

Deputy Richard Boyd Barrett: The Dún Laoghaire Harbour Company is a quango that has failed and should be dissolved forthwith. Its history is 18 years of jobs for the boys at the top, with lavish salaries and expenses, who have run the harbour into the ground. We have had another nail in the coffin with the Stena service being withdrawn. I am asking the Minister if we can simply dissolve Dún Laoghaire Harbour Company and put it back under direct council control where the people of Dún Laoghaire can have some say about how we can save the harbour as an amenity and a working harbour.

(Deputy Paschal Donohoe): I am very clear that the future of Dún Laoghaire Harbour is best placed within a local authority led governance structure as set out in the national ports policy. My officials are currently finalising the text of the Harbours (Amendment) Bill 2015. The Bill will provide the legal basis for the transfer by ministerial orders of the five designated ports of regional significance, which are Drogheda, Dún Laoghaire, Galway, New Ross and Wicklow. I expect shortly to seek Government approval of the Bill and to commence its passage through the Oireachtas.

The Bill is designed to provide maximum legislative flexibility and will allow for either a transfer to the local authority of the ministerial shareholding in a particular company or a transfer of all assets, liabilities and employees of the port company to the local authority and the dissolution of that company's corporate structure. Ahead of the Bill's enactment, Dún Laoghaire-Rathdown County Council will carry out a full due diligence of the harbour company. I look forward to the completion of that process and receipt of its findings and the council's perspective thereon.

Obviously, the optimal manner of transfer is one which finds broad based consensus and agreement between all parties. I am committed to working with both the company and the council to ensure the sustainable future of the harbour.

Deputy Richard Boyd Barrett: I have been asking about this issue for the past four or five years. I am very glad that we are moving the harbour company back under council control. It is something we have been calling for in Dún Laoghaire for a long time but the issue left hanging by the former Minister, Deputy Varadkar, was whether it would be a corporate subsidiary or directly under the council. The former Minister, Deputy Varadkar, said he favoured it being a corporate subsidiary. I want clarity, and a commitment, that it will not be a corporate subsidiary because in terms of the jobs for the boys, the management structure, administration, excessive fees, excessive salaries and massive amounts of money wasted on master plans that never came to fruition, there was waste at every level while the harbour itself has been run into the ground and the front-line staff reduced to negligible numbers. It has been a failure.

To give the Minister some idea, this harbour company has 20 employees left and the CEO gets €136,000 a year, €12,000 on top of that in fees for going to nine meetings a year and €10,000 extra in expenses for reasons unknown - he used to get €20,000 until we kicked up

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about it. In answer to a question about another €20,000 he paid himself, he stated he paid that in lieu of holidays, which one is not allowed to do. The Minister's predecessor, Deputy Varadkar, stated that was unacceptable. We still have not received an explanation of it.

There are millions of euro wasted on master plans that have never come to fruition. It is a honey pot that is being exploited by these executives through directors' fees etc. while the harbour has been run into the ground. Can the Minister bring the harbour back fully under local authority control and get rid of this structure?

Deputy Paschal Donohoe: Let me emphasise that I am clear that the appropriate location for a port of this scale and location is within a local authority which, in this case, is Dún Laoghaire-Rathdown. I am well aware of the challenges that the port faces to be sustainable in the future due in no small part to the decision of Stena Sealink to consolidate its services within Dublin Port.

It is necessary that issues in relation to the development of that harbour be handled in the context of it residing within the local authority and I will be making a decision soon regarding the method within which that will happen. Alongside that, I need to introduce the Bill that will give statutory footing to the harbour policy, as I outlined earlier, and I may need to get Government agreement to do that soon.

Deputy Richard Boyd Barrett: In achieving that, I ask that we do not have a CEO of a company with 20 staff who is paying himself €150,000, including expenses, a year, other executives who are paying themselves €100,000 a year each, or chairpersons and directors who between them over the past ten years have taken €100,000 to €40,000 in expenses. One can go on through the list. Millions of euro were wasted on consultants' plans when the harbour, as an amenity and a working port, has been run into the ground. This wasteful, parasitical executive management and board structure must be dissolved. One could save €600,000 a year if one did so, and that could be put in to employing staff to do real work to develop it as a public amenity and working harbour, which these persons have singularly failed to do.

Deputy Paschal Donohoe: In order for me to make a decision regarding the manner in which this port will be integrated into the local authority, first I need to bring in the legislation which will create the framework inside which those decisions will be made, and I will do that. I will gain Government agreement to the heads of the Bill and will introduce the legislation shortly afterwards.

As I stated, when that is in place I will make a decision regarding how that integration will best happen. My objective is to come up with a way in which that port can have a secure and sustainable future. I am very much aware that some of the recent decisions that have been made, particularly the decision by Stena Sealink, have severe consequences for that port, and that is best handled inside the local authority.

An Leas-Cheann Comhairle: Deputy Clare Daly is not present for the next question.

Question No. 123 replied to with Written Answers.

Dáil Éireann
Rail Services

124. **Deputy Brian Stanley** asked the Minister for Transport, Tourism and Sport his plans for the Limerick to Ballybrophy rail line, in view of the fact that much of the line has been upgraded. [9882/15]

Deputy Brian Stanley: Following concerns about it closing, I ask the Minister about the Ballybrophy, Roscrea, Cloughjordan, Nenagh, Limerick railway line. There is a report of a consultation process due and he might outline the Government's stance on that.

Deputy Paschal Donohoe: There were over 27,000 total passenger journeys on the line to which Deputy Stanley refers.

The position in relation to funding for the rail network is that I have the funding in place due to a Supplementary Estimate that I introduced before Christmas to maintain the rail network as it stands currently. I accept that different parts of the network meet existing regional needs on which we touched earlier in the debate on rural bus services. That funding is in place to maintain those lines.

It is my intention to initiate a consultation process on the future of rail in the country because it is important that people are clear on the level of funding that is going into rail at present and the consequences of that funding on the Department's ability to deliver other transport objectives.

An Leas-Cheann Comhairle: Deputy Stanley may ask one supplementary only.

Deputy Brian Stanley: The Minister's reply indicates that the number of passengers on that line has increased, if it is 27,000, because it was reported locally that there were 23,000 passengers, which is a drop of 1,000 on the previous year.

It is an important service. It serves a regional need, from south Laois right down through north Tipperary and into Limerick Junction, and it is important that it is retained. Students use it. Commuters use it for work in Limerick. Residents from south Laois take the train from Ballybrophy.

The line has been upgraded in recent years. There has been substantial funding put into the line, particularly from Roscrea southward, and it is important that we do not close it after upgrading it. There is a section of it still to be upgraded.

The Government should ensure that Iarnród Éireann comes forward with a business plan to grow the amount of business on the line. I will not have the opportunity to contribute again because of time, but I ask also that the line should be used for freight. What is Iarnród Éireann doing to develop the level of freight business on that line? Currently, it is used only for passengers. It is not used 23 hours a day. We should be looking at getting other business onto the tracks. The tracks are there and there was considerable funding put into it. We need to develop the business. I would like to see such opportunities being taken up.

Also, Iarnród Éireann should strive to increase the number of passengers using the service. There is potential to develop both tourism and freight services along with the ordinary passenger services. I would like the Minister to get Iarnród Éireann to bring forward a plan for that railway line.

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Deputy Paschal Donohoe: I make two points in response to Deputy Stanley. First, there has been an increase overall in the number of passengers who avail of train services on the rail network. There was an increase in funding of €101 million or 3% last year over the previous year. This is a reflection of the changes made by Irish Rail and also the economic recovery that is underway.

On Deputy Stanley's particular point on that line, I emphasise that I have the funding in place to maintain the network as it stands at present for the foreseeable future but we need to have a debate and broader understanding in the country regarding the amount of funding that goes into sustaining the heavy rail network and its consequences for the decisions that we need to make for all of the land transport needs in the country for the years to come.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Anthony Lawlor - the need to develop a comprehensive service of autistic spectrum disorder classes for children with autism to meet demand at post-primary level; (2) Deputy Brendan Griffin - the need for upgrading the N22 Kerry-to-Cork road; (3) Deputy Lucinda Creighton - the future of the school completions programmes; (4) Deputy Brendan Smith - the collapse of the Stormont House Agreement; (5) Deputy Éamon Ó Cuív - the cut in funding for the development companies on non-Gaeltacht islands for 2015; (6) Deputy Joan Collins - waiting time for scoliosis patients in Galway University Hospital to access spinal surgery; (7) Deputy Dan Neville - regulation of counselling and psychotherapy; (8) Deputy Denis Naughten - plans for the future of the Rosalie unit at Áras Naomh Chaoláin, Castlerea, County Roscommon; (9) Deputy Thomas P. Broughan - the need to allocate funding to address the waiting list for disability extensions for citizens with a disability and high medical priority; (10) Deputy Michael McNamara - delays in obtaining UNESCO designation for sites here; (11) Deputy Michael P. Kitt - proposals to impose a levy on the manufacturers of chewing gum; (12) Deputy Derek Keating - ambulance services in the greater Dublin area; (13) Deputy Mattie McGrath - expenditure on the Tipperary hostel project; (14) Deputy Noel Harrington - concerns regarding the introduction of the new penalty points scheme for fishermen; (15) Deputy Ciara Conway - the need to review the recommendations of the Higgins report in the context of ongoing issues at University Hospital Waterford; (16) Deputy Niall Collins - delays in the completion and publication of the Fennelly commission of investigation report; (17) Deputy Billy Kelleher - the future of funding for organisations under the scheme to support national organisations; (18) Deputy Colm Keaveney - concerns regarding hospital waiting lists for both scheduled treatments and outpatient appointments; (19) Deputy David Stanton - the need to develop marine tourism in Youghal, County Cork; (20) Deputy Michael Moynihan - the latest ESRI research highlighting concerns on the level of competition in the electricity market here and increased prices for consumers; (21) Deputy Charlie McConalogue - additional funding planned to support mergers and the university bid process in the institute of technology sector; (22) Deputy Dessie Ellis - the effect of slowing private construction on the Government's housing strategy; (23) Deputy Thomas Pringle - Ireland's involvement in the possible establishment of an EU army; (24) Deputy Robert Troy - the recent report on inaccessibility of child care as an obstacle to reducing gender inequality and increasing the number of women in the labour market; (25) Deputy Paul Murphy - the inability of many refugees to leave direct provision centres due to the lack of affordable housing; (26) Deputy Richard Boyd Barrett - the lack of availability of

inpatient beds for children with mental health difficulties; and (27) Deputy Eamonn Maloney - the need for transparency in the pricing of energy.

The matters raised by Deputies Michael P. Kitt, Derek Keating, Ciara Conway and Joan Collins have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: Last week I raised the issue of home repossessions and mortgage arrears and the numbers of cases coming before the courts. There have been 7,000 repossession orders lodged in the courts as of January of this year, not to mind the 8,000 last year, and it is estimated that over the next two years up to 25,000 family homes could be repossessed. It is interesting to note that two thirds of those in arrears are actually in employment, demonstrating a capacity, if the banks would only engage with them, to meet their obligations under sustainable resolutions.

Last week my party colleague Deputy Michael McGrath brought forward the Family Home Mortgage Settlement Arrangement Bill in good faith. That Bill would have ended the situation whereby the banks have been in the driving seat and have dictated the pace and nature of resolutions because of the Land and Conveyancing Law Reform Act introduced by the Government in 2013.

Deputy Mattie McGrath: The eviction act.

Deputy Micheál Martin: To end that situation and to dilute the power of the banks, we brought in constructive legislation last week but the Government said "No way", that it was not going to accept it and kept its head in the sand in terms of the enormity of the issue. The Government then put forward the line that somehow it was the borrowers' fault and that those in arrears were not engaging with the banks. Two days later, after the Taoiseach denied that there was any need for any change - the Minister for Finance, following the listing of over 200 repossession cases in court in Limerick, came forward and said that to be fair to the banks, they were just getting involved to force people to engage. That was both a dishonest and detached intervention by the Minister for Finance. The banks are not bringing people to court to force them to engage because, as FLAC has pointed out, there is no legal aid or remedy available once they get into court. They are being brought to court because property prices are rising, valuations are rising and the banks can now get their money back.

An Ceann Comhairle: Can we have a question please?

Deputy Micheál Martin: It was a very detached comment by the Minister for Finance in the context of the extraordinary anxiety and stress for many ordinary families, couples, women and so forth, who were brought before the courts to have their houses repossessed. The problem is growing at an alarming rate. The Minister said he would change the personal insolvency legislation: the service has only dealt with 199 cases to date. Will the Taoiseach confirm that the Government is prepared to change the personal insolvency or other legislation to intervene on behalf of those who are facing repossession of their family home?

The Taoiseach: I do not accept the Deputy's assertion that the Government blamed the borrowers for the situation that has arisen. Nor do I accept his assertion that the Government has

kept its head in the sand with regard to these matters.

Deputy Mattie McGrath: This Government brought in the eviction bill----

The Taoiseach: I agreed with the Tánaiste when we set out our scheme of priorities for the remainder of the life time of this Government last July. We undertook to review the personal insolvency legislation and a range of other measures to deal with distressed mortgages. We also reiterated that the Government has no policy at all in the sense of wanting to see people put out of their homes----

Deputy Mattie McGrath: The Government has no policy at all to stop it----

The Taoiseach: The fact is that there has to be engagement and a process by which that can happen.

I spoke to the Tánaiste at some length this morning about this and the Government recognises that adjustments to the personal insolvency framework are necessary. Such adjustments would include increasing awareness of what the insolvency service is about and the assistance it can give to those families whose mortgages are in distress; an independent audit of the quality of the deals recommended by the personal insolvency practitioners; and an outline of the options that are open to borrowers where insolvency arrangements have been rejected by the creditors, that is, the banks as well as the supports available to families who cannot meet the terms of restructured mortgages negotiated within the insolvency framework.

The Deputy will be aware that 110,000 accounts were in arrears at the end of quarter four of 2014, a decline of 26,000 over the course of the year. Of the 100,000 mortgages that have been restructured, the vast majority of those involved are meeting the demands and conditions of their restructured accounts.

I confirmed this morning, as did the Tánaiste, that the Government has almost completed its review of these matters and will bring forward a number of other measures that will compliment the range of options that are there at the moment so that we can deal with mortgages in distress in April.

Deputy Mattie McGrath: On April 1st.

The Taoiseach: That means that the Government has looked at the workings and effectiveness of the situation at the moment. We want to see the vast majority of people retain their family homes ---

Deputy Mattie McGrath: The vast majority ---

The Taoiseach: We will bring forward a range of other measures, following that review, in April.

Deputy Micheál Martin: To be frank, that is a meaningless response. The Taoiseach made reference to adjustments and named three items that are not adjustments at all. Making people aware of something is not changing anything. An independent audit of how poorly a system is working is not changing anything, with only 199 cases concluded to date. The third point I could not quite understand, to be frank. The Taoiseach said there were options open to borrowers and he drifted off into an inaudible whisper. I mean it sincerely when I say that I did not catch the third point.

The Minister for Finance insisted that the Government is watching the situation very carefully and is also watching the way in which the insolvency legislation is being applied. He said the Government is very conscious of the policy. It was Deputy Noonan who said that the banks were using the courts to get people to engage with them who have not done so thus far. I brought an example of a case before the Taoiseach last week, where the couple involved were working for over two years to try to get the bank to engage.

An Ceann Comhairle: Can we have a question please?

Deputy Micheál Martin: The bank ultimately brought them to court without engaging with them. It is an insult to those people when a Government Minister or the Taoiseach says they are only being brought to court because the banks want them to engage because they have not done so to date. That is not the truth. There are lots of people out there who are at their wits' end. These are responsible people who want to keep a roof over their children's heads, who have been engaging with banks but the banks have not been engaging with them or making any realistic attempt to bring about sustainable resolutions. If the Taoiseach is to do anything, he should stop insulting people who are going through the trauma and anxiety of these court cases. For them, it is not fun. This is not, as the Minister implied, some tactical manoeuvre that the banks are engaged in.

In short, if one looks at the language emanating from Government, it is "watching" this, "monitoring" that but in essence it is doing absolutely nothing to deal with the escalating problem of repossessions and mortgage arrears.

The Taoiseach: I think Deputy Martin is getting desperate.

Deputy Mattie McGrath: It is not Deputy Martin who is desperate; it is the people.

(Interruptions).

An Ceann Comhairle: Stay quiet please. It is not the Deputy's question. He should stay quiet for a change.

The Taoiseach: As we see the economy begin to improve, all that the Deputy is left with to attack are the remnants of the disastrous policy that his party followed when in government. The Deputy says that the Government has done nothing but there are more options on the table for people in mortgage distress than in most other countries----

Deputy Peter Mathews: In theory.

Deputy Micheál Martin: Only 199 cases have been dealt with.

(Interruptions).

An Ceann Comhairle: Please Deputies. A question was asked and it is being answered.

The Taoiseach: The personal insolvency service has not been dealing with as many cases as we would like to see but contrary to Deputy Martin's view, I think it is very important that when people are in mortgage distress they know the range of options and assistance available to them. It is also fair to look to the situation that has arisen in the context of people who are looking for credit whereby the Credit Review Office gives an independent view and has given directions to banks to overturn decisions. The Minister for Justice and Equality of the day brought in an

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amendment so that when cases went to court, an independent review of the options put forward by the practitioner would be possible before a court case situation arises.

Deputy Joe Higgins: That is nonsense.

The Taoiseach: That is something that we have to look at. What are the options open to a family where the value of their house is written down to the current market value but they still cannot meet the repayment conditions? These are real-life conditions that were created by a Government that did not care.

Deputy Mattie McGrath: Egged on by Deputy Kenny at the time ---

The Taoiseach: We are down to 37,000 cases in arrears for more than 720 days and we want to see the vast majority of those sorted out. Far from following Deputy Martin's assertion that nothing is being done, we will bring forward a number of other measures to deal with these kinds of cases in April.

Deputy Micheál Martin: The Taoiseach cannot specify those measures now.

The Taoiseach: They will be designed to help people----

Deputy Micheál Martin: Why can the Taoiseach not specify them now? We had a debate on this issue last week. Why did the Government not outline those new measures in the House then?

The Taoiseach: ----who are having problems with their family homes. This all goes back to the Deputy's own outfit which did not give a damn about what it did.

Deputy Micheál Martin: Those kinds of glib soundbites got the Taoiseach elected but they will not get him re-elected.

An Ceann Comhairle: I call Deputy Adams.

Deputy Niall Collins: There was a big fundraiser in Limerick last Friday. On the same day that the repossession cases were going on in court, Fine Gael-----

An Ceann Comhairle: I said Deputy Adams; Deputy Collins is not Deputy Adams. He should let Deputy Adams ask his question.

Deputy Niall Collins: ----was courting big business. The repossession cases were going on and----

An Ceann Comhairle: Deputy Collins, please.

Deputy Niall Collins: That is the truth.

An Ceann Comhairle: I am not interested in listening to you; I am interested in hearing Deputy Adams's question.

Deputy Gerry Adams: Since the Stormont House Agreement was reached at Christmas, Sinn Féin has been engaging positively in party leaders' meetings at Stormont to ensure its full implementation. However, it became clear last week that the DUP was intent on reneging on commitments in that agreement. Martin McGuinness discovered that it was the intention of the DUP to provide only partial protection to current recipients of benefits and no protection what-

soever for future recipients contrary to the Stormont House Agreement. In our view, it intended concealing this until after the welfare reform legislation was passed.

I am sure the Taoiseach will agree that this is not part of the Stormont House Agreement. As a result, Sinn Féin and the SDLP had no option but to prevent the Welfare Reform Bill going through the Assembly. Martin McGuinness has made it clear that it is our focus to resolve these problems. Our record has been very consistent. The late Ian Paisley said that Sinn Féin kept every promise it made. Despite refusals to honour the Good Friday Agreement and subsequent agreements, including the absence of Acht na Gaeilge, a bill of rights, a civic forum and an inquiry into the murder of Pat Finucane, Sinn Féin has not given up on the process and we will not give up on the process.

It is clear, however, that political institutions must deliver for citizens, particularly disadvantaged citizens and those with disabilities. That is more important than other considerations. Does the Taoiseach agree that a resolution to the current difficulties will only be found by everyone adhering fully to the terms of the Stormont House Agreement?

The Taoiseach: I certainly agree that this is a serious matter and that, prior to Christmas, the discussion was about whether the institutions would survive. The opportunity for both Governments to become involved as co-guarantors of the Good Friday Agreement together with the dedicated work of the Minister for Foreign Affairs, the Minister of State at the Department of Foreign Affairs and Trade, Deputy Sherlock, the First Minister, the Deputy First Minister and the parties brought about the Stormont House Agreement.

I am interested to hear Deputy Adams say that the Deputy First Minister discovered that the DUP was not going to implement the agreement that was arrived at. It should also be noted that the Minister and Minister of State from this Government were not party to the detailed discussions about welfare reform that were an element of the agreement being arrived at. I am not sure how the Deputy First Minister discovered that the DUP intended to renege on the agreement if this is the case. Was it through a memorandum, comment or paper provided by the DUP saying that it intended to renege on the agreement?

With the British general election taking place early in May, there is an opportunity to work this out as mature politicians. The essence of politics is called into being here. This can only be dealt with by the First Minister and the Deputy First Minister who must explain to the other parties what this row is about. I would like to find out the nature of the discovery that the Deputy First Minister was able to make. How was he able to discover that the DUP suddenly intended at a certain point to renege on an agreement entered into in December? I agree with the Deputy that this should not have happened and can be rectified. It can only be rectified by the politicians hammering out what it is they agreed upon and being very clear about it in the interest of the people of Northern Ireland.

Deputy Gerry Adams: I am disappointed that the Taoiseach does not know how Martin McGuinness discovered it because the Taoiseach's officials were fully briefed on that over the weekend, so he should know. Martin McGuinness discovered it because we were given papers - we believe by mistake. When he discovered this, he spent several days last week, including during our Ard-Fheis, trying to meet the DUP. The DUP failed to engage with us but it was fully informed about our concerns. These are red line issues because the essence of mature politics must be protecting the disadvantaged - those who need the protection of society. That is the core of this agreement.

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The Taoiseach may recall that in 1998, just after the signing of the Good Friday Agreement, Senator George Mitchell said that this was the easy bit and that the hard bit was implementing it. That has been our experience. I have been critical at times of the Government's handling of Northern Ireland issues but at the same time, I know that they are very challenging and require a constant focus with the British Government on the ongoing process to ensure in particular the need for everyone to fulfil commitments. In the absence of such clarity, every effort must be made to ensure all agreements are faithfully implemented. Does the Taoiseach agree that the resolution of the current difficulties will only be found by everyone adhering fully to the terms of the Stormont House Agreement?

The Taoiseach: The Stormont House Agreement means particular conditions being adhered to. I do not have in front of me the difference between the detailed discussions on welfare reform conducted before Christmas before the agreement was arrived at and the details that apply now for welfare reform since the agreement was put together. There seems to be a discrepancy somewhere in the mathematics if this is what the row is about. Obviously, the Government was not party to the detailed discussions prior to Christmas about what welfare reform would mean for people but there seems to be a change in the figures that apply. I think one must go back to that point - what was laid out in detail in papers before Christmas and what has brought about a change in those figures that affect people with social welfare payments in various forms in Northern Ireland.

This is a very serious political matter. These institutions have paved the way for many years since the Good Friday Agreement. It has not been an easy journey in many respects. This row was brewing before Christmas. All of the parties and the two Governments got involved and agreement was reached on a set of figures with details about them. The agreement was signed off, accepted and welcomed by everybody. There now seems to be a difference in those figures. What has happened? I think the Deputy First Minister needs to go back and discover why this drift in these figures occurred, if it happened.

Deputy Gerry Adams: He knows.

The Taoiseach: If they were set out before Christmas and signed off, accepted, commented on and welcomed by the Deputy First Minister, more fulsomely than by Deputy Adams, what has happened that the figures are now different than those he accepted and agreed to before Christmas? The political discussion must deal with that. We do not want a situation where the parties walk away when it comes to the first difficult decision. They welcomed this before Christmas and signed off on those conditions. They must go back to where that welcome applied in the first instance.

Deputy Ruth Coppinger: Yesterday, the Taoiseach marked four years of this Fine Gael-Labour Party neoliberal Government. Today, that same agenda is creating huge uncertainty among Aer Lingus workers, their families and the communities who depend on Aer Lingus for employment and connectivity. This anxiety has been created by the Government refusing to reject decisively the bid by IAG to buy the Government's shares. It is a decision that could see us relinquish any public control over the airline and this island's aviation bridge to the rest of the world, leaving foreign-owned private companies whose only concern is profit with full control over access in and out of this country.

The Minister for Transport, Tourism and Sport has sent IAG off with a little tut-tut to come back with a better price in the next few weeks, but the consequences for this country will last

far longer than it will take to spend the bag of silver the Government will get for any sale of Aer Lingus. Not only would this country lose a profitable company, something the Government spends a fortune sending the IDA out to find, there are massive implications for north Dublin, Cork, Shannon and the Limerick regions which are struggling in the recession.

We are told relentlessly by the media that poor little Aer Lingus will not survive alone, but poor little Aer Lingus has been making healthy profits for years. In 2013, it made an operating profit of €61.1 million. The Taoiseach might tell some of his young Deputies like the Minister of State, Deputy Harris, if they can contain themselves for a moment with the flattery and attention from this multinational company, that Aer Lingus does not need IAG.

Deputy Regina Doherty: Pearls of wisdom.

Deputy Ruth Coppinger: IAG needs Aer Lingus. That is the view of the Aer Lingus pilots and many others.

An Ceann Comhairle: A question, please.

Deputy Ruth Coppinger: Aer Lingus has a jewel that other airlines want to get their hands on, namely, the Heathrow slots, which have been valued by Deloitte at €925 million but are invaluable to this country. Would the Taoiseach agree that the cast iron guarantee that the Government is seeking on connectivity is pathetic and would be non-existent after five years-----

An Ceann Comhairle: Sorry, Deputy; would you put your question?

Deputy Ruth Coppinger: -----as would be all of the jobs in airline catering, flight maintenance and many other areas? The brand itself would likely be integrated very quickly-----

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

Deputy Ruth Coppinger: -----as has been the pattern with other takeovers. I put it to the Taoiseach that selling off the remaining public stake in Aer Lingus would be economic and social treachery. Will the Government right the wrong that Fianna Fáil did ten years ago by privatising Aer Lingus in the first instance? Will it throw aside its ideological attachment to privatisation and not only refuse to sell off the 25% stake but establish full public ownership of Aer Lingus in the months ahead?

Deputy Simon Harris: What will we buy it with?

An Ceann Comhairle: Sorry, Deputy. Would you resume your seat? You are way over time.

Deputy Ruth Coppinger: If the Government can invest taxpayers' money in the banks, surely it can invest taxpayers' money in a strategic asset such as Aer Lingus-----

Deputy Paul Kehoe: The whistle has gone.

Deputy Ruth Coppinger: -----which links us with the US and Europe.

An Ceann Comhairle: Sorry, Deputy. Would you obey the Chair, please?

Deputy Finian McGrath: Do not forget about the Aer Lingus pensioners.

The Taoiseach: This is an important matter. Deputy Coppinger appears to be of the view

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that the Government should acquire Aer Lingus in its entirety. This would cost about €1 billion. The Deputy will be aware that the Government rejected the bid from IAG.

In 2012, the Government decided that consideration could be given to the sale of the shares held by the State in Aer Lingus in the context of the sale of a number of assets that might be disposed of if the price and conditions of any such sale were in the best interests of the people. The Minister for Transport, Tourism and Sport, Deputy Donohoe, is very clear on that. Issues such as the Heathrow slots, connectivity to the United States and operations at Shannon, Cork and Dublin Airports are matters of genuine concern and interest to workers, their families and other people in localities and environs of Dublin, Cork and Shannon. It is already public knowledge that there will be a further meeting between officials of the Department of Transport, Tourism and Sport and IAG this week. Obviously, the Department will inform the Minister of the issues presented by IAG during that discussion. The Minister, Deputy Donohoe, has not made, and is not in a position to make, a recommendation to the Government. The conditions set out by Government in regard to Aer Lingus are clear. This airline was privatised a number of years ago under a different Administration. The Government now holds a 25.1% stake in Aer Lingus on behalf of the people. The conditions set by it in terms of consideration of any offer are clear and have not been met in any discussions that have taken place to date.

Deputy Ruth Coppinger: The taxpayer spends billions in supporting the so-called enterprise and employment sector in this country. It appears to me from the Taoiseach's response that the Government is well disposed towards selling off the remaining public control of Aer Lingus. This means that very shortly thousands of jobs not only in north Dublin but in Cork, Limerick and the Shannon area will be jeopardised.

I am not sure if the Taoiseach read the article by the economist Paul Sweeney last Friday in which he made an excellent case not only for the retention of the State's 25% shareholding in Aer Lingus but for the Government to seek to buy, for example, Ryanair's shares, which will most likely become available soon. The case was extremely well made that the Government should snap those up. How is regional development to be protected if a private company controls Aer Lingus? As it stands, any scale-down of operations in, for example, Cork Airport would have a devastating impact. Owing to the recession and the withdrawal of the Shannon stopovers, Limerick is on its knees. There are huge issues at stake.

It is a pity there is no member of the Labour Party in the House to hear this debate.

Deputy John Lyons: There are a couple of us here.

Deputy Finian McGrath: Deputy Lyons is minding the shop.

Deputy Paul Kehoe: There are two members here. Deputy Higgins is blocking Deputy Coppinger's view.

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

Deputy Ruth Coppinger: Will the Taoiseach say why the Government is so ideologically opposed to maintaining its stake in Aer Lingus or re-nationalising it?

The Taoiseach: Deputy Coppinger mentioned multinationals. First, multinationals employ huge numbers of people in her constituency.

Deputy Ruth Coppinger: So does Aer Lingus.

The Taoiseach: The Deputy should bear that in mind when commenting on investment from abroad. Second, the Deputy stated that Aer Lingus is a publicly owned company. It is not. The Government holds a minority shareholding in Aer Lingus, the details of which I have pointed out to the Deputy. Third, the Government has announced a specific regional development strategy covering a range of areas. Limerick is not on its knees; it is fighting back strongly. I was in Limerick on Friday for the announcement of a further 300 jobs at Northern Trust, bringing overall employment at the company to over 1,000 by 2017. The Government decision through which the Minister for Transport, Tourism and Sport gave Shannon Airport its independence is an indication of what Shannon can and will achieve in the time ahead. I do not accept the Deputy's comment at all.

The Minister for Transport, Tourism and Sport, prior to bringing a specific recommendation to Government, is required to obtain clarity on the issues relating to Shannon, Cork and Dublin, the Heathrow slots and guaranteed connectivity across the Atlantic.

Deputy Róisín Shortall: There is no guarantee.

Deputy Finian McGrath: What about the Aer Lingus pensioners?

The Taoiseach: The Deputy will understand that Dublin and Shannon Airports are among the few airports at which one can get pre-clearance for the United States, which is a major feather in Ireland's cap. The Minister, Deputy Donohoe, will continue to monitor this closely. The outcome of the meeting this week between officials of his Department and IAG will be brought to his attention. We will keep this matter under close scrutiny in the context of the conditions set out, including-----

Deputy Ruth Coppinger: So Aer Lingus is to be sold?

The Taoiseach: -----whether the price is acceptable, whether the conditions are acceptable, and whether it is in the interests of Ireland and of its people.

Deputy Joe Higgins: No.

The Taoiseach: As pointed out by others, one has to look carefully at the consequences of not considering seriously whatever final opportunity or option might be presented.

Deputy Ruth Coppinger: Which are?

Ceisteanna - Questions (Resumed)

Taoiseach's Meetings and Engagements

1. **Deputy Micheál Martin** asked the Taoiseach if he has discussed the allegations of sexual abuse and the use of kangaroo courts by the IRA with the British Prime Minister, Mr. David Cameron; and if he will make a statement on the matter. [43802/14]

2. **Deputy Micheál Martin** asked the Taoiseach if he has discussed with the British Prime

Minister, Mr. David Cameron, concerns regarding sexual abusers being moved from Northern Ireland to the Republic of Ireland and the United Kingdom by the IRA movement; and if he will make a statement on the matter. [43803/14]

3. **Deputy Gerry Adams** asked the Taoiseach if, during the recent meeting of the British-Irish Council, he discussed with the Deputy First Minister of Northern Ireland, Mr. Martin McGuinness MLA, his proposal for an all-Ireland process to deal with the issue of those who were victims of sexual abuse during the conflict and who did not have access to proper support or were denied justice; and if he will make a statement on the matter. [46821/14]

4. **Deputy Gerry Adams** asked the Taoiseach if he has discussed with the Deputy First Minister, Mr. Martin McGuinness MLA, and the First Minister, Mr. Peter Robinson MLA, of Northern Ireland the proposition that an all-island process be established, through the North-South Ministerial Council, to deal with the issue of support mechanisms for those who were victims of sexual abuse during the conflict. [46822/14]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

It is worth recalling that these questions arise in the context of allegations of the rape and sexual abuse of a young woman in Northern Ireland and her subsequent mistreatment at the hands of members of Sinn Féin and the Provisional IRA.

I have had the opportunity and the privilege of meeting with Ms Cahill, and she is a woman of tremendous bravery and courage. Clearly, the issues raised are of a very serious nature, relating not only to serious criminal activity but also to the potential risk to children from people who were hidden away in our communities by these organisations. The Garda Síochána is currently investigating information on these issues which they have received from a number of people. These Garda investigations are ongoing and it would not be appropriate for me to comment on them, except to say that they are a priority given the child protection concerns and the seriousness of the alleged offences involved. I would further add that it is important to continue to encourage people with any relevant information to come forward to the authorities.

I have not discussed the allegations of sexual abuse with the British Prime Minister, Mr. Cameron, nor did I discuss the issue with the First Minister, Mr. Robinson, or the Deputy First Minister, Mr. McGuinness, at the recent meeting of the British-Irish Council or at the North-South Ministerial Council, NSMC, in November. As Deputies are aware, justice and policing matters are not sectoral areas covered in the North-South Ministerial Council framework. North-South co-operation in these areas takes place bilaterally. However, the health and child welfare aspects of child protection are included in the NSMC framework. The plenary meeting in Armagh in December had a very useful discussion on child protection and noted that very good collaborative work is already taking place, both within the NSMC structures and elsewhere.

On the margins of this meeting, the Minister for Justice and Equality, Deputy Fitzgerald, and the Northern Ireland Minister of Justice, David Ford, also had the opportunity to discuss the issues arising as part of their ongoing co-operation and work in this area. The Ministers are anxious to ensure that the issues arising are fully addressed and they are looking closely at the best way in which that can be done. The Minister is briefed on this issue on an ongoing basis. Arising from their discussions, the Ministers have tasked the relevant officials in their Departments to examine the legal and practical issues that might arise which relate to the issue

of establishing forms of inquiry. Their officials are currently carrying out detailed, joint work in that regard and they will report on developments to Ministers in the near future. This process of examination is being done against the background of the various investigations, North and South, that are under way into aspects of this issue. As the House is now aware, more immediate and recent allegations have been made of a similar nature that are the subject of a television programme later today.

An Ceann Comhairle: I ask Members to be very careful of what they say on this matter, which is being discussed at the level of the police authorities and An Garda Síochána.

Deputy Micheál Martin: I thank the Taoiseach for his reply. Very often issues get a wave of attention in the public media and then tend to drift to the side in terms of consistency of focus and urgent intervention mechanisms that should have been put in place to enable their further investigation and also to facilitate other victims to come forward. We were shocked by the Máiría Cahill revelations because they revealed a very dark side to the Sinn Féin-IRA movement over a number of decades, and in particular the degree to which sex abusers within the movement were protected as a deliberate strategy.

I put it to the Taoiseach that when victims come forward to speak, the very least that should be done is that they should be allowed to speak free of any attempt to undermine them or their integrity. I just spoke with Máiría Cahill before I came to the Chamber this afternoon. She again asked that the online campaign that has been ongoing on a daily basis to undermine her and abuse her should stop. I recall the words of the Tánaiste to Deputy Adams that he would please call off the dogs of war on Máiría Cahill in terms of the vicious online abuse that has been an unseemly feature of what has transpired since Máiría Cahill gave her interviews.

This evening, there will be further revelations on the “Spotlight” programme by Paudie McGahon, yet another victim of abuse by a senior IRA member. I met with Paudie McGahon quite some time ago. I did not seek the meeting, nor have I ever tried to utilise any of these issues for political gain, as has been alleged. That is a constant mantra trotted out by Sinn Féin and others. When victims come forward, they come forward. I have met victims in many different walks of life who were victims of various institutions. It just so happens that in this case two victims came to tell me their story and Paudie McGahon was one of them. It is a horrific story in itself about the abuse that was perpetrated on him by a senior member of the IRA, but worse again is the fact that a kangaroo court was held. He was invited to the kangaroo court by a Sinn Féin public representative and by the IRA movement. He was given a range of advices. He was informed that the member who had abused him was in custody and had been guilty of abusing other victims. They were invited to either dispose of the individual themselves; that the IRA would dispose of him; or other options.

Implicit in all of that is a refusal to bring all of that information to the Garda. The people in possession of the knowledge relating to Paudie McGahon should not have protected the individual concerned but should have sent all of the detail to the Garda, but they did not. He was told himself that if he whispered anything to the Garda, he would be found at the side of a road somewhere. That is the level of protection he got as a victim. It is extremely sickening to have to listen to protestations about the past and respite for people in the past when a case such as this happened in recent times, namely, 2002. Paudie McGahon was asked if he wanted to see an in-house psychologist that the IRA movement itself was making available to help him deal with the situation.

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Deputy Adams himself said he is aware that the Provisional IRA took actions in relation to abusers which involved keeping the crimes away from the authorities, but so too did Sinn Féin on this occasion. There was not the usual divide between the military and civil wings in this respect. Both were acting in unison and concord in dealing with this particular case. Honest and transparent answers are required, not attempts to bury the case in the past and into a process which would mean it would not get any articulation. I asked the Taoiseach about the matter in my questions. I went to Belfast to speak with the Minister of Justice, Mr. Ford, in the aftermath of the Máiría Cahill case. I believe a cross-Border mechanism should be developed to at least facilitate other victims to come forward, who might not want to go public. Victims themselves can decide whether they want to go public. In order to get some sense of closure on abuse they suffered, there should at least be some opportunity to articulate it and bring it forward to a proper forum which would have the right capacity, backup and supports to enable victims to achieve that.

There is a need for far more urgent intervention with both the Northern authorities and the British Government. We hear a lot about the past, which is important, but this is just as important as other issues that have been dealt with on a government-to-government basis. I refer to big cases that were the subject of the Good Friday Agreement, the St. Andrews Agreement and other agreements. This is just as important but there is no excuse for it to be put to one side because it might not suit or be politically convenient. I ask that the Taoiseach would engage with the British Prime Minister, Mr. Cameron, and the Northern Ireland Executive to pursue the matter more vigorously.

The Taoiseach: Nobody doubts the seriousness of the issue. There should not be and there cannot be a hiding place for those who carry out those kind of offences. Under the North-South Ministerial Council, although it is not specifically part of the remit of the council, the issues are dealt with bilaterally. I did receive a letter from the Deputy First Minister, Martin McGuinness, in regard to a proposal for the establishment through the North-South Ministerial Council of an all-island process to deal with the issue of support mechanisms for those who were victims of sexual abuse during the Troubles, and that it would include support for victims of abuse in all communities and to ensure greater access to counselling and other supports for victims of abuse, and to facilitate victims and survivors in accessing the justice system and making official complaints. I responded to that letter because people should be aware of the specific processes ongoing in Northern Ireland, namely, the review by the Northern Ireland Director of Public Prosecutions and the reference to the Police Ombudsman's office in respect of a specific case.

4 o'clock

It is important that the relevant authorities, North and South, are able to proceed unimpeded with their work in this regard. I completely agree with Deputy Martin that it is simply not good enough and absolutely appalling that a victim of abuse is being pressurised in whatever fashion, by whomever on the instructions of whomever.

The Deputy is aware that the Garda liaises closely with Tusla in respect of any child protection concerns that arise, in accordance with the standing protocol between the two services. It also liaises closely with the Police Service of Northern Ireland in respect of any criminal activity or child protection issues that arise.

As far as I am aware, since the Máiría Cahill revelations became public and the discussion in the Dáil, no new information has come into the possession of the Department of Justice

and Equality arising from Ms Cahill's revelations or from information received by Deputies Doherty and Adams. This does not mean the Garda has not uncovered or come across information that is not yet known to the Department or publicly. It may well be that it has come across other information.

When this issue first emerged, we considered whether to have some form of joint North-South inquiry or commission. As the North and South are two separate legal jurisdictions, it is not as simple as it may appear to take this kind of approach. At the moment, we have close co-operation and the offices of the Police Ombudsman and Director of Public Prosecutions in Northern Ireland are carrying out independent investigations. The Garda is also liaising with Tusla and is in touch with the Department of Justice and Equality. The Minister for Justice and Equality, Deputy Fitzgerald, and her counterpart in the Northern Ireland Executive, the Minister for Justice, Mr. David Ford, are obviously involved in the current situation and some further action may come out of it.

I am not sure whether one should set up an institution. The Deputy First Minister wrote to me about having a process by which these matters could be dealt with. A number of independent entities are already dealing with this and it is a case of deciding what is the best thing to do here. We do not want to interfere with the Director of Public Prosecutions and Police Ombudsman's offices in Northern Ireland or the relationship between Tusla and the Garda or the information that may be passing between them. However, nobody can argue with the seriousness of this matter.

I have not met Mr. McGahon who made comments publicly today and is, I understand, the subject of a television programme later this evening. We should all view this matter with the utmost seriousness. Those in organisations or entities who have information should come forward with it and those who have the courage to speak out should not be abused or pressurised on the instructions of people who might not want his kind of information to come into the public domain in the first place. I admire their courage and we should do everything we can to have this work done unimpeded and in a confidential manner.

This issue is far too serious for general assumptions. These are serious cases which the victims must carry with them every day of their lives. Politicians must decide what is the best thing to do here.

Deputy Gerry Adams: I very much appreciate the Taoiseach's appeal for people to be very careful about what they say in this House because these matters are under investigation by An Garda Síochána. This has not stopped the Fianna Fáil Party leader from naming a private citizen in the Chamber in the past in connection with the most serious of allegations. It did not stop the Taoiseach from asserting that some people suffered mistreatment at the hands of members of Sinn Féin, nor the Fianna Fáil leader from making similar assertions. Victims not only require and have the right to support, but no one should be pressurised or subjected to any campaign of harassment either online or in any other way.

I have also read in the media that allegations made by a County Louth man, Paudie McGahon, are to be rehearsed in a television programme this evening. The agencies to deal with allegations of abuse are An Garda Síochána, the Police Service of Northern Ireland and social services. From what I have read, Mr. McGahon clearly feels badly let down. The Fianna Fáil leader and Taoiseach made the assertion that some of the abusers were associated with republicanism. If that is the case, they did not act in our name or in the names of the people who

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suffered for the republican cause over a very long time. Paudie McGahon feels badly let down and nothing I say may change that. This is a matter of very deep regret to me. Mr. McGahon needs support and justice. I am assured, contrary to what the Fianna Fáil stated, that when this case was brought to the attention of local representatives, the victim of the alleged abuse was advised in person and in writing to go to An Garda Síochána.

Last November, the Deputy First Minister, Martin McGuinness, wrote to the Taoiseach and proposed the establishment, through the North-South Ministerial Council, of a clearly defined, all-island process to deal with the issue of providing support mechanisms for all those who were victims of sexual abuse during the conflict. We know that one in four people suffers abuse, mainly by a family member, and that society has been remiss in dealing with these issues. The Mairia Cahill revelation brought a very clear focus on those who had been abused during the conflict and were not properly dealt with by state agencies, statutory bodies and, in some cases, republicans.

The Deputy First Minister's letter set out objectives to support victims of abuse in all communities, ensure greater access to counselling and other supports for victims and facilitate victims and survivors in assessing the justice system and making official complaints. In addition, the letter states that the anonymity and confidentiality of victims and survivors who did not wish to be identified should be acknowledged and protected. The Deputy First Minister also argued for the promotion of existing helplines and, if necessary, dedicated hotlines, North and South, to facilitate victims and survivors who wish to come forward. These are A, B and C steps that could be easily taken. The Taoiseach has not responded to these propositions in the way he should. The Deputy First Minister has written to him on three occasions and first put his proposals in November 2014. It is now March and Martin McGuinness has expressed his concern at the lack of engagement by the Taoiseach on his proposals.

I do not have any objections, and nor should I have, to these matters being rehearsed in this Chamber. A great deal needs to be done in terms of funding rape crisis centres, providing protections and so forth. However, we need to move beyond commentary and establish mechanisms and processes which deal with the unique circumstance of what occurred during the conflict. If the mechanisms that the Deputy First Minister is putting forward are not sufficient and if we cannot get a North-South focus on this beyond what we have at the moment, the Taoiseach should bring forward some other proposition.

It is very disappointing that this has not been responded to in the way that it should have been. When we had the debate in the House last November I was very critical of the way the Government parties and the Leader of the Opposition dealt with the issues. I concluded by saying: "I suppose I should not judge them on what they say in this particular debate as we will all be judged on what we do to protect children and the rights of women." I believe we stand open to the accusation that we have not dealt with this issue in the way that it should have been dealt with.

I appeal to the Taoiseach once again. The fact that the Deputy First Minister has not got even the courtesy of a response to what was a serious proposition by him is disappointing indeed. This is for all the victims and all the survivors. Obviously, I have a clear focus on those who may have been victims of those who purported to be republicans. However, there are many other folks outside of that group who also need support. That between the two Administrations, North and South, we have not moved on this is a matter of some disappointment.

The Taoiseach: I have responded to the Deputy First Minister, Mr. McGuinness. He asked for a process to be put in place. I assume that means there would be an end to that process in any individual case. I presume that would mean a person or persons would be brought before the court and that the law would take its course. If an allegation is made about sexual abuse, either an individual case or in respect of an individual over a period, the process would be that if that person decides to speak out, he or she would be able to do so in a protected way and not be pressurised in any way subsequently. The situation from a legal point of view would be followed through, and if allegations are made against perpetrators, they would be brought before the authorities and a decision made on whether they are guilty or otherwise.

Two independent investigations are ongoing, undertaken by the Director of Public Prosecutions and the Office of the Ombudsman. The Minister for Justice and Equality is briefed by the Garda as needs be and in respect of whatever information comes to the Department of Justice and Equality.

I have no wish to prejudge a television programme which, I understand, is taking place this evening, but I understand when the person involved met a Garda superintendent in October last year, he was advised of the supports available to him. He subsequently made a formal complaint to the Garda and a criminal investigation was launched. That investigation is ongoing. My understanding is that the person involved said that he had been abused by a member of the Provisional IRA who stayed at his family home, which was then deemed to be a safe house. He said his life was threatened by the abuser. I understand he has also alleged that his brother was abused, but he declined to be public about that allegation and has not pursued a formal complaint with the Garda. He maintains that he alleged in the early 2000s that he brought the matter to the attention of a local councillor who arranged for what he called a process to be put in place to deal with the allegation and punish the alleged abuser. He and another victim, his brother, were brought before a number of republican members, including a named person who is a former member of the Provisional IRA, to be interviewed about their allegations. He says that he was offered a choice of punishments for the alleged abuser, including that he would be killed, and that he opted to have him exiled.

This is a kangaroo court operating outside the jurisdiction of a democracy and the remit of the law of the land as we know it. I am unsure whether Deputy Adams has any information or has been given any information about this, but this kind of situation is intolerable. It goes back to what Máiría Cahill made public with her remarks to the effect that hers was not the only case.

If we are dealing with a process involving these serious allegations, then I am prepared to work with the Northern Ireland Executive First Minister and Deputy First Minister, just as the Minister for Justice and Equality is with her counterpart, whether through the North-South Ministerial Council or whatever. It is not as simple as it sounds to set up an institution covering two jurisdictions with different legal systems. At the end of the day, if people are sexually abused over a period or threatened and pressurised, then we have to have a system of law that can deal with that. If the allegations being made by this individual are correct, then it was clearly on the instructions of a person or persons to have a court of punishment and interrogation, and that has nothing to do with the law of the land.

For my part, in replying to the Deputy First Minister, Mr. McGuinness, I would point out that there are two independent operations, Tusla and its remit as well as co-operation between the Garda and the PSNI. There is consultation between the Minister for Justice and Equality and the Minister of Justice in Northern Ireland, together with their respective Departments.

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Aside from that I do not believe we need an institution for cross-Border justice. It seems as if the allegations made are that such an institution was set up illegally with threats of death, exile and interrogation at the core of it.

If it is a process the Deputy First Minister is looking for, I believe that through all these elements, organisations and agencies operating strictly within the law, it should be possible to have a process of support generally for victims of sexual abuse in any community. It should also be possible for those who have the courage to speak out in respect of many of the details, circumstances and names, in some cases, of persons who are alleged to have committed the offences and put all of that together. I am perfectly happy to speak to the Deputy First Minister, Mr. McGuinness, arising from my response to him to see how this might best be done. However, that does not involve getting into legalities about the different legal systems and how this might operate.

In this case there are allegations about republican abuse or abuse by persons who were members of the Provisional IRA. If a young man or woman has been sexually abused, they have to carry that with them all their lives. We should try in every way we can to see that they get the support and counselling they need and deserve, and that where allegations can be proven, the law of the land takes its course in respect of those who might have committed those offences.

Deputy Micheál Martin: I accept the Taoiseach's bona fides in endeavouring to deal with this issue. He is correct in saying that, in the Paudie McGahon case, we are talking about a safe house. I think Deputy Adams and those in Sinn Féin-IRA will have been very well aware of the circumstances of this for a long time, just as they were well aware of the Máiría Cahill case for a long time but chose to do nothing about it either, or about the entire system.

It is all very well for Deputy Adams to say, "We will be judged in terms of what we do now or into the future". I would like to think people would judge according to what people did when they first heard of these cases or what they did not do. We know from the public record of this House that Deputy Adams himself has admitted this and put it on the public record. He accused me of making some assertion about this earlier, and the Taoiseach too, but it was actually Deputy Adams on the public record in this House who said that the Provisional IRA took actions in regard to abusers which involved keeping the crimes away from the authorities, and that the IRA dealt with it itself internally. He then kind of said, "Well, that was unfortunate but they had no alternative". They put forward the untruth that it was because of the RUC and all this kind of stuff.

If we go through all of the sequences and the commentary that has been made, there is a complete thread of inconsistency between what is said one week compared with what is said the next week. That is why the bona fides of what Deputy Adams says have to be questioned. It is very difficult to take them on board given his track record in response to these issues on an ongoing basis.

An Ceann Comhairle: Sorry, Deputy, I have to interrupt you for a minute. This is Question Time. I am in a very awkward position here. I understand the seriousness of the issues we are discussing but I cannot allow a situation where Question Time is being turned into a sort of semi-court and allegations are being made that I-----

Deputy Brian Stanley: It is a kangaroo court. A Fianna Fáil one.

An Ceann Comhairle: Please, Deputy. I cannot allow a situation where, during Question

Time, allegations are made, and they are allegations.

Deputy Micheál Martin: What allegations have I made?

An Ceann Comhairle: Allegations of various acts taking place. Just be careful, please, because it is extremely difficult to chair a situation like this and to try to be fair to everybody involved. That is all I am saying.

Deputy Peter Mathews: It is life.

Deputy Micheál Martin: I am just referring to the Dáil debate.

An Ceann Comhairle: Okay, but it is still Question Time. It is about asking questions and getting answers.

Deputy Micheál Martin: Yes, but the context of my question is the establishing of a mechanism to deal with this on the public record. This is not an allegation. I am not making an allegation at all in regard to this. Deputy Adams himself has said that this is the way the Provisional IRA dealt with these issues, and that it was unfortunate and that it was a pity it happened that way. He then tried to say it was because of the lack of policing at the time and all of that. In these cases, however, both in the Máiria Cahill case and the Paudie McGahon case, we are talking about much more recent times.

I put it to the Taoiseach that the reason a mechanism is required is that there is a lot of fear. These people who come forward have been afraid for a long time. They are afraid of the IRA and the IRA community. There is a palpable fear in terms of what might happen to them. We cannot dismiss that because it is just the reality, and we can hear it from the mouths of those who have been abused. There is an absence of trust, particularly when they have been through the kangaroo courts in regard to these issues. There is a fundamental fear and an absence of trust. Not everyone will come forward and the majority will not come forward for those reasons. They will say to themselves: "Leave well alone." It takes a particular type of courage and commitment to come forward, and it is the individuals themselves who make that decision. I want to stress that point. We know from other inquiries, however, that if mechanisms are created with confidential frameworks and so on, it is possible to get a better understanding of what happened.

I am under no illusions, despite what has been said, that Deputy Adams himself will be very well aware of the mechanisms and the procedures by which the IRA dealt with all of these issues, because he said it himself. He denies other things. I do not know if the Ceann Comhairle would say I am making allegations if I say that I know he was a former chief of staff of the IRA. It has been said.

An Ceann Comhairle: This is Question Time.

Deputy Micheál Martin: It just beggars belief that he would come forward here and pretend that he knows nothing about this-----

Deputy Brian Stanley: It is a Fianna Fáil kangaroo court.

Deputy Micheál Martin: -----or about the procedures or protocols, and so on. It just beggars belief. That is the point in regard to all of it. This is not something new. I think the Taoiseach needs to work with either the British Prime Minister or the Minister of Justice in Northern

Ireland in regard to facilitating victims coming forward to deal with these issues.

The Taoiseach: The Garda and the PSNI continue to carry out their investigations on these matters. I have no doubt about the allegations that were made. We know the cost of ignoring information brought by children or young people generally in this jurisdiction, and of ignoring the seriousness of the allegations that many of them have made. However, when there are criminal investigations going on into a number of these matters, both here and in Northern Ireland, it is complicated to have a process running parallel to that. These are criminal investigations. It is important that the courts are there to deal with the end of that particular investigative process and that people are brought before the courts to determine by judge and jury whether they are guilty of allegations made. To have a process mixed up in the middle of that at the moment is not the way I think this should happen.

I know the Deputy First Minister himself admitted in public he was a member of the IRA. The names that are mentioned here are well known to them. I do not know whether Deputy Adams has spoken to the person who is named as a public representative. If there is information that needs to be given to the PSNI or the Garda, then it should be. This is a very serious charge. It is also a very serious matter to say that a person was hauled before people to be questioned and a range of punishment options set out for them to become judge and jury themselves.

I agree with Deputy Martin. Imagine a young man being fearful of something like this. Can we imagine the difficulty there was and the challenge it was for a young woman to make the allegations in public that she made? Despite this, we find that she has been pressurised and contacted in the most vile ways as a consequence.

The Minister, Deputy Fitzgerald, and the Minister, Mr. Ford, have a very close working relationship in these matters, as have the PSNI and the Garda. I do not think any of us wants to interfere with the ongoing criminal investigative process, and I am quite sure it is a serious analysis by the PSNI and the Garda. I do not think I should put forward a view that, because this is proceeding, we should set up a process here. That investigative process is designed to lead to a conclusion that either there is validity or there is not, and, if there is, there are the court proceedings to follow. As I said during my reply to the Deputy First Minister, there need to be counselling services and support systems for victims of abuse in whatever community or wherever they come from. That is something that is dealt with bilaterally by the Minister for Justice and Equality, with the Minister in Northern Ireland, through the North-South Ministerial Council.

I can discuss this with Prime Minister Cameron, not on the individual cases but in terms of whether there is a mechanism through which we can deal with this, when criminal investigations cease, on the basis of support, encouragement, mentoring and protection. The courts are independent in the way they do their business and this would have to cross the two jurisdictions, but that should not prove to be an impossibility. I take what the Deputy said in the sense in which he said it. It is something that now seethes inside people. They find the courage, after all these years, to speak out. We have to devise a mechanism to support that courage and protect people, while at the same time allowing criminal investigations to take place so that the courts can do their duty whenever that become necessary. Deputy Adams might have something to add to that in the context of the public representative named or the matter to which Deputy Martin referred, namely, former members of the Provisional IRA.

Deputy Gerry Adams: If these issues were not so serious and if so many people's lives had

not been destroyed by what had occurred, the process of debate and discussion here would be a very educational one. The Fianna Fáil leader spoke about the IRA community, Sinn Féin-IRA, the IRA running Sinn Féin and so on and so forth. It is clear that, whatever affinity he may have with victims and survivors, he is using this to try to make political points against the party of which I am very pleased to be a part. He also misrepresented what I said in the Chamber. I acknowledged the failure of republicans, including the IRA, to deal with these issues properly, and for that I apologise, as Uachtarán Shinn Féin, because I think that is the right thing to do, especially as part of a process to face up to mistakes or failures and, in particular, to try to ensure that those mistakes and failures are not repeated.

The issue of abuse in our society is a significant one, to which we have not responded properly. We do not have the time to discuss these matters now. This is a very specific element of that, namely, those people who allegedly were abused by people who were purported to be IRA members. In my remarks I said I was assured by the local representatives who were contacted that they advised the victim, verbally and in writing, to go to the Garda Síochána. The Taoiseach went on to say, “Perhaps Deputy Adams knows more about this,” and so on.

We should not deliberately confuse these issues. If the perpetrator of abuse presents himself or herself, or if anybody has any information about that person, it is to be given to An Garda Síochána or the PSNI, and the abuser should be brought through the courts. There are no ifs or buts about that. A survivor or victim came forward and made an allegation, which is what prompted Martin McGuinness to write to the Taoiseach. The Taoiseach now says he is quite happy to talk to the Deputy First Minister about his proposal. He wrote to the Taoiseach in November, and wrote three times in total. He outlined in detail the types of idea that Deputy Martin spoke about earlier, namely, not getting involved in due process, criminal justice processes or what might be jurisdictional issues North and South. Why could the North-South Ministerial Council not have met? Why could the Taoiseach and those in the Executive not announce an all-Ireland process to encourage victims and survivors to come forward and to deal with support and mechanisms for all of them? God knows how many people are out there who did not go to anyone, or who went to the RUC, loyalist groups and political parties and were not dealt with properly. Without getting involved in jurisdictional or criminal justice issues, and in view of the fact that none of these issues are *sub judice*, we could announce that and tell people that confidential support and counselling mechanisms are in place. That would have been, and still is, the thing to do.

The Taoiseach needs to appreciate something about victims. Every time these cases are rehearsed, that traumatises other victims. For people like Paudie McGahon or Máiría Cahill to come forward is very courageous, but other people have no support mechanisms, particularly those coming from what was described earlier as a period of conflict in the North which may or may not have overlapped here.

I again put it to the Taoiseach that the proposal put was above and beyond party politics, was victim and survivor-centred and could be put together easily without impinging on any other mechanisms. We in Sinn Féin have talked to some victims’ and advocacy groups about this, and they continue to engage with us. They think it is a good idea that should be opened up in the way the Deputy First Minister has suggested. I strongly argue that this issue should have been prioritised. It should not have had to wait until someone came forward and a television programme was made or a journalist wrote a story.

The problem is that the Taoiseach made no substantive response to what the Deputy First

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Minister wrote to him about. I know good work is being done by both justice Ministers. I know, because I talk to them, that the PSNI and the Garda Síochána are co-operating on this and a range of other issues. When the Deputy First Minister writes to the Taoiseach about such an important issue, he at least deserves the benefit, courtesy and good manners of a substantive response. As I said in my earlier contribution to this discussion, if there is a better way of doing things, let us find that. That is our responsibility.

Whatever the failings of Sinn Féin in this matter, I am sure there are sexual abusers in all political parties, sectors of society, sporting organisations, churches, families and so on, and we have a responsibility to try to sort it out. When we reduce this particular issue to the type of soundbite-based invective being rehearsed here without any substantial evidence to support it, we let survivors and victims down.

I want to commend the proposal that has been put to the Taoiseach on four occasions in the past number of months and ask for it to be considered. I am repeating myself, but I listened very intently to what the Taoiseach said. This issue must not get confused with policing, judicial and justice matters. Rather, we need to send a very clear signal that, whatever about the sins of the past, the Executive at Stormont and the Government have put together mechanisms to help those who have been let down in the past, including, as I have acknowledged, those let down by republicans.

The Taoiseach: The signal we need here is that everybody should-----

Deputy Micheál Martin: Paudie McGahon is very clear in saying there were deliberate attempts to encourage him not to go near the Garda. He was very clear about that.

The Taoiseach: The clearest thing to come from this is that people should co-operate. Sexual abusers cannot be tolerated-----

Deputy Gerry Adams: Absolutely.

The Taoiseach: -----and should be subject to the law of the land.

Deputy Michael Healy-Rae: Hear, hear.

The Taoiseach: That is irrespective of who they are or where this comes from. The Deputy made the point that nothing was done after the Deputy First Minister wrote to me. It has been made perfectly clear on quite a number of occasions that these criminal investigations are being followed through and all of the allegations made are being investigated. If there is new information, that should be given to the PSNI or the Garda. The Minister for Justice and Equality sat down with the Northern Ireland Minister of Justice, Mr. David Ford, in Dublin two weeks ago and reviewed all of these cases.

Deputy Gerry Adams: I know all that.

The Taoiseach: They did not discuss the detail of this latest case. When the Deputy says the public representative involved advised the person, face to face and in writing, to make a complaint to the Garda, it is a very long way from what the person who was abused said, which was that what was arranged was a process to punish the alleged abuser and bring the person who was abused in front of a number of republican personnel who wanted to ask questions about it. They gave that person a number of options: they could either kill the alleged perpetrator or have him exiled. That is a very long way from saying "I am telling you, face to face, to bring this to

the attention of the Garda and I will advise you now in writing to do the same thing.”

If a councillor from my party was involved in something like this-----

Deputy Robert Dowds: He would be gone.

Deputy Gerry Adams: I presume the Taoiseach would want some evidence.

The Taoiseach: I am just making the point that the person who was abused-----

Deputy Gerry Adams: I understand that.

The Taoiseach: -----said that when he brought it to the attention of a Sinn Féin public representative, a process was arranged to bring the relevant person before a kangaroo court to be asked questions by named people and the witnesses to that. The options given to the person who was abused were that the alleged perpetrator would be killed or exiled.

Deputy Gerry Adams: The Taoiseach has the response of the Sinn Féin representative.

The Taoiseach: No, I do not. I am not prejudging the events in the television programme.

Deputy Gerry Adams: So the Taoiseach is not prejudging it?

The Taoiseach: I am not. This is what the person has said. The Deputy, who is the leader of his party, has stated that the person who was abused was told, face to face and in writing, that he should bring his complaint to the Garda, which he did in October 2014. There are supports available for people North and South who are victims of sexual abuse.

Deputy Gerry Adams: They are not good enough.

The Taoiseach: They work as well as can be. There is co-operation between the PSNI and the Garda. There was a recent review of these cases between the Minister for Justice and Equality here and the Minister of Justice in Northern Ireland, David Ford. There is the independent investigation of the Ombudsman and the Director of Public Prosecutions for Northern Ireland, as well as Tusla here. The Departments work well together. The big issue here is that another kangaroo court was operational in the early 2000s, some ten, 12 or 14 years ago. That is what happened. As Deputy Martin pointed out, how many more are out there who are terrified?

Deputy Gerry Adams: That is why the process is needed.

The Taoiseach: The process has to be independent of the court proceedings. One cannot have an amnesty on sexual abuse.

Deputy Gerry Adams: Nobody is suggesting that at all.

The Taoiseach: There cannot be a situation like that. The perpetrators of this kind of crime need to be brought before the courts of the land, North and South.

Deputy Gerry Adams: We agree on that.

Deputy Micheál Martin: Why did you give them an amnesty for so long?

Deputy Brian Stanley: Deputy Martin is not a judge.

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The Taoiseach: If the allegation made stands up, that is not what was offered to a victim of abuse who came forward and made a formal complaint to the Garda.

Deputy Gerry Adams: What about the Deputy First Minister's proposal?

Deputy Micheál Martin: That is just to dilute your culpability.

An Ceann Comhairle: Deputies, please speak through the Chair.

The Taoiseach: A process was proposed to support victims of abuse in all communities. That is happening with the supports available North and South. There was a proposal to ensure greater access to counselling and other support for victims. That applies North and South at the moment. There was a proposal to facilitate victims and survivors in accessing the justice system and making official complaints. That happens, and the process is there. It is the outcome of the process that is of concern to us, specifically if people who use the process to make an official complaint are pressurised and named-----

Deputy Micheál Martin: Used.

The Taoiseach: -----or taunted in so many different ways. The First Minister asked for those three actions and they are already happening. Beyond that, the Minister for Justice and Equality regularly reviews with the Northern Ireland Minister of Justice the ongoing criminal investigations into these allegations. All of them are being investigated. It is not the case that nothing is happening. The process that the Deputy First Minister sought is already in place, but it is not a formal end of the North-South Ministerial Council and is dealt with bilaterally. It is about how to put in place some facility, if not a structure, to expand beyond the current arrangement whereby the two Ministers discuss these issues on a regular basis with the Garda and PSNI, along with the independent investigations that are taking place. I am not sure what more he refers to that can actually happen, when there is support, counselling and so on North and South.

As far as we can be aware, there are significant numbers of other people in Northern Ireland who have this information that needs to be brought out, and they are terrified that the same thing will happen to them. In other words, if they speak, they might find themselves on a lonely road or whatever. That is not acceptable in any circumstances, no matter what organisation those people were members of - the republican movement, the provisional IRA, or any party.

I do not have a difficulty saying to the British Prime Minister, Mr. Cameron, or the North-South Ministerial Council what else we in this jurisdiction and in Northern Ireland can do beyond what is being sought by the Deputy First Minister, which is already in place. I do not want to prejudge the outcome of comments made or the response given by Sinn Féin public representatives or others who speak on their behalf on a television programme to be transmitted this evening. It is a matter of the most serious concern and one that should not be conditional on what we must do.

Deputy Micheál Martin: There are organisations that have information which could be useful.

Deputy Gerry Adams: May I make a brief response?

An Ceann Comhairle: There is a minute left.

Deputy Gerry Adams: I will make a brief point. We are agreed that people should be subject to due process and that the Garda Síochána and PSNI should deal with the issue. We are agreed that people should have more counselling and so on.

Deputy Micheál Martin: Since when are we all agreed on that?

Deputy Robert Dowds: The Deputy's party has agreed to that because it is under pressure.

Deputy Gerry Adams: I do not understand why the Taoiseach did not make a substantive response to the Deputy First Minister and why he cannot embrace this proposal in order to put it on the agenda of the next North-South Ministerial Council.

The Taoiseach: I will tell the Deputy what he should do. He is the leader and president of his party. The Deputy First Minister is an admitted former member of the IRA. The Deputy and he could issue very straight statements to followers of their party or people who they know were members of the provisional IRA about these matters.

Deputy Gerry Adams: We have done so.

An Ceann Comhairle: The time is up.

The Taoiseach: They will take a response from the Deputy.

An Ceann Comhairle: We have had a good innings.

Deputy Micheál Martin: The McGuinness approach has been to dilute republican culpability in this. The McGuinness formula is a con job in many respects.

The Taoiseach: Those things are already happening.

Deputy Micheál Martin: There must be a specific forum and mechanism.

An Ceann Comhairle: That completes Question Time for today.

Deputy Micheál Martin: The strategy of Sinn Féin has always been-----

An Ceann Comhairle: This is Question Time.

Deputy Micheál Martin: -----to bury what it does not like from the past. It is selective in what it wants interrogated about the past.

An Ceann Comhairle: Please resume your seat.

Deputy Micheál Martin: That is what Sinn Féin has always been about.

Deputy Robert Dowds: Hear, hear.

The Taoiseach: Deputy Adams should speak out on this now.

An Ceann Comhairle: Question Time is finished. The bell is ringing for the Order of Business.

Deputy Brian Stanley: Deputy Martin is thinking about the by-election in Carlow-Kilkenny.

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The Taoiseach: The Deputy can do more.

Deputy Brian Stanley: It is the only thing in his nut.

An Ceann Comhairle: What did the Deputy say? Does he have a problem?

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 6, Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 - Order for Second Stage and Second Stage, to adjourn after two hours if not previously concluded; and No. 6a, Misuse of Drugs (Amendment) Bill 2015 - Order for Second Stage, Second and Remaining Stages. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn on the conclusion of No. 6a; the following arrangements shall apply in relation to No. 6: 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 shall not exceed ten minutes in each case and such Members may share their time, and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; the Second and Remaining Stages of No. 6a shall be taken tonight and shall, if not previously concluded, be brought to a conclusion after three hours and the following arrangements shall apply: the proceedings on the Second Stage shall, if not previously concluded, be brought to a conclusion after two hours, 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 20 minutes in each case and such Members may share their time, the speech of each other Member called upon shall not exceed ten minutes in each case and such Members may share their time, and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after one hour tonight by one question which shall be put from the Chair, and which shall, in relation to amendments, include only those set down or accepted by the Minister for Health; and Private Members' business, which shall be No. 70, Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014 – Second Stage, shall not be taken today and shall be taken at 6.30 p.m. tomorrow evening and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after three hours on that day.

Tomorrow's business after Oral Questions shall be No. 6, Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 - Second and Remaining Stages (resumed); and No. a11, motion re Statement for Information of Voters in relation to the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015. It is proposed, notwithstanding anything in Standing Orders, that No. a11 shall be taken on the conclusion of No. 6 and shall be decided without debate.

An Ceann Comhairle: There are five proposals to be put to the House. Is the proposal for dealing with the late sitting agreed to? Agreed. Is the proposal for dealing with No. 6, Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015, agreed to? Agreed. Is the proposal for dealing with No. 6a, Second and Remaining Stages of the Misuse of Drugs

(Amendment) Bill 2015, agreed to? Agreed. Is the proposal for dealing with Private Members' business tomorrow agreed to? Agreed. Is the proposal for dealing with No. 11, motion re Statement for Information of Voters in relation to the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015, without debate, tomorrow agreed to? Agreed.

I thank the Whips for agreeing to all of that under the circumstances. It is the right way to do business.

Deputy Michael Healy-Rae: And the Independents also. Do not forget us.

The Taoiseach: I thank the Members opposite for the agreement they have reached in regard to the health Bill.

Deputy Micheál Martin: Will the Taoiseach give Government time to discuss a very important matter, the right of the Oireachtas and the public to hear about the circumstances surrounding the removal of the former Garda Commissioner? It has been 12 months since the Dáil was advised that this was to be the subject of a commission of investigation, along with other terms of reference dealing with telephone recordings in An Garda Síochána and the Joint Committee on Justice, Defence and Equality asked that the matter would be dealt with in eight weeks and in public. We have seen a variety of media reports and selective leaks to certain media outlets about what is going on in respect of conflicting evidence from senior civil servants and witnesses, and the letter that emanated from the chairman of the tribunal to the Taoiseach some weeks back. It took six weeks to put the interim report on procedural matters on the web. It is completely unacceptable that we have been kept in the dark for so long on a matter of such public importance. This could have been dealt with if, from day one, the Taoiseach had given straight answers to some questions on Leaders' Questions in the Dáil. The Taoiseach should make a statement to the House on this issue. I ask him to give Government time to statements on why a Garda Commissioner had to resign and the circumstances surrounding his departure. It is unacceptable that we have been kept in the dark for a full 12 months and are likely to be kept in the dark for an indefinite time.

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

Deputy Micheál Martin: I am sure the Taoiseach would agree that is entirely unsatisfactory. Commissions of inquiry were never intended to keep basic truths from the public.

Can the Taoiseach confirm the wording for the Irish language version of the marriage equality amendment to the Constitution? I thought there would be a statement to the House on that issue. It was the subject of correspondence from Bruce Arnold among others. My understanding is that the Government is disposed to change the Irish language version. Could the Taoiseach outline how the Government got that wrong at the outset, its implications and the need to remedy the wording?

The Taoiseach: In regard to the latter matter, the Government, at its meeting on 21 January, agreed the text of the proposed wording in English of the Thirty-fourth amendment. That text was subsequently translated into Gaeilge by the Rannóg an Aistriúcháin, which is the translation service in the Oireachtas, and included in the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015. Some questions have been raised publicly regarding the Irish version of the text. The Minister for Justice and Equality and the Attorney General examined that issue with the support of Rannóg an Aistriúcháin and legal and linguistic experts. Their view is that the Irish version as produced is robust and encompasses a right to marry for both

opposite-sex couples and same-sex couples.

The Government, however, does not wish the Irish wording, as opposed to the key question in the referendum, to be the focus of any debate in the referendum campaign and in the interests of ensuring absolute clarity as to the intended effect of the amendment, it decided to amend the Irish wording and replace it with a more literal translation of the English wording. An Rannóg an Aistriúcháin has worked on a new wording. Its recommendation, which the Government accepted, is that the revised Irish wording should be: “Féadfaidh beirt, gan beann ar a ngnéas, conradh pósta a dhéanamh de réir dlí.” This is a more literal translation of the English wording, which is: “Marriage may be contracted in accordance with law by two persons without distinction as to their sex.” The Minister will introduce the proposed wording as a Committee Stage amendment to the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 tomorrow. That amendment, if approved by the people, would be inserted into Article 41 of the Constitution as Article 41.4. No changes are proposed to the existing provisions of that article.

In response to the Deputy’s first question, I do not propose to do that.

Deputy Michael Healy-Rae: The new job.

The Taoiseach: I have already answered questions here on this.

Deputy Micheál Martin: No, the Taoiseach has not.

The Taoiseach: The Fennelly commission was set up following information about extensive recordings made of members of the public in telephone calls to Garda stations over many years. Subsequent to its being set up, the Oireachtas committee dealing with matters relevant to justice, which includes members of the Deputy’s party-----

Deputy Micheál Martin: The Taoiseach should stop trying to abuse the committee.

An Ceann Comhairle: This is not a matter for the Order for Business but I am being tolerant.

The Taoiseach: -----recommended unanimously that the commission also be allowed to review and investigate the matters the Deputy mentions.

5 o’clock

The Deputy sat on this side of the House when the legislation went through and he will be aware that it is illegal for somebody to comment on matters relevant to a commission of investigation.

Deputy Micheál Martin: It is not illegal for the Taoiseach to comment.

The Taoiseach: I have absolute faith in Mr. Justice Fennelly and in his integrity to do the job given to him by the Government. Deputy Martin should withdraw his comments, which have undermined the integrity of the commission he heads up by suggesting he should do certain things. That is beyond the Deputy’s remit and certainly beyond mine.

Deputy Micheál Martin: Rubbish. What is the Taoiseach talking about? What propaganda is he putting forward now? His spin doctor has spun that.

The Taoiseach: Mr. Justice Fennelly should be allowed to do his job.

An Ceann Comhairle: We have had a good innings on this matter. This is not in order.

Deputy Micheál Martin: The Taoiseach should have answered questions in the Dáil in a very simple manner but he refused.

Deputy Michael Healy-Rae: The Taoiseach is saving it for after the next election.

An Ceann Comhairle: We do not need any help from Deputy Healy-Rae.

Deputy Micheál Martin: It is some democratic revolution. He obfuscates and he hid behind the truth.

An Ceann Comhairle: The Deputy should calm down.

Deputy Gerry Adams: I have three cheist. The first is on the prisons Bill, in which Deputy Durkan also has an interest.

Deputy Bernard J. Durkan: We have a mutual interest.

Deputy Gerry Adams: The second is on a review of the fair deal system and the third is on promised insolvency legislation. In November the inspector of prisons, Mr. Justice Reilly, said:

Prisoners forfeit their rights to freedom. That is all they forfeit. They are entitled to all other rights and privileges that you and I enjoy.

We have 300 prisoners on lockdown for at least 19 hours and some on a 23 hour lockdown. Some 304 prisoners still have to slop out from their cells and, for a brief time, that included five women who were arrested and imprisoned for non-payment of fines including fines relating to the television licence. When will the prisons Bill be published to bring the penal regime here into line with human rights and UN practice?

The Minister of State at the Department of Health, Deputy Kathleen Lynch, said last week that the review of the fair deal system was on the Secretary General's desk. The programme for Government contained a commitment to provide additional funding each year for the care of older people and it is very clear from the crisis in our hospital system that not only do older people deserve this, it would also assist in freeing up hospital beds. The Minister said there was a €30 million gap in funding so can we have a definitive timeframe for when this review will be published? Will the Government allocate time to debate it?

The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, said the promised insolvency legislation would have to be changed. He said banks must be forced to engage in insolvency arrangements and the Government had to act. We all know about the huge increase in people who are subjected to intimidation during repossession actions by the banks and the Government has encouraged this because there is not enough legislative protection. If the Minister is heralding the fact that he is going to put in protections and take away the veto the Government have given to the banks, that would be a very good move. When does the Government intend to amend the legislation and will there be Government time to discuss it?

The Taoiseach: I can confirm preliminary work is under way in respect of the prisons Bill though I cannot give a date for when it will be published. The review of the fair deal is still with the Minister for Health. There will be time to debate it when he publishes it and I understand

that is not too far away.

I have already answered questions on distressed mortgages today. This will be the subject of a number of measures being brought forward by Government in April following a review of the personal insolvency agency and a range of other issues that have arisen. Some 100,000 cases have been settled effectively and satisfactorily but there are 37,000 cases out there where we need to take some further action and Government will deal with that in April, when there will be an opportunity for Members to discuss it.

Deputy Denis Naughten: I have questions on two pieces of promised legislation. Last week the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, announced that he would reform the planning laws relating to one-off family homes. Is this a promise to bring in primary or secondary legislation? What is the timeline?

It has been disclosed today that 400 convicted rapists and paedophiles in the UK have gone missing, three of them in Northern Ireland where the PSNI is looking for them. It is likely that some are in this jurisdiction. Back in 2009 the then Minister for Justice, Deputy Dermot Ahern, told the House that the failure to modernise our sex offenders' law would lead to Ireland becoming a safe haven for convicted sex offenders. What is the timeline for the criminal justice (sex offenders) Bill? In light of the fact that we have already approved Second Stage of the child sex offenders (information and monitoring) Bill, will the Minister fasttrack it through committee so that we can close off at least some of the gaping loopholes in our sex offenders' legislation to protect women, children and vulnerable adults from these sex offenders and any others who have gone AWOL?

The Taoiseach: Planning legislation for more than one-off houses is a matter for the local authorities, the planning offices and the planning appeals board.

Deputy Denis Naughten: The Minister promised a change in the law.

The Taoiseach: I think the Deputy is referring to the update of building regulations, which make it very costly. The Minister has done quite a bit of work on it and wants to make an intervention which will not affect the planning position of local authorities.

Deputy Denis Naughten: Is there a timeline? A lot of people have already started.

The Taoiseach: The Minister is anxious to move on it very quickly because the costs for people who get planning permission are pretty exorbitant.

The heads of the Bill on sex offenders were approved at Government level a year ago. A great deal of work has been done on it and it is being prioritised. I think it will be one of the first Bills to come in on the next session of the Dáil. As to whether it will be fasttracked through committee, pre-legislative hearings have been held but it will be a matter for the committee members how quickly they want to move it forward.

Deputy Bernard J. Durkan: On the issue raised by Deputy Gerry Adams, I am glad to hear it is proposed to introduce legislative change in the area of prisons. I wish to ask about two other pieces of legislation in this area. Quite a number of people are being threatened with repossession of their homes, many of whom have continuously made the maximum payments they could afford over the past five or six years. Resolution does not mean the same for everybody as in many cases what appears to be resolution is actually repossession, which means

unfortunate people being put out of their homes. In the context of unregulated third parties who bought distressed loan books, is it possible that a distinction can be made so that they are brought within the rigours of our regulations and so that they do not pursue people on the basis of a quick fix, having bought the loanbook at a reduced rate to capitalise on the unfortunate situation people are in?

I believe it is necessary to bring banking consolidation Bill before the House as a matter of urgency in this context.

The Taoiseach: I do not have a date for the banking consolidation Bill. It is a complicated Bill on which work is ongoing. The Bill on unregulated third party loans which have been bought is awaiting Committee Stage and it is a priority for Government. I agree with the Deputy that a solution for one is not a solution for another.

Deputy James Bannon: Our national monuments are an important part of our heritage and indeed our tourism industry. They are the glue that keeps communities together and they give places a sense of identity. I am sure everybody in this House is aware of heritage horrors that have occurred in their parish, community or region. When can we expect the national monuments Bill to come before the House? What is the situation with the heritage amendment Bill, which will have elements that will give each local area its identity?

The Taoiseach: They are two important Bills. I can inform the Deputy that I have spoken to the Minister for Arts, Heritage and the Gaeltacht and the Office of Public Works about this, and both of these Bills are expected later this year.

Deputy Peter Mathews: In regard to the Land and Conveyancing Law Reform Bill, when will the ministerial orders and regulations be brought in? I wish to be specific and pragmatic. It does not give me any pleasure to say this, but the Misuse of Drugs (Amendment) Bill is coming into the House as rushed legislation. Last Friday we had Deputy Michael McGrath's very worthy Bill, which addresses the issue of the 40,000 mortgage home loans that are in distress. That number equates to three Aviva stadiums full of human beings in deep human distress.

An Ceann Comhairle: Deputy, we cannot discuss that.

Deputy Peter Mathews: A Cheann Comhairle-----

An Ceann Comhairle: We cannot discuss a Bill that has now been put to the House.

Deputy Peter Mathews: The Land and Conveyancing Law Reform Bill, coupled with the insolvency legislation, have been an abject failure in dealing with the problem that has been highlighted in red and orange lights since 9 March 2011. The Taoiseach might ask how I know that. I know it because I was one of the people who said that to him. Will he please address this tsunami? We are in our offices with green paper and yellow paper-----

An Ceann Comhairle: Deputy, please.

Deputy Peter Mathews: -----coming at us like a blizzard, and different ministerial sections of different Departments are coming at us such that we cannot even think and measure the problem. We will not solve a problem unless we understand the cause.

An Ceann Comhairle: Deputy, we cannot discuss this on the Order of Business. The Deputy should table a Topical Issue matter and I will consider it.

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Deputy Peter Mathews: The banking inquiry is taking place down in a committee room at present, but this is the banking inquiry that needs to be solved - the 40,000 mortgages that are-----

An Ceann Comhairle: Thank you, Deputy. Will you resume your seat?

Deputy Peter Mathews: -----staring us in the face.

An Ceann Comhairle: Thank you, Deputy.

Deputy Peter Mathews: All we have to do is to take Deputy Michael McGrath's Bill and Deputy Willie Penrose's suggestion, merge the two of them and get them through this week.

An Ceann Comhairle: Deputy, I will not ask you again. Will you please adhere to direction of the Chair?

Deputy Peter Mathews: It would be better legislation than these two items that have failed.

An Ceann Comhairle: Will the Deputy stop his display in the Chamber?

Deputy Peter Mathews: I am only telling the Ceann Comhairle the reality. The Taoiseach has been let down by the people who should have been doing their jobs, but they have not done so.

An Ceann Comhairle: Deputy, will you show some respect to the Chair and sit down?

Deputy Peter Mathews: The Ceann Comhairle is always telling me to sit down.

An Ceann Comhairle: Will you sit down? You are out of order.

Deputy Peter Mathews: I am helping the Taoiseach. I am bringing to his attention things that need to be done.

An Ceann Comhairle: Not on the Order of Business. Will the Deputy please sit down?

Deputy Peter Mathews: I do not enjoy doing this.

An Ceann Comhairle: Will the Taoiseach answer the Deputy's first question?

Deputy Peter Mathews: I ask the Taoiseach if we could have a quick turnaround-----

An Ceann Comhairle: If the Deputy does not resume his seat, I will have to ask him to leave the House.

Deputy Peter Mathews: -----and a commitment to take Deputy Willie Penrose's Bill and-----

An Ceann Comhairle: Will the Deputy please resume his seat?

Deputy Peter Mathews: -----Deputy Michael McGrath's Bill forward this week.

An Ceann Comhairle: I will not call the Deputy again if he behaves in this way. I assure him of that.

Deputy Peter Mathews: I do not enjoy doing this.

An Ceann Comhairle: Well, you should not do it. You could put down a Topical Issue matter. Sit down, please.

Deputy Peter Mathews: Excuse me. May I stand up for a moment?

An Ceann Comhairle: Will the Deputy please resume his seat?

Deputy Peter Mathews: May I speak in a moment?

An Ceann Comhairle: No. Resume your seat.

Deputy Peter Mathews: I want to ask a question.

An Ceann Comhairle: In future, if the Deputy wishes to raise an issue, I ask him to do as everybody else does and submit a request to raise a matter as a Topical Issue, not on the Order of Business.

Deputy Peter Mathews: I have tabled Topical Issue matters previously and they have not been selected.

An Ceann Comhairle: Thank you. I call the Taoiseach.

The Taoiseach: The Land and Conveyancing Bill was passed in July 2013.

Deputy Mattie McGrath: The eviction Bill.

The Taoiseach: The question of the insolvency issue is one that will be dealt with in April-----

Deputy Mattie McGrath: On 1 April, I would say.

The Taoiseach: -----with a number of other measures being brought forward by the Government. I dealt with this issue this morning. I will point out for Deputy Mathews that 115,000 mortgage accounts were classified as restructured at the end of 2014.

Deputy Peter Mathews: With respect, that is absolute rot.

An Ceann Comhairle: Deputy, will you please resume your seat?

Deputy Peter Mathews: I have been involved in-----

The Taoiseach: Each of these is now in a satisfactory position-----

An Ceann Comhairle: Deputy, will you please leave the House?

Deputy Peter Mathews: Certainly.

An Ceann Comhairle: Thank you.

The Taoiseach: -----and 30,000 accounts were restructured in 2014.

Deputy Patrick O'Donovan: The Deputy will get covered on Vincent Browne's show tonight.

The Taoiseach: In regard to the taking of the Misuse of Drugs (Amendment) Bill, the rea-

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son is that the Court of Appeal struck down the protection given by ministerial direction for certain drugs to have them declared illegal. That now requires primary legislation, which must be dealt with this evening and tomorrow in the Seanad.

Deputy Paul Kehoe: We have peace at last.

Deputy Michael Healy-Rae: With regard to tenants of local authority houses - I have raised this matter here on a number of occasions-----

An Ceann Comhairle: To what Bill is the Deputy referring?

Deputy Michael Healy-Rae: The Government has made a commitment-----

An Ceann Comhairle: What Bill is it?

Deputy Michael Healy-Rae: -----to introduce a mechanism whereby the tenants of local authority houses may purchase their homes. The Government is to send a directive to local authorities stating the scheme that will be put in place. Has the Minister with responsibility for housing done any work on this since I raised it here previously?

An Ceann Comhairle: The tenant purchase scheme.

The Taoiseach: From time to time, the Department of the Environment, Community and Local Government offers tenant purchase agreements. This has been raised by a number of Deputies in the past number of months. I will advise the Deputy of what progress, if any, has been made by the Department in putting together a tenant purchase agreement, if that is what the Minister proposes to bring to the Government. A good deal of work is going on there.

Deputy Michael Healy-Rae: It is a very serious matter.

Deputy Robert Troy: To follow up on what Deputy Mathews said about the-----

An Ceann Comhairle: No, please do not. To what Bill is the Deputy referring?

Deputy Robert Troy: -----personal insolvency legislation-----

An Ceann Comhairle: You cannot go into that.

Deputy Robert Troy: I am not going into it. Countless numbers of people are before the court who are due to have their homes repossessed. The Taoiseach and Ministers have conceded that the personal insolvency legislation-----

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

Deputy Robert Troy: -----is not working as promised. When will the Government confirm that 37,500 people are in arrears of two years or more and run a real risk of having their homes repossessed? Can the Taoiseach confirm when comprehensive legislation will be brought forward to remove the banks' veto and ensure that people are protected?

I have raised the mobility allowance on numerous occasions, and on each occasion the Taoiseach said it was not precluded to those who are currently availing of the scheme, which is true-----

An Ceann Comhairle: Only three minutes remain and other Deputies are offering.

Deputy Robert Troy: -----but it is precluded to new entrants. When will the new mobility allowance be introduced so that new entrants who have a serious disability will be able to avail of the new scheme?

The Taoiseach: For the fifth time today I say that the Government will bring forward a number of measures in regard to mortgages in distress in the month of April - that is, next month. The mobility allowance situation is a work in progress, and it will be later this year when something is published.

Deputy Seán Ó Fearghail: This is National Brain Awareness Week. The Taoiseach is probably conscious of that. In the context of the health information Bill, I wish to ask the Taoiseach about the neurological charities. This time last year their funding was to be cut. The Minister, Deputy Kelly, then announced an extension, saying they were to have funding up to the middle of this year.

An Ceann Comhairle: The Deputy knows that is not in order.

Deputy Seán Ó Fearghail: It is in the context of the health information Bill.

An Ceann Comhairle: Thank you.

Deputy Seán Ó Fearghail: Two reviews have been carried out in the intervening period. Can the Taoiseach tell us when we will know the outcome of those reviews, and can organisations such as the Neurological Alliance of Ireland be guaranteed funding into the future?

The Taoiseach: I understand it will be later this year. I do not know the date of publication of the two reviews, but I will advise the Deputy.

Deputy Mattie McGrath: I do not want to repeat myself-----

An Ceann Comhairle: Good.

Deputy Mattie McGrath: -----by asking the Taoiseach a question six times. I will ask it in a slí eile. Will he introduce legislation-----

An Ceann Comhairle: Is it promised legislation?

Deputy Mattie McGrath: Yes.

An Ceann Comhairle: The Deputy knows as well as I do that it is only promised legislation he can ask about.

Deputy Mattie McGrath: Thóg mé ón leabhar é, ón programme. Tá sé anseo. I have it here. I got it out of the book, the promised land. It is the Consumer Protection (Regulation of Credit Servicing Firms) Bill. If we had some of that regulation we would not have half the shenanigans that are going on, with the banks threatening and intimidating people. With that legislation, they would have to behave.

An Ceann Comhairle: We have been through that.

Deputy Mattie McGrath: It is very important, because 47 cases are listed for Clonmel court this week.

On the judicial council Bill, I ask that we put some mechanism in place to allow appeals to

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be heard against decisions, so that if there are injustices, something would be done. It is fine for the Taoiseach to say he will bring forward many measures. These are legislative measures that are promised in the programme for Government.

An Ceann Comhairle: Thank you. The Deputy has made his point.

Deputy Mattie McGrath: They are in this current programme, but we do not see any sign of them.

The Taoiseach: Maidir leis an gcéad ceann, tá sé sin os comhair an choiste faoi láthair. Tá an obair sin ar siúl. Maidir leis an dara ceann, an chomhairle faoi na breithiúna, beidh sin ag teacht isteach an seisiún seo.

Deputy Mattie McGrath: Go raibh maith agat.

Deputy Martin Heydon: I wish to ask the Taoiseach about the landlord and tenant Bill and the need to reform and consolidate the law around landlords and tenants, particularly at this time, when there is significant pressure for those who are renting and also for landlords, some of whom are in difficult circumstances.

I believe the Horse Racing Ireland (amendment) Bill is due to be introduced in this session. It had been hoped it would be introduced before now, but I am hopeful that it will be introduced in this session.

The Taoiseach: The Horse Racing Ireland (amendment) Bill will be dealt with in this session. In regard to the landlord and tenant Bill, discussions and conversations are going on between the Minister, the Department and the associations about this. I cannot give the Deputy a date for its publication, but work on it is ongoing.

An Bille um an gCeathrú Leasú is Tríocha ar an mBunreacht (Neodracht) 2013: An Dara Céim (Atógáil) [Comhaltaí Príobháideacha]

Thirty-fourth Amendment to the Constitution (Neutrality) Bill 2013: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: On Friday, 6 March 2015, on the question, “That the Bill be now read a Second Time”, a division was claimed and in accordance with Standing Order 117(1)(a), that division must be taken now.

Cuireadh an cheist.

Question put:

<i>The Dáil divided: Tá, 25; Níl, 85.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Bannon, James.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barry, Tom.</i>
<i>Broughan, Thomas P.</i>	<i>Bruton, Richard.</i>

<i>Collins, Joan.</i>	<i>Butler, Ray.</i>
<i>Colreavy, Michael.</i>	<i>Buttimer, Jerry.</i>
<i>Coppinger, Ruth.</i>	<i>Byrne, Catherine.</i>
<i>Crowe, Seán.</i>	<i>Byrne, Eric.</i>
<i>Fitzmaurice, Michael.</i>	<i>Calleary, Dara.</i>
<i>Fleming, Tom.</i>	<i>Collins, Niall.</i>
<i>Halligan, John.</i>	<i>Conaghan, Michael.</i>
<i>Healy, Seamus.</i>	<i>Conlan, Seán.</i>
<i>McDonald, Mary Lou.</i>	<i>Conway, Ciara.</i>
<i>McGrath, Finian.</i>	<i>Coonan, Noel.</i>
<i>McLellan, Sandra.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Murphy, Catherine.</i>	<i>Costello, Joe.</i>
<i>Murphy, Paul.</i>	<i>Coveney, Simon.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Cowen, Barry.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Creed, Michael.</i>
<i>O'Brien, Jonathan.</i>	<i>Daly, Jim.</i>
<i>O'Sullivan, Maureen.</i>	<i>Deenihan, Jimmy.</i>
<i>Pringle, Thomas.</i>	<i>Deering, Pat.</i>
<i>Ross, Shane.</i>	<i>Doherty, Regina.</i>
<i>Shortall, Róisín.</i>	<i>Donnelly, Stephen S.</i>
<i>Stanley, Brian.</i>	<i>Dooley, Timmy.</i>
<i>Tóibín, Peadar.</i>	<i>Dowds, Robert.</i>
	<i>Doyle, Andrew.</i>
	<i>Durkan, Bernard J.</i>
	<i>Farrell, Alan.</i>
	<i>Feighan, Frank.</i>
	<i>Fitzgerald, Frances.</i>
	<i>Fitzpatrick, Peter.</i>
	<i>Flanagan, Charles.</i>
	<i>Flanagan, Terence.</i>
	<i>Hannigan, Dominic.</i>
	<i>Harrington, Noel.</i>
	<i>Heydon, Martin.</i>
	<i>Humphreys, Kevin.</i>
	<i>Keating, Derek.</i>
	<i>Kehoe, Paul.</i>
	<i>Kelleher, Billy.</i>
	<i>Kelly, Alan.</i>
	<i>Kenny, Enda.</i>
	<i>Kenny, Seán.</i>
	<i>Kirk, Seamus.</i>
	<i>Kitt, Michael P.</i>
	<i>Kyne, Seán.</i>

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	<i>Lawlor, Anthony.</i>
	<i>Lynch, Kathleen.</i>
	<i>Lyons, John.</i>
	<i>McCarthy, Michael.</i>
	<i>McConalogue, Charlie.</i>
	<i>McEntee, Helen.</i>
	<i>McFadden, Gabrielle.</i>
	<i>McGinley, Dinny.</i>
	<i>McGrath, Mattie.</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Moynihan, Michael.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>
	<i>Naughten, Denis.</i>
	<i>Neville, Dan.</i>
	<i>Ó Cuív, Éamon.</i>
	<i>Ó Fearghail, Seán.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Mahony, John.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Penrose, Willie.</i>
	<i>Quinn, Ruairí.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Shatter, Alan.</i>
	<i>Smith, Brendan.</i>
	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Troy, Robert.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>

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

Question declared lost.

Faisnéiseadh go rabhthas tar éis diúltú don cheist.

Topical Issue Debate

Litter Pollution

Deputy Michael P. Kitt: I thank the Minister for coming to the House.

I was hoping to produce a chewing gum levy Bill but it appears that under Standing Orders I am not allowed to do so. In fact, it can only be done by a member of Government. I thought it was something that could be done by a member of the Opposition. As a result, I must raise this by way of Topical Issue, and I am glad to do so.

It is also disappointing that it proves difficult when one tries to get information on the sums spent on dealing with litter. I tabled a parliamentary question to the Minister last December to try to ascertain the individual sums spent on removing litter generally and chewing gum from the roads and footpaths in various counties and local authority areas, but that information is not available in the Department as it does not collect detailed information. I did get an answer, however, from the Minister for 2003, when local authorities spent in excess of €82 million on street-cleaning activities. This shows there is quite an amount spent on removing litter and chewing gum.

I am aware also that last year €841,000 was given to local authorities in anti-litter awareness grants. In fact, the figure for Galway City Council was €33,000 and for Galway County Council, it was €25,500. Obviously, there is a big issue in dealing with the various types of litter on the streets and footpaths. The most common types of litter are chewing gum, cigarette butts, fast-food wrappers, plastic bottles, plastic bags and cans. The litter I am addressing in my few short minutes is chewing gum. I saw figures for the Dublin city area where there is a real problem with chewing gum being thrown on the streets and footpaths. In 2013, in the O'Connell Street to Grafton Street area monitored by the Department, €83,000 was spent on removing chewing gum litter in 2013.

I was hoping a levy would be imposed on manufacturers that would raise funds to remove the litter from public roads and footpaths. Failing that, I understand that there was to be a meeting of all the major stakeholders - the manufacturers and the local authorities - to come to an arrangement where the manufacturers would contribute towards removing chewing gum. There was agreement in the past that there would be advertising campaigns but we must do much more than that. We must get funding from the manufacturers. The other issue that arose in discussions was the question of a biodegradable product that would ensure we would not have the difficulty in removing such a product.

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I hope the Minister can give me some indication of the state of play. Needless to say, the Minister, Deputy Kelly, is the fourth Minister with whom I have raised this issue. I have not had much success with other Ministers and I hope he might be able to give me an update on what is happening at present.

Minister for the Environment, Community and Local Government (Deputy Alan Kelly): As the fourth Minister, I might give Deputy Kitt a slightly different answer.

On foot of the success of the plastic bag levy, my Department commissioned a study on the possible extension of environmental levies to other materials that are problematic from a litter perspective. With regard to chewing gum, the study recommended that either a levy on sales be put in place or that a negotiated agreement be entered into with the sector. However, unlike the use of plastic bags, the Government has no desire to curtail the use of chewing gum. What the Government wants to do is change the attitude and behaviour of those people who see it as acceptable to discard their gum on our streets. Some of the chewing gum litter we see on our streets is absolutely disgusting. I do not currently believe that a levy on chewing gum is the appropriate means by which to achieve our aim. I would stress the word “currently” because this may change. A levy would penalise both the industry and the consumer and would not provide an incentive to people to alter their behaviour with regard to disposing of gum. It was therefore decided that a negotiated agreement with the industry was the most appropriate direction to take on this issue. Such an agreement provides a mechanism for achieving a lasting change in behaviour with regard to the disposal of gum rather than a short-term clean up solution that does not address the underlying problem of the irresponsible disposal of gum.

A negotiated agreement has been in place with the chewing gum industry since 2007. The agreement facilitates a partnership approach through a range of agreed programmes that are practical, robust and targeted to address the root cause of the problem. As part of this agreement, the chewing gum industry mounted a national media campaign involving outdoor advertising throughout the country, national radio and TV advertising, in-store and around store advertising, as well as a schools’ educational campaign promoting greater awareness of the damaging effects of chewing gum litter on our environment and of the penalties associated with the irresponsible disposal of gum.

Evidence indicates that the negotiated agreement approach is working. Since 2008, my Department’s national litter pollution monitoring system report demonstrates that the percentage of national litter represented by chewing gum has decreased from 30.79% in 2008 to 15.32% in 2013, a reduction of 50%. The most recent programme, which ran from 2012 to 2014, has just concluded. It was funded entirely by the industry and was valued at an estimated €9.6 million. I have received a further proposal from the industry to renew the negotiated agreement for the term 2015 to 2017, and this matter is under consideration. I assure Deputy Kitt that while a renewed agreement is under consideration, it is not something that will simply go through on the nod. It is something that I will consider deeply. If we feel that we need a change of tack or need to consider levies or any other measures, we will do so.

Deputy Michael P. Kitt: I thank the Minister for his reply. The figure of 15%, while an improvement, is still high. This is an important issue because of the cost involved in removing this particular product from our streets. The problem boils down to the irresponsible disposal of chewing gum. Like the Minister, I am not trying to stop anyone from using chewing gum; it is the disposal of gum that is the issue. We have reached a compromise with the industry whereby it is funding an advertising campaign. However, if this situation continues, I do not envisage

seeing any further improvements.

The Wrigley company has its headquarters in Chicago and, to the best of my knowledge, there is no problem with chewing gum or other litter on the streets of that city. We must try to get some more help from the industry. It was proposed in the past to put a levy on the chewing gum itself but that would have hit the consumer unfairly. It is very regrettable that the industry is not prepared, as I understand it, to contribute towards the cost of removing the gum from our streets. Will the Minister indicate if any discussions have taken place on the development of a biodegradable product?

Deputy Alan Kelly: On the Deputy's last point, discussions on that issue are under way and I will inform the Deputy of the outcome when I know it. The solution that has been put in place, namely, the negotiated agreement, has had a dramatic impact and the statistics prove it. That said, I agree with the Deputy that the figure that pertains is still of concern. I will consider whether a further agreement is feasible. I will examine the contributions that could be made, including whether we can increase the level of funding involved. I will make a decision then whether we should proceed with another negotiated agreement or go down another avenue entirely, possibly involving the imposition of a levy or some other measure. That will be up for discussion in the very immediate future.

Ambulance Service Provision

Deputy Derek Keating: I thank the Ceann Comhairle for giving me the opportunity to raise this issue and I also thank the Minister of State at the Department of Health, Deputy Kathleen Lynch, for her attention.

The Dublin Fire Brigade ambulance service is one of the oldest in the world. In 1899, the service dealt with approximately 520 calls but today it deals with approximately 80,000 incidents annually. The Dublin Fire Brigade ambulance service has an added advantage when attending emergency incidents. Where necessary, a fire tender or other specialist vehicle may also be deployed to an incident. Each fire tender has fully trained paramedics who are often the first on the scene in the case of ECHO or DELTA calls and act as first responders. In many instances, the fire crews initiate first interventions which aid in reducing time to defibrillation and resuscitation as well as reducing on-scene time and ensuring good patient handling and removal. Fire crews are particularly good at patient handling. They take a full-team approach at road traffic collisions and are vital in the stabilisation, immobilisation and management of spinal injury patients and their removal to hospital.

Dublin Fire Brigade has a duty under section 25 of the Fire Services Act to take charge of major or complex incidents. Its ambulance crews can be deployed in high-risk situations involving chemical, fire or other serious incidents where it may not be possible to deploy other services such as the HSE ambulance service. In the event of an emergency incident at Dublin Airport or at Dublin Port, for example, the local authority is responsible under the emergency framework for providing fire and rescue services. The best resource available to provide this incident cover is the Dublin Fire Brigade integrated fire and ambulance service. Its integrated control room has a pivotal role to play in providing the cover needed for such events. An added bonus of the combined fire and emergency medical service is the extra equipment available to crews to ensure scene safety and to extract entrapped patients.

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If Dublin Fire Brigade becomes just a fire and non-medical emergency service, vital life-saving services will be lost. If it loses its ability to dispatch integrated emergency medical services, lives will be put at risk. Fire services in the United Kingdom are moving towards an integrated service, combining or co-locating fire and emergency medical services.

Dublin Fire Brigade is contracted to supply 11 ambulances to the Dublin area and handles approximately 80,000 incidents per annum. The National Ambulance Service is supposed to be the first responder in the Tallaght and Swords areas but it usually does not have an ambulance available for these areas. The National Ambulance Service regularly does not have an ambulance on duty in certain areas because if crew members are unavailable for any reason, they are not replaced, as was highlighted on “Prime Time” recently.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I thank the Deputy for raising this issue and giving me the opportunity to update the House on the proposed changes to Dublin ambulance services. Historically, the Dublin emergency ambulance service has been provided by Dublin Fire Brigade, DFB. The National Ambulance Service, NAS, supports the DFB as required. However, HIQA published a report last December which identified serious patient safety concerns with regard to the lack of co-ordination between the NAS and the DFB. The urgent need to address these issues was stressed, particularly for 999 call-taking and ambulance dispatch, as well as overall clinical governance.

Following discussions, the HSE and Dublin City Council have agreed in principle to address the identified weaknesses through the provision of a single point of contact for all emergency calls in Dublin. Under the agreement reached, all 999 and 112 ambulance calls for the Dublin region will be routed through the national emergency operations centre in Tallaght, and all ambulances, regardless of whether they are DFB or NAS, will be dispatched from Tallaght. In addition, clinical governance of Dublin ambulance services will become the responsibility of the NAS medical director.

The new arrangements will mean that people in Dublin will get a better ambulance service that will be safer. Currently, where the DFB does not have an ambulance available, it may or may not pass the call to the NAS. Passing calls between call centres is not without risks. Calls can be delayed or, worse, missed. The people of Dublin can also look forward to a more responsive service, as all ambulances will be dispatched from Tallaght. The dispatcher will be able to see every available ambulance in the region. The nearest available ambulance, regardless of whether it is NAS or DFB, will be sent to the incident. The clinical governance changes will mean that patients will receive exactly the same level of care no matter which ambulance arrives.

I am aware that concerns have been expressed in the media about a takeover by the NAS of Dublin ambulance services. I can assure the House that claims of a takeover are wide of the mark. The proposed changes will not impact on the delivery of services. The DFB will continue to provide ambulance services in Dublin. Only the structures around clinical governance of the service and call management will change.

The DFB has provided very well for the emergency needs of Dublin since 1898, as the Deputy outlined. However, no health service can afford to stand still. A single contact and dispatch point for emergency ambulance calls is needed to address the safety issues raised by HIQA. I am delighted, therefore, to note that agreement in principle has now been reached with the unions on the integration of emergency ambulance call taking and dispatch. It has also

been agreed that the DFB will continue to be fully involved in emergency ambulance service delivery and there will be no diminution in such services. I understand that a joint forum within Dublin City Council, which will include management and union representatives, is to be established to address issues regarding the control centre reconfiguration. That is a very welcome development and will ensure that the people of Dublin get the ambulance service they deserve.

Deputy Derek Keating: I thank the Minister of State for her reply and take special note of the fact that the new arrangements mean that the people of Dublin will get a better ambulance service. She made reference to delays, which are clearly a resource issue. It is my understanding that the DFB was allocated one additional ambulance during a period of approximately 20 years. I may stand corrected, but that is my understanding. The population has increased and the numbers of calls has increased exponentially without a corresponding increase in required resources. The broader problem is that while these arguments rage, lives can often be put at risk. It is my understanding that both the DFB and the NAS are committed to their respective roles.

I welcome the recent announcement by the Dublin city manager that a forum will be created to discuss these issues. Many welcomed the statement by the Minister for Health recently in which he committed to discussion on this matter. It is important to take into account the views of stakeholders, the workforce, service users and, of course, the citizens of Dublin. These views need to be gauged before any step is taken.

The truth needs to be made clear. We should not throw the baby out with the bathwater. After all, 80% of DFB ambulance responses are within the HIQA standard of seven minutes and 59 seconds. We should not overlook that. It is likely that it is one of the best performers in the country. The response time, supplemented by the ability to dispatch a fire attender fully staffed by paramedics, is not something we can lightly afford to lose.

Deputy Kathleen Lynch: I should have declared an interest when I first stood up. One of my sons-in-law works in the fire service in another part of the country. I know from listening to him and from news reports that there is often a need for both services to attend, depending on the circumstances. In a major accident, it might be necessary to use equipment that paramedics in an ambulance service would not necessarily have.

In respect of ambulance time response, be it the DFB or the NAS, I often wonder whether we are setting the bar too high, because there can be circumstances in which ambulances cannot possibly meet the timeframe set for them. I know that to someone waiting for an ambulance, including someone in a support role, the time taken for the ambulance to arrive can often seem to be an awful lot longer than it is. We would all like ambulances and the services we require to be there instantly, but that is not always possible.

There is a positive outcome to the ongoing discussions within the forum in Dublin City Council. I believe the need for both services cannot be underestimated, but it is important that these services comply in respect of the safety concerns highlighted by HIQA. I am not sure whether anyone who has ever waited for an ambulance or any of the emergency services worries about which one of them gets there first, provided someone does get there and those who get there have the competence and training to deliver what the patient needs. I thank the Deputy for raising the issue.

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Hospital Services

Deputy Ciara Conway: I thank the Minister of State for taking this debate. I am very disappointed to find myself here once again. This is an issue I have raised on numerous occasions in the Dáil Chamber and at the Oireachtas Joint Committee on Health and Children. It shows how important the issue is for the people of Waterford. Two years ago, I received a letter from the former Minister, Deputy Reilly, offering certain assurances to the people of Waterford and the south east regarding the health services in Waterford. This letter came after a winter of discontent in Waterford in which we saw thousands of people take to the streets, having come from all around the south east, to show that they were concerned about a possible downgrading of Waterford Regional Hospital, as it was known then. Their fear was centred, as it is centred now, around the Higgins report, which examined the reorganisation of hospital groupings. After a lot of fear, we were promised that this would make things better. I attended a lot of meetings, and at each of these Professor Higgins promised us time and again that what we had would be protected and services would be enhanced. We were told this would be a good thing for people in Waterford and the south east. The letter from the former Minister, Deputy Reilly, said that the establishment of hospital groups would enhance cardiology cover in Waterford. It went on to say: “[T]he increased flexibility of staff across the group will enable us to achieve our goal of providing cardiology cover at Waterford Regional Hospital 24 hours a day, seven days a week.”

6 o'clock

Two years on, we are no closer to that. Deputy John Halligan, who also represents Waterford, raised the very serious case two weeks ago of a man from Waterford who sadly and tragically died because the service was not available. A second cath laboratory to provide 24-7 cardiology services is needed. We were told at the time that we would get it. I now understand that a business plan is being put together and that this would cost €1.5 million, which is only a small amount in the context of the delivery of health services. This small amount of money would copperfasten services at University Hospital Waterford, UHW. We need an around the clock service. This requires provision of a second cath laboratory and the staff required to keep two laboratories open.

There are also shortcomings at the hospital in terms of dermatology services. It is worth noting that the south east has one of the highest rates of skin cancer in the country. Currently, there is no consultant dermatologist at University Hospital Waterford. One consultant is due to return from leave at the end of the month and interviews are taking place to fill other posts. This means that the people of Waterford now have to travel from the city to the South Infirmar-Victoria University Hospital in Cork to see a consultant. I will give an example in this regard. I was contacted by a distressed family whose mother is 79 years of age and is in a great deal of pain because of a very serious skin condition. She constantly breaks out in blisters which burst which, as one can imagine, is very painful. This lady, who is almost 80 years of age, is forced to travel to Cork to see a consultant for a five or ten minute consultation. This involves a four hour round trip journey for a fragile woman. It also places extra pressure on her family, who, because there is no transport available, have to take days off work to bring her to Cork, and all for a service that should be available in Waterford. Dermatology services at University Hospital Waterford have been reduced to one afternoon clinic on a Wednesday. This is not the vibrant future that was promised to the people of Waterford. The case I highlighted is only one of the less serious cases.

I invite the Minister of State, Deputy Lynch, to read last week's *Waterford News & Star* which outlines a truly awful case of a man who almost died because of a lack of dermatology services in University Hospital Waterford. A father of two whose skin was red and bubbling arrived in accident and emergency, where he spent 18 hours on a trolley and was misdiagnosed twice. As the doctors had never before seen the condition, a conscientious nurse faxed photographs of the man's skin to the Cork hospital. The consultants there took one look at them and advised that the man be sent to Cork immediately. The irony is that although there was a consultant dermatologist conducting his Wednesday clinic in UHW, the man did not get to see him. There were no ambulances available to take this extremely sick man to Cork as, he was told, access to the ambulance service required two days notice. This man, whose life was in danger, was then put in a taxi and sent to the Cork hospital. When he got there, he was told by the hospital staff that had he spent any more in Waterford hospital he would no longer be with us.

Deputy Kathleen Lynch: I will first address the Deputy's last concern regarding dermatology services. There are three approved permanent consultant dermatologist posts at UHW. As rightly pointed out by the Deputy, one consultant is currently on maternity leave but is due to return to work on 25 March. Interviews to fill the other two posts were held on 25 February and two successful candidates are currently being processed by the national recruitment service. University Hospital Waterford is optimistic that contracts for these posts can be agreed in the coming months. I will do as much as I can to ensure this is done as speedily as possible. I do not propose to repeat what the Deputy said in regard to the special arrangement with the South Infirmar-y-Victoria University Hospital, Cork, for urgent dermatological referrals. The two new posts at UHW, when filled, will have a significant impact on services. I will do my best to ensure the process, including vetting and so on, is completed as quickly as possible.

I thank the Deputy for raising the issue which I assumed to be in relation to cardiology services in Waterford. The report on the establishment of hospital groups as a transition to independent hospital trusts noted that the cardiology service at University Hospital Waterford, UHW, should be extended. The hospital's regional cardiology interventional suite opened in 2008. In 2012, the suite was identified as the designated primary PCI centre for the region, under the national clinical programme for acute coronary syndrome. Its services cover Waterford, Kilkenny, south Tipperary and Wexford. The centre currently has one catheterisation laboratory, which operates five days a week and incorporates a dedicated six-bed cardiac day ward. Staffing includes three consultant interventional cardiologists based at Waterford and two visiting consultant cardiologists from Wexford and south Tipperary, who work there one day a week. I understand that a business case, prepared by UHW, for the development of a second catheterisation laboratory and a 24-hour PCI service, is under consideration within the south-south west hospital group. The development of a second catheterisation laboratory is, I believe, considered a priority within the group.

In regard to the suggested extension of the PCI service to a 24-hour service, for any complex acute hospital service, a key criterion for deciding whether a 24-hour service should be provided is whether there is a sufficient volume of appropriate activity to ensure safe provision of the service to patients. Without sufficient throughput of patients, staff engaged in the service will not be able to maintain their skill levels. This could put patients at risk. It is my understanding that under the acute coronary syndrome programme to be viable, a 24-7 PCI service must serve a population of 500,000 to 1,000,000 people, which requires at least six interventional cardiologists to staff the necessary roster. It is worth noting that the acute coronary syndrome programme is of the view that the current population base covered by UHW does

not provide for a viable 24-7 service. I am aware that the consultants currently providing the existing service have indicated their willingness to work extra hours to facilitate the extension of the current nine-to-five service, and I welcome their commitment. However, this would also require the provision of additional specialist support services provided by radiographers, nurses and cardiac technicians, with considerable additional revenue costs. I take on board what the Deputy had to say in relation to the extra cost. A review of PCI services in Dublin is due to be completed shortly. On completion of that process, PCI capacity and requirements in areas outside Dublin, including Waterford, will be examined. Any decision on further provision of PCI services in any region will be based on the best interest of patients, evidence on the volume of clinical need, the quality and safety of the service that can be provided, the ability to staff it safely and the resources available.

I know that my response in relation to additional cost is cold comfort to the Deputy. I will find out exactly what is the additional cost. It is hoped that following the review of the PCI services we will be able to progress the case highlighted on numerous occasions by the Deputy. It is not that we are ignoring it. Patient safety is paramount. When the Deputy highlights cases of people having died for lack of a service that must also be taken into consideration.

Deputy Ciara Conway: I thank the Minister of State for her response. I take no pleasure in raising this issue time and again. I represent the people of Waterford, who feel like they are getting a shoddy deal. We were told at the time of the Higgins' report that one of the main requirements to secure services into the future was an increased population base. In regard to the case I highlighted of the elderly woman having to attend the South Infirmity-Victoria Hospital in Cork for a dermatology service, I was told on numerous occasions by the former Minister for Health, Deputy Reilly, and current Minister, Deputy Varadkar, that the consultants would travel to Waterford, because that makes more sense than frail sick people having to make a four-hour journey in great discomfort to avail of a service they are entitled to receive on their own doorstep. We were told that with the birth of these new hospital groups we would be able to attract the calibre of consultant that requires a big population base to ensure his or her skill set is maintained. We were assured that through the provision of services in Cork, Waterford and in the other hospitals that they would have the necessary throughput of patients to maintain their skill set to a high standard in order that they could give the best service to the people of the south east. We were promised professorships and academic posts. Could the Minister of State please indicate the current position in that regard? I would welcome an update on the partnership between University Hospital Waterford and University College Cork, UCC. To be honest, the current situation is just not good enough. The hospital is called "University Hospital Waterford", which sounds good but it means nothing. We do not have what we were promised. I understand we are in a time of limited resources but as the economy starts to improve, the Labour Party must focus on the provision of public services. I will fight tooth and nail to ensure the people of Waterford and the south east get what they deserve. As a party in government we must make real decisions about where we want to provide investment. I, for one, will support investment in public services. Currently, nurses, doctors and care assistants are currently working to the pin of their collar to ensure service provision in University Hospital Waterford, but they need the Minister's support and that of his Cabinet colleagues to ensure we get the services that are so badly required in Waterford and the south east.

Deputy Kathleen Lynch: The two new consultants will have an impact in terms of dealing with the needs of the elderly lady and the man with the rare complaint. Inasmuch as I can, I will do my very best to ensure the national recruitment service expedites those two appointments.

I will keep an eye on the business plan that is being prepared in regard to the catheterisation laboratories. Deputy Conway is correct in that when the hospital groups were being considered the reason Wexford, Kilkenny and all of the other areas were brought together was to provide the required population base, because it is important that consultants in particular specialties have the required throughput on an ongoing and continuous basis, as that is what makes them expert in their field. The people delivering the service in Waterford at the moment are doing an incredible job. The unfortunate difficulty is that they are not there for long enough and they are not there at weekends. As Deputy Conway correctly pointed out, as the economy improves we will have to examine the issues that directly affect people.

Hospital Waiting Lists

Deputy Joan Collins: I tabled parliamentary questions on waiting times for scoliosis surgery at University Hospital Galway to which I received a reply on 2 February outlining that one patient was waiting three to six months - I know who that person is - that three people are waiting between six months and nine months - I know one of those three people - and five people are waiting are waiting for 12 months. That is a total of nine people. The general manager outlined in the reply that the waiting lists for spinal surgery is one the priorities of the Saolta University Health Care Group. He further outlined that a number of arrangements are being put in place to facilitate the level of complexity involved in relation to spinal surgery for patients with scoliosis and that the group is currently reviewing a number of resources in the context of bed availability, access to diagnostics, purchase of specialist spinal equipment and access to theatre. He stated that when the key elements required are in place, potential surgery dates for the cohort of patients can be identified and scheduled accordingly.

The patients who contacted me have not received any date whatsoever and they are still waiting. I will not name them although they said it would not be a problem if I wanted to name them. They live in Mayo and Roscommon. A surgeon dealing with one of the cases raised a serious situation in September. He said that the patient in question was one of approximately 40 under his direct care who require major, complex spinal surgery at the Galway University Hospitals. He said she had been placed on a waiting list for the surgery to take place and that the rods were taken out of her back in September due to infection and she is now waiting to have the rods replaced. Surgery is required when the curvature level reaches 50% and the curvature of the patient in question is 70%. The surgeon indicated that in the current context of the allocation to him, he does not envisage the operation taking place for the foreseeable future. He said it was the case up to approximately two to three years ago that he could perform that type of surgery at Merlin Park University Hospital and had been doing that regularly since 1996. However, as a result of the withdrawal of support services for this type of surgery, the only place capable of providing it on the western seaboard was in University Hospital Galway. With the management team he set about trying to structure a pathway that would allow that to happen, but it has not happened in a seamless, safe way to date. As a result, he could not advise the patient of a definite time or date for the operation to take place. It seems that operations were to go ahead in University Hospital Galway but the team has not been put in place to carry them out. It is not good enough for patients to wait so long for urgent surgery, in particular when one patient has a curvature of more than 70%.

Deputy Kathleen Lynch: I thank Deputy Collins for raising this matter. All Members are dealing with at least one or two cases of people with scoliosis who are encountering difficulties.

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Waiting times for scoliosis surgery are unacceptably long. There has been an increase in the number of outpatient spinal review referrals, and a consequent increase in surgical demands. Hence, waiting times both for outpatients and for those awaiting surgery are indeed challenging. The Government is determined that this problem will be addressed. The HSE is examining all options to reduce scoliosis and other waiting lists as soon as possible. It must be pointed out that Galway University Hospitals do not carry out paediatric scoliosis surgery. That type of surgery may only be carried out at Crumlin, Temple Street, Tallaght and Cappagh hospitals and is predominantly managed at Our Lady's Children's Hospital, Crumlin. Approximately 5% of cases, predominantly those with neuromuscular disorders, will require post-operative access to a high dependency unit or paediatric intensive care unit. Surgery is provided through two full-day theatre sessions per week and ten specialist orthopaedic beds at Crumlin. Currently, there are two orthopaedic consultants jointly appointed between Crumlin and Tallaght hospitals to provide paediatric spinal surgery in Crumlin and paediatric, adolescent and adult spinal services at Tallaght hospital.

Saolta University Health Care Group has assured the Department of Health that the waiting list for spinal surgery is one of its main priorities. To facilitate the level of complexity involved in relation to spinal surgery for patients with scoliosis, access to inpatient beds, diagnostics, purchase of specialist spinal equipment and access to theatre for significant periods of time must be considered. When the key elements required are in place, potential surgery dates for this cohort of patients can be identified and scheduled accordingly. Funding has been allocated in the 2015 HSE service plan for the appointment of a consultant orthopaedic surgeon with a special interest in spinal surgery at Galway University Hospitals. Funding has also been allocated for the appointment of an orthopaedic surgeon, anaesthetist and support staff at Crumlin. This will maximise the use of available theatre sessions in the hospital. These allocations are part of a total of approximately €5 million available for the overall development of orthopaedic service infrastructure nationally in 2015. This funding will also allow for the development of a 24-7 spinal theatre and allocation of consultant anaesthetist and additional 5.5 nurse posts at the Mater hospital, the appointment of an orthopaedic surgeon to provide for up to 100 cases of degenerative spinal surgery a year to be undertaken in Tallaght hospital, the appointment of a consultant orthopaedic surgeon with a special interest in paediatrics in Cork, the opening of current closed and under-utilised capacity at Cappagh hospital, and the appointment of an additional orthopaedic consultant as part of improved services for paediatric spina bifida. The Department will continue to work with the Health Service Executive to ensure service needs and waiting times in this area are addressed, having regard to the overall level of resources available to the HSE.

Deputy Joan Collins: Last year, when I tabled parliamentary questions on Our Lady's Children's Hospital, Crumlin, I was informed there was a service level arrangement in place, money would be provided and work was being done with the children's hospital group, etc. Nine people have been waiting for surgery in Galway University Hospital for between three months and more than one year. One patient has been waiting for surgery since July 2014, when an infection caused her to have an operation done to remove rods from her back. She has not been given a date for surgery, and we have been informed that the reason for the delay is the lack of beds for post-operative care. It is unacceptable that patients with curvature exceeding 70 degrees are waiting for surgery.

According to a reply I received from the Minister, a number of cases involving children were transferred to the Blackrock Clinic. While it goes against the grain for me to advocate

private care, in emergencies such as these, the use of alternative facilities, including private hospitals, should be considered. I am aware that consideration is being given to having these patients treated in Cappagh Hospital. The two people to whom I referred are serious and urgent cases. I do not understand the reason an alternative has not been provided for them on the basis that their cases are emergencies.

Deputy Kathleen Lynch: We have all seen children and adolescents who have a high level of curvature. This is a serious issue, and one cannot simply put something in place and then take it out, as we all accept. The provision of funding to recruit additional consultants and support staff is expected to allow for an additional 25 procedures to take place in Crumlin hospital this year. This will be in addition to the 58 cases currently treated per annum.

Deputy Joan Collins: There are 37 people waiting.

Deputy Kathleen Lynch: I understand that. Despite the additional capacity to be provided this year, the number of surgeries at Crumlin hospital will still fall short of what is required to deal with demand. The Health Service Executive is working with Crumlin Hospital and the children's hospital group to explore all options to increase capacity for spinal surgery.

The Deputy and I both understand that a structure for emergency surgery cannot be easily put in place, even if cases involving persons with a curvature of 70 degrees cannot be delayed any longer. The issue is much more serious. The new consultant posts in Galway and Cork and the opening of beds in Cappagh Hospital will contribute to addressing the problem, as will the provision of additional support staff such as nurses and anaesthetists. Given the type of surgery involved, which takes a long time, the role of the anaesthetist is as important as that of the surgeon. We are not dismissing this issue and we know full well how important and urgent it is. I hope considerable improvements will be made in the next few months.

**An Bille um an gCeathrú Leasú is Tríocha ar an mBunreacht (Comhionannas Pósta)
2015: Ordú don Dara Céim**

**Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015: Order for
Second Stage**

Bille dá ngairtear Acht chun an Bunreacht a leasú.

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreacht, foráil ar bith den Bhunreacht a leasú ar an modh a shocraítear leis an Airteagal sin:

AGUS DE BHRÍ go bhfuil beartaithe Airteagal 41 den Bhunreacht a leasú:

Achtaítear ag an Oireachtas ar an ábhar sin mar a leanas:

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Airteagal 41 den Bhunreacht a leasú

1. Leasaítear leis seo mar a leanas Airteagal 41 den Bhunreacht:

(a) cuirfear an t-alt a bhfuil an téacs de leagtha amach i gCuid 1 den Sceideal isteach i ndiaidh alt 3 den téacs Gaeilge;

(b) cuirfear an t-alt a bhfuil an téacs de leagtha amach i gCuid 2 den Sceideal isteach i ndiaidh alt 3 den téacs Sacs-Bhéarla.

Lua

2. (1) An Ceathrú Leasú is Tríocha ar an mBunreacht a thabharfar ar an leasú a dhéantar ar an mBunreacht leis an Acht seo.

(2) Féadfar an tAcht um an gCeathrú Leasú is Tríocha ar an mBunreacht (Comhionannas Pósta), 2015 a ghairm den Acht seo.

Bill entitled An Act to amend the Constitution.

WHEREAS by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed to amend Article 41 of the Constitution:

Be it therefore enacted by the Oireachtas as follows:

Amendment of Article 41 of the Constitution

1. Article 41 of the Constitution is hereby amended as follows:

(a) the section, the text of which is set out in Part 1 of the Schedule, shall be inserted after section 3 of the Irish text;

(b) the section, the text of which is set out in Part 2 of the Schedule, shall be inserted after section 3 of the English text.

Citation

2. (1) The amendment of the Constitution effected by this Act shall be called the Thirty-fourth Amendment of the Constitution.

(2) This Act may be cited as the Thirty-fourth Amendment of the Constitution (Marriage Equality) Act 2015.

Minister for Justice and Equality (Deputy Frances Fitzgerald): Tairgim: “Go dtóghfar an Dara Céim anois.”

I move: “That Second Stage be taken now.”

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

**An Bille um an gCeathrú Leasú is Tríocho ar an mBunreacht (Comhionannas Pósta)
2015: An Dara Céim**

Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015: Second Stage

Minister for Justice and Equality (Deputy Frances Fitzgerald): Tairgim: “Go léifear an Bille an Dara hUair anois.”

I move: “That the Bill be now read a Second Time.”

Today I am introducing the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015. The Bill sets out the wording of the thirty-fourth amendment that will be put to the people in a referendum on 22 May 2015. The referendum will be on the question of marriage equality. The people will have the opportunity in the referendum to consider whether the Constitution should be amended so as to allow couples to marry without distinction as to their sex. The referendum is exclusively about civil marriage and the consequences that flow from civil marriage for the two persons choosing to get married to one another.

The Government agreed on 5 November 2013 that a referendum should be held in the first half of 2015 on the question of enabling same-sex couples to marry. The Government’s decision was in response to the report of the Convention on the Constitution. The convention’s third report, Amending the Constitution to Provide for Same-sex Marriage, issued in June 2013, recommended that a change be made to the Constitution to provide for same-sex marriage. As Deputies will be aware, the convention sought submissions from interested parties and received 1,077 submissions from interest groups, church organisations and private individuals. It held a plenary debate on this question on 13 and 14 April 2013. The outcome of its deliberations was that a strong majority of its members recommended that provision be made for same-sex marriage.

The Government noted the third report of the Convention on the Constitution when taking its decision to hold a referendum on this issue. It also noted the high level of engagement of the members in the process and the strong interest of civil society in this issue, as reflected in the large number of submissions, and the high level of support within the convention for the recommendation to change the Constitution to enable same-sex couples to marry.

The Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 was published on 21 January 2015, following Government agreement on the proposed wording that day. The Government has since agreed, on 3 March 2015, the general scheme of the marriage Bill 2015, which sets out the legislative changes that will be undertaken if the referendum is passed by the people.

The Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 provides that, if the referendum is passed, a new section would be inserted after section 3 of Article 41 of the Constitution. If approved by the people, this section, which would be Article 41.4, would contain the following wording: “Marriage may be contracted in accordance with law by two persons without distinction as to their sex.” No other amendments would arise in respect of

Article 41. The wording is intended to give a right to marry to couples without distinction as to their sex. If the wording is approved by the people, there would be a corresponding obligation and requirement on the State to respect and vindicate that right in its legislation. Therefore, it would not be open to the State to maintain in being legislation which prohibits the marriage of same-sex couples.

I propose to outline the rationale behind the wording proposed for the thirty-fourth amendment. The first element, “Marriage may be contracted”, draws on the precedent of Article 41, which recognises marriage as an institution. The proposed wording seeks to convey that marriage is an institution which two persons may enter. The decision to use the term “contracted” was taken for the following reasons. It is the term already used in Article 41.3 in respect of marriage. Furthermore, the term confirms that what is at issue is civil marriage, which is a contract between two persons in the eyes of the State.

The phrase “in accordance with law” has been included in the proposed wording to confirm that marriage would continue, as at present, to be regulated by statute and common law. The manner in which marriage ceremonies are registered, for instance, would be regulated by statute.

The phrase “without distinction as to their sex” reflects language already used in Article 16 of the Constitution. Articles 16.1 and 16.2 use the phrase “without distinction of sex” with regard to the eligibility of citizens for membership of the Dáil and the right of every citizen to vote for members of Dáil Éireann. The wording proposed for the thirty-fourth amendment builds on the language of that precedent to provide for a couple, regardless of their sex, to be eligible to marry.

There has been some commentary on the decision to use the term “sex” in the wording of the proposed amendment. The reason it has been used is that it is the term already used in the Constitution. Furthermore, the barriers which prevent persons from marrying under Irish law are impediments relating to a person’s sex rather than a person’s gender.

If the referendum is passed by the people, the right to marriage equality will be enshrined in the Constitution and Ireland will advance along the path to marriage equality which has already been taken by many countries. An increasing number of countries are giving same-sex couples the right to marry. The Netherlands was the first country to pass a law in 2001 enabling same-sex couples to marry. Since then, Belgium, Spain, Canada, South Africa, Norway, Sweden, Portugal, Iceland, Argentina, Denmark, France, Brazil, Uruguay, New Zealand, Luxembourg, Finland, England, Wales and Scotland have all given same-sex couples the right to marry. It is possible for same-sex couples to marry in 37 US states. The US Supreme Court is currently considering whether that right should be extended throughout all US states. Only last week, the Slovenian Parliament approved a law in favour of marriage equality. More and more countries of the world are recognising that couples should have the right to marry one another regardless of their sexual orientation.

At issue is the question of who should have the right to marry. The referendum would not, if passed, redefine marriage. Marriage would not change if same-sex couples were given the right to marry. Couples would continue to marry in exactly the same way and according to the same conditions as at present. The manner in which marriages are registered would continue to be regulated by law. The effects of marriage on property, taxation and succession would be unchanged. The people will have to decide on a simple question: whether marriage is open to

all couples who wish to enter it.

Marriage is an institution that we hold dear in Ireland. It is enshrined in our Constitution as an institution that the State is pledged to guard with special care. According to census 2011, there were 1,708,604 persons married in Ireland, representing an increase of 143,588 since 2006. EUROSTAT statistics for 2012 confirm that Ireland has the lowest divorce rate in the EU at 0.6 per 1,000 of the population. If marriage is so important to us and if it is the means by which we make a profound commitment to the people that we love, why should it be for some and not others? What right do we have to say to some couples that they cannot participate in an institution that is the bedrock for so many people? What right do we have to say to taxpayers, neighbours and citizens that they can live among us but cannot share in all that many hold dear? I believe if we value marriage as significantly as we do, then we should be ready to share it with all who wish to avail of it. In fact, it is a tribute to the importance of marriage as the expression of a couple's commitment to one another that same-sex couples wish to be able to marry too. Enabling same-sex couples to marry reflects the solidity of the institution of marriage.

One myth often put forward in the debate on marriage equality is that the concept of marriage is eternal and unchanging. However, history shows us that the legal consequences of marriage have changed repeatedly over the centuries. For example, let us reflect on what marriage meant for women until the 19th century. Marriage in the past was often a relationship of inequality. We expect nowadays that our marriages are founded on equality. However, modern-day marriage is itself the product of a long journey to equality. The journey to equality follows a familiar path. Some are often outraged that others should seek equality. Some fight firmly to defend the *status quo*. It is striking that when equality is granted, it becomes inconceivable in the society that it was ever resisted. Some 43 years ago the marriage bar was still in place, preventing married women in many areas of the public sector from remaining in employment. It was as late as 1973 when the marriage bar was lifted.

I wish to make one thing clear: it is my belief that enabling same-sex couples to get married would not affect the marriages of heterosexual couples. They would continue to get married in the same way as currently. Furthermore, the referendum would not change in any way the rights of religious denominations to decide who should get married in their denominations. There are constitutional guarantees that protect the rights of religious denominations. Article 44 of the Constitution guarantees the right to freedom of religion. Article 44.5 enshrines the right of every religious denomination to manage its own affairs.

The Government has approved the general scheme of the marriage Bill 2015. The general scheme outlines the legislative changes that are planned by the Government to give effect to the right to marriage equality anticipated in the constitutional amendment. I emphasise that the general scheme is conditional on the decision of the electorate on the referendum. Yesterday, I circulated Members of both Houses with the draft scheme of a marriage Bill which would be introduced by the Government if the referendum is passed by the people.

The Irish wording of the amendment has been subject to some comment. The Oireachtas translation service is confident that these concerns are unfounded and that the wording, as originally published, clearly allows opposite-sex couples and same-sex couples to marry. However, the Government considers it important that the electorate should have absolute confidence in the wording proposed for the amendment in English and Irish. As a result, the Government has decided to propose a more literal translation of the English wording. I will bring forward an amendment on Committee Stage in this regard. The amendment will propose the following

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wording for the amendment in Irish: Féadfaidh beirt, gan beann ar a ngnéas, conradh pósta a dhéanamh de réir dlí. This wording can be essentially translated into English as: Two persons, regardless of their sex, can contract a marriage in accordance with law.

Today is a historic day. Today, the Oireachtas begins the process of debating the legislation that will prepare for the referendum. The people are getting the opportunity to determine a simple question: do we give a right to marriage equality to all couples who wish to marry in our society? Do we say that one couple's love is as valid as another's? Do we say that couples wishing to make a lifelong commitment to one another should have the right to constitutional protection? I am honoured to introduce this referendum Bill to the House.

Deputy Niall Collins: Ireland has travelled a long road to reach the point today where legislation can be introduced to allow for a referendum on same-sex marriage. The proposed legislation represents another step forward for equality in Ireland as a country which is proud to call itself a republic.

Fianna Fáil supports this Bill to allow for the marriage equality referendum to take place on 22 May 2015. The referendum simply proposes to add to the Constitution the declaration: Marriage may be contracted in accordance with law by two persons without distinction as to their sex.

Following a meeting with the Minister for Justice and Equality this afternoon, I understand that the Irish language version of this text must now be changed due to an uncertainty surrounding the wording of the first official language version. While I welcome the clarity that this will bring, the fact that the Minister was willing to acknowledge the possible uncertainty and to act on that, I believe it is an unfortunate incident. If it were not for the eminent journalist Bruce Arnold, his writings and his raising this matter with my office and that of my party leader, Deputy Micheál Martin, this issue might not have been addressed. None the less, my party will fully support the amendments on Committee Stage to correct and clarify the first official language version of the text.

For my party the upcoming referendum is a question of equality and the question of whether, as a society, we believe that those in gay relationships should be afforded the same security and respect as those in heterosexual relationships. Our answer to that question is, "Yes" and that all our citizens must be equal before the law. At my party's Ard-Fheis held in March 2012 our members debated and then voted to pass a resolution supporting equal marriage rights. The party position is that we support that most basic republican proposition: the entitlement to equality on the part of every citizen.

It is important to note that Fianna Fáil has played a leading role in legislating for key issues in the lesbian, gay, bisexual and transgender community guided by the fundamental principle of equality among citizens. From the decriminalisation of homosexual acts in 1993 to the Civil Partnership Act of 2010, Fianna Fáil-led Governments led the legislative change. This legislation is a natural outcome of the years of progress which have been made thus far.

I commend the Government and the Minister on finally bringing this matter to the House. I hope the unity of purpose we see in Dáil Éireann today will be reflected in the campaign to bring about a "Yes" vote on 22 May next.

Although this legislation is welcomed by the vast majority of the elected Members of this House, it is important not to take the people's choice in this referendum for granted. There are

serious challenges out there, as there always are in referendums, in convincing 50% plus one to back this proposal. The polls tell us this referendum is safe but we must not take victory in the campaign for granted.

One of the first matters which must be clarified is what this referendum is not about. This referendum is about allowing a couple of the same sex declare their love and commitment to spending the rest of their time together in a civil marriage. This referendum is not about adoption, it is not about surrogacy and it is not about other family relationships in law. These issues are being dealt with by the Children and Family Relationships Bill 2015 which is currently passing through the Oireachtas. The referendum will simply ask whether two adults, regardless of their gender, should be able have a civil marriage.

It is vital that these facts are communicated to the citizens of this country in an effective and simple manner. In that regard, I hope the Referendum Commission established for this referendum is given the necessary resources and communicative skills to properly engage with the public. The “No” side in this referendum campaign will thrive on misinformation and scaremongering. It is important to point out that we must respect alternative views in this referendum but we must also seek to outline the facts as they are. We must be clear that civil marriage is a legally binding contract which is regulated and recognised by the State. The proposed amendment deals with civil marriage rather than marriage through a religious ceremony. Civil marriage is protected by but not defined in the Constitution. This proposed constitutional change will not force religions of any kind to carry out marriage ceremonies for same-sex couples. This is a vital distinction which must be made during the campaign.

Another significant challenge in this referendum campaign will be voter turnout. In this regard, the Friday voting is welcome as it will give students an opportunity to travel home to vote. However, there is important work to be done to ensure that people are aware of the date of the referendum well in advance, that a “register to vote” campaign is carried out as part of the referendum campaign and that polling booths are open for a significant period of time on the day in question.

Looking at the specific constitutional amendment, I welcome the simple approach taken by the Minister which will involve the insertion of an extra section into Article 41 of the Constitution. The section to be, Article 41.4, coming at the end of the provisions on marriage of that article, makes sense. The fact that no change is proposed to the existing constitutional provisions on marriage is also welcome and reaffirms the importance this State puts on the family unit overall. In fact, if anything, this referendum shows the strength of the institution of marriage into the 21st century. It is a welcome development that people are seeking to broaden the ability of our people to enter marriage. As the Minister has outlined, if the wording and the amended Irish version of the amendment are approved by the people, the establishment of the right of two persons to marry without distinction as to their sex implies a corresponding obligation and requirement on the State to respect and vindicate that right in its legislation. Therefore, it would not be open to the State to maintain in being legislation which prohibits the marriage of same-sex couples.

Looking at developments across the world, as of 1 January 2015, some 17 countries - Argentina, Belgium, Brazil, Canada, Denmark, France, Iceland, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Uruguay and the United Kingdom, except for Northern Ireland - and certain sub-national jurisdictions around the world, such as parts of Mexico and most states of the United States, allow same-sex couples to marry. Ire-

land's referendum vote is significant as it is the first time any country has held a referendum to permit marriage equality. There is significant variation across the EU on marriage equality legislation. Ten EU countries permit marriage equality: Belgium, Denmark, Finland, France, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, with the exception of Northern Ireland. Spain became the first predominantly Roman Catholic country to allow same-sex marriage in 2005 when it amended its civil code despite significant opposition from various sectors of society. Seven EU countries - Austria, Croatia, the Czech Republic, Germany, Hungary, Ireland and Slovenia - have legislated for civil partnerships, while 11 countries - Bulgaria, Cyprus, Estonia, Greece, Italy, Latvia, Lithuania, Malta, Poland, Romania and Slovakia - forbid same-sex unions.

In general, the past several years have seen great progress in the development of anti-discriminatory laws for LGBT citizens across Europe. There is a notable East-West divide on the subject of same-sex marriage. Generally speaking, same-sex marriage is more widely accepted in western Europe than in central and eastern Europe and the candidate countries. Recent developments reflect this. Some western European member states have made proposals towards, or brought into existence, legislation legalising same-sex marriage, while some central European countries have actually made moves in the opposite direction. Ireland can be proud of our record thus far in seeking legislative change and particularly in bringing this matter before the people. Although we are not outliers in the provision of same-sex marriage, we are confirming our country's status as a tolerant, open and inclusive place where difference does not mean division.

In conclusion, I want to reiterate my party's full support for this legislation, which will be amended on Committee Stage, and for the subsequent referendum. We will be campaigning strongly for the passing of this referendum by the people of Ireland. The work must begin now to win this campaign. We cannot take anything for granted and we must campaign hard to win. I hope all of my colleagues here will join with me in committing to running a positive, energetic and informative campaign.

Deputy Pádraig Mac Lochlainn: I am delighted to see this Bill before us today. It has been a long road and it is much overdue, but it is great to finally have it here before us. The starting point for Sinn Féin on all issues of human and civil rights and equality is the Proclamation of 1916. It may be almost 100 years old but it is the mission statement for every generation of Irish citizens. As an Irish republican party, equality is at the core of all that Sinn Féin represents. All citizens must enjoy full equality of rights and opportunities under law, regardless of their background, including sexual orientation or gender. Nothing less can be tolerated in a modern, progressive and inclusive society.

Sinn Féin recognises that societal attitudes, the ban on the donation of blood, gender recognition, adoption, transphobic and homophobic bullying, the reporting of domestic and sexual violence, as well as marriage and employment equality, are a few of the areas of life where LGBT people suffer inequality and isolation. LGBT people suffer higher rates of depression, self-harm and suicide, directly attributable to social conditioning, the stigma and isolation of the historical and, unfortunately, State-led criminalisation, discrimination and harassment. Of course, that is not unique to Ireland and has, sadly, been the history of states throughout the world.

I hope that, some day, Ireland will stand as a beacon of LGBT equality and that we will cherish, protect and celebrate the diversity of all of our citizens. The Bill before us today takes us a

step closer to that vision. I am heartened to see Ireland edge closer to ensuring all of its citizens are equal. In 2015, it is simply unacceptable that the law does not treat each person equally. However, I am hopeful that we are on our way there.

As a proud republican, I strive for equality every day. Republicanism is not unique to Sinn Féin. It exists across our people and in every political party. We believe in a real republic where all citizens are equal, regardless of the colour of their skin, religious belief, sexual orientation, where they live and what they do. To only offer same-sex couples civil partnership is to only offer them a second-class right. This is absolutely and entirely unacceptable in Ireland in 2015.

The time has come for full marriage equality for all. Put very simply, this is a human rights and equality issue. Loving, committed relationships between two consenting adults should be treated equally, regardless of gender or sexual orientation. All couples, same-sex or otherwise, should be allowed to share the same responsibilities, obligations and respect that marriage provides. This should be enshrined in the Constitution. Same-sex couples and their children are families just like any other, but these families currently do not have the same legal rights and protection that are available to other families in the State. This is wrong.

We now have the chance to ensure that same-sex couples are no longer treated as second class citizens in our State. It is an exciting opportunity for us to have a chance to change all of this. What better way to celebrate 1916 than by enshrining rights of equality within the Constitution, which is our primary law and the people's law? Approaching the centenary of the 1916 Rising, Sinn Féin aims not only to commemorate the revolution but to achieve one of its most noble aspirations, that of cherishing all the children of the nation equally.

We are serious about this. Sinn Féin has always campaigned on issues that can bring about positive change for all the people living on this island, and for that precise reason we will be actively campaigning for a "Yes" vote in the upcoming referendum. This May the Irish people have an exciting opportunity to say that we value all of our relationships equally. My party is proud to support this referendum and we ask the Irish people to vote "Yes" to civil marriage equality. A "Yes" vote would send a powerful message to couples who have waited their entire lives to legally mark their love for one another. We also need to make it clear to all young people who are having difficulty coming to terms with their sexuality and struggling to deal with it that we support them and that their choices are as legitimate as the ones that every single person around them, straight or gay, is making. This referendum was called by the citizens at a Constitutional Convention. This is the people's referendum.

Civil marriage equality is about protecting our families, neighbours and friends. It is about two people making a commitment to share in the ups and the downs of life. Lesbian and gay people are not alone in their demand for full equality of rights and opportunities, regardless of sexual orientation, gender, ethnicity or background. My party wants everyone on this island to have the same opportunity no matter who we are, what we look like, where we are from or whom we love.

On 22 May we, the Irish people, should take pride in entering the ballot box to extend equality to our neighbours, friends, colleagues or family members. Irish people are being given a chance to create an Ireland where our citizens are valued equally. This is a once-in-a-lifetime opportunity for first-time voters and the established electorate to end the discrimination that many lesbian and gay people living in Ireland continue to experience.

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Marriage is important to Irish society. It is a secure foundation for committed and loving couples. Everyone should be free to marry on those terms. A “Yes” in this referendum is a yes to lesbian and gay people being full participants in Irish society and fully equal in the eyes of their fellow citizens.

An Ceann Comhairle: Deputies John Halligan, Catherine Murphy and Finian McGrath wish to share time. Is that agreed? Agreed.

Deputy John Halligan: During the debate on this Bill today and tomorrow, it is timely to reflect on and remember what is happening to gay people around the world. Homosexuality is still a crime in almost 80 countries. In five of these, and in parts of two others, homosexuality is still punishable by the death penalty. A further 70 imprison citizens because of their sexual orientation. Recent years have seen some countries, such as India, strengthening existing penalties. Even where homosexuality is legal, many countries treat those in same-sex relationships differently, such as having an unequal age of consent or a ban on marriage altogether. Russia’s ban on the promotion of non-traditional sexuality is one example of many.

As many speakers have said, Ireland has come a long way since it decriminalised same-sex relationships in 1993, which encouraged new generations of lesbian and gay people to live their lives more openly. I would like to pay tribute and give credit to the work of Senator David Norris, who brought respect into this meaningful debate and has been a strong campaigner throughout Europe and the world for the rights of gay people.

The Bill is a further step on the road towards a more liberal and equal Irish society. By bringing it forward, the Government is sending out a clear message to the world that we want to eliminate discrimination against thousands of our citizens.

I am disappointed, but not at all surprised, at the attempts to link marriage equality with having children. Gay parents already exist in this country and neither this Bill nor the ensuing referendum will give them additional parental rights if passed. What concerns me is that these attempts to frame the “No” argument around family rights could be quite upsetting to children in so-called non-traditional families. No child should be made feel that his or her family is of lesser value than anyone else’s.

As I see it, there is no logical argument against supporting this Bill. We, as legislators, have no place denying two adults in a loving relationship the right to get married. The argument about whether people are married in the eyes of the Catholic Church, for example, has no place in Dáil Éireann. Secular law is not beholden to theological discussion in this country any more, and Deputies must leave their personal beliefs and values at the door. It is important to state this because the Catholic Church will come out against this and perhaps attempt to influence how people should vote.

We in the House are not asking the Church to change its position. Rather, we are attempting to change civil law to give a section of our people civil rights previously denied to them. We are attempting to give gay people the legal recognition of their relationships and the same dignity and respect that is accorded to opposite-sex couples. Without that legal recognition, gay partners have been denied hospital visitation rights. In the event of a partner dying, they have been denied the right to bury their life partners, have been excluded from funerals and have lost their homes because estranged families have come forward to inherit the properties of the deceased. We cannot allow this to continue.

There is always a danger that some voters will use a referendum to pursue an anti-Government agenda, regardless of the issue at hand. I have been getting some feedback, as many of us have, on social media and within my constituency, that there are people who intend to vote “No” in the upcoming referendum simply as a protest vote to the Government. That is a horrific prospect. This Bill and the upcoming referendum will affect the lives of thousands of gay people, who are our people, in Ireland. Voters will be doing them a serious injustice if they attempt to use the referendum as an opportunity to vent their anger over austerity policies or because they do not like the Government or some section of it. In the coming weeks, I would urge every Deputy on the Opposition benches to reiterate the point that this is not an election. Voters will have their day next year to show the Government what they think of austerity or whatever. For now, the focus must be on gay people being given the same recognition and protection as everyone else.

Deputy Catherine Murphy: I welcome the Bill and I will support it. I will vote “Yes” on 22 May.

7 o'clock

Most people who will vote in the forthcoming referendum will not be personally impacted by the vote. However, it is well understood by most people that it collectively has an impact on us in that it is an act of social solidarity that will change the laws in order for us to become more equal and inclusive. Since the foundation of the State, we have tended to outsource social issues to religious institutions as though we were best guided by such bodies. Changing that has been hugely problematic, as there was a blurring of lines between church and State which is difficult to untangle. In this instance, it extends to highlighting the difference between civil and religious marriage.

Only in recent decades have we got to grips with issues that are more properly located in the area of civic morality. That is strange, given that we are very proud to declare that we live in a republic. Civic morality is underpinned by values such as equality, acceptance and freedom, all of which are part of the building blocks towards a better society. Many of the public debates on the issues surrounding the eighth amendment, for example, or the right to travel and information in this respect, along with the two divorce referendums, were framed by people who took absolute positions on either side. They were very difficult campaigns. For example, I remember being in the count centre on the day the first divorce referendum was lost, and the effect it had on those who were directly affected was absolutely awful. They wanted a second chance and their relationships to be accepted. It was a personal matter for such people and they were badly bruised by the campaign and its outcome. Both personal and societal damage was done at that time, and we want to ensure that on 23 May, we will not have a repeat of that.

The Minister highlighted a difference in this issue in that it emerged from the Constitutional Convention and this referendum was recommended by it. The civic ownership of the campaign is beginning to emerge, and the Vote with Us campaign, for example, is a manifestation of it. The campaign facilitates people telling their story as to why people should vote “Yes”, and already it is evident that it features people from all sectors of society. Brigid and Paddy are a couple who were highlighted at the weekend and will be married for 50 years in 2015. They made a point of describing themselves as being Roman Catholic. They argue that this is a civil right that they want for their children and grandchildren. Mothers and fathers are talking about sons and daughters. There are straight and gay people involved with the campaign, which is cross-generational and compelling in its ordinariness. People who have never engaged

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with politics have come forward to campaign for a “Yes” vote, which is really important. There is no point in wanting a more equal society but staying at home on 22 May. It is essential that people come out to vote, and it is essential that ownership of the campaign is portrayed in way that citizens can engage with it.

Most people want to live and let live and they are not keen on a nanny state. Nevertheless, they want to develop our laws in a way that allows people maximum freedom to live their lives. That is what this referendum is seeking to achieve. Civil partnership has been advanced and it delivered rights but fewer of them. For example, there has been no recognition of the rights of same-sex couples for many social supports in cases of hardship. This can quite literally leave loved ones out in the cold. A home of people in a civil partnership is described as a shared home rather than a family home, and there are implications for the protection of dependant children, for example, living in the home. There is also a lack of protection for civil partners who are deserted.

It could not be simpler in the case of a civil marriage vote; if we legalise marriage for gay and lesbian citizens, they will be free to get married, although it will not be compulsory. For many people, Ireland will simply be a happier place. In a post-crash Ireland, I cannot think of a better way of building civic morality that is grounded in the long-held Irish values of fairness and compassion than by voting “Yes” on 22 May. Better still, we will become the first country in the world to do this by popular vote. We will join the 18 nations and 820 million people who have already done it. The only issue to concern us is complacency, as we all need to get out and be active in this campaign.

Deputy Finian McGrath: I thank the Leas-Cheann Comhairle for the opportunity to speak to this new legislation, the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015. I welcome the Bill and strongly support it as it is another step towards marriage equality and the construction of a new Ireland built on equality and inclusive politics. Above all, it is about respecting our citizens. There can be no ifs or buts and there can be no hint of tolerating discrimination. One either believes in equality and respect for a person or one does not. That is the bottom line. I urge everyone to vote “Yes” in the referendum in May. Before people vote, I urge all involved in the debate to look at the facts and get active in the debate and campaign. I know there is cross-party support for the legislation, which is very positive.

As I have stated before, we need to examine the facts. We heard misinformation from bishops today and yesterday, which is disappointing. We must debate with the people involved and tackle the issues head-on. A couple of years ago I had the privilege of meeting a same-sex couple and their two daughters in my clinic. The parents did not make the case at that time but rather the children, and they were very impressive. They spoke about equality and different sorts of families. The issue concerned the enjoyment of diversity and difference. That is the kind of country I want to live in. There were 4,042 same-sex couples living together in 2011, of which 2,321 or 57.4% were male, with 1,721, or 42.6%, were female. These numbers increased substantially between 2006 and 2011, when the 4,042 same-sex couples recorded as living together indicated an increase of 93% over a five-year period.

The purpose of this legislation is to amend the Constitution so as to provide that persons may marry without distinction as to their sex. If the amendment is approved at a referendum of the people, same-sex couples will have the right to marry. Marriage will continue to be regulated by legislation and the common law. The wording in the legislation states that marriage may be contracted in accordance with law by two persons without distinction as to their sex.

Civil marriage should be open to all citizens, regardless of sex. Same-sex civil marriage gives equal protection to families with children headed by same-sex couples. Marriage is not just about having children, and I wish the bishops would recognise that. If there are no children, a same-sex marriage is no less valid.

Civil partnership is not the same as marriage; that is a separate and unequal relationship only available to same-sex couples. We need to highlight that as well. Without marriage, children in same-sex families will not benefit from the same constitutional protection and status as is afforded to other children. That is another key point in the debate. There are many family types in contemporary Ireland today, and families with same-sex parents are just one of these. Civil marriage is not a religious ceremony but rather a contract between two people who decide to spend their lives together. In jurisdictions where same-sex marriage has been introduced, marriage has not changed or been damaged, and there no fewer marriages taking place than before. Not allowing same-sex couples marry reinforces the stereotype that there is something wrong with lesbian and gay people. It stigmatises same-sex families as less deserving of recognition and protection than any other families. This legislation has been very powerful and successful in other jurisdictions. It is about equality and respecting difference and diversity. Above all, it is about a modern, inclusive, democratic Ireland respecting all its citizens and putting equality at the top of the political agenda.

Minister for Health (Deputy Leo Varadkar): “The spirit of self is a great evil; the love of superiority is a great evil. The liberty which I look for is that which would increase the happiness of mankind.” So wrote Daniel O’Connell in the late 1790s. He was just 21 years old and about to embark on the career that would make him a national hero and an international champion of the weak and oppressed. Two hundred and forty years ago, the Liberator was born into a country where Catholics did not have the vote, could not own land, had few rights, and could not even sit in Parliament. That all changed in his lifetime. At the time, those who opposed civil rights for Catholics believed fully and sincerely in the justice and rightness of their position. They held that full equality would undermine society and order. They were proven to be wrong.

Throughout history there are numerous examples of good people being on the wrong side of history. We are reluctant to change, and so it is often easier to accept the way things have always been. Why risk what change might bring? Fifty years ago women could not serve on juries in this country and had to resign from the Civil Service when they got married, two things that seem unbelievable today but which were supported at the time by many good and honourable people who were unable to see the damage these policies were causing, or the validity of the arguments on the other side, which they often saw as radical, rather than just modern.

This is a Bill which asks us to act as legislators for the whole country, for future generations, and to do something that will benefit all of society in the long run. This is not a Bill about “gay marriage”, it is about “equal marriage”. It is not about weakening one of the strongest institutions in society, it is about strengthening it by making it inclusive and for everyone. It is about removing the sense of shame, isolation and humiliation from many who feel excluded. It lets them know that Ireland is a country which believes in equality before the law for all its citizens.

A hundred years since the Rising, it dares us to truly cherish all our children equally and to reaffirm “The Republic guarantees religious and civil liberty, equal rights and equal opportunities of all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and all its parts ... oblivious of the differences carefully fostered by an alien gov-

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ernment which have divided a minority from the majority in the past.” This Bill allows allow gay men and women, for the first time, to be equal citizens in their own country. No exceptions; no caveats; no conditions; just equal. This is not an act of generosity to a minority, rather it is an act of leadership by the majority. It is a recognition that the majority does not become superior by making another group feel inferior. It recognises that same-sex relationships are equal to opposite-sex relationships, and by doing so, all are enhanced and neither is diminished.

In this House we have heard strong support from all sides for marriage equality but we must not allow this to be a campaign where we talk to those who are already committed. There are good and honourable people in the country who are unsure about marriage equality. They are not prejudiced. They just have concerns. We should not dismiss or ignore their concerns, but should attempt to answer, address and alleviate them.

People often fear change, which is only natural, and will want to protect existing ways. It does not make them bad people or prejudiced people. It is up to us to convince them that this change is one for the better. It does not seek to transform our society so much as to recognise it as it already is. Perhaps one way is to ask everyone to think of the best marriage they know, the one that is the most loving, the most stable, and the most inspiring, and then ask ourselves a few simple questions. Is that marriage any more likely to break up because two men or two women down the road get married? Did the introduction of divorce really undermine any of those marital relationships or did they survive untouched? Did the end of the marriage bar undermine marriage or did the institution survive intact? Those who speak loudest against marriage equality proclaim that marriage is a fundamental building block of our society, yet they seem to think it is such a fragile institution that it needs to be wrapped in cotton wool, frozen in time and denied to those they do not trust or understand. Instead of being real champions of marriage, they are almost afraid of it because they do not believe it is robust enough to withstand change, evolution and modernity. We believe in marriage as an institution, and so we believe equal marriage makes it stronger and makes society stronger too.

In the 1916 Proclamation the leaders evoked the power of our “dead generations”. In this debate let us call upon the new generation, the voters who have grown up in a very different Ireland from the one of the past, to come forward. A whole generation of people believe strongly in marriage equality because they instinctively know that true love between two people is not something to be afraid of; it is something we should embrace as a society and validate by our law. Happiness is not a zero sum game which requires some to be unhappy for others to feel good. We all benefit from increasing the numbers of secure relationships and allowing every loving couple to experience the kind of stable union, comfort and partnership that everyone believes in, regardless of their views on this Bill.

This is not a threat or a challenge to existing marriages in this country. Rather, it recognises that it is precisely because marriage is so important that we want to be able to extend its benefits and protections to others. This Bill is a reaffirmation of the institution of marriage in our society. It is a statement that marriage remains an integral part of our modern and changing society, something so special that we want all our citizens to be able to share in it equally.

Deputy Dara Calleary: Referenda are generally about some issue it is difficult to have an immediate personal connection with, be one a Member of this House or a voter outside it. There have been referenda on very technical legal issues. Most have been about the EU and the size of an institution with which most people have no personal connection. Others are to do with some moot constitutional point. Occasionally, we have had referenda on very emotive issues

where set positions were taken and fervently believed in and a very divisive campaign ensued.

This referendum is fundamentally very different because at its heart and at that of the legal process we are initiating this evening are people and the most basic emotion - love. It respects the right of two people to celebrate their love, regardless of gender, law and rules which, as the Minister said, belong to a different tradition and the past. This referendum allows a celebration, expansion and strengthening of marriage as an institution. Those of us who support this Bill are not seeking to diminish marriage. We are seeking to open it up and allow more people be part of it and thus strengthen it. We seek to promote and define commitment and allow more people celebrate that commitment in front of their families, friends and communities in a civil and legal way. We do not seek to diminish anybody else's standing or marriage or any other version of marriage but to open up civil marriage to all and to give everybody the equality this House is supposed to represent. Since this referendum is fundamentally about people, I ask that we have a campaign that remembers that people are at its centre and that the assertions, claims and charges that will be made over the next 11 weeks or so recognise the fact that we are talking about people. This campaign is not about some anonymous institution in Brussels or the Four Courts or in part of this building. It is not about some innocuous Bill that may or may not have an impact on people. It concerns our friends, families, relations, colleagues and community. Each and every member of our community deserves and is entitled to respect over the coming weeks and beyond.

If, on 22 May, we as a Republic affirm the values of republicanism - namely, liberty, equality and fraternity - which are often lost in this country, where republicanism has a narrower and more defined meaning, it will be a good day. It will be a good day to start the commemoration of 100 years since our Rising. It will be a good day for the men and women who took part in the Rising and took their inspiration from the French republican ideals of liberty, equality and fraternity. We can vote to endorse those values on 22 May. Rather than be distracted by arguments about what type of commemoration there should be, about who should march or who should visit, we can actually live the commemoration through our actions on that date. We can endorse the views and traditions of real republicanism, which are equality and respect.

The Minister is correct to say that there are many people for whom this debate is difficult and who have a natural fear of the debate. They have to be won over, because the bubble that is Leinster House and the bubble that is the Dublin media think this is a done deal and that the campaign is won. It is not. Once we leave this House and the Upper House, we and civil society have to go out and sell the view that this is a good thing and that 22 May can be a good day for the institution of marriage. More important, it can be a good day for a republican and independent Ireland. As the Minister said, we have to use examples of our own marriages and other marriages in our community that are strong, secure and successful and we have to demonstrate that they will not be threatened if we vote "Yes" on 22 May but will actually be enhanced by the ability of more people to marry. We have a difficult record of dealing with church and State in this country. Now we must move on and have a civil debate that puts people at its heart and seeks to affirm commitment and affirm love.

There is a tendency in any referendum to do a number of things. One is exemplified by the old slogan, "If you don't know, vote 'No'". That would be wrong on this occasion, because when people vote "No" they are voting against some of their own friends, their own relations and their own neighbours. They should not think they are making a decision that will not have an impact, because they will affect somebody's life by denying them a basic right. In any referendum at a difficult time in people's lives there is also an inclination to give the Government

a kick, but this is not the time to do that either, because in giving the Government a kick one is giving one's brother, sister, friend, neighbour or colleague a kick by denying him or her the basic right of marriage. If people want to give the Government a kick, they should hold their feet until next year. On 22 May they should affirm the ideals of a republic and the ideals of decency and Christianity, which respects other views and celebrates other views. Christianity is supposed to take on board all other beliefs and respect the dignity of the person, and that is what we need to do on 22 May.

That is what we can do, but let us not take it for granted. Let us not assume that when we leave this debate it is a done deal. Let us not make plans to gather in celebration on 23 May, because what we do in the next 11 weeks will dictate where this country is at for many decades and generations to come. On 22 May we can endorse the vision of our forefathers, who laid down their lives for this republic, and we can lay out a path of hope and equality for those who come after us. As people who are entitled to vote, we are in a unique position to be able to honour those who fell for our country and for the right for us to actually have a vote on 22 May.

Deputy Alan Farrell: I compliment the Minister on his introduction of this Bill to amend the Constitution to recognise marriage equality. It has already been said that equality is a core principle of a true republic, as is the equality of all citizens under the law, as opposed to the retention of the *status quo* in which some are more equal than others, which is simply unacceptable. This Bill and the vote in the referendum on 22 May will be about recognising the love of two people, whether they be gay or straight, as equal in the eyes of the Houses of the Oireachtas, the Constitution and the people of this State.

For many years, knowing that this Bill would eventually come before the House, I went on my own journey. As the previous speaker said, there are a number of people in Irish society who are concerned about the potential of the marriage equality Bill and who fear that the coming referendum will in some way affect their own marriage, but this is unfounded. It is far more simple than that. The basis on which this State was founded, by which I refer to the Proclamation, a section of which the Minister for Health, Deputy Leo Varadkar, read a short while ago, is an affirmation of what a true republic is, influenced as it was by the French Revolution.

Our Constitution is 77 years old and has acquired a number of modernising amendments over the past few years. This is another affirmation of the rights, responsibilities and opportunities that the Constitution should reflect for society and its people. Our laws must be reflective of 21st-century Irish society, not the society of 1937. We must support the betterment of society for all and recognise that it is no longer acceptable to actively discriminate against a person based on his or her sexuality. It is not acceptable for us to discriminate against a gay or lesbian couple who happen to be married or in a civil partnership, or in another situation which we will discuss in the House in the near future in the child and family relationships Bill - that is, who have a desire to adopt. I do not know for how many decades we have allowed individuals or married couples to adopt, but we have actively discriminated against those in civil partnerships. That is unacceptable, and I am happy to see that being addressed as part of a suite of legislation which the Minister for Justice and Equality, Deputy Frances Fitzgerald, is introducing.

I will close by referring again to the journey I myself went on a couple of years ago in deciding in what way I would greet the marriage equality referendum. It boiled down to a simple matter, to which Deputy John Halligan referred a little earlier. When one enters the gates of Leinster House or this Chamber, one is not a Catholic Deputy - I am a Deputy who happens to be a Catholic. I also represent Protestants, Jews, Muslims and people of no faith. I have to

make sure I represent all my constituents in the Bills I choose to support in this House. I need to ensure that I represent all my constituents and not only those who adhere to my particular beliefs. That is what a true republic is about, namely, rights, liberty, happiness and the prosperity of the whole nation and all of its parts.

I believe civic groups must lead this campaign. It is not the preserve of the Houses of the Oireachtas or the political parties within them to run this campaign. It is far more important than that. I agree entirely with the views of Deputy Calleary that this not a sure thing. As Members of the Houses of the Oireachtas, we need to get out in society and support civic groups who are mounting a campaign to ensure that this referendum is passed on 22 May.

Deputy Regina Doherty: As the Minister is leaving the House, I want to say it was lovely to be here in the Chamber to listen to his contribution because it was poignant and very effective. My contribution probably will not do any justice to the topic we are discussing.

I got married 17 years ago and I have a lovely husband. I do not think I take him for granted. I respect him. He is my best friend. I probably like him now much more than I did when we got married. When I listen to people, groups and organisations who are anti-marriage equality say that if people vote “Yes” on 22 May it will somehow redefine the definition of marriage and, probably more importantly for them, that it will somehow undermine marriages like mine, I fundamentally disagree with them. Every time somebody says something like that, the voice in my head screams “No” and I switch off.

I read a recent article in *The Huffington Post* by a lady who was at a same-sex marriage ceremony. She happened to be at it without her husband and the display of commitment and passion by the two people getting married made her miss her husband and think about him extremely fondly. That got me thinking and it made me start to listen to the debates with a different ear and to view the articles in the newspapers and posts on Twitter and Facebook in a different way. It got me to think about my marriage. I listened to people who do not have access to the institution marriage and heard how genuinely committed they were to each other, and how much they were willing in public, which cannot be easy, to display their love for each other from the rooftops and their genuine need just to be the same as everybody else in this country. Perhaps there is a change because it made me think about something, which I probably take for granted every day, far more in the past few weeks than I have in the past 17 years. It has made me realise that I need to cherish something, to which I have had access all my life, simply because I have had such access. There are people in this country who do not have access but think about it and are far more passionate about displaying how they feel about it than I have been in the past. It is important for us to make sure that we take the opportunity every day to recognise how lucky we are to have access to the institution of marriage and to cherish, honour and respect it and to do all the good things we promised we would do on the day we got married.

I have decided in the past few weeks to say “thank you” to my friends, young and older, inside and outside this House, for making me change the way I feel and I make a commitment here that I will work my socks off every day and every night that I can between now and 22 May to make sure that we extend the institution, to which I have access, to every man and woman in this country who wants to marry. I want all of us to be as committed as some of the people who have been brave enough to go on the public airwaves in the past few weeks to tell us as a society how much they are committed to each other and how much they want access to something that I have taken for granted for the past 17 years.

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I commend the Minister on bringing this Bill to the House and I look forward to working for a “Yes” vote on 22 May.

An Leas-Cheann Comhairle: The next speaker is Deputy Maureen O’Sullivan and I understand she is sharing her time with Deputy Mattie McGrath when he arrives.

Deputy Maureen O’Sullivan: Yes. Táim ag tacú leis an mBille seo. Tá sé ag baint le cearta an duine.

It is strange to think of two people of the same sex being married because we are not used to it. For most of history from the Middle Ages onwards, we have seen male-female marriage, so this is different and sometimes society is very slow to take on difference, but it is important that society embraces difference and diversity. Therefore, I support this Bill because that is what it is about.

I am coming to the Bill from the point of view that it is a human right and no one should be discriminated against on the basis of their sexuality, gender, religious beliefs or none, or their ethnicity. As far as I am concerned, the Bill is about a human right for homosexual and gay people to marry and to enjoy the benefits of marriage.

I was a member of the Constitutional Convention and I was there when this issue was being debated. Over the course of the convention it was one of the more moving debates. It was also at times disturbing to listen to people deprived of the right to marry and to listen to the children of same-sex couples who are deprived of rights because their parents were not married. My overall impression from all the debate at the Constitutional Convention was that, far from undermining or threatening marriage, it was in fact affirming marriage because that is what same-sex couples want.

The 66 citizen members of the convention who came from a wide section of society, urban and rural, and of a great variety in ages, gave a strong endorsement that was supported by the political representatives there. It was interesting to see the vote on it. Some 79% voted to change the Constitution to provide for civil marriage for same-sex couples, 78% favoured directive or mandatory wording in the event of such an amendment going ahead, meaning that the State should be obliged to enact laws providing for same-sex marriage; and 81% voted for the State to enact laws incorporating necessary changed arrangements in regard to the parentage, guardianship and upbringing of children in lesbian and gay headed families. That was a very strong endorsement. That is reflected in the various opinion polls that have been taken, that there is support for equality in marriage.

I think back to when homosexuality was illegal in this country, and I acknowledge the work of Senator David Norris in bringing about change. I am also conscious that while we are discussing a step much further on, that of marriage equality, there are countries in the world, particularly in the developing world, where gay, lesbian and transgender people are suffering massive discrimination. They are being put into jail and tortured there and being punished horrifically because of their sexuality.

We have had civil partnership legislation for a couple of years now and the sky has not fallen and marriage has not been undermined. What we are seeing from those in civil partnerships is their desire to enjoy what other people have in marriage. This Bill is just another step towards our society embracing difference and really being inclusive. It is continuing the journey that lesbian, gay, bisexual, transgender and intersex people have been on. It is a journey that has

been very painful for them at times and very difficult because they suffered abuse and discrimination, bullying and harassment. There were times when some of them had to deny their sexuality. Times have changed. Civil partnership was a step forward and now marriage equality is just furthering that progress.

The Referendum Commission will be very important to ensure that everybody is aware of what this means. Up to now generally it has been the parents, siblings, children of same-sex couples and support groups who really know what this means to people who want equality of marriage. It is time that this spread to society in general. It is also about the kind of society that we want, one where respect and dignity are valued and one that is inclusive when it comes to human rights, and that means the human right of same-sex couples to marry.

Deputy Mattie McGrath: I thank the Technical Group for giving me some time to speak on this issue. I am delighted the Minister is present.

I have some serious concerns about this Bill. I welcome the fact that there will be a plebiscite and that the people will be asked to decide. It is honourable in our democracy that the people get the chance to do that, unlike the Bill that was put through last year when it was down to us, the Members. There will be a referendum, and I welcome that, but as a public representative I ask the people to consider carefully the issues proposed in this marriage equality referendum. I note today that different groups were calling for that. The referendum is ten weeks away and I hope there will be time for a reasonable, calm debate in which people with different views will have an opportunity to express those views. I appeal to all sides to respect and understand other people's views, regardless of the side of the issue they are on. It is a sign of a healthy democracy that we would have a proper debate and time to debate the issue thoroughly, listen to all sides and engage with people on all the issues.

I have no issue whatsoever with people who are gay. I have many friends who are gay. We now have civil partnership rights, and that is very welcome, but I can quote Mr. Keith Mills, and others who are gay and have been activists for many years, who now oppose this referendum. They explained to me that it is a diverse view, and they have a chance now to have a different opinion and be recognised as different in our country in 2015. That is very important. I have fought and campaigned for issues over the years, as other speakers have said. They are recognised as being different and having their situation recognised and appreciated, both in legislation and also in the communities in which they live, work and want to raise children, is their right, and it is wonderful that we can respect that today. I have met Keith Mills, and others, on a number of occasions. They said they are now recognised as being different, and rightly so, but asked why they would want to have the same rights as a man and woman who are married and have children. They made the compelling point that they have that recognition, which was hard won, and therefore why would they vote to give them the same rights as those of a man and a woman in a union who have children.

I want to put those points on the record. I could make many more points but I will not because I am meeting my constituents and different groups from all sides, including Mothers and Fathers Matter. I honestly believe that, where practicable, it is very important that a child will have a mother and a father. I know of cases in my own constituency where that is not available to children. As a result of accidents and other issues they have experienced tragic circumstances, and that is not practicable or possible, but where practicable it is desirable that a child has a father and a mother.

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There are ten weeks to the referendum. I cannot say the issue is not being debated enough because it is, and I hope that will continue. I appeal to the media and everybody else to allow that debate to take place, and I urge every citizen to come out and vote and make an informed decision. They should inquire about the issue. There is information on many websites. There are many groups and organisations here and in other countries, and some countries that have introduced this are trying to roll back the tide. It is a vital issue, but I welcome the fact that it will be a decision of the people. All I am asking for is a fair and reasonable debate and understanding on all sides. The issue should be debated calmly, and anybody who wants to offer a counter opinion should not be demonised and intimidated into voting a certain way or keeping their mouth shut.

I know that a good few Members on all sides of the House have concerns about this issue. They have major concerns also about the Child and Family Relationships Bill, which is currently being debated. That is major legislation with 172 sections but there is disquiet about it, including on the part of the Minister's predecessor, Deputy Alan Shatter, who is leading us to believe, and I have no reason to doubt his opinion, that he had done a significant amount of research and preparation in regard to that Bill. I ask the Minister the reason for the delay in bringing forward the Bill. People who have reservations about the marriage equality legislation are accusing us of trying to tie up the two Bills. I lay the blame fairly and squarely on the Minister, Deputy Fitzgerald, and her Government for bringing the two issues together and sowing confusion. Nobody other than the Minister can take responsibility for that. We have had the Minister for Health, Deputy Varadkar, in a latter day intervention, talking about bringing forward legislation on aspects that were taken out of this Bill. He talked about future legislation not in the lifetime of this Government but the next Government. Confusion has been sown by the Minister, Deputy Fitzgerald, and her Government and people are concerned and have issues. Above all, we must think about the children's rights, and future generations of children, and not be selfish by thinking about adults' rights all the time.

An Leas-Cheann Comhairle: Deputies Dominic Hannigan and Joe Costello are sharing the next slot.

Deputy Dominic Hannigan: Tá áthas orm bheith anseo anocht chun an t-ábhar seo a phlé. When I was growing up in Ireland in the 1970s and 1980s, homosexuality was still a crime. Today, in this House and throughout the houses of Ireland, gay people can be open and honest about themselves. For many of us it is a freedom that was unimaginable back in those days of the 1980s. Anybody middle aged or older will recognise the changes we have seen in this country in the past few decades. We have moved on so much that we are now at the stage where full equality is achievable for the LGBT community. We are on the verge of introducing marriage equality.

Some people argued in the past that it might be possible to introduce civil marriage by bringing forward a Bill in this House, passing it and then seeing whether the courts found it to be constitutional. I prefer this referendum approach because it demonstrates to the world how far we, as a country, have come. It means the Irish people can show that they believe it is time to extend equal rights to all citizens in the country. That is a much more powerful message to send out compared to a court decision.

I will be working hard to make sure that we get a "Yes" vote in the referendum in May. Following it, there will still be battles to be fought and won. In particular, we need to do more for our young LGBT people. Apart from being a Member of this House, I am a director of the

charity BeLonG To, which helps young people deal with their sexuality and gives them the tools to grow up into mature adults. I know from my work with BeLonG To that bullying of young LGBT people still takes place. I know the impact that bullying can have on many young people, but I know also that things are starting to improve in this area because of the work of organisations like BeLonG To and the work of the former Minister for Education and Skills, Deputy Ruairí Quinn, and the current Minister, Deputy Jan O’Sullivan, who brought in new proposals to tackle this issue.

This morning, I spoke to 300 school children in Edenderry, County Offaly, during their LGBT awareness week. I was asked in by the student council, with the permission of the teachers, to address the students. It is wonderful that in 2015 we have schools that consider it important to raise awareness of LGBT issues among their students. When we see our younger citizens organise events like that, it is impossible not to feel great hope for our country.

I spoke to the children about the history of LGBT rights in Ireland and what it is like to be a member of the LGBT community, and the importance of acceptance and of making sure that gay and straight people work together to overcome what can be a very difficult period during the teenage years of development. One of the benefits of a “Yes” vote in this referendum will be to show that all of our young LGBT teenagers can grow up as equal citizens, equally valued as their straight colleagues and peers.

The referendum campaign is swinging into full gear. I will be canvassing for a “Yes” vote as I know will many other people from this House. I look forward to the debates that will take place over the coming months. I am sure that at times it will be frustrating and difficult and I imagine that many tears will flow over the course of the campaign. I do not expect it to be a completely pleasant experience, but it is a necessary experience.

If this referendum is carried, Ireland will be the first country in the world to introduce same-sex marriage by referendum. Some states in the United States have introduced same-sex marriage, but no country has introduced marriage equality by means of a popular vote. If we vote “Yes”, then we can truly say that we are leading the world in how we treat the LGBT community.

As we approach the centenary of 1916, I cannot think of a better way to honour those who fought in the Rising than to show how we, as a nation, are delivering on the Proclamation: “The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all of the children of the nation equally.”

Deputy Joe Costello: Gabhaim buíochas leis an Leas-Cheann Comhairle as ucht an seans chun labhairt ar an mBille tábhachtach seo inniu. I welcome the opportunity to speak on this important legislation.

This is a ground-breaking, long-overdue Bill. If the referendum is passed, it will mean that we will treat all our citizens, irrespective of their sexual orientation, equally. The amendment to the Constitution would insert the following text: “Marriage may be contracted in accordance with law by two persons without distinction as to their sex.” If that wording is approved by the people, the Government would then be enabled to introduce legislation to ensure that right is vindicated.

The Labour Party has long been to the forefront in supporting and advancing progressive

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social policies. It is hard to think that in the 1980s, it was Mr. Barry Desmond, then Minister for Health and Social Welfare, who liberalised the availability of contraceptives; in the 1990s, the Labour Party in government decriminalised homosexuality and introduced a referendum that allowed divorce to be introduced; and in the 2000s, we were the first to push for the introduction of civil partnerships. This Government has advanced the cause further. For many years, previous Governments failed to legislate for the X case. That has now been done. This Government ensured that the Protection of Life during Pregnancy Act was passed in 2013. Moreover, legislation on gender recognition and the Children and Family Relationships Bill are currently before the House. That is an impressive amount of legislation in a socially important area to have gone through the Houses in recent years.

Indeed, the programme for Government included a provision that a Constitutional Convention would be established, and the third report of that convention, as referred to by Deputy Maureen O'Sullivan, recommended by a large majority that legislation should be introduced to amend the Constitution in this respect. Since the foundation of the State, the Labour Party has been the most consistent socially progressive party in these matters. It has been extremely important to seek to broaden the scope of personal freedom in personal relationships in the face of traditional, religious and cultural views and practices that were restrictive of the lives of the people. There are other areas that we are coming to terms with, particularly in relation to the restriction on the lives of woman and children in society.

If this legislation is passed, Ireland would become one of the growing number of countries that have already achieved marriage equality. As Deputy Hannigan stated, we would be the first to achieve this through a popular vote by means of a referendum. More and more countries are recognising that couples should have the right to marry, regardless of their sexual orientation.

Importantly, this referendum will not change what is meant by marriage. It in no way interferes with the marriage of a man and a woman. Heterosexual couples will continue to marry as they always have done. If passed, however, what will change is who has the right to marry. Other couples will now have that right. We must respect all the citizens of the Republic and treat them equally.

It is important that, on the eve of the centenary of 1916, those precious values that were expressed in the Proclamation of 1916 would be reflected in the acts that we are engaged in at present and that we would pass legislation that would ensure similar rights for all citizens. It would add to the totality of rights that were pledged by our forefathers at the foundation of the Republic. It is important for us to address the matter in that context and to ensure that every effort is made to explain fully to the people what exactly is meant by this proposal in the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015. It is extremely important that we show leadership here and that every party that has signed up to this legislation would also show that in a practical fashion in the course of the campaign. This does not necessarily mean they should campaign individually but this is an opportunity where different parties could campaign together on an issue shared by everybody, both in this House and, I understand, in the other House, to get the word out clearly that love is love and that two persons who love each other are entitled to share that love and to have it expressed constitutionally by marriage.

Acting Chairman (Deputy Bernard J. Durkan): I now call Deputies Paul Murphy, Thomas Pringle and Seamus Healy who share ten minutes.

Deputy Paul Murphy: Some of the reactionary forces in Irish society who have crawled

out of the woodwork in recent weeks could do with reflecting on these words of the late Harvey Milk:

It takes no compromise to give people their rights... it takes no money to respect the individual. It takes no political deal to give people freedom. It takes no survey to remove repression.

Look at the statement today from the general meeting of the Irish Catholic bishops which opposes same-sex marriage. What is the rationale for that? They state that “the union of a man and a woman in marriage, open to the procreation of children, is a gift from God who created us ‘male and female’”. That is a marginally more sophisticated version of the argument, “it was Adam and Eve, not Adam and Steve”, nothing more. The argument that a marriage is something that is open to the procreation of children is clearly nonsensical. Will the bishops argue against the elderly being able to marry? Will they argue for a referendum? There are lots of married couples who do not have children, by choice or not by choice. It is a fundamentally mistaken and wrong idea about what is marriage.

They also argue that “Mothers and fathers bring different, yet complementary gifts and strengths into a child’s life”. This is an echo of the argument of the “No” side that every child deserves a mother and a father. It is an insult to the LGBTQ couples who currently raise families, to single mothers who currently raise one quarter of all children on this island and to the 30,000 single fathers who do the same. It is also an insult with no factual basis because there is no evidence whatsoever to suggest that a heterosexual couple makes better parents than a homosexual couple.

I say to the Catholic Church and to any other church that nobody will force them to have religious same-sex marriage but they should stop trying to impose their conservative values on society as a whole. It was summed up by Panti Bliss, who said, “Get the hell out of my life”.

As for the Government, it takes every opportunity possible to express, in particular, through the person of the Minister of State at the Department of Justice and Equality, Deputy Ó Ríordáin, the fear that those who are anti-water charges and anti-austerity will vote “No”. It is deeply cynical. It attempts to portray the anti-water charges protesters as some sort of Neanderthals, in contradiction to the sophisticated pro-austerity liberals of the Labour Party. Believe me, the vast majority of anti-water charges anti-austerity protesters are not that stupid. They know this is not the Government’s or the Labour Party’s referendum. It is a referendum as a result of pressure from below of thousands of courageous LGBTQ activists who have fought for their rights.

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They know that this is a great opportunity to further isolate the forces of reaction and backwardness in Ireland, to show that society has moved on and that the control that the church holds over the institutions of the State is wildly out of step with its influence in society as a whole.

A massive “Yes” vote will be a blow to the traditional establishment in this country and another big step forward towards real equality although it will not be the end of the battle. The ongoing legal discrimination against LGBT people, for example, against gay teachers in schools or against gay and bisexual men donating blood, must be ended. The homophobic bullying and physical violence that many face must be challenged but a “Yes” vote will be a powerful signal that homophobia is not okay and that LGBTQ people are entitled to equal rights.

Deputy Thomas Pringle: I welcome the opportunity to contribute to this debate. I will start by saying that I will be voting “Yes” on 22 May next. It is vitally important that we encourage as many people as possible to come out and join us in voting “Yes”. If the majority votes “Yes” on 22 May, Ireland will be joining many other countries in recognising same-sex marriage, including the Netherlands, Belgium, Spain, Canada, South Africa, Norway, Sweden, Portugal, Iceland, Argentina, Denmark, France, Brazil, Uruguay, New Zealand, Luxembourg, Finland, England, Wales and Scotland. It is important to recognise that what we are doing in this country by voting “Yes” is not something out of the ordinary. It is something that respects people and citizens regardless of their sexual orientation, which is vitally important. As other speakers have said, it is remarkable that we will be the first country to do this by popular vote.

Voting “Yes” to marriage equality makes everyone equal in the eyes of the law and strengthens everybody’s marriage in this country. It could not undermine marriage to give everybody who is in a loving relationship the right to have that relationship recognised in law and constitutionally. That is what we are doing with this referendum. There is nothing more natural than allowing two people who love each other to declare that love equally under the Constitution and before the law. We all have a great opportunity on 22 May to come out and affirm that right for every citizen living in this State. There may be people who have concerns about it but it is our job during the forthcoming campaign to assuage those concerns and to assure those people that what we are doing is providing for equality and fairness and enabling couples who love each other to declare that love before the law. That is all we are doing and rather than undermining people’s rights or undermining marriage, this will actually strengthen rights and strengthen everybody’s marriage in this country. This issue is extremely important. I fully support the referendum on 22 May and look forward to it being carried on that day.

Deputy Seamus Healy: I welcome the opportunity to speak on this legislation and I confirm my support for the Bill. I will be voting “Yes” in the forthcoming referendum on 22 May. The referendum arises from the Constitutional Convention vote of 79 to 19 in favour of same-sex marriage. This is a civil rights and equality issue and is about removing the barriers which deny some couples the chance of marrying and having relationships that are constitutionally protected. I believe that loving committed relationships between two consenting adults should be treated equally regardless of gender or sexual orientation. In a democratic republic based on equal citizens, such as Ireland, civil marriage should be open to all citizens, including lesbian and gay people.

As Deputy Pringle has just said, in the many countries where marriage equality has already been introduced, marriage has not been changed or damaged. There are no fewer marriages taking place than before, public perception of marriage has not been damaged and divorce rates have not increased. There is absolutely nothing to fear from allowing people to marry those whom they love and neither is there anything to fear from treating every committed, long-term relationship equally. A “Yes” vote in May will create a fairer society in which, regardless of one’s sexuality, one is not any different. By voting “Yes” we will tell all gay and lesbian people in our community that we want them to be treated the same as everyone else. By voting “Yes” we will tell them that we see them as equal citizens.

Father Iggy O’Donovan in a recent article in *The Irish Times* raised some issues which should inform this debate and our decision on the issue. He argued that “In Ireland, we have inherited a tradition which has associated religion and politics in a way that has excluded some of our fellow citizens” but that “the State is a secular reality whose principal duty towards religion is to ensure its freedom”. He went on to say, in the context of the referendum: “When

we become legislators, though, as we do when we vote in referendums, we legislate for ALL our fellow citizens. We do not vote as members of this or that church or faith.” He argued that we need to remember the difference between civil and religious law and also that it is possible to have “deep and passionately held convictions without seeking to have those convictions imposed by the State on fellow citizens who do not share them and may have opposite convictions which are equally deep and passionately held”. He argues further that “Respect for freedom of others to hold religious or moral views which we ourselves find we cannot share is a sign of strength, not weakness”.

I support the Bill and will be supporting the referendum.

Deputy Seán Kyne: It is difficult enough to find love in this world and where two same-sex individuals find love and wish to have this recognised and acknowledged by the State, this should be made possible via civil marriage. This will provide equality and protection to these couples. Those were my views in 2009 when running for re-election to Galway County Council in response to a question put to me by the marriage equality campaign. Thankfully, I have not changed my mind since then and in fact I am even more supportive of marriage equality now.

I understand that some people of a certain generation may find it difficult to understand the concept of same-sex love or relationships. Perhaps they were not talked about back in their day; they happened elsewhere, to other people. Perhaps gay people moved abroad or to big cities to live their lives away from the prying eyes of neighbours, particularly in rural Ireland. Thankfully, more and more gay people can now live their lives openly. For the most part, they can live their lives without difficulty although unfortunately there are still some incidents of homophobia in society. I hope that these will continue to lessen and that marriage equality will help in the greater acceptance of same-sex couples.

As a Catholic, I want to say that this is a civil issue. It does not impact on the rules of the church. The State cannot change the Roman Catholic doctrine; nor can the Oireachtas. It can, however, comment on a range of issues relating to the rules of the church. I fully respect the church’s right to have its rules on a range of social and moral issues, although I would disagree with many of them. The State has a responsibility to all of its citizens, gay, straight and transgender, as we saw last week with the debate on the Gender Recognition Bill. Same-sex marriage does not devalue, weaken or lessen the marriage between a man and woman. It allows same-sex couples to express their love in the same way before the eyes of the State as heterosexual couples do when they sign the civil register in a registry office or in a church.

I have many gay friends, some of whom struggle with their sexual identity. Some have had heterosexual relationships but now accept that they are gay or bisexual and wish to find or meet a same-sex partner. More have found that special somebody and want their love recognised. The State needs to embrace commitment. Commitment has always been what marriage is about - two people committed to each other, to supporting one another and sharing their lives together. I certainly hope this referendum passes. I intend to vote “Yes” and campaign for its passage. I hope that in ten or 20 years time it will be difficult for people yet to be born to understand what the fuss was about in the same way as we today cannot understand how it took until 1993 for homosexuality to be decriminalised or how until 1973 women had to resign from their jobs when they got married. I hope that future generations will find these debates strange, quaint or even funny. I hope with every year that passes acceptance will be easier. I hope that the lives of people who struggle with their sexuality ease with each year. As a friend of mine has argued, gay or bisexual teenagers in 20 years time will find life so much easier than today. I believe it is

already easier for young people to express their sexuality and I hope that continues. That said, we must acknowledge the difficulties for gay or bisexual teenagers in expressing their sexuality to their parents or dealing with bullying in schools. This can obviously be very difficult for those young people to cope with.

When we look at the abuses in Russia, parts of Africa and the strong homophobic views in parts of eastern Europe and indeed even in some US states, it makes Ireland look very tolerant and accepting but we must take the next step and give the couples who cannot currently marry under the eyes of the State the rights they deserve. I have, however, a problem with the word “tolerate”. It means to put up with something. People deserve more than to be put up with. All of the people of Ireland and beyond deserve equality.

Cuirim fáilte roimh an Bhille seo. Tá mé dóchasach go mbeidh vóta i bhfábhar an ábhar seo sa Reifreann ar an 22 Bealtaine. Tá daoine go láidir ina aghaidh. B’fhéidir go bhfuil imní orthu faoi athrú. B’fhéidir nach bhfuil aithne acu ar daoine aeracha. Tá an Reifreann seo faoi chearta - cearta do dhaoine i ngrá pósadh. Tá sé ceart go dtabharfaimid aitheantas dóibh mar chúpla.

The question was asked, “why a constitutional change?”. The Constitution is the place where we insert what is dearest to us, our values, who we are and what we aspire to for ourselves and future generations. This is why I believe marriage equality needs to be inserted in the Irish Constitution. I certainly hope the people will go out and give resounding support to this very important question of our time about respecting the rights of same-sex couples to be treated equally in the eyes of the State - as equal as any heterosexual couple. I hope the referendum on 22 May gets the full and unequivocal support of the people.

Deputy Jerry Buttimer: Tonight in this Chamber I am reminded of the words of Frances Wright, the great social reformer, who said “equality is the soul of liberty; there is, in fact, no liberty without it”. Tonight in this Chamber we debate a constitutional referendum Bill that is not about children, urban versus rural, political parties and Independents against each other, liberals or conservatives or church and State. It is about us as a nation and as citizens and our Constitution. This Bill is about marriage equality but it is not asking our citizens to do anything they do not want to do. It is asking them to vote, hopefully, in favour of the referendum. This Bill is about extending to all of us as citizens the right to marry the person we love. It is about us as equal citizens under our Constitution.

This is the last great civil rights battle of a generation. As many speakers have said, as we approach 2016 and the anniversary of the 1916 Rising, the words of our Proclamation, as have been quoted tonight in this Chamber, ring true - cherishing all of our children equally. We are nearly there but we are not quite there. That is why this referendum is so important. What kind of equal society says, “you’re not worthy, you’re not equal, you don’t deserve true membership”? I contend that we cannot as a nation claim equality if we push our children away from something we value and cherish. This referendum is about the republic we live in: a republic that represents all of its people, all of our citizens no matter who they are. It provides the conditions for all people to prosper, which includes spiritual prosperity. It allows us to love, to hope and to share our dreams. A republic grants equal status to everyone regardless of race, creed, culture, language, social status, family status or sexual orientation.

This Bill and the referendum to follow give us an opportunity reaffirm our republic - the republic. It allows us to recognise the rights of all our citizens. Marriage is a long-regarded institution and because it creates a bond between two people who want to live together in love,

it creates stability for those people. It gives them recognition and confidence to be open about their relationships. Many of us have had the privilege of growing up in a household with that love and commitment. I contend that in this referendum, people will enter into different side-shows about family and children but this referendum is about the rights of all of our people. There is no undermining of society, family and existing heterosexual marriage. Where is the undermining in this referendum? There is none because the marriage that my sister or my brother has will not be undermined nor will the marriages of my friends, my parents or other parents I know. It will be the opposite in fact. All that will come from this Bill and the referendum being passed is a mature, outward and forward-looking Ireland that is more caring, gentle and accepting. That is why we are taking another small step tonight on the road to full equality for all our people. It may not seem much to some but for many of us and our friends, it means an awful lot.

I compliment our older generation of citizens, some of whom are unsure about this referendum and marriage equality. They are people across our country over a certain age who have gone through more changes than any previous generation, including families in every county, townlands and rural area, and who have lived with their sons and daughters coming out and in some cases entering into civil partnerships. The overwhelming majority of these older people, parents in many cases, can be proud of how generous and supportive they have been and how they have responded to their loved ones coming out. Those parents are thinking that their love for their children did not disappear when they found out they were gay. It was the contrary. I ask them tonight why they would or should accept their sons and daughters being excluded from something as precious as civil marriage.

Nobody has anything to fear from this Bill and this referendum being passed. We may as a nation have been slow to embrace change but as a people, we have come a long way from the monocultural society we were only a few decades ago to being one that has discarded the relics of the past. We have lanced many of those boils in this Dáil under this Government. Who genuinely believes we are a weaker society for giving equality in law to women, the disabled, the Traveller community and those of different religious or racial backgrounds? We are a stronger nation as a result of those actions and we will be a stronger society in passing this referendum on 22 May. I hope that we as a nation will embrace this referendum - a vote that will allow us to improve the lives of our fellow citizens and take another significant step on the road to that hallowed republic.

I commend the Minister for Justice and Equality, Deputy Frances Fitzgerald, on her stewardship as Minister. I am proud to have sat next to her tonight, as I was in 2010 when as leader of the Fine Gael group in the Seanad, she led the debate on civil partnership. She has been a champion for equality in this House tonight and at the Cabinet table. I commend other members of my party, including former Senator Sheila Terry, Brian Hayes, MEP, the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, and former Minister for Justice, Equality and Defence, Deputy Alan Shatter, for their work in this area in the 1990s and 2000s on behalf of the Fine Gael Party. I also commend the men and women of GLEN, Marriage Equality and LGBT Noise who have worked tirelessly to ensure that this matter is put before the people in a referendum.

For the younger generation who will have an opportunity to vote in this referendum, this is a once in a lifetime opportunity for them to have their voice heard and to make real change. They will be the custodians of a new legacy, one of an Ireland that is inclusive and welcoming. Let us be the first democratic nation to vote “Yes” in favour of marriage equality. I am proud to be

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a member of this Government and of this House of the Oireachtas. I hope the Irish people, in their hundreds of thousands, will vote in this referendum. This is about the lives of all of us as citizens. It is about the future, a new republic in which we are all cherished under our Constitution as equal citizens.

I commend the Bill to the House and hope that the people will vote “Yes”.

Deputy Bernard J. Durkan: I welcome the opportunity to contribute to the Second Stage debate on this Bill, which, like much of the legislation introduced in this House, is landmark, progressive legislation which recognises the need for equality. As a nation, we have always prided ourselves on being a compassionate and caring nation. Those of us in public life for many years have come across many instances in which that caring and compassion did not always apply. It is important we recognise how others feel when, for whatever reason, they are isolated.

The Minister and all those associated with the introduction of this legislation are to be complimented on the manner in which it addresses fundamental issues in our society at this particular time. It is particularly important that the progressive nature of this legislation is recognised. It is easy to shy away from difficult issues on the basis of convention or on the basis that we should not change for one reason or another. It is timely that this legislation is before the House. It is also worth mentioning that there is all-party support for this legislation. It was previously suggested that this debate would be divisive. I do not see any reason that should be the case.

When enacted, this legislation will recognise the situations of a minority of people. Our society must be an inclusive society.

Cuireadh an díospóireacht ar athló.

Debate adjourned.

Misuse of Drugs (Amendment) Bill 2015: Order for Second Stage

Bill entitled an Act to amend the Misuse of Drugs Act 1977; to confirm certain statutory instruments; and to provide for related matters.

Minister for Health (Deputy Leo Varadkar): I move: “That Second Stage be taken now.”

Question put and agreed to.

Misuse of Drugs (Amendment) Bill 2015: Second Stage

Minister for Health (Deputy Leo Varadkar): I move: “That the Bill be now read a Second Time.”

I am presenting the Misuse of Drugs (Amendment) Bill 2015 to the House today as an emergency measure on foot of a judgment earlier today by the Court of Appeal on the Misuse of Drugs Act 1977. I would like to express my appreciation to Whips and the House for agreeing to deal with this Bill at such short notice.

The ruling by the court today means that numerous substances which have been controlled by Government order in the years since 1977 cease to be controlled under the Act. The court ruled today on an appeal against the High Court judgment of May last year. The High Court had upheld the constitutionality of section 2(2) which is the provision in the Act empowering the Government to declare substances to be controlled under the Act. The Court of Appeal concluded that this provision is deficient in principles and policies and, accordingly, is repugnant to Article 15.2.1 of the Constitution. This vests the sole and exclusive power of making laws in the Oireachtas. Accordingly, any order made under this power is invalid. While the State had no way of knowing how the Court of Appeal would rule, we planned for this possibility by preparing this Bill and ensuring it could be brought before the House without delay. This Bill aims to deal with the fall-out of today's judgment by reinstating the *status quo ante* in relation to substances controlled by Government order. I hope it will meet with the approval of this House.

By way of explanation, the Misuse of Drugs Act has two primary purposes. It establishes a system of control over certain drugs to protect the public from dangerous or potentially dangerous and harmful substances and facilitates the safe use of certain controlled drug substances, which, though harmful if misused, have medical and therapeutic value. Under the legislation, unless expressly allowed to do so, it is illegal to possess, supply, manufacture, import or export a controlled substance. Controlled substances under the Act are substances which are either known to be, or have the potential to be, dangerous or harmful to human health, including their liability for misuse or causing social harm. In general, these are substances which affect the central nervous system, producing some mind-altering effect. This may be stimulation, depression, hallucinations or other significant change. Additionally, many of these drugs have the potential to cause addiction or dependence, whether physical or psychological.

A substance may be declared controlled under the Act in one of two ways. The first is if the substance is listed in the original Schedule to the 1977 Act. The second is if the substance has been declared controlled by the Government by means of an order made under section 2(2) of the Act. Subsequent to a substance being declared controlled, the Minister for Health then makes regulations to place controls on the import, export, production, supply and possession appropriate to that substance. The Schedule to the Act lists over 100 substances which are controlled, including cocaine, heroin, cannabis, certain amphetamines and other well and less well known substances. These are not affected by today's judgment. However, the legislators in 1977 recognised that it was important to future-proof the legislation by providing a mechanism by which additional substances could be declared controlled without undue delay. This was far-seeing because as we all know numerous dangerous substances which might not have been known about, or might not have even existed, in 1977 have emerged on the drugs market in the intervening period. Accordingly, the Act provided under section 2(2) that additional substances could be controlled by means of Government order. Since 1977, this power has been used nine times by several Governments to control a wide range of dangerous substances, including ecstasy, and most recently head shop drugs.

Earlier today, section 2(2) under which Government orders are made was declared unconstitutional by the Court of Appeal. This judgment will be carefully examined by my Department with a view to considering its implications and what future amendments to the legislation may be required. What is clear is that, as of today, as a result of this judgment, all Government orders made under this Act cease to be valid. This means that all substances which have been declared controlled by Government order, many of which pose significant health risks for people who use them, are now no longer controlled under the Act. Accordingly, the purpose of this

short but important Bill is to resubmit these substances to control under the Act. The Bill does so by inserting these substances into the Schedule to the Act. In order to reaffirm the controls which may apply to these substances, the Bill also confirms a number of ministerial orders and regulations made under the Act, thereby giving these instruments statutory effect as though they were an Act of the Oireachtas.

Controlling substances under the Misuse of Drugs Act is an ongoing process which involves national and international co-operation and engagement. The drugs phenomenon is an international issue that needs to be tackled in a co-ordinated way and addressed in a global context. Two United Nations conventions provide the international legal framework for addressing the illicit drugs phenomenon. The fundamental objective of the conventions is to protect the health of people from the inappropriate use of controlled drugs and to ensure use of controlled drugs is restricted to medical and scientific purposes. Substances are scheduled under the Act in accordance with Ireland's obligations under these international conventions. Of course, it is open to parties to the UN conventions to extend the scope of control to a wider range of substances, which Ireland has done. Furthermore, substances are also scheduled under the Act in accordance with EU Council decisions or where there is evidence that substances are causing significant harm to public health.

The process by which substances are subjected to control by the Government under the Misuse of Drugs Act 1977 is highly technical and complex in order to ascertain whether the abuse potential is such as to warrant control. This work includes monitoring of trends of drug abuse in the national and international drugs markets and the identification of substances and classes of substances that are being used in the drug culture. It involves information exchange between Departments and State agencies regarding trends in usage, seizures and health effects of drugs. The development of highly technical legislative provisions which precisely describe individual chemical substances or groups of substances is an important part of the work of accurately controlling substances. Government orders have declared controlled a wide range of substances by means of generic definitions, thereby aiming to stay ahead of the clandestine laboratories which deliberately circumvent national controls by making minor changes to molecules.

Since 1977, nine Government orders have been made, of which seven continued in operation until today. The most recent order was made in December 2014 when a number of substances were controlled arising from EU Council decisions. Substances controlled by Government order range from substances which are useful medicines but which have abuse potential, such as benzodiazepines, to plants which have psychoactive properties such as magic mushrooms, to synthetic substances sold as "bath salts", "incense" or "research chemicals".

Members of this House will recall the head shop phenomenon of a few years ago. Some people mistakenly believed that because products sold in these shops were "legal" that they were "safe". Government orders in 2010 and 2011 controlled the substances then commonly being sold in head shops, including synthetic cannabinoids, BZP derivatives and mephedrone. These controls, coupled with the Criminal Justice (Psychoactive Substances) Act 2010 helped to address this problem. Prior to the introduction of the 2010 Act there were more than 100 head shops operating in the State. Since the introduction of the Act, the head shop trade in Ireland has almost disappeared.

The speed at which new psychoactive drugs emerge is evidenced by data from the European Monitoring Centre for Drugs and Drug Addiction which received reports of 15 new psychoactive substances in 2005 compared to 73 in 2012. The availability of detailed information

regarding the chemistry of substances on the Internet, coupled with the availability of sophisticated technology and chemistry expertise, have contributed to the rapid evolution of the illicit drugs market, particularly in the past decade. It is important that we work together to counter the threat they pose to users, particularly young people. A key part of that work is the control of substances under this Act.

The mechanism under which new substances can be controlled in the future will require consideration on foot of today's Court of Appeal decision. This is not part of the proposed Bill as the matter will need to be considered further in light of the terms of the judgment. The Bill provides that substances which were controlled before the court judgment by means of Government order may be added to the Schedule in the 1977 Act, thereby providing that they will once more be controlled.

Section 1 is the amendment of the Schedule to the Misuse of Drugs Act 1977. This provision inserts into the Schedule of the Misuse of Drugs Act 1977 the Schedule to this Bill. These are the same substances previously controlled under Government orders made under section 2(2) of the Misuse of Drugs Act 1977. The substances to be inserted into the Schedule are listed in paragraphs 1A and 1B to be able to specify which additional compounds, namely stereoisomers, esters and ethers, salts, products and preparations of substances are also controlled.

Section 2 relates to the confirmation of certain statutory instruments. Certain ministerial orders and regulations made under the 1977 Act are confirmed as if they were an Act of the Oireachtas, thereby ensuring that they are not subject to challenge while the consequences of the Court of Appeal judgment are examined and addressed.

Section 3 is the Short Title, commencement and collective citation. This is a standard citation provision. It is intended the legislation will commence on the day after its passing, that is, the day after it is signed by the President.

In conclusion, the Misuse of Drugs Act 1977 provides for the control of dangerous substances and their regulation to ensure that they are only available for medicinal and other purposes in such a way as to prevent their misuse. This Bill aims to protect the legal framework of this country in relation to controlled drugs, by re-controlling substances which have been assessed as meriting such control. The House will appreciate that this is a very important Bill which has public health and community safety at its heart. I again thank the House and the Opposition for their co-operation in allowing me to bring forward this Bill as a matter of urgency. I look forward to hearing the contributions of Members during the debate and I hope the House will support the passage of the Bill without delay. I commend the Bill to the House.

Deputy Billy Kelleher: We will support the Bill. I thank the Minister and his officials for the information provided to us in recent hours in preparation for the debate. The most reassuring aspect of the Minister's speech is the fact that the Department was aware of the situation and had prepared for this potential finding of the Court of Appeal following the challenge that was taken. While it is emergency legislation, its preparation was not done in a panicked manner or under pressure of time. It has been thought out and has received the full support of law officers and the Attorney General. In that context it is unlikely that any amendments will be tabled by the Opposition.

However, it brings us to the broader issue of head shops and psychoactive drugs and substances that were freely available in this country for many years. Such drugs had a devastating

impact on people who were using or abusing them. The challenge we face, with the advances in clandestine laboratories and the willingness of people to participate in this illicit trade, is to be one step ahead or as close to that as possible of people who are engaged in this nefarious activity in terms of designer drugs and psychoactive drugs. That will be a consistent challenge that must be addressed nationally and internationally. The European Union has a key role to play in the area.

We must provide time for a debate in this House on drugs in broader society as there is a view that we have taken our eye off the ball in terms of addressing the problems of drug abuse and drug addiction. Methadone, which is a substitute drug, is very often the only solution provided to heroin addicts. It is time for us to re-evaluate our drugs strategy, and assess it to see what is working and what is not working. It is clear that a continuous number of people fall into opiate abuse on a regular basis. Society must have a mature debate on drugs, how we fight them and how we support people who are addicted to them, as well as how we address the broader societal issues that lead people down that particular cul-de-sac. That is something on which we can no longer prevaricate or delay. An urgent response is required in terms of setting up a full review of our programmes, community supports, medical supports, therapies available to drug addicts and, on the criminal justice side, the supports available to An Garda Síochána and other law officers of the State in terms of combatting drug importation and manufacturing in this country. While the Bill deals with a specific issue in terms of the finding of the Court of Appeal, in a sense we need to ensure we do not just park the Bill and assume that everything will be fine again. We face a serious challenge on which members of the public are calling for and require a debate. More important, the Oireachtas must decide whether to support the current national drugs strategy, which has, arguably, slipped down the Government's list of priorities. I make this observation because the strategy lacks a focal point. The current cross-departmental approach means the Departments of Health, Social Protection, Education and Skills and the Environment, Community and Local Government are all involved in the fight against drugs, as are local authorities and numerous agencies. A central focal point is required to pull together all the relevant Departments and State agencies to ensure the drugs strategy is targeted, cohesive, effective, nuanced and innovative.

While I do not necessarily advocate the decriminalisation of drugs, the question as to whether the criminalisation of all drugs has had the desired outcome has been considered elsewhere. Lessons can be learned, including with regard to providing more health supports for drug addicts and better access to support programmes. The fact that drug addicts are involved in criminal activity means they are often reluctant to present when they require medical or therapeutic support. We have a revolving door system whereby drug addicts are arrested and processed, engage in a rehabilitation programme and are then returned to their previous environment. This frequently means poor accommodation and a lack of support, and the result is a return to addiction. We need to have a discussion of this issue soon.

A Minister with specific responsibility for drugs is required. He or she should either implement the recommendations of the task force on drugs or assess whether a new drugs strategy is needed. The latter scenario would require considerable time, effort and energy, with a central focus to ensure any future strategy is responsive to the needs and demands of society, including drug users and abusers. I urge the Minister to immediately prioritise a full review of the drugs strategy to facilitate a debate on how to address drug issues.

The Minister spoke in detail about the Bill, and I do not propose to dwell on it other than to note that head shops were a cause of serious public concern and anxiety. The issue was raised

in the Oireachtas on numerous occasions, leading to a Government effort to address the specific issue of psychoactive drugs being freely available in head shops. As the Minister stated, the fact that such drugs could be sold legally appeared to indicate that they were not especially harmful. The Court of Appeal, which is in its infancy, has made a finding that will increase public awareness of the new court. Its ruling will have implications not only for the Misuse of Drugs Act but also for other legislation, because I am sure many Acts passed by the Oireachtas will be challenged on foot of it. I assume a broader trawl of legislation will take place to address weaknesses that could result in various Acts being found to be repugnant to the Constitution. Such a trawl should be done quickly.

Once the Bill completes its passage in both Houses, I urge that it be quickly referred to the President for his signature. The Fianna Fáil Party will support the Minister to ensure this is done as we do not want to unduly delay the Bill.

The separation of powers between the Oireachtas, the Executive and the Judiciary is necessary. When the Oireachtas or the Government overreaches its powers, it is important that there is a mechanism in place to correct this.

I have previously had cause to raise an issue related to mandatory sentencing. The Oireachtas has passed legislation providing for the imposition of mandatory sentences for offences involving the sale of drugs over a certain street value. Provision has been made for the courts to take account of certain mitigating circumstances such as guilty pleas or the provision by the convicted person of assistance to the authorities in progressing an investigation. The general principle involved has not been accepted or endorsed by the courts in handing down sentences. I raised this concern with the Presidents of the High Court and Circuit Court. There was a practice whereby members of the Judiciary read Second Stage speeches to ensure their interpretation of legislation was based not only on the text of the Act but also on a general understanding of the policies and principles underpinning it. This practice has become a little frayed with regard to some of the legislation that has not stood up to a court challenge or has not been implemented in the manner the Oireachtas assumed it would be implemented. Mandatory sentencing is a case in point.

Drugs present a significant challenge, and the Oireachtas and the courts should do everything possible to send out a strong message that those who are prosecuted and found guilty of drug crimes will find little favour in the courts. A deterrent is required to discourage this nefarious activity, which involves large sums of money. The drugs trade has become a massive international criminal racket that does not recognise borders and funds and supports other activities. It is also linked to other criminal activities, such as people trafficking and prostitution, that transgress human rights and destroy communities. For this reason, when we speak of having a strategy, a policy or even a philosophy for dealing with drugs, the sentiments expressed by Members of the Oireachtas should find some resonance when laws are being interpreted and sentences handed down to those who breach them. Sometimes the sentences imposed on those who have been found guilty in a court of law do not reflect the serious impact their activities have on individuals and society.

The Oireachtas is obliged to give all possible support to An Garda Síochána and other agencies of the State in processing and prosecuting crime. It is also obliged to put in place a strong legislative underpinning for the Judiciary and send out a strong message on sentencing to ensure those involved in large-scale drug importation and distribution will find no favour in the courts. I feel very strongly about this issue. If it is ignored, as has been the case, the Oireachtas

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must revisit the relevant legislation to find a way to encourage and direct the Judiciary without interfering with its independence.

If, as the Minister states, the Bill has been thought through and drafted and assessed by the Attorney General on the basis that the Court of Appeal could find against the State in the case involving the principal legislation, I see no reason to table any amendments.

Again, I go back to the central theme of what I have been saying, that is the misuse of drugs and the challenges facing us and the Minister for Health in respect of his obligations to ensure that every support is given to people who are addicted to drugs, especially heroin, crystal meth and others. These people are finding it singularly difficult to kick the habit. It is bad enough to try to kick it with all the supports, but to try to kick it without supports or the wrong supports can end up placing people back into the same environment they came from. Simply trying to beat these addictions is not good enough. It does the individuals no favours and can do society collectively considerable damage as well. From that perspective I urge the Minister to request the appointment of a Minister of State with responsibility for drugs in his Department or some other Department. A Minister of State in that role would be able to bring together all the agencies, policies and supports that should be in place and, where there are deficiencies, he could address the issues.

There is a broader issue in respect of how we deal with the problem and the supports, including the methadone programme and other therapies available to drug addicts. I believe the programme is simply not working. Often, we are simply giving people methadone in the hope that they will not annoy us on the street and that we can ignore them when we walk past them. They will simply continue on. We continually feed them methadone but then they fall out of the programme. Subsequently, there is a prosecution and they are back into the system only to be back out of it again later. I question whether we have a system that is fit-for-purpose, one tailor-made to the individual addict and which is client-focused or patient-focused, whatever way we choose to refer to it. Anyway, a clear pathway should be put in place for every individual patient and drug addict. Methadone may not always be suitable for individuals. Other substitutes should be considered as well. One of the reasons they do this is because methadone is cheap. It is easy for them to line up at the addiction clinic. They hand out the sugar-based methadone and off they go on their merry way. I believe that is fundamentally wrong. It is not what society expects of us. Rather, we should try to help people who are living destroyed lives. Many of the people presenting want to kick the habit. They want to get free and clean and get back to engage in society. That in itself is something we must observe and address quickly.

I commend the Bill to the House. We will be supporting it. We will try to do anything we can to help in other areas or in respect of statutes that are deemed open to question or that potentially could be challenged because of the findings of the Court of Appeal. I commend and support the Bill.

Deputy Caoimhghín Ó Caoláin: Táim sásta deis a fháil caint ar an reachtaíocht thábhachtach seo. De bharr chás a tógadh i gcoinne stádas Bunreachtúil an Achta Um Mí-úsáid Drugaí 1977 rialaigh an chúirt nach raibh sé ag teacht leis an mBunreacht. Ag teacht uaidh sin tá na céadta substaintí a bhíodh mídhleathach dleathach anois. Tá an Bille leasaithe seo os comhair na Dála anocht le cinntiú go gcuirfear cosc arís ar na drugaí seo, drugaí atá baolach agus dainséarach do shláinte daoine go haonarach agus don tsochaí ar fad. Beimid ag tacú leis an mBille seo.

Today the Court of Appeal delivered a decision declaring section 2(2) of the Misuse of Drugs Act 1977 to be invalid. The section allowed the Government, by order, to designate certain substances as “controlled drugs”. The Misuse of Drugs Act 1977 regulates the import, export, production, supply and possession of a range of specified narcotic drugs and psychotropic substances. Substances are scheduled under the Act in accordance with Ireland’s obligations under international conventions and where there is evidence that they are causing significant harm to public health in Ireland. The list of scheduled substances has been kept under review. Action is taken in cases where evidence emerges that substances are being abused and are causing significant harm.

The legislation was challenged in 2012 on the basis that the Government did not have the power under the primary legislation to deem a substance to be a controlled drug. Therefore, it is not now an offence to be in possession of certain head shop drugs since they are not deemed to be controlled drugs. Moreover, the order of Government which made them illegal is now invalid. Ecstasy, ketamine and crystal meth fall under the reclassification and are, therefore, some would have it, technically not illegal as we speak. Drugs had been controlled under the Misuse of Drugs Act 1977 with a Schedule listing the drugs. Section 2 of this Schedule allowed the Government to add new drugs such as ecstasy, benzodiazepines and so-called head shop drugs. Over 260 other drugs, that were termed “legal highs” have been banned in this way.

The fact is that hundreds of substances that were banned are no longer banned as of this morning’s court decision. These substances are harmful, known to be a danger to public health and are being misused. I note, however, that the Minister has emphasised that the supply, sale, import and export of ecstasy and other new drugs remains illegal. This legislation will restore the situation that existed prior to this constitutional challenge. It is essential. We should remember that this judgment has no implications for the approximately 125 substances, including cannabis, heroin and cocaine, that were banned by the primary legislation in 1977.

I hope the Bill will pass without delay through the Dáil this evening and the Seanad tomorrow and will then be signed by an tUachtarán with appropriate haste. This must happen to ensure that those who might attempt to sell or consume these dangerous substances are in no doubt of the stance of all legislators regarding these substances.

The Misuse of Drugs (Amendment) Bill 2015 will amend the Misuse of Drugs Act 1977 to incorporate substances which had been prohibited by order of Government over the years since its enactment. It will include substances previously listed in Government orders within the Schedule to the Misuse of Drugs Act 1977. A further six statutory instruments listed in Schedule 2 which had been made under section 2(2) of the 1977 Act will be deemed to have effect.

Section 1 inserts into the Misuse of Drugs Act 1977 the substances listed in the Schedule to this Bill. Section 2 allows the Oireachtas to confirm certain statutory instruments as if they were valid and enforceable Acts of the Oireachtas. Section 3 provides for the legislation to commence as of the date immediately following the date of its passing. It is stated that there are no financial implications arising out of this Bill. Schedule 1 contains almost seven pages listing substances and types of substances that are to be banned. Schedule 2 lists confirmations of certain statutory instruments.

9 o’clock

In 2010, measures were introduced in Ireland to ban the sale of legal highs. The Psychoac-

tive Substance Bill gave gardaí the power to seek court orders to close head shops suspected of selling banned substances. Despite this, however, there appears to have been substantial loopholes in the legislation which many of the drugs awareness groups have highlighted in the intervening years. The main loophole is whereby manufacturers simply re-modify the chemical structure of their products to circumvent the law. In May 2010 we adopted legislation that banned more than 200 legal highs that had been on sale in head shops and over the Internet, which effectively closed many head shops by prohibiting specific drugs. This meant that the import, export, production, possession and sale of the substances listed became illegal and subject to criminal sanction. More than 4.5 tonnes of drugs worth tens of millions of euro were removed from head shops in a Garda operation following the ban. However, many substances are still available online, and a lucrative illegal market in head shop drugs has emerged. This problem has yet to be properly tackled by the Government. While this is not the issue before us this evening, it is a good opportunity to ask the Minister what will now be done to deal with the substances that have so far managed to escape control.

In regard to the legal status of so-called legal highs in this State, the main loophole used by the suppliers of these legal highs is that some substances are not specifically declared “controlled drugs” under the Misuse of Drugs Act 1977. Many of these substances have not been tested on humans or animals. The creators of such products often produce slightly altered versions of the substances as soon as they are declared illegal, making it very difficult to crush this underground trade. Another loophole is the fact that some of these products are labelled as being for animal or plant consumption, and the suppliers very clearly state in all their disclaimers that the products are not for human consumption.

Legal high drugs are often designed to mimic the effects of non-legal drugs and are sold as such. I will now examine some of these substances, the awful affects they can have and the reasons for banning them. These substances undergo little quality control, if any. They can be adulterated with any other kind of substance, and little is known about their strength or side-effects. One example is salvia, which is sold as a legal alternative to ecstasy and advertised as “incense” or “herbal ecstasy”. Salvia is a stimulant and hallucinogenic drug and is sold in dry leaf form which is generally smoked. Effects can vary from mild to full-blown psychedelic hallucinations. There are reports that it can trigger psychotic episodes, especially in young people and people with underlying mental health issues. Synthetic cannabinoids are designed to mimic the effects of the psychoactive ingredient in cannabis. Harmful effects can include paranoia and memory loss. Prolonged use can be harmful to people with underlying mental illness, including schizophrenia. Lack of consistency in the contents of these legal highs can also damage the health of abusers. Amphetamines are regularly advertised as “plant feeders” or “bath salts”. There have been reports of convulsions, raised heart rate, raised blood pressure and hypothermia in people who have ingested these substances. Effects of other substances include hallucinations, increased blood and heart pressure, nausea, de-realisation, itchiness, sweating, lucid dreaming, psychosis, and muscle and joint pain. This is before we start to talk of flashbacks, withdrawal, subsequent psychosis, mental health problems, the financial strain of addiction and the social problems that ensue. Taking legal highs can be particularly damaging for those who suffer with mental health issues, including depression and anxiety. Some drugs can initiate or worsen mental health problems, including schizophrenia in particular. We have heard of the practice of injecting substances marketed as “bath salts”. This practice carries all of the risks associated with injecting heroin, especially if needles are shared. The risk of blood clots is also particularly high.

My colleague Deputy Aengus Ó Snodaigh, in his former role as Sinn Féin justice spokesperson, personally picketed head shops in his constituency. This was due to a tragic case involving a young man who had taken magic mushrooms. It was said that, at that stage, new so-called legal highs were being developed at a rate of two every month. My colleague Ms Martina Anderson MEP proposed a stringent substance control model for head shops in the Six Counties, involving the establishment of an independent authority that would be tasked with regulating the import, production and sale of all psychoactive substances. The authority would work with the existing drugs bodies and the Department of Health, Social Services and Public Safety to introduce and enforce a licensing system under which substances could be quickly identified and then restricted or prohibited, as appropriate. Can the Minister advise when responding if there is any intention to further improve legal controls on head shop substances here?

I have recently indicated my strong support for the appointment of a junior Minister with responsibility for drugs. I have concerns regarding the inadequacy of the way in which the State deals with drug abuse. The present Government is the first in 21 years without a Minister with responsibility for drugs. The appointment of a junior Minister in this role would be very much welcomed. I call on the Minister or the Taoiseach to clarify whether there will be a junior Minister with this responsibility, presumably appointed to both the Department of Health and the Department of Justice and Equality, and when this will occur.

I recently secured the agreement of the Oireachtas Joint Committee on Health and Children to address the issue of legal highs, mindful of the deaths that have occurred consequent on the use of these substances, not only in Ireland but on a European basis. As I speak here in the Dáil this evening, I am mindful of the death of a young man in my home town of Monaghan. His death was a terrible loss to his mother and his family, to his community and to the town we love so well. I want to record my admiration and support for his mother, Sharon McQuaid, and to pledge every support to her and to the wider community in its efforts to have these so-called legal highs banned and driven from our midst. P. J.'s tragic death was followed soon after by another young man's sad passing. I remember also Michael Power, and once again this evening extend my sympathy to his father and to all the Power family.

Getting back to today's ruling and its consequences, I wish to record my concern about the possibility that perhaps dozens of people who are before the courts on charges of drug dealing and possession will have their cases dismissed. Can the Minister clarify this further vexed development? Is the Minister sure that the provisions in this Bill are adequate to ensure this debacle will not occur again? This debate was sprung upon us. However, we as legislators, and the present Government in the first instance, must address the damage being done to society by drugs. We must ensure that we legislate effectively and endeavour to be always one step ahead of these purveyors of death. Legal highs present a clear danger to society, and experience has shown that new psychoactive substances are emerging every week. Legislation must be rigorous and we must ensure that no further loopholes exist. I know this is not just a significant problem in our cities and larger towns. It is a scourge in my constituency and in rural constituencies across this State. I urge all Ministers and colleagues of all views in the House to support the Bill and ensure its successful passage into law as speedily as possible.

Deputy Maureen O'Sullivan: I wish to share time with Deputies Pringle, Healy and Fleming, five minutes each. I am speaking as somebody who represents a constituency, parts of which have been devastated by drugs, starting with heroin, then cocaine, ecstasy, high strength cannabis, head shop products, which have been compounded by the misuse and abuse of alcohol in recent years, and now tablets. One of the problems for treatment and rehabilitation

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services has been keeping up with new drugs as they come on stream. Many of the services have dealt with heroin addiction, but have not taken into account other addictions. There is no doubt that tablets are a serious problem in the Dublin I know and elsewhere.

The term “mayhem” has been used by some community workers to describe the tablet issue in Dublin. There is mayhem for the addict and community. The same dealer who sold heroin and cocaine is selling tablets. People living in these communities see no difference between the dealing of tablets and heroin. Parts of the inner city were recently described as being like an open-air supermarket when it comes to drugs, with dealers feeding on the pain and needs of addicts. This Bill recognises the problem of tablets and the way in which gardaí have been unable to deal with this issue to date. Failure to introduce this Bill would be devastating for communities and would mean that ecstasy, head shop drugs and tablets which are known to be harmful - I have seen the harm caused to individuals, families and communities - would no longer be controlled.

Communities and the gardaí have constantly asked when this Bill will be introduced. The communities I represent and those working in them have been waiting for this Schedule. At many of the meetings I attend I am asked why the gardaí are not confiscating tablets. The reason is the legislation that is in place, therefore this Bill is to be welcomed. Communities are looking at people who are strung out on tablets and are waiting to buy tablets to bring them down off other drugs or use them instead of them. We now find that there are some convictions in train that may be affected which would see more dealers getting off. The havoc they cause still continues.

There is a wider debate, as seen in the report from the UN Office on Drugs and Crime. The so-called war on drugs has involved more than 50 years of enforcement-led international drugs control system and trillions of dollars, but has not shown substantial effects, except for organised crime which gets the benefit. The Alternative World Drug Report advocates other options, such as health-led approaches, legal state regulation and control.

I refer to an Irish report. Research was done between 2008 and 2010, but publication was delayed for a few years. The lead author was Dr. Johnny Connolly, a criminologist who painted a grim picture that, despite progress in areas like treatment services, violence and gangland crime still exist. He found that drug use has been largely unaffected by law enforcement, but acknowledges that Garda activities have led to a disruption of the market and local Garda activity has had a positive impact on communities. Police visibility increases resident confidence and police presence might move trade on for a while, but has an effect. That is why the community gardaí, whose resources were reduced recently, need to be fully resourced to tackle these issues.

We are not near the other approach, but regardless of how one feels, discussion, debate and research would be helpful. In the meantime, we have serious problems and the Schedule is vital. This issue indicates the need to have a Minister with responsibility solely for drug and alcohol policy and addiction. It is also needed because of the current debate on harm reduction measures which is gaining momentum. There is a place for harm reduction measures, but there are concerns, especially about the overuse and long-term use of methadone. The optimum goal has to be recovery for those in addiction.

Gangland crime was the subject of a committee on justice, equality, defence and women’s rights recently during which people from the north inner city made presentations. They painted

a very dark picture of how individuals are being targeted for debt. When an addict dies, the debt does not die with him or her; families are under pressure to pay. Young mothers, in particular, are being targeted. I will quote from a report in which a user said, “One of the people I get stuff (heroin) off like sometimes he would send his son out and his son is in my young fella’s class, to hand you it and you hand him the money and he hands you the gear. He is only 12.”

New tablets are appearing all the time, such as zimovane and zopiclone. How will they be included in further legislation? There is no doubt that as one tablet is made illegal another will take its place. The Bill needs to address that. We do not often get a chance to discuss drugs in the House, and it is important that we are now having this debate. We need to support the drug-free CE schemes and accommodation, the local projects which are working directly with those in addiction and those in homeless services who have an addiction issue and who, when motivated, can be linked into services.

Deputy Thomas Pringle: I wish to indicate that I support the Bill, which arises from a court case and judgment in the Court of Appeal earlier today. The matter is linked to head shops which sold so-called legal highs. I campaigned against head shops in Donegal and marched against them in Donegal town in 2010. At that time communities across the country were delighted when the Government moved and prescribed the substances sold through head shops as legal highs through a statutory instrument in 2010. It made such substances illegal and effectively ended the head shop trade, which was a very progressive move and the right one to make at the time for the State. It had the support of many communities across the counties.

The judgment today throws all of that into doubt and, as has been said by the Minister, possession of the prescribed substances is now legal until the legislation can be passed. It arises from section 2 of the Misuse of Drugs Act 1977. The judgment today stated it was repugnant to Article 15.2.1° of the Constitution and is therefore invalid. The article states: “The sole and exclusive power of making laws for the State is hereby vested in the Oireachtas: no other legislative authority has power to make laws for the State.” The judgment noted that section 2 left out important policy judgments and left it to be interpreted by the Government and not the Oireachtas.

The judgment noted that no principles or policies regarding the nature of the substances, product or preparations can be declared by order to be controlled drugs as contained in the section. That is probably the key point in the judgment. It affirms that bodies such as the Department are not law makers: they put into execution the laws as made by the governing authority. The important aspect is that the policy and principle are neglected in the primary legislation which gives the direction to the Department in making declarations on these substances. The Bill provides for the legalisation of the banning of substances which were banned until today. Everybody welcomes the fact that order will be given back to the system.

The Minister said he will introduce primary legislation which will provide those principles and policies in legislation which will allow for the statutory instrument to be implemented in future. It brings the Government’s reliance on and the lack of scrutiny of secondary legislation into question, and how so many of our laws are applied in that way. A lot of things can be done through statutory instruments which may not have been scrutinised or intended by the Oireachtas.

During the evidence in the case, the chief pharmacist of the Department said it would be cumbersome to assume that any new drug product deemed dangerous was only banned by leg-

islation subsequently enacted by the Oireachtas. That is the constitutional position, in light of the fact that we do not have the policies and principles laid out in primary legislation. It is not enough for the Department to argue this is cumbersome and we must have a position where we can, by resolution of the Houses of the Oireachtas, add substances to the list. I have put forward an amendment to be taken shortly on Committee Stage in that regard. I am concerned about what will happen from tonight, as it will take some time to draft primary legislation. The Minister indicated it is technical and detailed so it will take time for it to be brought before the Houses and passed. One could wonder if that will happen before the election or in the lifetime of the Government. We must have some sort of system for now and the passage of the primary legislation because, as Deputy Maureen O'Sullivan pointed out, substances are constantly coming on the market. That would allow us to continue to proscribe substances. That is why I have put forward an amendment to allow the Oireachtas to add substances to the list. It is a vital aspect.

Deputy Seamus Healy: I welcome the opportunity to speak and support this important emergency legislation, which arises from the Court of Appeal judgment today which struck down section 2(2) of the Misuse of Drugs Act 1977. The ruling indicated that the section impermissibly delegates the power to legislate for controlled drugs to the Government. The court reaffirmed the decision in the *Cityview Press v. An Chomhairle Oiliúna* and others, setting out that principle and policies tests continue to be the starting point to ensure that legislative power is not ceded by the Oireachtas under the guise of delegated regulatory power. It further indicated that the grant of delegated regulation must be circumscribed by appropriate statutory standards so that any policy decision is ultimately determined by the Oireachtas. The judgment indicated that section 2(2) of the 1977 Act gave wide powers to the Government without any principles or policies regarding the nature of substances which could be controlled.

The effect of the decision is that it is not now an offence to be in possession, for example, of certain head shop drugs as they are not now deemed to be controlled, because a Government order which made them illegal is now invalid. The legislation deals with the issue on a current basis and it will come into operation once it is signed into law by the President. We are thankful that the sale, supply and importation of these drugs is still illegal under the 2010 Act. Nevertheless, a number of questions arise. Will cases of possession now fail and do we have any indication of their number or seriousness? Deputy Pringle raised the issue of what will happen between now and the introduction of further primary legislation to cover this area. The Minister indicated that in 2012, some 73 new substances came on the market, as opposed to approximately 15 in 2005. It is important for us to know the timescale of further primary legislation that the Minister has in mind and what it is intended to do in the interim.

Other broader issues have been raised. Unfortunately and sadly, illegal drugs are now everywhere and the country is awash with them. They are causing absolute mayhem. There was a time when drugs were available in most urban areas but they are now available in every area, right across the country, even in the smallest town, village and country area. We need a complete review of the drugs strategy and we must address the question of policing. The Garda drugs unit is under-resourced and is now to be amalgamated with the serious crime squad, which will be detrimental to the activities of that unit. The question of community policing should also be addressed, along with community facilities. That is an important aspect, as prevention is much better than cure. The area has seen many cuts in the past number of years and supporting it should be a priority. The question of having a specific Minister with responsibility for drugs issues must be addressed urgently by the Taoiseach and Cabinet.

Deputy Tom Fleming: With the 2010 legislation and section 2(2) of the Misuse of Drugs

Act 1977, there was provision that additional substances could be added to the list of controlled drugs. At the time of the 1977 Act, the drugs in question were heroin, cocaine and cannabis, etc. A Government order was the method of control. The 2010 legislation had a very effective and strong impact on the wholesale availability of lethal substances available at the time, especially between 2008 and 2010, when many head shops were set up in every town and city throughout the country. There were victims of the epidemic nature of these drugs, which were regarded as acceptable at the time. They were thought not to be a “hard” variety of drugs. A generation of mainly students attending secondary schools and colleges may not have partaken otherwise in any type of harmful drug taking but head shops were dispensing these drugs like sweets in a corner shop. It was a travesty at the time and there was a devastating effect on victims, families, schools and communities.

Naturally, this put a strain on the health services, particularly rehabilitation centres. For example, one specialist rehabilitation centre, Talbot Grove in Castleisland, coped with a very significant number of younger people in County Kerry who became victims of those drugs at the time. The manager, Mr. Con Cremin, did not get, and still is not getting, much Government aid, although the facility deserves more recognition and funding to deliver its services. The centre has high-quality staff and they did Trojan work that was mirrored across the country. It still functions as a very effective addiction centre.

Decisive action on eliminating any loopholes in legislation is imperative. For example, the legislation in Britain and Northern Ireland, as well as other EU countries, is not as watertight as ours, as reflected in the 2010 Act. Nevertheless, we must immediately rectify any cases where there may be loopholes. Legal psychoactive drugs are getting stronger and more addictive than their illegal counterparts. This has been proved in Britain, Northern Ireland and other EU countries. The substances which mimic the effects of cannabis and heroin are completely legal and can be sold on the Internet and the high street. A lack of criminal classification does not mean they are harmless. Many have triggered devastating effects in young teenagers, such as heart attack. A couple of weeks ago a 12 year old in Belfast was hospitalised after taking synthetic cannabis at a bus stop. According to the local police, it is called “trippy weed”.

By tweaking the chemistry, drug dealers are able to make hundreds of thousands of slight variations on a synthetic drug, which are typically much stronger than naturally occurring cannabinoids. This makes illegal highs difficult to regulate but also triggers unpredictable side effects, such as heart palpitations, anxiety and acute psychosis. We need to enact this Bill immediately. I ask the Minister to seek the assistance of a Minister of State with the specific task of controlling the drug problem. I am sure that, along with the Cabinet, he will agree to do this very soon.

Deputy Derek Keating: I am pleased that the Government has moved swiftly to close off the legal lacuna that has emerged since the decision of the Court of Appeal today. Like many others on hearing this news, I feared a return to the situation that existed in the past when so-called head shops would openly sell unregulated substances to our young people as so-called legal highs which in reality were near lethal doses of unregulated chemical compounds. A legacy of death was associated with these shops and they operated with impunity. As one group of substances was removed from the market through legislation, another similar compound would emerge to replace it. More would die or have their lives maimed by these drugs in the mistaken belief that not illegal meant legal and therefore safe. I have dealt with the families, spouses and children of those people whose lives were blighted by the chemical toxins ingested by their loved ones who were killed, bound by addiction, tainted by overdose or had their physical or

mental health ruined by the drugs that are in a Schedule to the Bill or are included in the statutory instruments listed in Schedule 2.

I urge all parties to support the Bill and assist its passage through this House and the Seanad tomorrow. Doing so will save lives. This Bill cannot bring back those who died as result of not knowing what these substances would do to them. It cannot bring back the youth of this country who died as a result of suicide while addicted to these substances or restore the health of those damaged by use of these chemicals, but it can prevent a return to the frenetic days when there was no regulation of these toxic chemicals, which were not then illegal.

The words that were bandied about to describe the drugs such as “designer” and “legal highs” gave a credibility to the substances that belied their nature. According to research published by EUROSTAT in 2011, young people in Ireland were by far the most likely to say they had used substances that imitated the effects of illicit drugs. At 16% this was the highest level of access to those substances in the EU where the average was 5%. Legal highs were a growing problem in Ireland and throughout Europe and it was found that young people were most at risk. With a borderless Internal Market, we needed to copperfasten the protection. Research showed that the number of new substances detected in the EU had tripled between 2009 and 2012. By 2013, more than one new substance had been reported every week.

This House must meet the tide head on. I urge the Members of this House and the Seanad to agree that the gap created must be plugged tightly. I commend the Government and thank the Minister for bringing forward this legislation. I urge all to support it and to continue to save lives.

Deputy Joe Costello: I welcome this opportunity to speak on the Misuse of Drugs (Amendment) Bill 2015, acknowledging the decision of the Court of Appeal this morning. It is timely for the Minister for Health to have the Bill ready and before us so quickly to deal with the lacuna created.

The decision that certain classes of drugs are legal, which leaves open this loophole which must be closed urgently, is a cause for considerable concern. Most of the drugs that were declared legal due to the lack of primary legislation on the policies and principles underpinning them were available in the head shops which spread throughout the country between 2009 and 2010. They were widespread in my constituency of Dublin Central. I raised the issue on many occasions in 2009 and 2010. There were approximately 14 head shops in Dublin Central, almost all in the inner city. They spread rapidly throughout the country until by the time they were banned, there were approximately 100 and every major town, and some villages had a head shop. They were particularly dangerous because the products mimicked the illegal drugs and had damaging physical and psychological effects on those who consumed or injected them. The drugs appeared very rapidly and were taken by a new generation of young people because they were not perceived as being strictly illegal, although they were unregulated and unlicensed. A young age group began to use them and in many cases became addicted to them.

The head shop phenomenon spread like wildfire as people quickly began to avail of so-called legal highs and many ended up in hospital. Parents were beside themselves with fear for their teenage sons and daughters. There was a real concern that the drug epidemic of heroin and cocaine that had destroyed a generation of young people in the 1980s and early 1990s in the flat complexes throughout the city could be replicated by the unlicensed and unregulated activity and that a new generation would be their victims.

The then Government did not respond very urgently. It was at least 18 months before the then Minister for Health, Mary Harney, moved to introduce a statutory instrument to criminalise these products. During that period they had become a serious threat to young people to such an extent that some sinister elements began to appear. At least seven head shops were severely damaged, largely through arson, and two were burned down in my constituency. Eventually, the Government of the day did take action and introduced the necessary legislation to ban the substances. It is welcome that the Minister has acted so promptly in incorporating the list of prohibited substances into primary legislation but it is a major concern that in future, as new and potentially dangerous substances are developed and become available, the Minister may not have the facility of the statutory instrument to move quickly to ensure they are prohibited. Instead, primary legislation may have to be passed each time a new drug becomes a problem and that is the real threat. Because new substances can evolve very quickly simply by putting new compounds together, we need a sense of urgency incorporated into our legislative capacity. At present that exists under statutory instrument but if we require primary legislation each time a new compound comes into existence we could be in serious trouble.

I very much welcome the urgency with which the Minister has acted and how expeditiously he has responded but we need to look at the issue in a broader context and we need a new drugs strategy to come to terms with the growing popularity of prescription and non-prescription drugs that are in existence currently

Deputy Michael Fitzmaurice: I welcome the opportunity to speak on this matter. Everyone has to recognise the court of appeal and acknowledge its judgment. As previous Deputies have said, there is clearly a lacuna in the legislation. All of us have seen people who have been affected in one way or another by the use of drugs. There were protests against head shops in all parts of the country and rightly so, because each and every one of us knows someone, somewhere in this country who has been affected. I acknowledge the Minister's rapid response in bringing in legislation to combat the problem.

A few months ago we discussed problems with different types of drugs including drink, which is fine in moderation but can lead to problems otherwise and causes major difficulties for a number of people. We also talked about the housing crisis. One can have all the houses in the world but if one has a drug problem which one does not treat it will be of no use. We need to make sure that help is available for the people affected, no matter what drugs are involved or what problems they have. We should have compassion and provide the necessary funding to help them. It can be a tough road but people will be able to see the light at the end of the tunnel if they get help. I would urge any Government to fund whatever services were needed to help people with drug problems. Hard drugs have caused major problems and we do not seem to be able to catch up with the people involved, who always seem to be one step ahead so that we are continually playing catch-up.

I acknowledge the Minister for bringing forward this legislation, which I intend to support.

Deputy Mattie McGrath: I am delighted to be able to speak tonight and I welcome the Minister. I recognise the background and purpose of the Bill. We must respect the decision of the courts. The case was heard in court and the court came up with its finding, which is what the courts are for. The separation of powers between the Judiciary and the Oireachtas is very important.

I was in this House at the same time as Deputy Kelleher during the last Government and this

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was a huge issue in every town and the bigger villages in my constituency. There was all kinds of intimidation directed at head shops, including arson attacks on buildings. There were mob feelings because there were huge emotions. I supported the original legislation in the 1970s, which was amended by the then Minister, former Deputy Mary Harney, and I welcome the swift action of the Minister and the Department of Health in this instance. It is very important that we not only deal with issues like this but are seen to deal with them. It is vital we give a message to the Garda Síochána, to the counselling services and the many organisations trying to deal with the issues which arise from the misuse of drugs, whether they be cigarettes, alcohol or more serious substances. I was present in the House for the debate on the introduction of plain packaging for cigarettes. It is important to take action to give some hope, support and solace to the many families suffering from the destruction caused by the misuse of illegal substances.

It is important this is regulated so I welcome the fact that, for once, this Government has acted expeditiously and speedily in dealing with the issue. Since he joined the Department of Health the Minister seems to give a comment to the media once a week or once a fortnight but not actually to deal with the issues. One would think he was an absentee Minister and he seems to be more of a media commentator. He is the Minister for Health now so I suggest he stands up. He should act up as he is the man in charge. He needs to listen to what is going on because he is not in opposition now, as he was a few years ago, nor is he in the Department of Transport. He should deal with the crisis we are facing instead of going away on holiday and returning only to be exasperated by trolley watch and unable to deal with the situation in the HSE. He is the man in charge and the buck stops with him. He is a young and energetic man and he has a lot of ideas so he should deal with the issues in health.

I welcome the fact that he is dealing with this issue today. I support him but I wish he would be as forthright, or even half as forthright, in dealing with the issues in Beaumont Hospital, South Tipperary General Hospital or Cork University Hospital. The crisis is alarming and the bureaucracy of the HSE is not dealing with it. There is no point in the Minister giving sound-bites to the media to the effect that he is exasperated by it. He would be better rolling up his sleeves and dealing with it. He called a committee together which has met two or three times in emergency forum but the wrong people are dealing with emergencies. They are all senior officials but the Minister should deal with hospital managers and frontline staff.

I salute Sister Consilio and Sister Veronica Mangan and all the other people who have championed the victims of drug addiction, alcohol and homelessness. The Minister should take off his suit, put on his boots and engage with those people to understand what is going on. Then he might be able to deal with it. There is no point in talking to senior officials in the HSE, which the Minister's party said it would disband. He has called them all together, but he cannot deal with the problem because the wrong people are discussing it. They sit behind desks, wear suits and are senior managers who are more interested in their advancing their careers than they are in dealing with the problem. The Minister should deal with the situation. He has drafters of the legislative programme to deal with this debate tonight. We need that kind of action in health as well as here. Let the Minister's legacy be that he took off the gloves and got down to the basics and dealt with the problems. I salute him in doing this. Let us show more leadership in other areas in the HSE as well.

Deputy Michael McNamara: The phrase "war on drugs" was coined by Richard Nixon 44 years ago in 1971. He said that drug abuse was public enemy number one. He told Congress that drug addiction had "assumed the dimensions of a national emergency," and asked Capitol Hill for an €84 million for emergency measures. The so-called war on drugs now costs the US

Government more than €50 billion a year.

Yesterday in Vienna the UN Office on Drugs and Crime opened its 58th session of its Commission on Narcotic Drugs. The secretariat provided a report summarising the most recent information available to the United Nations Office on Drugs and Crime on the illicit global demand for drugs. In 2012, between 3.5% and 7% of people aged between 15 and 64 were estimated to have illicitly used drugs at least once in the preceding year. Since 2009, there has been an increase in the number of people illicitly using drugs, which reflects both an increase in the global population and a slight increase in the prevalence of drug abuse, while the number of problem drug users has remained stable. Recent trends relating to drug use in Europe show a decrease or stabilisation in the use of cannabis, cocaine, heroin and amphetamine-type stimulants, but an increase in the use of new psychoactive substances. Heroin use appears to be stabilising overall, but non-medical use of prescription opiates continues to increase in many regions.

It appears, 44 years into the war on drugs, that it is failing. It is failing on its own terms in that it is failing to stem drug abuse. It is also failing in Ireland, as we heard from Deputy Maureen O'Sullivan and Deputy Healy, and as most Deputies in the Chamber would agree. There is drug use and abuse in practically every town and village in this country. That is despite the fact that considerable Garda resources are dedicated to the war on drugs.

In a recent reply to a parliamentary question, the Minister for Justice and Equality stated that on 31 July 2014, the latest date for which figures are readily available, there were 259 people in the dedicated divisional drug units. The Minister also stated that resources were further augmented where necessary by a number of Garda national units such as the Garda National Drugs Unit, the National Bureau of Criminal Investigation and the Criminal Assets Bureau. Notwithstanding all of that, drug use continues to increase in the country.

I appreciate that emergency legislation has to be rushed through because of the Court of Appeal decision, but it is time for a fairly fundamental debate on how we tackle drug use and drug abuse in this State, because the current approach seems to be failing. We are not unique in that, as it is failing across most of the developed world.

Alternative approaches are being examined in countries such as Portugal. I am not entirely sure that they are successful, but they are successful to the extent that the existing resources are being used to tackle drug dealers. The drugs economy is now probably the third biggest economy in the world, far bigger than the economy of the trade in most other substances. It seems that it might be more beneficial to criminalise and dedicate the limited resources that are available to the import and export of drugs rather than individual users.

In 2006 the Garda adult caution scheme was introduced in Ireland. Included in this are a number of scheduled offences whereby, rather than mount a prosecution in the District Court, the Garda could issue an adult caution. They would do so only in circumstances in which they believed it was appropriate and where it was in the interests of the administration of justice. There were a number of scheduled offences; I believe there were nine in the original scheme introduced in 2006, including possession of a controlled substance pursuant to section 3 of the Misuse of Drugs Act, the controlled substance being cannabis resin. However, that was removed from the Garda adult caution scheme by the then Minister for Justice, Equality and Law Reform, Michael McDowell, who, when asked a parliamentary question, stated that the offence of possession of a controlled drug had been withdrawn prior to the implementation of scheme

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pending further consultation between An Garda Síochána, the Director of Public Prosecutions and the Department. Following a review in 2009, the scheme was extended to cater for a total of 20 offences, yet possession of a controlled substance still remains outside the ambit of the scheme.

The line-up for Electric Picnic was announced yesterday or the day before. I have no doubt that on the Monday after Electric Picnic there will be an emergency sitting of the District Court in one of the big towns nearby and many people will be charged with possession of a controlled substance, namely cannabis. I do not know whether that will help this State tackle drug abuse but I know it will hinder those people in getting jobs in the future and getting on with their lives. Significant resources will be tied up in the prosecution of those individuals at that District Court, because gardaí will have to go and give evidence. It appears that those very scarce Garda resources could be better used chasing the hardcore criminals who supply what is a growing market for drugs in Ireland, as it is in practically every other country in the world.

Minister for Health (Deputy Leo Varadkar): I thank the Deputies, first, for their support for this important legislation and, second, for staying on and staying quite late in large numbers to demonstrate their interest in this broad topic. I should have mentioned in my earlier contribution that it is my intention to submit an early signature motion to the President and ask him to sign this legislation as soon as possible, assuming it goes through this House and through the Seanad tomorrow.

A number of Deputies asked about further primary legislation. It is my intention to bring in new primary legislation in this calendar year. That is necessary to introduce the principles and policies that are necessary to allow us to prohibit substances as we need to by ministerial or Government order again. In the interim, however, it will be necessary to bring in primary legislation on each occasion on which it is deemed necessary to control new substances, and that obviously is not a desirable situation. It will certainly be very cumbersome.

Many Deputies raised the broader issue of drugs. I want to put on record a few points in terms of what has been happening in this area in recent months. I chaired the Oversight Forum on Drugs in 2015. There have been no further cuts to the local drugs task forces after a number of years of cuts. Even though we had only a modest increase in the HSE's budget for 2015, €2.1 million of that was set aside to increase the budget for social inclusion and drugs specifically. That means that in 2015 there will more detox beds in Merchants Quay Ireland and the Coolmine Therapeutic Community, more needle exchanges around the country, and more mental health supports, which are very important. We will also this year have the naloxone demonstration project, giving access to naloxone to hundreds of people, including case workers, relatives and drug users, in order that they can treat overdoses on the scene and quickly. This will be extremely important in reducing drug-related deaths this year and next. The Irish Prison Service has been invited to take part in that, although I have heard some inaccurate commentary to the contrary in recent weeks. We will start work on a new drugs strategy this year with a view to its publication next year. Many of the issues that were raised here will be important in feeding into that. Some of the comments made by Deputies McNamara and Kelleher need to be considered in that context too as to whether we need a more health-based approach to dealing with this problem rather than the criminal justice based approach that we have had predominantly to date.

10 o'clock

Some people raised the issue of a Minister of State with responsibility for drugs. Sometimes Ministers of State work and sometimes they do not. It depends on the individual and the circumstances, and I would not assume that is a panacea. The appointment of Ministers of State is entirely a matter for the Taoiseach, in consultation with the Tánaiste. I always welcome extra help in my job. I do not believe for a second that I am able to be on top of every issue for which I have responsibility, but I am able to manage my existing responsibilities with the very important assistance of the Minister of State, Deputy Kathleen Lynch. However, if this Government or the next Government has a Minister of State for drugs, I would suggest that it not be an add-on to an existing Minister of State portfolio and that it be a dedicated position across health, justice, Customs and Excise, the Naval Service and education. Such a Minister of State should also have a delegation order with a designated budget because otherwise it will turn out to be a campaign that will result in very little.

There were a number of questions about specific substances. It is important to point out that primary legislation will now be needed to add to the list of controlled substances until we have new primary legislation to cover the policies and principles. Having said that, the Criminal Justice (Psychoactive Substances) Act of 2010 still stands and it is important to read section 3(1) of that Act, which is important and perhaps is not being as used as much as might be the case. The section states:

A person who sells a psychoactive substance knowing or being reckless as to whether that substance is being acquired or supplied for human consumption shall be guilty of an offence.

That is any psychoactive substance. Section 3(2) states:

A person who imports or exports a psychoactive substance knowing or being reckless as to whether that substance is being acquired or supplied for human consumption shall be guilty of an offence.

That is the law since 2010 and that law stands. It may be difficult to prove it, but that law remains on the Statute Book tonight and covers unnamed substances as well as those named.

There was mention of benzodiazepines, so-called benzos, and Z drugs. They are not new. They have been around a very long time. One of the Z drugs, zolpidem, is one of the drugs listed in the Schedule. I should say that they are all controlled drugs and it is necessary to have a prescription to have these drugs. I understand there had been proposals, and proposals are still under consideration by my Department, to tighten up the rules on the possession of benzos and Z drugs, but it is important to bear in mind that hundreds of thousands of people in the State may well have those drugs for a good reason. It may be because they have a mental illness or they are epileptic, for example, and we need to make sure that anything we do in that space to restrict possession of those drugs does not end up criminalising people travelling overseas with their epilepsy medicines and so on. We must always consider the law of unintended consequences.

There were questions about existing convictions. Those are questions for justice rather than for health. I can say, however, that we would expect that existing convictions should stand. We know from the precedent of the A case that if somebody is convicted of an offence, even if the law is struck down subsequently, that conviction stands unless they specifically raise the constitutionality of section 2(2) as part of their defence.

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When it comes to prosecutions, the Director of Public Prosecutions, who is independent and acts independently of Government, will have to look at each case. The prosecutions that are at risk are those where the prosecution is solely under this section 2(2), which has been deemed unconstitutional, but in many cases people are charged and prosecuted under a number of provisions and not just the one that has been struck down.

In response to Deputy McGrath, I can assure him that I am not an absentee Minister, with the exception of perhaps three days in the past seven months. I am here every day in the Dáil and the Seanad. I was in the Seanad today dealing with the Dublin ambulance services, in the Dáil tonight dealing with this matter and I will be in the Seanad tomorrow again dealing with this matter. On the days I am not here I am in the Department or visiting other parts of the country. The Deputy specifically mentioned Sr. Consilio, whom I met only two weeks ago, and only two weeks ago I visited the drug and alcohol treatment centre in the west.

I might posit the notion that it is possible to comment on issues, analyse them and explain them to the public, and be honest about the issues we face, and also try to deal with them at the same time. I know that for some people that is not possible; they can only do one or the other. Many of us in this House, not just me, find it possible to do both, and I will continue to do so.

I thank the Members for their interest in this topic and their support for the legislation.

Question put and agreed to.

Misuse of Drugs (Amendment) Bill 2015: Committee and Remaining Stages

An Leas-Cheann Comhairle: Amendments Nos. 1 and 2 are related and they may be discussed together.

NEW SECTION

Deputy Thomas Pringle: I move amendment No. 1:

In page 5, between lines 8 and 9, to insert the following:

“1. (1) Section 2 of the Misuse of Drugs Act 1997 is amended as follows:

(a) subsection (2) is replaced with the following---

“(2) The Government may only declare a substance, product or preparation (not being a substance, product or preparation specified in the Schedule to this Act), to be a controlled drug for the purposes of this Act if the declaration is presented before the Oireachtas and is subsequently passed by the Oireachtas.”,

(b) subsection (3) is replaced with the following---

“(3) The Government may declare that the provisions of this Act shall not apply in relation to a substance, product or preparation specified both in the Schedule to this Act only if the declaration has been brought to the Oireachtas and subsequently passed by the Oireachtas.”,

(c) subsection (4) is deleted.”.

This amendment is an attempt to amend section 2 of the 1977 Act by inserting new subsections to allow for the Oireachtas to pass the declaration in regard to the control of substances that is proposed under the Bill. The Minister stated that primary legislation has to be brought forward but this legislation is necessary in the interim period while we wait for that legislation to be brought forward. This amendment attempts to deal with that issue and ensure that the operation of banning substances in the future can continue. That is vitally important in the interim period. As I understand, it declarations will have to be prepared anyway for the statutory instrument to be drafted within the Department. The purpose of this amendment is to provide for that to be brought before the Houses in order that it can be voted on and passed if a substance is to be banned in that interim period.

Deputy John Halligan: The debate that took place on the issue of the seriousness of the problem of drugs was fruitful and rewarding because we do not get many opportunities in the House to discuss that serious problem. I support this amendment, which is well thought out. If there is to be any change in terms of any declared substance, it gives this House an opportunity to debate the sensitive and serious issue of drug abuse. This is the legislative assembly of the country and every issue that can possibly be discussed should be debated in this House. The designation of a particular drug or something that may happen in the future that should be decided by a particular Department may seem simple but this is such a serious problem throughout the country that it is valuable that the Oireachtas has every opportunity to debate it. This is the body that should make the decisions, not a particular Department. In fairness, issues to do with health and education invariably come before the Oireachtas to be debated or voted on. The same should apply in this case, so I support this amendment.

Minister for Health (Deputy Leo Varadkar): I do not propose to support this amendment. In reality it is unnecessary as a result of the court decision today. Any substance we may wish to add to the list of controlled substances can only be done by the Houses of the Oireachtas so should the Government deem it necessary to control another five, six or ten substances next week, or in three weeks time, it will be necessary to do so by putting legislation through the Dáil and the Seanad. I personally do not think that is a good idea. There are so many of these substances it would be very cumbersome for us to have to potentially recall the Dáil and the Seanad on regular occasions just to control a particular substance. Later in the year I will bring forward legislation setting out the policies and principles, thus satisfying the court judgment today that would allow us to resume prohibiting substances by order, or potentially by statutory instrument, which would then involve laying it before the Houses of the Oireachtas and allowing Oireachtas Members who disagree with it to challenge it. As matters stand, as a result of the court judgment today and the legislation that we are putting through tonight, any additions to the schedule will require primary legislation and the amendments are unnecessary.

Deputy Maureen O'Sullivan: As we debate, I am quite sure that there are “scientists” who, at the behest of drug dealers, are working on new drugs involving some combination of what is there already or that will replace what will be on the schedule. From my point of view and where I represent, time is of the essence when any of these new drugs appear. Another new drug could appear tomorrow involving some combination of what is there now. If we do not move quickly enough on these new drugs, they grab a hold of young and older people. The legislation, when it appears, will be too late for many of them.

There is a good community policing initiative in the north inner city in Dublin Central but the hands of the gardaí are tied because of the lack of legislation. What the Minister is bringing in now will cover some amount, but it will not cover everything and the hands of the gardaí will

remain tied in the future. There has to be action when it is needed, not at a later date when they have probably gone on to another drug.

It is disappointing that the Minister will not accept the amendment. I want to see a more prompt and more urgent response when new drugs appear.

Deputy Thomas Pringle: The amendment attempts to shorten the process for proscribing new drugs. The Minister stated he must bring in primary legislation every time he wants to do that but that is more cumbersome. The previous system was that the Department could declare it. I do not see why it cannot be possible to have that declaration merely brought before the Houses so that it can be passed. This would be a quicker and easier administrative process than introducing primary legislation every time for new drugs.

Regarding what Deputy Maureen O’Sullivan said, the Minister intends to introduce the legislation later this year but that could be in December. Before that legislation passes through the Houses, this Dáil could fall and it would be left to the next Government to reinstate it. A system whereby a declaration can be put before the Houses and adopted rather than having constantly to introduce primary legislation seems a way to react more quickly and positively to add to the list of substances. I ask the Minister to give that serious consideration.

Deputy Caoimhghín Ó Caoláin: I understood from the Minister’s response to the earlier engagement that the situation now is that adding substances to the banned list requires legislation until such time as the Minister prepares new legislation to restore the opportunity for the Minister of the day to issue a statutory instrument proscribing any new substance. I have sympathy with the case made by Deputy Pringle but my real concern is the Minister’s response that this is not a course that he would like to take. The Minister talks of some months. The new legislation will take considerable time to prepare and there will be particular scrutiny by the Attorney General given all that has happened in relation to the legislation already in place due to this morning’s judgment. As Deputy Maureen O’Sullivan stated, new substances are coming on stream almost weekly, particularly in the area of so-called “legal highs”; I raised that issue directly with the Minister earlier today as I have done in a number of fora in recent months. These come under a variety of different names and are being reinvented to suit the purpose of their producers and promoters. It is not good enough that the rest of this year could go by and we will not respond. My hope is that we would respond with all of the speed required and that we would, as I stated earlier, endeavour to be one step ahead of these purveyors of death.

I appeal to the Minister not to think in terms of us parking this issue. We must not park it. We need to be proactive and be prepared to go through the mechanics of legislation, if that is what is required in the interim period. I have no objection to having legislation presented here every other week, if necessary, if that helps in the battle against these, as should be properly designated, “illegal drugs”.

Deputy Leo Varadkar: I am sorry that I may have misunderstood the intention of the amendment initially. Frankly, it is an attempt to make my life easier by allowing the Minister for Health to prohibit substances by declaration. The problem is that today’s judgment does not allow that.

Today’s judgment is clear. It states: “Therefore, for all the reasons stated in this judgment, the conclusion that s.2(2) of the 1977 Act purports to vest the Government with what, in the absence of appropriate principles and policies set out in the legislation itself, are in truth law

making powers is, accordingly, unavoidable.” It was struck down for this reason. We will have to bring in legislation that sets out the policies and principles by which any declaration, statutory instrument or order would be made. That is essentially why the section was struck down.

In January last, when I was sought approval for this emergency legislation to prepare for this eventuality, I also sought Government approval to draft the new legislation that is now required. Work has been under way over the past two months on the new legislation and I hope it will not take us too long. In the absence of laying down principles and procedures, the amendment would not be adequate.

Deputy Thomas Pringle: My reading of the judgment is that the court stated that in the absence of the Oireachtas making the decision-----

Deputy John Halligan: Yes.

Deputy Thomas Pringle: -----there are no principles or policies laid down. This amendment provides that the Oireachtas makes a decision. That is the body vested with the power under the Constitution to make laws within the State. There is an assumption that if the Oireachtas decided to add a substance to it, that is consideration under the Act and that is the policy and principle as decided by the Oireachtas, as the Legislature, rather than by the Department as an Executive body.

Deputy Leo Varadkar: The advice is essentially that for a statutory instrument to be put before the Oireachtas there would have to be policies and principles laid down in law in the first instance to allow that to be done. The only mechanism that we could use to allow the Oireachtas ban new substances is primary legislation. Any declaration or statutory instrument that I would lay before the House would have to have policies and principles underpinning it in primary legislation and therein lies the difficulty.

Deputy John Halligan: I do not know if that is correct.

Deputy Leo Varadkar: That is the advice I have.

An Leas-Cheann Comhairle: Is the amendment being pressed?

Deputy Thomas Pringle: Yes.

Amendment put:

<i>The Dáil divided: Tá, 11; Níl, 42.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Broughan, Thomas P.</i>	<i>Bruton, Richard.</i>
<i>Fitzmaurice, Michael.</i>	<i>Buttimer, Jerry.</i>
<i>Fleming, Tom.</i>	<i>Cannon, Ciarán.</i>
<i>Halligan, John.</i>	<i>Daly, Jim.</i>
<i>Healy, Seamus.</i>	<i>Deenihan, Jimmy.</i>
<i>Kelleher, Billy.</i>	<i>Deering, Pat.</i>
<i>McGrath, Michael.</i>	<i>Doyle, Andrew.</i>
<i>Murphy, Catherine.</i>	<i>Farrell, Alan.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Feighan, Frank.</i>

10 March 2015

<i>O'Sullivan, Maureen.</i>	<i>Fitzpatrick, Peter.</i>
<i>Pringle, Thomas.</i>	<i>Griffin, Brendan.</i>
	<i>Hannigan, Dominic.</i>
	<i>Harrington, Noel.</i>
	<i>Harris, Simon.</i>
	<i>Humphreys, Kevin.</i>
	<i>Keating, Derek.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Seán.</i>
	<i>Kyne, Seán.</i>
	<i>Lynch, Ciarán.</i>
	<i>Lynch, Kathleen.</i>
	<i>Maloney, Eamonn.</i>
	<i>McCarthy, Michael.</i>
	<i>McEntee, Helen.</i>
	<i>McFadden, Gabrielle.</i>
	<i>McGinley, Dinny.</i>
	<i>McHugh, Joe.</i>
	<i>McNamara, Michael.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Eoghan.</i>
	<i>Neville, Dan.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Spring, Arthur.</i>
	<i>Stanton, David.</i>
	<i>Walsh, Brian.</i>

Tellers: Tá, Deputies John Halligan and Thomas Pringle; Níl, Deputies Arthur Spring and Paul Kehoe.

Amendment declared lost.

Section 1 agreed to.

Amendment No. 2 not moved.

Sections 2 and 3 agreed to.

Schedules 1 and 2 agreed to.

Title agreed to.

Bill received for final consideration and passed.

The Dáil adjourned at 10.35 p.m. until 9.30 a.m. on Wednesday, 11 March 2015.