



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 30 Meitheamh 2016

Thursday, 30 June 2016

Chuaigh an Ceann Comhairle i gceannas ar 12 p.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Marc MacSharry: All the Members of both Houses and the public at large will have been appalled by the revelations concerning one of the charities most associated with our nation's silent crisis, the loss of life through suicide. There are now five investigations under way between the Garda Bureau of Fraud Investigation, the Office of the Director of Corporate Enforcement, the HSE, the Charities Regulatory Authority and the remaining directors of Con-sole itself. We all look forward to the outcome of those reports in order that we can have some peace of mind that the charity's good work over many years can continue and that its reputation can be cleaned up.

There is, however, a very serious issue at large with the some 3,000 other charities. There is clearly an issue among some with what is referred to within the charity sector as founder's syndrome, which has often served to undermine the introduction of good governance and appropriate management controls. Apart from all this, however, is the failure of these Houses to commence provisions of the Charities Act 2009, in particular Part 4. It is incumbent on the Government to explain why, during the previous Administration and this one so far, the Oireachtas and the Government have failed to provide the necessary provisions to commence that part of the Act in order that the Charities Regulatory Authority can begin to do the work which it was set up to do. Why do we have a regulator if it does not have the teeth or the resources to do what we wish it to do? As things stand, the regulator can only seek materials from these organisations with the agreement of the organisations themselves, so in effect, despite its good intentions, it can do no work. Can the Government confirm, therefore, that it will commence the provisions relevant to resourcing and giving the regulator the necessary teeth, as envisaged by the 2009 Act, before the summer recess and that the necessary resources will be provided to do that?

Over recent years €12 million of public funds has been made available to the charity in question. Many millions more were donated and fund-raised by service users, their families, relatives and neighbours and the many communities throughout the country which have been

hit with the blow of loss of life through suicide. These are people who cannot afford to give money or to dig deep and fund-raise and give valuable resources throughout a recession and a most difficult period in this country, yet they do. The Oireachtas and the Government have a responsibility to ensure this Act is more than just window dressing. We need to see tangible action to introduce the provisions of this Act that give the regulator teeth in order that we can begin to focus on the other 3,000 charities, most of them doing an excellent job. They are entitled to the peace of mind of knowing that their hard work, taxpayers' money and donations are going to a good cause that is appropriately managed with the appropriate level of governance.

Minister for Education and Skills (Deputy Richard Bruton): First, I share Deputy MacSharry's view that this has come as a shocking revelation in an area of particular sensitivity. We all understand the trauma people and families go through in cases of suicide. There has been major shock and disgust among those who have supported the charity. As the Deputy said, it is very important that we protect the valuable work done by many of those who have worked in the area. It is heartening to see that the investigation comes directly from the HSE's close scrutiny of charities under its framework. The HSE has a revised framework for all of the bodies it funds. It was in this context that the irregularities in Console were first identified, followed by an audit and the investigation, with a new governance structure being put in place to deal particularly with the issues in Console.

The Deputy referred to the role of the Charities Regulatory Authority, which is being rolled out. Its first priority was to establish a proper register of the organisations the operations of which it would oversee. It has done this. It has established an interim arrangement under which it receives complaints from individuals. It is moving to provide staffing in order that it can, as the Deputy requested, commence Part 4. The authority has 23 staff and its 2016 budget provided for an increase to 36. This will allow the regulator to move to establish the basis on which this Part of the Act can be implemented.

Some elements such as the investigation of potential fraud fall beyond the operation of the Charities Regulatory Authority. Failings in respect of directors' responsibilities fall to be investigated by the Office of the Director of Corporate Enforcement. Issues are being actively pursued in the case of Console that fall outside the Charities Regulatory Authority's direct responsibility. We are moving to ensure the authority will engage in the oversight which the Deputy rightly says is appropriate for the future.

Deputy Marc MacSharry: That is not acceptable. There are many reasons for failure but no excuses. The Oireachtas and the Government cannot constantly depend on the focus and sharpness of "Prime Time" in looking after the hard-working staff of Console and the many charities throughout the country, including the counsellors we heard on radio who struggle on a monthly basis to get paid. A precise date is required from the Government, before the Dáil rises on 31 July, by which this Part of the Act will be fully commenced, as well as a commitment to focus heavily to ensure it will not take a "Prime Time" or a HSE audit to bring this stuff up. We need to do it on a constant basis, with regular checks, to ensure all these materials are being made available. Before we are much older, in a matter of hours the Minister should indicate that it will be done before the Dáil rises on 31 July.

Deputy Richard Bruton: Part of the work of this and the previous Government has been turning over stones that were not previously overturned. Activities were ongoing that were totally unacceptable. The result of the work done by the HSE and the Committee of Public Accounts was that the HSE introduced new governance standards for such organisations. It is

as a result of this work that we have such scrutiny. This has been found in a HSE audit. While it is very uncomfortable, it is the result of the system working. Oversight has resulted in the identification of wrongdoing and misgovernance which is being tackled in a very determined way. We are determined to ensure all organisations will be subject to appropriate scrutiny. The work being done by the Charities Regulatory Authority with its new staff will put it in a position where it will be able to implement the Part of the Act that provides for investigations. I am sure the Minister will keep the Deputy abreast of when it is to be enacted.

Deputy Mary Lou McDonald: Last week the RTE “Prime Time” programme did a great public service in setting out a tale of truly outlandish spending by the charity Console on the part of its founder and his family. The story is amazing but not unique. Sadly, we have been down this road previously with other charitable entities. The programme told a story of irregularities in finances, of altering accounts, and of how benefits were extracted. It was reported that the charity’s founder, Mr. Paul Kelly, his wife, Patricia, and indeed their son used 11 credit cards over a two-year period to shell out almost €500,000 of the charity’s funds to fund their lavish lifestyle. That is truly shocking and despicable. Money was used for trips to Australia, New Zealand, Singapore, designer clothes by Hugo Boss and Ralph Lauren, tickets for the Rugby World Cup, dental work, groceries, restaurants and consultancy payments at an extraordinary level. This has left those who work for Console and those who avail of its services not just shocked but angry and traumatised by these revelations.

I am sure the Minister will be as shocked as the rest of us by this turn of events. His claim that all this emerged because of exacting scrutiny by the HSE needs to be considered. I suggest all this is evidence of a lack of scrutiny and a lack of accountability. As I understand it, the flag of concern was first raised by the National Office for Suicide Prevention as far back as 2009 and the question has to be asked, once the flag was raised, why this was allowed to continue.

Will the Minister join me in calling on the HSE to make available immediately to the Committee of Public Accounts a copy of its audit report and the service level agreements with Console? Will he also join me in insisting that the HSE presents itself before the committee next week? This issue, this story and this scandal cannot be allowed to fester. I appreciate other agencies have tasks to fulfil in investigation but the buck stops with us, and the turning of over stones in the previous Dáil was largely done by the Committee of Public Accounts. It is entirely appropriately that the HSE be called and that its officials present themselves, and it is absolutely necessary that the Government insists that this happen immediately, with the committee meeting next week to deal with this.

Deputy Richard Bruton: I fully agree with the Deputy that this is an appalling situation. I also agree we have a right to ensure the oversight bodies and their activities are fully accounted for before the Oireachtas. I am sure HSE representatives will make themselves available to appear before the Committee of Public Accounts or the Committee on Health.

It is correct that issues arose previously which were identified by the National Office for Suicide Prevention. That resulted in control actions being taken then. It was when the 2013 accounts became available to that body, which oversees this work, that irregularities were identified and that resulted in the HSE undertaking the audit. This information resulted from direct action. The audit was completed earlier this year and that has resulted in the appointment of external accountants who are in place now. Clearly, the House is entitled to scrutinise the HSE on the way it oversaw this, but there is no doubt that there is a trail of activity. It is not one of ignoring the issues that were identified in 2009. HSE staff have been watching closely. The

irregularities that were identified resulted in the audit. Of course, they will have to be investigated, and if further action needs to be taken by appropriate bodies such as the ODCE or the Garda, there must be due process for everyone involved in pursuing the steps that might follow from the findings of the audit. The House must respect that as well. There will be follow-up in those various agencies where there has to be due process. I share the Deputy's view that the HSE should appear and account for its activities as it is obliged to do.

Deputy Mary Lou McDonald: There is no question of anybody querying the necessity of due process but let us cut to the chase on this. People who have had the tragedy and trauma of a death by suicide in their family or in their close circle or community or people who have had suicidal thoughts themselves and who deal with situations of utter despair and rely on agencies such as Console as literally a lifeline for them have to know that they are properly governed and that their bona fides are sound. Anything less than that is not acceptable. The taxpayer who funds, in large measure, agencies such as this, of which there are thousands, need to know that taxpayers' money is not being used for Ralph Lauren, Rugby World Cup tickets, fancy cars or big consultancy fees. Certainly those who fund-raise need that reassurance too.

I ask the Minister not to be sure or not to speculate. I want him today, on behalf of the Government, to tell the HSE to provide that documentation to the Committee of Public Accounts and to make itself available next week because it is only through that process that we can establish if the HSE was vigilant or if the State again was asleep at the wheel while a scandal like this in a charitable organisation unfolded.

Deputy Richard Bruton: I have absolute confidence. The Committee of Public Accounts is an independent committee. It has its own authority. The HSE will respond to requests that come from the Committee of Public Accounts. It is obliged to do so. I have no doubt about that. The Committee of Public Accounts does not rely on suggestions or directions from me. It is an independent powerful committee of this House. Its independence and capacity to call people is absolutely established and I am sure the HSE will respond.

Deputy Mary Lou McDonald: Why would the Minister not call on it?

Deputy Richard Bruton: To be fair to the HSE, it is important to understand that this has followed its close scrutiny of irregularities that were identified. The audit has come from one undertaken by the HSE. It has pursued that audit and acted to make sure that in this case we are seeing the results of its overturning the stones, so to speak. It is also important for the House to be aware that the HSE has a revised governance framework for all organisations of that nature, for which it provides funding.

Deputy Mary Lou McDonald: A Ceann Comhairle, I asked the Minister to call-----

An Ceann Comhairle: No, Deputy.

Deputy Richard Bruton: People can be assured that the HSE does oversee the bodies referred to. To go back to Deputy MacSharry's point-----

Deputy Mary Lou McDonald: No, I do not want the Minister to go back to anything. I want him-----

An Ceann Comhairle: Deputy, please resume your seat.

Deputy Richard Bruton: -----it is very clear that the charities regulator will also have a

role to play in overseeing all charities.

Deputy Mary Lou McDonald: -----to call on the HSE to provide the documentation and to come before the committee. That was my question to the Minister.

An Ceann Comhairle: The Deputy's question is finished now.

Deputy Mary Lou McDonald: No, my question has not been answered.

An Ceann Comhairle: No. Please, Deputy.

Deputy Mary Lou McDonald: I do not know what conclusion we can draw from the Minister's prevarication on this issue.

An Ceann Comhairle: Will the Deputy resume her seat?

Deputy Mary Lou McDonald: Could you ask the Minister to answer my question?

An Ceann Comhairle: I cannot. I am not empowered to ask the Minister-----

Deputy Mary Lou McDonald: For God's sake, I thought we had new politics.

Deputy Marcella Corcoran Kennedy: We thought so to.

Deputy Regina Doherty: We have old politics from Sinn Féin.

An Ceann Comhairle: Can we move on, please? I call Deputy Michael Lowry on behalf of the rural independent group.

Deputy Michael Lowry: As the Minister will be aware, the membership of An Garda Síochána is at its lowest level in modern times. This is due to a wave of retirements following a change in the treatment of taxation on pensions, and this was compounded by the cessation of recruitment. How does the Minister for Justice and Equality propose to achieve the objective of keeping pace with retirements while restoring Garda numbers to 14,500? How does she intend to accelerate recruitment? How many recruitments will be made to Templemore College? How many will enter the college this September? Has the Minister secured funding to underpin that recruitment programme?

I know of two Tipperary gardaí who recently retired, both at the age of 53, both of whom had served 30 years. That is an example of trained, qualified, experienced members being allowed to retire. Would the Minister consider giving members such as those access to their gratuity entitlement as an incentive to remain serving in the force? Has any consideration been given to the idea of harnessing the skills and expertise of the numerous gardaí of every rank who have retired in recent years? What progress has been made on the plans to refurbish, extend and maximise the current capacity of Templemore Garda training college? Is there a definite long-term plan to address the future capacity and training facilities at Templemore and also in relation to the lands in the possession of the Department at Clonmore?

In recent years, a block has been imposed on legitimate transfer requests due to the reduction of Garda numbers. Many members have failed to get a positive response for a transfer despite the fact they have compelling, substantiated grounds for such a move. There are 430 members of the Garda Representative Association, GRA, awaiting a transfer in stations for more than two years. In addition, there is a logjam and no transparency in how transfer rules

are applied. The system is too rigid and unresponsive. Transfer decisions must be open and transparent and I ask the Minister to commit to replacing the current structure with a new, fair and equal transfer system for members.

The Minister is as aware as the rest of us of the current crisis in housing. Many gardaí are caught in this housing trap. The Department of Justice and Equality and the Office of Public Works could contribute to addressing this issue by restoring the many vacant houses in the possession of the Department. In my county of Tipperary, there are numerous neglected and vacant housing properties in need of restoration or refurbishment. For example, such properties exist in Templemore, Cashel, Emly and Mullinahone. It is unacceptable, indeed outrageous, to see these houses in prime locations left to rot while young gardaí clamour in vain for housing opportunities. The Department of Justice and Equality should, as a matter of priority, allocate funds to bring these properties back into the housing stock.

What is the Government's position on the Garda Representative Association? Today is the deadline and we have been met at the gates of the Houses of the Oireachtas by members of the GRA. Does the Government intend to reopen negotiations to address outstanding issues?

Deputy Richard Bruton: I thank the Deputy. There were a number of questions. I assure the Deputy that the Government is committed to the target of 15,000 gardaí, which is in the programme for Government. That means there will be accelerated recruitment to the Garda College. We recently provided additional funding to the Tánaiste and Minister for Justice and Equality to supplement the original 2016 Estimate in order that the expansion of Garda activities could proceed. There is no doubt that there will be additional requirements at Templemore to meet the additional work, and I understand the Tánaiste expects to hear back from the Garda as to the precise requirements. The force is preparing a detailed recruitment plan to deliver gardaí. That will have to be in the context of the forthcoming budget. I am not aware of whether gratuities or encouragement to remain in the force has been considered. I will alert the Tánaiste to the Deputy's concerns in that regard. The Minister, Deputy Coveney, will be dealing in the first 100 days as Minister with a comprehensive housing strategy. I will alert him to the Deputy's point about available resources.

On the wider issue of the industrial relations situation, the Lansdowne Road agreement is the context within which the Government has provided for the gradual restoration of public pay. Over the working out of the Lansdowne Road agreement, €884 million will be provided in increased public pay. Certain organisations have opted out of the Lansdowne Road agreement to date, of which the GRA is one. The Tánaiste continues to be open to discussion with the GRA, and it is her hope that the GRA, as I hope in respect of the ASTI, will comply with the Lansdowne Road agreement. It is only through such collective agreements that we can balance the need the Deputy outlined for extra resources for policing and housing with the legitimate expectation of people to see pay restored. The Lansdowne Road agreement offers that balance and it is very important.

Deputy Michael Lowry: It is accepted that the strength of the force is crucial, but what is also very important is to motivate existing members and have them fully committed. To be a member of An Garda Síochána is an onerous and responsible task. It has its dangers and risks. The pay, terms and conditions of gardaí have been diminished. Many are under financial pressure and struggling to survive. They feel vulnerable because of their financial insecurity. Their anxiety is a significant distraction and impacts on productivity. If one is not happy in one's job, it has consequences for one's energy, enthusiasm and output. Many members of the force are

demoralised and, as a result, less effective.

The State needs to remunerate gardaí adequately and allow them to concentrate on their jobs. The difficult role of a garda should be acknowledged in practical terms. The service of gardaí to society should be properly valued and appreciated. I urge the Minister to resolve outstanding issues in respect of pay and conditions and, in particular, to review the pay of new recruits. How can we expect young and enthusiastic recruits to survive on €23,000 per year? A new recruit leaving Tipperary could be posted in any Garda station from Cork to Donegal without a rental or subsistence allowance. This level of salary is derisory, unfair and unjust and should be remedied by the Government.

Deputy Richard Bruton: I agree with Deputy Lowry. Entrants' pay is an issue across the public service and is not confined to the Garda. All new entrants took a reduction in pay. The Minister for Public Expenditure and Reform has committed to establishing a public pay commission. One of the priority issues that it will examine is entrants' pay. This will provide a vehicle through which the matter can be addressed. I understand that the Tánaiste and Minister for Justice and Equality's discussions with the GRA have addressed issues such as the rental allowance.

There is scope for these matters to be addressed under the Lansdowne Road agreement. A number of unions, for example, the TUI and AGSI, have sat down, engaged in discussions and reached agreements within that collective framework. I hope that the GRA and ASTI will do likewise so that we can meet their legitimate needs in an orderly framework.

Deputy Eamon Ryan: This time three years ago, a young man from Finglas had just done his leaving certificate and was thinking of going to Spain - Magaluf or wherever - with his friends. We all know this type of scenario. Instead, he accompanied his sisters to Egypt. They went there on a regular basis because they had cousins in Egypt. They got caught up in the protests of the time. My 17 year old son would probably have got involved. At that age, one stands up for democracy.

In the middle of the protests, the young man and his sisters sought refuge in a Mosque. People know what happened then - the mosque was surrounded, shots were exchanged and everyone inside, including Ibrahim Halawa and his three sisters, were arrested. Ibrahim has been imprisoned for three years. He has been brought to court on 13 occasions, but there has been no trial. No evidence has been presented and there have been no proper procedures. Amnesty International has decreed him a prisoner of conscience and is campaigning for his release.

On 16 August three years ago when his parents first realised that their son and daughters might be in difficulty in Cairo, they immediately rang the Department of Foreign Affairs and Trade. In fairness, its officials stated that they would do everything that they could. However, it is now clear that whatever the Government has been doing is not working. Others have been pardoned and released, for example, Mr. Peter Greste. On Tuesday, the trial was yet again postponed until October by when, we are told, the judge will have had time to review video evidence. Two people were released, but Ibrahim Halawa was not.

What is the Government planning to do in addition? Many Deputies on this side of the House have an interest in the case and have followed it. We have held our counsel, as the Department of Foreign Affairs and Trade has regularly stated that we should not say anything because it had the matter in hand, the case would be dealt with this week and it believed it could

manage the situation. That has not worked.

It is important that we get this right. It is important that we send the message that every citizen of this country, no matter his or her creed, is treated in the same way and that we stand up for the rights of our people when they are caught in circumstances in which their rights are clearly being abused. We must be brave and take radical, strong action internationally where needed. Standing up for that one young boy is standing up for every young boy in the country. It says something about ourselves and what we stand for.

Considering that the trial was postponed again until October and that the young man has for three years been in prison conditions that we increasingly hear are deeply worrying, given the concerns about torture and other forms of abuse, what does the Government intend to do?

Deputy Richard Bruton: I share the Deputy's deep disappointment that there is a further delay in the trial of Mr. Halawa. The courts had indicated in advance of the latest hearing that there would be significant developments. Therefore, this latest adjournment is a real source of concern and frustration for Mr. Halawa and his family. I understand the Minister for Foreign Affairs and Trade, Deputy Charlie Flanagan, met members of the family earlier this week. The Government is continuing to pursue every route it can to offer consular support to the family and, more important, secure the release of Mr. Halawa by the Egyptian authorities.

The Government is continuing to keep its approach under close review. As recently as 16 June, as part of that approach, the Minister, Deputy Charlie Flanagan, met the Egyptian Foreign Minister, Mr. Shoukry, during his visit to the Middle East. Our Minister discussed the case of Mr. Ibrahim Halawa during that meeting and underlined our concerns. He clearly restated our objective of ensuring Mr. Halawa is returned to Ireland as soon as possible. The Minister also made clear that everything possible should be done to ensure Mr. Halawa's welfare and well-being while in custody.

There is no doubt that the Government has been extremely active on this issue. If the Deputy has suggestions for further initiatives that could be taken, I have no doubt the Minister and his team will consider them. Considerable effort is being made and it is disappointing to see the court case adjourned again. I will convey to the Minister the Deputy's continuing concerns and his hope that further initiatives can be taken.

Deputy Eamon Ryan: What I hear from the Minister's response is that he has no new initiatives. He has no different plan, even three or four days after this latest setback. In the interim, we have still been doing trade deals with Egypt, as if there were no problem. I suggest that we start to raise this at a higher level, at European level. This is the sort of issue in respect of which we should be putting pressure on Egypt not only as Irish citizens but also as European citizens. We should be operating at a far greater scale than before.

I suggest that the Department of Foreign Affairs and Trade bring in the legal team for the likes of Mr. Peter Grete, who was successfully extricated from similar circumstances. How was it that the Australians were able to achieve something in this regard while we have not been able to? At some stage, it will be asked why the Government is not exerting sufficient political pressure, including in respect of trade and other matters, with the Egyptian State because the latter is treating us with contempt in the way it is dealing with an Irish citizen. We have held back to allow due process, but there is no due process. That is what the Minister needs to raise at a much higher level than it has been raised to date.

Deputy Richard Bruton: I understand the Government did examine closely those other cases to determine whether there were lessons to be drawn from them that could be applied in this case. They were found to be different in their approach. The Government supported Mr. Ibrahim Halawa's own legal team in 2015 when it sought an application under presidential decree 140, which was for the release.

A number of legal avenues have been pursued. The Minister for Foreign Affairs and Trade will take every opportunity open to him to highlight this case. I will bring to his attention the Deputy's view that an additional role could be played by the European institutions to support the Irish Government in this.

Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): It is proposed in regard to today's sitting that the following additional business be transacted and that the arrangements as agreed on 28 June be amended accordingly: (1) that the motion re Standing Order 11 shall be taken without debate after Questions on Proposed Legislation, to be followed immediately by Voting Time; and (2) that statements on the EU-UK referendum result shall resume following Voting Time and shall adjourn, if not previously concluded, at 3.30 p.m. and be followed immediately by Question Time.

An Ceann Comhairle: Is that agreed? Agreed.

Questions on Proposed Legislation

Deputy Marc MacSharry: There are reports in the media this morning that Deputy Josepha Madigan is to introduce a Private Members' Bill proposing to reduce the waiting time for divorce to two years. According to the reports, the Bill has the support of the Taoiseach and the Tánaiste. Does the Minister for Education and Skills, Deputy Richard Bruton, also support the legislation? Is it the Government's position that it will support the Bill? Will the Minister confirm that the legislation will be introduced and indicate whether a referendum would be required on the matter?

Following media reports, the Nursing and Midwifery Board of Ireland, formerly known as An Bord Altranais, commissioned outside experts to carry out a review of the organisation. The review concluded that management structures were in need of significant reform and did not comply with guidelines on procurement and the employment of staff. This is unacceptable, given that the board sets standards for the professional development of nurses and midwives. The report states the unit within the Nursing and Midwifery Board of Ireland which deals with fitness to practise issues is unfit for purpose and makes recommendations that the relevant legislation be reviewed.

An Ceann Comhairle: We cannot have a debate on the issue now.

Deputy Marc MacSharry: Is the Minister aware of it? Will he confirm that the relevant legislation will be reviewed? What measures will the Government take in the matter?

Minister for Education and Skills (Deputy Richard Bruton): While I have read the re-

ports to which the Deputy refers on a Private Members' Bill, I have not seen the Bill and it will be a matter for the Deputy in question to present it to the House. The Government will consider the legislation and decide its position on it at that stage. It seeks to encourage more Deputies to introduce Bills and it is good to note, therefore, that this opportunity is being taken.

On the investigations into the Nursing and Midwifery Board of Ireland or rather the assessment of its operations, this was done at the request of the Department of Health following a protected disclosure. If additional legislative changes are necessary, they will be undertaken. I understand many of the proposed changes relate to governance and financial procedures in the board. A new president and interim chief executive officer have been appointed to it and the post of director of finance and corporate services has been advertised. Considerable action is being taken to ensure the Nursing and Midwifery Board of Ireland which has fully accepted the findings of the report that has been prepared will execute them.

Deputy Mary Lou McDonald: The Minister's response in the case of Ibrahim Halawa was entirely inadequate and it is not the first time the response on the issue has been entirely inadequate. When does the Taoiseach intend to intervene in this case and make direct contact with the head of the Egyptian state to set out categorically that we will no longer tolerate the lack of due process and justice and the absolute abuse of an Irish citizen, a young Dublin man, who has now been held for three years. It is utterly outrageous.

An Ceann Comhairle: We are taking questions on proposed legislation.

Deputy Mary Lou McDonald: My question is to the Taoiseach. When will he intervene in this matter because his intervention is required?

On a second issue, the report on the financial emergency measures in the public interest, FEMPI, legislation has been laid before the House, but as yet no provision has been made for a debate on these matters which were also raised earlier. Rather than asking the Minister about promised legislation, I feel I am asking about threatened legislative proposals when I request that the Government ensure gardaí and teachers will not be penalised because they refused to succumb to the wishes of this Government and the previous Administration.

Deputy Richard Bruton: It must be borne in mind that the FEMPI legislation was designed to protect our capacity as a country to strike the necessary balance between the demand for new public services and the restoration of public pay over time and in an orderly manner. The Minister for Public Expenditure and Reform has made it clear that the cost of reversing the FEMPI legislation in full would be in the order of €1.4 billion. That is far in excess of what will be available in the forthcoming budget - indeed almost two budgets - to achieve the ambitions Deputies on all sides advance in housing provision, the health service and many other areas. The FEMPI legislation and the Lansdowne Road agreement is an orderly way in which people are having their pay restored and that is important.

It is the business committee of the House that decides the order and it is up to the business committee, which is not controlled by Government, to decide what is debated in the House. That has to be borne in mind.

I answered Deputy Ryan's question on the Government's position on the case of the Ibrahim Halawa. I assure Deputy McDonald that the Government will do everything possible. Regardless of all the difficulties and frustrations we have, the reality is the Government cannot directly interfere with a trial in another country. We have to use our diplomatic and consular support for

the family and provide legal advice and support, and that is what has been done. The Government will do that through the Minister for Foreign Affairs and Trade.

Deputy Brendan Howlin: I wish to associate myself and my party with the comments of several Deputies in respect of Ibrahim Halawa. I hope we can have a collective initiative on this in the next week or so, because what we have been doing today to date is not working.

Will the Minister respond on what formal arrangements the Government is putting in place to involve the Opposition parties in the coming phase of interaction with the European partners and the United Kingdom in respect of Brexit? All of us have cross-party links with the S&D group, the ALDE group, the EPP group or others. It is important to have a formal structure to involve all of us in what is an important common national endeavour. I would be obliged if the Minister would outline that.

Will the Minister confirm that the Christmas bonus is to be paid this year?

Deputy Richard Bruton: I agree with the Deputy on the case of Ibrahim Halawa. If there are initiatives that can be developed, there is no doubt that we will be keen to support them.

Deputy Mary Lou McDonald: I have just suggested one.

Deputy Richard Bruton: Yes, indeed, but there has to be something that has been thought out and that has a likelihood of success. The Government and the Minister, Deputy Flanagan, will be happy to discuss initiatives that can be taken.

I agree with the Deputy that it will be important that all political parties in the House are actively involved in the process that is about to start when the British activate the relevant article, especially if the existing structures are inadequate for the House to consider how to deal with it. At this point we do not know the precise framework of the negotiations. There will be issues, no doubt, as we go through the process. For example, in the energy area undoubtedly there will be sectoral issues that will be of concern to Members, in particular Members of the Oireachtas committee in the energy area. The same applies throughout the agenda. We will be keen to engage with all parties and I know the Taoiseach met parties and has underlined his belief that there is a role for all parties involved.

I will alert him to Deputy Howlin's concern. If there are structures that we could put in place that would assist, I am sure he will support them.

Deputy Brendan Howlin: I asked a question on the Christmas bonus.

Deputy Richard Bruton: I am not in a position to say. That will have to be tabled to the relevant Ministers and the Minister for Public Expenditure and Reform. I have seen newspaper reports on the subject, but I am not position to say.

Deputy Mick Barry: We are keen to add our voice to points raised on the need for a far more urgent approach and urgent action in respect of the case of Ibrahim Halawa.

The main issue that I wish to raise is the issue of the renewal of the financial emergency legislation. It is somewhat strange that financial emergency legislation is being renewed at a time when there is no financial emergency in the State. This legislation underpins pay and pension cuts for hundreds of thousands of public service workers. It is also legislation that underpins the two-tier wage rates, with lower rates of pay for new entrants into the public service, which

is widely seen in society as-----

An Ceann Comhairle: Does the Deputy have a question, because we cannot debate the legislation?

Deputy Mick Barry: I do. I have a number of questions.

An Ceann Comhairle: Would he put them, please?

Deputy Mick Barry: I was about to make the point that the two-tier wage scheme is widely seen as a scandal and discrimination against young people.

The business committee discussed the possibility of a debate in the House on this. Do we have any information on if and when a debate is to be scheduled on the matter? How can the Government justify emergency legislation at a time when the Government and the Fine Gael Party has been talking up the economic recovery with election slogans such as “Keep the Recovery Going”?

Does the Minister not feel that a serious issue is looming for the Government here? It could not face down the water charge protests and it was not strong enough to face down the bin charge protests. I have a copy of the Financial Emergency Measures in the Public Interest, FEMPI, legislation. What makes the Minister think the Government will be strong enough to face down organised workers, organised trade unionists, sections of the organised working class movement in this country-----

An Ceann Comhairle: I thank the Deputy.

Deputy Mick Barry: -----when so many people feel this legislation should be ripped up and put in the bin?

An Ceann Comhairle: I thank the Deputy.

Deputy Mick Barry: The Government is penalising young people-----

An Ceann Comhairle: Can the Deputy conclude, please?

Deputy Mick Barry: -----with new entrant rates of pay-----

An Ceann Comhairle: Please.

Deputy Mick Barry: -----which mean that young teachers will lose up to €250,000 in the course of a working career.

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

Deputy Mick Barry: The Government is penalising young people-----

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

Deputy Mick Barry: -----who are working alongside older colleagues who started work before this legislation came in. They are doing the same work in the same workplace.

An Ceann Comhairle: Deputy Barry is not in order at this point.

Deputy Mick Barry: They are doing the same work-----

An Ceann Comhairle: Will you please resume your seat?

Deputy Mick Barry: -----in the same workplace-----

An Ceann Comhairle: That is all very valid, but this is not the time or the place.

Deputy Mick Barry: -----yet one group of workers is being paid less.

An Ceann Comhairle: This is not the time or the place for this debate.

Deputy Mick Barry: It is total discrimination in that regard.

An Ceann Comhairle: Will you please resume your seat?

Deputy Mick Barry: Does the Minister not accept that it is totally discriminatory against young people?

An Ceann Comhairle: Would you please resume your seat?

Deputy Mick Barry: My final question a Cheann Comhairle-----

An Ceann Comhairle: No. You have asked numerous questions at this stage. You should resume your seat.

Deputy Mick Barry: In a sneaky way this legislation is to be placed in the Library and that is considered sufficient that it is passed by the House without having had an opportunity to debate the matter. Does the Minister not agree that it is totally undemocratic?

An Ceann Comhairle: This is not Leaders' Questions. The Deputy is completely out of order.

Deputy Richard Boyd Barrett: They are out of order for not bringing this to debate in the House.

An Ceann Comhairle: Deputy Barry has taken time that might otherwise be available to other Deputies.

Deputy Ruth Coppinger: It is vital that we debate it.

An Ceann Comhairle: I call the Minister to deal very briefly with the specific questions.

Deputy Richard Bruton: I understand Deputy Barry is a member of the business committee and so he ought to know what is being transacted there. Negotiations under the Lansdowne Road agreement have been pursued by the Government. The majority of public service trade unions and public service workers have signed up to that agreement, which allows-----

Deputy Bríd Smith: And those who did not are to be penalised by this legislation.

An Ceann Comhairle: Deputy Bríd Smith is not in order.

Deputy Richard Bruton: -----for the orderly restoration of pay under the FEMPI arrangements.

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Deputy Bríd Smith: They have a right, as trade unionists, to refuse it.

Deputy Richard Bruton: As I indicated, that agreement will provide for €884 million of-----

An Ceann Comhairle: Sorry, Minister. Deputy Bríd Smith is not in order. This is not a television studio. I ask her to restrain herself.

Deputy Bríd Smith: This is a very serious issue.

An Ceann Comhairle: Please, Deputy. I implore you to restrain yourself.

Deputy Bríd Smith: I will restrain myself, but this is what I think of the Bill and so do tens of thousands of workers.

An Ceann Comhairle: You can tear up all you like, but please resume your seat.

Deputy Regina Doherty: She should sit down and grow up.

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

Deputy Bríd Smith: It is disgraceful and Government Deputies are sitting over there giggling about it.

An Ceann Comhairle: Resume your seat, Deputy, please

Deputy Bríd Smith: They are disgraceful.

An Ceann Comhairle: I ask the Minister to conclude.

Deputy Richard Bruton: In addition, the Minister for Public Expenditure and Reform has indicated that the Government supports the orderly and negotiated unwinding of the FEMPI agreement to end that. However, it will be done in an orderly way-----

Deputy Bríd Smith: The Government bailed out in an orderly way.

Deputy Richard Bruton: -----and the first item will be a public service commission which will look specifically at the issue Deputy Barry raised, namely, the difference in entrants' pay affecting those who were restricted in recent years.

Deputy Ruth Coppinger: The Government is leaving them for three years.

Deputy Richard Bruton: There is an orderly process here that allows the Government to manage our affairs in a way that allows us to invest in badly needed public services, which was a major issue in the recent general election campaign.

An Ceann Comhairle: I thank the Minister.

Deputy Richard Bruton: We have to strike that balance.

Deputy Paul Murphy: Why are we not debating it?

Deputy Ruth Coppinger: Young teachers cannot pay their rent.

An Ceann Comhairle: I call Deputy Catherine Murphy on the same issue.

Deputy Catherine Murphy: On the same issue-----

Deputy Seamus Healy: A Cheann Comhairle-----

An Ceann Comhairle: Very briefly, I will take you-----

Deputy Seamus Healy: Surely the Minister is not telling us that the Government will extend this emergency legislation - this draconian, anti-trade union legislation - that introduced swingeing cuts to pay, pensions and conditions of employment of public servants without a debate in this House. I thought we were supposed to have new politics in this Chamber. This is old politics. This is the Government bulldozing through legislation without any opportunity to discuss or vote on it.

An Ceann Comhairle: The Deputy has made his point.

Deputy Seamus Healy: We are entitled to debate and vote on this legislation today.

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

Deputy Catherine Murphy: On the same issue-----

Deputy David Cullinane: I want to raise the same issue.

Deputy Richard Boyd Barrett: I want to raise it also.

Deputy Catherine Murphy: There was a discussion about this issue at the Business Committee and there was a demand for a debate. It should not be presented as something other than this. There continues to be a demand for a debate on the issue. It is not something the Government - a minority Government - can present as a *fait accompli*. At the very least, we need to debate the issue.

I add that the treatment of Ibrahim Halawa has been outrageous, rather than merely “disappointing” as the Minister suggested earlier. In that context, we endorse the points made about trade and the need to bring the Australian experience to bear.

An Ceann Comhairle: Both points have been made.

Deputy Catherine Murphy: Diplomacy is not working.

An Ceann Comhairle: I will allow a very brief response.

Deputy Richard Boyd Barrett: On the same issue-----

An Ceann Comhairle: No. I am sorry, Deputy, but we are out of time.

Deputy Richard Boyd Barrett: We want an answer from the Minister.

Deputy Marcella Corcoran Kennedy: Will the Deputy let him answer?

Deputy Richard Boyd Barrett: Are we going to have a debate on this issue?

Deputy Marcella Corcoran Kennedy: The Minister is ready to answer.

Deputy Richard Boyd Barrett: This is totally anti-democratic. It is outrageous that this draconian legislation is being pushed through without a debate.

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An Ceann Comhairle: Please, Deputy.

Deputy Richard Boyd Barrett: It is not your fault, a Cheann Comhairle.

An Ceann Comhairle: The Chair is on his feet.

Deputy Richard Boyd Barrett: We do not want to disrupt proceedings, but it is not on. We want a commitment from the Government that there will be a debate on this issue before the legislation is pushed through.

An Ceann Comhairle: Will the Deputy, please, restrain himself?

Deputy Marcella Corcoran Kennedy: They are like children.

An Ceann Comhairle: May we have a brief response from the Minister?

Deputy David Cullinane: On a point of order, please-----

An Ceann Comhairle: No. Time is up.

Deputy David Cullinane: With respect-----

An Ceann Comhairle: No, there is no point of order on these matters.

Deputy David Cullinane: With respect, I signalled very early on-----

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

Deputy David Cullinane: -----in order that I would have an opportunity to come in on the issue. Five Members who did not signal were allowed to come in on it.

An Ceann Comhairle: This is a rather futile exercise.

Deputy David Cullinane: I am sorry, but with respect-----

Deputy Richard Boyd Barrett: We have no other way to register our protest, a Cheann Comhairle.

Deputy David Cullinane: We either have-----

Deputy Patrick O'Donovan: The Deputies opposite need to sort it out among themselves.

Deputy Bríd Smith: How do we get to discuss the issue?

Deputy Richard Boyd Barrett: We have no other way to do it.

Deputy Bríd Smith: We represent public sector workers.

Deputy David Cullinane: We either have an orderly and fair way of asking questions or we do not.

An Ceann Comhairle: I am afraid that I will have to suspend the sitting if the Deputy does not resume his seat.

Deputy David Cullinane: With respect, I signalled before many of those who came in on the issue.

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

Deputy Paul Murphy: We need a debate today.

Deputy Seamus Healy: We are entitled to one on the issue.

Deputy David Cullinane: I ask the Ceann Comhairle to listen to what I am saying.

An Ceann Comhairle: No, I will not listen to what the Deputy is saying because time is up.

Deputy David Cullinane: So much for new politics.

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

Deputy Richard Boyd Barrett: We cannot let this go.

An Ceann Comhairle: I will suspend the sitting for five minutes.

Sitting suspended at 12.53 p.m. and resumed at 1.02 p.m.

1 o'clock

An Ceann Comhairle: I bring to the attention of Members that when the business committee met on Wednesday last, the FEMPI issue was discussed and it was a very important issue raised on the floor. It was decided that time would be made available for a debate in the Chamber on it. It was further indicated that the Dáil would sit on Friday next and on the following Friday, and that, if necessary, on either or both of those days, time would be provided for a debate on the FEMPI legislation. There was no disagreement with that proposal and both of the parties that have been raising concerns today were represented - very well represented - at that meeting.

Deputy Bríd Smith: Three parties raised concerns, as did one individual.

An Ceann Comhairle: I am sorry. The individual was not represented but that was the situation at the business committee-----

Deputy David Cullinane: With respect, a Cheann Comhairle, that was not the point I raised. My point was that I signalled very early on to come in on that issue, and six or seven Deputies who had signalled afterwards had the opportunity to come in but I did not. The Minister did not answer the question on those who were outside the Lansdowne Road agreement and what will happen to them subsequently.

Deputy Mick Barry: If what is being said is that a debate is now definitely being scheduled, as opposed to the possibility of a debate being scheduled, that is a step forward. However, the point here is not about the idea of having a token debate, after the fact, on the issue of the financial emergency legislation, which will penalise workers and especially young workers. The key point - we want to register this point and we will leave it at that - is that it is outrageous that the Government has the power to put through this legislation without a vote in the House. That is very wrong.

Deputy Regina Doherty: The House agreed two years ago to pass the legislation.

Deputy Mick Barry: If we do not have the power to oppose it strongly in the House, I have no doubt trade unionists will oppose it very strongly, on the picket lines if needs be.

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Deputy Seamus Healy: To clarify, is the Ceann Comhairle telling us that the Government is prepared to defer the renewal of this legislation until after the debate in the House?

An Ceann Comhairle: I am not telling you that at all.

Deputy Seamus Healy: Then what are you telling us? A debate in a week's time or a fortnight's time is of very little value if the legislation is already extended, if young teachers, gardaí and nurses cannot even pay for their rental accommodation-----

An Ceann Comhairle: You have made your point.

Deputy Seamus Healy: -----and if we still have a two-tier pay structure in those professions.

An Ceann Comhairle: Resume your seat, Deputy Healy.

Deputy Seamus Healy: Young people are going to lose hundreds of thousands of euro across their years of service. Can we have clarification that the Government is prepared to defer the renewal of the legislation until after the debate?

Deputy David Cullinane: To be helpful, there are two separate issues. The unwinding of the FEMPI legislation and a debate on it is one issue, but the issue of those who came into the public service post-2011-----

An Ceann Comhairle: We all understand the issues.

Deputy David Cullinane: No, sorry, you do not understand them, with respect, because-----

An Ceann Comhairle: I am afraid we do.

Deputy David Cullinane: Sorry, you do not. If you leave me make my point. This was not as a consequence of FEMPI. It was introduced in 2010 outside of FEMPI-----

An Ceann Comhairle: All right.

Deputy David Cullinane: -----because it did not require emergency legislation. We need to have a debate on both of these issues-----

An Ceann Comhairle: Fine.

Deputy David Cullinane: -----FEMPI and those who came into the system in 2011.

An Ceann Comhairle: That matter can be raised by Deputy Cullinane's very competent representative at the Business Committee when it meets next week. It is the Business Committee and not the Government that will fix the business.

Deputy Mattie McGrath: Hear, hear.

Deputy Richard Boyd Barrett: The Government is pushing it through.

An Ceann Comhairle: Does the Minister want to make some brief reference to the legislation?

Deputy Richard Bruton: My understanding is that under the FEMPI Acts the Minister is

obliged to review the FEMPI legislation and provide a report, which he is required to lay before the Houses of the Oireachtas, as to whether it is his opinion that the measures in the Act are still required. He has conducted this review and has laid the report before the House in accordance with the legislation.

Deputy Paul Murphy: So that is it.

An Ceann Comhairle: We must proceed now to the Au Pair Placement Bill 2016.

Deputy Ruth Coppinger: So the Government will cut teachers' pay with no debate in the Dáil.

An Ceann Comhairle: We are proceeding and I call Deputy Anne Rabbitte.

Deputy Mick Barry: There will be no vote.

Deputy Paul Murphy: It is completely undemocratic.

Deputy Seamus Healy: Even the Irish Congress of Trade Unions-----

An Ceann Comhairle: Please have respect for your colleagues.

Deputy Richard Boyd Barrett: If the Minister showed some respect for low paid public sector workers.

Deputy Paul Murphy: If the Government showed some respect for the Dáil.

An Ceann Comhairle: The Deputies have made their points. Deputy Anne Rabbitte has the floor. Some mutual respect would be helpful.

Au Pair Placement Bill 2016: First Stage

Deputy Anne Rabbitte: I move:

That leave be granted to introduce a Bill entitled an Act for the purposes of the better protection of rights of young people on cultural and education exchange programs with no more than 30 hours light domestic help per week in exchange for hospitality, lodging and pocket money, to be known as 'Au Pair Placements'; to set up a new Au Pair Accreditation Council tasked with the protection of these rights and the oversight and registration of Au Pair Placements; to give the relevant Minister powers to make regulations defining the rights and responsibilities of those participating in Au Pair exchanges, accredited agencies and the Au Pair Accreditation Council.

I have brought forward the Bill with the help of my colleagues to introduce a definition of au pair, examine the idea of a cultural and educational exchange in Irish society for the au pair and develop a framework of supporting the host families, the au pairs themselves and the agencies. I look forward to debating the Bill next week in the Dáil.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): No.

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Question put and agreed to.

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

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

Question put and agreed to.

Housing (Sale of Local Authority Housing) Bill 2016: First Stage

Deputy Barry Cowen: I move:

That leave be granted to introduce a Bill entitled an Act to enable a housing authority to sell a dwelling acquired by a housing authority under Part V of the Planning and Development Act 2000 to a tenant of such a dwelling.

I introduce this Bill on foot of the tenant purchase scheme the Government initiated last January. Unfortunately it has proven to be wholly inadequate when we consider the fact that only 73 applications have been made under the scheme. Many issues arise, not least the income limits, age barriers and the fact voluntary housing body tenants cannot buy out their houses. The housing report issued by the special committee in recent weeks sought an urgent and immediate review of the scheme. Notwithstanding this, I propose that the Bill be taken to address the fact those tenants in Part V accommodation do not have the same rights as their counterparts in local authority units, for whom the tenancies are very much the same. They do not have the opportunity or option to qualify under the scheme. The Bill seeks the support of the House to rectify this so these people are not discriminated against, and I hope and expect full support in this regard.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): No.

Question put and agreed to.

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

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

Question put and agreed to.

An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (An tOchtú Leasú a Aisghairm), 2016: An Chéad Chéim

**Thirty-fifth Amendment of the Constitution (Repeal of the Eighth Amendment) Bill
2016: First Stage**

Deputy Ruth Coppinger: Tairgim:

Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht chun an Bunreacht a leasú.

I move:

That leave be granted to introduce a Bill entitled an Act to amend the Constitution.

The simple request of the Bill is to seek to hold a referendum to repeal the eighth amendment. I move the Bill on behalf of the Anti-Austerity Alliance and People Before Profit, whose six Deputies have signed their names to the Bill. This is not just adhering to the commitment we made when we stood for election, it is also very timely. Tonight, the issue of fatal fetal abnormalities will be discussed in the Dáil. It seems the Bill will be ruled unconstitutional, so those women will continue to suffer the horrors of leaving the country for medical treatment.

Repeal of the eighth amendment is necessary to cater and legislate for abortion in all cases, according to the Government. The Bill recognises the reality of abortion in this country, whereby thousands of women leave every year or conduct abortions in their own bedrooms with safe medical abortion pills for a variety of reasons. There is widespread recognition in society that banning abortion does nothing to stop the practice. Everybody knows that it will continue, with or without the eighth amendment which just brushes the issue under the carpet. We must, therefore, cater and legislate for it.

Last year when I introduced a similar Bill, the Government stated there was no appetite for it. That was its constant refrain to any proposed change. It is extremely clear that there is a huge demand for change. In the most recent opinion poll 75% of respondents indicated that they wanted a referendum to be held to repeal the eighth amendment. There is, therefore, a democratic deficit in this regard also and it is the one issue in society on which people are clear. The consensus is that we should get rid of the eighth amendment and to then debate and discuss the relevant legislation to be brought before the Dáil. I see some Deputies shaking their heads, but I am afraid that they are behind the curve because it has been shown consistently in opinion polls that there has been a sea change in attitudes on this issue among young people and women. The only people who are behind are those who saw fit three years ago to criminalise women for making these decisions with a 14-year jail sentence. That was very behind the curve. In introducing the Bill, therefore, I appeal to young people, women and pro-choice organisations to use the next 100 days to contact their local Deputies to meet them at their clinics or seek appointments with them to discuss the need to repeal the eighth amendment. We give this notice in order that organisations can do what should be done, which is to ask their local Deputies to represent a clear majority of the people who favour repeal of the eighth amendment.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): No.

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Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

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

Deputy Ruth Coppinger: Tairgim: "Go dtófar an Bille in am Comhaltaí Príobháideacha."

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

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Standing Orders: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

That the Standing Orders of Dáil Éireann relative to Public Business be amended in Standing Order 11 by the deletion of paragraph (1) and the substitution of the following:

(1) Whenever there is a vacancy in the office of Leas-Cheann Comhairle, an election shall be held according to the procedures outlined in these Standing Orders for the election by secret ballot of a Ceann Comhairle, save that:

(a) the time and date of the secret ballot for Leas-Cheann Comhairle shall, where practicable, be agreed by the Business Committee;

(b) nominations for candidates shall be received by the Clerk not later than 6 p.m. the day before the secret ballot, not counting a Saturday, Sunday, or a public holiday;

(c) where reference is made in the procedures to the Clerk's Election Report, such reference shall be interpreted to refer to the time and date of the secret ballot for Leas-Cheann Comhairle, save that where no candidate is validly nominated, or where the successful candidate selected by secret ballot is not elected, it may be decided—

(i) to schedule a secret ballot for another occasion; or

(ii) to set a date on which motions may be made without notice for the election of a Leas-Cheann Comhairle in accordance with Standing Order 8; and

(d) following the secret ballot, the votes shall be counted as soon as the Clerk considers it practicable to do so, and the Clerk shall announce to the House the name of the successful candidate selected by secret ballot as soon as he or she considers it practicable to do so thereafter.

Question put and agreed to.

Animal Protection (in relation to Hares) Bill 2015: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: A division was challenged on Thursday, 23 June, on the question that the Animal Protection (in relation to Hares) Bill 2015 be read a Second Time. In accordance with Standing Order 72, that division must be taken now.

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

<i>The Dáil divided: Tá, 20; Níl, 114.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Barry, Mick.</i>	<i>Adams, Gerry.</i>
<i>Boyd Barrett, Richard.</i>	<i>Aylward, Bobby.</i>
<i>Broughan, Thomas P.</i>	<i>Bailey, Maria.</i>
<i>Collins, Joan.</i>	<i>Barrett, Seán.</i>
<i>Connolly, Catherine.</i>	<i>Brassil, John.</i>
<i>Coppinger, Ruth.</i>	<i>Breathnach, Declan.</i>
<i>Daly, Clare.</i>	<i>Breen, Pat.</i>
<i>Donnelly, Stephen S.</i>	<i>Brophy, Colm.</i>
<i>Halligan, John.</i>	<i>Browne, James.</i>
<i>Kenny, Gino.</i>	<i>Bruton, Richard.</i>
<i>McGrath, Finian.</i>	<i>Buckley, Pat.</i>
<i>Martin, Catherine.</i>	<i>Burke, Peter.</i>
<i>Murphy, Catherine.</i>	<i>Burton, Joan.</i>
<i>Murphy, Paul.</i>	<i>Butler, Mary.</i>
<i>O’Sullivan, Maureen.</i>	<i>Byrne, Catherine.</i>
<i>Ross, Shane.</i>	<i>Byrne, Thomas.</i>
<i>Ryan, Eamon.</i>	<i>Cahill, Jackie.</i>
<i>Shortall, Róisín.</i>	<i>Calleary, Dara.</i>
<i>Smith, Bríd.</i>	<i>Canney, Seán.</i>
<i>Wallace, Mick.</i>	<i>Cannon, Ciarán.</i>
	<i>Carey, Joe.</i>
	<i>Casey, Pat.</i>
	<i>Cassells, Shane.</i>
	<i>Chambers, Jack.</i>
	<i>Chambers, Lisa.</i>
	<i>Collins, Michael.</i>
	<i>Collins, Niall.</i>
	<i>Corcoran Kennedy, Marcella.</i>
	<i>Coveney, Simon.</i>
	<i>Cowen, Barry.</i>
	<i>Cullinane, David.</i>
	<i>Curran, John.</i>
	<i>Daly, Jim.</i>

	<i>D’Arcy, Michael.</i>
	<i>Deasy, John.</i>
	<i>Deering, Pat.</i>
	<i>Doherty, Pearse.</i>
	<i>Doherty, Regina.</i>
	<i>Donohoe, Paschal.</i>
	<i>Dooley, Timmy.</i>
	<i>Doyle, Andrew.</i>
	<i>Durkan, Bernard J.</i>
	<i>English, Damien.</i>
	<i>Ferris, Martin.</i>
	<i>Fitzgerald, Frances.</i>
	<i>Fitzmaurice, Michael.</i>
	<i>Fitzpatrick, Peter.</i>
	<i>Flanagan, Charles.</i>
	<i>Fleming, Sean.</i>
	<i>Griffin, Brendan.</i>
	<i>Harris, Simon.</i>
	<i>Harty, Michael.</i>
	<i>Haughey, Seán.</i>
	<i>Healy, Seamus.</i>
	<i>Healy-Rae, Danny.</i>
	<i>Healy-Rae, Michael.</i>
	<i>Heydon, Martin.</i>
	<i>Howlin, Brendan.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Enda.</i>
	<i>Kenny, Martin.</i>
	<i>Kyne, Seán.</i>
	<i>Lahart, John.</i>
	<i>Lowry, Michael.</i>
	<i>MacSharry, Marc.</i>
	<i>McDonald, Mary Lou.</i>
	<i>McEntee, Helen.</i>
	<i>McGrath, Mattie.</i>
	<i>McGrath, Michael.</i>
	<i>McGuinness, John.</i>
	<i>McLoughlin, Tony.</i>
	<i>Madigan, Josepha.</i>
	<i>Martin, Micheál.</i>
	<i>Mitchell O’Connor, Mary.</i>
	<i>Mitchell, Denise.</i>
	<i>Moran, Kevin Boxer.</i>

Dáil Éireann

	<i>Moynihan, Michael.</i>
	<i>Munster, Imelda.</i>
	<i>Murphy O'Mahony, Margaret.</i>
	<i>Murphy, Dara.</i>
	<i>Murphy, Eoghan.</i>
	<i>Murphy, Eugene.</i>
	<i>Naughten, Denis.</i>
	<i>Naughton, Hildegarde.</i>
	<i>Neville, Tom.</i>
	<i>Nolan, Carol.</i>
	<i>Noonan, Michael.</i>
	<i>Ó Cuív, Éamon.</i>
	<i>Ó Laoghaire, Donnchadh.</i>
	<i>Ó Snodaigh, Aengus.</i>
	<i>O'Callaghan, Jim.</i>
	<i>O'Connell, Kate.</i>
	<i>O'Dea, Willie.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Keeffe, Kevin.</i>
	<i>O'Loughlin, Fiona.</i>
	<i>O'Reilly, Louise.</i>
	<i>O'Rourke, Frank.</i>
	<i>Penrose, Willie.</i>
	<i>Phelan, John Paul.</i>
	<i>Quinlivan, Maurice.</i>
	<i>Rabbitte, Anne.</i>
	<i>Ring, Michael.</i>
	<i>Rock, Noel.</i>
	<i>Ryan, Brendan.</i>
	<i>Scanlon, Eamon.</i>
	<i>Sherlock, Sean.</i>
	<i>Smith, Brendan.</i>
	<i>Stanley, Brian.</i>
	<i>Stanton, David.</i>
	<i>Tóibín, Peadar.</i>
	<i>Troy, Robert.</i>
	<i>Varadkar, Leo.</i>

Tellers: Tá, Deputies Clare Daly and Maureen O'Sullivan; Níl, Deputies Regina Doherty and Michael Moynihan.

Question declared lost.

Equal Status (Admission to Schools) Bill 2016: Second Stage (Resumed) [Private Members]

The following motion was moved by Deputy Joan Burton on Tuesday, 28 June 2016:

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

Debate resumed on amendment No. 1:

To delete all words after “That” and substitute the following:

“Dáil Éireann resolves that the Bill be deemed to be read a second time this day twelve months, to allow for scrutiny between now and then by the Oireachtas Committee on Education and Skills and for the Committee to consider submissions and hold hearings that have regard in particular to ensure that:

(a) the proposed Bill strikes a balanced and measured approach in relation to competing rights;

(b) the proposed Bill does not give rise to any unintended consequences that create any adverse impact on the schools of minority denominations;

(c) the issue of catchment areas for schools will be examined, with due respect to the importance of established geographic boundaries and organisation, as well as having taken into regard experience in other jurisdictions and the views of stakeholders;

(d) the proposed Bill takes account of any impacts and distortion on school transport policy and provision; and

(e) the proposed Bill does not give rise to Constitutional difficulties;

and to fully discuss and explore other practical issues and consequences that may arise as a result of the proposals, and further agrees that the Bill would proceed separately from the Education (Admission to Schools) Bill, scheduled to be published by Government this term.”.

(Minister for Education and Skills).

An Ceann Comhairle: I must now deal with a postponed division relating to the Equal Status (Admission to Schools) Bill 2016 on Tuesday, 28 June 2016. On the question that the amendment to the motion be made, a division was claimed and in accordance with Standing Order 72 that division must be taken now. This is a short division.

Amendment put:

<i>The Dáil divided: Tá, 97; Níl, 42.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>
<i>Brassil, John.</i>	<i>Broughan, Thomas P.</i>
<i>Breathnach, Declan.</i>	<i>Buckley, Pat.</i>
<i>Breen, Pat.</i>	<i>Burton, Joan.</i>
<i>Brophy, Colm.</i>	<i>Collins, Joan.</i>
<i>Browne, James.</i>	<i>Connolly, Catherine.</i>
<i>Bruton, Richard.</i>	<i>Coppinger, Ruth.</i>
<i>Burke, Peter.</i>	<i>Cullinane, David.</i>
<i>Butler, Mary.</i>	<i>Daly, Clare.</i>
<i>Byrne, Catherine.</i>	<i>Doherty, Pearse.</i>
<i>Byrne, Thomas.</i>	<i>Donnelly, Stephen S.</i>
<i>Cahill, Jackie.</i>	<i>Ferris, Martin.</i>
<i>Calleary, Dara.</i>	<i>Healy, Seamus.</i>
<i>Canney, Seán.</i>	<i>Howlin, Brendan.</i>
<i>Cannon, Ciarán.</i>	<i>Kenny, Gino.</i>
<i>Carey, Joe.</i>	<i>Kenny, Martin.</i>
<i>Casey, Pat.</i>	<i>McDonald, Mary Lou.</i>
<i>Cassells, Shane.</i>	<i>Martin, Catherine.</i>
<i>Chambers, Jack.</i>	<i>Mitchell, Denise.</i>
<i>Chambers, Lisa.</i>	<i>Munster, Imelda.</i>
<i>Collins, Michael.</i>	<i>Murphy, Catherine.</i>
<i>Collins, Niall.</i>	<i>Nolan, Carol.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Ó Broin, Eoin.</i>
<i>Coveney, Simon.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Cowen, Barry.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Curran, John.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Daly, Jim.</i>	<i>O'Brien, Jonathan.</i>
<i>D'Arcy, Michael.</i>	<i>O'Reilly, Louise.</i>
<i>Deasy, John.</i>	<i>O'Sullivan, Jan.</i>
<i>Deering, Pat.</i>	<i>Penrose, Willie.</i>
<i>Doherty, Regina.</i>	<i>Pringle, Thomas.</i>
<i>Donohoe, Paschal.</i>	<i>Quinlivan, Maurice.</i>
<i>Dooley, Timmy.</i>	<i>Ryan, Brendan.</i>
<i>Doyle, Andrew.</i>	<i>Ryan, Eamon.</i>
<i>Durkan, Bernard J.</i>	<i>Sherlock, Sean.</i>
<i>English, Damien.</i>	<i>Shortall, Róisín.</i>
<i>Farrell, Alan.</i>	<i>Smith, Bríd.</i>
<i>Fitzgerald, Frances.</i>	<i>Stanley, Brian.</i>
<i>Fitzmaurice, Michael.</i>	<i>Tóibín, Peadar.</i>

<i>Flanagan, Charles.</i>	<i>Wallace, Mick.</i>
<i>Fleming, Sean.</i>	
<i>Griffin, Brendan.</i>	
<i>Halligan, John.</i>	
<i>Harris, Simon.</i>	
<i>Harty, Michael.</i>	
<i>Haughey, Seán.</i>	
<i>Healy-Rae, Danny.</i>	
<i>Healy-Rae, Michael.</i>	
<i>Heydon, Martin.</i>	
<i>Kehoe, Paul.</i>	
<i>Kenny, Enda.</i>	
<i>Kyne, Seán.</i>	
<i>Lahart, John.</i>	
<i>Lawless, James.</i>	
<i>Lowry, Michael.</i>	
<i>MacSharry, Marc.</i>	
<i>McEntee, Helen.</i>	
<i>McGrath, Finian.</i>	
<i>McGrath, Mattie.</i>	
<i>McGrath, Michael.</i>	
<i>McGuinness, John.</i>	
<i>McLoughlin, Tony.</i>	
<i>Madigan, Josepha.</i>	
<i>Martin, Micheál.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Moran, Kevin Boxer.</i>	
<i>Moynihan, Aindrias.</i>	
<i>Moynihan, Michael.</i>	
<i>Murphy O'Mahony, Margaret.</i>	
<i>Murphy, Dara.</i>	
<i>Murphy, Eoghan.</i>	
<i>Murphy, Eugene.</i>	
<i>Naughten, Denis.</i>	
<i>Naughton, Hildegarde.</i>	
<i>Neville, Tom.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>O'Callaghan, Jim.</i>	
<i>O'Connell, Kate.</i>	
<i>O'Dea, Willie.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	

<i>O’Keeffe, Kevin.</i>	
<i>O’Loughlin, Fiona.</i>	
<i>O’Rourke, Frank.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Anne.</i>	
<i>Ring, Michael.</i>	
<i>Rock, Noel.</i>	
<i>Ross, Shane.</i>	
<i>Scanlon, Eamon.</i>	
<i>Smith, Brendan.</i>	
<i>Stanton, David.</i>	
<i>Troy, Robert.</i>	
<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Regina Doherty and Michael Moynihan; Níl, Deputies Jan O’Sullivan and Brendan Ryan.

Amendment declared carried.

Question, “That the motion for the Second Reading, as amended, be agreed to”, put and agreed to.

National Asset Management Agency: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Mick Wallace on Wednesday, 29 June 2016:

That Dáil Éireann calls on the Government to establish a Commission of Investigation under the Commissions of Investigation Act 2004, that would be sufficiently mandated to conduct a full and proper examination of all the facts surrounding the sale, by the National Asset Management Agency, of the Northern Ireland loan book portfolio, Project Eagle; and to establish a deadline for the completion and publication of the report by the Commission of Investigation.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“notes that:

— the National Asset Management Agency (NAMA) Chairman has stated that the NAMA Board is fully satisfied that the Project Eagle sales process delivered the best possible return that could have been achieved for Irish taxpayers;

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— it remains the case that no allegations of wrongdoing have been directed at NAMA, despite all the confusion and conflation in the coverage of this matter;

— ongoing investigations, including that being undertaken by the UK National Crime Agency (NCA), must not be obstructed or compromised by a Commission of Investigation;

— NAMA have advised that the UK NCA has confirmed that no aspect of the Agency's activities are under investigation;

— the Comptroller and Auditor General (C&AG) must be afforded the appropriate time and space to complete its Section 9 of the Comptroller and Auditor General (Amendment) Act 1993 value for money review into Project Eagle properly and in accordance with due process;

— the Minister for Finance has made relevant documentation held by the Department of Finance relating to Project Eagle publically available to the Committee of Public Accounts and on the Department of Finance website;

— NAMA has made extensive information available to various parliamentary committees including the Dáil Committee of Public Accounts; the Oireachtas Joint Committee on Finance, Public Expenditure and Reform and the Northern Ireland Assembly Committee for Finance and Personnel; all of this information, over 350 pages, is publicly available on the NAMA website and through the transcripts of the relevant committee hearings;

— in the context of all of this documentary evidence and testimony, no specific allegations of wrongdoing appropriate for a Commission of Investigation have emerged;

— the Government will continue to monitor ongoing criminal investigations and will seriously consider any specific allegations of wrongdoing appropriate for a Commission of Investigation should any such allegations be made; and

— NAMA is continuing to progress its mandate to maximise the return to the Irish State, as evidenced in its 2015 Annual Report and Accounts and should not be impeded in its continuing efforts to do so;

and resolves to:

— respect the integrity of the ongoing UK NCA criminal investigation;

— allow the C&AG to complete its work in accordance with due process;

— allow the Committee of Public Accounts to exercise its oversight; and

— call for any criminal allegations and evidence to be brought to the attention of the relevant authorities.”

-(Minister for Finance)

An Ceann Comhairle: I must now deal with a postponed division relating to a motion re the National Asset Management Agency. On Wednesday, 29 June 2016, on the question that the amendment to the motion be made, a division was claimed and in accordance with Standing

Order 72 that division must be taken now. This is a short division.

Amendment put:

<i>The Dáil divided: Tá, 58; Níl, 81.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>
<i>Barrett, Seán.</i>	<i>Aylward, Bobby.</i>
<i>Breen, Pat.</i>	<i>Barry, Mick.</i>
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>
<i>Bruton, Richard.</i>	<i>Breathnach, Declan.</i>
<i>Burke, Peter.</i>	<i>Broughan, Thomas P.</i>
<i>Byrne, Catherine.</i>	<i>Browne, James.</i>
<i>Canney, Seán.</i>	<i>Buckley, Pat.</i>
<i>Cannon, Ciarán.</i>	<i>Burton, Joan.</i>
<i>Carey, Joe.</i>	<i>Butler, Mary.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Byrne, Thomas.</i>
<i>Coveney, Simon.</i>	<i>Cahill, Jackie.</i>
<i>Daly, Jim.</i>	<i>Calleary, Dara.</i>
<i>D'Arcy, Michael.</i>	<i>Casey, Pat.</i>
<i>Deasy, John.</i>	<i>Cassells, Shane.</i>
<i>Deering, Pat.</i>	<i>Chambers, Jack.</i>
<i>Doherty, Regina.</i>	<i>Collins, Joan.</i>
<i>Donohoe, Paschal.</i>	<i>Collins, Michael.</i>
<i>Doyle, Andrew.</i>	<i>Collins, Niall.</i>
<i>Durkan, Bernard J.</i>	<i>Connolly, Catherine.</i>
<i>English, Damien.</i>	<i>Coppinger, Ruth.</i>
<i>Farrell, Alan.</i>	<i>Cowen, Barry.</i>
<i>Fitzgerald, Frances.</i>	<i>Cullinane, David.</i>
<i>Fitzpatrick, Peter.</i>	<i>Curran, John.</i>
<i>Flanagan, Charles.</i>	<i>Daly, Clare.</i>
<i>Griffin, Brendan.</i>	<i>Doherty, Pearse.</i>
<i>Halligan, John.</i>	<i>Donnelly, Stephen S.</i>
<i>Harris, Simon.</i>	<i>Dooley, Timmy.</i>
<i>Harty, Michael.</i>	<i>Ellis, Dessie.</i>
<i>Healy-Rae, Michael.</i>	<i>Ferris, Martin.</i>
<i>Heydon, Martin.</i>	<i>Fitzmaurice, Michael.</i>
<i>Kehoe, Paul.</i>	<i>Fleming, Sean.</i>
<i>Kenny, Enda.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Kyne, Seán.</i>	<i>Haughey, Seán.</i>
<i>Lowry, Michael.</i>	<i>Healy, Seamus.</i>
<i>McEntee, Helen.</i>	<i>Healy-Rae, Danny.</i>
<i>McGrath, Finian.</i>	<i>Howlin, Brendan.</i>
<i>McGrath, Mattie.</i>	<i>Kenny, Gino.</i>

<i>McLoughlin, Tony.</i>	<i>Kenny, Martin.</i>
<i>Madigan, Josepha.</i>	<i>Lahart, John.</i>
<i>Mitchell O'Connor, Mary.</i>	<i>Lawless, James.</i>
<i>Moran, Kevin Boxer.</i>	<i>MacSharry, Marc.</i>
<i>Murphy, Dara.</i>	<i>McDonald, Mary Lou.</i>
<i>Murphy, Eoghan.</i>	<i>McGrath, Michael.</i>
<i>Naughten, Denis.</i>	<i>McGuinness, John.</i>
<i>Naughton, Hildegarde.</i>	<i>Martin, Micheál.</i>
<i>Neville, Tom.</i>	<i>Mitchell, Denise.</i>
<i>Noonan, Michael.</i>	<i>Moynihan, Aindrias.</i>
<i>O'Connell, Kate.</i>	<i>Munster, Imelda.</i>
<i>O'Donovan, Patrick.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>O'Dowd, Fergus.</i>	<i>Murphy, Catherine.</i>
<i>Phelan, John Paul.</i>	<i>Murphy, Eugene.</i>
<i>Ring, Michael.</i>	<i>Murphy, Paul.</i>
<i>Rock, Noel.</i>	<i>Nolan, Carol.</i>
<i>Ross, Shane.</i>	<i>Ó Broin, Eoin.</i>
<i>Stanton, David.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Varadkar, Leo.</i>	<i>Ó Cuív, Éamon.</i>
<i>Zappone, Katherine.</i>	<i>Ó Laoghaire, Donnchadh.</i>
	<i>Ó Snodaigh, Aengus.</i>
	<i>O'Brien, Jonathan.</i>
	<i>O'Dea, Willie.</i>
	<i>O'Keeffe, Kevin.</i>
	<i>O'Loughlin, Fiona.</i>
	<i>O'Reilly, Louise.</i>
	<i>O'Rourke, Frank.</i>
	<i>O'Sullivan, Jan.</i>
	<i>O'Sullivan, Maureen.</i>
	<i>Penrose, Willie.</i>
	<i>Pringle, Thomas.</i>
	<i>Quinlivan, Maurice.</i>
	<i>Rabbitte, Anne.</i>
	<i>Ryan, Brendan.</i>
	<i>Scanlon, Eamon.</i>
	<i>Sherlock, Sean.</i>
	<i>Shortall, Róisín.</i>
	<i>Smith, Brendan.</i>
	<i>Smith, Bríd.</i>
	<i>Stanley, Brian.</i>
	<i>Tóibín, Peadar.</i>
	<i>Troy, Robert.</i>
	<i>Wallace, Mick.</i>

Tellers: Tá, Deputies Regina Doherty and Kevin Boxer Moran; Níl, Deputies Clare Daly and Mick Wallace.

Amendment declared lost.

2 o'clock

Deputy Michael McGrath: I move amendment No. 2:

To delete all words after “Dáil Éireann” and substitute the following:

“notes that:

-- there are ongoing legitimate concerns regarding aspects of the sale by the National Asset Management Agency (NAMA) of the Northern Ireland loan book portfolio, Project Eagle;

-- some deeply troubling and extremely serious allegations relating to the sale in Northern Ireland have come into the public domain;

-- it is imperative these concerns and allegations are fully addressed and investigated in a comprehensive and timely manner;

-- the UK National Crime Agency is currently conducting a criminal investigation and this investigation is at a crucial stage; and

-- the Comptroller and Auditor General is currently conducting a Section 9 of the Comptroller and Auditor General (Amendment) Act 1993 value for money review into Project Eagle and, when this is completed, it will be considered by the Committee of Public Accounts;

agrees that:

-- no action should be taken at this stage which could potentially hamper the criminal investigation into these matters;

-- the Committee of Public Accounts will, following completion of the Comptroller and Auditor General special report, have an important role in assessing the extent to which taxpayers' interests were fully protected during the work of NAMA; and

-- a Commission of Investigation may be necessary once the outstanding criminal investigations have been concluded and, in that scenario, should be established without delay; and

in the meantime, calls for continuing full co-operation to be provided by all State agencies, including NAMA and the Department of Finance, in all relevant investigations into this serious matter.”

An Ceann Comhairle: On the question that amendment No. 2 to the motion be agreed to, a division has been claimed and in accordance with Standing Order 72 that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 105; Níl, 38.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>
<i>Brassil, John.</i>	<i>Broughan, Thomas P.</i>
<i>Breathnach, Declan.</i>	<i>Buckley, Pat.</i>
<i>Breen, Pat.</i>	<i>Collins, Joan.</i>
<i>Brophy, Colm.</i>	<i>Connolly, Catherine.</i>
<i>Browne, James.</i>	<i>Coppinger, Ruth.</i>
<i>Bruton, Richard.</i>	<i>Cullinane, David.</i>
<i>Burke, Peter.</i>	<i>Daly, Clare.</i>
<i>Burton, Joan.</i>	<i>Doherty, Pearse.</i>
<i>Butler, Mary.</i>	<i>Donnelly, Stephen S.</i>
<i>Byrne, Catherine.</i>	<i>Ellis, Dessie.</i>
<i>Byrne, Thomas.</i>	<i>Ferris, Martin.</i>
<i>Cahill, Jackie.</i>	<i>Fitzmaurice, Michael.</i>
<i>Calleary, Dara.</i>	<i>Healy, Seamus.</i>
<i>Canney, Seán.</i>	<i>Kenny, Gino.</i>
<i>Cannon, Ciarán.</i>	<i>Kenny, Martin.</i>
<i>Carey, Joe.</i>	<i>McDonald, Mary Lou.</i>
<i>Casey, Pat.</i>	<i>Mitchell, Denise.</i>
<i>Cassells, Shane.</i>	<i>Munster, Imelda.</i>
<i>Chambers, Jack.</i>	<i>Murphy, Catherine.</i>
<i>Collins, Michael.</i>	<i>Murphy, Paul.</i>
<i>Collins, Niall.</i>	<i>Nolan, Carol.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Ó Broin, Eoin.</i>
<i>Coveney, Simon.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Cowen, Barry.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Curran, John.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Daly, Jim.</i>	<i>O'Brien, Jonathan.</i>
<i>D'Arcy, Michael.</i>	<i>O'Reilly, Louise.</i>
<i>Deasy, John.</i>	<i>O'Sullivan, Maureen.</i>
<i>Deering, Pat.</i>	<i>Pringle, Thomas.</i>
<i>Doherty, Regina.</i>	<i>Quinlivan, Maurice.</i>
<i>Donohoe, Paschal.</i>	<i>Shortall, Róisín.</i>
<i>Dooley, Timmy.</i>	<i>Smith, Bríd.</i>
<i>Doyle, Andrew.</i>	<i>Stanley, Brian.</i>

<i>Durkan, Bernard J.</i>	<i>Tóibín, Peadar.</i>
<i>English, Damien.</i>	<i>Wallace, Mick.</i>
<i>Farrell, Alan.</i>	
<i>Fitzgerald, Frances.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Charles.</i>	
<i>Fleming, Sean.</i>	
<i>Gallagher, Pat The Cope.</i>	
<i>Griffin, Brendan.</i>	
<i>Halligan, John.</i>	
<i>Harris, Simon.</i>	
<i>Harty, Michael.</i>	
<i>Haughey, Seán.</i>	
<i>Healy-Rae, Danny.</i>	
<i>Healy-Rae, Michael.</i>	
<i>Heydon, Martin.</i>	
<i>Howlin, Brendan.</i>	
<i>Kehoe, Paul.</i>	
<i>Kelly, Alan.</i>	
<i>Kenny, Enda.</i>	
<i>Kyne, Seán.</i>	
<i>Lahart, John.</i>	
<i>Lawless, James.</i>	
<i>Lowry, Michael.</i>	
<i>MacSharry, Marc.</i>	
<i>McEntee, Helen.</i>	
<i>McGrath, Finian.</i>	
<i>McGrath, Mattie.</i>	
<i>McGrath, Michael.</i>	
<i>McGuinness, John.</i>	
<i>McLoughlin, Tony.</i>	
<i>Madigan, Josepha.</i>	
<i>Martin, Catherine.</i>	
<i>Martin, Micheál.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Moran, Kevin Boxer.</i>	
<i>Moynihan, Aindrias.</i>	
<i>Moynihan, Michael.</i>	
<i>Murphy O'Mahony, Margaret.</i>	
<i>Murphy, Dara.</i>	
<i>Murphy, Eoghan.</i>	
<i>Murphy, Eugene.</i>	
<i>Naughten, Denis.</i>	

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<i>Naughton, Hildegarde.</i>	
<i>Neville, Tom.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>O'Connell, Kate.</i>	
<i>O'Dea, Willie.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Keeffe, Kevin.</i>	
<i>O'Loughlin, Fiona.</i>	
<i>O'Rourke, Frank.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Anne.</i>	
<i>Ring, Michael.</i>	
<i>Rock, Noel.</i>	
<i>Ross, Shane.</i>	
<i>Ryan, Brendan.</i>	
<i>Ryan, Eamon.</i>	
<i>Scanlon, Eamon.</i>	
<i>Sherlock, Sean.</i>	
<i>Smith, Brendan.</i>	
<i>Troy, Robert.</i>	
<i>Varadkar, Leo.</i>	
<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Michael Moynihan and Fiona O'Loughlin; Níl, Deputies Richard Boyd Barrett and Denise Mitchell.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 90; Níl, 33.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>
<i>Brassil, John.</i>	<i>Boyd Barrett, Richard.</i>
<i>Breathnach, Declan.</i>	<i>Broughan, Thomas P.</i>

<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>
<i>Browne, James.</i>	<i>Connolly, Catherine.</i>
<i>Bruton, Richard.</i>	<i>Coppinger, Ruth.</i>
<i>Burke, Peter.</i>	<i>Cullinane, David.</i>
<i>Burton, Joan.</i>	<i>Daly, Clare.</i>
<i>Butler, Mary.</i>	<i>Doherty, Pearse.</i>
<i>Byrne, Catherine.</i>	<i>Ellis, Dessie.</i>
<i>Byrne, Thomas.</i>	<i>Ferris, Martin.</i>
<i>Cahill, Jackie.</i>	<i>Fitzmaurice, Michael.</i>
<i>Calleary, Dara.</i>	<i>Healy, Seamus.</i>
<i>Canney, Seán.</i>	<i>Kenny, Gino.</i>
<i>Carey, Joe.</i>	<i>Kenny, Martin.</i>
<i>Casey, Pat.</i>	<i>McDonald, Mary Lou.</i>
<i>Cassells, Shane.</i>	<i>Mitchell, Denise.</i>
<i>Chambers, Jack.</i>	<i>Munster, Imelda.</i>
<i>Collins, Michael.</i>	<i>Murphy, Catherine.</i>
<i>Collins, Niall.</i>	<i>Murphy, Paul.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Nolan, Carol.</i>
<i>Curran, John.</i>	<i>Ó Broin, Eoin.</i>
<i>Daly, Jim.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>D'Arcy, Michael.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Deasy, John.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Deering, Pat.</i>	<i>O'Brien, Jonathan.</i>
<i>Doherty, Regina.</i>	<i>O'Reilly, Louise.</i>
<i>Donohoe, Paschal.</i>	<i>Quinlivan, Maurice.</i>
<i>Dooley, Timmy.</i>	<i>Smith, Bríd.</i>
<i>Durkan, Bernard J.</i>	<i>Stanley, Brian.</i>
<i>English, Damien.</i>	<i>Tóibín, Peadar.</i>
<i>Farrell, Alan.</i>	<i>Wallace, Mick.</i>
<i>Fitzgerald, Frances.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Charles.</i>	
<i>Fleming, Sean.</i>	
<i>Gallagher, Pat The Cope.</i>	
<i>Griffin, Brendan.</i>	
<i>Harris, Simon.</i>	
<i>Harty, Michael.</i>	
<i>Haughey, Seán.</i>	
<i>Healy-Rae, Danny.</i>	
<i>Healy-Rae, Michael.</i>	
<i>Heydon, Martin.</i>	
<i>Howlin, Brendan.</i>	
<i>Kehoe, Paul.</i>	

<i>Kelly, Alan.</i>	
<i>Kyne, Seán.</i>	
<i>Lahart, John.</i>	
<i>Lawless, James.</i>	
<i>McEntee, Helen.</i>	
<i>McGrath, Finian.</i>	
<i>McGrath, Mattie.</i>	
<i>McGrath, Michael.</i>	
<i>McGuinness, John.</i>	
<i>McLoughlin, Tony.</i>	
<i>Martin, Catherine.</i>	
<i>Martin, Micheál.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Moran, Kevin Boxer.</i>	
<i>Moynihan, Aindrias.</i>	
<i>Moynihan, Michael.</i>	
<i>Murphy O'Mahony, Margaret.</i>	
<i>Murphy, Dara.</i>	
<i>Murphy, Eoghan.</i>	
<i>Murphy, Eugene.</i>	
<i>Naughton, Hildegarde.</i>	
<i>Neville, Tom.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>O'Connell, Kate.</i>	
<i>O'Dea, Willie.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Loughlin, Fiona.</i>	
<i>O'Rourke, Frank.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Anne.</i>	
<i>Ring, Michael.</i>	
<i>Rock, Noel.</i>	
<i>Ross, Shane.</i>	
<i>Ryan, Brendan.</i>	
<i>Ryan, Eamon.</i>	
<i>Sherlock, Sean.</i>	
<i>Smith, Brendan.</i>	
<i>Stanton, David.</i>	
<i>Varadkar, Leo.</i>	
<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Michael Moynihan and Fiona O'Loughlin; Níl, Deputies Denise Mitchell and Aengus Ó Snodaigh.

Question declared carried.

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 29A and the name of the Member in each case: (1) Deputy Peter Burke - the future sustainable use for the former Columb Barracks site in Mullingar, County Westmeath; (2) Deputy Jackie Cahill - the continuing crisis in the beef industry which will worsen following the decision of the United Kingdom to exit the European Union; (3) Deputy Fiona O'Loughlin - the shortage of primary school places for children diagnosed with autistic spectrum disorders; (4) Deputy Eugene Murphy - the reasoning behind the threat to Monksland primary care services in County Roscommon; (5) Deputy Darragh O'Brien - the decision of the Egyptian authorities to delay for the 14th time the trial of Irish citizen, Mr. Ibrahim Halawa, who has been detained without trial in prison since August 2013; (6) Deputy Colm Brophy - establishing a fixed date in the calendar for the national day of Famine commemoration; (7) Deputy Jim Daly - confirmation of the opening of applications under the sports capital grant scheme in 2016 and thereafter; (8) Deputy Alan Kelly - Fáilte Ireland's Lough Derg strategy, including how successful it has been, the funding allocated to date and when the remaining required funds will be allocated; (9) Deputy Louise O'Reilly - the commencement and completion of the extension to a secondary school in Lusk, County Dublin; (10) Deputy Frank O'Rourke - public transport and park-and-ride facilities in north County Kildare, including bus services to Dublin city, connection services within the area and to Blanchardstown hospital in Dublin, and rail fares and services from Kilcock to Dublin city; (11) Deputy John Lahart - the plans for refurbishing existing flats on Dominick Street, Dublin 1, to help alleviate the housing crisis, given the announcement on 29 June 2016 that 72 new units are to be built on Dominick Street Lower; (12) Deputy John McGuinness - the action to support the 14 people with disabilities who have lost their jobs as a result of the closure of Rehab Enterprises in County Kilkenny; (13) Deputies Clare Daly and Mick Wallace - the spike in usage of Shannon Airport in County Clare by the military of the United States of America, including whether this is connected to the North Atlantic Treaty Organization's military exercises in Poland; (14) Deputy Mattie McGrath - infrastructure investment for South Tipperary General Hospital; (15) Deputy Dessie Ellis - the plans to substitute methadone with suboxone; (16) Deputy Robert Troy - greater provision of hours under the home help scheme in County Longford and County Westmeath; (17) Deputies Mick Barry, Ruth Coppinger and Gino Kenny - the renewal of the Financial Emergency Measures in the Public Interest legislation and the imminent imposition of sanctions on members of the Association of Secondary Teachers Ireland arising from this legislation and from not complying with the provisions of the Public Service Stability Agreement 2013-2018, the Lansdowne Road agreement; and (18) Deputy Paul Murphy - the 100th anniversary of the Battle of the Somme and its commemoration.

The matters raised by Deputies Fiona O'Loughlin, Louise O'Reilly, Jim Daly and Alan Kelly have been selected for discussion.

Revised Estimates for Public Services 2016: Messages from Select Committees

An Ceann Comhairle: The Select Committee on Children and Youth Affairs has completed its consideration of Vote 40 for the year ending 31 December 2016; the Select Committee on Communications, Climate Change and Natural Resources has completed its consideration of Vote 29 for the year ending 31 December 2016; the Select Committee on Transport, Tourism and Sport has completed its consideration of Vote 31 for the year ending 31 December 2016; and the Select Committee on Housing Planning and Local Government has completed its consideration of Vote 34 for the year ending 31 December 2016.

United Kingdom Referendum on European Union Membership: Statements (Resumed)

Deputy James Lawless: I have two minutes. I will take two topics and give them one minute each. My first point on Brexit is about the how Ireland now finds itself placed with regard to foreign direct investment. Companies have been signalling their intent to look at Ireland a second time or consider Ireland as a possible alternative location. We need to ensure our State agencies, including Enterprise Ireland, IDA Ireland and the other agencies, capitalise on this. They are certainly in a position to do so. Visa and work permit schemes should be fast-tracked and packages should be put in place in order that if there are expressions of interest from companies looking to relocate, which seemingly there are, then we should be in a position to welcome them and take them on.

Again, the housing crisis comes into play. One issue for companies potentially looking to relocate is accommodation. I have heard anecdotally that places are already being snapped up or at least inquired about. We should prioritise that. Every job created through foreign direct investment generates three more in the local economy as well as the obvious benefits of those high-end jobs coming to our country.

The question of the Northern Ireland Border is crucial. It is critical that we look at arrangements to insulate the all-island approach, if at all possible. All the work of the Good Friday Agreement, cross-Border institutions and everything we have seen done in recent years should be protected. It would be disastrous if the Border were to re-emerge. I encourage all interested parties to look at how an all-Ireland border could be put in place instead. If customs posts or controls are to be put up, then they should be put on the United Kingdom rather than our Border, if at all possible.

Deputy Colm Brophy: This is the second time I have spoken about Brexit in the House. In my maiden speech I spoke on the concerns and fears I had, how Brexit would affect our country and, critically, how Brexit would affect the United Kingdom. Some of the things I alluded to in that speech are the things we have been listening to in recent days, including the potential for untold damage to the United Kingdom as a country and the possible eventual destruction of it as a single country.

I wish to concentrate on the impact of Brexit on our country. The Government will undertake the lead task of negotiating, along with our fellow EU 27 member states, with the United Kingdom. It is vital that we come with the best possible plan to ensure the UK remains with as much access and involvement in Europe as possible in future. It is to the benefit of our country to have such an arrangement and we need to ensure it is realised. The onus is on every political

party and every politician, regardless of party, to work together on behalf of our country. We need to support our Government to ensure the UK's onward involvement is as total and immersed in Europe as it can be, even if it chooses not to remain a member of the EU.

I wish to caution one point in that regard. If we, as the European Union, undertake a deal with the United Kingdom, it is vital that we ensure we stitch in to any arrangement certain precautions and provisos. For example, if the UK has free access and free trade, all of which would be to our benefit, we must not allow the UK to engage in practices such as not observing minimum wage or environmental regulations, etc. If the UK does not have the restrictions placed on it that we should insist on, then an unequal playing field could develop where the UK becomes a base for business and enterprise selling into the European Union while not observing any of the laws we and our fellow members of the European Union would like to see.

However, while observing that potential risk, it is key that we work together to ensure the European Union has a stance that is not vindictive and does not bear any animosity towards the UK for how it voted. That stance needs to recognise that we will be better off together regardless of whether the UK is a member. We need to develop a proper free trade understanding with the UK while also insisting that it observes things like free movement as well, which, if it wants access to the benefits of the market, is an inherent part of it.

This is probably the worst thing that could have happened to our country. It is one of the worst things that could have happened to the United Kingdom. I believe there is some mechanism within the Article 50 process for a country not to complete it, but to withdraw from the process even after it has started it. I still believe the UK would have a better future as part of the EU and that is where I would like to see it. However, if that is not to be, then the onus is on all EU states, but particularly Ireland, to ensure Britain plays as full a part as possible and that we have as full a relationship with the UK, particularly in trade, as is possible in the current situation.

Deputy Michael Healy-Rae: I congratulate the Minister of State on his reappointment and wish him every good luck and success.

This is certainly a very worrying time for everybody. Even though we were all preparing, we still did not expect the vote to go the way it did. The European Union, formally created in 1993 after decades of international co-operation between the countries of Europe, has provided an exceptional outlet in the free movement of goods, services and individuals, creating an economically strong and vibrant Europe. For the United Kingdom to move away from these values in favour of its own independent policies, formed without regulation from the rest of its community, is certainly an upset to our society.

I very much respect democracy and I respect people's right to vote, but the decision by the British people to leave the European Union will have effects far beyond its borders. We will also be affected by this action. With the removal of the UK from the EU trade channels, it will become more difficult for Irish producers to export their goods across the Irish Sea, resulting in a potential decrease in bilateral trade flows between the two countries and also a drop in the total merchandise exports from Ireland, disproportionately affecting the basic and fabricated metal, agricultural, forestry, fishing, food and beverage, and textile sectors.

Trade is not the only area affected by the British exit. With its departure, foreign direct investment into the UK is likely to fall, leading to lower productivity and lower growth which

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will in turn also negatively affect Ireland, I am afraid.

I hope the movement of workers between Ireland and the United Kingdom is not at risk. Given previous EU migration laws this has not been a problem, but now it is possible that the UK could impose restrictions on Irish citizens working in the UK, creating great upset and inconvenience for our citizens. Furthermore, migrants, who had been bound for the UK, may now come to Ireland, with research suggesting an average wage fall of 3.9%, with workers in high-skilled positions experiencing a 5% wage decrease.

Politicians and the business community have to deal with the political reality we now have. We must try to make the most of the situation. While it is a bad situation, with intelligence and determination and everybody pulling together, we have to come out of this with the negative effects minimised.

I was concerned that the price of beef would be low in September or October. Now with this UK decision I can see it being further negatively affected. As the Minister of State is aware, the farming community is on its knees. One thing which was always true about farming was that irrespective of what was happening with beef or sheep, those milking cows had an income. However, that is no longer the case. It is tragic that dairy farmers are losing money every day. I am afraid that Brexit will compound that problem. These family farms are really struggling for survival. If the price of beef were to go lower than I had anticipated for autumn, it would lead to a crisis in that sector. That is one concern we need to try to address.

I look forward to the European Union affairs committee getting its structures in place in the coming weeks. I know that all the members of that committee look forward to working with the Minister of State. I believe it will be us, as Ireland Incorporated, working together in unity in whatever way we can to mitigate the negative consequences of Brexit.

In recent days the Taoiseach was out fighting our corner with the other EU leaders. To say that this is unprecedented and something out of this world altogether is not an overreaction or an exaggeration. If a man had placed a bet with Paddy Power at the start of the year that the United Kingdom would leave the EU and that Donald Trump would become President of America, he would have got some odds. There was money to be made. The first part has come true, whatever about the second part.

On a serious note, I hope the committee will be able to work with the Minister of State in ensuring we try our best to ensure Irish people working in Britain are taken care of in the best possible way and that our trade and our tourism figures will not go down as a result of this. I certainly hope that will not happen. It is a very unusual time to say the least. Politically there is an onus on all of us to pull together and do everything we can for the citizens of Ireland.

Minister of State at the Department of the Taoiseach (Deputy Dara Murphy): I thank the Deputy for his kind words. I also congratulate him on his appointment as Chairman of the European Union affairs committee. It has worked very well on a cross-party basis and I know it contains Deputy Haughey for Fianna Fáil and Deputy Crowe for Sinn Féin along with others. It is important it gets up and running because we need to act collectively.

Deputy Bríd Smith: Clearly the Brexit vote has shaken the ruling elite in the European Union and beyond, with statements coming lately from President Obama. They are worried about the possibility of destabilising a cosy consensus among the ruling elite on a global, financial, capital arrangement they have, and on future projects that they hoped to create around

battle groups incorporating an EU-wide army that included the British. They are also concerned about the effect this exit might have on the arrangements for the Transatlantic Trade and Investment Partnership, TTIP, and other competitive and trading arrangements.

The sentiment behind Brexit is definitely complex. Racism played its part, but so did a sentiment that is part of a wider revolt against the European Union that I just described - the European Union of war, wealth, power and economic bullyboys who have shaped Europe as a haven for the very wealthy at the expense of the people, whose democratic wishes they chose to ignore. This is a slap in the face for the Europe that forced Irish, Greek, Spanish and Portuguese workers to bail out bankers and bondholders. Even though Greece is the cradle of democracy, the EU cruelly ignored the democratic wishes of the Greek people when it forced them to privatise some of their most precious assets, including their heritage. What the EU has done to the people of Europe is absolutely obscene.

The racist far-right proponents of Brexit, including Nigel Farage and Boris Johnson, have no place in shaping the future of Britain. Their hateful rhetoric against migrants and refugees was largely unchallenged in the debate by both the “Leave” and “Remain” sides, to the disgrace of both sides. There must be a lesson in that for the future of politics of Britain and elsewhere. The vote to leave was encased in Labour strongholds, including areas that were decimated by the loss of jobs in coalfields, mines and steelworks and by the imposition of austerity by successive Tory and Labour governments.

I believe the future of Britain will be shaped by the battle that is taking place inside the UK Labour Party today, tomorrow and the day after tomorrow. The leadership of that party will either remain with Jeremy Corbyn, who has a vision for change that involves redistributing wealth and getting justice for the British people, or pass to the warmongering, racism and austerity of his opponent, Angela Eagle. If Jeremy Corbyn wins this important battle between the right and left of the UK Labour Party, the future of British politics will be blown open. I want to send solidarity to Jeremy Corbyn from the left in the Irish Parliament. We hope he stays in for the long haul and wins this battle despite the haranguing and harassment of the right.

I would like to put the record straight with regard to the future of Scotland and Northern Ireland, both of which voted to stay in the EU. People Before Profit absolutely respects the democratic right of those countries to have polls on their futures. We are in favour of a Border poll. We are extremely disappointed that Sinn Féin has attacked People Before Profit. I assume that attack is probably based on the stated position of our allies in the Anti-Austerity Alliance. We have an honest disagreement with the alliance on the question of the Border, just as Sinn Féin has honest disagreements internally on the question of the right to choose. Indeed, Sinn Féin has an honest disagreement with its allies in the DUP on the question of Irish unity.

When one considers the impact of Brexit on Ireland, one must reflect on the EU’s recent statement on the derogation from water charges. The ink was hardly dry on the Brexit result when the EU told the Irish people that they have no derogation from water charges and will have to pay. This statement was made in spite of the demonstrations, the protests and the votes that were cast against water charges in the general election, the result of which is reflected in this Parliament. The first and most important lesson to take from Brexit is that we must always stand and organise against racism and the far-right. The second lesson is that we have to continue the fight for democracy and against the EU in this country. We might even see an Eirexit at some future stage.

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The startling hypocrisy of our Government in eulogising the EU despite the savagery it has imposed on us is absolutely breathtaking, as Deputy Boyd Barrett might say. Brian Hayes, MEP has announced that if the EU goes after our 12.5% corporation tax rate, we are out. It seems it is okay for the Government to go after lone parents, teachers and nurses, to impose stealth taxes and to create a housing crisis and a trolley crisis, but it is not okay for anyone to dare to touch our corporation tax rate. It is absolute hypocrisy. The response of the EU to the result of the referendum has been to organise separate meetings. It is astounding that it has responded to the democratic will of the British people with this sort of “up yours” message. The Government sitting across from me is also behaving disgracefully. It is shameful that it has spent almost €500,000 defending Apple, which owes the State €19 billion, in the European courts. It is a disgrace. Rather than defending Apple, we should be trying to get that money back from it.

Deputy Michael D’Arcy: I want to contradict the views of the previous speaker. I am astonished by the amount of ignorant and uninformed rhetoric that has just come from her. I would like to explain to her the subsidiarity of national law to EU law, which was in place when we joined the EU in the 1970s, but I cannot do so because she is walking out the door. We will have to pretend we do not know that the system to which I refer, which has been in place since before Ireland became a member of the EU, exists.

If I am being really honest, a little part of me wanted to see the EU get a kick in the backside. I suppose it got a kick in the backside and an awful lot more. It got a bloody nose. The result of the referendum has done a great deal of damage. I believe the voters of the UK, who are our nearest neighbours and friends, have made a mistake that will have significant repercussions elsewhere. I remind the House that when we were facing our worst ever economic difficulties in 2008, the UK Government provided a bilateral loan of billions of euro to this State. That is something we should not forget.

As I waited for the result of the referendum the other night, I watched as the results came in from two of the 380 counts, those in Newcastle and Sunderland, which started a trend that was clearly only going to go one way. In one case, the “Remain” vote won but was lower than we would have liked and in the other case, the “Leave” vote won and was higher than we would have liked. The real difficulty we face now as the UK’s nearest neighbour is that we might get caught in the crossfire. There is annoyance, anger and vexation, particularly among the countries of eastern Europe, because of challenges for those countries that probably did not exist five years ago. They are being challenged by developments in Russia, by the refugee crisis in Syria and by the possible accession of Turkey to the EU. It was better to have a more stable and more concrete bloc of 28 countries than a bloc of 27 countries and another country that has decided by a small margin to leave.

I do not subscribe to the point of view that the voters of the UK should be given another go at it and asked to vote again until they come up with the right answer. My opinion is that the “Leave” vote would have been much closer to 60% if it had not been for the horrible killing of an MP, Jo Cox. The trend was going in that direction until this young woman was the victim of a savage attack. Perhaps the result would change if the referendum were held again, but I do not know whether the “Remain” side would win.

There is no doubt that the biggest challenge for Ireland is in the agriculture sector. Approximately €5 billion of our total food and beverage exports of €11 billion are exported to the UK. I saw a remarkable and more important statistic recently. Approximately 90% of our food exports to the UK, which as I have said are worth €5 billion, are consumed within two

weeks. That is how quickly our produce is brought to the UK, put on the shelves, paid for and consumed. It will be a real challenge for our agriculture sector to replace that market if it has to do so as a result of the outcome of the conversation between the UK and the EU when Article 50 is invoked.

As I said at the outset, the people in the UK are our friends. Many of them are our family. I do not want to see them punished. I can understand the thoughts of those who do not think the UK should be rewarded. They should not have an opportunity to pick and choose in an *à la carte* manner, to use a term I heard yesterday. They cannot have the best of both worlds. They cannot have an opportunity to undercut or reduce workers' rights or environmental standards while retaining access to the Single Market. That certainly cannot be allowed to happen. I believe last week's vote was a mistake. It will probably lead to the break-up of the Act of Union between England and Wales, and Scotland. It has the potential to lead to the break-up of the Irish Act of Union. My real concern is that it could lead to the break-up of the EU. We are in a political time when anything could happen. I have to say I found the applauding of some people in the European Parliament disappointing. Those people were elected and that is democracy. Democrats disappoint us on some occasions.

3 o'clock

Deputy Bobby Aylward: I would like to share one minute of my time with Deputy John Brassil.

I am glad to have the opportunity to speak in the Dáil on the decision returned last Friday by the British electorate to exit the European Union. While the decision may have come as a shock and a disappointment to many, it is one that we must accept. We have to respect the will of the British people. Since the foundation of the State in 1922, we have consistently and constructively engaged with our closest neighbours to build a strong relationship that has seen them become our largest trading partners. It has taken the better part of a century to construct the special relationship we have with the British, which is why Ireland must be to the fore in the impending negotiation process to protect what has been built.

The Taoiseach gave a commitment in his address last Monday that he and his officials would be at the table for every major decision in the negotiations. This is obviously welcome. However, I remind the Taoiseach of the importance of the negotiations to our agricultural output, 40% of which goes directly to Britain. For example, just over half of all our beef exports - 52% to be exact - go directly to Britain. Some 84% of our poultry exports and 30% of total dairy products are exported to Britain. As a farmer, I cannot emphasise enough the importance of ensuring the agricultural market is prioritised, protected and enhanced. The beef and dairy markets, in particular, have endured much volatility of late. The Taoiseach must ensure farm families and the communities of rural Ireland are not adversely affected by the impending negotiations. Even though we are a member of the European Union, we must have our bilateral arrangements recognised by Brussels and seek the necessary exceptions to protect such vital trade agreements.

A report published by Teagasc in April serves as a stark reminder of the potential implications for the agriculture industry. The report examined four scenarios in the event of Brexit. The largest impact showed a reduction in total Irish agricultural food exports of €800 million, while the smallest estimated an annual loss of agricultural food exports of *circa* €150 million or 1.4% of agricultural export value. That is serious. Obviously, the magnitude of the potential

loss in agriculture export value would depend on Britain's future trading relationship with the 27 members, including Ireland, and the direction of British agricultural policy, both of which remain unknown. I suggest the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, seek talks with his British counterpart in an effort to provide some certainty on the many questions that have arisen surrounding the agriculture sector post-Brexit.

Of course, Brexit raises many concerns about the North. There has been a common travel area since the 1920s. The British and Irish Governments have agreed reciprocal visa arrangements, including free passport travel, measures to increase the security of the external common travel area and sharing immigration responsibilities between the two countries' immigration authorities. Ireland must do all it can to try to preserve the common travel area, as any change would have significant effects on the labour market, trade and tourism. The peace process and the Good Friday Agreement which was achieved through years of painstaking work by political figures on both sides are often championed as an example to the rest of the world of how peace can be achieved in even the most difficult of circumstances. Therefore, it would be extremely regrettable to return to the days of Border controls between the North and the South which, regrettably, is emerging as a realistic possibility in the fallout from Brexit. I suggest the fallout represents an opportunity for the European Union hierarchy to reflect and take a moment for self-assessment. We need a strong European Union, with cohesion and solidarity among the remaining member states, but, most importantly, we must maintain our unique relationship with Britain for the benefit of the Irish people.

Deputy John Brassil: I thank Deputy Bobby Aylward for giving me one minute of his time to discuss this topic. I will speak on one issue only: my concern for the education system and the number of students who currently obtain their education in the United Kingdom, in particular, Scotland where fees are free under EU arrangements. In particular, a number of nursing students are going to Scotland. What will be the implications of this decision in completing their education? What will be the further implications for the Irish system in this capacity? There will inevitably be greater pressure on the Irish system because fewer students will travel abroad or to the United Kingdom to receive their education. That is something we need to look into, on which we need to get figures and come up with an action plan to deal with.

Deputy Louise O'Reilly: I know that she is not here, but I begin by welcoming the clarification issued by Deputy Bríd Smith on her party's position on an all-Ireland poll.

I will focus my remarks on the health care system. Sinn Féin believes health care services must be developed on an all-Ireland basis. Ideally, we should move from increased co-operation to ultimately full integration of island-wide services. As Deputies are aware, in the past decade there have been developments in cross-Border co-operation, with a number of exciting joint departmental projects being developed. They include work on shared radiotherapy and paediatric cardiac services, health promotion, cancer research, mental health initiatives and suicide prevention. The result of the British referendum is deeply worrying for the future of this co-operation and parents, families and communities are anxious to see its continuation. This is particularly important, given that the new children's hospital will have a state-of-the-art cancer centre which will serve children across the island. However, there needs to be a critical mass of population to make sure the centre will be viable. That critical mass can be achieved only on an all-island basis.

At this time, it is important that we see concerted engagement with the Minister for Health in the Assembly to ensure current and future cross-Border projects are maintained and secured

for the future. We cannot rely only on North-South Ministerial Council meetings for this engagement. There should be more regularised contact. Illness, disease and health know no borders and it is important that success in cross-Border projects, in which we have achieved a lot of success, be continued and guaranteed into the future. Earlier this week I was in Brussels as part of a health delegation led by the Sinn Féin MEP Martina Anderson. It had been arranged prior to the referendum result being known, but it turned out to be a timely engagement. It was a delegation of health professionals, educationists, innovators and stakeholders from the north west health innovation corridor. The project spans the north west and was launched in May 2013 by Martina Anderson, MEP. It is an example of how well cross-Border co-operation can work and it is a positive step towards creating an island-wide health care system. The fear among many in the delegation and the questions being asked of officials from the Commission was how the result of the Brexit referendum would impact on this cross-Border collaboration.

As my other party colleagues have already highlighted during the course of the statements, Brexit is not just a British issue. It is not an issue that will affect just the Six Counties; it will affect people in counties Louth, Cavan, Monaghan, Donegal and beyond. The reality is that cross-Border health care agreements are under threat as a result of the outcome of the referendum. Irish patients have been availing of health services in the North and Britain under the EU cross-Border directive. It meant that where there was an overly long waiting list, people could travel with ease to receive the treatment that they needed. The waiting lists are not going away; neither are the demands. Going North across the Border or across the sea was manageable, but it may become unmanageable. We need to be out in front on this issue and aware of it.

Let us not forget the big elephant in the room: access to termination services. The Government well knows that it and its predecessors have been systematically outsourcing the issue of terminations to our neighbours across the sea. Imagine what a woman with a diagnosis of a fatal foetal abnormality will feel as we see the Border deepen. The services will not be available. The Government cannot and should not continue to outsource this problem, but Brexit will throw up a very serious issue in this regard with a deepening of the Border. We cannot ignore it; the issue has to be dealt with. We need to hear when the engagement to identify and assess how to minimise any adverse impact on the provision of all-island health services will commence. When will measures be taken to ensure there will be no adverse impact on or logistical challenges to accessibility issues in the case of cross-Border emergency medical transport services? These issues need to be identified. We need to consider how specifically we can all work together. When will the Minister be meeting his counterparts in the North on these issues? When will we see a plan? It is clear that nobody had anticipated the result of the referendum. I do not believe the Government has a plan. I think its plan was to wait and see and hope this would not happen. We need a plan because there are people who need to access services across the Border, who need to know there is a plan and that their future and services are secure.

Deputy Fergus O'Dowd: There is a plan and a Government. I understand the Minister for Health will make an announcement on the North-South issue on Monday. I will very much welcome it when it happens.

Living as I do in a Border county, I am very much aware, like the previous speaker, of the issues, North and South, and the need for greater economic and political co-operation and co-operation on health, education and transport services. All of us, North and South, must work together, notwithstanding the huge disadvantage of the decision made in Britain over the weekend. It is very important that the economic corridor grow. We in County Louth are at the very heart of that economic corridor, with two of the biggest towns in the country, Drogheda

and Dundalk. We have huge employment and export potential and tourism is improving and increasing. Regrettably, there is no Minister in the constituency for the first time in many decades, which is a matter of concern to my constituents. All Deputies in the county are working together to make life better for everybody.

In particular, when section 50 is applied by the United Kingdom, the Government here should concentrate on recognising that fact and seek to have European agencies such as the European Medicines Agency, the European Bank for Reconstruction and Development, EBRD, and any other that may be based in England to relocate here. That is an action plan that is needed and we should be ready to do it. The Government should make sure Drogheda, the largest town in the country, will have a stand-alone local enterprise office, LEO, which should be the centre for enterprise in the region and a gateway city to Europe. Co-operation, cohesion and economic links are very important. Cross-Border trade is also very important. If we co-operate and work together, we can make all of these ideas a possibility.

Previous speakers have raised the issue of a Northern poll. I am a Nationalist, like all my family and most people I know. We favour a united Ireland but by consent. If there was a poll tomorrow, we do not believe it would be successful. It may even be divisive. What will never be divisive is us working together, reaching out our hand, getting the agencies to meet. I ask the Government to consider asking the regional bodies in the South to make immediate contact with the regional bodies in the North to talk about increased co-operation and working together. Some years ago there was a Lord Mayor's cross-Border initiative in Dublin in respect of the Dublin-Belfast economic corridor. The theme of its conference was "2025" and very positive suggestions were made. That is the way forward.

Several traders in my constituency are concerned about the impact of Brexit on Christmas shopping, the increase in smuggling and cross-Border trade which, if the value of sterling keeps going down, will place them at a very serious disadvantage. There are huge economic problems arising from Brexit. It is clear that we must do more to tackle them. The North and the South working together is the way forward. I would welcome progress in that regard. The British-Irish Parliamentary Assembly is meeting this weekend and its meeting is timely. Many of these proposals will be discussed. It is a case of co-operation, working together, recognising what is happening and at the same time taking advantage of the situation. If we are the only English-speaking nation which provides a gateway into the European Union, that is a huge opportunity for us to seize. I urge the Minister of State with responsibility for European affairs to work closely with all of his colleagues in Europe to that end.

Deputy Dara Calleary: Several immediate problems and challenges arise from the result of the referendum, particularly for exporters, those involved in the agribusiness, tourism and the retail sector and we need a detailed and an immediate response. It is also important not to overstate the panic or not to engage in a panic reaction. There is an opportunity for the Government to involve the Parliament in its reaction. There is a need for a Brexit committee in some shape or form to be established in order that there can be monitoring of, and engagement with, all the implications for Ireland. The local authorities should be involved because every county and local authority will feel some effect. Deputy Fergus O'Dowd spoke about some of the effects in Border counties. Given our close relationship with the United Kingdom and the way that will change, every county will be hit. Local enterprise offices should be tasked with coming up with some analysis of how each county will be hit in order that we can have a targeted response that will deal with the issues that matter.

The scariest part of the result is that those who advocated the United Kingdom should leave do not seem to know what to do. At the press conference last Friday morning the then friends, Mr. Johnson and Mr. Gove, who now seem to have fallen out were like people who did not know what they had just done. Subsequent events suggest they do not. We do not know when they will press the button to engage the process. There are different messages coming from the United Kingdom. It, too, will have to get its act together and lay out a timetable and a process, but we cannot wait for that to happen. Those who export to the United Kingdom and who deal with UK multiples cannot wait for it to happen. Our response needs to be focused and urgent but not panicked. I will advocate for the establishment of a cross-party committee. Every Department should assign responsibility for dealing with the Brexit consequences to someone at assistant secretary level in order that there will be some management and monitoring.

Amidst the panic and recriminations we have to look into our own hearts and ask if there was a referendum on our membership of the European Union in the morning, how it would go. We cannot give a guarantee as we used to. I am on record as saying I firmly believe the European institutions walked away from us in our time of need. The Commission, in its dealings with us and particularly in its dealings with Greece, in the way it rammed home an austerity programme which did not stand for anything in terms of cuts but re-engineered society, was wrong and removed from the principles of the European Union and its establishment, principles that hold today.

We mark today the centenary of the Battle of the Somme. That cannot happen because of the European Union and its achievements in bringing people around the table, but the European Union cannot be allowed to exempt itself from criticism. I was struck all week in watching the response of the Commission and the Parliament to see that they were blaming Britain, politicians and everybody else, but they need to look at themselves, too, particularly in their engagement with this process in the coming weeks and months. They need to reflect on how they have walked away and lost that sense of mission. We, too, blame the European Union for many of our ills. We tend to gold-plate regulations that come from Brussels and blame the Commission. The same happens in the United Kingdom. I was intrigued that the people of Hull which has one of the biggest ports in the United Kingdom, predominantly trading into and out of the European Union voted to leave. The abandonment people felt, about which I heard on radio, was all due to London and lack of investment from there, but they took it out on the European Union. Two national governments have to discover why politicians seem to have left communities behind and why these communities vent their frustration and anger in the manner they did last Thursday. Let us not dismiss or ignore those who voted to leave. They did so for a reason and we need to understand that, as well as urgently addressing the consequences for this country. We need to involve as many people around the country, on an all-island basis, in our response.

Deputy Tony McLoughlin: I want to join with my colleagues across the political divide in expressing my deep regret that the United Kingdom has taken the decision to leave the European Union and the Common Market. This decision is a bad outcome for the UK, the EU and the Republic of Ireland. Although I do not agree with the decision we, as a fully sovereign nation, must now accept and respect the will of the British electorate.

The decision to leave the EU, while a major challenge for the UK, will ultimately and unfortunately lead the Republic of Ireland down a similar path of economic uncertainty. It has the real possibility of derailing our strong recovery. It is especially dangerous for my constituency, encompassing parts of Donegal, Cavan, all of Leitrim and Sligo, which will be faced with many economic issues if a border is put in place and sterling continues to fall. This is why I believe

the Parliament needs to be ready for the challenges which will most definitely arise.

On this basis, I welcome the Government's swift announcement of Ireland's contingency plan and key actions which will seek to limit the damage Brexit will cause in the intervening period. I hope there will be regular discussions and briefings between all of the leaders of the Opposition and the Taoiseach on this issue. I say this as I believe that any political instability at home will only further aggravate the difficulties which we are now about to face. If we are to be successful at limiting the damage of the exit decision, the Parliament, Government and elected Members of the Seanad, from all parties and none, need to work together to meet it head-on as one strong unified force.

We need to focus our political efforts and negotiation skills on getting the best deal for Ireland in the forthcoming exit negotiations between Britain and the EU. Most important, we need to fight for and secure the best possible deal for our Border with Northern Ireland, the common travel area, our trade and tourism industries and Irish citizens who reside and work in the UK. As the UK is Ireland's largest customer for food and drink, our agriculture and agri-food industry trade with the UK must be protected. We also need to ensure that tourism is not damaged by this decision. As I am sure the Government is aware, over 3 million UK citizens visit the Republic of Ireland every year. They are the lifeblood of many hotels, restaurants and SMEs throughout the country. They are vital to ensuring that the recovery the industry has witnessed is not damaged in the future. I also welcome the swift action taken by Enterprise Ireland, the IDA, Bord Bia and many other agencies and organisations over the past number of days which have sought to limit the damage caused by the decision or begun to seek new trade opportunities.

I firmly believe the Republic of Ireland is better off aligned with Europe and is stronger in the European Union. When we joined in 1973, Ireland was a completely different country. The EU has and continues to revitalise Ireland's rural areas through funding from the European development fund. It has, via the Common Agricultural Policy, strongly supported Irish farmers and allowed Ireland, a small nation on the periphery of Europe, to become a world leader on seven different occasions by holding the Presidency of the European Council. Our small nation is better off with Europe and I hope the European Union can survive this, the most challenging period since its establishment.

Deputy Fiona O'Loughlin: It is fair to say that the only certainty to emerge from last Thursday's Brexit vote is that there will now be a period of prolonged uncertainty. Whether we like it, we in Ireland are caught in the middle of the uncertainty. The political turmoil in the UK is contributing to the economic fallout from its decision to vote to leave the European Union. The impact of the Brexit vote on our economy will take some time to become clear, but it is very hard to see anything other than it having a very negative impact over the short and medium term.

The outcome of the referendum is very disappointing, but we have to respect the views of voters. We still have the right to say that we regard the outcome as a bad result for Ireland, the United Kingdom and the European Union as a whole. Fianna Fáil is very clear that while the outcome of this referendum will have far-reaching and wide-ranging implications for Ireland, it does not and should not change our relationship with European Union. We will not support any move to follow the lead of the UK and leave the European Union, and will instead work from within to reform the EU and rebuild European solidarity and cohesion. On Monday, sterling fell to a 31 year low against the dollar.

A very worrying aspect has crept into behaviour in parts of the UK. In the past few days despicable graffiti was daubed on a Polish community centre and verbal abuse was hurled at individuals because they were members of ethnic minorities. We cannot and will not stand for hate crime or these kinds of attacks. They must be stamped out.

What does this mean for Ireland? We are in uncharted territory. Ireland and Britain have enjoyed a special relationship for many years. The common travel area has been in existence since the 1920s. The Irish and British Governments have agreed reciprocal visa arrangements, including passport-free travel, measures to increase the security of the external common travel area border and to share immigration data between the two countries' immigration authorities. We need to be cognisant of how this special relationship will change as a result of the referendum outcome and must do all we can to try to preserve the common travel area as any change will have significant effects on the labour market, trade, exports and tourism.

In addition, while the vote to remain won in Northern Ireland, the overall result means that the issue of a Border re-emerging between North and South is now a real and live issue. A recently published report by the House of Commons Northern Ireland Affairs Committee noted that there are nearly 300 formal crossing points between the Republic of Ireland and Northern Ireland, as well as many informal crossings. This indicates the scale and complexity of the issues before us.

Northern Ireland will now share a land border with an EU member country, which will undoubtedly bring its own difficulties. We need to avoid knee-jerk reactions and work constructively with the European Union and the United Kingdom to come to some sensible arrangement that will minimise, as much as possible, the re-emergence of a hard border which would be a regressive step on many levels.

There is a real concern among pensioners living in Ireland, in particular those in receipt of English pensions, as to whether they will continue to be paid and about the fall in the rate of sterling. People on a fixed income who depend on these pensions do not need the added strain of this uncertainty. I acknowledge the comments of the Minister, Deputy Varadkar, that he will make a particular effort to ensure cross-Border workers and pensioners retain all of the rights they currently have.

The Irish Tourist Industry Confederation said it was as yet unclear what the Brexit vote means for the industry here. However, uncertainty is certainly not good for business. Britain remains the largest source market for inbound visitors to Ireland. According to the CSO, 3.55 million visitors came to Ireland in 2015, a market value of approximately €995 million for the Irish economy. The fall in sterling and potential weaknesses in the UK economy mean that Ireland's competitiveness is more vital than ever. In my constituency, Kildare South, the agriculture and equine industries have a significant relationship with Britain. Irish agribusiness is now bracing itself for the outcome of the Brexit result as the UK remains its prime market outlet. Primary trade between North and South and EU and non-EU approved ingredients and how they would be labelled and marketed are also of real concern to Irish farmers.

Some 50% of Ireland's total beef exports go to the UK and are worth €2 billion, followed by one third of our total dairy exports which are worth €1 billion. With the UK leaving the EU, a drop in Irish exports of between €150 million and €800 million can be expected. We have to ensure this does not happen. We need a calm, stable and measured approach. Our main focus should be on doing all that we can to protect Ireland's interests and ensure we are shielded as

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much as possible from the negative consequences of a European Union without the United Kingdom. We should also look at opportunities that might be presented to us. I met people just now who have been living in China and who have just moved back to Ireland and they spoke about the potential for a very positive relationship with China. That is something we should consider. In Kildare we have Kildare Village, which is very popular with Chinese people who come to Europe and visit Kildare to do their shopping there. While this is a crisis, there are opportunities we must consider as well.

Debate adjourned.

Ceisteanna - Questions

Priority Questions

JobPath Implementation

1. **Deputy Willie O’Dea** asked the Minister for Social Protection the assurances that can be provided that jobseekers who have been selected for the JobPath activation scheme will not be forced into unsuitable and inappropriate jobs given that participation on JobPath is mandatory; and if he will make a statement on the matter. [18818/16]

Deputy Willie O’Dea: In tabling the question I wish to emphasise that we do not oppose the provision of programmes to help people to get back into work, but we are very concerned about any question or element of coercion into inappropriate or unsuitable employment, in particular now that the service has been privatised and there is a profit motive at the end of it. There are a number of problems with JobPath which I wish to bring to the attention of the Minister.

Minister for Social Protection (Deputy Leo Varadkar): JobPath is an activation service that supports long-term unemployed people and those most at risk of becoming long-term unemployed to secure and sustain paid, suitable employment. Two companies, Turas Nua and Seotec, have been contracted to deliver JobPath services. The suitability of employment is a key factor in ensuring jobs are sustainable. If people are not placed in suitable jobs, they are less likely to remain in employment and the companies will get fewer fees. The fees are payable only in respect of sustained full-time employment.

All jobseekers are required to engage with the Department’s activation service, and this obligation applies irrespective of whether the service is provided by the Department’s own case officers or those employed by the local employment service or by JobPath.

The JobPath providers work closely with employers to provide them with the best possible candidates for available jobs. It is not in the interests of the JobPath providers to place unsuitable candidates into inappropriate jobs as that would have adverse effects on the provider’s ability to secure jobs for its other clients.

The JobPath providers are subject to regular on-site checks and inspections to ensure JobPath is delivered in accordance with contractual obligations. My Department is also commis-

sioning a customer satisfaction survey to assess independently if customers are satisfied with the level and quality of service delivered by the contractors. Failure by the contractors to satisfy my Department's inspectors or to achieve a satisfactory score in the independent survey will result in payment penalties being applied to them.

Deputy Willie O'Dea: Out of all the queries, e-mails and personal visits I received on Job-Path, I wish to read the Minister an excerpt from one e-mail which comes from someone in the Minister's constituency. I will be careful not to identify the person. The person said they will be 60 in a few weeks' time and they have been in full-time employment from 1976 until 2007 in a very responsible position.

Currently I am enrolled in the Seetec JobPath programme and I am finding the experience humiliating, extremely stressful and demoralising, as I am made to feel inferior and of little worth and even though I am engaging in every procedure that is required I am constantly being made to feel that I am going to be coerced into something, regardless of my experience. I look at the faces of people I meet in their 50s and 60s who have been told they have to learn how to use a computer, that are being intimidated into doing so, and they mirror exactly my feelings of stress and anxiety.

I could go on. The e-mail finishes in saying: "Please keep my identity secret because if Seetec [the contracting company] find out it was me who contacted you, I could not face any further hassle from them."

Acting Chairman (Deputy Robert Troy): I call on the Minister to make his final reply.

Deputy Willie O'Dea: That is pretty serious. Could I just make one very quick point? In my area in Limerick I have heard constant complaints from people who have been asked the most demeaning and inappropriate questions-----

Acting Chairman (Deputy Robert Troy): The Deputy should allow the Minister to reply.

Deputy Willie O'Dea: -----in the presence of other people. There is no privacy. People are sitting cheek by jowl with other people from the same city who are being asked the same questions and they can all hear the replies.

Deputy Leo Varadkar: To date, there have been either 28,000 or 50,000 referrals - I cannot remember the exact figure - to JobPath, which has been running for approximately a year. I am sure with any service there will be people with complaints or who have had a bad experience and I do not think they should be allowed to characterise the entire service, but I would encourage individuals who do have complaints about the way they were treated to make complaints to my Department.

It is important to point out that JobPath is not a work scheme. There is a misapprehension about that. Some people think it is a work scheme like JobBridge, Tús, Gateway, community employment, CE, or the rural social scheme, RSS. It is not. It is a recruitment service that tries to match jobseekers to real jobs. The initial results from it are very good but they are not ready to be published yet. It is important to point out that a jobseeker's allowance is conditional on a person seeking employment and being willing to take up employment. It is not the case that one can draw down the allowance every week and not take up employment. It is a requirement that one seeks a job and takes it up if one is offered one.

Deputy Willie O’Dea: The scheme is being operated by two companies. One of them is Turas Nua, which is a consortium of a recruitment company in Roscrea and a company called Working Links from the United Kingdom. Is the Minister aware that very serious allegations have been made about Working Links? For example, in an investigation by a parliamentary committee recently in connection with another company, A4e, a former senior financial manager of the company was interviewed who had previously worked for Working Links and he said he found there was “a prevailing culture of fraud” in Working Links, and when he made recommendations to tighten controls, he was effectively silenced and forced out. Is the Minister aware there have also been other allegations?

Deputy Leo Varadkar: Yes, I am aware of allegations from reading newspaper reports from the UK. One will have allegations against the Department as well, never mind contractors. It is important to point out that there is a huge fundamental difference between what is being done in this country and what was done in the United Kingdom. None of the outsourced providers, whether they are local employment services or either of those companies, have the power to reduce or stop anyone’s benefits, and that is a big difference in terms of what happened in the United Kingdom. The scheme is designed to match people with jobs and to support them to get a job and to stay in the job. The companies only get paid a fee if the person gets a job and stays in the job. It is a payment based on results. They cannot stop anyone’s benefits or reduce anyone’s benefits. Only the Department’s Civil Service staff have that authority.

Back to School Clothing and Footwear Allowance Scheme

2. **Deputy John Brady** asked the Minister for Social Protection if he will increase the back to school clothing and footwear allowance in view of the findings of a recent survey carried out by an organisation, details supplied, showing the cost of sending one child to secondary school at almost €800 and, therefore, acknowledge that this payment is not sufficient in meeting these costs. [18817/16]

Deputy John Brady: The Minister might be aware that last year, as in most years, Barnardos carried out its annual back to school costs survey, which found that the cost of sending one child to primary school had risen to €390 and the cost of sending one child to secondary school had risen to €785. The current rates of payment under the back to school clothing and footwear allowance do not cover the actual cost of sending children back to school. Is the Minister aware of the survey carried out by Barnardos every year? Will he acknowledge that the payment is grossly insufficient to meet demands? Will he consider increasing the back to school clothing and footwear allowance?

(Deputy Leo Varadkar): The back to school clothing and footwear allowance scheme provides a one-off payment to eligible families to assist with the costs of clothing and footwear when children start or return to school each autumn. It is not intended to cover the entire cost of going back to school, but, rather, to give parents a helping hand. It is not intended to cover items other than clothing and footwear. Up to €38.8 million has been made available for the scheme this year, which is designed to assist people to meet the costs of going back to school.

The majority of payments, approximately 109,000 families for 193,000 children, will be paid in the week ending 15 July 2016 with no application form required. Customers who have not been notified of an automated payment should make a written application to the Department of Social Protection. The payment rates are €100 in respect of eligible children aged four to 11

and €200 for children aged 12 to 22.

The survey referred to by the Deputy was undertaken by Barnardos in 2015 and indicated that on average, parents pay approximately €100 to €115 for a primary school pupil's uniform and €195 for a secondary school. I met Barnardos yesterday and this was one of the items we discussed. The survey also showed the average cost of school shoes are approximately €50 to €55 for primary and €60 for secondary school students. The results showed a reduction in uniform costs from 2014 to 2015 for all pupils. The survey also found a reduction in foot wear costs for primary school children, with these costs static for secondary school children.

The figure quoted by the Deputy of almost €800 for secondary school pupils included the cost of school books, for which the Department of Education and Skills has a scheme, classroom resources and voluntary contributions. The cost of clothing and footwear amounted to just one third of this overall cost.

Any changes to the scheme to increase the payment amounts would have to be considered in the context of the budget.

Deputy John Brady: It is important to point out that the Government actually cut the back to school clothing and footwear allowance in two consecutive budgets. In 2011, it was cut from €200 to €150 and then subsequently to its current level of €100. For older children, parents receive €200, when in 2011 they received €305 which was cut to €250 and then to the current rate. There is no consideration given to all the additional costs in sending children back to school, which the Minister outlined in his response.

Another major concern facing many people and precluding them from applying for this grant is the thresholds set for it. With the rate of inflation growing annually, many families find themselves locked out of the grant, even if they are marginally over the rates set. Will he review the income thresholds with a view to changing them?

Deputy Leo Varadkar: Yes, the Deputy is correct. The payment was cut twice by the Fine Gael-Labour Government, of which I was a member. Yes, I will be considering the rules around the scheme and the amounts paid in the context of the budget. However, I cannot make any commitments on the budget now.

Speaking of Governments, the Deputy's party has been a member of the Government in Northern Ireland for quite some time. In case the Deputy does not know, the school uniform allowance in Northern Ireland comes to £35.75, or €44, for primary school children. For secondary school children it is between £73 and £78, or €88 and €95. The back to school allowance in Northern Ireland, where the Deputy's party has been in government for a long time, is less than half what it is here. If there is a Border poll in the North, one of the strongest arguments for people to vote for Irish unity is so they can have a Fine Gael Government, in which case they will do much better than they do under Sinn Féin.

Deputy Finian McGrath: The Minister should not forget the Independents.

Deputy John Brady: Fine Gael would have to start acting like an all-Ireland party, which clearly it is not. Maybe it should start having people contesting elections in the Six Counties. Then we can see how popular, or unpopular, Fine Gael is there.

I recently received a telephone call from a concerned parent in my constituency whose chil-

dren's school has brought in iPads. While it is welcome in many regards, it means significant expense for families. The costs of iPads, insurance costs, etc., can bring an additional €700 expense for families. None of this is taken into consideration.

I welcome the fact the Minister will review some of the measures around this. However, the Government cut the payments. He will have to acknowledge they are far too low. They need to be brought back up to appropriate levels. Will the Minister also seek to have the income threshold reviewed?

Deputy Leo Varadkar: No one doubts the enormous cost of sending a kid to school every year. In the context of the budget and as part of the package for children in families, we will be looking at measures to make it more affordable, whether it is increases in the back to school clothing and footwear allowance or more assistance with school meals and school books schemes, which arguably could be more targeted. As an all-island party, Sinn Féin could make bringing welfare rates in Northern Ireland up to the level they are here a priority.

Deputy John Brady: The cost of living is different for a start, so it is not a case of comparing like with like.

Acting Chairman (Deputy Robert Troy): The Minister without interruption.

Deputy Leo Varadkar: I know the Deputy does not want to hear this but the cost of living is not half what it is here. It may be lower but it is not half. One action Sinn Féin can take to prove it is an all-Ireland party is to commit itself and its Democratic Unionist Party coalition partners to increase welfare rates to what they are in the Republic of Ireland, rather than prioritising the reduction of corporation tax to what it is here.

Deputy John Brady: It might be better if the Minister took responsibility for his portfolio here and started addressing the huge anomalies in this State.

Acting Chairman (Deputy Robert Troy): The Deputy's question is finished.

Anti-Poverty Strategy

3. **Deputy Willie O'Dea** asked the Minister for Social Protection his plans to tackle poverty in view of the anti-poverty targets that have been missed; and if he will make a statement on the matter. [18819/16]

Deputy Willie O'Dea: This question was prompted by a recent report from the Society of St. Vincent de Paul that it is getting in excess of 2,300 calls per week from families in need. What are the current levels of consistent poverty and otherwise? Where does the Minister intend to focus in his budget to start making inroads into those?

(Deputy Leo Varadkar): Tackling poverty continues to be a priority for the Government. The updated national action plan for social inclusion identifies a wide range of targeted actions and interventions to achieve the overall objective of reducing poverty. The goals include a focus on early childhood development, youth exclusion, access to the labour market, migrant integration, social housing and affordable energy. The national social target, set in 2010, is to reduce consistent poverty to 4% by 2016 and to 2% or less by 2020. The target is to lift over 70,000 children out of consistent poverty by 2020. Ireland's contribution to the Europe 2020

poverty target is to lift a minimum of 200,000 people out of combined poverty, namely, at-risk-of-poverty and-or basic deprivation, by 2020.

These targets are now more challenging than when they were set because poverty rates rose substantially during the recession from 2009 to 2013. However, the CSO survey on income and living conditions, SILC, shows that for the first time since the crisis, poverty levels stabilised in 2014. Consistent poverty decreased marginally to 8% while consistent poverty among children was 11.2%. We expect those positive trends will have continued in 2015.

The full impact of the recovery is not yet reflected in these 2014 figures. Ireland has returned to strong economic and employment growth. The unemployment rate in May 2016 was 7.8%, down from a peak of 15% in 2012. As unemployment is strongly linked to poverty, we can expect further decreases in poverty as the figures for 2015 and 2016 become available. It is envisaged that 2015 data will be released in November next.

Social transfers play a crucial role in alleviating poverty and inequality. In 2014, social transfers, excluding pensions, reduced the at-risk-of-poverty rate from 37.2% to 15.6%, thereby lifting over a fifth of the population out of income poverty. Ireland is the best performing EU member state in reducing poverty through social transfers. Continued economic recovery, together with Government action to sustain and develop the social welfare system, will support further reductions in poverty over the coming years.

Deputy Willie O’Dea: The latest figures available to us indicate that consistent poverty among the population at large is still 8%, among children it is 11.2%, which is more than one in ten, and among lone parents it is 22.1%, which is more than one in five. With regard to levels of deprivation, on the other hand, whereby people do not have all they need to live a decent, humane lifestyle, as measured internationally, the deprivation rate among the general population is 29% and among lone parents it is a staggering 59%, which means almost six out of every ten lone parents are experiencing deprivation. What does the Minister intend to focus on in the budget to begin making inroads into those figures, which I am sure he will agree are outrageous in a developed country?

Deputy Leo Varadkar: It is an absolute priority to improve those figures and to improve the lives of people in the coming years. As the Deputy said, consistent poverty stood at 8% in 2014. It is worth noting that in 2005, during the boom, it was 7%, so it is only 1% higher now than it was at a particular point in boom.

This is not just about cash transfers. I attended a very good conference on child poverty last week, organised by the Children’s Rights Alliance. All of the NGOs and groups there were of the same opinion, namely, when it comes to cash transfers such as child benefit and benefit payments, Ireland actually has among the highest payments in the EU. Where we fall down badly is on services, such as child care, and because people on low incomes have to pay to see their doctor, when they do not have to do so in other countries. I will, of course, be looking for measures in the budget that increase income supports targeted at those who need them the most, but the real focus has to be on improving services and also on getting people into work. No welfare payment can compete with a well-paid job. We need more people in work and we need to focus particularly on services. An extra €5 a month in child benefit costs €60 million but €60 million invested in speech and language or early intervention in child care goes so much further when it comes to the alleviation of poverty.

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Deputy Willie O’Dea: I do not disagree with that. The Minister stated in his reply that the Government target is to reduce consistent poverty to 2% by 2020. Back in 2014 the Government set a target for reducing consistent poverty, which was then at 8%, to 4% by 2016. However, it is still at 8%, so the figure has not moved at all. In addition, a target was set in 2014 to take 70,000 children out of consistent poverty by 2020. I am now reliably informed that the number of children who will have to be taken out of consistent poverty by 2020 to enable the Government to meet that target is 97,000 because, again, the figure has not moved at all. Is the Minister confident he will realise his ambition to take 97,000 children out of consistent poverty by 2020 and that he will get the rate of consistent poverty down from 8% to 2% by 2020, in view of the fact it has not moved at all since the target was originally set in 2014?

Deputy Leo Varadkar: The figure was 8% for 2014 and, as we will not have the figure for 2016 until the end of 2017, we will not know how much lower it is than 8% until then. These will be difficult targets to meet and understanding them is a science in itself. Interestingly, the reason the number of children we have to take out of poverty has gone up from 70,000 to 97,000 is not because living conditions for children have fallen in that period but because of the rise in median incomes. For example, if the pension for pensioners is increased but nothing is done for children, child poverty increases because of the relativities involved. If, for example, we restored pay for young teachers, nurses and gardaí, most of whom do not have children in poverty, that actually increases the child poverty figure. What we do not want to do is meet the targets by suppressing people’s incomes; we want to reach them by improving people’s living conditions. That is why the focus has to be on services.

Post Office Network

4. **Deputy Michael Healy-Rae** asked the Minister for Social Protection if he will cease issuing letters to persons in receipt of social protection payments urging them to receive payments through the bank instead of the post office; and if he will make a statement on the matter. [18978/16]

Deputy Michael Healy-Rae: First, I want to declare that I am postmaster of a small post office in County Kerry. I want to ask the Minister the same question I asked his predecessor, Deputy Joan Burton, during her term in office. Will the Minister strictly direct the people working in his Department to stop sending out letters to social welfare recipients, asking them to give details of a bank account so they can be paid directly into the bank and not through the post office network?

Deputy Leo Varadkar: The programme for Government clearly states the Government’s commitment to actively encouraging payments at post offices. While responsibility for An Post and the post office network rests with my colleague, the Minister for Communications, Energy and Natural Resources, I want to highlight the size of my Department’s business with An Post, which was over 38 million transactions across the network in 2015, at a cost of €54 million to the taxpayer.

I recently had a constructive meeting with the Irish Postmasters’ Union and will be meeting Bobby Kerr next week. A few weeks ago my Department wrote to a cohort of jobseeker customers, who are classified as casual jobseekers, offering the option of payment into a bank account. These customers are in work and claim a jobseeker’s payment for two to three days per week, or work week on, week off. They were paid by cheque each week due to the chang-

ing nature of their work and claiming patterns and the short turnaround time to issue and collect payments. This group of customers was not paid by post offices under the Department's existing cash payments contract with An Post, although I expect many of them cashed their cheques in the post office. The vast majority have responded and opted for payment to a bank account.

I can confirm to the Deputy that no further letters are being issued to this group. My Department has developed its payment capacity in respect of changing work and claiming patterns, and is offering payments direct to accounts in financial institutions for casual jobseeker customers. This is in line with departmental policy where the focus is on ensuring that in-work customers are paid by the most convenient method possible.

I want to assure the Deputy that my Department will no longer take any measures which seek to actively influence customer choice in the manner of payment away from cash payments at the post office, rather, customer choice will be facilitated. In light of the programme for Government commitment, staff in my Department will be formally advised by circular next month that, when dealing with payment options, customers can choose between payment at the post office or by electronic funds transfer, EFT, where possible, and will not be encouraged to move to a bank.

Deputy Michael Healy-Rae: I appreciate the Minister's response. He is new in the Department and I do not blame him personally. However, now that he is in the position, it is very important he is proactive in the way he has said he will be. I greatly appreciate that.

Although people might not realise it, at present a review is carried out every three months on the remuneration received by post offices, and they get paid based on the number of transactions. Every post office that is coming up for review is having its income dramatically reduced. I have consistently said over recent years - this is not scaremongering but a fact - that 700 post offices will close down in the next three years. It is not the big, bad Government that is going to close them - the postmasters will close them themselves because their income will not be enough to keep their doors open. I know this because I am in the business myself and know the income is very small and it costs a lot of money to keep the doors open. If we lose the post offices from our villages and towns, that will be the last thing to go, given we have lost the small shops and pubs. It is within the gift of the Government, if it is proactive in the way the Minister says it will be-----

Acting Chairman (Deputy Robert Troy): We will allow the Minister to reply. The Deputy can come in again.

Deputy Leo Varadkar: Both the Deputy and the Irish Postmasters Union have given me copies of correspondence with customers which, in my view, did encourage them to move to the bank without giving them an equal option of using the post office. That is why those letters have stopped. A circular will go to staff in the next week or two advising them to make sure that, in any correspondence, they give people the option of using both the post office and a bank account.

4 o'clock

We need to bear in mind that ultimately it is down to the choice of the person and that 70% of those reaching pension age now want to have the money paid into their bank. When I was a kid, I used to go to the post office in Blanchardstown with my mum to pick up what was then the children's allowance. These days the vast majority of women are in work and want to have the

money paid into their bank accounts. They do not want to have to go to the post office. Thankfully, the number of job seekers is falling and this downward trend in the real modern world will continue. We will certainly not actively encourage people to opt for EFT over the post office, but it will not stop the downward trend.

Deputy Michael Healy-Rae: May I take it that if the Department will be writing out and stating the options, the first option will be An Post? Is it okay to assume this? That is very important. I appreciate that we must all allow for free choice, but people do not realise post offices use modern technology to keep up to date with what is required. We really must fight for survival. I know of people who were reviewed in recent days and have seen their income decreased by €5,000 for €6,000 per annum. This will make their post offices unviable. That is why it was so upsetting to see the letters. I met senior departmental officials recently and they told me there might have been what was described as an overzealous idea to get people to accept payment through the banks. If the Minister is now directing them to stop this, I really appreciate and respect it. That is the type of proactive measure I would expect from him.

Deputy Leo Varadkar: I will have to come back to the Deputy on the order on the form because I am not sure we can change all forms. In principle, I have no difficulty with the post office being the first option and the bank or electronic transfer being the second, as long as the customer chooses. Ultimately, it is his or her choice. I will be very firm on this point and I am sure the Deputy will keep in touch with me on it. It is useful for me to see what is sent to customers. If these things do not happen, or if things do not change in the way to which I have committed, I will rely on the Deputy and the Irish Postmasters Union to let me know.

JobPath Implementation

5. **Deputy Róisín Shortall** asked the Minister for Social Protection his views on the role of JobPath, with particular reference to the need to ensure a strong focus on upskilling the long-term unemployed. [19049/16]

Deputy Róisín Shortall: The question relates to the mismatch between the needs of the economy and jobseekers, on the one hand, and the central purpose of the JobPath scheme, on the other. It is a very pressing issue. It is not a JobPath but a job cul-de-sac in many ways and the Minister needs to address it urgently.

Deputy Leo Varadkar: Participants in JobPath receive intensive individual support and attention over a period of up to 12 months to help them to tackle barriers to employment and find jobs. If they are successful in securing a job, the JobPath provider will continue to assist the client while in employment for a further period of up to 12 months. As part of JobPath, each person is assigned a personal adviser who assesses his or her skills, qualifications and experience, with a particular focus on identifying potential employment opportunities.

JobPath providers arrange for the delivery of a broad range of education and training courses, with a particular focus on upskilling the long-term unemployed. Some of these are provided inhouse, while others are provided by specialist training providers, including the education and training boards. Inhouse courses include CV preparation; interview skills and confidence coaching. External courses include subjects such as adult literacy, IT and various construction-related skills. In addition, JobPath participants may also apply for the back to education allowance to pursue second and third level courses.

To support JobPath providers in referring people for training and education, the Department will extend the 12 month JobPath referral period by the duration of any externally delivered approved training course. This can be up to an additional 26 weeks.. The JobPath companies remain in contact with the clients while they are on such a course.

For any long-term programme of education such as a degree course, the client is withdrawn from JobPath. Clients who complete their long-term course of education and are still unemployed may be referred back to JobPath at that point.

Deputy Róisín Shortall: A key concern is that jobseekers who participate in JobPath are, at best, offered courses of between three and six months duration. We know, given the skills shortages in the economy that have been identified, that the type of training required - FETAC level 5 and level 6 - requires training for a minimum of eight months and up to two years in most cases. The Department spends €300 million on the contract for JobPath. There is a central contradiction between the policy of the Department in its approach to JobPath and the recently published national skills strategy 2025. JobPath promotes work first, whereas the skills strategy promotes a learn first strategy. We know that there are significant numbers of people who left school early, who have very poor skills and who end up being long-term unemployed. The level of training available to them under JobPath is completely inadequate.

Deputy Leo Varadkar: The figure of €300 million is over a prolonged period of years, certainly not in one year. Of course, payment is by results and providers are only paid when people are in sustained employment for more than 13 weeks. There is a saving to the taxpayer in the reduced benefit payments. The approach is one of jobs first, which is absolutely right. It is evidence based. The view is that the best thing one can do for a long-term unemployed person is to get him or her back in touch with the labour market and into some form of employment. Just like many in employment, one can upskill, train and study while in employment. We want to avoid what was so common in the past and is still a feature - people on a carousel of training schemes and courses and then more training schemes and more courses without ever actually finding a job. Getting into a job first can often be the right approach. I am sure many Members in the House took courses and studied while they were working.

Deputy Róisín Shortall: It is a contradiction in terms, as I am sure the Minister will agree, to talk about having a sustainable job for three months. A key issue is skills shortages in the economy. Another is the lack of skills among the long-term unemployed. These are the two issues which should be served by the Department, but they are not. Does the Minister accept that potentially there is a significant value for money issue if the Department is tied into a JobPath contract which it cannot change when it is not actually upskilling the long-term unemployed to meet the skills shortages in the economy? Does he accept that there is a need to review the approach to JobPath and ensure, if possible under the contract, the emphasis is switched from getting people into a job at any cost towards identifying the skills shortages of individual long-term unemployed persons and ensuring they are equipped with the skills they need to enable them to find good quality jobs which will be sustainable?

Deputy Leo Varadkar: It is early days; JobPath has only been in place for one year. Of course, we will have a full analysis which is under way to assess what the success rates are in getting people into employment-----

Deputy Róisín Shortall: Quality employment.

Deputy Leo Varadkar: I suspect it will turn out to be very cost effective and good value for money because if it proves to be more effective than other schemes in getting people into employment, the savings for the taxpayer will be enormous because welfare payments will reduce and tax and PRSI income will increase. This will all be studied and produced when we have enough data to make this determination. I do not accept the Deputy's dichotomy that it is a choice between training and upskilling, on the one hand, and working, on the other. In the modern workplace training, upskilling and working go hand in hand all the time. People have a full-time or a part-time job and are at the same time in training, improving their skills or taking a course. I do not accept that it is a case of either-or. In the modern workplace the two go together all of the time.

Deputy Róisín Shortall: Generally, it does not happen in low-paid low-skilled jobs.

Farm Assist Scheme

6. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection his plans to reverse the cuts imposed on the payments made to persons by the previous Government under the farm assist scheme; and if he will make a statement on the matter. [18706/16]

9. **Deputy Brendan Smith** asked the Minister for Social Protection when he will review the farm assist scheme as promised in the programme for Government; and if he will make a statement on the matter. [18711/16]

19. **Deputy Brendan Smith** asked the Minister for Social Protection if he is aware that changes to the farm assist scheme introduced in budgets 2012 and 2013 have had a very negative effect on many low-income farmers; if he will reverse these measures at an early date; and if he will make a statement on the matter. [18712/16]

Deputy Éamon Ó Cuív: Under the farm assist scheme, a scheme to help small farmers to make a viable living, for every euro earned on the farm €1 is taken from the payment, which takes away any incentive to farm profitably. Is it the Minister's intention to reverse the cuts to the scheme and go back to the situation where farmers got to keep some of the fruits of their labour?

Deputy Leo Varadkar: With the permission of the Acting Chairman, I propose to take Questions Nos. 6, 9 and 19 together.

The farm assist scheme provides income support for farmers on low incomes and is similar to jobseeker's allowance. Farm assist recipients retain the advantages of the jobseeker's allowance scheme such as the retention of secondary benefits and access to activation programmes. The 2016 Revised Estimates for my Department provide for expenditure of €85 million per year on the farm assist scheme.

Changes introduced in budgets 2012 and 2013 brought the farm assist scheme into closer alignment with the jobseeker's allowance scheme's treatment of self-employed people. Farming families with the lowest incomes were the least impacted by these changes as the headline rates of farm assist were maintained.

Farm assist customers continue to receive more beneficial treatment than other self-employed persons as payments received under the agri-environment options scheme, the green

low-carbon agri-environment scheme, GLAS, and the National Parks and Wildlife Service farm plan scheme are assessed separately from other farm income. Farm assist remains a flexible payment and any farmer experiencing lower levels of income or cashflow issues due, for example, to bad weather can ask his or her local Intreo office to review the level of means applying to his or her claim.

The programme for Government contains a commitment to undertake a review of the farm assist scheme, recognising the challenges facing farmers on low incomes. I have asked my officials to review the farm assist scheme from a policy and administrative point of view. This review has commenced and its recommendations will be considered in the context of the budget for 2017, subject to the overall budgetary context. I would very much welcome the views of the Deputy and his party on what changes might be made.

Deputy Éamon Ó Cuív: I accept the point the Minister makes about other self-employed persons, but they should have become more like those on the farm assist scheme rather than having a 100% penalty on income earned if one is poor. As I was beginning to despair that the Minister would just read out the standard answer we get to these questions, it is welcome that he is reviewing the scheme. Is he willing to attend the Oireachtas committee dealing with rural development to discuss this very major rural issue in order that we can consider in detail the ramifications of the policy decision made? Are farmers getting any relief under the farm assist scheme by virtue of being on the NPWS scheme? As that scheme is not in operation, the Minister's officials have been gilding the lily a little in suggesting that there are any significant advantages for a farmer. Yes, farmers on the GLAS scheme are getting a small advantage, but it is minimal.

Deputy Brendan Smith: I welcome the review committed to by the Minister. In case it takes a long time, however, a good initial step would be to reverse the decisions made in budgets 2012 and 2013 to abolish the disregards. I ask the Minister to implement that with immediate effect. The farming community across all sectors of farming, be it dairy, beef, poultry, pigmeat or whatever, are facing a very serious income crisis which has been ongoing for some time. Many small-scale farmers who come to our clinics and are in touch with us weekly have practically no income at present and are in very serious circumstances. They are very anxious to see the farm assist payment brought back at least to the 2011 level because at the time there was a basic income supplement through farm assist that is not available at present. This year has been one of the most difficult for the farming community in many years, and there is a real crisis, particularly among the smaller-scale producers but also the medium and larger producers also. Farm assist can help out the smaller-scale farmers about whom I am very concerned. I appeal to the Minister to deal with this with urgency and reverse the changes made in budgets 2012 and 2013.

Deputy Leo Varadkar: It is a genuine review and a programme for Government commitment and it has just commenced. I do not expect it to take too long because I would like to have options costed and ready for the budget discussions. Any change will, however, require primary legislation; therefore, it will be next year at the earliest before they come into force.

I take Deputy Éamon Ó Cuív's point about the 100% penalty, not just for people on farm assist, but also for self-employed people in general. It is a 100% disincentive effect. I am due to meet the IFA next week to hear its views on this. I am also trying to schedule a meeting with the Irish Creamery Milk Supplier Association, ICMSA, and my officials in the west and north west, who would be most used to dealing with this scheme on a practical basis, are being asked

their views as to how it might be improved.

I would be happy to attend the rural development committee with my officials. It is a case of scheduling a meeting; therefore, if the Deputy wishes to contact my office, we will try to get that done. I would be interested to hear the views of the committee. The Deputy is right about the NPWS scheme but there is an older scheme that it replaces which is still there in some way.

Regarding Deputy Brendan Smith's comments, we strongly encourage anyone whose income is substantially down, who has fallen on hard times or who is in trouble to go to their local welfare or Intreo office because, even if they are not entitled to farm assist, they may be entitled to something else if they have no income at all. They may be entitled to the basic supplementary welfare allowance, BASI, for example; therefore, I certainly encourage them to engage with their community welfare officer or their welfare office if their income is minimal or gone for whatever reason.

Deputy Éamon Ó Cuív: Is the Minister willing to consult with the Irish Natura And Hill Farmers Association, which, for a small organisation, probably represents a disproportionate number of farmers on the farm assist scheme? Further, when he reviews the farm assist scheme and the means test, could he also consider the rural social scheme in tandem with it? This scheme was also subject to a very regressive means test decisions taken by his predecessor, who seemed to have a dislike for farmers for some reason. Will he review that as part of this package? It needs to be reviewed because in many cases, particularly couples with children, people are working 19 hours per week for the princely sum of €22, which is €1 extra an hour.

Acting Chairman (Deputy Robert Troy): I thank the Deputy.

Deputy Éamon Ó Cuív: Finally, does the Minister agree that there is a perception that farmers in some way can hide their income but that the reality is totally different? His Department-----

Acting Chairman (Deputy Robert Troy): I thank the Deputy.

Deputy Éamon Ó Cuív: I have 55 seconds on the clock.

Acting Chairman (Deputy Robert Troy): That is to be shared with Deputy Brendan Smith.

Deputy Éamon Ó Cuív: I apologise. The Department owes exactly the income from the grants because it gets the statement from the Department of Agriculture, Food and the Marine. The Department of Social Protection also knows how much stock was sold because of the animal identification system, AIMS, which is under the auspices of the Department of Agriculture, Food and the Marine; therefore, the Department knows exactly what a farmer's income is. More likely than not, farmers forget about the expenses-----

Acting Chairman (Deputy Robert Troy): The Deputy will have one more opportunity to contribute further.

Deputy Brendan Smith: I endorse the comments of my colleague, Deputy Éamon Ó Cuív, on the rural social scheme. If there were more places on it, it would be of great benefit to many individuals and communities because excellent work is carried out on the scheme and Tús also. These are areas where devoting a small amount of additional resources would enable so many more people to participate on the schemes, bring so many benefits to local communities and support the work of so many good, active community voluntary groups that carry out a very

valuable service throughout the country. They provide a service that at times the State should provide.

Deputy Leo Varadkar: I would welcome input from Natura and its views on the reforms. I am not familiar with the organisation, but I welcome its input. I am not sure I will be able to personally meet everyone but my officials certainly will. I would be very happy to attend the committee and hear the Deputy's views.

Regarding the rural social scheme, in fairness to my predecessor, it is not fair to say she was anti-farmer-----

Deputy Éamon Ó Cuív: The farmers would not think so.

Deputy Brendan Smith: She was a member of the Labour Party.

Deputy Leo Varadkar: Anything done to the rural social scheme, in terms of additional money received, would have to have regard to additional money received for a CE placement, for example. Farmers should not be treated less favourably than people living in the cities, but I do not see why people in cities should be treated less favourably either. Any changes made to the rural social scheme would therefore have to take account of what is being done with CE, Tús and Gateway schemes also. As I stated, this is under active review and I want to have options for the budget. It may not be possible to reverse everything done in 2012 and 2013. However, I would like to have a steer from the committee and others as to which of the measures introduced would be the best to reverse and would make the most difference for farmers on marginal land with small holdings who are struggling to make ends meet.

Deputy Éamon Ó Cuív: We always hear the mantra that if we tax very wealthy people over 50%, the incentive is removed. Does the Minister accept that the same principle must apply, even more so, when we means test over 50%? When we means test at 100%, which has been the tradition in the Department, we remove all incentive. We recognise this in other schemes where we means test at 50%. Does the Minister accept that, across the board, means testing at 100% or 70% flies in the face of what economists always tells us applies to taxpayers, that if one takes more than 50% of people's earnings away from them, they lose incentive?

Deputy Leo Varadkar: I accept the Deputy's point about the disincentive effect. People will not try to earn another €50 per week off farm or doing something else if the €50 will be deducted from their payments. However, the Deputy, as somebody who held my office in the past, will understand any change has knock-on effects on everything else and, when one has limited budgets, to fund changing the 100% to 70% or 80%, one might have to reduce the qualifying figure for the means test. One must examine these matters in the round and assess what any change would cost and how it might impact on the scheme and on other schemes. The Deputy's basic point is common sense. While I do not want to predetermine the outcome of the review, one of the things I am minded to do is to decrease the 100%.

Deputy Éamon Ó Cuív: The Minister is moving in the right direction.

Deputy Leo Varadkar: Others say it would not be the most effective action, and that the most effective action would be to increase the disregards for children. The consultation process will be about this.

Social Welfare Benefits Waiting Times

7. **Deputy Willie O’Dea** asked the Minister for Social Protection his views on the fact that only 2% of applications for the domiciliary care allowance were awarded within the standard timeframe in 2015 and that only 32% of applications for the carer’s allowance were awarded within the standard timeframe in 2015; his views on the processing and appeals times for social protection payments in general; and if he will make a statement on the matter. [18690/16]

Deputy Willie O’Dea: In recent years, the waiting times for the processing of applications for basic social welfare benefits have been gradually reduced. This trend seems to have halted and, in some cases, reversed. I want the Minister of State to address this.

Minister of State at the Department of Social Protection (Deputy Finian McGrath): I thank the Deputy for his very important question. I am very well aware of the important work carers do. I am also very conscious of the need to have applications for carer’s allowance, CA, and domiciliary care allowance, DCA, processed as quickly as possible. Unfortunately, there are delays in the processing of these applications. Both schemes have seen a considerable increase in applications in recent years. Applications for DCA in 2015 were 33% higher than in 2013. Applications for carer’s allowance in 2015 were 25% higher than in 2013. These increases, together with the need to introduce new revised decision-making processes in early 2014, to demonstrate compliance with a High Court decision, have impacted on the volumes of applications processed within the set target.

Reducing these waiting times is a priority for the Department and we are working very hard to make this happen. As part of its programme of service delivery modernisation, a range of initiatives aimed at streamlining the processing of claims, supported by modern technology, have been implemented by the Department in recent years. Operational processes, procedures and the organisation of work are continually reviewed to ensure processing capability is maximised.

In addition, staffing needs are regularly reviewed, having regard to workloads and the competing demands arising, to ensure the best use is made of all available resources. Where additional staffing is deployed to a scheme, such as has happened for carer’s allowance, there is a time lag involved while those staff are trained and build up expertise. The Department expects the current delays to be significantly reduced in the next few months, as recently assigned staff get up to speed with the work involved in claim processing.

Deputy Willie O’Dea: Did the Minister of State say there had been an increase of 33% in applications for DCA and 25% for carer’s allowance?

Deputy Finian McGrath: Yes.

Deputy Willie O’Dea: I see. Based on figures supplied by the Department, for a person who applies for carer’s allowance and is refused and must attend an oral hearing, the total time from beginning to end is 41.1 weeks, which is a long time. For an invalidity pension application, the total time is 58.9 weeks, longer than a year. For a jobseeker’s allowance application, where there is a question about a means test, it is 40 weeks, or eight months. This applies to people who are very vulnerable, poor and, in many cases, ill. The Minister of State has indicated that he is aiming for new and improved timescales to be introduced as a matter of urgency. The rate of success in appeals regarding these entitlements is extraordinary, which indicates that there must be something wrong with the initial application process. The proportion of appeals

which are successful is 60% for some of those benefits.

Deputy Finian McGrath: I thank the Deputy for his response. This morning, the Minister, Deputy Leo Varadkar, and I met officials at the Department of Social Protection and had a very positive and constructive discussion. We raised the issue of providing the supports and the delays. We dealt with the issue of new and improved timescales, which is a serious problem.

DCA claim numbers increased by 33% from 2013 to 2015 and CA claims increased by 26% over the same period. This means the number of DCA applications increased from 4,829 in 2013 to 6,442 in 2015 and the number of CA applications increased from 14,989 in 2013 to 18,929 in 2015. The figures are rising dramatically. The number of children in respect of whom DCA is paid has increased from 26,000 in 2009 to 33,000 in 2016. The number of people in receipt of carer's allowance has increased to 61,000. These are the figures we are dealing with. I take the Deputy's point. These are very vulnerable people and we need to improve our timeframes.

Deputy Willie O'Dea: I thank the Minister for his response. There have recently been reports that the system for monitoring the equivalent of disability allowance in the United Kingdom is going to be introduced here. Will the Minister of State give me a firm assurance that it will not happen and that it is not the intention of the Government?

Deputy Finian McGrath: This was dealt with in the Chamber recently. I give a complete guarantee that the system used in the United Kingdom will not be introduced in this country. We are talking about a health and carers' model. It is a completely different model, and that is essential. It is important to remember that, in recent weeks, there has been a radical improvement for carers when the Minister, Deputy Leo Varadkar, announced that the carer's grant, now known as the carer's support grant, will be increased to €1,700. This is expected to affect 90,000 grants which will be paid in 2016. It will cost approximately €157.6 million. Reforms and supports for services have already increased and the work has begun.

Anti-Poverty Strategy

8. **Deputy Róisín Shortall** asked the Minister for Social Protection his plans to draw up a new national anti-poverty strategy; the timeframe for the completion and publication of the strategy; and if he will make a statement on the matter. [18816/16]

Deputy Róisín Shortall: The purpose of the question is to ask the Minister if he intends to draw up a new anti-poverty strategy. The previous strategy has lapsed. Unambitious targets were set in a programme, which not have been met. Does the Minister intend drawing up a national anti-poverty strategy? If so, to what timeline is he working? When can we expect the strategy?

Deputy Leo Varadkar: The national action plan for social inclusion 2007 to 2016, NAP-inclusion, identifies a wide range of targeted actions and interventions to achieve the overall objective of reducing poverty. It was published in February 2007. The plan adopts a life cycle stage approach with goals set for each life cycle group: children, people of working age, older people, people with disabilities and communities. The plan also includes the national social target for poverty reduction.

30 June 2016

NAPinclusion was updated in 2015 for the extended period of 2015 to 2017 to reflect new challenges, which are different from when the plan was drawn up in 2007, and to reflect current policy responses to poverty. These include a greater focus on modernising the social protection system, improving effectiveness and efficiency of social transfers and strengthening active inclusion policies to address employment and social challenges. The updated plan sets out 14 high-level goals across the life cycle. In addition to the required updating, the timeframe of NAPinclusion was extended by one year to 2017 to coincide with the timeframe for reporting on the interim national social target for poverty reduction, which is to reduce consistent poverty to 4% by 2016. We will have the statistics on that only in 2017.

My Department plans to undertake an independent review of the structures and delivery of NAPinclusion during the period 2007 to 2017. The review will be carried out during 2017 in accordance with the priorities of the Government. Consultations on a national anti-poverty strategy beyond 2017 will be informed by this review.

Deputy Róisín Shortall: I thank the Minister for his reply. We are all conscious of the scale of poverty in this country and how the poverty rate has increased in recent years. The current rate of consistent poverty is 8%. The greatest scandal in that context is that almost 140,000 children live in consistent poverty without enough food, heating or clothing. In addition, other cohorts such as lone pensioners, single long-term unemployed people and those dealing with mental health problems and addiction are adversely affected. Does the Minister accept the targets that were set were not ambitious enough? Does he further accept the State is a long way from meeting those unambitious targets? Is he prepared to commit to the production of a national anti-poverty strategy that sets targets not just for his Department but for all Departments, with timelines for the actions that will be taken to meet these targets?

Deputy Leo Varadkar: The 8% rate of consistent poverty relates to 2014. I expect the 2015 rate will be lower and I will have that figure in November. I do not know what is the rate for 2016. Even in 2005 during a boom period, the rate was 7% but it has worsened in the past ten years, largely as a consequence of the great recession.

The targets, which are to bring down the consistent poverty rate to 2% by 2020 and to lift 90,000 children out of poverty, are ambitious. No country in the western world has ever managed to eliminate poverty because these figures are based on relativities and median incomes. However, if we achieved those targets, it would bring us into line with the Nordic countries and if Ireland were to move from being a middle ranking country in the European Union when it comes to poverty to being up there with the Nordic bloc, that would be a great achievement and that is the ambition.

Deputy Róisín Shortall: There are various references to poverty and child poverty, in particular, in the programme for Government but the notion of going with an integrated framework for social inclusion is not adequate. Does the Minister accept an overarching strategy with clear targets that involves every Department is needed? All the anecdotal evidence indicates that the Department will fall far short of the target set for 2016. Is he prepared to give a commitment to ensure poverty proofing of all major budgetary decisions? In recent years, many additional charges and taxes have been brought in with no consideration of people's ability to pay and this has largely impacted on those who are least able to pay. According to the Department's figures, over the past two budgets, the lowest quintile benefited the least from them. Does the Minister accept anti-poverty budgeting is needed? Is he prepared to press that issue with his Cabinet colleagues?

Deputy Leo Varadkar: I accept a cross-government approach is needed to this and, as I pointed out earlier - the Deputy agreed with me - it is not all about welfare payments and transfers. We compare well with other countries when it comes to welfare payments and transfers but where we are doing poorly is in the area of services. Many people on low income have to pay for services they would get free in other countries. In addition, a good well paid job is better than any social transfer and, therefore, one has to take into account all those factors.

It is my intention to have a new national anti-poverty strategy to replace the one that has been extended to 2017.

There is a programme for Government commitment regarding plans for poverty proofing of budgets and I will press it with my colleagues, but we will probably not necessarily agree on how it should be done. Increasing pensions, for example, benefits one decile the least, which comprises the poorest people in the country. There are many perversities that people would not necessarily appreciate. The Deputy probably does but many other people do not. One way to do nothing for the poorest 10% in the country, for example, is to increase pensions, but I would like to do so. Some people believe a tax cut is a transfer to people who are in work or who are middle class and better off. My view is a tax cut is just giving people back their own money and it should not be included in these calculations.

Deputy Róisín Shortall: That is very simplistic.

Question No. 9 answered with Question No. 6.

Disability Activation Projects

10. **Deputy Catherine Connolly** asked the Minister for Social Protection to indicate the Department or agency or private sector operator that will have responsibility for the implementation of the fit to work programme; and if he will make a statement on the matter. [18800/16]

Deputy Catherine Connolly: I would like the Minister to make a statement on the implementation of the fit to work programme. It has been raised by myself and other Members who are seriously concerned about the Government's intentions in this regard. In particular, page 57 of the programme for Government states, "We will assist local communities and schools in purchasing defibrillators". This is followed by a decision to pursue a fit for work programme and then a reference to overcrowding in accident and emergency departments. I would appreciate clarity on the proposed programme, including where it is at, when it will be implemented and who will implement it.

Deputy Leo Varadkar: I would not be too concerned about the order everything appears in the programme for Government. A great deal of drafting and redrafting was done.

The recently agreed programme for a partnership Government provides for a range of actions that are designed to improve the quality of life for people with illness or disabilities. One of these actions is a proposal for the Departments of Health and Social Protection to work together to pursue a fit for work programme to support more people with an illness or disability to get back to work through early intervention. The fit for work proposal is based on the findings of a pan-European study, which examined the impact of musculoskeletal disorders, MSDs, on

an individual's ability to work. The key module of this study was progressed by the fit for work coalition. There are stakeholders led by Arthritis Ireland, the Irish College of General Practitioners, ICTU, IBEC and the Health and Safety Authority. They all contributed to the study.

Early interventions and developing return to work practices in the case of people with musculoskeletal incapacities is consistent with my Department's approach to illness-disability income support, which aims to reduce the number of people progressing to chronic disability and long-term social welfare dependency. To this end, my Department issued, in 2015, a set of certification guidelines for GPs, which sets out defined periods of recovery for common medical conditions, including MSDs.

The certification guidelines build on the Renaissance project, which was an initiative of my Department back in 2003. This demonstrated that early intervention reduced the incidence of progression from acute simple low back pain to chronic disability in 64% of claimants.

Decisions have not been made as to how a fit for work programme might be delivered and specific proposals for such a programme will require further development and scoping out. There are no plans to assign responsibility for the implementation of the programme to another agency or private sector operator.

I assure the Deputy that any proposals will be in line with the wealth of evidence, which shows that generally employment is good for one's mental health and physical well-being.

Deputy Catherine Connolly: I thank the Minister for the clarification that there are no plans to privatise it or to give the contract for it to a private company. He has given an answer he has already given to another Deputy who asked this question. He referred to a pan-European study. Is he aware of the evidence in England where such a programme, Fit for Work, has been passed over to a private company? That private company is currently being used in Ireland with respect to another labour activation scheme. On the follow-up from that company, the results were seriously upsetting. I will quote from one of them with respect to figures from the UK Department of Work and Pensions. It states that in England, 2,380 people who were declared fit for work in the United Kingdom were dead within six weeks of that declaration being made by a private company. That is 90 people per month after having their payments stopped. I do not have enough time to go into the evidence, but it is available. The United Nations is investigating that company in England regarding its decisions with respect to disability.

Deputy Leo Varadkar: First, this programme is not yet in place; therefore, there are no plans to have private contractors involved in it because it. It is being led by a coalition of groups, including the Irish Congress of Trade Unions, Arthritis Ireland, the Irish College of General Practitioners, ICGP. I believe some people, either through misinformation or wanton deliberate misinformation are trying to equate it to a programme with the same name in England, which was involved in assessing people who were in receipt of disability allowance and the extent to which they would be fit to return to work. This is not about that. This is about a proposal that was brought to us by the Fit for Work coalition, comprising Arthritis Ireland, the unions, IBEC and others, as to how we can ensure people do not progress to disability, that they get the early intervention they need when they initially present with back pain and other musculoskeletal disorders so that they can get back to work, get the treatment they need and not progress to becoming disabled. That is what this programme will be about.

Deputy Catherine Connolly: I do not believe I am using rumours or resorting unfair tech-

niques. There is damning evidence in England regarding a similar programme. I am reassured the Minister has not made any decision yet about rolling out the plan as to who will do this. I ask him to commit to the Dáil today that he will not use a private-for-profit company to deliver this programme. It seems to be based on the premise that there is a disbelief that people have a disability and that they have to prove that they are disabled. Rather than relying on a doctor's assessment, a person will have to have a second assessment. From the little of this I have seen here, the Minister seems to be zoning in on those who have back pain. There is a whole range of disability. I ask the Minister to make a statement today that he will not resort to a private-for-profit company for the roll-out of this scheme.

Deputy Leo Varadkar: I do not know how many times I have to say this before the Deputy might believe me but this programme does not exist yet. First, it has not even been designed yet. Second, it is not the programme that is in place in England. It is not about people who are in receipt of disability allowance or disability benefit. It is about people who have back pain who are ill and it is to make sure they get the supports, medical and otherwise, that they need to avoid progression and potentially becoming disabled.

I have listened to many contributions the Deputy has made in the Dáil and in the media and think she will be a very impressive Deputy because what she says is very articulate and I am sure very genuine, but whoever is feeding her information on this, whether it is an academic, an NGO or some campaign group, they are deliberately misinforming her. They are hoping this scheme is the one that was introduced in England in order that they can start a campaign against it, but it is not.

Labour Activation Measures

11. **Deputy Paul Murphy** asked the Minister for Social Protection if he has consulted with any organisations in regard to the creation of a new labour activation measure to replace JobBridge; and if he will make a statement on the matter. [18796/16]

14. **Deputy Paul Murphy** asked the Minister for Social Protection if any new labour activation measure which he plans to introduce to replace JobBridge will pay participants at least the minimum wage; and if he will make a statement on the matter. [18795/16]

37. **Deputy Jim Daly** asked the Minister for Social Protection his plans, if any, to discontinue the JobBridge scheme; if so, his further plans to put in place a replacement scheme; and if he will make a statement on the matter. [18704/16]

46. **Deputy Mick Barry** asked the Minister for Social Protection when he plans to publish details of the new labour activation scheme which will replace JobBridge; and if he will make a statement on the matter. [18793/16]

Deputy Paul Murphy: A piece of advice for the Government with regard to the previous matter is that if the proposal has nothing to do with the scheme in Britain, perhaps it should not call it the exact same name as the scheme in Britain. People cannot be blamed for thinking they are same.

Deputy Leo Varadkar: That may well be good advice but there are more places than Britain and this exists in European countries too.

Deputy Paul Murphy: Considering that, for example, the JobBridge scheme, which we are going to talk about now, came from Britain and that the welfare model, in general, which the previous Government pursued was borrowed from Britain, it is not a significant stretch of the imagination to make that connection.

Questions Nos. 11 and 14 relate to the issue of JobBridge. We welcome the fact that JobBridge is being discontinued as we have been campaigning on that issue for a long time. The Minister's predecessor was a big fan and advocate of JobBridge. My question, effectively, is what is going to replace JobBridge? Will another exploitative scheme, based on people working for free or very little money, be brought into existence? With whom will the Minister consult? Will participants be paid at least the minimum wage?

Deputy Leo Varadkar: I propose to take Questions Nos. 11, 14, 37 and 46 together.

As the members of the House will be aware, I have already announced that I plan to replace JobBridge with a more targeted scheme later this year. I believe economic and labour market conditions have changed considerably for the better since the scheme was introduced in 2011 and that the time is now right for a much more targeted scheme.

JobBridge has been very successful in meeting its objectives over the past five years. It helped about 19,000 mainly small employers to provide valuable work experience to nearly 48,000 unemployed jobseekers. An independent evaluation of JobBridge published in 2013 found that overall satisfaction levels with the scheme were very high. That was the view of the participants. Two thirds of participants would recommend the scheme to a friend or family member, and levels of abuse of the scheme by employers were comparatively low. Most notably, the evaluation found that 61% of participants progressed into paid employment within a short period of time without completing their internship. As the Deputy will know, that compares most favourably with community employment, CE, and other schemes. This is a very high progression rate and suggests that JobBridge has been instrumental in helping about 30,000 jobseekers to secure employment.

I have asked the Labour Market Council to assist the Department in designing the new scheme. The Labour Market Council includes representatives from the Irish National Organisation of the Unemployed, INOU, the Irish Congress of Trade Unions, ICTU, IBEC and a number of leading labour market economists.

It is also important that the design of a new scheme be informed by the best evidence possible. It is for this reason that I intend to await the results of a second large-scale evaluation of JobBridge currently under way before finalising the design of any replacement scheme. The results of this evaluation, which is again being undertaken by Indecon, are expected in September and in September I will announce my proposals for a new scheme.

Deputy Paul Murphy: I strongly dispute the notion that a high progression rate from JobBridge into work was proven. There was no causative link proven because there was not a controlled group in, for example, the Indecon study. For example, approximately 29% of people progressed into the employment of the host organisation but 29% of employers also said that if JobBridge did not exist, they would have been highly or fairly likely to take somebody on. What it indicated, therefore, was that there was a substitution going on, a replacement of work for free labour.

There is a problem in terms of the Labour Market Council being the body that consults on

this. It is a bit like having the former Senator, Joe O'Toole, oversee water charges when he is clearly in favour of water charges. The chair of the council is Martin Murphy, who is the head of Hewlett Packard in Ireland. It was one of the biggest users of JobBridge. It was also one of the promoters of JobBridge under the previous Government along with Deputy Joan Burton when she was Tánaiste. Is it not a problem to have that chairman with respect to that company involved? The former chairman of Tesco was chairman at the time when there was a huge scandal about taking on JobBridge people for Christmas work. How can the people concerned be neutral in that regard?

Deputy Leo Varadkar: If the Deputy were organising a consultation, he would only consult with people he knows will agree with him. There is a wide range of people on the Labour Market Council including, for example, Breda O'Brien from the INOU, and people from ICTU. If someone is serious about a consultation, he or she does not just consult the people whom he or she believes are ideologically aligned with him or her. He or she consults a broad spectrum of people and that is what the Labour Market Council actually does.

Deputy Paul Murphy: Tell that to the Minister, Deputy Simon Coveney.

Deputy Leo Varadkar: It is important to remember where JobBridge came from. It arose at a time when people with good qualifications could not get employment and employers could not afford to take people on. We are now in a different space. Employers can afford to take people on, and they should. They certainly should not rely on the State to meet their labour costs. It also arose at a time when there was an outcry from people who wanted to take up internships or work experience but in doing so lost their jobseeker's allowance. That is the reason it was brought in. People are very quick to forget that. It was to ensure that people could get work experience and could take up internships without losing their payments.

Deputy Paul Murphy: There is plenty of evidence to suggest those who took part in JobBridge were not satisfied. They may have felt they had no alternative or that it was a better option than sitting at home unemployed. According to the National Youth Council of Ireland, only 45% would recommend it to a friend, and 44% said the company used the scheme solely for free labour. The bottom line is that any scheme which does not involve a qualification as opposed to the chance to include in one's CV that one worked for free and which does not involve payment of at least the minimum wage will not be acceptable to people because it is about the exploitation of the unemployed and the broader reshaping of the labour market to normalise people working for free and the driving down of wages and conditions. The Government will find it extremely hard to bring back in some model of JobBridge, no matter how it tries to paint it. What we need is investment in the creation of jobs, education and apprenticeships.

Deputy Leo Varadkar: Participation in JobBridge was always voluntary for the person taking part and the employer.

Deputy Paul Murphy: Not with the penalties. People lost their dole over it.

Deputy Leo Varadkar: Something that pays the minimum wage is a job, not a scheme. There is a difference between schemes and jobs. I do not necessarily agree with the Deputy that every scheme has to have a qualification at the end of it, although I do not rule that out. However, there is a value in gaining work experience. I am not sure if the Deputy has ever participated in an unpaid internship, but there is a genuine value in it. In my past I participated in an unpaid internship here and the US Congress and it was of real value. There is value in

gaining work experience that does not necessarily have a qualification at the end of it. I agree with the Deputy that the most important aspect is investment and job creation. I am delighted to see that there are so many new jobs in the economy, with more being created all the time. I watched the Deputy when he was an MEP make a very interesting speech on Venezuela and how much he admired the model used there and noted the extent to which he defended it. He is probably aware that the country which has performed most poorly in job creation in the past year or so is Venezuela, the model he was so keen to defend not too long ago. Even he gets it wrong sometimes.

Deputy Paul Murphy: That is one up for North Korea.

Registration of Births

12. **Deputy Brendan Griffin** asked the Minister for Social Protection the anticipated time-frame for addressing the issue of fees for stillborn birth and death registration; and if he will make a statement on the matter. [18696/16]

Deputy Brendan Griffin: This is a very sensitive topic and I thank the Minister for his action on it. Since the question was initially tabled, he has signed a statutory instrument to address the issue of the State charging for the registration of stillbirths. I appreciate his action in that regard. The matter first came to my attention this time last year when I was collecting the birth certificate for my own, thankfully, healthy second son. I noticed that the State was asking for a fee to register a stillbirth and, in the case of children who pass away shortly after birth, a fee for the birth and death certificates. The latter issue remains outstanding. Can measures be taken to address it also? Again, I acknowledge the Minister's swift action on the first issue.

Deputy Leo Varadkar: I thank the Deputy for bringing this sensitive issue to my attention some weeks ago. As Members will be aware, I previously announced that I intended to look at the issue of the fee charged for a certificate of stillbirth registration. I am very pleased to inform the House that I have dealt with this matter quickly and that the fee for the certificate of a registration of stillbirth is being abolished. Earlier this week I signed a statutory instrument, as provided for under section 67 of the Civil Registration Act 2004, to provide that there will be no fee charged to parents for a certificate for their stillborn child. This will come into effect next week. As the Health Service Executive has responsibility for the day-to-day running of the Civil Registration Service, I sought the view of my colleague, the Minister for Health, Deputy Simon Harris, prior to signing the new regulation. I am happy to say he is in full agreement with me on this matter.

The registration of stillbirths is not mandatory. The register was established in 1995 under the Stillbirths Registration Act 1994 to afford parents the option of recording a stillbirth. The intention of this provision is to provide comfort for the bereaved parents. In many ways, the fact that there was a fee had a contrary effect as identified by the Deputy. It is my hope the facility to register a stillbirth will continue to provide some solace for parents at what is, undoubtedly, a very sad and difficult time by allowing them to register that their children were born and were persons.

Deputy Brendan Griffin: The Minister acted very swiftly on this issue, which I acknowledge. The scenario outlined demonstrated a lack of sensitivity on the part of the State. Thankfully, the issue in relation to stillbirths has been addressed. On the matter of there being two

separate charges for a birth certificate and a death certificate for a child who passes away shortly after birth, is it the case that the position cannot be changed by way of a statutory instrument? Is additional work required and is it something the Minister can pursue? What would be involved in that process?

Deputy Leo Varadkar: Section 12 of the Civil Registration (Amendment) Act 2014 provides for the provision of information on a death which occurs during the first seven days of life of a child born alive. This is known as an early neo-natal death. The section has not yet been commenced owing to industrial relations issues within the HSE. Once these issues are resolved, it is my intention to commence the section which provides for the making of a further statutory instrument waiving any fee for the registration of a early neo-natal death.

Deputy Brendan Griffin: I thank the Minister. It is a matter of principle and it would mean that there was one less issue for people to deal with at a very difficult time in their lives. I appreciate the Minister's help and his very swift reaction.

Deputy Leo Varadkar: I thank the Deputy for bringing the matter to my attention and my officials and I were very happy to be able to make the change. There are approximately 240 registrations of stillbirths in Ireland every year. While waiving the fee has a small impact in terms of the loss to the HSE of some €5,000, there was no difficulty from the point of view of the Department of Health or the HSE in losing that income.

JobPath Implementation

13. **Deputy John Brady** asked the Minister for Social Protection if he is aware of the ongoing issues persons are facing when referred to Turas Nua and Seetec through JobPath; and if he will make a statement on the matter. [18760/16]

Deputy John Brady: The 37,871 people involved in the Turas Nua and Seetec programmes have experienced a nightmare. The figures came from the Minister's Department this week. The issues being faced highlight the vast holes in the Government's job activation measures. Persons selected for the JobPath programme are prohibited from taking part in job activation schemes such as the community employment and part-time job incentive schemes, job clubs and local employment services. They cannot participate in forms of training other than those supplied by the relevant private companies Seetec and Turas Nua. Is the Minister aware of the ongoing issues with Turas Nua and Seetec and will he make a statement on the matter?

Deputy Leo Varadkar: The JobPath companies Turas Nua and Seetec have considerable experience in successfully delivering employment services. They are very conscious of the challenges faced by people who have been unemployed for a long time and the need to provide suitable supports for such persons to help them back into work. Thus far, approximately 38,000 people have been referred to JobPath and the response has been extremely positive. Relative to the number of clients referred, very few issues have been raised at this point. Only 53 complaints have been recorded, which represents 0.14% of referrals. The majority of complaints were about people's initial reluctance to engage with the service or in respect of individual customer service experiences where people felt they were not properly treated by the officers involved. Other issues related to logistical and operational policy matters such as travel arrangements and difficulties attending appointments. All complaints are taken seriously and most have either been resolved or are in the process of being resolved.

JobPath is providing activation resources to supplement and augment the Department's own in-house activation resources. The contracts with the JobPath companies stipulate a significant number of requirements which both Turas Nua and Seetec must meet. The contracts have an in-built service guarantee which means that each jobseeker is guaranteed a baseline level of service, including frequency of meetings with personal advisers, a transparent complaints process and a range of individual supports. The companies provide a copy of their service statements for each participant at the initial engagement stage. They are subject to regular checks and on-site inspections by the Department to ensure they are delivering on their contractual obligations. Failure to deliver on contractual commitments, including customer service commitments, can result in penalties being applied to the companies.

5 o'clock

Deputy John Brady: I thank the Minister. I am hearing on the ground that some people have been waiting for places on other job activation schemes. One man I spoke with in my constituency had been out of work for a considerable period. On his own initiative, he applied for and was offered a place on a community employment, CE, scheme as a staff artist, but he had been contacted by JobPath and was locked into it. It would not allow him to take up direct and immediate employment via the CE position. He was forced to continue with JobPath. Other issues arise. A participant who was selected for JobPath was forced to pay €120 for a Safe Pass out of the person's own pocket even though the individual had limited funding.

Will the Minister address these issues and examine the serious anomalies in the system that block people from taking up alternative employment immediately?

Deputy Leo Varadkar: As the Deputy has pointed out, nearly 40,000 people have been referred to JobPath, of whom thousands have managed to get employment. I do not doubt that there are individuals who have had bad experiences. In some cases, this is because the engagement is a tense one. When people have been on the carousel of CE schemes, training and more CE schemes, getting one-to-one attention is a significant change. However, it is largely to the benefit of most.

If the Deputy wants to give me the details of the Safe Pass case, I will have them examined. Someone should not be required to pay for a Safe Pass, in particular if he or she is on a social welfare payment. Payment of €120 is a considerable amount of money for someone who is on a little more than €180 per week.

We want people to get jobs. If someone can get one through JobPath, it is better than being on a CE scheme or JobBridge placement. A small number of people may prefer to be on either of the latter or Tús than being in a real job, but that is not something we should encourage.

Deputy John Brady: The Minister's faith in these companies' ability to deliver results is astounding. He has defended them. They have been in place for nearly a year and there will be a review, but consider places like Britain where payment-by-result initiatives have been operated by some of the same companies. Only 4% of people who engage in them go on to long-term, secure employment with clients. This must be borne in mind. There is evidence that a number of the companies, such as Seetec, engage in cherrypicking. In the United Kingdom, this is renowned as creaming and parking. As the companies receive payments based on results, they are picking easy targets that allow them to achieve instant results while parking other cases that are perceived as being more problematic in that regard. There is evidence that this practice

is creeping into Ireland. This is my serious concern with the privatisation of this area. The matter must be examined. Is the Minister aware of these issues and, if so, will he address them?

Deputy Leo Varadkar: If the Deputy has solid or empirical evidence of creaming or cherrypicking, my officials and I would like to see and study it. To avoid cherrypicking, we have included the use of PEX scores in contracts. People are assessed by departmental officials and assigned scores based on the likelihood of their finding jobs on their own at the top of the scale to having great difficulty finding jobs at the bottom of the scale. This control prevents cherrypicking. If the Deputy has empirical evidence to the contrary, we would be happy to see it, as it would allow us to reduce the payments.

Written Answers follow Adjournment.

Topical Issue Debate

Special Educational Needs Service Provision

Deputy Fiona O'Loughlin: I thank the Minister for attending to address the issue of primary school places for children diagnosed with autism, in particular in Kildare South, which is my constituency. I have received many queries from distraught parents who are trying to acquire the best possible education and supports for children with autism at primary and secondary levels. Those in the latter face State exams and must have access to the necessary supports, but I will use this short time to discuss primary education.

Primary schools are getting holidays this week and pupils are looking forward to summer. Many parents are preparing their young children to attend primary school in September, a significant milestone in anyone's life. The Minister supports the notion that every child deserves access to a full education, an equal chance to attend school at the appropriate age and within reasonable reach of his or her home, and to be educated in the manner most suitable to him or her.

South Kildare has been frustrated by a lack of resources for primary schoolchildren with autism. In recent weeks, four parents have approached my constituency office to report that their children, each of whom is well above schoolgoing age, cannot get places in the county, let alone near their homes or in the schools attended by their siblings. One case went through section 29 and the school made it clear that it would happily accommodate the child by opening another classroom were funding provided, but this was turned down. A sibling with autism is attending the same school and doing well.

I welcome the initiative in Kildare-Wicklow of the autism register. As an education professional, I believe we must stop simply fighting fires. The recent census had no way of recording whether a child had special needs, such as autism. That did not bode well in terms of planning ahead.

The situation faced by the families in question is not being resolved. Section 2 of the Education for Persons with Special Educational Needs Act 2004, EPSEN, required that a child with special educational needs should be educated in an inclusive environment with children who did not have such needs unless the nature or degree of the child's needs were such that to do so

would be inconsistent with his or best interests and the effective provision of education for the other children. Twelve years on and with a greater knowledge of what is required in schools for all children, including those with autistic spectrum disorders, ASDs, any progress has been whittled away, there has been no reduction in class sizes, there has been yo-yoing on the entitlement to special needs assistants, SNAs, and there has been no year-on-year increase in the number of ASD classes when the demand obviously exceeds the supply. There are fewer than 20 ASD classes at primary level in south Kildare. Each can accommodate six children, amounting to 120 across the constituency. The Department has not sanctioned new classes for that part of the country for the coming school year, resulting in only those places vacated by children, usually in moving to secondary level, becoming available. The Minister has referred to a range of placement options and supports for schools that have enrolled pupils with ASD, but what of the options for children who cannot enroll? Must they wait until next year? Will there be places then? How long should a child wait before a place becomes available?

The proposed national autism registry is intended to highlight the shortfall in education and health services for children with ASD. The pilot phase has been launched in Kildare-west Wicklow and I encourage parents to register, as it is essential for the advanced planning of resources that accurate information, including medical and educational histories, be gathered on each child from diagnosis through development. I hope the register helps to provide a symbiotic relationship between health and education in terms of children with autism.

Minister for Education and Skills (Deputy Richard Bruton): I thank the Deputy for raising this issue. It would have been helpful had she flagged that it concerned south Kildare, as I do not have specific information on that area.

Deputy Fiona O'Loughlin: Okay.

Deputy Richard Bruton: I will try to give the Deputy what information I have. It presents a picture that is better than the one she has painted. Therefore, I would like to see the south Kildare data. Overall, there are 14,000 students with ASD in the school system, of whom some 63% are educated in mainstream classes, 23% in special classes in mainstream primary and post-primary schools and 14% in special schools.

The position on special classes, an issue the Deputy raised in particular, is that the National Council for Special Education, NCSE, recently published a list of special classes for the coming 2016-17 school year. In total, 1,153 special classes will be available. This represents an increase of over 100% on the number of special classes available in 2001. There will have been 605 additional special classes provided, many of them for students with ASD. The number of ASD classes at primary level in the 2016-17 school year will be 652, which represents a 15% increase approximately on the 2015-16 figure. In one year there has been a 15% increase in the number of classes. Therefore, there is substantial expansion occurring.

There should be no child with special educational needs who cannot find a school place because the NCSE will assess the needs of each child with special educational needs. Many are accommodated in mainstream classes, but in each case the child will be assigned the required resource teaching and SNA supports in order that he or she can participate in class. As I stated, there is an increasing trend towards the provision of special classes. There has been growth of 100% in the space of just five years. What I have outlined represents growth of over 20% per year. As this represents substantial expansion, I would be disturbed to think the picture was different in south Kildare. The rights I have described are automatic and there have been no

constraints. The schedule from which these resources are applied was reduced at the height of the recession in 2012, but the number of resource teachers in the system has been increased. The number of SNAs has increased by almost 22%, while the number of resource teachers has expanded by 9% in just one year. Therefore, it is growing very rapidly. Close to €1.5 billion of our budget is devoted specifically to special education.

The EPSEN Act is the gold standard for the personal education plan for each child and we are moving towards it. Each school is expected to have a personal plan for each child. It is a legal requirement, but until we have rolled out the infrastructure to underpin it, it will be hard to trigger the Act, as it stands. However, it is certainly the target we are trying to reach.

I will undertake to obtain more data, specifically for County Kildare.

Deputy Fiona O'Loughlin: I thank the Minister for outlining the improvements made. I acknowledge the excellent work taking place in the special unit in Scoil na Naomh Uilig in Newbridge and the Educate Together school in Kildare town. While the figures the Minister gives are comforting in general, it does nothing to address the four specific sets of circumstances I have outlined. I would be very happy to forward the details directly to the Department. I am absolutely sure there are no places for the children in question within County Kildare. One family has been offered a place in Dublin, but, as the Minister can appreciate, it is very difficult to take up this offer if there are other children in the family. In the case in question, a sibling must travel to school ten miles from the family home in Newbridge. It is difficult to cater for a child with autism in such circumstances.

As we must acknowledge, a diagnosis of autism should result in a child being provided with the required services. In some cases, however, it is actually shutting a child out from services. There is a very high rate of mental health issues among those with autism because there is an increased risk of anxiety disorders, mood disorders and ADD. This is not to mention the mental health issues and stress that can arise among parents and siblings. A lack of intervention without a diagnosis of a condition compounds the problem.

There are many cases in addition to the four I have mentioned in which families are having difficulty in dealing with a diagnosis. It is very difficult for parents to face a future for their child that they had not imagined. Sometimes cases are not presented until it is too late and behaviours can be entrenched. Already parents of children with autism must fight for their children every step of the way. A place in a school in the child's own environment must be a basic requirement and not be required only after waiting to see what the new register presents. I would be very happy to forward details the four cases mentioned to the Minister who I appreciate will come back to me with the figures for south Kildare.

Deputy Richard Bruton: I would welcome receiving the details. There is an entitlement to appeal any decision. Where parents have applied to a school for a place for their child and deem the NCSE's specification of so many hours of additional resource teaching or a special class in due course to be unsatisfactory, the decision can be appealed. There is such a process in place.

It is, undoubtedly, the case that although roughly 100 additional classes are being opened every year, there is a requirement for six children or at least the prospect that this number will be reached to make a class sustainable. If only one child was to be identified this year, the school would have to be able to show there was the prospect of forming a sustainable class. As I stated, 100 additional classes are opened every year. In the past four years 600 have been approved.

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There has been significant expansion of resources in this area. I can assure the Deputy that we will examine the cases she has outlined and ensure this expanding area is properly dealt with. We have undertaken a review to ensure the investment in resource teachers and SNAs is having the best possible impact on the children involved. I hope the review will inform future policy.

Schools Building Projects

Deputy Louise O'Reilly: I am very pleased the Minister is present to answer me directly. I refer to Lusk community college which was built approximately three years ago. In years one and two the pupils were accommodated in classrooms, but in year three they were accommodated in a prefabricated building. Unfortunately, the second phase of the school has not been identified and we do not know when this will occur. This also applies to the third phase and more prefabs are to be built. Obviously, therefore, the school is expanding.

I was driving home only the other day when I passed yet another development in Lusk. That is good news and it is great that people are moving to lovely north County Dublin, but, unfortunately, it will bring with it additional pressures on the school system. There is no gym in the school in question. The local sports clubs, namely, the GAA, athletics and soccer clubs, are coming together to spearhead an initiative, under the heading of Lusk 2020, that will involve building adjacent to the school. Obviously, we want to be in a position to tackle issues such as childhood obesity and associated problems, but this will not be possible in an expanding school with no gym available.

I will not need the full four minutes because my question is very simple. When will we see the next phases of the school project commence? It is not acceptable that pupils are being accommodated in prefabs. This issue has been raised with me by a number of constituents. We happened to be compiling a petition on the reduction of Garda services and the closure of a Garda station when the issue of the school was raised with us by several people in the area. They want to know when the school will be built. They are not happy that their children are being accommodated in prefabs.

Deputy Richard Bruton: I thank the Deputy for raising the matter. As she is aware, Lusk community college is a co-educational post-primary facility under the patronage of Dublin-Dún Laoghaire Education and Training Board. The second phase of the major building project for Lusk community college will provide for a new-build extension to cater for an additional 650 pupils, a special needs unit, a physical education, PE, hall with fitness suite and changing facilities and ancillary accommodation, including a school library.

The first phase which was completed under the Department's design and build programme provided a building to cater for 350 pupils. This first phase was completed in July 2013 and the school opened in September 2013. The overall school, once complete, will cater for a long-term projected enrolment of 1,000 pupils.

The design team for the project was appointed in January 2012 and the project was authorised to commence architectural planning. The project is included in the six-year construction programme which was announced in November 2015. The building project for Lusk community college is now at an advanced stage of architectural planning - stage 2b, detailed design - which includes the preparation of tender documents. Planning permission for this project was granted on 2 March 2016. Fire safety and disability access certificates were obtained in 2015.

The stage 2b report has been completed by the design team and is being co-ordinated by the education and training board for submission to my Department for review in the coming days. Upon completion and submission of the stage 2b report and tender documentation, my Department will carry out its review and, subject to no issues arising, will then revert to Dublin-Dún Laoghaire Education and Training Board with regard to the further progression of the project. However, until the stage 2b report has been received and assessed, it will not be possible to provide a specific indication of the timeframe for the progression of the project to tender and construction. That is the current position.

Deputy Louise O'Reilly: Nobody will be surprised when I express disappointment with the Minister's response as it indicated that the project will be delayed even further while the Department awaits receipt of the stage 2b report. There is a pressing need for the building project at the community school in Lusk to complete. This is an area of north County Dublin with a growing population where educational needs will only increase. It is not acceptable that pupils are being accommodated in prefabricated buildings and do not have access to a school gymnasium. The Minister's response does not give me anything of comfort which would allow me to convey to the people of Lusk that the project will proceed any time soon.

I would be grateful if the Minister would provide even an indicative timeframe for the commencement of the building project. It is not good enough to provide a "wait and see" reply. People in the area will see more children educated in prefabs, which are not the answer. If the Department has money to spend on prefabricated accommodation, I respectfully suggest that it has money to fast-track this process.

Deputy Richard Bruton: This building project was identified from the outset as a two-stage process. The Department has requirements in respect of architectural planning, planning permission, the design of school buildings to meet planning needs and drawing up the detailed design before going to tender. Anyone embarking on a building project would do likewise. Planning permission for the building in question was obtained in March. The Department requires this work to be done by the design team. I cannot come to the Chamber and account for approval of the necessary surveying of quantities or for whether the site is suitable, or any of the other elements that must be satisfied at an architectural level. This process to be completed is uniform and applies to every school building project in the country. There is no attempt to throw a spanner in the works for Lusk Community College.

The Deputy is correct that the Department is making provision for rented temporary accommodation to accommodate approximately 170 pupils. While the planning process is under way, we will provide support for the renting of temporary accommodation. The project is included in the plan and the process is under way. While budgets remain a constraint on everything we would like to do, we are prioritising the needs of children in areas where there is a shortage of school places. Areas with demographic pressures receive top priority in the Department.

Sports Capital Programme

Deputy Jim Daly: Ba mhaith liom buíochas a ghabháil leis an Cheann Comhairle as ucht an deis seo a thabhairt dom. I appreciate the opportunity to raise this important issue. When I checked Facebook this morning, I saw that my wife had posted a photograph of my eldest son, Daniel, on his last day of primary school. This gave me pause for thought as I considered how quickly our children grow up. It is frightening that they do not stay young for very long.

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The two Ministers present, the Minister for Transport, Tourism and Sport, Deputy Shane Ross, and the Minister of State at his Department, Deputy Patrick O'Donovan, have responsibility for the issue I raise. We must be cognisant of how quickly young people grow up and the importance of providing facilities for them in a timely fashion. I was bitterly disappointed to hear the Minister confirm at a select committee meeting yesterday on the Estimates for his Department that no allocation would be made for sports capital grants in 2016. This is a source of great disappointment.

A large number of clubs do great work for young people and adults give up their time to engage in various activities in a voluntary capacity. They include boxing, rowing, surfing, football, soccer and hurling clubs. The volunteers are not paid and do not receive any reward. The Government should do its bit by helping these voluntary organisations that contribute so much to society and the well-being of children and adults. I had hoped that, as the economy improved, the Government would show a commitment to voluntary organisations and demonstrate that they are valued by giving them a dig-out in 2016. As I stated, young people grow up fast and every year that funding is not provided represents a missed opportunity to invest in our future and young people.

The amounts of money provided under the sports capital programme are sometimes tiny but €5,000 or €9,000 can make a serious difference. Some clubs will receive grants of €100,000 or €200,000, which will transform the facilities they provide for young people. Last year, many clubs missed out on grants on the basis of minor technicalities. These clubs are eagerly awaiting an opportunity to improve their facilities and are getting all their ducks in a row to enable them to reapply for funding this year. They will be bitterly disappointed to learn that there will be no funding stream for sports capital grants in 2016.

I appeal to the Minister and Minister of State to prioritise this issue. I previously called for investment in trails and walkways. I had hoped 2016 would be the year in which major capital investment would be provided for facilities that allow people to lead more active and meaningful lives, engage more in their communities, develop a sense of camaraderie and become healthier in the process. I ask that the Department step up to the mark and ensure funding is provided for the sports capital programme this year.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I am a little puzzled as I do not know how much of yesterday's discussion at the select committee the Deputy followed because he is being strangely selective in his remarks. I will repeat what I said yesterday at the meeting, namely, that no decision has been made on the timing of the next round of the sports capital programme but I will discuss the matter with the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, and an announcement will be made shortly. That is a conclusive statement and while it is fair enough if the Deputy interpreted my remarks differently, he should read the record carefully because it is conclusive. Those were my final words on that subject yesterday at the select committee.

Deputies will be aware that the sports capital programme is the Government's primary vehicle to support the development of sports facilities and the purchase of sports equipment. They will agree that the programme has transformed the sporting landscape with improvements in the quality and quantity of sporting facilities in every village, town and city. My Department is as enthusiastic about this particular round of funding as the Deputy. No Member has a monopoly on approval of the sports capital programme. We are very enthusiastic about getting on with this and promoting sporting activity throughout the country through this medium. This pro-

gramme is very important to the Department. The facilities that have been funded range from the smallest clubs to national centres of sporting excellence. The health benefits of participating in sport are well known, and approximately 90% of sports capital programme grantees have reported that they were able to increase participation as a direct result of the facilities developed with the grants.

The programme assists voluntary and community organisations, along with the national governing bodies of sport, local authorities, education and training boards and schools, to develop high-quality, safe, well designed and sustainable facilities in suitable locations and helps them to provide equipment to maximise participation in sport and physical recreation. The programme also prioritises the needs of disadvantaged areas in the provision of sports facilities, with €14.5 million allocated in 2015 alone to projects in or near CLÁR or RAPID areas. Since 2012, a total of €113 million has been allocated in more than 2,419 projects under the advertised rounds of the sports capital programme. In recent rounds of the programme, every county has received its fair share of sports capital funding based on its population but with an adjustment to give slightly more money to counties that had fared less well under previous rounds, thus making up for historical imbalances in funding.

The sports capital programme has also distributed funding across different sports. While the three main field sports have traditionally fared well under the programme, grants to minority sports or community multi-use facilities can have a very positive effect on participation. Indeed, the 2015 SCP funded 40 different sports. It is important that minority sports receive appropriate levels of funding and it is imperative that we do not focus too much on the three main fields sports at the expense of other sports. Minority sports do a brilliant job in attracting participants who might not otherwise engage in sport at all. This is not to take away from the excellent work being done by those involved in the most popular sports. Rather, it is an acknowledgement that there are a range of other sports that may need a little help from the SCP if they are to grow, thrive and provide more choice for people who wish to engage in healthy sporting activities.

Deputy Jim Daly: I thank the Minister for his response. I am not trying to be adversarial; I am trying to be helpful and supportive. The impression I want to bring across is that I do not want to lose this year, 2016. A total of 1,600 applications were made last year for funding under this programme. This shows the starvation among clubs and how desperate they are for additional funds and resources. They are happy to put their shoulders to the wheel and progress projects on their own turf.

I will set out what the Minister said yesterday. I gather from reading the script that he has said the same thing today. He said it had not been decided yet, but he believed the decision would be in the new year, which is 2017. Therefore, we will have missed 2016. That is something to be regretted, in my view, and that is the issue I am trying to raise.

It would be great if we could mark 2016 by having a round of grants and acknowledging the contributions of these clubs. Last year in my constituency, Ardfield and Rathbarry Rowing Club, the sailing club, Dunmanway Boxing Club, O'Donovan Rossa GAA Club, Skibbereen, and various other clubs benefited and made great use of the programme. My hope was that, as the economy is improving, we could have a round of sports grants this year. That is what I am pleading for today to both Ministers. If that is possible, it would be greatly appreciated. I say as much on behalf of the people I represent and, I imagine, on behalf of the people the length and breadth of the country. As the Minister said, they would be most appreciative of it.

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Deputy Shane Ross: I am sure the Deputy is aware that there is a commitment in the programme for a partnership Government on this. I am sure the Deputy is also aware that the draw-down could well be in 2017. That would be absolutely normal. I do not want this to be misinterpreted and I believe there is mischief afoot here. I made absolutely clear what this was. The Deputy is quoting from one part of what I said but not from the other part, which was immediately afterwards. Let us not be scaremongering over this.

Let me be absolutely clear about it. There has been considerable comment about the sports capital programme in recent days. There is a commitment in the programme for Government for an annual round of the sports capital programme. While stating today that I am fully supportive of the programme, I must add that the timing of future rounds is, as always, dependent on the annual Estimates exercise. That is not to say the programme could not be advertised later this year, with allocations being announced in 2017. That would see four rounds of allocations under the programme since 2012 on the back of three years without capital funding. This would be a considerable achievement in light of the continuing economic challenges facing the country.

Discussions are taking place on the next round of the programme, its shape and its possible priorities. Work is also continuing on simplifying the online application process to make it more user-friendly for applicants.

I repeat what I said yesterday to the select committee. No decision has been made on the timing of the next round of the programme - this is the part Deputy Daly did not quote - but I will discuss the matter with the Minister of State, Deputy Patrick O'Donovan, and an announcement will be made shortly. I hope that nails the somewhat misleading interpretation that I believe people have taken somewhat mischievously from my comments yesterday.

Deputy Jim Daly: Can I talk for 30 seconds?

Acting Chairman (Deputy Declan Breathnach): No.

Deputy Jim Daly: May I talk for ten seconds?

Acting Chairman (Deputy Declan Breathnach): If I was to allow that to happen, under Standing Orders I would have to allow others to speak also.

Deputy Jim Daly: I have an issue with what was said. To be fair, I have been accused of scaremongering and mischievousness. I should have the right to defend myself.

Acting Chairman (Deputy Declan Breathnach): Please respect the Chair.

Tourism Project Funding

Deputy Alan Kelly: I am sorry; I was simply trying to cause peace.

Deputy Anne Rabbitte: The Deputy is like a new person.

Deputy Alan Kelly: That may be so. A new lease and all of that.

Deputy Mick Wallace: I look forward to seeing it.

Acting Chairman (Deputy Declan Breathnach): Deputy Alan Kelly's time is time is running out.

Deputy Alan Kelly: I imagine the Minister of State, Deputy Patrick O'Donovan, will be taking this matter, seeing as he is in the House. I am here to ask about the future funding for the Lough Derg strategy. We hear a good deal about the fantastic strategies of the Wild Atlantic Way and Ireland's Ancient East. As a former employee who worked for many years in Bord Fáilte and Fáilte Ireland, I know they are fantastic and brilliant strategies. They are really driving tourism throughout the country. We have seen it to date and I hope to see it again this summer. However, there is another part of Ireland. It is called the heart of Ireland or the middle of Ireland. It is where the greatest value is. It runs from Cavan all the way down the spine of Ireland. When I worked in Fáilte Ireland we used to call it the hole in the doughnut because the lakelands area is so beautiful and fantastic. It has extraordinary tourism potential but it has never got sufficient bang for its buck in terms of the number of bed nights or the number of people who come in through Dublin Airport and visit. Despite this, the area has great-quality accommodation, extraordinary cultural and heritage attractions and the lakelands. A major part of the plan is the Lough Derg strategy.

The Lough Derg strategy was commissioned and written by Fáilte Ireland in 2014. It is a comprehensive strategy and a fantastic plan that incorporates three different counties, including my county of Tipperary as well as the counties of Galway and Clare. It is literally Ireland's hidden secret as regards tourism. It is perfectly accessible whether people are coming from Portumna, going through Mountshannon and across into Ballina and Killaloe, or coming the other way from Ballina and Killaloe up through my country of Garrykennedy, on to Terryglass and back over to Portumna.

The plan was put in place and a sum of €2 million was allocated. New signage was put in place, along with small capital developments. The plan has been very successful. However, we need to see its finalisation. At least, we need to see it move in the right direction with another capital amount and a timeframe for its implementation. Otherwise, the Parliament and the Government cannot maintain that they are doing everything they can for the rural economy and rural counties.

We have a fantastic plan promoting Ireland's Ancient East. The Wild Atlantic Way promotes a huge tourism corridor, yet the spine of Ireland has a fantastic strategy, but it is not being prioritised. Above all, I want to find out what the plan is. I know Fáilte Ireland is supportive of the strategy. I have spoken to representatives of Fáilte Ireland on numerous occasions about it. It is natural that I would do so, seeing as I worked there for many years.

It would not take a great deal of money. A couple of million each year for three or four years would see out this plan. For instance, it would see a new ecopark built in Portumna, a canoe trail across the lake and an interpretive centre by the lake as well as a number of other small initiatives across the lake. The Minister of State knows the country very well. If ever he is near the area, I encourage him to look at the work that has already been done. It is being chaired by the Tipperary County Council chief executive, Mr. Joe MacGrath. The group comprises representatives from the three different counties, including marketing groups and other stakeholders. Working together collectively, they are marketing the area. They just need the Minister of State's continued support and I hope he will be able to give me good news.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Patrick

O'Donovan): I thank the Deputy for raising this Topical Issue. Many of his points on the national issue have already been identified by us in the Department since the Government change-over. He is right that the Fáilte Ireland branding has been very successful. Since coming to the Department, I have instructed departmental officials and Fáilte Ireland that there is a corridor down the middle of the country from Cavan, Monaghan and east Donegal right down to north County Cork, which I believe is a priority area. I believe that priority needs to be addressed through the local authorities in conjunction with Leader companies through the Department of rural development.

The Deputy will be aware that under local government legislation introduced in the previous Dáil, county CEOs now have an economic development role, part of which is tourism promotion. Unfortunately, some county CEOs have not been as proactive as they might have been in tourism development. Regarding the bigger issue the Deputy mentioned, I have already asked departmental officials to ensure that county CEOs outline what they are doing to promote tourism.

As the Deputy will know from his time in the Department, the role of the Department of Transport, Tourism and Sport relating to tourism lies primarily in the area of national policy. The Department is not directly involved in the development or management of individual tourism projects. These are operational matters for Fáilte Ireland.

The Lough Derg marketing group is the stakeholder representative group tasked with developing Lough Derg as a key destination for water-based activities combined with a range of high-quality walking, cycling, heritage, culture and food experiences. I speak from experience; the Deputy will know that I spent some of my life in Nenagh. This is being achieved through joint co-operation of all tourism stakeholders in the development and marketing of their area under the lakelands-Lough Derg identity.

The group's document, Roadmap for Experience Development and Destination Marketing 2014-2017, which was launched in March 2014, includes five key objectives for which action plans have been prepared. They are the improvement of orientation by implementing the Lough Derg signage strategy; the improvement of lakeside experiences; the development of tourism products; the raising of awareness of the destination through marketing; and the engagement with and support of tourism businesses.

As the Deputy said, in 2014 the Government allocated €2 million in stimulus funding to the Lough Derg project. The disbursement of this funding is coordinated by Fáilte Ireland. The €2 million was intended to kick-start the implementation of the overall Lough Derg strategy through attracting investment into the Lough Derg lakelands and the individual projects I mentioned. In regard to further development, it is a matter for the Lough Derg marketing group to source additional funding.

I am pleased to say there has been significant progress across the 15 individual projects falling under the Lough Derg stimulus fund. A total of nine of these projects have been completed and the Member will probably be aware of most of them. Of the remaining six projects, four are due to be completed by July 2016. These are the Holy Island management plan; the refurbishment of the Castle Marina; the placement of angling stands at Mota Quay; and the second phase of the Lough Derg signage strategy. The final two projects are due for completion by the end of September and the end of November. These projects are, respectively, an interpretation panel and improved access to the Millennium Cross; and development of the Lough Derg canoe

trail. In addition to the stimulus fund provided by the Department, the agencies on the group have invested heavily in Lough Derg to support the actions in the strategy. The Deputy will be aware of the agencies involved.

I understand that in order to continue to develop the Lough Derg lakelands, the agency stakeholders on the group make an annual contribution to the group. The Lough Derg marketing group has demonstrated an understanding of the potential of Lough Derg, and the strategy has provided the vision to develop the destination brand and visitor experience. The stakeholders have shown a commitment to the sustainable development of the region. I am pleased to say that, to date, the implementation of the strategy has been very successful and is approximately 75% complete. The Department has played a significant role in stimulating investment in Lough Derg through its capital allocation of €2 million to Fáilte Ireland, which administers the funds.

Deputy Alan Kelly: I am well aware of the status of the work. As outlined in the document, the strategy is costed at €10.5 million. The Lough Derg marketing group and the local authorities are willing to make contributions to that, but it is not realistic to say the capital plans will be implemented in full without Fáilte Ireland input. I accept what the Minister of State has said about Fáilte Ireland; I know how it works. I ask the Minister of State to encourage it to look at the Lough Derg strategy.

I accept the Minister of State's opening statements. However, there are concerns among people such as James Whelan of the Spirit of Killaloe and Máire Boyle of Larkins; I could list off another 20 or 30 tourism businesspeople. We see the effort that has been put into the two national marketing strategies of Ireland's Ancient East and the Wild Atlantic Way, and yet we are fighting for what is a fantastic project involving Ireland's most hidden secret and what could be one of Ireland's premier tourist destinations if it was developed slightly more. It is very central, being within half an hour of Shannon Airport, an hour and a half of Dublin, and an hour of Cork. It is not possible for them to do it all by themselves.

I know the Minister of State is familiar with the area having worked there. I ask him to approach Fáilte Ireland and just make some form of contribution towards this in the budget and capital allowances for next year, whatever it may be. It will be more than doubled by the local authorities working together to implement it. If we can do that gradually in the coming years, the full plan will be implemented and we will have a fabulous destination that we will all visit because it is one of the best in the country.

Deputy Patrick O'Donovan: As the Deputy will know from his time in the Department of Transport, Tourism and Sport, the brands he mentioned have been some of the greatest drivers of tourism. The Deputy is right and I have pointed out to Fáilte Ireland that there is a corridor in the middle of the country.

As I said at the start of my contribution, the county CEOs have an opportunity. Fáilte Ireland recently announced a major capital investment programme with projects of between €200,000 and €5 million being funded. If the local authorities in Tipperary, Galway, Clare or Offaly wish to take the remaining elements of the strategy that are yet to be implemented and make viable applications to Fáilte Ireland, I am sure that Fáilte Ireland, given that it knows the lakelands area and knows the contribution that Lough Derg can make, will look at those.

I am very anxious to push this forward. Local authorities need to do much more when it

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comes to the development of our tourism strategy. It cannot fall to the Department alone, as the Deputy will know from his experience. It cannot fall to Fáilte Ireland and it cannot fall to Leader companies. There needs to be a concerted effort in this regard. Fáilte Ireland, through funding voted by the Oireachtas, has a significant amount of money available for capital works to enhance the tourism product available. I had a meeting with Fáilte Ireland representatives this morning to discuss the corridor I mentioned that goes from outside Cork city up to Cavan and Monaghan along both banks of the River Shannon.

When local authorities are making applications to Fáilte Ireland for capital works, they should be looked at in the context of them being outside the branded areas. However, local authorities must take up this initiative. This cannot fall to the Department; there is no magic wand there. An element of matching funding will be required as the Deputy knows from his time in the Department. I hope that the local authorities along the shore of the River Shannon, including my own local authority, will take this initiative to avail of the capital funding. The more applications that can be made through Fáilte Ireland, the more it strengthens our Department's case to look to the Department of Public Expenditure and Reform to have those grants enhanced.

Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) (No. 2) Bill 2013: Second Stage

Deputy Clare Daly: I move: "That the Bill be now read a Second Time."

I move this Bill on behalf of my colleague, Deputy Mick Wallace, and the wonderful parents and organisers of the Terminations for Medical Reasons group, some of whom are in the Visitors Gallery. Over the past period, they have waived their privacy to share their pain. They have done this not to gain for themselves but solely to make the world a better place and to stop other people suffering in the way they had to. I recognise the legal input from Jennifer Schweppe, Dr. Ruth Fletcher and Dr. Eimear Spain, whose time and expertise in devising this Bill was provided *gratis* and for no reason other than to advance the public interest.

I would like to start by sharing an e-mail I received from a concerned grandmother:

Clare, I am in tears typing this as I have just got off the phone from speaking with my son who returned from Liverpool an hour ago, his beautiful wife having had a termination due to fatal foetal abnormalities. His wife was 6 mths pregnant and could go on no longer waiting for their baby to die in the womb. What kind of a country are we living in that we expect our young people to suffer like this? My son and daughter-in-law are 2 wonderful people and to see them suffer so much because of our dreadful laws is appalling. It is hard enough for them to go through this ordeal, but to have to leave their country to have this termination is awful ... they are both devastated. Please Clare, for them and people like them, [the law must be changed].

That e-mail was sent to me on 11 February 2015. The young couple in question had made their journey the previous day, 10 February 2015, the day 104 Deputies, including the Minister, Deputy Simon Harris, voted down this Bill. That was the last time it was brought before this House. I make that point not to embarrass the Minister or to make a cheap political point, but to emphasise the need to realise that the decisions we make or do not make in here have consequences. Without any shadow of a doubt, another couple will go through the same experience

today because of the Government's decision to do nothing in this regard. Another couple will go through this experience tomorrow and more couples will go through it next week. This will go on until we decide to act.

According to the master of the Rotunda Hospital, there were 71 cases of fatal foetal abnormality diagnosis in that hospital last year. Forty-nine of those couples decided to travel, or almost one couple a week. The National Maternity Hospital has disclosed that it sees approximately two people with this diagnosis each week. We know that the Liverpool Women's Hospital has reported that between two and four Irish women are seen in that hospital every week. In other words, our failure to act last year has caused 200 women, their partners and their families to endure what a UN committee has described as "a violation" and "physical and mental suffering". Hundreds more will experience the same next year unless we deal with this issue.

When I proposed this Bill last year, I quoted one of the organisers of Termination for Medical Reasons, Amanda Mellett, who asked the Members of the Dáil to "stop making excuses while women in this ... situation continue to contact us week after week, unsure of where to go or who to turn to; in shock at the extent to which they are abandoned and stigmatised in the wake of the Irish Government's continuing excuse making". Earlier this month, an expert panel of the UN Human Rights Commission, in response to a case taken by Amanda Mellett, found that Ireland had violated her human "rights to be free from cruel, inhuman and degrading treatment", breached her "right to privacy", failed to protect her "rights to non-discrimination" and caused her immense "physical and mental suffering". The UN panel has obliged Ireland to provide Ms Mellett "with an effective remedy", including "compensation" and "psychological treatment" and "to prevent similar violations occurring" by amending "its law [and] if necessary its Constitution".

There is no opt-out from this. We have until 7 December next to respond in detail to the UN expert panel. Contrary to what the Taoiseach has said, this judgment is binding. When we voluntarily signed up to the International Covenant on Civil and Political Rights, we agreed to be bound by it. We agreed to accept the interpretation of the covenant. There is no place for us to hide on this issue. I have heard a great deal of talk in recent days about the Constitution being breached, but what about the violation of our international human rights commitments? There has been no substantial talk about that. It is a fact that the Constitution and domestic law can never be used as an excuse for the violation of human rights. In the last Dáil, 50 Deputies wrung their hands and said something must be done. Sixteen months ago, we asked what the Government had done. Sixteen months later, not a single measure has been introduced to deal with these issues. In addition to the expert panel judgment I have mentioned, earlier this year 18 of our peer countries in the periodic review said we were violating human rights, but nothing happened as a result. That was the seventh international hearing at which Ireland was called on to amend its legislation. We have done nothing.

I have no doubt that the Minister will tell us about the citizens' assembly. We hear that people will be able to sit around and talk about these issues for 12 months at that forum. That will be followed by an Oireachtas committee, which might talk for another 12 months. The reality of the Government's approach is that it will be at least 2018 before any referendum is put before the Irish people. That is not to mind all the delays that happened with the Constitutional Convention and anything like that. I am setting out the perspective that will open up if our Bill is not dealt with here tonight. We are not saying the Bill is perfect. It can be amended. We need to do something because the Government is offering nothing in its place. I remind the House of the judgment that was issued by the Northern Ireland courts on foot of an action taken by the

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Northern Ireland human rights and equality commission against the Minister of Justice there. The courts made it clear that it was not open to the Minister there to avoid his or her obligations under human rights. That option is not open to us here either.

This Bill is incredibly restrictive. For the record, I assure the anti-abortion lobby that it is not a back-door attempt to get access to abortion in all circumstances. We are very prepared to go through the front door to demand access to abortion in all circumstances, but that is not what today's discussion is all about. It is ironic that when we proposed legislation to repeal the eighth amendment, people voted it down, and now the fact of it having been voted down is being used as a reason not to do anything on the matter before us today. I do not think that is good enough. The Bill before the House deals with the real and tragic cases of people who receive the devastating news, usually well into the pregnancy, that the foetus has a medical condition which is incompatible with life outside the womb. This is a medical diagnosis. It is not a legal opinion. It is not a disability. It is something that the medical profession sadly has to deal with on a weekly basis. The only choice people have - perhaps "choice" is a bad word to use in this context - is whether to continue the pregnancy until they miscarry or the foetus dies, or to travel.

Of course, we know that in many instances, people cannot afford to travel. It costs a minimum of €3,000 and up to €5,000. I know of people who got a diagnosis at 20 weeks, but could not afford to travel so had to spend 17 weeks at home waiting until the foetus died. Of course, it goes without saying that those who decide to continue on with the pregnancy - to wait as the people I have mentioned had to do - will be unaffected by this Bill. This legislation seeks to help those who cannot continue and who decide they have to turn off the life support machine for their own mental health and well-being. Our Bill provides that a woman should be entitled to have a termination here in Ireland if the agreement of "two medical practitioners" - an obstetrician and a perinatologist - is acquired. Such a provision has been sought by the masters of the maternity hospitals for more than two decades so that the proper treatment of women in these circumstances can be continued.

While there is no happy ending from this situation, we can make it a little bit less sad by ensuring we step up and help at a time when people are at their lowest ebb and most need that assistance. Against that backdrop, I find the excuses we have heard from those trying to explain why the Government might oppose this Bill utterly sickening and really insulting. We will follow up this point when we sum up at the end of this debate. If the Government really believed the Constitution was a barrier to dealing with this issue, it would come in here today and put on the agenda the immediate repeal of the eighth amendment to ensure human rights are not violated. It would ensure the other rights set out in the Constitution are vindicated. I suggest the personal rights of the citizen set out in Article 43.1 are being violated because of our lack of abortion provision. The Government has not proposed any measures to deal with this. Instead, we are being told that the Attorney General has decided that this proposal is unconstitutional. I have to say that is a pathetic cop-out and an excuse for inaction.

6 o'clock

We wrote to the Minister asking him to publish that opinion so it can be assessed and considered. At the very least, that is a minimum because 43 other legal people published a letter the last time around which had a different opinion from that of the Attorney General's. I noted the Minister's response, which he sent this afternoon, in which he said her advice is in line with legal advice received on the issue of fatal foetal abnormalities at the time of the Protection of Life During Pregnancy Bill. That is interesting because it confirms to us that that advice was

not sought on our Bill, the Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) (No. 2) Bill, last time round or this time round. It certainly would be saying that it was not sought in the context of the violations of international human rights.

Again, we have to return to the simple legal fact that Attorneys General can get it wrong. This Attorney General has certainly got it wrong quite a few times. Other Attorneys General have had a different view on this issue. Other Attorneys General got it wrong before, such as in the X case. The truth of the matter is that regardless of whether it is constitutional, it can only be decided by the courts. It is as simple as that. This Bill is not repugnant to the Constitution. It is not in a sense clearly contradictory. At the very minimum, there is at least an arguable case that it could be possible for somebody diagnosed with a fatal foetal abnormality to get a termination in Ireland.

How do I know that? I know that because that is exactly the position the Irish State argued ten years ago this week in front of the European Court of Human Rights. Sadly, the European Court of Human Rights agreed because it said the State had put forward a tenable argument which could have been seriously considered by the domestic courts that a foetus was not an unborn for the purpose of the constitutional article. Even if it was, its right to life was not going to be engaged and, therefore, it did not benefit from the protection of Article 40.3.3°. It stated the courts would not operate with remorseless logic. It stated the woman's case in question was not admissible because Ireland had shown that the remedy was possible in the domestic courts and that she had a reasonable prospect of success against our courts.

Of course, the courts never ended up testing this matter. Moreover, they never will. How in God's name could we expect somebody with a diagnosis of a fatal foetal abnormality - the bottom would have fallen out of their world, particularly if it was a much-wanted pregnancy, and they would be at their lowest ebb - to go into the courts to argue for the right to have a termination at home when they have more pressing things on their plates? That is never going to happen.

It is also the case that our courts have never adjudicated on this. The only way in which they will adjudicate on it is if we pass this Bill and allow the President to refer it on to the Supreme Court for adjudication in this regard. It would be entirely appropriate. There are many different cases that the courts have looked at. For example, there was the tragic case of PP v. HSE where they talked about no prospect of being born alive and things not being exercises in futility. They talked about the Constitution, saying as far as is practicable. If it is not practical to vindicate a right to life, then one does not have a necessity to do so and so on.

It might sound a little ironic, but this is a positive proposal. It is hard to envision something positive in the midst of terribly tragic circumstances. However, there is a significant and genuine desire across society to have this happen. Over 80% of people repeatedly have said that this measure should be introduced. What is the worst that will happen if we pass this? What would be so wrong with doing this? If we are wrong, we will only be in the same situation we are in now. What is the harm? If we are right, then we have the possibility of alleviating some of the pain of some of the people at the coalface of this devastating diagnosis.

Three weeks ago, Fianna Fáil had a Bill in this House dealing with property rights. The Government and the Minister claimed it was unconstitutional. The Minister even tabled an amendment which proposed it should be referred to the committee to deal with its constitutionality. He subsequently withdrew his amendment and allowed the Bill go through Second Stage.

It is okay to do it for property rights but it is not okay to do it for women's rights. I find that nauseating. I cannot believe we would stand up in the Parliament and allow that type of attitude to go unchallenged. We cannot prevail over these double standards. There is nowhere for the Minister to hide. It has fallen on his lap. We can do a good thing today by passing this Bill and signalling to people that, at last, we are taking it seriously.

Minister for Health (Deputy Simon Harris): I thank Deputies Clare Daly and Mick Wallace. I can assure them I am not looking for anywhere to hide on this issue.

There can hardly be a more difficult situation for a woman who is pregnant to face than to be told by her doctor that her unborn child is not fully healthy and well, is not going to grow to achieve all that every mother and father wishes for their child and, worst of all, is not going to survive. All her aspirations and dreams for her child are taken away, replaced with grief and distress at the very time when she should be facing a future of joy, hope and happiness. What unites this House is the empathy and sympathy we all feel for the couples and families who face these terrible situations. This House has heard heart-rending personal stories from Members who have had direct experiences of fatal foetal abnormalities. I too have met families who have been through the trauma of knowing their baby will not survive and who have had the courage and fortitude to share their stories in the hope of saving other people some of the pain they themselves endured. Only the heartless could fail to be moved.

Life naturally brings with it sorrows as well as joy. There are certain tragedies, however, that make us all feel the same sense of wrongness. The harsh realities of such a situation were made clear for all to see in the recent report from the United Nations Human Rights Committee when it published its view on the complaint against the State brought by Ms Amanda Mellet whose unborn child had Edwards syndrome. As I made clear at the time, I read with a heavy heart the details in the report of Ms Mellet's experience. Putting aside for a moment the wider constitutional issue involved, the absence of compassion in her treatment by our health service was deeply distressing. I am very sorry that this is how she was treated. Ireland's history shows that it has been a cold and uncaring place for women and children. I felt the echoes of that when I read that UN view. I will return to aspects of Ms Mellet's case again later in my speech, but I want now to address the Bill before us.

Deputies Clare Daly and Mick Wallace and others who support the Bill are minded by a deep personal desire to help every bit as much as anyone else in the House. I not only respect their views, I share them. We all want to help. I am in that 80% to which Deputy Clare Daly referred. We want in particular to do something meaningful to help. I know the Deputies too would want this Bill not only to be legal and constitutional but also to have a meaningful impact for women. Anything less would be to give false hope to and pretend we have done something for women who carry these babies and the doctors who care for them.

I am not opposed to the purpose behind the Bill. I will set out in detail the grounds on which it is currently not possible to support it. In doing so, I am fully reflecting the legal advice available to me on the constitutional issues pertaining to this Bill, as per Deputies Clare Daly's and Mick Wallace's request, as well as the medical advice I have received from the Chief Medical Officer for the information of the House.

Deputies Clare Daly's and Mick Wallace's Bill provides for termination of pregnancy following a diagnosis of fatal foetal abnormality. This is defined in the Bill as a medical condition suffered by the foetus, such that it is incompatible with life outside the womb. The provisions

for certification following receipt of such a diagnosis broadly mirror those of section 7 of the Protection of Life During Pregnancy Act 2013. The two medical specialists required to certify under this amendment would be an obstetrician and a perinatologist.

This country, and this House, is bound by the Constitution, one which can be frustrating at times. A referendum was held in 1983, resulting in the adoption of a provision which became Article 40.3.3° of the Constitution, commonly known as the eighth amendment. Article 40.3.3° reads as follows:

The State acknowledges the right to life of the unborn and, with due regard to the equal right of life of the mother, guarantees by its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.

This Bill falls outside the parameters of Article 40.3.3° as interpreted by the Supreme Court in *Attorney General v. X* in 1992, also known as the X case, which held that if it were established as a matter of probability that there is a real and substantial risk to the life, as distinct from the health, of the mother, and that this real and substantial risk could only be averted by the termination of her pregnancy, such a termination was lawful.

The Protection of Life During Pregnancy Act was commenced on 1 January 2014. I believe this Act addressed generations of neglect in this House in terms of facing up a Supreme Court reality. Its main purpose is to regulate access to lawful termination of pregnancy in accordance with the X case and the judgment of the European Court of Human Rights in the *A, B and C v. Ireland* case. That Bill was considered and debated extensively in Oireachtas committees, in this House, in the Upper House and probably in homes across the country. I think it was well understood and acknowledged in the context of that debate that this legislation was as far as the Legislature could go in the absence of a referendum. I am sure the House will also be aware that the second annual report on the Act has recently been laid before the House.

Returning to the Bill before us, the Supreme Court reviewed the meaning of the term “unborn” in Article 40.3.3° of the Constitution in the *Roche v. Roche* case in 2010. On that occasion, Mrs. Justice Denham, now the Chief Justice, stated with regard to the wording of the eighth amendment:

...both language versions refer to birth or being born. Thus the fact of being born or birth is a factor in both versions. The beginning of “life” is not the protected term, it is the unborn, the life capable of being born, which is protected. The capacity to be born, or birth, defines the right protected.

Therefore, in the case of a foetus with a condition that is incompatible with life, but which is capable of being born alive and surviving even for a very short period, such a foetus is protected by Article 40.3.3° of the Constitution.

The Bill put forward by Deputies Clare Daly and Mick Wallace does not define what is meant by “incompatible with life outside the womb”. From examining the Bill before us, two possible interpretations appear possible. The first interpretation is that the “unborn” has a condition which is incompatible with life outside the womb but which is capable of being born alive. It is clear that an unborn child who has a capacity to be born alive for a period, no matter how short, is protected by Article 40.3.3°.

The second interpretation is that the unborn has a condition which is incompatible with life

outside the womb and has no capacity or capability of being born alive. This is where I move from the legal advice to the medical advice. I am informed by the Chief Medical Officer that the circumstances in which such a situation would arise do not exist in medical practice. It can never be said that a foetus with a fatal foetal abnormality will not be born to live for a short time, even if that is only to be minutes, to draw a breath and to have a detectable heartbeat. If a foetus has the capacity to be born, it has the protection of our Constitution. Any Bill that provides for termination in these circumstances, as this Bill does, would not be constitutional and would also not be medically practicable. Therefore, to introduce the well-intentioned provisions put forward by Deputies Daly and Wallace would require a referendum to amend the Constitution.

It is for this reason I believe the Government's commitment to develop a consensus approach within a citizens' assembly is the way to move forward. The Government has decided, in view of the programme for partnership Government commitment, to establish a citizens' assembly as quickly as possible and to make recommendations to the Dáil on further constitutional changes, including on the eighth amendment of the Constitution as its first topic. Let me be clear that the citizens' assembly can report topic by topic; therefore, there is no need for the assembly to wait until the end to report on each topic. The first topic it will consider will be the eighth amendment. The issue of fatal foetal abnormalities can and, in my view, should be examined as part of this process and the assembly will also have the support of an expert group to provide it with the necessary legal and medical opinion.

I also have said very clearly that I expect the views of the UN Human Rights Committee will be considered in that context. The Government is very conscious that the lack of access in this country to termination of pregnancy in cases of fatal foetal abnormality is one that has caused significant distress to many couples. I have heard from the Terminations for Medical Reasons group on this issue. I know some of the members are here with us this evening and I look forward to meeting with them in the coming days.

I would like to take a moment to return to the Ms Mellet case. I have been informed by the HSE of the supports available to women who find themselves in very distressing situations. These include HSE funding for the provision of crisis pregnancy and post-abortion counselling and, in many cases, medical examination through the sexual health and crisis pregnancy programme. A woman's partner and-or family members can also attend these services for support. Approximately 3,000 women attend State-funded crisis pregnancy counselling services for crisis pregnancy counselling each year. In 2015 more than €3.3 million was provided directly to 16 State-funded crisis pregnancy counselling services through this programme. These services operate out of more than 40 locations nationwide. However, when I read the United Nations' views in regard to Ms Mellet, not only was I struck in regard to the issue of terminations, which, whether we like or do not like the situation, is currently a constitutional reality. What was I particularly struck and upset by, as I believe all our citizens were, was the way Ms Mellet was treated before and after by this country's health service. That was what I apologised for. It is simply not good enough. The detail of the UN report shows that services that should have worked for Ms Mellet clearly did not. There is no doubt this added further to a very distressing situation. I am not satisfied to presume that Ms Mellet's is an isolated experience. That is why I have asked the HSE to report to me, before my meeting with the Terminations for Medical Reasons group, on the clinical and counselling services in place to support women and their families who have to deal with a prenatal diagnosis of a fatal foetal abnormality. In line with requests I have received, I am also considering within the law what other services and responses can be put in place to help women in these terrible circumstances.

I speak here today as a member of a generation who could not vote in 1983 - in fact, I was not even born in 1983. My generation has never had our voice heard on this issue. Ireland has changed. Like many people, my own views on this subject have changed, the more I have considered this complex issue and the more I have listened to the real stories of people. When we listen to the stories of women who received the dreadful diagnosis of fatal foetal abnormality in their babies, there is an inescapable truth. Our present law immeasurably adds to the pain of those who make the difficult decision to terminate the pregnancy. I really wish and hope Deputies Clare Daly and Mick Wallace accept my bona fides on this, it was the case that we could change that situation here today on the floor of the Dáil. However, being truthful, this House cannot change it alone - only the Irish people can. It is my absolute personal hope that the citizens' assembly will recommend that those of us who were never asked the question, and indeed every other citizen in this country, will be given the opportunity to answer it after careful, considerate, respectful and informed debate. It is for these reasons that I find myself in a position to oppose this Bill because, although absolutely well-intentioned, it is unconstitutional, and I cannot support the Bill at this time. However, I hope mechanisms are put in place to bring about the constitutional change that is clearly needed.

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): First, I thank Deputies Mick Wallace and Clare Daly for keeping this issue as a topic of discussion inside and outside this House. I am quite sure there are a lot of people who would rather that we were not talking about it and that we were talking about other things, but I sincerely thank the Deputies. I recognise their sincere intent in doing this. I hope the same respect would be afforded back to us in so far as our sincere intent to deal with it is as genuine as theirs.

I am very glad the Minister has made the comments he has to Amanda Mellet. He is right that it is not an isolated incident. One would have to travel far and wide to find somebody from this House who does not either know somebody directly or indirectly who has had to make that awful decision to terminate a pregnancy when they have been given the horrible diagnosis that their baby will not live outside the womb. Anybody who knows someone who has gone through that journey and who has had the most humiliating experience of bringing back their baby in a box in the boot of their car, of bringing the child home to be waked, of being told the child could not be baptised because he or she was dead and of not being able to bury the child properly in the Catholic church will know of the distress and trauma involved. It is not only the experience itself because this hangs over them for weeks, months and, in some cases, years thereafter. One could not but want to fix the situation, which I personally believe is intolerable.

I would like to very clearly state in this House that I would like to see a referendum to repeal the eighth amendment and I know exactly how I will be voting. It is only and simply for the reason of fatal foetal abnormalities and how we treat parents, in particular mothers - no offence to fathers - who have to carry the babies. When we listen to some of the stories directly from the parents involved, I cannot understand how we would not want to deal with this issue.

The time a Bill was before the House previously, when it was brought forward by Deputy Clare Daly, I was in the position of only hearing that the Attorney General had stated the Bill was unconstitutional but not knowing exactly why. I am now in the very fortunate position where I sit at a table at which I hear directly what she has to say. Even if I did not want to believe her, the arguments are so compelling they cause me to think that even if we were to pass the Bill, we would spend years fighting in the courts of the land and it would not change a single thing for the women of Ireland who find themselves in this position.

For me - much and all as I appreciate and respect the principle of the Bill - I will oppose it on the basis that I will pursue the option put before the House through the programme for the Government to establish a citizens' assembly. I cannot tell the House how pleased I was when I heard the Taoiseach state he would bring it forward from the first anticipated meeting in November to an earlier date. There is absolutely no reason, as the Minister said, this issue cannot be dealt with in a relatively short space of time, having given the citizens' assembly and our representatives on it all of the expert advice they need to come to a decision to be brought back to the House. I would love to see this happen before Christmas because there is no reason the Oireachtas committee cannot consider its judgment and opinions early next year. Let us, once and for all, have legislation in the House which suggests we can repeal the eighth amendment but let us very clearly know what we will put in its place to give comfort to the people who would vote against repeal of the eighth amendment today because we do not know what would be put in its place. I have stated this many times and people have replied that we are legislators, that this is the citizens' assembly and we should just get on with it. I do not know, except in instances of fatal foetal formalities, with what I would replace it for women who have found themselves in the unfortunate position of being raped, or pregnant through incest. I do not yet know how to deal with this. I might be criticised for saying this because I should know, but I need this space to be able to hear from the citizens of Ireland what they would like to see happen in various situations because it is our country.

I am much older than the Minister, Deputy Simon Harris, but I was only a young one on the first two occasions we had a chance to vote on this issue. In a reasonable and respectful society we should want to change the situation which is intolerable for parents whose children have been diagnosed with fatal foetal formalities, but I want to do something real and meaningful which can transpire in a couple of months, as opposed to passing legislation which we expect to be tested in the Supreme Court. I would rather get it right the first time and I would rather do it in the House. That is why I will oppose the Bill. It does not mean that I oppose the principle and it certainly does not mean that I have lost any support for families and parents who have received or will receive a diagnosis. I want to see the period of time during which parents must travel to Liverpool, Manchester, Birmingham or Wales on a weekly basis to be as short as possible. That is why I will vote against the Bill, but I will ensure the citizens' assembly is established as soon as we can.

Deputy Niall Collins: A diagnosis of a fatal foetal abnormality is one of the most tragic any woman and her partner can face. The period during which a woman is pregnant is presumed to be a happy one, filled with expectation that a healthy child will be born after nine months. Being faced with a diagnosis of a fatal foetal abnormality is every parent's nightmare. While it is still very rare, it is very hard to listen to parents who have been given such a diagnosis and who have to book a flight to the United Kingdom to terminate the pregnancy as there is no chance the baby will actually live when born.

When Deputy Clare Daly published a similar Bill in 2014, I supported it. I fully understand the difficulties certain Deputies and Senators have in supporting it. On this occasion Fianna Fáil Deputies will be free to vote as they personally choose. Some will argue the Bill does not go far enough, but there is an onus on all of us in the Houses to act responsibly and sensibly on this issue. Our approach should not be divisive and should encourage an open debate. There is no point in labelling people who have different views which are deeply personal and deeply held.

I like to think we have avoided the partisan political debates that took place in the House

and elsewhere for many years. In the years I have been in the Oireachtas this has been the one issue that has divided people, not only within parties but also in wider society. We must be respectful of people's strong and deeply held views. Sometimes the views held on both sides are too extreme to allow for a calm and rational debate on the substantive issue of legislating for the constitutional right of a woman in this country under Article 40.3.3°, as interpreted in the X case in 1992.

There are some, including the Attorney General, who believe the Bill is not constitutional. Others state it should pass and we should let the courts decide. We all agree this is far from ideal in dealing with such a sensitive issue. It is important to put the debate in its historical context. Once Article 40.3.3° was enshrined in the Constitution, it was inevitable that a court would have to decide how to vindicate the rights of the individuals concerned, namely, the pregnant woman and the unborn. Since the X case in 1992, there has been a lacuna in legislating for what is now the constitutional right of a woman to have a lawful termination where there is a real and substantial risk to her life. There were three referendums in 1992, in which two amendments were passed by the people, while one, on the substantive issue, was rejected.

In 2002 a referendum was held on another amendment which I supported. I consider myself pro-life in general. I do not like to stereotype people or put them in boxes, but I am pro-life in the sense that I believe we should do everything possible to vindicate the life of the unborn. In a case involving the rare diagnosis of a fatal foetal abnormality, I think it is wrong to send the woman and her partner overseas to have the pregnancy terminated, even where it is clinically recommended. This is an issue that should be dealt with between the woman and her medical experts here. These are, thankfully, extremely rare cases which require specific and special attention.

I do not believe abortion on demand should be introduced in Ireland, but I do believe the majority want the issue of fatal foetal abnormalities dealt with in the Constitution. We face conflicting difficulties when we must provide for complicated medical procedures. I find it difficult to oppose the Bill and will support it because I would not like our clinicians and those who deal with this issue to have their hands tied, whereby the only thing they can do is to tell someone to travel to the United Kingdom.

When we debated the Protection of Life in Pregnancy Bill in 2013, there were claims that it would open the floodgates. There is evidence that it has done nothing of the sort. As we know, the Government is committed to appointing a citizens' assembly, something which has been mentioned, to report back to the Dáil. Fianna Fáil's preference was for a judge-led commission. We need to allow the assembly being set up to come back within a period of months with its recommendations. Consensus has to be built and we need to be honest and respectful when we are dealing with and debating the highly sensitive, personal, complex, legal and medical matters the issue entails. We do not need extremists on both sides name calling or trying to exact political advantage from the issues involved.

We in this Chamber can amend legislation whenever we want and that is democracy. We can introduce Private Members' Bills or the Government can bring forward its own legislation. We should not make decisions on the basis of opinion polls, but recent opinion polls indicate there are definite views on making provision for cases of fatal foetal abnormalities, rape and incest.

I support the intention of the Bill, as I stated, but, as legislators, we have to at least try to

uphold the Constitution in our legislative activities. For some Deputies, it is a matter of conscience and they passionately believe the Bill would undermine the right to life of the unborn. People have formed their views on the basis of their faith or a fundamental view of when life begins. The reality, however, is that every year 5,000 women travel from Ireland to Britain for terminations. We should not pretend that this is not the case. We should show moderation in our use of language when discussing the issue to avoid offending others and be conscious of the need to avoid being judgmental.

While this Bill seeks to deal specifically with fatal foetal abnormalities, which is admirable, I believe an all-party approach on how to deal with this and the eighth amendment is a far better and more cohesive approach. While it may take too long, it will be the better and constitutionally safer way to go.

I do not believe the majority of the people wants the eighth amendment to be deleted and for the issue to be left to the Oireachtas to legislate for entirely. I believe the middle ground of opinion wants to see an alternative wording and that is the exercise that the process now being established should set about carrying out.

Deputy Alan Kelly: I congratulate Deputies Mick Wallace and Clare Daly for having brought forward this legislation again and having kept the issue at the top of the political agenda. It is one of the biggest priorities we will face here as legislators and I say this on behalf of my party. I am conscious that we broach this topic a few short years after the initial Protection of Life During Pregnancy Bill was introduced. I get a sense from all Deputies who have spoken in the debate that they agree that we need to move on quickly. It is remarkable that despite the issue of abortion being a regular feature in public debates and media coverage, it has taken this House more than three decades to deal comprehensively with the ramifications of the eighth amendment.

I recognise, like many other Deputies, the divisive nature of the debate surrounding this issue. It is, however, an absolutely necessary debate and it is our duty as democrats to address the obvious human rights concerns surrounding this issue, regardless of how sensitive they are and that they will bring tension. We should not and cannot shy away from this critical issue any longer. It would be immoral to do so. I found the debates surrounding the Protection of Life During Pregnancy Bill a few years ago to have been carried out in this House with a basic degree of dignity and respect for the views of others, which I welcome. I hope and believe the debate we have here and the one that will follow, through various media, will be conducted in the same way, namely, with dignity, regardless of the various personal feelings of Deputies and public representatives on this highly sensitive issue.

I am proud that we in the Labour Party can say we opposed the introduction of the eighth amendment into the Constitution in 1983. I cannot remember the referendum either because I was only eight. We were the first major party to call for repeal of the eighth amendment in recent years, in recognition of the profoundly negative effects it has on the lives of Irish women and the chilling effect it has on our legislative process. Furthermore, I am proud that the Labour Party in government was the first since the introduction of the eighth amendment to grasp this thorny issue and deal with it in law. The Protection of Life During Pregnancy Bill, passed by the previous Government, in no way solved all the issues. That is why we are here again today. It did, however, go as far as constitutionally allowable in providing for medical terminations of pregnancies where the pregnancy endangers a mother's life, including through the risk of suicide, acute physical or terminal illness or an emergency situation. Under that law, such preg-

nancies can only be terminated by a medical professional in a controlled medical environment. This made legal and moral sense and was a crucial step in the right direction.

The Labour Party wishes instinctively to support the Bill introduced by Deputies Mick Wallace and Clare Daly. We believe that where a foetus has been diagnosed with a terminal medical illness, a woman, in consultation with medical professionals acting in her best interests, should have a choice to end the pregnancy so as not to prolong the grief and agony she undoubtedly must endure.

In this year's general election, Labour campaigned specifically on a pledge to hold a referendum on the eighth amendment during the course of the Government. Unfortunately, however, we did not receive a large enough mandate to enter government and I fear that, as a result of this exclusion, the current Administration is pushing the can down the road a little more. We regret this, but if we are to go through a citizens' assembly and I have no doubt that we are, I share and welcome the comments of those who have said that the assembly will be brought forward in order that this issue can be dealt with more quickly. That is absolutely necessary.

While we support the premise of the Bill and did previously, we must also be realistic. I was a member of the previous Government during which time we were advised by the Attorney General that the amendment proposed in the Bill was unconstitutional. This position has not changed and, as Deputies, one of our first duties is to uphold the Constitution. The eighth amendment created a legal position whereby all external attempts to end a pregnancy were deemed illegal and the right to life of the unborn was given equal weight to the life of the mother. The only reason we were able to introduce the Protection of Life During Pregnancy Bill in the first instance, in addition to great political will on behalf of my party, was a loophole created by the Supreme Court's judgment in the X case and the people's refusal to overrule that judgment in two subsequent referendums. There is, unfortunately, no such loophole to exploit which would allow us to legislate for terminations of pregnancies where a fatal foetal abnormality has been identified, however much we wish that were the case.

With this in mind, while we will definitely not vote against the Bill, unfortunately we cannot support it in this format. We express our absolute sympathy with all those who find themselves in such a situation and we reaffirm the Labour Party's aim to continue to fight to ensure these women's rights and their basic dignity are vindicated very soon. I hope the next time such a Bill comes before the Oireachtas, it will be debated in a different way and we will collectively support it. As progressive Deputies in this House, we should refocus our attention on forcing the Government to hold a referendum on the eighth amendment in order that the issues of fatal foetal abnormalities and pregnancies that have come about as a result of horrible circumstances such as rape and incest may be dealt with on the floor of this House. It is inexcusable in 21st century Ireland that we force a medical specialist to operate with a scalpel in one hand and a copy of the Constitution in the other.

In light of the recent decision by the United Kingdom to exit the European Union, there is a very real possibility that the journeys undertaken by so many Irish women seeking abortions for different reasons each year could become ever more precarious for those forced to undertake them. What effect will this have, and how will it be judged in the courts? We do not know the answers to these questions. We do not even fully know all the questions. To criminalise and exile these women is unacceptable, and we in the Labour Party restate our support for the repeal of the eighth amendment and, in the aftermath of its repeal, a common-sense legislative or constitutional programme, or both, allowing for abortion in certain circumstances, with defined

limitations and in line with best medical practice.

As a nation we often look back with shame on issues such as the Magdalen laundries and the abuse of children in industrial schools. We must recognise that although we have come far, we are in no way the country we have the potential to be. I believe that as we do now in regard to past wrongs, so too will our children and grandchildren look back on this period of history with great shame and remorse and we must change this. I have no doubt they will not be able to understand why none of us could legislate on this basic civil rights issue and why the current Government took so long to deal with it. Please, let us deal with it soon. Let us deal with it in the coming months as part of what is being put forward by the Government, if that is the chosen option. We should remember and reflect upon the circumstances of every woman in this country as we seek to address the consequences of the eighth amendment and as we fight for its repeal. That is the Labour Party's view and we look forward to a day when we can return to the House to debate this topic without the spectre of constitutional limitations, when our only guiding principle should be what is in the best interests of women.

Deputy Mick Wallace: The parameters of the Bill are extremely narrow. We seek to legislate to allow abortion in cases where two specialist medical practitioners - an obstetrician and a perinatologist - have deemed a foetus to be incompatible with life. We are not talking about life-limiting illnesses or disabilities, but foetuses which are incompatible with life. In June 2013, there was letter in *The Irish Times* from a group of 43 lawyers and law lecturers, who set out that it was entirely possible to legislate for fatal foetal abnormality without changing the Constitution. According to the group:

It is possible to interpret Article 40.3.3° so that the “unborn” that is protected therein does not include those foetuses with fatal abnormalities. The Irish courts have not considered this legal issue and there is no binding precedent excluding such an interpretation.

Ireland is just one of two EU member states that do not allow for legal terminations in cases of fatal foetal abnormality. The fact that the question of allowing for abortion in such cases has never been assessed by the Irish courts means women are, by law, required to carry to term, and give birth to, a foetus which will never be born alive.

The question of constitutionality has been raised by many Government Deputies in regard to the Bill, and the opinion of the Attorney General in this regard was trotted out as an excuse for Government Deputies to vote against Deputy Clare Daly's Bill last year. There are two very serious problems with this. The first is that the opinion was never published, and we have never had a chance to assess or debate it. The second is that it is only an opinion. Only the courts can find something to be constitutional or not. If constitutionality is the only reason Deputies have for refusing to back this Bill, they should allow it to be assessed in the appropriate manner, by the courts. If the courts find it is unconstitutional, we will be in the same situation as we are now.

We, too, have sought legal opinion and I have been told that for Government Members to keep repeating that the Bill is unconstitutional is highly inappropriate. Under the separation of powers doctrine, which is enshrined within the Constitution and forms the backbone of our democracy, only the courts can interpret legislation. Article 15 provides that only the Oireachtas has the power to make laws and Article 28 sets out that executive power can be exercised only through the Government. Each of the three bodies has sole independence and power in its own sphere and cannot encroach into the sphere of any other. This system of checks and balances,

this separation of powers, is supposed to mean no one body is too powerful and it prevents over concentration of power in the hands of one body.

It is all the more inappropriate if it can be shown that the legal advice the Government is relying on from the Attorney General's office, that our Bill is unconstitutional, does not relate specifically to our Bill and is outdated and, possibly, obsolete if it was provided in 2010. Under Article 15, the Oireachtas cannot pass laws that are "repugnant" to the Constitution. However, given the disagreement among legal academics and barristers on whether fatal foetal abnormalities can be legislated for, the question of constitutionality is at the very least arguable, and the Bill cannot be said to be repugnant to the Constitution, which would be a piece of legislation that is clearly and undeniably unconstitutional.

The Constitution has been referred to many times by judges and academics as a "living, breathing document". It is intended that judges have the power to interpret the meaning of the Constitution to reflect the society of the day. Society has changed considerably since 1937, and indeed since the eighth amendment was introduced in 1983. It is time we gave the Constitution a chance to catch up.

The recent examination of the Amanda Mellet case by the UN Human Rights Committee, UNHRC, was the first time any international court or human rights body has found that the criminalisation of abortion is, in itself, a violation of human rights. The UNHRC found that even though the State did not directly inflict harm on Amanda Mellet, its neglect and abandonment of women in this situation, who are left "isolated and defenceless", moves situations like hers out of the realm of guiltless tragedy and into the responsibility of the State. In forcing her to travel, depriving her of material and emotional support and appropriate care during and after the abortion, the Irish State added to the heartbreak of carrying an unviable pregnancy, violating her right to "protection from cruel, inhuman and degrading treatment" detailed in Article 7 of the International Covenant on Civil and Political Rights, ICCPR. The State also violated her rights to privacy and bodily integrity under Article 17 of the ICCPR. According to the committee, "requiring the author to carry a fatally impaired pregnancy to term only underscores the extent to which the State party has prioritised ... the reproductive role of women as mothers, and exposes its claimed justification in this context as a *reductio ad absurdum*".

The committee found that the State discriminated against Amanda Mellet both as a woman and on socio-economic grounds. According to Sarah Cleveland, a member of the UNHRC, the criminalisation of abortion amounts to gender discrimination, because it affects a health service that only women need and places no equivalent burden on men. Women who choose to carry an unviable pregnancy to term and deliver a stillborn child receive State-funded care, whereas those would-be criminals who choose to travel for the termination of their already unviable foetus must bear the cost themselves and forgo any aftercare. Tough luck if you cannot afford it.

According to the London-based Abortion Support Network, the economic crisis has made the process of accessing abortions even harder for poorer women. Deputies who hide behind the eighth amendment as an excuse to vote against the Bill, and who then refuse to call for the repeal of the amendment, are shamelessly upholding a system which violates the rights of women specifically, treating them as second-class citizens, completely denying their bodily integrity and regarding them as no more than human incubators. It is the Government's neglect of its responsibility to protect the human rights of its citizens, as highlighted by the United Nations, which allows for this truly appalling situation to continue.

30 June 2016

The Minister for Health, Deputy Simon Harris, has said he read the UN committee's report, stating that he found "the experience this woman had, deeply upsetting". He said he had met with families who have been through the trauma of knowing their baby will not survive and had been very moved by hearing of their experiences. He said he wanted the issue to be addressed. I hope he will put his words into action. Although the finding of the UNHRC is not technically binding on Ireland, in line with our obligations under international law, in particular the ICCPR, we are obliged to act on it in good faith to implement the findings of the committee. International law requires the State to provide a remedy and prevent a repetition.

Every day, ten to 12 women and girls leave Ireland to access safe and legal abortions, because if they did so here, they could face up to 14 years in prison. The Irish Family Planning Association found that between January 1980 and December 2015, over 166,000 women and girls travelled from the Republic of Ireland to access abortion services in another country. Ruth Fletcher, senior lecturer in law at Queen Mary University London, holds that restricting access to abortion does not stop abortion; it just makes the experience more harmful. According to Ruth Fletcher:

If Irish society is serious about reducing harm to pregnant women, including the harms of disrespecting their autonomy and bodily integrity, the State needs to change how it thinks about pregnancy and abortion. The recognition of woman and foetus as legal equals has been harmful, and needs to change.

People disagree about abortion and have different views on when life begins. While people are entitled to their beliefs, they should not be entitled to shove their beliefs down the necks of others, especially when it amounts to a violation of their human rights.

Deputy Joan Collins: I support the Bill. I welcome the representatives of the TFMR group to the Visitors Gallery. It is with deep sorrow that we are discussing this issue again and that the families have to go through this debate again. We have to try to finally deal with it.

The recent HSE report stated that 26 pregnancies were terminated by our health service in 2015. This compares with the 3,451 terminations in the United Kingdom to women with Irish addresses for the same year. That figure is higher if account is taken of the fact that some women do not give an address in the Republic and others use abortion pills procured over the Internet. The number of terminations carried out by the health service in 2014 was similar to 2015, which demonstrates that those of us who voted against the 2013 Act as being so restrictive as to make no difference were right to do so. The Act represented a failure of the previous Government to fulfil any obligation it had in respect of this issue. We continue the criminalisation of medical professionals with a 14-year jail sentence hanging over those who have to determine how close to death a mother is before they can make a decision on whether to terminate. This is repugnant to me and many others.

A pregnant woman faced with a threat to her health who has the financial means and the ability to travel will opt to do so rather than overcome the difficult barriers put in front of her by the 2013 Act, with limited prospects of securing a termination. The only reason this is tolerated by the people, which has had an impact on the thinking of legislators, is that if one has the money, one can travel. The consequences are dire for those who do not have the money. This could be part of the conversation in the context of Brexit, which was pointed out earlier, in respect of access to travel and access to services in a member state. Brexit could affect a woman's right to travel to England, for example. Some English NHS hospitals are already restricting

terminations for Irish women to one per week, while private clinics are unaffordable. We are facing a different scenario, and this should be part of the debate.

The House needs to finally face up to its responsibilities in this area, and a good start would be to pass the legislation and have its constitutionality tested in the Supreme Court. I endorse the points made by Deputy Mick Wallace in this regard. Many legal experts disagree with the advice given to the Government by the Attorney General. With regard to the X case and the right to travel, the Supreme Court found against the then Attorney General. Attorneys General, therefore, are not always correct in their findings. If the Supreme Court were to rule this Bill unconstitutional, that, in my opinion and, I am sure, the opinion of the majority of people, would strengthen the case for a referendum to repeal the eighth amendment. The Government parties are hiding behind that. If they believe fatal foetal abnormalities cannot be dealt with unless the eighth amendment is repealed, what is the point of going through a constitutional convention?

TFMR was not invited to the health committee hearings on the 2013 legislation. Its representatives would have had a crucial role to play in that debate. This forced Amanda Mellet to go to Geneva to have her constitutional rights vindicated, and the UN Human Rights Committee said Ireland's position was indefensible and inhumane. The previous Government had to respond to the committee by December 2014, yet there will be a constitutional convention for the next year or 18 months. The Government has to stop this and support the Bill. It should be brought to the courts to have its constitutionality tested. If the eighth amendment needs to be repealed, that should be done. A wraparound scenario cannot deal with the issue we face.

Deputy Thomas Pringle: I fully support the Bill. All of us have listened to the horrific stories and experiences of women who have had to travel to Liverpool to deal with the outworkings of a diagnosis of fatal foetal abnormality. That was enough to tell me that the right thing to do is to pass legislation to address this but, unfortunately, that is not enough for the Government parties. They choose to hide behind the Constitution and refuse to deal with the issue by claiming the legislation is unconstitutional. However, the Government cannot make that determination. The Attorney General is appointed under Article 30 of the Constitution as the legal adviser to the Government, not as the determiner of the constitutionality of legislation. A previous Attorney General advised the European Court of Human Rights on behalf of the Government that it would be disrespectful to the domestic legal order for the court to assume what would be a domestic court's response to a novel question. However, it is disrespectful for the current Attorney General to the domestic legal order to assume what would be a domestic court's response to a similar novel question. This question has not been tested in the courts, but we are saying that a woman faced with this horrible scenario has to test in the courts. If we had the courage of our convictions in this Oireachtas, we would pass the legislation and have it interpreted by the courts, because judges are the only people who can interpret whether legislation is constitutional. They are the only people who can deal with whether a novel question has to be dealt with and who can interpret the laws of the State in respect of it.

It is disrespectful and disingenuous for Government Members to utter statements that this legislation is unconstitutional. If they were being honest, the best that they could say is that in their opinion it might be unconstitutional. That would change the context of the argument they are making, if they were honest about the legal position in respect of the Attorney General and how legislation can be dealt with. This legislation should be passed. It should be tested, and then we could determine once and for all what is the position.

Deputy Louise O'Reilly: I wish to share time with Deputies Kathleen Funchion and Rich-

ard Boyd Barrett.

Prior to discussing the Bill, the legal issues involved or the arguments that may come up against it, we should pause to consider what is a fatal foetal abnormality. It is important to do this, not least because we are discussing legislation on this issue, but because there is a serious lack of information about exactly what we are discussing. I have seen it in the e-mails I am receiving and I am sure all Members have received the same e-mails. I have heard it in some of the arguments being made against this Bill, but most of what I have heard is a gross distortion of the facts. These fatal foetal abnormalities are not, as some of the e-mails suggest, “babies with disabilities.” Down syndrome or cleft palates are not fatal foetal abnormalities. These are not what we are discussing, and shame on those who try to muddy the waters and pretend that we are.

Many Irish women and their partners are informed each year that the foetuses they are carrying are suffering from conditions which make the foetus incompatible with life. Such an incompatibility can stem from a variety of medical conditions which can be diagnosed at various stages during the pregnancy. These conditions mean a foetus will not develop to a point at which it is able to live outside the womb. Depending on the condition and individual circumstances, the foetus may die during pregnancy or may survive until moments after the birth. It does not mean that the foetus will have a lifelong disability or an impaired life. It is unfortunate that we have to keep repeating this. It means the foetus is incompatible with life.

It is also important to highlight the process. Medical practitioners, consultants and experts in this field provide their patients with full details of the condition and the statistics regarding any possibility of survival. Parents are fully informed. They are given full information and this allows them, as responsible people, to make the decision about continuing with the pregnancy. It is important to clarify this.

7 o'clock

Passing this legislation, enabling terminations in these circumstances does not mean that women are under any obligation to terminate their pregnancies. They will be under no duress to take any action they do not feel is appropriate. There will be a choice. Women will choose to navigate these tragic circumstances in different ways. What this legislation will do is give them one more option.

We know from hearing first-hand experiences of groups such as Termination for Medical Reasons, TFMR, of women who have had to deal with a fatal foetal abnormality diagnosis and of the doctors and nurses who work first-hand with these people that the woman's suffering is compounded by the fact that when she makes the tough decision to terminate her pregnancy she is made to feel like a criminal in her own country-----

Deputy Finian McGrath: Hear, hear.

Deputy Louise O'Reilly: -----and forced to travel outside Ireland for medical care. When a woman is diagnosed with such a pregnancy, and if she decides that she cannot continue her pregnancy, she is faced with the stark and traumatic option to travel to another jurisdiction and that is an option where the woman has the finances to so do. This is not acceptable.

There are people in the Visitors Gallery and outside this Chamber who want this issue dealt with. For the record, I note the Minister apologised this evening but we have an opportunity to

ensure that we do not inflict cruel, inhuman and degrading treatment on another Irish woman. For God sake, why can we not take that opportunity? If it should be the case that this legislation is unconstitutional, let the courts decide that. We have had one excuse after another. The Minister has failed women. He has let them down. We have opportunity here tonight to take a stand and change that.

Deputy Kathleen Funchion: I commend Deputies Wallace and Clare Daly for bringing this issue forward and I am glad to have the opportunity to speak on it. For me, this is about two things; it is about choice and respect. It is about respecting the choice of a woman when faced with the devastating news of a foetal fatal abnormality. It is about respecting her choice to access a termination in that situation. I cannot imagine what it must be like to be faced with that situation and, on top of that, the woman is going through the grief, the whole thought process of how and why is this happening to me or to us as a couple. Then we say to a woman that she needs to get on a boat or a plane to get the service that she deserves to have available to her in this country.

We have spoken a great deal about mental health in this Chamber in recent weeks. What about the mental health of women faced with this situation? We need to ensure that women have access to this service in this country. It really comes down to that. It comes down to choice and respect.

For far too long in this State women's rights regarding this issue have been ignored. On a daily basis we ignore the women who choose to travel to England to access services that are denied to them here. We need to have a referendum on the repeal of the Eight Amendment and subsequently to have it repealed. I commend the bravery of the many women who have come forward to tell their stories which has been extremely difficult for them. We should not have had to put them in a situation where they had to go public and tell their stories in order to get the debate on this issue started in this House. We hear on all sides of the House that there is a lot of empathy for people but really what people want is action. They do not need to hear: "We are sorry for your situation". They need to see action and for far too long we have ignored that in this State.

We need to support this Bill and not paying lip service to this issue. Action is what people need to see on this issue. We need to support this Bill but we also need a referendum on the Eight Amendment and to see a repeal of it. I urge the Minister and the Government to do the right thing on this issue and to support this Bill.

Deputy Richard Boyd Barrett: I thank Deputies Wallace and Clare Daly for bringing this issue forward again. I thank the TFMR for its continued campaigning work. I also thank the Sinn Féin Deputies for giving me some of their time to speak on this issue. I was depressed walking in here at the thought that we were going to have to debate this issue again. I was even more depressed when I discovered that I did not have any time to speak because the rules for tonight's debate are different than normal. I very much appreciate that the Sinn Féin Deputies have given me some of their time.

I was depressed in any event coming into the Chamber because as somebody who has been through a situation where I lost a daughter to fatal foetal abnormalities, it is depressing in the extreme that we have to discuss this at all. For people who receive a diagnosis that a child that they want to have has fatal foetal abnormalities is a cruelty beyond words. I am not a believer in a God but when one gets this diagnosis, one feels as if some malign power has singled one

and one's family out for cruel and inhuman treatment because something one desperately wants has been taken away from one in the cruelest possible way. One does not realise it at the time, and I certainly did not, because it is such an intensely personal thing, and one is told that this is a one in 10,000 or a one in a 100,000 diagnosis, and one feels completely alone and isolated and does not realise that even though it is rare in a general sense that huge numbers of people are going through it. It was only because of the bravery of other people, because in my case I never wanted to speak to anybody about it, the bravery of families in TFMR, that I felt compelled, out of a sense of obligation to them and the courage they have shown, to speak out about my own personal situation. Nobody who has been through this wants to talk to anybody other than their family and friends about it.

It is in that context that there is a certain obscenity that we are discussing this and that the people in here in a political Chamber or lawyers have anything whatsoever to do or say about this intensely personal tragedy. It is a treble tragedy because there is the tragedy of losing a wanted child, there is the tragedy of those who have to go to Britain to go through that degrading humiliation, sneaking out of the country, and all the awful stuff that we know about, and there is the further obscenity of our having to come in here and make a case to people to stop this cruelty.

The Government should let this Bill pass because not to do so is to continue this cruel, degrading humiliation of people in the most awful circumstances. If there is a constitutional bar and the courts find that, then let us repeal the Eight Amendment straightaway. This issue alone means we have to repeal the Eight Amendment and we must do so forthwith.

An Ceann Comhairle: The next speaker is Deputy O'Connell and she has ten minutes and I understand she may be sharing her time with other speakers. Is that correct?

Deputy Kate O'Connell: I intend to speak for five minutes and I will share the remaining time equally between the Minister, Deputy Zappone, and the Minister of State, Deputy Haligan.

An Ceann Comhairle: Okay.

Deputy Kate O'Connell: I appreciate the passion Deputy Wallace has for this Bill. I would like to thank him for having the courage to speak up for the women and men whose lives are forever changed upon receiving a diagnosis of a fatal foetal abnormality.

This is a topic very close to my heart. My husband and I were unfortunate enough to be told our much wanted child had a profound defect when we went for our 20-week scan. The pain and suffering of that time is deeply etched in my memory and the fear of the unknown and the cruelty of fate weighed heavily upon our shoulders. Against the odds the pregnancy continued to term and I was delivered of a child that had almost the entirety of his organs outside his body. He is now, miraculously, a fit and healthy five year old with a flair for social commentary. That week where we awaited the results to tell us if he also had a genetic and, therefore, fatal abnormality was the hardest of our young lives. Before that, I had not needed to pay much attention to the eighth amendment, nor had I been overly aware of the limitations it placed on the people. Call me ignorant, but it had never been on my radar until that point, having spent most of my adult life in the UK where a civilised and compassionate approach to women's health is par for the course. Arising from that personal experience, I have become a more educated, open-minded and informed person and, I hope, representative. It should not require every Member

of the House to suffer as my husband and I did to speak for a repeal of the eighth amendment. I would not wish what we went through on anyone. Having met representatives from Termination for Medical Reasons, I know that they also want to limit the suffering of the those who face the same situation.

As we sit here today, people are receiving a diagnosis which tells them to prepare for a death, not a birth, and that their misery cannot be relieved in our country. The inordinate political anxiety that surrounds the repeal of the eighth amendment is understandable, but it takes courage to stand up for what is right, to meet those who have lived the experience and to listen to the medical experts and not some self-appointed moral police who will look down on the rest of us from their lofty perches, terrorising Deputies with threats of hellfire and eternal damnation in the hope that this will cause political paralysis. That is not going to work. As legislators, we must acknowledge that change is happening, that people are calling for it and that the international community demands it. However, it is incumbent on us to vote down this legislation having been informed that it is unconstitutional. As legal adviser to the Government, the Attorney General has made her opinion clear. I understand that legal opinions may differ, but the Attorney General is the person to whom we turn for legal guidance and to ignore her professional opinion would be to do her a disservice.

As well as caring for our women, we must act to protect our medical professionals. The Bill does not prescribe what constitutes a fatal foetal abnormality and there is no definition of the term “incompatible with life”. While the eighth amendment remains in place, it presents a barrier to those practising medicine who wish to have clarity regarding care. I have spoken before of my support for the calling of a referendum and to ask this generation of people what they want to do with the eighth amendment. Its repeal is in the best interests of the people, and when the time comes for us to canvass, I will travel the country asking people to support that. The citizens convention, which will be established shortly, will be comprised of men and women from throughout the country and of all ages and backgrounds. I hope the process will be executed in a timely and efficient manner and lead ultimately to a repeal of the eighth amendment. By muddying the waters around the eighth amendment with Bills like this, we risk negatively affecting future campaigns where clear and unequivocal questions can be put to the people.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank Deputy Kate O’Connell for that extraordinary contribution and for telling her story as others have told theirs. It is helpful. It is incumbent on us to listen to these stories and to make our decisions in light of hearing them. I also express my appreciation to Deputy Wallace for bringing forward the Bill and to his Independent colleagues, in particular Deputy Clare Daly, who have offered a significant contribution to collective efforts to liberalise Ireland’s abortion laws. As an Independent Member of the House, I am in agreement with the Deputies and many other human rights advocates and activists in Ireland and internationally that Ireland has some of the most restrictive abortion laws in the world. As I am sharing time, I will confine myself to identifying the three main reasons I will not support the Bill.

I am of the view that we need constitutional change and that without it even a perfected version of the Bill will not provide what women need. Article 40.3.3o would remain in place if we passed this Bill in the next couple of months. We all know that the article reads that “The State acknowledges the right to life of the unborn, and with due regard ...”. As it stands, our Constitution guarantees to defend and vindicate the life of the unborn. That is what it says plainly. If Parliament were to pass the Bill, it would necessarily be challenged by the courts and we would not have the legislative regime whereby pregnant women and medical practitioners could, with

care and confidence, terminate a pregnancy in the context of a fatal foetal abnormality.

On the Bill itself, the definition of fatal foetal abnormality refers to a medical condition suffered by a foetus such that it is incompatible with life outside the womb. Early this evening, I spoke to one of Ireland's foremost medical practitioners in this field and in that conversation it was confirmed to me that it is simply not possible for any medical doctor to say absolutely and categorically that a foetus will have no chance of life outside the womb. They cannot say that it will not have life, which is to say that it will not have a heartbeat or a breath outside the womb, even if that breath is only for a few moments or a couple of days. Given that this is the medical reality and given that the eighth amendment protects the right to life of the unborn, any version of the Bill will not provide us with the desired outcome of its authors.

As has been mentioned, we have a citizens assembly coming before us. I understand that this will take more time and that change will not come about soon enough for many women, but I believe that we are at a point in history where, with that process, we have the possibility and the capacity to change. I will work towards that every moment of the day until it happens.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Halligan): It is important in this debate in the media and on social media to note that this has nothing to do with the protection of life as there are some lives that cannot be saved. As we speak here over the next couple of days, some mothers and their partners or their husbands will get terrible news. The news may be that a child or the foetus has trisomy 13 or cystic hygroma, which is foetal chromosomal abnormality, which means that the baby will die in the uterus or die just after birth or that the woman will have a miscarriage. We are saying to those women that they must go through with that and that if they do not, they should leave the country and go to Liverpool or Manchester. That is exactly what we are saying. The majority of people who are saying that are not even female. They are men. They are all men in the church. The majority in this House are men, as has been seen over recent years. This is unacceptable. This is personal to the individual woman. It is unacceptable and unthinkable to allow complete strangers, individually or collectively, or legislators to make such personal decisions for a woman. This is what it comes down to. I cannot take responsibility for this statement - a woman made it to me.

The time has come to face up to reality. We cannot continually export the country's problems. I do not know whether the Bill is anti-constitutional, and I do not care. I care about the women tomorrow, next week and the week after who will have to get on an aeroplane or ship to Liverpool, Manchester or Newcastle and, as has happened, bring a foetus back in a box in the back of a car. This is Ireland in 2016, not 1920. We cannot continue allowing this to happen. Year after year, we find excuses, legal or otherwise, to prohibit women from leaving the country. People should read the issue of *The Irish Times* that showed an image of Ireland surrounded by a barbed wire fence and a woman on a ladder trying to get out. This is 2016 and that can no longer be allowed. The time has come for people to stand their ground on this issue. We must do so for the thousands of women who will be affected in the coming years and for the women who cannot wait another six months, year or two years. I have not even begun to discuss women who have been violated and raped. We tell them to go through with the nine months and have their children whether they like it or not. That we allow this to happen in 2016 is unacceptable.

An Ceann Comhairle: Three Deputies are remaining and I am trying to accommodate everyone. Deputies Catherine Connolly, Catherine Martin and Fiona O'Loughlin are next. Since I must call on the Minister of State at 7.35 p.m., I would appreciate it if the Deputies were as

brief as possible.

Deputy Catherine Connolly: I welcome the opportunity to contribute on this Bill. I welcome the Minister's apology for what has happened. However, he must do more than apologise or give empathy and sympathy. There was a duty on him to publish and make available the judgment of the International Covenant on Civil and Political Rights, ICCPR. He might confirm whether he did. He also had 180 days to make information available about the measures taken to give effect to the committee's views and he must show what effective remedy the State will provide. He is under a legal obligation to devise a solution for this matter. Had the Government come forward regarding its obligation under the decision and told us what it was going to do, perhaps I would have taken more seriously its advice that this draft legislation is unconstitutional.

I welcome the tone of this discussion and the rational and reasonable debate. When the famous amendment was introduced in 1983, the Bishop of Galway was Dr. Eamon Casey and the Magdalen laundry in Galway was still open. It was also the year that Sheila Rodgers died in Drogheda. A young, married Dundalk mother of two, she died in Our Lady of Lourdes Hospital, Drogheda, having given birth to a premature baby. She had become pregnant while receiving treatment for a recurrent cancer. The hospital refused to allow her to stay on the treatment because of her pregnancy. The cancer returned, she died and her baby died. That was 1983, when we introduced the amendment to the Constitution and many lawyers and academics warned that it would lead to significant difficulties.

Of course, problems emerged. In 1992, the X case dealt with the treatment of a 14 year old girl who had been violated, became pregnant and was going to England for an abortion only for the High Court to seek to do everything in secret and to prevent her from going. The Director of Public Prosecutions, DPP, and the Attorney General also tried to prevent it. There is not a mother or father in the Chamber who would not have taken her or his 14 year old out of the country to seek a termination.

Thankfully, the Supreme Court acted sensibly and made a judgment. It deplored the fact that no legislation had been introduced by successive Governments. It allowed Miss X to travel. She deserves her privacy and I am simply referring to the principles involved. The Supreme Court deplored the failure by the Legislature to enact the appropriate legislation, saying that it "is no longer just unfortunate; it is inexcusable". That was 1992. The then President, Ms Mary Robinson, issued a statement on the deep crisis within ourselves. She hoped "we have the courage, which we have not always had, to face up to and look squarely and to say this is a problem we have got to resolve".

In 1992, there was another push for an amendment to copperfasten Article 40.3.3o by ruling out suicide as an acceptable ground. Fortunately, it was rejected by the people. In 2002, a further referendum to overturn the X case - not to deal with the problem or introduce appropriate legislation - was again rejected by the people.

In 2010, and owing to the failure of successive Governments to introduce appropriate legislation, we saw the A, B and C v. Ireland case in the International Court of Human Rights. The court found that Ireland had breached the human rights of a woman with cancer who had to travel abroad to get an abortion. In that case, the woman - C - had a rare form of cancer and feared that she would relapse when she unintentionally became pregnant. However, she said that she was unable to find a doctor who was willing to make a determination as to whether her

life would be at risk if she continued.

One would have imagined that we would have learned something then, but it took another death, that of Ms Harte's in November 2011. It is worth taking a moment to consider her case. She suffered from malignant melanoma and was forced to go to Britain for an abortion despite being terminally ill with cancer. The hospital ethics committee forum had decided against authorising an abortion on the basis that her life was not under immediate threat and so on. The doctors were willing to carry out a termination, but the ethics committee said, "No". She had to be helped onto an aeroplane, such was her illness, to seek a termination. When she returned, her solicitor took a case and won a substantial award for her. She died a few months later. She left a child behind her because we failed utterly to deal with the legislative situation.

My city of Galway saw the shocking case of Savita Halappanavar in 2012. Her doctors and nurses were acting under an unworkable regime of laws. Besides questions about a lack of basic care and treatment and resources in the hospital, there was an issue with there being no termination. This forced the Government to act in the form of the expert group's report, which was suddenly published and led to the Protection of Life During Pregnancy Act 2013. The Act would criminalise me - I am beyond the age - but a woman would be criminalised and face a long prison sentence, fine or both if she sought to terminate a pregnancy due to a fatal foetal abnormality or any other reason. That is what we have done. "Protection of Life During Pregnancy" is a cynical use of language.

Here we are in 2016 being forced to act because of our obligations under the covenant. The committee went to pains to point out that legislation like the 2013 Act and the constitutional amendment are no excuse for not providing services for women who find themselves in this position. In the case of Amanda Jane Mellet, it was found that there was a violation of her rights under Article 7 of the ICCPR and that her treatment was cruel, inhuman and degrading. Can we stand over that? Her right to privacy under Article 17 was violated and she was discriminated against under Article 26. Eleven people will have left Ireland today to have an abortion in England. Many of them will have been carrying a foetus with a fatal abnormality. Can we stand over that system for the approximately 4,000 women we know about who leave our country each year for England? How could we stand over that in this Chamber?

An Ceann Comhairle: Would the Deputy like to give way to her two colleagues who wish to contribute?

Deputy Catherine Connolly: I did not realise I was sharing time. I thought everyone was being given the same amount of time.

I support the Bill. In 2015, 135 women left Ireland for Britain to terminate a pregnancy on the basis that there was a fatal foetal abnormality.

Deputy Catherine Martin: I welcome the Bill. The Green Party will be supporting it. My colleagues in our Technical Group, the Social Democrats, have asked me to express their support for the Bill but, owing to the change in speaking arrangements tonight, they did not get an opportunity to speak.

Tonight, we have an opportunity, in small way, to ease the suffering of parents going on an horrific personal journey, a journey with an inevitable, heartbreaking conclusion. Currently, parents facing a diagnosis of fatal foetal abnormality and trying to deal with this extremely difficult situation have their upset compounded by their being forced to travel abroad, often feeling

like they are sneaking away rather than being closely supported by their families in their own country and by the trusted doctors and nurses on this difficult journey with them. This needs to change. These couples need practical support by translating words, however genuine, into doing our utmost to take action. They need the type of support that many of our medical professionals want to give them. Doctors are powerless, however, and the best they can do is refer these couples to foreign jurisdictions.

In this debate this evening, I have heard some legalistic concerns articulated and relied upon as a reason to oppose the Bill. These concerns are largely misplaced because, in some respects, the Bill represents a real response by its proposers and supporters to address truly desperate, dreadful circumstances that they want to see end as soon as possible. It is, in essence, a type of declaratory action taken in the Dáil. If it passes through the Houses of the Oireachtas, there will be a safety valve in place. Our Constitution provides that the President, if he has concerns, may refer the Bill directly to the Supreme Court, which can pronounce on it and, perhaps, lay out guidelines. In doing so, perhaps the Supreme Court could take into consideration the democratic will of the Houses of the Oireachtas.

An Ceann Comhairle: Does the Deputy wish to give way to her colleague?

Deputy Catherine Martin: Yes. I shall speak for just one more moment. We have not seen any detailed or definitive legal opinion published by the Attorney General. Most importantly, no legal opinion has been published by the Attorney General or shared with us, as legislators, to assist us. The reality is that there can be no categorical presumption of the constitutionality or unconstitutionality of the proposed legislation. In other words, relying upon a categorical or emphatic presumption or assumption would be unwise in these circumstances. Given the choice of supporting this, over which there is a huge question mark, and supporting the parents and bringing an end to their pain, I choose to support the Bill and support the parents.

An Ceann Comhairle: I apologise to Deputy Fiona O'Loughlin as she has just over one minute.

Deputy Fiona O'Loughlin: It is hard to know what to say in a minute on such a complex issue. Luckily, the confirmation of a pregnancy is normally a very happy event filled with expectation, joy and excitement over the prospect of a healthy child. The diagnosis of fatal foetal abnormality must be one of the most tragic of circumstances that any woman and her partner may experience. One must walk in the shoes of such a woman or a doctor, who must work under conditions that do not always seem to be clear-cut, to have a real understanding of the complex issues at play and the agony of having to make a very difficult decision, possibly the most difficult decision of one's life. All we are looking for here is respect for that choice and to facilitate it in a humane way. I commend the women who have come forward to tell their very difficult stories. I also commend the bravery of the women who have gone through with births in difficult, tragic circumstances. I respect their choice also. Free will and choice are powerful gifts. One person's wish may be another's tragedy. What is right for me may not be right for another woman. I have no right to dictate her best option regarding a diagnosis of fatal foetal abnormality. Our approach should not be divisive and should encourage an open debate.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy): I thank Deputy Wallace and his colleagues for publishing the Bill before the House. I thank all the Deputies who have spoken on this issue for their thoughtful and sincere contributions. I hope Deputies Kate O'Connell and Richard Boyd Barrett will not mind my singling them out

in appreciation of their sharing of their personal stories. One would have to be made of stone not to have been moved by the tone of their voices when they were speaking and sharing such traumatic experiences.

I wish to add my voice to the concerns expressed by the Minister, Deputy Harris, for pregnant women and their families who must deal with the diagnosis of fatal foetal abnormality. I heard the contributions of the Deputies with personal experience and those whose constituents have had such experiences. Those who have not had the experience can only imagine the sadness experienced on hearing the diagnosis.

Many of the contributors to the debate suggested that Article 40.3.3° needs to be revisited. They have different views on how to strike the right balance regarding what they would wish to see in any final proposals to amend or remove the eighth amendment from our Constitution.

I wish to respond to a couple of points made. The Government, including the Minister for Health, takes his obligations in regard to the views of the UN Human Rights Committee most seriously. It will certainly be ensuring a response is returned within the obligatory 180 days. The Minister outlined clearly that he is considering, within the law, what other services and responses can be put in place to help women with a prenatal diagnosis of fatal foetal abnormality. It is important we acknowledge that.

Mention was made of the opinion from the Attorney General. We must acknowledge that the Attorney General is the legal adviser to the Government. The Minister has fully reflected that legal opinion in his speech this evening. If anybody has not read that, he or she should avail of the opportunity to do so.

The Government's decision in view of the commitment in the programme for a partnership Government to establish a citizens' assembly to make recommendations to the Dáil on further constitutional changes, including on the eighth amendment, is the way to move forward. As one heard earlier, it will be established earlier than we had anticipated.

The issue of fatal foetal abnormality and the views of the UN Human Rights Committee can be considered as part of this process. The citizens' assembly will be set up very shortly, and consideration of the eighth amendment will be the first matter it will be asked to address. It will be given a specific timeframe, as outlined earlier, in which to report back to us. It is for this reason and the reasons the Minister outlined earlier that I cannot support this Bill. We must take the legal advice of the Attorney General seriously and try to do what is best for the women of this country without making any decisions that will cause further difficulties for them. When the decision is made, it should be made with the women at the heart of it. I hope this will be done sooner rather than later.

Deputy Clare Daly: I acknowledge the apology made by the Minister. It will be important to the individual women, their families and society at large. It is appreciated from that point of view. I recognise from tonight's debate the obvious change that is coming down the track. This is evident from the number of Members present at this hour on a Thursday evening and the cross-party points that have been made.

I appreciate that the sympathy expressed is totally genuine across the House. I do not believe there is any question about that but unfortunately the response put forward by the Government is not urgent enough. We must be honest with ourselves and citizens. The House would not even be discussing this Bill if Deputy Mick Wallace and I had not been lucky to have it

selected in a lottery. That is the truth of the matter. The previous Bill we introduced on this issue was also selected by lottery and since then, nothing has been done to address these issues. As legislators, we are the only people who can address them and what the Government is proposing is not good enough.

There is a consensus across Europe and the developed world, one that has been reflected repeatedly in Irish opinion polls and is an established fact in international human rights law, that terminations of pregnancies in cases of fatal foetal abnormalities must be provided for. I will read part of the Horner judgment in Northern Ireland:

The doctors know when a foetus has an FFA. This is primarily a medical diagnosis not a legal judgment. In those circumstances the doctor can be reasonably certain that the foetus will be unable to live independently outside the womb... There can be no doubt that the mother's inability to access an abortion in those circumstances constitutes a gross interference with her personal autonomy... But in the case of an FFA, there is no life to protect. When the foetus leaves the womb, it cannot survive independently. It is doomed. There is nothing to weigh in the balance. There is no human life to protect.

Despite this, the violation of the rights of the woman continues and the Government states there is nothing we can do. There was no moral argument put forward tonight against the Bill. What does it say about our society that Deputies Kate O'Connell and Richard Boyd Barrett have to come here and relate their intimate and tragic personal stories on the record and our response is that we cannot do anything.

The Minister states the House cannot change the position. If that is true, we have a serious problem in this country because the job we are paid to do is to legislate. The Government is asking us not to do our job based on the advice of the Attorney General and in the absence of the publication of that advice. It has done so against a clear backdrop in which different advice was given by previous Attorneys General. With one week left before a vote is taken on the Bill, it not acceptable, transparent or helpful that the Government has not published the advice of the Attorney General. If it is serious about new politics, it should publish the advice. The Minister can waive his rights on this issue and publish the advice, as one of his predecessors, Mr. Barry Desmond, did when he read advice received from the Attorney General into the record. There is nothing wrong with doing that.

The Minister of State, Deputy Regina Doherty, made the point that she found the Attorney General's advice so compelling that she went along with it. Lucky for her, but if the advice is so compelling, the Government should let us see it and perhaps we will be convinced by it. Maybe the legal experts who disputed the judgment previously will also be so convinced. What does the Government have to lose? Is what we are trying to do not that important? Are we not as entitled as the Government is to examine the facts? I believe we are just as entitled to do so because we only heard tidbits of legal opinion in the Minister's speech, and in saying that I do not intend to be derogatory towards him.

The Minister referred to the definition of the "unborn" and generalities in respect of the phrase we inserted in the legislation on being incompatible with life outside the womb. He drew an inference that this meant that if the foetus was capable of being born alive, even for one second, it would have protection under the Constitution. That is not clear and it is a matter which only the courts can decide. What we know is that the article in the Constitution refers to balancing rights and equal rights. Court judgments on the issue have found that in the case

of a fatal foetal abnormality, the balance shifts to the woman and the question of equality, if one likes, is of lesser importance in that scenario because there is no life to protect. Again, the phrase “as far as is practicable” has been applied. This means that just because something is possible, that does not make it practicable. This also needs to be factored in when we are dealing with these types of cases. It was precisely because of this wording that a previous Attorney General gave sworn testimony to the European Court of Human Rights ten years ago in which he stated that the Irish courts could provide a legal remedy and lawful termination in Ireland of cases of fatal foetal abnormality.

Those are the facts and, as has been pointed out, anything else is just opinion. Only the courts can decide. For this reason, it is not legally incumbent on Deputies to oppose the Bill. On the contrary, it is morally incumbent on us to push it further because the sensibilities of the Attorney General are of little concern to me. One of the Minister’s party colleagues referred on radio this morning to a Bill she will introduce to reduce the time limit for divorce. If such a Bill, however welcome, were introduced in the House, it would be clearly unconstitutional because the Constitution states that a divorce must be preceded by a period of separation of four years. As such, if the Deputy in question introduced a Bill providing for a reduction in the period of separation, it would clearly be unconstitutional. The fact is, however, that the Bill before the House is not clearly unconstitutional. In fairness, the Attorney General was widely criticised by the Fennelly commission, among others.

I do not accept the point made by Deputies opposite that the legislation would muddy the waters or stand in the way of the repeal of the eighth amendment. I could maybe buy that argument if the Government offered us, in exchange for withdrawing the Bill, a referendum on the Constitution. If it were to make such an offer tonight, we would certainly consider it but the offer in town tonight is that the *status quo* will continue.

We must return to the circumstances faced by families who are in this position now and women who do not know that they will be in this position next week. Those are the absolute facts. These are tragic consequences of nature and the diagnosis is not the fault of anybody. It is unbearable for people to have to leave the country and it will be our fault if we do not do something to address the issue.

The citizens assembly is unacceptable. Even if the Government were to speed up the process, it would take at least one year during which at least 200 other women would have to make the journey abroad. I appreciate that the Minister will meet families involved in the Terminations for Medical Reasons group and is examining issues such as the treatment abroad scheme, bereavement counselling and all the basic health care services that these families should be receiving. To be honest, however, these issues are on the agenda because these parents fought and demanded these services in order that other people do not have to endure what they have endured.

The Minister’s final point was that only the Irish people can decide on this matter. If he believes that, I can tell him that Irish people would be very happy to deal with it. Will he give them a choice and allow them to do so? Deputies stated they wanted to deal with this issue. Sometimes one has to take a stand, go for it and give a demonstration of intent and solidarity. We have to say to all of those who have been violated by the State that we are on their side, that it is not acceptable that they must leave their families and loved ones and the medical profession that cared for them so well in this country but cannot refer them and must send them sneaking off to a different jurisdiction, and that we will not put barriers in their way. We are legislators

and we should grab this issue by the throat and present this Bill. What would happen if did so? Tomorrow would be much like today, except for those who are at the coalface because we will have made a gesture by saying that we will stand by them.

We heard about other courts adjudicating on this matter. That will happen in any case, but at least the House will have taken a stand on this issue. The Minister has not put forward any valid reason that the Bill should not go through. We owe it to ourselves and the people who have been and will be afflicted by this issue to take this legislation further and herald a new dawn in Ireland for human rights and women's rights.

I remind the Government, and in doing so appeal to its backbench Deputies, that three or four weeks ago, it allowed a Bill it described as unconstitutional to pass Second Stage. My God, it can at least do the same on a women's rights issue.

Question put.

An Ceann Comhairle: In accordance with Standing Order 72, the division is postponed until the weekly division time next Thursday, 7 July 2016.

Estimates for Public Services 2016: Messages from Select Committees

An Ceann Comhairle: The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the following Revised Estimates for Public Services for the year ending 31 December 2016: Votes 1, 2, 3, 5, 6, 7, 8, 9 and 10. The Select Committee on Foreign Affairs and Trade, and Defence has completed its consideration of the following Revised Estimates for the year ending 31 December 2016: Votes 35 and 35.

Business of Dáil

An Ceann Comhairle: Finally, I wish to announce for the information of the House that an incorrect result was announced on the last vote on the motion concerning the National Asset Management Agency during voting time today - that is, on the question: "That the motion, as amended, be agreed to." The result was inadvertently announced as Tá, 90; Níl, 93. The actual result was Tá, 90; Níl, 33.

The Dáil adjourned at 7.50 p.m. until 2 p.m. on Tuesday, 5 July 2016.