



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Leaders' Questions	2
Order of Business	12
Standing Orders: Motion	23
Ceisteanna - Questions	24
Taoiseach's Meetings and Engagements	24
European Council Meetings	29
Departmental Properties	36
Appointments to State Boards	37
Priority Questions	41
Brexit Issues	41
Human Rights	44
Syrian Conflict	46
Humanitarian Access	48
Other Questions	51
Human Rights	51
Foreign Conflicts	55
Consular Services Representations	57
Syrian Conflict	59
Diplomatic Representation	63
Business of Dáil	65
Topical Issue Matters	66
Topical Issue Debate	67
Planning Issues	67
School Closures	70
Garda Industrial Relations	72
Hospital Procedures	74
Finance Bill 2016: Order for Second Stage	77
Finance Bill 2016: Second Stage	77
An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (An tOchtú Leasú a Aisghairm) 2016: An Dara Céim [Comhaltaí Príobháideacha]	95
Thirty-fifth Amendment of the Constitution (Repeal of the Eighth Amendment) Bill 2016: Second Stage [Private Members]	95

DÁIL ÉIREANN

Dé Máirt, 25 Deireadh Fómhair 2016

Tuesday, 25 October 2016

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: We face strike action in our secondary schools, in particular from the ASTI. Fianna Fáil supports the Lansdowne Road agreement and has been consistent in so doing. There have been consistent calls for the ASTI to enter the Lansdowne Road agreement. This strike is unnecessary and it can and should be avoided. If it is not, thousands of students across the country will suffer. They will be the main victims.

There is no question that the teachers have issues across a range of areas, not least junior certificate reform. Not everybody was fully agreeable to all that, including me, but while I have issues with some aspects of it, it is not a matter which necessitates industrial action. The issue seems to have crystallised around equal pay, in particular for new entrants. While the TUI and the INTO have negotiated a partial restoration of pay equality, from about 15% to 22%, we have consistently supported the idea that there has to be full pay restoration over time and that new entrants should not be disadvantaged into the future as they have been in the past few years. That is a key objective, on which there seems to be a lot of consensus.

I watched the debate on “Claire Byrne Live” last night, during which the president of the ASTI seemed to indicate that the central issue causing the strike was a commitment to full pay restoration. In other words, the union wants to ensure the Government is committed not just to that which has been negotiated to the expiry date of the Lansdowne Road agreement but also beyond to full equalisation of pay for new entrants. During the debate the Minister of State, Deputy Damien English, said there would be and indicated that it was Government policy. I stand to be corrected, but I understand that some time ago the Minister for Education and Skills, Deputy Richard Bruton, indicated something similar. However, there does not appear to have been any categorical articulation of that principle by the Government side in the current talks. It would be interesting if the Taoiseach were to indicate that the Minister of State, Deputy Damien English, fully articulated official Government policy. Is it the case, officially, that the Government is committed, once the Lansdowne Road agreement expires, to full restoration of equal pay? It seems that the other unions negotiated and did not abandon their commitments - they

will continue to fight for equal pay. Therefore, one is left with the question as to why schools have to close at all.

As the Taoiseach knows, we should be in no doubt that the withdrawal of supervision means the indefinite closure of schools. People may not have been aware of this, but that is the practical reality of the withdrawal of supervision. There may be a temptation within the system to punish the ASTI, a temptation which should be resisted. A genuine effort should be made to determine whether consensus can be arrived at on the issue of equal pay. There does not seem to be a whole lot between people on the core issue.

The Taoiseach: I am disappointed that things have gone this far, but there is still time for the ASTI to pull back. The Minister for Education and Skills, Deputy Richard Bruton, has been diligent in wanting to see the threatened strike being called off. It is a dispute that is unnecessary. Clearly, the issues that have led to it have already been dealt with for other unions within the Lansdowne Road agreement. The deal on offer to the ASTI, on which its members were balloted and which was accepted by other unions, would result in pay increases of between 15% and 22% for new entrants to teaching, with further benefits in working conditions and a route to possible further improvements through the public pay commission which was announced today by the Minister for Public Expenditure and Reform and endorsed by the Government.

For the information of the House, under the proposed deal for new entrant teachers which is being implemented for the INTO and the TUI and which potentially is on offer to the ASTI, the starting pay of new entrant members would increase by 15% until 31 August 2016 and 1 January 2018, from €31,009 to €35,602. An individual member recruited since 1 September 2015 would see a 22% increase in his or her pay in the same period, from €31,000 to €37,723. In terms of career earnings, the deals that have been done would restore approximately three quarters of the reductions for new entrants since 2011.

In fairness to Deputy Micheál Martin, he raised a particular question about equality. I hope the threatened strike can be called off. Sensitive discussions are taking place. Equality and fairness are central to everything the Government tries to do, particularly in education where the Minister, Deputy Richard Bruton, has focused on creating better opportunities for people from disadvantaged areas in the school system and higher education. As the Deputy knows, a number of measures were contained in the recent budget to deliver on this objective. As I have mentioned, the deal that was put on the table was accepted by the TUI and the INTO.

In respect of equality, there are others groups that we have to bear in mind. There is a need for equality between public servants in different parts of the public service. There is also a need for equality between public servants and those who work elsewhere or do not work at all. As IMPACT warned yesterday, it would not be equal or fair for us to make sectoral deals with particular public servants that would leave other public servants who had signed up to the Lansdowne Road agreement disadvantaged. It would also not be equal or fair for us to make unaffordable deals with particular public servants that would mean that we would have no money left in the public purse to provide for increases in social welfare payments for vulnerable groups, tax reductions for those at work or investment and improvements in public services on which people rely.

While the Deputy's question is valid, the talks are at a very sensitive stage and I do not propose to deal with the issue on the floor of the House, except to say fairness has been central to the negotiations in which the Minister, Deputy Richard Bruton, has been involved all the way

along the line.

Deputy Micheál Martin: The Minister of State, Deputy Damien English, seemed to say it last night.

The Taoiseach: No, I did not see him last night.

Deputy Micheál Martin: No, I am saying he said it. I saw it. He was very clear that there would be full restoration of equal pay for young teachers. I think the word he used was “eventually”, but he was very clear on the principle. It was in response to the point made by the president of the ASTI during the debate on television last night, on which I seek clarity today. Was he officially articulating Government policy? My understanding is that the Minister, Deputy Richard Bruton, at some time prior to this - I do not have the date - indicated something similar. There should be full restoration of equal pay. Obviously, it has to be negotiated in the broader post-Lansdowne Road agreement framework, but I have no issue in saying it and would be surprised if people ultimately had issues with it. The Minister of State, Deputy Damien English, said it clearly last night. It seems that, in some respects, it was a very clear answer to the request articulated by the president of the ASTI on last night’s programme. Will the Taoiseach indicate whether it is Government policy or whether the Minister of State was winging it?

The Taoiseach: The Government has committed to implementing the Lansdowne Road agreement in full. As the Deputy knows, this requires continued careful management of the economy and a structured way in which to respond to the reductions made, three quarters of which have already been restored in the negotiations and signed off on by two of the teacher unions. The Government is fully committed, within the constraints, full implementation of the Lansdowne Road agreement and we need an orderly and structured way in which to do so. That is the reason for the negotiations which have been concluded successfully to this point by the TUI and the INTO, with benefits for their respective members. The same benefits are on offer to the ASTI. In response to the Deputy’s final question, I say to the ASTI that no one wants to see the strike happen. The issues in dispute have been dealt with successfully and negotiated on with the members of two other unions. There are two particular issues at stake, one which is supervision, while the other is equality for new entrants. Both issues are on the table and have been discussed successfully in part by two other unions. The benefits are on offer to the members of the ASTI, if it wishes to deal. The Minister has made his comments on supervision. Obviously, if the strike is called off-----

Deputy Micheál Martin: Full equality.

The Taoiseach: -----it will have an impact on the issue of benefits for the members of the ASTI.

Deputy Gerry Adams: As well as the prospect of 17,000 teachers engaging in strike action, there is the prospect of 12,500 gardaí withdrawing their labour. There is also a very real prospect that nurses and doctors will engage in industrial action in the near future. They are doing this not out of greed or selfishness but because of very legitimate concerns about their pay and conditions. These concerns are justifiably shared throughout the public sector following seven years of pay cuts by the Taoiseach’s Government, the Labour Party and Fianna Fáil. There is a real prospect of school closures and of communities being without gardaí and this is a sure sign the Government is failing to address the growing number of industrial relations disputes to the detriment of workers and the public at large, including school pupils.

The vast majority of public servants want and deserve the fair and timely unwinding of the FEMPI cuts and the pay restoration they need. We know it cannot be achieved overnight. That is a given, but it can be time limited through direct dialogue and the formation of a new pay agreement that offers a road map to full pay restoration. What is required is meaningful dialogue that sets out a clear and sensible plan for the provision of full pay restoration which prioritises those on low and middle incomes. Instead, the Government is ducking and diving.

The demands of the teachers and An Garda Síochána are not unsurmountable. In our alternative budget, Sinn Féin provided for the restoration of allowances for all teachers and gardaí recruited post-2011, which are core demands of the ASTI and the GRA, respectively. Pay equality for post-2011 entrants also needs to be put in place before the scheduled end of the Lansdowne Road agreement. The Government's current position that this measure can only begin in two years' time is just not feasible. Kicking the can down the road, the habitual sport of this Government, will not solve the problem.

Does the Taoiseach agree that allowances should be extended to all new entrants, that the next round of talks for a new public sector pay agreement should begin without delay and that any new pay agreement must set out a clear timetable for a single pay scale for public workers and the restoration of allowances?

The Taoiseach: The discussions with the GRA and the AGSI are at a sensitive stage. It is disappointing, as Deputy Adams will be aware, that the GRA's members rejected the agreement reached with the Department in recent weeks and that the GRA has announced its intention of taking industrial action. I hope that can be averted. It is also disappointing that the AGSI announced its intention to follow suit earlier this week. This is particularly so given that it has not balloted its members on the taking of this action and that just seven weeks ago, 70% of its members voted to accept the Lansdowne Road agreement. Be that as it may, these discussions are at a sensitive stage.

Does anyone in the country want to see the withdrawal of 12,500 gardaí from the streets? Does anyone want to contemplate what might happen in some instances were that to take place? All I can say from this seat is that the Tánaiste, the Minister for Public Expenditure and Reform and everyone concerned are more than willing, within the constraints of the Lansdowne Road agreement, to see that some progress is made. We have already made an announcement in respect of the public service pay commission today. Everything that can be done is being done. We have set out and adhered to the principle of access to the Workplace Relations Commission and the Labour Relations Commission for members of the gardaí. The Horgan report, due to be finished in a few weeks' time, will feed into that also.

This is a sensitive issue and I am conscious that any remarks made here about any progress being made by any trade union is watched closely by others. Two groups are involved. We have the ASTI on the one hand and the GRA and the AGSI on the other. All the other trade unions, with 250,000 workers, have signed on for the progress being made under the Lansdowne Road agreement, the unwinding of the financial emergency legislation, and the progress we know we can make. To be fair to everyone, let me repeat that I hope the GRA and the AGSI will continue to negotiate diligently with the Tánaiste and Minister for Justice and Equality and those involved in the discussions and that whatever flexibility and progress that can be made, within the confines of the Lansdowne Road agreement, is discussed and negotiated. This is an issue about the security of our country and the protection and safety of our citizens. Gardaí, who do a job above and beyond the call of duty and for whom we have always had respect, are

at a critical point. These discussions are very sensitive at the moment and I do not want to say anything that would disrupt them, except to say that nobody wants to see a situation where, for the first time ever, 12,500 gardaí will be withdrawn from public duty and public service on the streets and villages of the country. There are further talks planned and I hope everybody can focus on those and make progress in the interests of moving the country forward.

Deputy Gerry Adams: We want the talks to succeed. The Taoiseach has outlined all of the difficulties and problems but he has to be a problem solver and solution finder. The fundamental principle here is one of pay equality. We get conflicting messages all the time from the Government. The Taoiseach says the public sector pay commission will be the way forward, while the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, says the pay commission will not be a substitute for direct talks. Conflicting signals are also being sent on the issue of whether gardaí will have access to the Labour Court and Workplace Relations Commission. When I put this matter to the Taoiseach last week he refused to commit to this issue, yet we hear reports that the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, has told the AGSI that she is absolutely committed to providing gardaí with access to the Workplace Relations Commission and Labour Court and that work has started on preparing the necessary legislation.

Sinn Féin believes that all workers, including members of An Garda Síochána, have the right to withdraw their labour and engage in industrial action. I am sure gardaí and teachers have only come to their decisions very reluctantly. As I stated, the issue is one of equal treatment and equality. Which is it in respect of gardaí? Will they be given access to the industrial relations mechanisms open to other workers?

The Taoiseach: As I said already, there cannot be any question other than continuing to have a managed and prudent approach to dealing with public sector pay and the unwinding of the financial emergency measures in the public interest, FEMPI, legislation and restoration of the cuts it introduced, nor can there be any question of making special arrangements for anybody outside the Lansdowne Road agreement.

Deputy Gerry Adams: Except for Deputies and Ministers.

The Taoiseach: People must work within the constraints of the agreement.

The Government is conscious that the association and many others in the public sector are frustrated with the pace of pay restoration. However, the Minister and Government do not have at their disposal the wherewithal to deal with these things immediately. Within that framework, the Government is committed to the establishment of the public pay commission announced today, which will examine pay levels across the public service, including entry levels of pay, and the gradual negotiated repeal of the financial emergency measures introduced under the FEMPI Act. The first report of the pay commission will address the issue of unwinding that legislation in terms of restoration of pay deducted and help the Government by pointing out the strategy to establish that legislation. The public pay commission will give equal status to all public services and it can be expected that each of these groups, including the Garda representative associations, will be afforded the opportunity to make their case and voice their specific concerns about remuneration matters. The Government is committed to the principle of access to the Workplace Relations Commission and Labour Court.

Deputy Brendan Howlin: As a matter of law, the Taoiseach has responsibility for the Na-

tional Economic and Social Council, NESC, and relations with social partners. The Government has sought to introduce legislation to repeal the NESC Act but that has not occurred. As of now, therefore, the Taoiseach has responsibility for the NESC.

This week, as others have told the Taoiseach in clear terms, the impact of industrial unrest will be very real indeed. Parents and students will be disrupted and parents are already very anxious about how they will cope and manage their daily affairs, whether getting children to school or minding them at home if schools are closed. Garda sergeants and inspectors will ramp up their administrative action and we face very shortly the horrendous thought of a full withdrawal of An Garda Síochána from front-line duties.

My party has proposed solutions to these issues. As one of the architects of both the Haddington Road and Lansdowne Road agreements, I have argued for some time that we need to formally begin negotiations for a successor deal to the Lansdowne Road agreement that would accelerate the restoration for all public servants on an agreed and affordable basis. Labour has also argued, and Seanad Éireann agreed with the formal resolution put to it, that an employer-labour conference should be re-established.

None of these seem to matter. The Government mantra, which we have heard again and again, is that the Lansdowne Road agreement is the only show in town, as if Government policy was frozen in time. It is clear that this mantra is not now good enough. FEMPI, as I have continually repeated in this House, is by definition emergency legislation that has to be justified on an ongoing basis to the courts, and there have been many challenges. There is an imperative on the Government to be seen to be engaging in unwinding that legislation in a way that does not threaten the public finances and that is fair to all public servants.

What the law says in particular about the National Economic and Social Council, NESC, is that it is required to advise the Government on developing a strategic framework for the conduct of relations and negotiations between Government and the social partners. In that specific legal context, was the Taoiseach or his Department engaged with NESC in seeking its advice on a strategic framework for industrial peace? Has he sought its advice on these matters or is the Government's approach simply to ignore what the law says, as well as ignoring the growing list of expert opinion, daily recited in the national newspapers, which agrees with the proposals I have once again put to him, namely, to continue engagement in the unravelling over time of the FEMPI legislation, in an orderly and affordable way that is fair to all?

The Taoiseach: The first duty of the public pay commission announced today will be to look at the question of how the legislation should be dealt with in a strategic and focused manner. Obviously, as the Deputy is well aware from his time in office, prudent management of the economy in terms of public sector pay is very important. Given the nature and scale of the numbers involved and the number of unions that have signed up to negotiated agreements in regard to Lansdowne Road, we hope this can continue.

As I said, the ASTI, the AGSI and the GRA are the subject of the full attention of both the Minister for Education and Skills and the Tánaiste and Minister for Justice and Equality. The Labour Employer Economic Forum met the week before last for a very good engagement between union and employer representatives about the nature of the challenges that lie ahead. It was not a negotiating or decision-making meeting but a means of pointing out their respective concerns and the challenges they see ahead. I found it very useful.

Given the sensitivity of where we are now, I do not have a report from NESC on my desk pointing out the way ahead. NESC is well aware of the law and its legal requirement under that. I am more concerned about the immediacy of making progress on very sensitive issues involving the ASTI, the GRA and the AGSI. I hope the representatives of the three groups involved will meet again with Ministers and their officials and work out, within the constraints of the Lansdowne Road agreement, a way forward. Everything that can be done will be done. Nobody wants to see this happen. While we do not have the wherewithal to restore pay, it has to be done in an ordered, focused and strategic manner, as is evident from the agreed outcome of the discussions between the Minister for Education and Skills, the TUI and the INTO. The benefits will be available tomorrow to the ASTI. I ask its members to reflect very carefully on what their losses are because of the failure to agree on a negotiated settlement that two other very substantial unions have put in place and in respect of which progress is being made towards what will happen in the future. The same is open to the ASTI.

On the questions raised by Deputies Brendan Howlin and Gerry Adams, obviously no one wants to see the withdrawal of 12,500 gardaí, for whatever reason, from the streets and villages of the country. I hope responsibility will be evident in the discussions, from the Minister's and the Tánaiste's points of view, and from both associations. We have made progress in difficult circumstances and can and will make further progress. Clearly, the way ahead in respect of the FEMPI legislation will be pointed to by Professor Horgan and the public pay commission and the principle of access to the Workplace Relations Commission and the Labour Court for members of An Garda Síochána will be accepted by the Government.

Deputy Brendan Howlin: It is clear to any seasoned observer of industrial relations that the Government is simply sleepwalking into disaster. For all the talk about "engagement", the only way to hold the public services together is to negotiate with everybody. As I said weeks ago, bilateral deals will pull the agreement apart. I do not believe it is an exaggeration to say all public servants have made an enormous contribution to the recovery of the State. Without their contribution, we would not be in the financial position we are in. All of them now need to see a clear pathway to full pay recovery. They understood all the reductions were couched in emergency legislation that had to be fully unwound for everybody. There is no mechanism proposed by the Government to do this. Seeking to assuage individuals as they emerge with clear demands is a recipe for prolonged industrial chaos, if not the complete collapse of the overarching agreement across the public service. Will the Government consider again doing exactly what was done in the past? As the economy improves, will it reopen negotiations with all public sector unions on a new national pay agreement that would fold into the Lansdowne Road agreement just as the latter agreement folded into the Haddington Road agreement?

Deputy Ruth Coppinger: The Labour Party was in charge of the cuts, by the way.

The Taoiseach: The Ministers are focusing on dealing with the sensitive and critical issues that are the subject of much discussion with the ASTI, the GRA and the AGSI. As I said, Professor Horgan's report and the public pay commission will point the strategy towards the complete unwinding of the FEMPI legislation. It is, of course, understood-----

Deputy Brendan Howlin: In nine months' time.

The Taoiseach: It is understood we have to have a successor to the Lansdowne Road agreement. That is a process on which the Government must focus also, but it does not have the wherewithal, given its resources, to offer restoration now. There has to be a strategy for and a

25 October 2016

structure to it. That strategy and structure are evidenced in the other public sector unions and in case of the TUI and the INTO, both of which see substantial benefits being gained from the discussions and agreed negotiations. Believe me, the Government does not want the strikes to take place. I hope the unions involved will see that the Government wants to act absolutely responsibly. Where there is flexibility within the Lansdowne Road agreement, it will be shown, as in the case of other unions. Clearly, the road ahead points to a successor to the Lansdowne Road agreement. The Government will also focus on this.

Deputy Paul Murphy: Many people were shocked to learn on Friday that a 17 year old had been found guilty of false imprisonment because of his participation in a protest. There was no allegation or charge against him of any violence-----

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

Deputy Paul Murphy: -----and he was recognised-----

An Leas-Cheann Comhairle: Before the Deputy continues-----

Deputy Paul Murphy: Sure.

An Leas-Cheann Comhairle: -----I refer him to the fact that all Members will be aware of the long-standing ruling of the House that decisions of a court cannot be subjected to review or discussion in the Dáil. I am not pre-empting what the Deputy will say but I feel I should say that. The ruling is particularly important where an appeal may be pending. I request the Deputy to exercise discretion when making his comments. Perhaps he might focus on public policy rather than a specific case.

Deputy Paul Murphy: That is fine. I was in touch with the Ceann Comhairle's office to-----

An Leas-Cheann Comhairle: I am not taking up the Deputy's time.

Deputy Paul Murphy: Sure. I thank the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: The Deputy has three minutes.

Deputy Paul Murphy: I will speak about the implications of the judgment.

An Leas-Cheann Comhairle: The Deputy should speak generally.

Deputy Paul Murphy: I will. There was no allegation or charge against the boy of any violence, and he was recognised by the judge as having led a blameless life. However, he was found guilty of false imprisonment because he sat in front of a car and encouraged others to do so, he participated in a slow march, he used a megaphone to chant "No way, we won't pay" and he momentarily stood in Deputy Joan Burton's way and asked her to talk to him. That is it. He was protesting, not kidnapping.

(Interruptions).

An Leas-Cheann Comhairle: Deputy Paul Murphy agreed-----

Deputy Paul Murphy: I am not asking the Taoiseach-----

An Leas-Cheann Comhairle: The Deputy has been specific.

Deputy Paul Murphy: Sure.

An Leas-Cheann Comhairle: I ask him to focus on public policy-----

Deputy Paul Murphy: I will.

An Leas-Cheann Comhairle: -----rather than a specific case because it could well be *sub judice* if there is an appeal pending. I therefore ask him to observe long-standing traditions of this House, otherwise he cannot be allowed to continue.

Deputy Paul Murphy: Okay. In the boy's trial, his barrister argued that to find him guilty would be a recipe for totalitarianism-----

(Interruptions).

An Leas-Cheann Comhairle: Deputy Paul Murphy must-----

Deputy Paul Murphy: A Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: He cannot do this. He cannot change unilaterally the long-standing tradition of this House-----

Deputy Paul Murphy: I am not doing so.

An Leas-Cheann Comhairle: I ask him to be general and talk about public policy rather than a specific case.

Deputy Paul Murphy: Okay. I will quote Jimmy Kelly, the leader of a trade union in this country, namely, Unite.

Deputy Timmy Dooley: A good one.

Deputy Paul Murphy: He said that this judgment could “effectively criminalise democratic protest, and [this could] have very serious implications for our democracy”. This goes far beyond this particular case or those of others facing pending trials next year or even the anti-water charges movement as a whole. It strikes at a very core of democracy and the right of people to protest. The dramatic broadening of the definition of false imprisonment constitutes a threat to basic civil liberties. It is a threat to the right of trade unionists to mount effective pickets; it is a threat to the right of anti-war activists to have sit-down protests; it is a threat to the right of pro-choice activists to have a slow march. Does the Taoiseach think that in future those who engage in sit-down protests, slow marches or pickets should be criminalised and face the charge of false imprisonment with a possible sentence of up to life in prison?

I will give a few examples over the past years that could now be judged to be false imprisonment. In August 2014, effective pickets were mounted by striking Greyhound workers campaigning against massive cuts to their wages. Those pickets stopped strike-breaking trucks from leaving the yard. The Taoiseach or anyone else can agree or disagree with that action, but the question is whether he thinks that effective picketing should be classed as false imprisonment and treated as such. In October 2014, farmers blockaded meat factories in protest against cattle prices. Again, the Taoiseach can agree or disagree with their actions, but does he think their actions should be counted and treated as false imprisonment? What about students having sit-down protests, which has happened on multiple occasions, delaying multiple Ministers, including even former Taoiseach, Charles Haughey, in 1989 in UCD? Should that now be

treated as false imprisonment? Does the Taoiseach think protest should now be criminalised and treated as false imprisonment?

An Leas-Cheann Comhairle: I ask the Taoiseach to deal with the general question.

The Taoiseach: I have always held the view that peaceful protest in this country has always been permissible and will continue to be permissible. There is a difference, however, in the blocking of a public road to prevent people from going about their duty. Deputy Paul Murphy is also aware that the-----

Deputy Mick Barry: That is incredible.

The Taoiseach: -----courts have been completely independent of the political system. It is a matter for the judges to interpret what the law is, and in the particular case the Deputy mentions no conviction has been recorded against the young man. Peaceful protest will always be part and parcel of our country, and I hope that will be respected for what it is.

An Leas-Cheann Comhairle: Deputy Paul Murphy may generalise again.

Deputy Paul Murphy: There is a contradiction in the Taoiseach's answer. He said that peaceful protest has always been permitted, but then went on to say that the blocking of a public road may not be. The blocking of public roads has often been a part of peaceful protest. If a protest goes down a road, generally the people behind are impeded in their progress. The Taoiseach was met by sit down protesters in Galway, I think, in 2012. Many Ministers have been met by sit-down protests in UCD. I think Labour members were involved in sit-down protests-----

(Interruptions).

Deputy Paul Murphy: -----over the use of Shannon Airport in the past.

Deputy Richard Boyd Barrett: That is different, though.

Deputy Paul Murphy: Are the cases I outlined, which involve the blocking of roads and acts of civil disobedience as part of effective protest to be allowed or not? Not only not allowed, but are they to be prosecuted with one of the most serious possible charges in the State, that of false imprisonment. What has happened is a threat to the right to protest. On the basis of the evidence presented, that was all he was accused of. There was no kidnapping involved. It was simply protesting. The question is whether protest is to be allowed anymore or is to be banned and deemed as false imprisonment.

The Taoiseach: It is a matter for the Judiciary as to the interpretation of the law.

Deputy Richard Boyd Barrett: We write the law.

The Taoiseach: Public peaceful protest has always been perfectly legitimate in Ireland. I have a very strong view that people going about their legitimate business should not be prevented from doing so. In that case there is always a difference in the kind of protest. People going about their business should not be prevented from so doing.

Deputy Mick Barry: The Taoiseach is criminalising protest.

An Leas-Cheann Comhairle: The Taoiseach without interruption.

The Taoiseach: Peaceful protest has always been part and parcel of Ireland and long may it continue to be so.

Deputy Ruth Coppinger: Meanwhile 15-year olds-----

An Leas-Cheann Comhairle: We move now to the Order of Business.

Deputy Richard Boyd Barrett: Scandalous.

Order of Business

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): Today's business shall be No. 8, motion re changes to Standing Orders without debate. Government business shall be No. 3, Finance Bill 2016 - Order for Second Stage and Second Stage. Private Members' business shall be No. 22, Thirty-fifth Amendment of the Constitution (Repeal of the Eighth Amendment) Bill 2016 - Second Stage by the AAA-PBP. Tomorrow's Government business shall be No. 3, Finance Bill 2016 - Second Stage (resumed); and No. 13, post-European Council statements. There will also be expressions of sympathy on the death of former Member, Paddy Lalor. Private Members' business shall be No. 23, Judicial Appointments Commission Bill 2016 - Second Stage by Fianna Fáil. Thursday's Government business shall be No. 8a, motion re Ireland's agreement to formally ratify the UN Paris Agreement on Climate Change from the Department of Communications, Climate Action and Environment; and No. 3, Finance Bill 2016 - Second Stage (resumed). No. 24, Prohibition of the Exploration and Extraction of Onshore Petroleum Bill 2016 - Second Stage will be taken in the evening slot.

I refer Members to the report of the Business Committee of 20 October 2016. In relation to today's business there are two proposals. It is proposed that:

- (1) No. 8 will be taken without debate; and
- (2) No. 22 will be brought to a conclusion at 10 p.m. tonight if not previously concluded.

In relation to Wednesday's business there are six proposals. It is proposed that:

- (1) the Dáil shall sit at 10 a.m.;
- (2) the Dáil shall sit later than 10 p.m. and adjourn not later than 10.50 p.m.;
- (3) the expressions of sympathy shall take place after Questions on Promised Legislation, to be brought to a conclusion after 20 minutes if not previously concluded and each contribution shall not exceed two minutes;
- (4) No. 13 shall commence immediately after Taoiseach's questions and shall be followed by questions to the Minister for Communications, Climate Action and Environment and shall be brought to a conclusion after 1 hour and 45 minutes, if not previously concluded. A Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, may speak for ten minutes each. A Minister or Minister of State shall take questions for a period not exceeding 20 minutes and there shall be a five-minute response from a Minister or Minister of State. All Members may share time;
- (5) the suspension of sitting shall take place for 30 minutes after questions to the Minister

25 October 2016

for Communications, Climate Action and Environment. Topical Issues shall take place on the conclusion of the sos and Private Members' business shall take place on the conclusion of Topical Issues for two hours; and

(6) No. 23 shall be brought to a conclusion after two hours if not previously concluded. There are five proposals for Thursday's business. It is proposed that:

(1) The Dáil shall sit at 10 a.m.,

(2) The Dáil shall sit later than 5.48 p.m. and adjourn on the conclusion of the debate on Item 24,

(3) Item 8a, shall be brought to a conclusion by 12 midday if not previously concluded. A Minister or Minister of State and the main spokespersons for parties or groups, or a member nominated in their stead may speak for ten minutes each. Other Members may speak for ten minutes within the allotted time and there shall be a five minute response from a Minister or Minister of State. All Members may share time.

(4) Item 3, if not previously concluded, shall be brought to a conclusion at 3.30 p.m. and any division demanded on the conclusion of the Second Stage debate shall be taken immediately and shall be followed immediately by Question Time, and

(5) That the Dáil on its rising shall adjourn until 2 p.m. on Tuesday 8 November 2016.

An Leas-Cheann Comhairle: I thank the Minister of State. There are three questions to be put to the House. Is the proposal for dealing with No. 1, today's business, agreed to?

Deputy Aengus Ó Snodaigh: I object to a number of items on the proposals for the business of today, tomorrow and Thursday. They are all related because they are related to the timing of-----

Deputy Micheál Martin: Is it just the business for Tuesday we are dealing with now?

An Leas-Cheann Comhairle: We are just dealing with Tuesday's business now.

Deputy Aengus Ó Snodaigh: I know. I said Tuesday - which is today - tomorrow and Thursday, and that they are all related. I can deal with them one by one and I could get up and down like a yo-yo-----

An Leas-Cheann Comhairle: Let us deal with Tuesday.

Deputy Aengus Ó Snodaigh: -----but I would prefer just to deal with it once.

Deputy Micheál Martin: Some people may have no objection to Tuesday's business. They might have an issue with Wednesday and they might have an issue with Thursday.

(Interruptions).

An Leas-Cheann Comhairle: We are dealing with them individually. I will be dealing with them individually, so on Tuesday's business.

Deputy Aengus Ó Snodaigh: The context of my objection for Tuesday's business is the lack of time allowed for the Finance Bill throughout all three days. I propose that we amend the business today to sit until 12 midnight to allow for an additional two hours today to ensure

that additional speakers get to speak on the Finance Bill today. I will propose the same for Wednesday's and Thursday's business when they come up.

An Leas-Cheann Comhairle: We are dealing with Tuesday's business. Deputy Ruth Coppinger, on Tuesday's business.

Deputy Ruth Coppinger: I thank the Leas-Cheann Comhairle. I heard him say Tuesday's business. I want to raise the issue of the Private Members' Bill being brought forward tonight by the Anti-Austerity Alliance and People Before Profit with regard to the referendum to repeal the eighth amendment to the Constitution, and the reported disgraceful manoeuvres of the Government in relation to that Bill. I believe the Dáil and the electorate should be very clear about what is being proposed. Contrary to news reports there is no-----

An Leas-Cheann Comhairle: The Deputy will have an opportunity to discuss that during Private Members' time.

Deputy Ruth Coppinger: Sorry Leas-Cheann Comhairle, I am entitled to raise anything on the Order of Business today with regard to my time on the Order of Business, if you do not mind.

An Leas-Cheann Comhairle: What about your timing, what is the Deputy's proposal?

Deputy Ruth Coppinger: The Government is proposing to oppose the Bill to repeal the eighth amendment yet it is reported in the news by the Minister for Children and Youth Affairs, Deputy Katherine Zappone, that the Government is not. By doing that, they are ensuring there will be no referendum whatsoever during the lifetime of this Government.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Ruth Coppinger: It is important that the Government responds. They have been out-----

An Leas-Cheann Comhairle: They will.

Deputy Ruth Coppinger: Sorry Leas-Cheann Comhairle, do you mind?

An Leas-Cheann Comhairle: I will ask the Government.

Deputy Ruth Coppinger: They have been out in the media saying there is a special committee and that they are going to speed up dealing with this issue-----

An Leas-Cheann Comhairle: The Deputy is out of order.

Deputy Ruth Coppinger: Sorry Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: The Deputy is out of order.

Deputy Ruth Coppinger: How am I out of order when I am raising something on the Order of Business?

An Leas-Cheann Comhairle: The Deputy has no proposal. What is your proposal?

Deputy Ruth Coppinger: I am proposing an amendment to a Bill that we are putting. We are entitled that it would be clarified.

25 October 2016

An Leas-Cheann Comhairle: No, that is an amendment to the Bill, not to the-----

Deputy Micheál Martin: We are not yet at the Order of Business.

Deputy Ruth Coppinger: What I am-----

(Interruptions).

An Leas-Cheann Comhairle: The Deputy will have an opportunity to put down an amendment to the Bill, but not to the Order-----

Deputy Ruth Coppinger: So I do not have an opportunity-----

An Leas-Cheann Comhairle: If the Deputy wants to amend the Order of Business then propose it.

Deputy Ruth Coppinger: Can I finish then?

An Leas-Cheann Comhairle: Proposals to the Order of Business.

Deputy Ruth Coppinger: My proposal is that the Government pulls back from this completely undemocratic manoeuvre-----

An Leas-Cheann Comhairle: I thank the Deputy, that is her proposal.

Deputy Ruth Coppinger: -----because some of the architects of the eighth amendment are foisting this further doing down of women's rights-----

An Leas-Cheann Comhairle: That is-----

Deputy Ruth Coppinger: People who were here 33 years ago. What others - young people and women who have wanted a change for a long time now - will be very surprised by-----

An Leas-Cheann Comhairle: The Deputy is taking advantage, she made a proposal that the Government withdraw it. That is a matter for the Government to decide.

Deputy Ruth Coppinger: -----is their independence-----

An Leas-Cheann Comhairle: Please Deputy, when I am on my feet there is only person under me. I am on my feet and I have given the Deputy more than enough latitude.

Deputy Ruth Coppinger: You are not letting me finish my one minute.

An Leas-Cheann Comhairle: Not necessarily. You have made a proposal that the Government withdraw the Bill and I will allow the Government to respond.

Deputy Ruth Coppinger: And I am allowed to elaborate on why.

An Leas-Cheann Comhairle: No. Please resume your seat.

Deputy Ruth Coppinger: Why not?

An Leas-Cheann Comhairle: We are all intelligent enough to know what you are proposing.

Deputy Ruth Coppinger: I should be allowed to elaborate.

An Leas-Cheann Comhairle: Maybe you should, but you are not.

Deputy Ruth Coppinger: Why not? I will stay on my feet until the Leas-Cheann Comhairle allows me to-----

Deputy Regina Doherty: In response to the Deputy's request, the Government will not withdraw its amendment to the Bill.

Deputy Micheál Martin: On a point of order, we have not yet disposed of the recommendations of the Business Committee. I take it there will be an Order of Business after this.

An Leas-Cheann Comhairle: Yes.

Deputy Micheál Martin: On the normal Order of Business anyone can raise anything.

An Leas-Cheann Comhairle: I am allowing the Government to respond.

Deputy Ruth Coppinger: I do not want to be jumping up, I just want to finish this point-----

An Leas-Cheann Comhairle: Well, you do not have the opportunity.

Deputy Ruth Coppinger: -----for 20 seconds.

An Leas-Cheann Comhairle: The Government will respond.

Deputy Regina Doherty: In response to the Deputy's request, the Government will not withdraw its reasoned amendment this evening. In response to Deputy Ó Snodaigh, the Business Committee agreed to schedule eight and a half hours of this week's sitting for the Finance Bill. We recognised his concerns at the Business Committee that if it was not enough, that the Business Committee would have a special sitting tomorrow and we would extend the sitting hours thereafter, but let us wait and see as to the pick-up of the people who want to speak on the Finance Bill. The Business Committee is very open to extending it, but we will wait to see what the pick-up is first.

An Leas-Cheann Comhairle: There are two responses. The Government will not withdraw the amendment and the Government has suggested there be a special Business Committee meeting tomorrow. Is Tuesday's business agreed? Agreed. We will now move on to Wednesday's business.

Deputy Alan Farrell: I want to raise a concern I have. The purpose of the change to Standing Orders to accommodate committee times on Wednesday and Thursday mornings that did not conflict with the Dáil's business are sound and they have not changed. The debate and argument about committee business not interfering, or *vice versa*, stand. I am concerned and surprised that we are changing the Order of Business to have the Dáil sit at 10 a.m., which will interfere directly with the committees.

Deputy Micheál Martin: I welcome it and long may it continue.

An Leas-Cheann Comhairle: Is the proposal for dealing with Wednesday's business agreed to?

Deputy Aengus Ó Snodaigh: Not agreed. While I accept what the Chief Whip said about

the Business Committee meeting again if additional time is required, the purpose of us coming together and having a proposal for the full week is that we do not have to come together thereafter. If additional time is allocated now it might not necessarily be taken up. I do not know how many people are offering. I know from my office looking at the number of slots available that the number of speakers from Sinn Féin is well in excess of the slots we have available. The same applies for Thursday. We are supposed to make a proposal which covers the entire week. This is why I said earlier I would have done the whole lot in one, except for the interruption. I propose an additional hour and ten minutes for Wednesday. It is not a huge amount of time, but it is as far as we can reasonably expect the Dáil to sit. I will deal with Thursday later.

Deputy Regina Doherty: As I said, the Business Committee agreed to scheduled eight and a half hours of this week's business. We have been kindly granted the extra two hour sittings on Wednesday and Thursday mornings to facilitate the passage of the Finance Bill this week, and if more people are looking to speak than there is time, we will sit again and make sure we add extra time. That was what was agreed by the Business Committee last Thursday.

An Leas-Cheann Comhairle: Is that agreed?

Deputies: Not agreed.

Question, "That the proposal for dealing with Wednesday's business be agreed to," put and declared carried.

An Leas-Cheann Comhairle: We now move to the proposal for dealing with Thursday's business. Is that agreed?

Deputy Micheál Martin: Not agreed. I discussed this with the Fianna Fáil Whip and assistant Whip. When I heard it first I found it difficult to comprehend. The Dáil rose on 21 July and resumed on 27 September. In July we were all told major works were to be undertaken to physically refurbish the Chamber, but that did not happen. Therefore, it transpired that there was no necessity for the longer than usual summer recess. It is now proposed that the Dáil should not sit next week. It is not due back until 8 November. We think this sends the wrong signal completely. I would appreciate an explanation of the rationale behind the House not coming back next week. Why is the Business Committee proposing this? We should sit next week, given the lengthy summer recess. We have issues with this proposal.

Deputy Aengus Ó Snodaigh: On the proposals for Thursday, the Government is proposing its first use of the guillotine on the Finance Bill 2016. While I accept the Chief Whip's comment that eight and a half hours has been set aside for the debate, that is not enough considering the eight opening contributions will take four hours. That means that there will only be four hours and 20 minutes to be shared between all other Members, Government and Opposition, to discuss one of the most important Bills brought before the House every year, given that the Minister will have time to wrap up the debate. I propose that the guillotine be lifted and that the debate be adjourned on Thursday. I have not asked for additional time on Thursday. We should deal with Second Stage at a later date, as we have done in the past.

Deputy Regina Doherty: I have obviously become the spokesperson for the Business Committee, which is interesting as I only have one vote on it.

On Deputy Aengus Ó Snodaigh's comments, the purpose in asking for the additional two hours on Wednesday and Thursday mornings was to facilitate the passage of Second Stage this

week because we would not be here next week. Every member of the committee will be aware that when I proposed the schedule for the session between September and December, we were to sit next week, but I was overruled by practically every other member

Deputy Micheál Martin: No, I checked with-----

Deputy Regina Doherty: Not on the first day the schedule was brought to the committee. A member of the committee asked where was the mid-term break and I replied that I did not believe we should have one on the basis that we had a large legislative programme to be passed between then and Christmas. I was overruled and told we should have one. I came back the following week with the schedule and rather than diminish the number of sitting days by two and a half, I added them in Christmas week. Unfortunately, therefore, everybody will be sitting Christmas week as opposed to sitting next week, but we have not lost a single sitting day.

Deputy Timmy Dooley: Let us sit next week so.

Deputy Regina Doherty: At the request of members of the Business Committee, to whom I am beholden, they voted for a break next week. I have only one vote on the committee, as has Deputy Micheál Martin's party.

Deputy Micheál Martin: In advance of making any point today, I checked this out. Our Whip spoke to the Chief Whip and said he did not agree with this idea. Our assistant Whip equally articulated that view.

Deputy Regina Doherty: The week after.

Deputy Micheál Martin: That is what happened. Just as other Members have articulated their disappointment about this week, I am firm that it is the wrong decision not to come back next week. Collectively, the House is making a mistake in terms of the public's appreciation of what we are doing here.

An Leas-Cheann Comhairle: Is the proposal for dealing with Thursday's business agreed to?

Deputy Micheál Martin: Not agreed.

3 o'clock

Question put: "That the proposal that the House adjourn until Tuesday, 8 November, be agreed to."

<i>The Dáil divided: Tá, 9; Staon, 1; Níl, 114.</i>		
<i>Tá</i>	<i>Staon</i>	<i>Níl</i>
<i>Broughan, Thomas P.</i>	<i>Harty, Michael.</i>	<i>Adams, Gerry.</i>
<i>Collins, Joan.</i>		<i>Aylward, Bobby.</i>
<i>Daly, Clare.</i>		<i>Bailey, Maria.</i>
<i>McGrath, Mattie.</i>		<i>Barrett, Seán.</i>
<i>Martin, Catherine.</i>		<i>Barry, Mick.</i>
<i>O'Sullivan, Maureen.</i>		<i>Brady, John.</i>
<i>Pringle, Thomas.</i>		<i>Brassil, John.</i>

<i>Ryan, Eamon.</i>		<i>Breathnach, Declan.</i>
<i>Wallace, Mick.</i>		<i>Breen, Pat.</i>
		<i>Brophy, Colm.</i>
		<i>Browne, James.</i>
		<i>Bruton, Richard.</i>
		<i>Buckley, Pat.</i>
		<i>Burke, Peter.</i>
		<i>Burton, Joan.</i>
		<i>Butler, Mary.</i>
		<i>Byrne, Catherine.</i>
		<i>Byrne, Thomas.</i>
		<i>Cahill, Jackie.</i>
		<i>Calleary, Dara.</i>
		<i>Canney, Seán.</i>
		<i>Cannon, Ciarán.</i>
		<i>Carey, Joe.</i>
		<i>Casey, Pat.</i>
		<i>Cassells, Shane.</i>
		<i>Collins, Michael.</i>
		<i>Collins, Niall.</i>
		<i>Coppinger, Ruth.</i>
		<i>Corcoran Kennedy, Marcella.</i>
		<i>Cowen, Barry.</i>
		<i>Creed, Michael.</i>
		<i>Crowe, Seán.</i>
		<i>Cullinane, David.</i>
		<i>D'Arcy, Michael.</i>
		<i>Daly, Jim.</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>Ellis, Dessie.</i>
		<i>Farrell, Alan.</i>
		<i>Ferris, Martin.</i>
		<i>Fitzgerald, Frances.</i>
		<i>Fitzpatrick, Peter.</i>
		<i>Flanagan, Charles.</i>

		<i>Funchion, Kathleen.</i>
		<i>Harris, Simon.</i>
		<i>Haughey, Seán.</i>
		<i>Healy-Rae, Danny.</i>
		<i>Heydon, Martin.</i>
		<i>Howlin, Brendan.</i>
		<i>Humphreys, Heather.</i>
		<i>Kelleher, Billy.</i>
		<i>Kelly, Alan.</i>
		<i>Kenny, Enda.</i>
		<i>Kenny, Martin.</i>
		<i>Kyne, Seán.</i>
		<i>Lahart, John.</i>
		<i>Lawless, James.</i>
		<i>MacSharry, Marc.</i>
		<i>McGrath, Finian.</i>
		<i>McGrath, Michael.</i>
		<i>McGuinness, John.</i>
		<i>McHugh, Joe.</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>
		<i>Moynihan, Michael.</i>
		<i>Munster, Imelda.</i>
		<i>Murphy O'Mahony, Margaret.</i>
		<i>Murphy, Catherine.</i>
		<i>Murphy, Eoghan.</i>
		<i>Murphy, Paul.</i>
		<i>Naughton, Hildegarde.</i>
		<i>Neville, Tom.</i>
		<i>Nolan, Carol.</i>
		<i>Noonan, Michael.</i>
		<i>Ó Broin, Eoin.</i>
		<i>Ó Caoláin, Caoimhghín.</i>
		<i>Ó Laoghaire, Donnchadh.</i>
		<i>Ó Snodaigh, Aengus.</i>
		<i>O'Brien, Darragh.</i>
		<i>O'Brien, Jonathan.</i>
		<i>O'Callaghan, Jim.</i>

25 October 2016

		<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>O'Sullivan, Jan.</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>Ross, Shane.</i>
		<i>Scanlon, Eamon.</i>
		<i>Smith, Brendan.</i>
		<i>Stanley, Brian.</i>
		<i>Stanton, David.</i>
		<i>Tóibín, Peadar.</i>
		<i>Varadkar, Leo.</i>
		<i>Zappone, Katherine.</i>

Tellers: Tá, Deputies Clare Daly and Mattie McGrath; Níl, Deputies Regina Doherty and Tony McLoughlin.

Question declared lost.

An Leas-Cheann Comhairle: I call on the Minister of State, Deputy Regina Doherty.

Deputy Regina Doherty: I find myself in the very strange position of actually getting what I asked the Business Committee for when we proposed the schedule a number of weeks ago, even though everybody else in the room on that day agreed, including Fianna Fáil.

Deputy Timmy Dooley: The Minister of State will have to cancel the flight.

Deputy Regina Doherty: If anybody wants to disagree with me I would refer him or her to the minutes of the meeting which are clearly on the record for everybody to see. We will now be sitting next week. We will put a proposal to the Dáil Business Committee this week to resume the House next week at 2 p.m. on Wednesday and sit on Wednesday and Thursday.

An Leas-Cheann Comhairle: Can we agree that now?

(Interruptions).

Deputy Michael Ring: We are going to check to see how many of you are there.

Deputy Barry Cowen: There will be as many here as there were on Fridays last year.

An Leas-Cheann Comhairle: Is the House agreeable-----

Deputy Barry Cowen: We were very fond of the Fridays.

Deputy Michael Ring: I have never sat on a Friday, and I will not.

An Leas-Cheann Comhairle: Is the House agreeable-----

(Interruptions).

An Leas-Cheann Comhairle: Is there anyone who opposes-----

Deputy Timmy Dooley: Deputy Breen has a problem with it.

An Leas-Cheann Comhairle: There is plenty of time for the Finance Bill. Is the House agreeing to sit at 2 p.m. on Wednesday, 2 November, or is there anyone opposed to that?

Deputy Brendan Howlin: Tuesday-----

An Leas-Cheann Comhairle: Next Wednesday. Monday is a bank holiday.

(Interruptions).

Deputy Brendan Howlin: I understand that the forum to discuss Brexit meets next Wednesday. Is that right?

Deputy Micheál Martin: There are only two people going to that.

Deputy Barry Cowen: Are there 158 of us going to that?

Deputy Regina Doherty: Yes.

Deputy Brendan Howlin: Will the House sit at the same time as that forum?

An Leas-Cheann Comhairle: It is very simple.

Deputy Brendan Howlin: I understood the proposal from the Government Whip was that she would bring forward a proposal in regard to the business. Why are we deciding it now?

An Leas-Cheann Comhairle: It is in the interests of all Members who are here today. The issue could come back to the House and perhaps we could have another vote. It is quite simple. The proposal is that the House will sit next Wednesday at 2 p.m. in view of the public holiday. Is that agreed?

Deputy Brendan Howlin: There is no point in a meeting of the Business Committee because it has clearly become farcical.

Deputy Mattie McGrath: Yes.

25 October 2016

Deputy Brendan Howlin: I suggest that the Government Whip bring a proposal to the House and it will make a decision. The Business Committee itself has no function.

Deputy Mattie McGrath: As a member of the Business Committee, which sat last week, and agreed the business, I wonder what the point in having the Business Committee is if we are going to come in here and make a populist decision to overrule it. That is all it is; nothing else.

(Interruptions).

Deputy Mattie McGrath: The Business Committee will now have a meeting to decide on the business for next week. Will we deal only with statements or something nonsensical? Will there be an Order of Business, Leaders' Questions and a full Dáil schedule? I do not know whether we will have that. It depends on what is decided with Fine Gael.

(Interruptions).

Deputy Mattie McGrath: It is farcical. The Business Committee has been undermined.

An Leas-Cheann Comhairle: It is very clear. It has now been agreed that the Business Committee will bring a proposal to the House tomorrow.

Deputy Regina Doherty: The difficulty with that, with respect, is that first of all the Deputy has seriously undermined the authority and business management of the Business Committee. The Business Committee will not sit until Thursday and, therefore, will not have an opportunity to come back to the House to ask its permission on how we order our business for next week. That is why I propose that we order our business now on the basis that we come back on Wednesday of next week at 2 p.m., and sit on Wednesday and Thursday. The decision on what business we will conduct next week will be taken by the Business Committee next Thursday. For a Deputy who is so in charge of Dáil reform-----

Deputy Aengus Ó Snodaigh: The Business Committee should be asked by the Dáil to meet before we take any decision on next week's business and on the adjournment on Thursday, and also take into account whether Members will attend the Brexit forum on Wednesday or can attend at all.

Deputy Billy Kelleher: The Business Committee is unrepresentative.

An Leas-Cheann Comhairle: Is the House agreeable to the proposal that the House will adjourn until 2 p.m. on Wednesday, 2 November? Agreed.

Standing Orders: Motion

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

That, in accordance with the recommendation of the sub-Committee on Dáil Reform under Standing Order 107(1)(a), the Standing Orders of Dáil Éireann relative to Public Business be amended as follows:

(a) in Standing Order 23(1)(b), by the substitution of '7.48 p.m.' for '5.48 p.m.';

(b) in Standing Order 38(1)(b), by the substitution of the following for subparagraph

(ii):

‘(ii) the Government business which immediately follows the weekly division time on Thursday, but in any case, no later than 3.30 p.m.’;

(c) until further notice in the 32nd Dáil, in Standing Order 41(1)(iv), by the insertion of the following proviso after the rota:

‘Provided that the above rota shall revert to Day 1 following a Christmas, Easter or summer recess, in order that each party or group (as defined in Standing Order 143) may put down Questions nominated for priority to all members of the Government: where the rota ends on Day 6 immediately before a recess, the Business Committee shall consider whether the rota, following the recess, should commence on a day other than Day 1.’;

and

(d) in Standing Order 141, by the insertion of the following additional paragraph:

‘(3) Nothing in this Standing Order shall preclude a Joint Committee from undertaking detailed scrutiny as set out in paragraph (2) and reporting thereon to both Houses prior to Committee Stage consideration of the Bill by the Select Committee.’.

Ceisteanna - Questions

Taoiseach’s Meetings and Engagements

1. **Deputy Paul Murphy** asked the Taoiseach if he will report on his meeting with Mr. Michel Barnier, EU chief Brexit negotiator. [30629/16]

2. **Deputy Eamon Ryan** asked the Taoiseach the details and outcomes of his discussion with Mr. Michel Barnier following their recent meeting. [30640/16]

3. **Deputy Micheál Martin** asked the Taoiseach the issues he discussed with Mr. Michel Barnier when they met on 12 October 2016. [30752/16]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

I welcomed the European Commission’s chief Brexit negotiator, Mr. Michel Barnier, to Government Buildings on 12 October. Mr. Barnier’s visit to Dublin was one of a series of engagements in EU capitals in order to prepare for the forthcoming Brexit negotiations. Our discussions were timely, especially given the indication by Prime Minister May in early October and confirmed to EU leaders at last week’s European Council that she will trigger Article 50 no later than March next year.

During his visit Mr. Barnier also met the Tánaiste, the Minister for Foreign Affairs and Trade and the Minister of State with responsibility for European affairs, as well as senior officials.

Mr Barnier, who took office as head of the European Commission’s Brexit task force on 1

25 October 2016

October, will lead the European Union's technical negotiations with the United Kingdom. This process will proceed under the political guidance of EU Heads of State or Government at the European Council and subject to their approval once the UK Government has formally triggered Article 50. My exchange with Mr. Barnier was open and constructive. He is well known to us in Ireland, given his various roles at national and EU levels. Consequently, he understands our close historical, political and economic ties with the United Kingdom.

During our discussions I took the opportunity to emphasise and explain in some detail Ireland's unique set of concerns arising from Brexit in relation to Northern Ireland, the peace process and citizenship issues; the common travel area and border issues; and the depth of our economic and trade relationship with the United Kingdom. We also spoke about Ireland's strong support for EU membership and our commitment to play a full part in the negotiations process. In this context, I briefed Mr. Barnier on the various strands of work which are advancing here at political and official levels to prepare Ireland to the maximum extent possible for the period ahead. Given the critical role of Mr. Barnier and the Commission, it was also useful to hear his thoughts about the process and how negotiations might be handled in the next critical phase.

I assured him that we looked forward to working closely with the Commission team in the months ahead and we agreed to stay in close contact.

An Leas-Cheann Comhairle: Three Members tabled the questions, Deputies Paul Murphy, Eamon Ryan and Micheál Martin. Is it agreed that they will ask their questions in that order in order that we receive a substantive response? Agreed.

Deputy Paul Murphy: On the letters being sent by IDA Ireland to 1,200 British companies, the talk of Mr. Seán Kelly, Fine Gael MEP, in the European Parliament last week about reducing the rate of corporation tax, the various attempts being made to get the European Medical Agency to relocate to Ireland and the idea of banking regulation, are these indications that the Government is prepared to engage in a race to the bottom with the City of London in a post-Brexit scenario in terms of financial regulation and corporation tax? Was this discussed with Mr. Barnier? Does the Taoiseach agree that such an approach would prove very damaging to people in this country and across Europe?

As the Taoiseach knows, a debate has restarted on the question of having a common consolidated corporate tax base in Europe. Despite its protestations in terms of being to the fore in the fight against tax avoidance, the Government is opposing one of the measures proposed in an attempt to tackle tax avoidance. Mr. Seán Kelly made an interesting contribution on the topic. With suggestions from the United Kingdom that it may reduce its corporation tax rate to 10%, he said it was important that member states had the flexibility to change their tax rate as needed, "particularly small countries that depend on foreign direct investment." He was clearly referring to or, at least, including Ireland in that regard. There are ridiculous comparisons being made such as that Blackrock can be the Kensington of Dublin in trying to attract finance capital from the City of London to Dublin. Is that the strategy the Government is pursuing?

Deputy Eamon Ryan: I agree with the previous speaker as such a strategy would be misguided if that is what the Government is pursuing. On the wider strategy, I have a concern that the Government is looking for a side-deal, as it were, between Ireland and the United Kingdom in any talks on invoking Article 50 which we might then present to the 26 remaining countries for them to treat us as a special case. While Ireland is a special case as it has a land border that other countries do not have, as well as the historical connections, I do not believe that would be

the right strategy to pursue. Will the Taoiseach confirm that we will instead stick absolutely to what I believe is the correct argument that the United Kingdom cannot have access to the Single Market without providing access to its labour market? Did he mention this to Mr. Barnier?

Does the Taoiseach consider that there are aspects that we need to treat differently from financial services or traded goods? I am thinking of issues of energy policy, climate policy or environmental policy where there are very real, distinct and physical connections we have to manage. How are we going to manage the all-Ireland electricity market? Is there a case for managing it slightly differently? How are we going to manage water services? There was a meeting of European Green Party leaders last weekend in Dundalk where one of our councillors made the point that the water we were drinking had crossed the Border two or three times. In the negotiations can we look at how we differentiate in managing the energy market and water services where there are physical interconnections? I do not know if the Taoiseach or the Government has given any consideration to what the final court of arbitration will be. If the United Kingdom is stating, as it seems to be, that it will no longer recognise the European Courts of Justice, how will we manage the all-Ireland electricity market? How will we settle any dispute? As a result, how would we attract any investment in the energy sector in the North of Ireland?

They are my questions. Will the Taoiseach look to make a side-deal or will he be solid with the other 26 member states? Can we treat areas in which there is a physical connection differently from financial services or traded goods?

Deputy Micheál Martin: In later questions we will talk about what Britain is seeking in the Brexit negotiations. The core of these questions is how the European Union is approaching the negotiations. There has been a lot of wishful thinking and bluster but very few specifics so far. Mr. Barnier talked about having the negotiations conducted in French. That caused much amusement within the Commission, but it is petty and does not serve any useful purpose. The other point, which we have been stating since the outset, is that the Commission has a distinct role in implementing treaties but does not have a reserved role in negotiating those treaties. We have been anxious all along, and the Taoiseach has indicated it in his speeches, that the Council, where Ireland has an equal voice, would make core decisions in respect of these negotiations and does not hand matters over to a Commission that, in my view, is now spending more time playing to the gallery than acting with proper reserve and in accordance with procedure.

Government spokespeople have been saying that Europe understands the needs of Ireland. Where is the evidence? What we are hearing from Brussels is talk of a hard Brexit. We are hearing the same from Westminster and the British Government. They are all talking about a hard Brexit. As stated by Deputy Eamon Ryan, the British Government does not want the Court of Justice of the European Union to hold sway. It does not want freedom of movement in any shape or form and, so far, all the noises from Westminster is around a hard Brexit. However, the same is happening in Brussels. Will the Taoiseach give us one example of how Ireland's unique position is being respected by the European Union? Have we, for example, been given representation in the permanent group of the Council? Are we in that group?

We are unique. The Department of Finance has produced two publications, one being UK EU exit - An exposure analysis of sectors of the Irish economy. Some of this is not reflected in our budget but it is clearly stating that there are many exposed sectors once Brexit goes ahead, particularly traditional manufacturing and, for instance, the pharmachem sector. There will be fiscal impacts because of a potential reduction in corporation tax. Above all, the impact will be very serious outside of Dublin in employment terms. The regional impact of Brexit will

be far more pronounced than people might have thought. It seems to me that Irish businesses and communities, particularly those involved in traditional manufacturing and SME services, will require assistance. Having read the two reports, there will have to be a transitional period whereby support and aid will have to be given to Irish SMEs to enable them to move to a new situation and to discover and diversify into new markets and so on and to enable them to ride the storm, if one likes, that is coming once Brexit takes place, in particular if it is a hard Brexit. The report also made the point that the highest share of total employment in the exposed sectors in the particular regions is found in the Border region. The Border region above any other will be particularly hard hit as a result of a hard Brexit. I have no sense of that being shaped yet or that the Commission or anyone in Brussels has an understanding of it. That is not to speak of the devaluation of sterling, which is also hitting our SMEs. In addition to the devaluation of sterling and its impact on SMEs and businesses will be the actual exit itself. If there is less than full market access, we are in tariff country. We are talking about tariff territory. This will be very difficult for the food industry and traditional manufacturing sectors.

Has any work begun on specific instruments to implement aid programmes and support for such companies? Has the Taoiseach informed his European colleagues of the likelihood of such aid and assistance being required, given the reports by the Department of Finance on the potential and very real prospects of the impact of Brexit on our Irish industries and jobs?

An Leas-Cheann Comhairle: Bearing in mind that we had 15 minutes and there are only three minutes left, I will ask the Taoiseach to respond.

The Taoiseach: Deputy Paul Murphy raised a question about corporate tax. This is a matter that falls within the competence of every country. That is provided for in the treaties. It is our business. The common consolidated corporate tax base has been around for quite a long time. It requires unanimity. It was one of the first issues Ireland allowed on the agenda when we held the Presidency in 2013 and it ran into the sand early on. It is a complex area, as Deputy Murphy knows. It does not interfere with the rate of corporate tax but is concerned with having a common base. I can assure Deputy Murphy that there are quite a number of countries that are violently opposed to it. It resurfaces every so often, but I cannot see it actually getting anywhere, to be honest with Deputy Murphy. I did not discuss the common consolidated corporate tax base with Mr. Barnier, who had just taken up his duties on 1 October. We should make it clear that the Commission, as has been pointed out, always dealt with countries wishing to join the European Union and not countries wishing to leave. Now the expertise that is within the Commission will be used for that purpose. I want to make it perfectly clear, however, that the Commission and the former Commissioner, Mr. Barnier, will not be in a position to make decisions. The decisions will be made by the European Council, which is, in other words, the elected political Heads of Government and Heads of State as the case might be in some countries. Whatever negotiations or discussions the Commission has, it will have to come back to the European Council for a political decision.

Deputy Eamon Ryan raised the issue of special cases. Every country, I suppose, considers itself a special case. We have people living in Britain, but so have other countries. They trade with Britain, but so do we. Ours, however, goes back a couple of centuries. The common travel area has been in place since 1922. This includes not just the right to travel but the right to work in Britain, as so many hundreds of thousands of people did. We will speak as a member of the European Union. We have decided on the fiscal stability treaty, the euro, the eurozone and the European Union. Ireland, involved in these negotiations, will be speaking from the perspective of a European Union member. Obviously, however, as I agreed with the British Prime Minister

when I met her in Downing Street, we do not want a return to a hard Border and we want the common travel area protected. This system has worked well outside the Union and inside the Union, but it has never been tested with one outside and one inside the Union. Obviously, our trading links are important to us. Some 200,000 jobs are depending on trade either way across the Irish Sea.

Deputy Eamon Ryan has a point about energy. We will have to discuss the matter. There will be a meeting on 18 November of the North-South Ministerial Council. Following a request by the Minister for Foreign Affairs and Trade to them, I have asked all the Ministers to engage directly with their counterparts so that, when we go to Armagh, we can at least hope that we can reach a common agreed agenda or position or sets of positions with the parties represented in the Executive and in Northern Ireland politics. Deputy Eamon Ryan is right though. The European Union wants to end energy islands, yet we need an energy interconnector from the South to France. The big theory of Juncker's programme was that it would allow for massive infrastructure such as this and for finance and credit to be made available for that very kind of provision. If one is to end the energy island system that currently exists within the European Union, that is a case in point. Deputy Eamon Ryan is quite *au fait* with this.

Acting Chairman (Deputy Eugene Murphy): Thank you, Taoiseach.

The Taoiseach: The connections between Ireland and England in terms of interconnectors for gas or electricity and cross-Border, North-South, in terms of water are issues that need to be discussed.

Acting Chairman (Deputy Eugene Murphy): Thank you, Taoiseach.

The Taoiseach: I am coming to a conclusion now.

On the repeal of the law, the Prime Minister said that they want to introduce the law and have it ready for implementation when Britain actually leaves, which would mean that all the European issues would no longer be relevant in Britain. From a European perspective, and I assure Deputy Micheál Martin that they have been very clear on this, if one is to have access to the Single Market that carries with it the fourth freedom, that is, freedom of movement of people and labour. There will be no cherry-picking by financial houses or different sectors.

Acting Chairman (Deputy Eugene Murphy): The Taoiseach has gone way over time.

The Taoiseach: I have just one other point-----

Acting Chairman (Deputy Eugene Murphy): I know, but we have to move on.

The Taoiseach: If I may just raise this one-----

Deputy Richard Boyd Barrett: The Taoiseach is rolling over into the time allowed for the next group of questions. He is a minute and a half over already.

Deputy Charles Flanagan: There were lots of questions. Do the Deputies want answers?

Deputy Richard Boyd Barrett: It will roll over into the time of those who have asked the next group of questions.

Deputy Paul Murphy: He wants to get his question answered.

25 October 2016

Deputy Richard Boyd Barrett: I want to get my question answered.

Acting Chairman (Deputy Eugene Murphy): We will move on to the next group of questions.

The Taoiseach: There is a really important element to a question, which I will answer within 30 seconds. When Deputy Micheál Martin raises the issue of a hard Brexit or a soft Brexit, as we stand here, the position is unclear as to what is the agreed consensus of the British Government. Pulling out of the Single Market, the customs union or Schengen brings a range of complications. These are issues that we will have to focus on and discuss as things become clearer.

Deputy Micheál Martin: I do not think we were ever in Schengen.

The Taoiseach: We are not in it because Britain-----

Deputy Micheál Martin: It is not in it either.

The Taoiseach: -----is not in it. We are not under any pressure to join it. We are not in it and Britain is not in it.

Deputy Micheál Martin: I understand.

European Council Meetings

4. **Deputy Micheál Martin** asked the Taoiseach the position regarding the contributions made by the British Prime Minister May at the October European Council meeting; if he had a bilateral with the British Prime Minister May; and the issues that were discussed [31634/16]

5. **Deputy Gerry Adams** asked the Taoiseach if he discussed with British Prime Minister, Theresa May, matters relating to the North at the European Council meeting. [31699/16]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach if he had any discussions at the European Council meeting with regard to corporate tax reform. [31820/16]

7. **Deputy Joan Burton** asked the Taoiseach if he had discussions at the recent European Council meeting with his fellow Heads of Government regarding the implications of Brexit for Ireland, both North and South. [31981/16]

8. **Deputy Joan Burton** asked the Taoiseach if he had discussions with the British Prime Minister, Theresa May, at the recent European Council meeting regarding Brexit; and his views on whether this would result in a hard Border with Northern Ireland. [31982/16]

9. **Deputy Micheál Martin** asked the Taoiseach the position regarding his contributions on Brexit at the EU Council meeting on 20 October 2016; and if any particular actions are being taken. [32047/16]

10. **Deputy Joan Burton** asked the Taoiseach if, during the recent European Council meeting, the opportunity arose to discuss the humanitarian crisis in Syria; and if a further opportunity arose to determine if any progress has been made in the resettlement of Syrian refugees in EU member states. [31983/16]

11. **Deputy Micheál Martin** asked the Taoiseach if specific and targeted actions were taken to assist families and children, in particular, from war-torn Aleppo at the European Council meeting on 20 October 2016; and if it was agreed to allow families to be accommodated in member states similar to actions taken in the past during previous wars. [32048/16]

The Taoiseach: I propose to take Questions Nos. 4 to 11, inclusive, together.

The meeting of the European Council which took place in Brussels on 20 and 21 October addressed a wide range of issues. The formal agenda included migration; external relations, specifically Russia and Syria; trade, including the EU-Canada Comprehensive Economic Trade Agreement, CETA, TTIP, the EU-Japan free trade agreement, and trade defence instruments; and a range of other global and economic issues.

Although the United Kingdom's decision to leave the European Union was not formally on the agenda for this meeting, Prime Minister Theresa May updated other EU leaders on recent developments in the UK as an information point. She confirmed that the decision to leave the EU is irreversible and that the UK will invoke Article 50 before the end of March next year. President Tusk welcomed the Prime Minister to her first meeting of the European Council, as did all other EU leaders. He reiterated the agreed principles that there will be no negotiations until Article 50 has been triggered and that access to the Single Market is linked to the four freedoms.

The future direction of the EU post-Brexit is a matter of ongoing consideration in accordance with the roadmap agreed at the Bratislava summit on 16 September. I did not have any scheduled bilateral meetings at this meeting of the European Council. However, I had informal exchanges with a number of my counterparts, including Prime Minister May and Commission President Jean-Claude Juncker, during the course of discussions and in the margins of the meeting. At every appropriate opportunity in my exchanges, I made it my priority to emphasise and explain Ireland's particular concerns in relation to Northern Ireland, Border and citizenship issues, the common travel area, and the interconnectedness of our economies. The implications for Ireland are of the utmost seriousness and while there is an appreciation of this among EU partners, it is imperative that we continue to stress our particular position.

Corporation tax reform was not discussed at this meeting of the European Council. As I mentioned, the appalling situation in Syria was on the agenda for the meeting, as was our relationship with Russia. The European Council was united in its total condemnation of the attacks by the Syrian regime and its allies, notably Russia, on civilians in Aleppo. Efforts to assist refugees from the Syrian conflict were also reviewed. While no new actions were agreed in regard to families from Aleppo, Ireland, along with other EU member states, is participating in the EU measures agreed last September to take in Syrian refugees.

The meeting will be the subject of a full debate in the House, as are all scheduled meetings of the European Council, tomorrow afternoon.

Deputy Micheál Martin: I tabled two questions in this group. On the presentation made to the European Council by the British Prime Minister, Theresa May, media reports indicate the Prime Minister was asked to speak for five minutes at the end of a five-hour session, that no one said anything in response to her contribution and business was adjourned for the evening at that point. This reflects badly on everybody at the meeting and suggests there is a continued policy of throwing shapes in both directions, rather than getting down to substance and debating

issues. It is hardly credible that a British Prime Minister's contribution to a European Council meeting would be met by silence around the table and the adjournment of the meeting. Is there any engagement?

The Taoiseach: No, that is-----

Acting Chairman (Deputy Eugene Murphy): No interruptions, please.

Deputy Micheál Martin: I note also the comments made by the Scottish First Minister, Nicola Sturgeon, who cleverly stated she could not be accused, as she had been, of undermining the United Kingdom's negotiating strategy simple because no one knows what is that strategy. The phoney war must end. A great deal of sniping is taking place and there is much uncertainty, as the Taoiseach stated. I indicated, as per the reports of the Department of Finance, that very serious issues arise for Irish business, jobs and industry. It is time to get down to business and start negotiations. Given that the Prime Minister has indicated when Article 50 will be triggered, there is no need for further drift or acrimony. Substantial work can get under way and we should move away from the megaphone negotiations that are the order of the day. As I indicated earlier, the noises from Brussels and Britain are not good or constructive.

Did the Taoiseach specifically ask the Prime Minister the reason the Northern Secretary has been excluded from the main Brexit committee, yet the Tory Party chairman is on the committee? This is appalling and a clear indication of a lack of respect.

Europe is divided again on Russia and Russian sanctions.

Will the Taoiseach indicate what developments took place at the European Council regarding the Comprehensive Economic and Trade Agreement, CETA, and will the agreement be debated in the House? Brexit was about moving out of a free trade scenario. Everyone wants to have access to the Single Market, yet there appears to be horror at the prospect of a trade deal with Canada. There may be issues surrounding CETA but these should be debated in the Dáil because the last time I checked, it was in the best interests of Ireland to have an open trading policy to sell our goods and services abroad to create jobs at home.

Acting Chairman (Deputy Eugene Murphy): We must move on.

Deputy Micheál Martin: That seems to have gone out the window with all the hysteria and hype around CETA. Will the Taoiseach indicate if we can have a debate on the issue in order that both sides of the argument will be articulated in the House?

Deputy Gerry Adams: Did the Taoiseach take the opportunity to remind the British Prime Minister of her obligations under the terms of the Good Friday Agreement in respect of all the rights and entitlements that are contained in the Agreement? Did he ask her about the British Government's intention to replace the Human Rights Act? Many of the protocols in the Good Friday Agreement are based on various European conventions. Did the Taoiseach ask the British Prime Minister about the reasons the British Government is not co-operating with the legacy process agreed at Stormont House two years ago? While I appreciate the Irish Government has co-operated on incidents that took place in south Armagh and an inquest that was outstanding, the British Government needs to be persuaded to set aside its narrow self-interest in relation to blocking legacy requests.

I have twice asked the Taoiseach a direct question in this Chamber which he failed to an-

swer. I will ask it again. The British Government has claimed there is an agreement between it and the Government to have immigration control into Britain in place in Irish ports and airports. This is a simple, straightforward matter. Either there is such an arrangement, in which case the Taoiseach must tell us what it is, or there is not. Clarity is needed on this issue and the Dáil must be informed of what is going on.

I listened to the various contributions in the House, some entertaining and some interesting, as Deputies tried to figure out what the British are doing and what European Union leaders are doing. I am more concerned about what we are doing because I am not encouraged and did not receive any assurance that we are truly approaching the issue of Brexit from an all-island perspective and the viewpoint of genuine national interest. Different sectors in the North are looking for leadership from the Government in Dublin. I am referring to people who may have an entirely different position on the constitutional issue but wish to remain in the European Union. Did the Taoiseach take the opportunity to say to the British Prime Minister that is also the Government's position, as he has told this Chamber?

Deputy Richard Boyd Barrett: It is amazing that one issue has not been remarked upon in the whole discussion on the implications for this country of Brexit and it is an issue on which I want to understand fully the Government's position. While there has been much lamenting of the impact of currency fluctuation on certain sectors of the economy, it is not remarked upon that currency fluctuation is a result of currency speculation. Speculators are speculating against the British currency, which is why fluctuations are taking place. It is remarkable that, on the one hand, the Government is pleading that Brexit is having a bad effect on Ireland, the main one being currency fluctuation which is a result of financial speculation while, on the other hand, the same Government states it wants to act as a vulture by pulling more financial speculators from the city of London into the IFSC.

4 o'clock

It is precisely that policy of a competitive race to encourage and induce the speculators that is leading to the fluctuations that are wrecking sections of the Irish economy. It shows the absolute madness of our position.

Acting Chairman (Deputy Eugene Murphy): The Deputy's time is up.

Deputy Richard Boyd Barrett: I would be keen to know what the EU actually says to the Taoiseach about our whole approach on corporate tax, a stance which I would characterise as plain old piracy. We have been involved in tax piracy and Britain was our main ally in defending our position on this. Now that Britain has pulled out of the EU we are in a very awkward position because it was our main ally in imposing things like the financial transactions tax. Is the lesson of this precisely that we need a financial transactions tax, which the Government resists, and we need serious reform of the corporate tax area, because it is this stuff that is destabilising our economy and the wider European economy?

Acting Chairman (Deputy Eugene Murphy): The Deputy should conclude.

Deputy Richard Boyd Barrett: I will be brief. The Taoiseach mentioned the Syrian refugees. A project will be unveiled tomorrow by the Irish campaign, Not On Our Watch. ICTU is sponsoring the briefing tomorrow morning and I encourage the Taoiseach to send representatives to it. The specific ask by this campaign in regard to Syrian refugees and unaccompanied minors more generally in the camps is that we would take in 200 unaccompanied minors in a

specific measure to help these young people.

Acting Chairman (Deputy Eugene Murphy): I must move on.

Deputy Richard Boyd Barrett: Will the Taoiseach support that initiative, which is an Irish equivalent of the Dubs amendment?

Deputy Joan Burton: Has the Department of the Taoiseach or any other part of the Government recalculated revised estimates of the economic impact of the greater devaluation of sterling in terms of the budget and of planning in regard to the capital programme, given all of these will be greatly impacted?

As I go around talking to people, I speak to many in the retail trade who have complex import-export arrangements in regard to buying their products from Britain and who cannot instantly source them from France. I am talking about retail companies that are in business a very long time, in particular small-scale businesses. No information of any kind is available from the Government to help or guide them. These are people in business a long time who work hard but the Government has made no information available to that kind of traditional business. If the Taoiseach takes a walk around Dublin, he will come across those kinds of shops in any ten-minute walk.

When I asked the Taoiseach a couple of weeks ago, he was highly confident Mr. Barnier was going to have a very high level Irish person in his cabinet. The way the Taoiseach spoke, it appeared he was going to announce the name of that person and that he was to be part of that cabinet almost immediately. Weeks have passed since the Taoiseach promised that and we have heard absolutely zilch.

Acting Chairman (Deputy Eugene Murphy): Thank you, Deputy.

Deputy Joan Burton: The Taoiseach is a person of his word. He and I reached an amicable agreement many months ago that 4,000 refugees in families and with children would be accepted by Ireland and that this was an appropriate gesture taken by Ireland, given the calamity in regard to Syria and other migrant crises.

Acting Chairman (Deputy Eugene Murphy): The Deputy should conclude.

Deputy Joan Burton: The Taoiseach may have seen the article by Sr. Stan-----

Acting Chairman (Deputy Eugene Murphy): Please, Deputy.

Deputy Joan Burton: I am looking for the same time as the other speakers.

Acting Chairman (Deputy Eugene Murphy): The Deputy has had more time.

Deputy Joan Burton: The Taoiseach may have seen the article by Sr. Stan in *The Irish Times* this morning, full of goodwill for a Government action of which at the moment we are seeing almost nothing.

Acting Chairman (Deputy Eugene Murphy): As the Deputy has the next question, she is eating into her own time.

Deputy Joan Burton: Where are the Taoiseach's officials? I know Tusla is supposed to have gone to Greece to find the child refugees who are definitely there.

Acting Chairman (Deputy Eugene Murphy): Please, Deputy. I am asking you to conclude.

Deputy Joan Burton: Honestly, can the Taoiseach really stand so idly by? He reached an honourable agreement with me on numbers.

Acting Chairman (Deputy Eugene Murphy): You have had more time than the other speakers. As the next question is in your name, you are eating into your own time. I ask for the Taoiseach's co-operation in giving a short reply.

The Taoiseach: Yes. In respect of Deputy Burton's question, the task force set up by Mr. Barnier is not a task force of very high level people. Ireland will be represented on that task force and the important point to remember is that the presence on that task force will give us a constant and accurate feed of information in respect of the issues that are coming before the task force, but in respect of which political decisions and oversight decisions will only be made by the European Council. There were some 300 applications for the position and there are 20 to 25 on it, and Ireland is represented on that.

Second, the comments made in respect of the pound-----

Deputy Joan Burton: Will the Taoiseach give the name and rank of the official?

The Taoiseach: -----have led to a strengthening and weakening of sterling. As the Deputy knows, every time a statement is made about a hard Brexit, a soft Brexit, withdrawing from the Single Market or withdrawing from the customs union, it has impacted on the fluctuation of sterling. While we do not have any control over that, some measures were announced in the budget such as extra finance for Enterprise Ireland, extra personnel and new programmes for the development of new markets so we can continue to be very competitive.

In respect of refugees, officials from the Department of Justice and Equality have been in Greece looking specifically at the question of unaccompanied children, and they are probably now back with evidence of that. A problem was that the Italians would not accept that some security checks should be done on those wishing to be brought to Ireland or to any other country, and that caused a real problem in Italy. It has been ironed out somewhat but it is still very slow. Things are moving better in respect of the Greek situation and, as I said, our people have been there. I read Sr. Stan's document today and I will come back to her.

In response to Deputy Boyd Barrett, who is no longer present, the Government this morning looked at the question of actively promoting Ireland as a competitor to receive the European Banking Authority and the European Medicines Agency, both of which it would be very appropriate to assign to this country. However, there is competition from other countries.

The Deputy mentioned the corporation tax rate and pointed out that Britain will no longer be a member. The corporate tax rate does not depend upon allies: it depends upon the treaties. It is enshrined in the treaties and that is our business.

There will be a debate on CETA. It is a mixed agreement and there must be a debate and approval by each parliament.

Deputy Micheál Martin: We should debate it in advance.

The Taoiseach: It took them a while, given they are seven years at it.

25 October 2016

Deputy Micheál Martin: I mean that we should debate it.

The Taoiseach: We will have a debate.

Acting Chairman (Deputy Eugene Murphy): The Taoiseach should conclude.

The Taoiseach: Deputy Micheál Martin raised a very important point about the meeting. He has not been at these meetings - to date, anyway.

Deputy Micheál Martin: I have, in the pre-Lisbon days.

The Taoiseach: The meeting began with a presentation from the President of the European Parliament, as is normal procedure. They then go off and have their picture taken. There is then a round table discussion about issues such as migration. Prime Minister May spoke eloquently and well on a number of occasions at that meeting - she intervened on a number of occasions, as was appropriate. Afterwards, they went off to have their meal. In the course of the discussions around that table, she updated the European Council on the situation in so far as Brexit is concerned.

Acting Chairman (Deputy Eugene Murphy): Thank you, Taoiseach.

The Taoiseach: She spoke eloquently and well, and it was received in that way. There was not any intention that it be otherwise. The meeting continued for four or five hours after that.

Acting Chairman (Deputy Eugene Murphy): We have to move on.

Deputy Micheál Martin: There was no discussion about her contribution.

The Taoiseach: It was just a verbal update. It was not a discussion about Brexit. If it was, it would still be going on.

Deputy Micheál Martin: It was just a verbal update, then a silence.

Acting Chairman (Deputy Eugene Murphy): I ask Members to calm down. We will move on to Question No. 12 from Deputy Burton.

Deputy Gerry Adams: Gabh mo leithscéal.

Acting Chairman (Deputy Eugene Murphy): I am not allowing any further discussion.

Deputy Gerry Adams: I asked the Taoiseach three questions; he never answered one.

Acting Chairman (Deputy Eugene Murphy): The Deputy may take that up with the Ceann Comhairle or whoever. We must proceed to Question No. 12, in the name of Deputy Burton.

The Taoiseach: I had 37 seconds to answer all the questions asked, including those of Deputy Adams. I will have to come back to that one for him.

Deputy Gerry Adams: He did not answer the hard ones.

Acting Chairman (Deputy Eugene Murphy): We gave the Taoiseach a bit more. We shall proceed to Deputy Burton's question.

Departmental Properties

12. **Deputy Joan Burton** asked the Taoiseach the landlords that his Department or bodies under his aegis paid rent to in each of the past three years; and the amounts paid in each case. [31638/16]

The Taoiseach: The properties occupied by my Department and the National Economic and Social Development Office are provided and managed by the Office of Public Works.

Deputy Joan Burton: The intent of the question is to have the Taoiseach identify what rents his Department is paying. I will accept a written answer because I appreciate there are statistics involved. I would like to hear his important answer to the next question so, to facilitate the House, I will accept a detailed written answer on the rents paid by the Department of the Taoiseach and the various offices under its aegis.

The Taoiseach: I will send a reply to Deputy Burton.

Deputy Gerry Adams: Perhaps I could help. I asked this question five years ago. It was revealed that the State was paying ground rent to landlords, such as the Earl of Pembroke for buildings on Merrion Square and the Duke of Leinster, who owns land where the National Library is situated. These ground rents, which are a legacy of our colonial past, are also known as leaseholds. The State's ground rent bill for Iveagh House, where the Minister for Foreign Affairs and Trade presides, is paid to an absentee landlord. The same applies to Dublin Castle. In the year of the centenary of the Easter Rising, we are perpetuating a system that is a hangover. The money involved is quite small. The ground rent for Iveagh House is a mere €257. That for the Four Courts is a mere €200 and the bill for Dublin Castle is only €7 but there are 250,000 ground rents around the State that have an impact on individual homeowners who want to sell their homes but who need to require the freehold in order to do so. Will the Government consider introducing legislation to end this system once and for all? It is a feudal tax and, as I have said, it is a hangover from the days of British colonial rule on this part of the island and should be abolished.

The Taoiseach: I recall from many years ago that there were some constitutional issues where ground rents were being paid to absentee landlords and all the rest of it. The law was changed. As far as I know, the majority of leaseholds can be bought out and become freehold but there are some constitutional difficulties with some properties. I will give Deputy Adams a note with an update on the position outlined to him the last time he asked this particular question.

Deputy Gerry Adams: Will the Taoiseach give me a note on the other questions I asked in respect of Question No. 11?

The Taoiseach: Of course I will. He knows well I will. I will give him full and comprehensive information each time he asks me a question like this.

Acting Chairman (Deputy Eugene Murphy): Wonderful co-operation between the two gentlemen. That concludes questions to the Taoiseach. We shall now move on to-----

Deputy Micheál Martin: Is that it, then?

Acting Chairman (Deputy Eugene Murphy): I presume it is. I am going by what is on

my sheet.

Deputy Micheál Martin: There are 11 minutes remaining.

Acting Chairman (Deputy Eugene Murphy): I asked the Deputy whether he wanted to make a contribution.

Deputy Micheál Martin: No. There are many more questions tabled.

Acting Chairman (Deputy Eugene Murphy): I have been given a programme. That is what is in it. If the Taoiseach wants to deal with the next question, I will have no difficulty.

Deputy Micheál Martin: On a point of order, if we are allowed to do so we should dispense with the next question. There are 11 minutes left.

The Taoiseach: I am “game on” here.

Acting Chairman (Deputy Eugene Murphy): With the agreement of the House, we shall proceed to Question No. 13. There are ten minutes remaining.

Appointments to State Boards

13. **Deputy Joan Burton** asked the Taoiseach if he will provide a list of all vacancies that existed on 26 February 2016 and all positions that have arisen since, including the date each vacancy arose, for State boards or governing bodies under his control; the names of those appointed since the Government was formed; if each position was advertised and a short-list was provided to him by the Public Appointments Service; if the appointments were approved by the Cabinet; and the positions under his control that are not subject to the Public Appointments Service system. [31639/16]

The Taoiseach: I make appointments to the National Economic and Social Council, NESC, in accordance with the provisions of the National Economic and Social Development Office Act 2006 and the National Economic and Social Council (Alteration of Composition) Order 2010 - SI 603 of 2010. The Statistics Act 1993 gives me authority to make appointments to the National Statistics Board, NSB. I have delegated this authority to the Minister of State at my Department and Chief Whip, Deputy Regina Doherty. In the case of the NESC, the legislation provides that I appoint up to 20 members on the basis of nominations from the organisations or interests set out, with up to six public servants and up to eight independent members. The independent members are mainly from the academic sector.

The Statistics Act 1993 provides for an eight-member NSB, including the director general of the CSO, *ex officio*, one representative each from my Department and the Department of Finance, two nominated by the Minister of State and three by organisations representative of the users of official statistics and providers of information under the Act.

One vacancy existed on the NESC on 26 February 2016 from one of the nominating organisations. No vacancies existed on the NSB. Since then, the five-year term of the full NESC has expired. I have not yet reappointed a council. On 8 September 2016, Mr. John Callinan, second Secretary General at the Department of the Taoiseach, resigned from the NSB and was replaced on 15 September 2016 by Mr. John Shaw, assistant secretary in my Department. There have

been no other appointments to the NSB since this Government was formed.

Under the legislation, appointments to either the NSB and NESC do not require Government approval. Where appropriate and consistent with the legislation, future vacancies in the NESC and NSB will be advertised on www.stateboards.ie in accordance with the guidelines on appointments to State boards.

Deputy Joan Burton: I am concerned about what the Government is doing regarding appointments. I wish to draw to the Taoiseach's attention the appointments to the board of Ervia announced by his Government on 6 July 2016. The four members appointed are the chairman, Mr. Keohane, whom I understand is Irish, a Mr. Banks, whom I understand is from Scottish Water, a Mr. Barry, whom I understand is Irish, and a Mr. Keith Harris, whom I understand may be English but who at least is appointed in the context of his having served on the board of Wessex Water. With regard to having people from all over Ireland and possibly Northern Ireland on the board, there are, from what I read, two Irish appointees and two from the United Kingdom. Most noticeable of all is that, among the four people appointed to a board on one day, there is not one woman. Do we not have at least two female engineers in this country or women involved in business or finance, either from the North or South, who could actually have an audience with the Government with a view to being appointed to a major board that oversees gas and other energy networks and also our water networks? What happened on this occasion? Was the collective Cabinet asleep? When I was a member of the Cabinet, the issue of the number of women appointed to boards was always a matter for attention, not least by me but also by other Cabinet members, including those from the Taoiseach's party. I really want to understand this. I have looked for an answer and have read the documentation on these people from Ervia. Obviously, the Public Appointments Commission must have recommended them all, but Deputy Simon Coveney made these appointments. What came over him in a country which is weighed down with qualified women North and South that he had four major appointments to make and could not recommend one woman. Apparently nobody in the Cabinet, unless the Taoiseach is prepared to share information to the contrary with us, put up his or her hand and asked whether we have a few women in this country. Supposing four women were appointed, and there would be more than four women perfectly capable of taking on this position, maybe one of the lads would have put up his hand and ask why there were no men. Could the Taoiseach please explain what happened on 6 July 2016? Presumably, the new-ish Cabinet is very eager to show its mettle on very important issues, such as the proper and full participation of women, as of right, as of ability and as of what they have to contribute but they have been entirely excluded from this board appointment.

Acting Chairman (Deputy Eugene Murphy): Does Deputy Micheál Martin want to make a short contribution at this point?

Deputy Micheál Martin: Do the NESC and the NSB come under the public appointments system?

The Taoiseach: I do not think so.

Deputy Micheál Martin: I noticed that the Taoiseach's language was-----

The Taoiseach: They are nominated by organisations, and most of them are academic.

Deputy Micheál Martin: Yes, so they do not come under the public appointments system. I noted from the Taoiseach's reply to us-----

25 October 2016

The Taoiseach: I do not think they come under the public appointments system, but I will confirm that to the Deputy.

Deputy Micheál Martin: There is a wonderful phrase in the Taoiseach's reply, something like "where appropriate" and so on, which I took to mean that it is not appropriate and that they do not come under the public appointments service at all. The civil servant used the kind of language that gently lets one down, but it was very good. I just wanted to clarify that point.

Second, how well is the public appointments system working? I got the sense that the last Government tied itself up in knots by announcing principles by which people were to be appointed but, when it came to their own appointments, doing it differently and using the ministerial exemption clause or various other reasons to appoint people who circumvented the public appointments route. The Taoiseach may not have the information to hand but perhaps he could communicate to me the number appointed to State boards that have gone through the public appointments system and those who were appointed in a way that was not subject to that system. I also await the reply to Deputy Burton's question.

The Taoiseach: I will have to come back to Deputy Micheál Martin on the latter point. As far as I understand, it seems to be working reasonably well in that applications are invited. They are made completely independently of anybody in Government. The applicants go before the Public Appointments Service. It is not even known, except by those processing the application, who applies. Whichever Minister is responsible then gets a list of persons with appropriate experience to serve on whatever the board in question might be. I will supply Deputy Martin with all the information in this regard.

As Deputy Burton is well aware, there are now more women serving at Cabinet level than ever before. The Chief Justice is a woman, the Attorney General is a woman, the Director of Public Prosecutions, DPP, is a woman, all of whom are working away and doing a very fine job. In the case of the board Deputy Burton mentions, the Minister, Deputy Coveney, has dealt with this, but there is a requirement in this case that a board of that nature have an input from NewERA in terms of the qualifications, experience and so on of the people to be appointed. I cannot answer the Deputy's question as to why an exceptionally competent, experienced woman is not on the board. I will give Deputy Burton some details in this regard. For instance, the gender balance of the board of the NSB has improved. I think representation of women on the board is up from 12.5% to 37.5%. The chair of the board is Dr. Patricia O'Hara, who was reappointed in order to ensure continuity with the ongoing work of the board. She brings a wealth of experience and expertise to this role, including from her academic career and as a member of the European Statistical Governance Advisory Board. I will give Deputy Burton the up-to-date information as I get it.

Acting Chairman (Deputy Eugene Murphy): I call Deputy Burton to respond very briefly because we are almost out of time.

Deputy Joan Burton: We really do not need "fine girl you are" style compliments.

Deputy Charles Flanagan: That is not fair.

Deputy Joan Burton: I think everybody here knows the capacity and ability of women in this country. I ask Deputy Enda Kenny, in his capacity as Taoiseach and chairperson of the Cabinet, how a set of board appointments came to the Cabinet in this manner. By the way, as I am sure the Taoiseach remembers, the outgoing chair of this institution was a woman - a very

well-known businesswoman - yet when a time came for major changes on a very significant board, which has control-----

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy.

Deputy Joan Burton: -----of billions of Government assets, four appointments-----

Acting Chairman (Deputy Eugene Murphy): I will not allow a speech now. We are over time.

Deputy Joan Burton: I ask the Taoiseach if-----

Acting Chairman (Deputy Eugene Murphy): I was more than finished and I let Deputy Burton back in.

Deputy Joan Burton: There is supposed to be a situation in government whereby, as far as possible, 50% of appointments are women.

Acting Chairman (Deputy Eugene Murphy): Yes.

Deputy Joan Burton: Four appointments on any one board is a lot of appointments to make, so why did the Taoiseach or anyone else not put up his or her hand and ask-----

Acting Chairman (Deputy Eugene Murphy): The Deputy should give the Taoiseach-----

Deputy Joan Burton: -----why they did not have women for these positions-----

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy.

Deputy Joan Burton: -----in equal numbers?

Acting Chairman (Deputy Eugene Murphy): I call the Taoiseach to respond very briefly.

The Taoiseach: I assure the Acting Chairman that the Government has absolutely every intention of appointing as many competent women to positions as they are nominated for. I do not have access-----

Deputy Joan Burton: Is the Taoiseach implying that-----

Acting Chairman (Deputy Eugene Murphy): Deputy Burton, please.

The Taoiseach: It is wrong of Deputy Burton to suggest or imply that there is some sort of bias from a Government perspective about the appointment of capable women to positions. She picks out one statistic showing that four men were appointed. That is not the same as the ordinary Public Appointments Service board nominations. This is a very big commercial entity that requires an input from NewERA, as she is well aware from her experience.

Deputy Joan Burton: Sorry-----

Acting Chairman (Deputy Eugene Murphy): We are moving on.

The Taoiseach: I will supply Deputy Burton with all the lists of those who have been appointed through the Public Appointments Service in the hope that there be a recognition not only of the value of women's input into this, but also of the improvement in the gender balance

from what it used to be.

Acting Chairman (Deputy Eugene Murphy): That concludes questions to the Taoiseach. I offered a lot of latitude there, and as we move to questions to the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, I will adhere strictly to the time slots, which are six and a half minutes.

The Taoiseach: Come on, St. Brigid's.

Acting Chairman (Deputy Eugene Murphy): I thank the Taoiseach.

Priority Questions

Brexit Issues

21. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade the efforts being made by his Department to demonstrate to his EU counterparts the special and unique position of Northern Ireland in relation to Brexit, particularly in view of the decision by the British Prime Minister, Theresa May, not to appoint the Northern Irish Secretary of State to her Brexit committee; and if he will make a statement on the matter. [31704/16]

Deputy Darragh O'Brien: I ask the Minister for Foreign Affairs and Trade to outline the efforts being made by his Department to demonstrate to our EU partners the special and unique position of Northern Ireland regarding Brexit, particularly in light of the decision by the British Prime Minister, Theresa May, not to appoint the Northern Ireland Secretary of State as a permanent member of her Brexit committee. We find that rather curious. Northern Ireland has 3% of the population of the United Kingdom. My grave concern is that the Prime Minister, by her actions, is showing that Northern Ireland will be peripheral and irrelevant in Britain's discussions. It behoves us and Deputy Charles Flanagan as Minister for Foreign Affairs and Trade for the Republic of Ireland to advocate on Northern Ireland's behalf.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): The organisation and membership of UK cabinet committee structures for leaving the European Union is a matter solely for the UK Government. Our Government has made clear that the matter of Northern Ireland and the peace process is a top priority in our approach to the UK departure from the European Union. I and my Cabinet colleagues will be working with a range of stakeholders, including the Northern Ireland Executive, to ensure that the outcome of any EU-UK negotiations take account of the unique and particular circumstances of Northern Ireland. Our priorities in this area are to ensure that the Good Friday Agreement and the overall balance of the settlement is protected following the UK's exit from the European Union and to maintain the open and effectively invisible Border. The wider economic impact for the all-island economy are also of concern, as is the potential consequence for EU support under peace and INTER-REG programmes.

The Government and British Government have reaffirmed that the Good Friday Agreement is the indispensable foundation for all engagement on Northern Ireland. This provides much-needed reassurance for people and the political system in Northern Ireland, but we are under no illusions about the hard work needed to deliver it. As a co-guarantor of the Good Friday

Agreement, the Government is determined that the provisions of the Agreement are protected and reflected in any new relationship between the European Union and the United Kingdom.

The exit on the part of the UK from the European Union will be a lengthy and complex political negotiation over the next two years or more, involving all EU member states and EU institutions as appropriate. As Ireland is a committed EU member state, the Government will be playing an active role in those negotiations once they begin with a view to ensuring Ireland's interest and those of the wider European Union.

As part of our preparations for this process, I have carried out a round of contacts with all of my EU counterparts in order to make them aware of the need for specific arrangements to protect the key gains of the peace process on this island - a process to which the European Union has already made a key contribution.

The Taoiseach has met Chancellor Merkel, President Hollande, the President of the European Council, Donald Tusk, and other EU Heads of Government to convey Ireland's concerns. This is an ongoing process of engagement and the Taoiseach, Tánaiste and I recently met the Commission's chief negotiator Michel Barnier in Dublin.

Our embassy network across the European Union is being fully deployed in support of this process which will be assisted also by the allocation of additional resources to our permanent representation in Brussels and our embassies in Berlin, Paris and London.

I assure the House that the Government will continue to use its influence with our EU partners in the upcoming UK exit negotiations to highlight the unique circumstances of Northern Ireland and the consequences for North-South co-operation on the island as a whole, which must be factored into any new relationship between the European Union and the United Kingdom.

Deputy Darragh O'Brien: The Minister is correct in stating again that lengthy and complex political negotiations lie ahead for this country and our European partners. A balance needs to be struck and in no way, shape or form should we be used as a Trojan horse by the British Government. We have an opportunity to reaffirm our commitment as a strong and intrinsic part of the European Union, and a member that wants to continue and further strengthen its ties with the European Union while endeavouring to ensure that we are able to continue trading with the North of Ireland in particular and our neighbours in Britain for the good of both our peoples.

In light of the British Prime Minister's announcement, will the Department of Foreign Affairs and Trade be watching very carefully her proposed "great" repeal Bill to ensure that areas within it do not contravene the Good Friday Agreement voted on by all the people on this island? What steps will the Minister take to ensure that does not happen? I was most concerned about Britain's unilateral decision to remove itself from the jurisdiction of the European Court of Human Rights, which, in my view, contravenes the Good Friday Agreement. What steps will the Minister take to ensure his Department watches that?

Deputy Charles Flanagan: The Deputy makes a reasonable point. As I have said, the Government's priority is to ensure that the Good Friday Agreement and the overall balance of the settlement are not in any way disturbed by the UK's exit from the European Union. Of course, we will make every effort to ensure the protection and maintenance of what is effectively an invisible Border between North and South.

25 October 2016

The legal and political obligations of the Irish and British Governments under the Good Friday Agreement remain unchanged regardless of the status of the United Kingdom, either within the European Union or outside it. It is important to recall that the Taoiseach and the British Prime Minister, Mrs. May, confirmed in their first discussion on 13 July and in their first meeting in Downing Street on 26 July that the Good Friday Agreement will continue to remain the basis of the two Governments' approach to Northern Ireland.

I have had similar discussions with the British Secretary of State for Exiting the European Union, Mr. David Davis, and the British Foreign Secretary, Mr. Johnson, on the UK referendum result. I had a detailed discussion on the implications for Northern Ireland of the UK withdrawal from the European Union during my bilateral discussion with the British Secretary of State, Mr. Brokenshire, on 13 September. I reinforced the important point made by Deputy O'Brien.

Deputy Darragh O'Brien: I thank the Minister for his response. A multifaceted approach is required here. I am concerned not specifically with the Minister's interaction with his counterparts, but with the Government's preparation with regard to Brexit and the potential risks to our country, and most importantly to jobs and people's livelihoods here in Ireland. Does the Minister not believe it is time for the Government to appoint a Minister to deal specifically with Brexit? In his answer the Minister mentioned that the Taoiseach, Tánaiste, the Minister for Foreign Affairs and Trade, and other Ministers are in regular contact, which I welcome. My concern is that while everyone seems to be in charge, no one is in charge. Would the Minister agree that it is now appropriate to appoint a Minister for Brexit to deal with Ireland's relationship with Britain and just as, if not more, importantly our future relations with Europe to cement our place in the centre of the European Union so that we can show our colleagues in Europe that while we will rightly advocate for special status for Northern Ireland under the Good Friday Agreement, we will also ensure we are put back to the centre of European policy making?

Deputy Charles Flanagan: Based on the discussion of issues raised by Deputy O'Brien over the past two minutes and indeed in the context of earlier questions to the Taoiseach, it can be seen that this is a major challenge for Ireland, the UK and the European Union. The Government will meet this challenge and is meeting this challenge. It is using its resources to the full.

Having a dedicated Minister fails to appreciate the width and breadth of this challenge. That is why the Government's response is being co-ordinated and chaired by the Taoiseach, himself, as Head of Government. Already we have had a number of meetings of the specially convened Brexit Cabinet committee, whose membership incorporates more Ministers than other members. Its most recent meeting took place last week and it will meet again in the next couple of weeks. In support of direct ministerial engagement across Government and with the Cabinet committee, work is also proceeding at official level on deepening the analysis across key issues and a range of sectors.

Deputy Darragh O'Brien also highlighted the Northern Ireland dimension. I was in Derry over the weekend and had an opportunity to engage with politicians. Of course, the North-South Ministerial Council is scheduled for 18 November and the civic dialogue will take place in Dublin next week on 2 November. I am sure the Deputy will be present.

Acting Chairman (Deputy Eugene Murphy): It is not that I want to interrupt the Minister or the Deputy. We have to stick to time here and I want to move on. I thank the Minister and the Deputy for their co-operation.

Human Rights

22. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade his views on the fact that the British Prime Minister, Mrs. Theresa May, has stated that she will seek to exclude the British army from the European Convention on Human Rights during future conflicts; his further views on the fact that this is just one step on the road to the British Government's attempt to completely repeal the Human Rights Act and replace it with a so-called British Bill of Rights; his further views on whether this would be a violation of the Good Friday Agreement; and if he has discussed the issue with his British counterpart. [32023/16]

Deputy Seán Crowe: At the Conservative Party conference at the beginning of the month, the British Prime Minister, Mrs. Theresa May, and the Defence Secretary, Mr. Michael Fallon, stated that they were planning to ensure that the British army would opt out, in other words be excluded, from the European Convention on Human Rights during future conflicts. This is a clear case of Britain waiving the rules. Does the Minister share my concern at these proposals? Does he view this as a first step on the road to the British Government's intent to completely repeal the Human Rights Act?

Deputy Charles Flanagan: I share the Deputy's concern in so far as I acknowledge and reaffirm that the European Convention on Human Rights is a vital element of the peace process. The protection of human rights in Northern Ireland law, specifically incorporating the convention, is one of the key principles underpinning the Good Friday Agreement. The Agreement is clear that there is an obligation to incorporate the European Convention on Human Rights into Northern Ireland law. This is an ongoing legal obligation and it will continue to be in the context of the negotiations surrounding the withdrawal of the United Kingdom from the European Union.

As co-guarantor of the Good Friday Agreement, the Government takes very seriously its responsibility to safeguard its institutions and principles, including in the area of human rights.

On 7 September, the UK Secretary of State for Justice confirmed that the British Government is committed to remaining a party to the European Convention on Human Rights, while also pursuing its 2015 party manifesto plans to replace the UK Human Rights Act with a British Bill of Rights.

The Government has stressed to the British Government the importance of fully meeting its human rights obligations under the Good Friday Agreement. Most recently, I raised the matter with the Secretary of State for Northern Ireland, Mr. James Brokenshire, MP, at our meeting on 13 September. He confirmed the British Government position that any changes to the UK Human Rights Act would be made in a way which would be fully consistent with the British Government's obligations under the Good Friday Agreement. In this context I note that while a domestic Bill of Rights can complement incorporation of the convention, it does not replace it. The Government has noted the comments made by the UK Defence Secretary, Mr. Michael Fallon, MP, during the Conservative Party conference earlier this month. The proposal is for the UK to derogate from certain articles of the European Convention on Human Rights in future conflicts. It is important to note that derogations must be compatible with the requirements and limitations set out in the convention and this falls within the jurisdiction of the European Court of Human Rights.

Additional information not given on the floor of the House

25 October 2016

We will continue to work closely with the British Government and the Northern Ireland Executive to ensure that the protection of human rights remains at the heart of civic life, politics and ongoing societal change in Northern Ireland. This includes the continued incorporation of the European Convention on Human Rights in Northern Ireland law as provided for in the Good Friday Agreement.

Deputy Seán Crowe: It is clear from the comments from the Conservative Party conference that they are trying to reduce the human rights oversight of their actions. We know only too well the human rights abuses committed by British soldiers in the past conflict in Ireland. An opt-out for the British army of this part of the convention is reprehensible. I have listened to what the Minister has said with regard to human rights legalisation that would complement the convention, but the worry is that rather than complement it, in part it is trying to undermine, particularly, the foundations of the Good Friday Agreement. The Human Rights Act and the European Convention on Human Rights are cornerstones of the Good Friday Agreement. As co-guarantor of the Good Friday Agreement, the Government has to take its responsibility clearly in raising it. The Minister said that he has discussed this with the British Secretary of State who has given these assurances. Has the Taoiseach directly raised the issue with the Prime Minister, Theresa May? What is the Minister's view with regard to this legislation? Does he feel that one law can complement the other or does he share my view that it is going to undermine that human rights access?

Deputy Charles Flanagan: I wish to make it clear to the Deputy that I have raised this specific issue in the context of my discussions with the Secretary of State for Northern Ireland, Mr. Brokenshire, MP, and I am not discouraged by his reply. I am, however, aware that outside the question of the ECHR there have been concerns expressed across Northern Ireland about the status, post-Brexit, of those human rights provisions which are connected with EU membership, including the EU Charter of Fundamental Rights. The issue of human rights is something the Government will continue to monitor closely in the months ahead. We will encourage the British Government to offer clear reassurance in that area. I will continue to monitor the situation closely. I will be raising the proposed UK derogation from the convention in future conflicts and the proposed repeal of the UK Human Rights Act, in my next meeting with the Secretary of State for Northern Ireland and with the UK Foreign Secretary. The Irish and British Governments have a clear and continuing obligation to uphold all of the provisions of the Good Friday Agreement. In the crucial area of human rights it is important that both Governments continue to do all they can to engender confidence by demonstrating an ongoing commitment to both the letter and spirit of the Good Friday Agreement. I will undertake to keep the House fully informed of this important issue.

Deputy Seán Crowe: They may say these things privately to the Minister but publicly they talk about the primacy of British law and so forth. That is the worry. The Minister may or may not have read the report compiled by the law firm Kevin Winters and Company on the potential effects of the repeal of the Human Rights Act. The report says that restricting the role and influence of the European Court in British law would have severe negative effects on human rights protection in the North. When the whole Good Friday Agreement was being put in place, human rights protection was a clear pillar so any chipping away or undermining of human rights legislation is clearly undermining the Good Friday Agreement. I welcome the fact that the Government is going to be proactive on this issue.

Deputy Charles Flanagan: I thank the Deputy for raising this important issue. I confirm that it has been the subject matter of specific discussions in the context of my meetings, not only

with the Northern Ireland Secretary of State, James Brokenshire, but also with other interlocutors. We will continue to monitor the situation and we will continue to raise this issue in the context of our deliberations and our discussions with members of the British Government.

Syrian Conflict

23. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade the actions taken by the Government, the Minister and his Department with regard to the current situation in Syria and specifically in Aleppo; if the Minister has formally relayed to the Russian ambassador, the Russian Government, the Syrian authorities, the revulsion of the Irish people to their actions in Syria and especially in Aleppo; and if he will update the House on the situation. [31842/16]

Deputy Charles Flanagan: I want to make clear my total condemnation of the bombardment of Aleppo. The attacks by the Assad regime and its allies, including Russia, against eastern Aleppo are clearly disproportionate and the deliberate targeting of hospitals, medical personnel, schools and essential infrastructure and the widespread civilian casualties may well amount to war crimes. Our concerns have been conveyed in the clearest possible terms to the Russian authorities. Ireland does not recognise the legitimacy of the 2014 Syrian Presidential elections and has ceased all diplomatic or political contacts with the Assad regime in Syria. The Government has provided unprecedented levels of humanitarian assistance to the Syrian people since 2012, providing €62 million in support. I also spoke with UN special envoy Stefan de Mistura last week, underlining our continuing and strong support for his efforts to stem the destruction of Syria and her people. On Thursday last the Taoiseach, along with his colleagues at the European Council reviewed EU efforts to end this horrific violence in Aleppo and Syria. The US will continue to be a key actor in efforts to bring about a cessation of hostilities. In the coming days, I will have an opportunity to discuss the situation in Syria with the US Secretary of State, John Kerry, to make known Ireland's concerns and to hear about his latest efforts, in the context of the appalling violence in Syria.

I will continue to press for accountability, both to provide the victims with the hope of redress and in the hope that it will deter those involved from even worse atrocities. This has been central to our interventions at the UN in New York and at the United Nations Human Rights Council in Geneva. We have resettled hundreds of Syrians across Ireland, including in my home town, some of them survivors of torture by the Assad regime, and we will accept thousands more. We remain engaged through the European Union in the International Syria Support Group and continue to support efforts to find a political resolution to the Syrian conflict.

Deputy Darragh O'Brien: I thank the Minister. I would like to know specifically if he has yet met with the Russian ambassador face to face to convey the views of the Irish people with regard to Russia's role in Syria and in Aleppo. I am acutely aware that there are other actors in that theatre of war. We have an opportunity to put it directly to the Russian ambassador and I believe the Minister for Foreign Affairs and Trade should do so, and I hope he will. I am sure he will. In that context, will the Government support the Russian Government's bid to be a member of the United Nations Human Rights Council? What are the Minister's and the Government's views in restricting the veto of permanent members of the United Nations Security Council, which I believe has hamstrung the United Nations so far?

Deputy Charles Flanagan: I have also condemned the actions of Russia with particular

25 October 2016

reference to its engagement on the United Nations Security Council. I am asked what Ireland can do in support of ending the conflict. Ireland supports the effort of the UN to renew political negotiations based on the 2012 Geneva communiqué. I have repeatedly made clear our full support for UN special envoy to Syria, Staffan de Mistura, with whom I spoke last week. I urge all parties to take steps to give effect to the most recent Geneva communiqué and their principles - an immediate end to all violence, the setting up of the traditional governing body with executive powers and control over the Syrian security forces and the implementation of a constitutional reform process which preserves the pluralistic character and nature of Syria. I directly relayed these concerns to the Russian ambassador, through my officials some weeks ago, and I have met with the Russian ambassador. I directly conveyed my views, the views of the Irish Government and the views of the Irish people on the human catastrophe that is unfolding in Syria and in particular in the city of Aleppo. Prior to this meeting, my views were conveyed clearly on two occasions to the Russian ambassador by my senior officials at my specific direction which, as Deputy Darragh O'Brien knows, is the normal diplomatic channel and practice for Foreign Ministers. Subsequently, these concerns were conveyed again to the ambassador and a senior official in the Russian foreign ministry who recently visited Dublin.

Deputy Darragh O'Brien: I am glad that the Minister has conveyed his concerns directly. I am aware of the normal diplomatic protocol, but the situation in Syria, specifically in Aleppo, is such that it is important that the Minister for Foreign Affairs and Trade meet the ambassador directly face to face. It is welcome that he has done this. Will the Government support the Russian Government's bid to become a member of the UN Human Rights Council? I asked this question during our debate last week. I am asking it again and hope I will get an answer to it this afternoon.

Deputy Charles Flanagan: The Government does not have view on this decision, but I will continue, in all of my utterances at official level and directly, to convey my views to the Russian authorities through their ambassador in Dublin. I will continue to make my views known in the House. I will continue to work with my colleagues in ensuring every effort is made on the part of Ireland to do what we can to influence what is a very serious, tragic and most unacceptable situation. I have made my views known publicly in the House and at the Foreign Affairs Council in Luxembourg on Monday of last week where I worked with my colleagues in crafting a strong statement which was issued following its meeting. In the course of the meeting I participated in a lengthy discussion on the situation in Syria with the UN Secretary General's special envoy, Staffan de Mistura. There is no doubt - I say this for the purposes of providing clarity and reassurance for Members of the House - about Ireland's views on these matters. They are a matter of public record, including in the Oireachtas in the House and at committee level, in the European Union and at the United Nations.

Humanitarian Access

24. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade if his Department is assisting in efforts to open a humanitarian corridor to allow aid to reach the besieged civilians of eastern Aleppo and other besieged areas in Syria; and the efforts his Department is undertaking to help to establish a durable and lasting ceasefire in this conflict which is nearly six years old. [32024/16]

Deputy Seán Crowe: We had a long debate last Thursday on the situation in Syria, prior to

which I had tabled this question. I am trying to find out the specific efforts in which Ireland is assisting to help to open humanitarian corridors in besieged areas of Syria. What specific initiatives are we supporting or involved in? I heard what the Minister said about the figure of €62 million. We give aid to refugees in Jordan, Lebanon, Turkey and Syria. It is about the specifics. I just get a sense that perhaps there is nothing we can do about it, but what specifically is Ireland doing differently with regard to the situation in Syria?

Deputy Charles Flanagan: Last month, during my meeting in Dublin with the Commissioner for Humanitarian Aid and Crisis Management, Mr. Stylianides, I discussed the European Union's new humanitarian initiative for Aleppo which was launched in rapid response to the recent and disturbing escalation of the conflict in Aleppo. This joint EU-UN initiative includes two main elements: first, to facilitate the urgent delivery of basic life saving assistance to civilians in eastern Aleppo and, second, to ensure the medical evacuations of the wounded and the sick, with a focus on women, children and the elderly. I also discussed this issue with my EU counterparts at last week's Foreign Affairs Council. At that meeting it was agreed that "the EU will continue intensive humanitarian diplomacy and seek ways to improve access and protection as well as to promote humanitarian principles and local consensus on guidelines for the delivery of aid". I expect Ireland to provide additional support in the near future for people affected by the crisis.

It is clear that the Assad regime and its allies, including Russia, are determined to prevent humanitarian access from reaching civilian populations in opposition-held areas. While supporting the population in Aleppo is a critical priority, the attack by the Assad regime and its allies against a humanitarian convoy in September underlines the risks to humanitarian actors.

The Government has provided unprecedented humanitarian assistance, totalling €62 million, for the Syrian people since 2012. My EU colleagues and I spoke on Monday, 17 October, to UN Special Envoy de Mistura, underlining our continuing and strong support for his efforts to stem the destruction of Syria and her people. We remain engaged through the European Union in the International Syria Support Group and continue to support efforts to find political solutions to the appalling conflict in Syrian.

Deputy Seán Crowe: We all agree that this is one of the worst humanitarian disasters in recent times. From the debate, we all agree that we are appalled at the savage aerial bombardment of eastern Aleppo by the Syrian and Russian armies and the bombing of Kurdish areas in northern Syria by the Turkish army. We all agree that all sides urgently need to establish a ceasefire and use their influence to broker a deal to end the conflict. We would all like to see another attempt being made to establish humanitarian corridors. Does the Minister know whether another attempt will be made to establish them? I listened to what he said about the UN convention and the communiqué, but I wonder whether initiatives are coming from other like-minded countries throughout the world which have been involved in peacekeeping and peace building. Have we had discussions with any of them on this issue? This is about trying to think outside the box. Is there a unique role we could play as a people and an independent actor, aside from the refugee support we are giving to the Syrian people? Is there anything the Minister believes we could do on top of working in the European Union and the United Nations?

Deputy Charles Flanagan: Earlier I referred to the efforts made on the part of the United Nations to renew political negotiations based on the 2012 Geneva communiqué. This is something that was discussed at length last week with my foreign affairs colleagues and colleagues on the margins of the meeting. However, in the first instance, we need to do all we can to bring

25 October 2016

about an end to the hostilities and the conflict. That is why it is important that every effort be made to ensure a cessation. The pause we saw over the weekend, described in some reports as a humanitarian pause, needs to be extended. We need to allow humanitarian aid to enter the city of Aleppo in order that it can be administered to those most in need of it. That is why the bombing of the UN convoy a few weeks ago was an act of barbarism. The 13.5 million people who remain in Syria are in need of critical humanitarian assistance. Our sum of €62 million has gone directly towards providing aid in the region. It is channelled through a range of NGOs and support organisations, the United Nations, the International Red Cross and the Red Crescent. We will continue to monitor the situation closely. I am sure the generosity of the Irish people is such that further aid will be forthcoming in the event of it being required.

Deputy Seán Crowe: A key aspect on which we have not touched in dealing with the humanitarian crisis is the increase in the number of Syrian refugees relocating and resettling here. Today my colleague, Senator Trevor Ó Clochartaigh, organised a briefing in the AV room with the Irish Refugee Council which is concerned that Ireland is not doing enough to assist refugees. In the past two weeks we have debated the difficulties several times and that the system does not seem to be working in the case of refugees coming to Ireland. Will the Minister confirm that the target is still 4,000 and detail how the Government will rapidly increase the relocation of refugees to Ireland? I made the point today that it was important we were informed as public representatives and that the people we represented were informed of where the people in question would go, how they would be supported and how they would live and that they would not be stuck in direct provision centres for three, five or ten years, which is what some families have been put through. It is about looking outside the box to try to redouble our efforts to help the people concerned.

Deputy Charles Flanagan: The House is aware that last September the Government agreed to accept the total sum of 4,000 asylum seekers and refugees.

5 o'clock

We have now resettled 500 refugees under the Irish refugee protection programme. The target is 520 by the end of 2016 and I believe that figure will be reached. They have all come from Lebanon. The progress of the relocation has been slow, as it has been for all EU partners. To date, a total of 69 Syrians have come to Ireland from Greece and a further 41 are due to arrive this week. It is important that we continue to do all we can to ensure we meet the total of 4,000 at the earliest opportunity.

It is also important that Ireland play its part in humanitarian aid provision. The €62 million in assistance for Syria continues to be put to good use in alleviating the hardship and suffering for many of the people afflicted in Aleppo and saving lives. The funding underlines Ireland's commitment to responding to the humanitarian crisis in Syria and neighbouring countries faced by millions of the most vulnerable Syrians, including refugees internally displaced and their host communities. Irish Aid support for NGOs on the ground includes support for the protection, health and education of Syrian refugees in Lebanon, Jordan and Turkey, with a focus on gender-based violence a priority.

We had the opportunity to discuss the issue last week in the House and at a specially convened meeting of the foreign affairs committee. I would be happy to engage further with Members and the Business Committee as they consider appropriate.

Deputy Sean Sherlock: I welcome the Minister's comprehensive reply detailing both the humanitarian response from Ireland's perspective and the multilateral political engagement at the United Nations. Ireland has, through its taxpayers, significantly invested in alleviating the humanitarian crisis since 2012. The Minister referenced the figure of €62 million committed so far. We had a debate on this issue last week and there was supposed to be a ceasefire last weekend. The United Nations had been hoping to use it to evacuate seriously wounded people and deliver aid, but that does not appear to have happened. Has the Minister given consideration to the fact that no aid has been delivered in Aleppo since 7 July? The UN Secretary General said food would run out, possibly by the end of this month. What is the Minister's view on this stark fact? What Srebrenica was to the 1990s, Aleppo is to the 2010s and the western world, in particular, the United States and others actors in the field, despite their best efforts from a humanitarian aid point of view, need to up their game in terms of political engagement

Deputy Charles Flanagan: The United Nations continues to work hard to negotiate access to besieged areas, as referred to by the Deputy. I acknowledge his role while Minister of State in the past few years. He played an important role in ensuring the provision of humanitarian aid was always top of the political agenda in this country.

I strongly support the efforts of humanitarian aid co-ordinator, Mr. Jacob El Hillo, and Mr. Jan Egeland, the senior adviser to the UN special envoy in Syria with responsibility for humanitarian affairs. I share their profound disappointment that food convoys, including baby food, have been prevented by soldiers of the Assad regime from reaching besieged people. In addition to supporting UN efforts, Ireland provides support for a number of organisations which have played an important role alongside the United Nations in negotiating access for convoys to besieged areas. For example, Ireland provided a total of €1.75 million last year to support the work in Syria of the International Committee of the Red Cross and the Syrian-Arab Red Crescent. It also provides significant support through the Department of Agriculture, Food and the Marine for the World Food Programme, WFP, which has experimented with air drops, notably in the Deir ez-Zor area which is besieged by Daesh. Air drops are, however, slow and resource intensive. It took the WFP six weeks to drop in Deir ez-Zor the volume of food one road convoy could have delivered. That is why we totally condemn, as I am sure every right thinking person in this House and beyond will, an attack by terrorists on a UN food convoy. For all of these reasons, air drops are not the easiest of solutions. Humanitarian organisations continue to seek other ways of gaining access to besieged areas, but I assure the House that Ireland continues to play its part through its NGOs under the leadership of the United Nations to ensure our aid can reach those most in need of help in this tragic situation.

Deputy Sean Sherlock: I implore the Minister to use his good offices and whatever influence he has through the EU External Affairs Service to encourage the Arab world in its response to this crisis from a purely humanitarian aid point of view because notwithstanding the efforts of the western world in the Middle East and everything that is going on there, there is a responsibility on the Arab world to meet the humanitarian needs of people within the region.

Deputy Charles Flanagan: I very much agree. During the summer when I had the opportunity to meet the incoming Secretary General of the Arab League, I referred to the situation in Syria and the point raised by the Deputy. I have no doubt that the only viable and sustainable way forward remains a comprehensive end to the violence and a Syrian-led political resolution based on a real political transition process. That remains my objective and that of the European Union and it is reflected in the conclusions reached last Monday at the Foreign Affairs Council in Luxembourg. Clearly, all available options must be on the table. As I informed the House

25 October 2016

in my address last week, it is a source of the gravest concern for me that a permanent member of the Security Council, with a duty to the United Nations to uphold international law and the principles of the UN Charter, could condone or engage in the bombardment of Aleppo which, in many respects, amounts to a war crime. I utterly condemn the actions in Aleppo of the Assad regime and its allies, including Russia, and demand the immediate end to the bombardment of that city, the ending of the siege of eastern Aleppo and the lifting of all restrictions on humanitarian assistance in Aleppo and across Syria.

An Ceann Comhairle: I take it we have dealt with Question No. 25. We move on to Question No. 26.

Question No. 25 replied to with Written Answers.

Other Questions

Human Rights

26. **Deputy Maureen O'Sullivan** asked the Minister for Foreign Affairs and Trade if he will outline his engagement with the authorities in Northern Ireland and Britain on the outstanding issues faced by prisoners in Maghaberry Prison, especially in view of the lack of progress on the agreements reached between the prisoners and the authorities. [30282/16]

44. **Deputy Éamon Ó Cuív** asked the Minister for Foreign Affairs and Trade the discussions he has had in the past six months with his British counterpart and the relevant Ministers in Northern Ireland on the treatment of segregated prisoners in Maghaberry Prison; the reason for the delay, in particular, in the process involving the International Committee of the Red Cross and the Red Crescent in setting up a prison forum to deal with issues; and if he will make a statement on the matter. [31633/16]

50. **Deputy Clare Daly** asked the Minister for Foreign Affairs and Trade the recent discussions he has had with the Secretary of State for Northern Ireland and the Northern Ireland Minister for Justice on the failure of management in Maghaberry Prison to implement the stocktake agreement; and if he will make a statement on the matter. [30276/16]

Deputy Maureen O'Sullivan: Will the Minister outline the engagement he has had with the authorities in Northern Ireland and Britain on the outstanding issues faced by prisoners in Maghaberry Prison in view of the lack of progress on the agreements reached between the prisoners and the authorities?

Deputy Clare Daly: My question is similar but posed more directly. Will the Minister deal with the failure of prison management to implement the stocktake agreement? Based on our visits to Maghaberry Prison, it is our collective understanding that is where the logjam is in dealing with the problems.

Deputy Charles Flanagan: I propose to take Questions Nos. 26, 44 and 50 together.

Maghaberry Prison was identified by the Chief Inspector of Criminal Justice in Northern Ireland, Brendan McGuigan, in a November 2015 report as needing work to make the prison

safer and to improve conditions for both prisoners and staff. Since publication of that report, Criminal Justice Inspection Northern Ireland has continued with a programme of announced and low-impact visits to the prison which find the situation has stabilised and that some progress has been achieved. More work, of course, remains to be done.

Prison conditions in Northern Ireland, including for those in the separated regime in Maghaberry, were part of my regular dialogue with the former Secretary of State for Northern Ireland, Theresa Villiers, and with the former Minister for Justice in the Northern Ireland Executive, David Ford. I have made my strong concerns known to them. I will continue to raise these issues when I meet with the Minister for Justice, Claire Sugden, and with Secretary of State, James Brokenshire.

In addition, my officials engage on a regular and ongoing basis with a range of interlocutors across the devolved and non-devolved authorities, members of the Stocktake group, the International Committee of the Red Cross and Red Crescent, ICRC, and others to discuss, explore and encourage progress.

The difficulties in establishing the prison forum, which is disappointing, have featured in these discussions. I continue to encourage all those with good offices to move on the forum. At this stage, however, it must be acknowledged that momentum has been lost. That the forum is not up and running has contributed to tension in the prison, which in the circumstances is unhelpful.

Also heightening tension is the sense of threat under which prison officers and their families live. The murders of prison officers Adrian Ismay last March and David Black in 2012 were appalling crimes and clearly damaged confidence between prisoners in Roe House and prison officers.

Notwithstanding the challenges to goodwill posed by Mr. Ismay's murder, I was heartened that the Northern Ireland Executive this summer accepted the recommendation of the Fresh Start paramilitary panel that a review be established on the separated regime. I look forward to the appointment of a review panel and to seeing its work completed. This review was proposed following an extensive consultation process undertaken by Monica McWilliams, John McBurney and Lord Alderdice. It opens a new opportunity to address genuine concerns regarding separation. I am conscious also that moving forward in the prison requires the co-operation of both the Northern Ireland Prison Service and the prisoners themselves. I encourage all to work together in the right spirit to move matters forward.

Deputy Maureen O'Sullivan: As the Minister knows, a group of us have been visiting Maghaberry Prison regularly. The most recent visit was at the end of September. We know the reasons why the prisoners engaged with the authorities and, most recently, with the ICRC, as well as the various agreements, such as Stocktake. It was disappointing when we were there at the end of September to learn the issues are still outstanding, particularly those around controlled movement, full body searching and prisoners handcuffed to warders on hospital visits but subjected to a full body search when leaving and returning. There are also issues regarding education, the Irish language and the small attempt on the part of the prisoners to celebrate the centenary of the Easter Rising. It looks as if there are always inroads into the dignity of prisoners.

The prisoners assured us they were prepared to accept, move forward and stand by the rec-

ommendations of the process. The Fresh Start agreement is also causing considerable anxiety and distress to them, while the other agreements they had come to are still not being realised. Their comment is that it is all process but no progress. Meanwhile, we have another process under Fresh Start. As the Minister said the momentum has been lost. We need to get it going again with the new Secretary of State and Minister for Justice.

Deputy Clare Daly: We believe this is an incredibly serious situation. I note the Minister's comments that overall progress has been made with conditions at Maghaberry Prison, adjudicated as one of the worst prisons in Europe. In actual fact, that progress is quite slow. It is our experience that developments in the segregated wings have actually gone backwards. We do not say that in any way lightly or flippantly. This is based on the experience of five years of visits, the input from those who did the Stocktake agreement, the ICRC, which tried to facilitate a process, the Prisoner Ombudsman for Northern Ireland and even the Minister's own Northern Ireland office. All of these parties have tried to intervene but there are two essential problems.

The reason why the prison forum failed is because arbitrary and non-serious issues were thrown into the mix when the real issues in the room were always controlled movement and strip searching. Without addressing those, there cannot be any movement onwards.

We note the Minister repeated his comment that the staff feel threatened. Again, we have to go back to the response the prisoners would make. They claim they signed up to the agreements in August 2010 and demonstrated good faith. There have been no physical incidents against any prison officer in that area, as distinct from the general body of the prison population. What we have is a sham process, which is actually contributing to a difficult situation on the ground, and will not be solved until these issues are addressed.

Deputy Charles Flanagan: As Deputies will be aware, the strip searching regime has been the subject of a complaint by prisoners. It is an issue which both I and my officials have raised in discussions with the appropriate authorities in the North. The Stocktake report recommended the current policy for searching prisoners when exiting and entering the prison be reviewed, particularly in cases where prisoners were going for a medical or health examination. This has been accepted by the Northern Ireland Prison Service, saying discretion can be applied. Prisoners are no longer routinely subject to full body search when leaving the prison on home leave or discharge from custody.

I am aware the Deputies have been briefed by the ICRC on some of these issues raised here. I too am disappointed that the forum recommendations did not proceed. The first chair proposed in December 2014 was Mr. Tom Miller. That proposal was not acceptable to the prisoners. This led to some delay, after which the ICRC agreed, over the summer of 2015, to its person in Belfast taking on the role.

That person engaged with both prison management and prisoners to see if an agreed agenda could be found. In the event, it did not prove possible. Since then, there have been several meetings among stakeholders to see how matters might be moved forward. Since then, we have seen a number of changes in key personnel and people, including the Minister for Justice in the Northern Ireland Executive, the ICRC in Belfast, and management in Maghaberry jail. Shortly, there will be a change in the matter of the Northern Ireland Prison Service.

At this stage, it would be premature to speculate as to what new people will bring to the discussion. Both I and my officials will continue to raise these issues with the importance of

moving forward on the Stocktake report.

Deputy Maureen O’Sullivan: It is extremely disappointing there has not been progress. Even after the Stocktake report, the prisoners took part in another process and it now looks like another one. They are not seeing anything from the good will they are showing. They assure us that their only interest is in a conflict-free environment but yet these issues persist. There are alternatives to full body searching. There could be a move on the education and language classes. It comes down to a lack of will on the part of the authorities to move these in a way which would be positive for everybody.

I agree no one should feel threatened in their place of work. It is obvious there is tension in the prison but there have been no physical assaults on prison officers in rows Nos. 3 and 4. However, the separation unit continues, along with full body searching and the lack of education. Prisoners have had their licences revoked and are going through a whole process which is extremely unfair. Again, this is about not letting this matter lose momentum any further.

Deputy Clare Daly: It is true to say that if one does not go forward, one goes backwards. That has been our experience in this case. In many ways, the character of the prisoners has been tested beyond belief. We do not understand how they have remained as patient as they have. We are glad the Minister agrees with us that full body searches are completely unacceptable. Like the Minister, we have been told it is not going on in the same way as it was before. Our information, however, is that it is. It is not good enough for the authorities to say that after five years, they are looking at alternative technology. That does not add up when similar prisoners in Portlaoise are not subjected to full body searches. There are other alternatives such as swabbing, dogs, the BOSS, body orifice security scanner, chair and so on. There is no need for this cruel, unacceptable and degrading treatment.

All the evidence shows that the processes are being used to drag out the situation, to fail to implement any meaningful changes and deal with the issues at the heart of the prisoners’ complaints. If that continues, it can only destabilise the situation further. That is not just our view but that of all of the neutral or independent bodies who have tried to assist in this process. All of their efforts have been stymied which, in fairness to them, they put at the door of prison management in Northern Ireland, which is incredibly dangerous. The Minister has an important role to play in terms of keeping these issues on their plates.

Deputy Charles Flanagan: We should wait to see how best we might take forward the recommendation of the Stocktake report. There are security issues involved, which have been evidenced time and again. The security, safety and health and welfare of those working in the prison under very difficult circumstances must at all stages be taken into account. I have raised the humanitarian issues on the part of prisoners, as raised with me by Deputy Maureen O’Sullivan and others and I will continue to do so. I attach a particular importance - this was referred to by Deputy Maureen O’Sullivan - to the action plan on the part of the Executive on paramilitarism and in particular the intention to establish a review of the separated regime in Maghaberry Prison. We are agreed that this is a welcome initiative. I hope that it will provide the context to move forward to a more positive atmosphere within the prison, which ultimately will have positive consequences for everybody involved.

Question No. 27 replied to with Written Answers.

25 October 2016

Foreign Conflicts

28. **Deputy Maureen O’Sullivan** asked the Minister for Foreign Affairs and Trade if he has had any engagements with his Turkish counterpart or the Turkish ambassador regarding the repression of teachers and third level educators following the attempted coup in July 2016; and his views on whether the current administration is potentially in breach of human rights standards. [30280/16]

Deputy Maureen O’Sullivan: I am interested in hearing from the Minister about the extent of his engagement with the Turkish Foreign Minister and the Turkish ambassador regarding the repression of teachers and educators following the attempted coup in July this year and his views on whether the current administration is potentially or actually in breach of human rights standards.

Deputy Charles Flanagan: I thank the Deputy for raising this important issue. I condemned the attempted coup in Turkey on 15 July as a criminal act and an attack on democracy. Since then, the situation in Turkey has been discussed at meetings of the Foreign Affairs Council. Ministers also had an open exchange of views with Turkish Minister of European Affairs, Mr. Omer Celik at a meeting of EU Foreign Ministers in Bratislava on 3 September, at which I stated Ireland’s concerns about the human rights situation in the post-coup environment in Turkey. Furthermore, I attended a specially convened meeting of the Council of Europe on the situation in Turkey with the Turkish Foreign Minister Mevlüt Çavuşoğlu on 7 September, at which I again set out Ireland’s position. I reiterated that the attempted coup was an attack on democracy and that, in responding to the attempted coup, Turkey must uphold democratic norms and values.

Democracy, human rights, fundamental freedoms and rule of law are core European values. I expressed my concerns that some of the actions taken since the coup are contrary to democratic norms and Council of Europe standards. In particular, I expressed concern about the scale of the post-coup purge which has seen large numbers of people detained or suspended from their jobs, including teachers and academics; the arrest of journalists and the closure of media outlets. I also condemned the spate of terrorist attacks in Turkey, including those carried out by so-called Islamic State or Daesh, the PKK or their affiliates in Turkey.

Ireland supports a stable and democratic Turkey. We understand the depth of feeling that this attack on the core of democracy in Turkey has provoked. However, it is critical that legal due process is a cornerstone of the Turkish authorities’ response and in that context the presumption of innocence and the right to a fair trial is essential.

I note that the Council of Europe Commissioner for Human Rights, Mr Nils Muižnieks, has acknowledged that the Turkish authorities needed to act quickly to dispel the threat posed by the attempted coup. The Commissioner, who visited Turkey at the end of September, also stresses the urgency of reverting to normal safeguards and procedures. I fully agree that the response to the aftermath of the coup must be proportionate and measured.

Deputy Maureen O’Sullivan: Regardless of the motivations of the coup, it was an attack on democracy in Turkey. The aftermath was anything but democratic. The words “purge” and “cull” have been used. It was a purge and a cull of civil society and the public sector, particularly educators, judges, journalists and academics, all under the umbrella of national security, which is reminiscent of what we are being told here in relation to other issues. Last week, the

Minister outlined to the Joint Committee on Foreign Affairs and Trade and Defence the various meetings he had attended. He also said that what is happening is exacerbating citizens' democratic freedoms and human rights. The EU has pledged support for Turkey's democratic rights but where is Turkey's respect for the democratic rights of its citizens? Thousands of teachers have been suspended or dismissed. In September, 11,500 teachers were suspended or dismissed because they were suspected of links with the Kurdish Workers' Party. The implication of this for students comes to mind. I do not think the EU is being strong enough in terms of respect for democracy. I wonder if it is because we are so reliant on Turkey in terms of refugees that we do not want to rock that boat too much.

Deputy Charles Flanagan: I attended the specially convened meeting of the Council of Europe in September, at which I acknowledged receipt of the Commissioner for Human Rights report of 7 October outlining the results of a recent visit to Ankara. I am pleased to note that the Commissioner reported on the matter of the regime in Turkey. I reiterate what I said at the Council of Europe in Strasbourg, namely, that the core principles of democracy, including human rights, must be at all times practised and protected in Turkey. I recognise that the extreme measures in Turkey are in response to a shocking attack on democracy. However, it must be recognised that there are no circumstances under which this can be used as an excuse for measures that might be described as either harsh or disproportionate. The best antidote to terrorism is human rights and the rule of law. The Turkish authorities should adopt a more targeted and transparent approach in this regard.

Deputy Maureen O'Sullivan: A number of Turkish intellectuals have also been imprisoned, in particular Ahmet and Mehmet Altan. There was no substantial evidence to back-up the charges of their involvement in the coup. They were accused of participating in the plot by giving subliminal or subconscious messages in a TV talk show before the coup. One of them has been released under judicial supervision, probably because of a major high profile campaign by people from academia, intellectuals and so on. There are other Turkish intellectuals and journalists in prison who do not have the backing of that kind of campaign. There is a need for a strong statement from Ireland condemning the purge of educators and journalists. Perhaps the Minister would say if he has had any conversation with the Turkish ambassador to Ireland on this matter.

Deputy Charles Flanagan: It is important that this debate be placed in the context of there being a state of emergency in Turkey following the unacceptable coup. This state of emergency first imposed on 20 July has been extended to 20 January next. Ireland has strongly stated its view that the principles of democracy, including human rights, must at all times be honoured, maintained and protected. I have urged the Turkish authorities to revert to what might be described as ordinary procedures or rule of law and safeguards as soon as possible, such that we will see in Turkey a return to a sense of normal politics. In terms of public utterances I have encouraged the Turkish authorities to avail of the offer on the part of the Council of Europe to make the widest use possible of the experience, guidance and expertise of the Council of Europe in the process of a return to normality.

Consular Services Representations

29. **Deputy Eamon Ryan** asked the Minister for Foreign Affairs and Trade the action his Department is taking to secure the release of a person (details supplied). [31811/16]

31. **Deputy Gino Kenny** asked the Minister for Foreign Affairs and Trade if his attention has been drawn to the fact that the presidential decree of law 140 was submitted again for a person (details supplied) in August 2016 and that there is limited time this decree can remain effective; if he will put adequate pressure on the Egyptian Government to ensure the person can be released as many inmates have recently received a presidential pardon; and if he will make a statement on the matter. [30281/16]

47. **Deputy Bríd Smith** asked the Minister for Foreign Affairs and Trade the status of recent efforts to secure the release of a person (details supplied); and if he will make a statement on the matter. [31817/16]

64. **Deputy Catherine Murphy** asked the Minister for Foreign Affairs and Trade his Department's plans in view of the most recent and fifteenth postponement of a person's trial in Egypt (details supplied); his views on whether previous attempts to resolve the case need to be amended and a new strategy adopted; and if he will make a statement on the matter. [30284/16]

Deputy Eamon Ryan: The Ceann Comhairle will be aware of the motions that were brought before the Dáil and Seanad calling for the release of Ibrahim Halawa. I am particularly interested in hearing an update from the Minister on what the Department of Foreign Affairs and Trade is doing to help secure his release, given Mr. Halawa is approaching his 21st birthday, having been imprisoned without trial for more than three and a half years since his arrest at age 17 and that under Egyptian law, as a minor he would be not be detained after two years in any event. I am keen to hear what the Minister has to say about the latest developments.

Deputy Charles Flanagan: I propose to take Questions Nos. 29, 31, 47 and 64 together.

I assure the House that the consular case of this citizen remains a top priority. The Government continues to apply maximum pressure to the Egyptian Government as a means of working to achieve this citizen's return home to Ireland at the earliest possible time and to provide all consular care possible to him while he remains in prison. Our immediate and ongoing efforts are focused on pressing the case with the Egyptian authorities for a positive response to the application made in August under presidential decree No. 140. In this regard, I acknowledge the position of the House, in particular the initiative of the Ceann Comhairle, Deputy Eamon Ryan and others to ensure that this case continues to be pressed. I have been in regular contact with my Egyptian counterpart, Foreign Minister Shoukry, on this case. On 24 September, I met with Minister Shoukry in New York where I again stressed my concerns at the repeated delays in court proceedings and reinforced the Government's support for the decree No. 140 application. This was the latest in a series of contacts which included also my visit to Cairo in June.

The Taoiseach has also been in direct contact with President el-Sisi to underline his personal support and that of the Government for the pending presidential decree No. 140 application. As has been previously reported to the Oireachtas, the Taoiseach has met face to face, spoken by phone and exchanged written correspondence on this case with President el-Sisi on a number of occasions. In all our respective contacts, the Taoiseach and I have consistently underlined the Government's concerns about the continuing detention of this young man who has been in prison for over three years now without having been convicted of any crime and who is part of a group trial that has been adjourned on a number of occasions. The Taoiseach and I will remain engaged with the Egyptian Government. We will sustain our determined efforts to see him released by the Egyptian authorities at the earliest possible opportunity. In the meantime, of course, my Department will continue to provide consular support for his health and welfare

while he remains in detention.

Deputy Eamon Ryan: I appreciate the update. Is it possible for the Minister to give any further indication as to the discussions with his counterpart, the Egyptian Foreign Minister, in New York in September? I realise that a decree No. 140 applications is one of the few ways in which the political system might be able to have an influence in this area. Did the Minister have any sense from talking to the Egyptian Foreign Minister or did the Taoiseach get any sense from discussions with President el-Sisi whether that is a viable path? There is hope that it might lead to the release of the individual in this case. If that is not the case or if it is not successful, what other mechanisms or diplomatic pressures is the Minister willing to apply to secure the release of the Irish citizen in this case?

Deputy Charles Flanagan: As I advised the House on previous occasions, our approach is under continuous review. It is informed and shaped by, *inter alia*, co-ordination and dialogue with the legal representatives of the citizen and his family members and my discussions with Members of the House. We also rely on the experience and expertise of our departmental officials and our consultations with other states which had citizens in similar situations as well as the advice of legal and human rights experts on the international stage. The circumstances have somewhat changed now because presidential decree No. 140 has been invoked. I expressed my serious disappointment that a recent hearing date did not give rise to either a court hearing much less a satisfactory conclusion or any conclusion. I understand the due date is now 12 November and I will be in contact with the authorities prior to that date. We are making every effort politically and diplomatically to provide for the health and welfare of the young man while in custody as well as to ensure that the court regime is such that the judge and judicial process are in a position to advance matters on 12 November.

Deputy Eamon Ryan: I thank the Minister. I understand that it may be possible for a visit from the Oireachtas to take place in Egypt to consider a wide range of relations between Egypt and Ireland as well as to visit Ibrahim. I would be keen to hear whether the Minister thinks that might be a useful part of the diplomatic process in which he is engaged. In general, how is this case affecting diplomatic relations, trade discussions and other relations with the Egyptian Government? At what point does it start to interfere in those relations? Is that something the Minister takes into account in this process or is it being treated as a completely separate case and do our relations with the Egyptian state continue regardless of the outcome or effect of discussions on this issue?

Deputy Charles Flanagan: Any visit by Members of the House is entirely a matter for the House. I have an expectation that an appropriate judgment will be made in that regard. I repeat my disappointment that the hearing date of 2 October was not fulfilled. It has now been confirmed to me that the hearing has been rescheduled for 12 November. On Sunday, 2 October, the date of the council hearing, I spoke directly with Egypt's ambassador to Ireland, H.E. Soha Gendi. I expressed my concern about the further delay in the case and once again underlined the strong desire on the part of the Government and everybody in the House, having regard to the resolutions adopted by it, to see this citizen returned to Ireland at the earliest opportunity.

Syrian Conflict

30. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs and Trade if he has met his Syrian and Russian counterparts to discuss the atrocities in Aleppo; if he has also

25 October 2016

met American, British and other EU Foreign Ministers on moves to end the Syrian carnage; his plans to meet with them; and if he will make a statement on the matter. [31702/16]

Deputy Thomas P. Broughan: I listened to the Minister's earlier replies to colleagues in the Chamber on the carnage in Syria which has taken perhaps 500,000 lives at this stage and which has displaced millions of Syrian people. The Minister said he had been in contact with ambassadors and others. He said Ireland was ready to play a positive role, and I think he meant a very strongly positive role, in the resolution of the conflict and the bringing about of an immediate and final ceasefire. Has the Minister been involved with the International Syria Support Group and has he organised any meetings with the Syrian Foreign Minister, the Russian Foreign Minister, Sergei Lavrov, and with the representatives of the other non-Syrian forces which are combatants in that country?

Deputy Charles Flanagan: I reiterate my total condemnation of the bombardment of Aleppo. The attacks by the Assad regime and its allies, including Russia, against eastern Aleppo are clearly disproportionate and unacceptable. The deliberate targeting of hospitals, medical personnel, schools and essential infrastructure and the widespread civilian casualties may, indeed, amount to war crimes. Our concerns have been conveyed in the clearest possible terms to the Russian authorities. Ireland does not recognise the legitimacy of the 2014 Syrian presidential elections and has ceased all diplomatic or political contacts with the Assad regime.

My EU colleagues and I spoke on Monday, 17 October with the UN special envoy Staffan de Mistura and underlined our continued and strong support for his efforts to stem the destruction of Syria and its people. I met with US Secretary of State John Kerry and UN Secretary General Ban Ki-moon during my recent visit to the United Nations in New York. I discussed the crisis in Syria with them and with other international partners in a range of bilateral meetings. I continue to press for accountability, both to provide the victims with the hope of redress and in the hope that it will deter those involved from even worse atrocities in the area. This has been central to our interventions at the UN in New York and Geneva and of my own interventions and statements at the Foreign Affairs Council in Luxembourg last week. Together with our EU partners, Ireland remains engaged through the European Union in the International Syria Support Group. We will continue to support efforts to find a political resolution to the unacceptable level of conflict and hostilities in Aleppo and Syria generally.

Deputy Thomas P. Broughan: The Minister said the attacks may, indeed, amount to war crimes. Why would the Minister preface his remarks with words like "maybe"? These are war crimes. The involvement of Russia, presumably in pursuit of its strategic interests, has enabled the Assad regime to continue making war on its own people. Assad said there would be no more humanitarian causes. What is the attitude of the Minister to that?

I think the Minister was in the Chamber with me when we heard the news about Srebrenica. The situation in Aleppo has also been compared to Guernica. Some 250,000 people are suffering in east Aleppo. It is a total outrage and a war crime.

What is the Minister going to do about it? For example, has he met the representatives of the Saudi Arabian Government? If one tracks the role of Al-Nusra, fascist groups like ISIS and other groups in Syria and Iraq, ultimately the trail always leads back to Saudi Arabia. The Minister mentioned that he had met an Egyptian counterpart with people in the Arab League. We seem to be almost like helpless, bewildered bystanders. We need to take action. Along with his colleague, the Minister for Justice and Equality, I ask the Minister to tell us where the refugees

this country promised to bring to security and safety are. People are fleeing the country.

Deputy Charles Flanagan: I have raised this issue, along with the people to whom I made a specific reference earlier, with the incoming secretary general of the Arab League. I also raised the issue directly in the context of my conversations with Foreign Minister Shoukry of Egypt, an influential interlocutor in the region.

Ireland, together with our European partners, made it clear in a statement on 4 June 2014 that we do not accept the legitimacy of the presidential election in Syria. It was held under a flawed electoral law which imposed identification requirements, which deprived most Syrians living in areas under opposition control of their ability to cast votes. The facts call into question the legitimacy of the Assad regime and its authority to invite military support from other states. I made that position clear in a recent meeting I held with the representative of Russia in Ireland, the Russian ambassador. I will continue to amplify the points that have been raised in the House on numerous occasions.

Deputy Thomas P. Broughan: Surely every time the Minister speaks he should be calling for a cessation of the savage attacks on the people of Aleppo and other parts of Syria. Has the Minister spoken to the representatives from the United States, the ambassador and the Secretary of State, and the UK? They are countries that supply Saudi Arabia with large amounts of modern weaponry which then end up on the outskirts of the streets of Aleppo. Part of the problem is that countries such as the US, the UK, Iran, Turkey and Russia and other foreign jurisdictions are interfering in the conflict.

The Minister correctly said that the solution has to be led from Syria by Syrian people. The situation requires a more urgent response and whatever leadership we can give from this small country to try to bring about a resolution would be welcome. Will the Minister meet representatives of the Syrian Christian and Islamic churches who, I understand, are coming to this country next month?

Deputy Charles Flanagan: I agree that every effort must be made by the international community to confront the brutality and terrorism of Daesh. As the Deputy is aware, the situation in Syria is very complex. I am of the view that the only solution must be political rather than military. I discussed the matter with the US Secretary of State, John Kerry, recently in New York and I hope to have a further opportunity over the next few days to engage further with him.

Refugees have been the subject of debate with my colleague, the Minister for Justice and Equality. We agreed to accept 4,000 asylum seekers from the region. We have now resettled 500 under the Irish refugee protection programme. Our target is 520 by the end of this year. All of these people have come from Lebanon.

On relocation, I acknowledge that progress has been slow, but that has been the case for all of our EU colleagues. To date, a total of 69 Syrians have come to Ireland from Greece and a further 41 are due to arrive next week. It is important that we all work together across the European Union to play our part. Over the past few days, officials and representatives from the Irish Government have travelled to Greece in order to ensure that we play our part in dealing with the tragic situation of unaccompanied minors.

I wish to assure the Deputy that I will continue to take advantage of every opportunity to raise this issue. He is correct; in these matters Ireland exercises a level of influence. I will relay

25 October 2016

issues that were raised last week during the course of a debate and resolutions of the House in order that we play our part as a small, but nevertheless influential, independent neutral country.

An Ceann Comhairle: We have made an error on Question No. 29. We should have announced that Deputies Bríd Smith, Gino Kenny and Catherine Murphy on the Egyptian issue were to be grouped.

Deputy Charles Flanagan: Apologies.

An Ceann Comhairle: We did not announce that. If the two Deputies wants to make a statement or ask a question, I invite them to do so.

Deputy Bríd Smith: I want to ask a question. My question to the Minister concerns the status of his recent efforts to secure the release of Ibrahim Halawa. However, I heard his answer to Deputy Eamon Ryan. I want to quiz him a bit further on that answer because there is no point in him telling me again that he met Mr. Soukry on 24 September and again in New York on 2 October.

Deputy Charles Flanagan: If I told you that I did not meet him-----

Deputy Bríd Smith: I am saying there is no point in saying that again.

An Ceann Comhairle: Minister, contain yourself.

Deputy Bríd Smith: I want to ask the Minister specifically-----

Deputy Charles Flanagan: If I told you that I did not meet him-----

Deputy Bríd Smith: I did not imply that. I am sorry. The Minister misunderstands me. I am saying there is no point in him repeating the same information because I heard it already.

When the House met on 7 July, we passed an all-party motion on the question of Ibrahim Halawa and what the House might be able to do. During the debate, the Minister said more or less the same, namely, that he and his Government proactively used all tools available to them to apply the maximum pressure on the Egyptian Government at the highest levels, along with a series of engagements by phone, letter, face-to-face meetings etc., over the past two years.

The Minister mentioned that the trial has been postponed again. This is the 15th time that has happened, not the second, third, fourth or fifth. This is a very serious situation. I would like the Minister to tell me the status of the joint party resolution that we passed on 7 July, which included a request for the Minister's committee to ask the ambassador of the Republic of Egypt, her excellency, to appear before the committee, address the repeated delays in Ibrahim's trial, request her to convey to the relevant Egyptian authorities this House's concern that he should be released and finally, and not unimportantly, a proposal that a parliamentary delegation be established to visit the Egyptian Parliament and seek to arrange a visit.

The Minister told Deputy Ryan that is a matter for the House. Could he explain to me who takes responsibility in the House for such a motion and its implementation if the House does not and if the Minister is not the person who takes that responsibility?

Deputy Gino Kenny: I am slightly confused. Am I asking the question?

An Ceann Comhairle: I take it you are asking Question No. 31. The Minister announces

the groupings, not me. I take it that it is Question No. 31.

Deputy Gino Kenny: Am I asking that question now?

An Ceann Comhairle: Yes, if you want to.

Deputy Bríd Smith: They are being grouped.

An Ceann Comhairle: It is a supplementary question.

Deputy Gino Kenny: Will I ask the question?

An Ceann Comhairle: You can ask what you like. It is up to yourself. It is a supplementary, really.

Deputy Gino Kenny: Okay. I think the Minister has already answered most of my question. I will cut to the chase. The Egyptian authorities are playing mind games. They have gotten into the heads of the Minister, the Taoiseach and, most importantly, Ibrahim. An e-mail from his sister outlining his well-being is quite shocking. He is depressed, which of course he would be. He has refused any visits from embassy staff. What is going on is terrible and the Egyptian authorities are dragging the case out for their own purposes.

I want to mention two names to the Minister and I hope he can comment on them. One name is Peter Greste. He is an Australian citizen who was released under the decree of law 140. The other is a man called Mohamed Soltan, an American citizen, who was also released under the decree of law 140. Why has Ibrahim not been released? That is my simple question.

Deputy Charles Flanagan: I am very familiar with both of those cases and the details of them. As I said before, it is important to note that each and every case is somewhat different. We have considered these cases in detail and have extensively engaged in consultations on them. My focus is on our citizen and how best we can proceed to advance matters. My officials are in regular contact with the citizen in question and with the prison authorities on the matter of his health and welfare, both of which are important issues for me also. On the matter of the follow-up to the House motions, I assure the House that both myself and my officials will provide every appropriate support of the Oireachtas, including the parliamentary delegation. This was the subject matter of a conversation I had with the Egyptian ambassador.

However, it is with regret that I note that there was a form of negative reaction to the passing of the motions here in this House in some quarters in Egypt. The speaker of the Egyptian parliament, the Ceann Comhairle's counterpart, made some public remarks that were critical of the intervention on the part of the Oireachtas. This sensitivity is one of the reasons why I at all times wish to be measured and careful in my comments and utterances. My concern and priority is the health and welfare of this citizen and to ensure that the trial does take place in a way that can lead to a conclusion at the earliest opportunity. The next return date is 12 November. I wish to assure the House that my officials and I will be in contact with the authorities prior to that date in the hope that matters can be satisfactorily resolved on that occasion.

An Ceann Comhairle: We will proceed to Question No. 32-----

Deputy Bríd Smith: Can I not respond?

An Ceann Comhairle: We cannot. Question No. 32-----

25 October 2016

Deputy Bríd Smith: Do I not get the same time as other people who ask questions? The Minister has said a few things there that I would like to respond to.

An Ceann Comhairle: No, we cannot-----

Deputy Bríd Smith: I will not take all day. I want to take this motion seriously. It was passed in July. We are now hurtling towards November and the sixteenth time that this young man will be before a trial. I bet 50 bucks the trial will be postponed. The Minister said he is worried about the sensitivities of the Egyptian Parliament. I do not see how he is surprised by their sensitivities. They have locked up 60,000 and killed 3,000 in a counter-revolution. I believe we need to stop treating them with kid gloves. This is the impression I and everybody else get. Certainly, the family has that impression. God knows what the poor young fella thinks, languishing in a prison with 30 other people in a squashed-up cell and suffering from mental illness. I believe we have to address it. I want to bring it before the business committee next week. As far as I can see, this House passed that motion and nothing has been done. The Minister tells me that the reason is because some sensitive Ceann Comhairle in Cairo got offended. That is not good enough.

An Ceann Comhairle: It is neither the time nor the place for me to intervene on this, but I will say that there has been a series of very positive and constructive meetings with the Egyptian ambassador. There have been attempts made on an ongoing basis, including a meeting with the Irish ambassador in Cairo, where the matter was discussed at length. We will debate it at the business committee meeting.

Deputy Bríd Smith: We should implement our own motions.

Deputy Charles Flanagan: I wish to add to that. I am bound by the House, as far as the House motions are concerned. The Parliament here is sovereign. Let me assure the Deputy and the House that the Egyptian Government remains in absolutely no doubt about the Irish Government's position and its determination to see the citizen released and have the trial disposed of as soon as possible.

Deputy Bríd Smith: It is not the doubting that is the problem, it is the doing something about it.

Diplomatic Representation

32. **Deputy Gino Kenny** asked the Minister for Foreign Affairs and Trade his views on the reports of statesanctioned death squads and vigilantism in the Philippines under President Duterte; the assistance being offered to a person (details supplied) and his or her family in an appeal in the Philippines against a 12-year prison sentence for a trivial offence; and if he will make a statement on the matter. [30277/16]

Deputy Gino Kenny: I ask the Minister for Foreign Affairs and Trade his views on the reports of state-sanctioned death squads and vigilantism in the Philippines under President Duterte; the assistance being offered to a person - details supplied, which I will name now in a second - and his or her family in an appeal in the Philippines against a 12-year prison sentence for a trivial offence; and if he will make a statement on the matter.

An Ceann Comhairle: Please do not name anybody.

Deputy Gino Kenny: I will have to.

An Ceann Comhairle: The Deputy should not name anybody outside the House.

Deputy Bríd Smith: Ibrahim Halawa is outside the House.

Deputy Charles Flanagan: I expressed my concerns in this House on 16 September in regards to the severe counter-drugs actions being pursued in the Philippines. Ireland opposes the use of capital punishment and has consistently called for its abolition in the United Nations and other fora. Ireland supports the recommendations which were set out following a UN General Assembly special session on countering the world drug problem held in April 2016. States should promote proportionate policies for drug-related offences and pursue public health and criminal justice approaches that ensure legal guarantees and due process safeguards and that are in full compliance with international law and international human rights standards.

I am very much aware of this consular case as raised by Deputy Kenny and the very difficult circumstances in which this individual and his family find themselves. I have personally raised my concerns with senior Philippines Government contacts, including most recently on 22 September in New York, when I met with my counterpart, the secretary of foreign affairs of the Philippines Government.

I and my Department officials are continuing to give the matter priority attention. My Department officials at headquarters in Dublin, at our embassy in Singapore, which is accredited to the Philippines, and at our honorary consul in Manila have all been engaged in the case, provided consular assistance and raised the individual's concerns with appropriate authorities in Manila.

The citizen and his family are in regular contact with my consular officials in Singapore and Dublin. The consul from our embassy in Singapore and our honorary consul in Manila met with the individual in Manila on 12 October 2016. Officials from my Department have met with the wife of the individual concerned. Our ambassador in Singapore has raised the case on a number of occasions with the Philippines Government when visiting Manila, most recently with the foreign ministry on 19 October 2016.

Additional information not given on the floor of the House

The case has also been raised formally with the Ambassador of the Philippines to Ireland.

I understand that there is to be an appeal in this case to the Supreme Court. For any Irish citizen subject to criminal proceedings abroad, my Department officials will offer non-judgemental advice and any appropriate practical help that they can, irrespective of the alleged offence and regardless of whether the individual is ultimately deemed to be innocent or guilty, is on remand or has already been sentenced by a court of law.

I can assure the Deputy that the Philippines authorities are fully aware that I and my Department are following this case closely, and that we are concerned about the individual's health and wellbeing.

My Department officials, especially our Embassy in Singapore and our Honorary Consulate in Manila, will continue to maintain contact with this citizen and his family and will provide whatever further appropriate consular assistance we can.

25 October 2016

An Ceann Comhairle: I will have to stop the Minister there because we are running out of time.

Deputy Gino Kenny: I appreciate that things have been done in the background. Mr. O’Cochlain was found in 2013 with a tiny amount of cannabis and he is stating that it was put on him for reasons of bribery. The worrying thing is that this Philippino president sounds like a maniac. The stats are quite incredible. Since 1 July, 3,600 people have been killed in the Philippines. There are extra-judicial killings, death squads and incitements to kill from the president in raging a drugs war. Amongst all this, Mr. O’Cochlain is in fear of his life. I believe he is living under pretty horrible circumstances. He has been there for the last three years. Terribly, three of his relatives have died in those three years. He has not been able to come back to Ireland. I am hoping that the Minister and the Department of Foreign Affairs and Trade can do everything in their power to get this man’s passport back.

Deputy Charles Flanagan: I wish to say briefly to Deputy Kenny that I am aware of the concerns and of the issues regarding the health and welfare of the individual concerned. I wish to assure the Deputy of my own personal action on this issue and those of my officials both here and in the district.

An Ceann Comhairle: That concludes questions to the Minister for Foreign Affairs and Trade. My apologies to all of those Members who were waiting for further questions to be taken.

Written Answers are published on the Oireachtas website.

Business of Dáil

An Ceann Comhairle: For the information of Members, I wish to announce that the National Tourism Development Authority (Amendment) Bill 2015, which was passed by the House on Wednesday last, is certified to be a Money Bill in accordance with Article 22.2.1° of the Constitution, and has now been sent to the Seanad.

Topical Issue Matters

An Ceann Comhairle: The following matters in respect of which notice has been given under Standing Order 29A were received by the Ceann Comhairle, and this is a list of the name of the Member in each case: (1) Deputy Thomas P. Broughan - supports needed for St. Joseph’s national school, Marino, Dublin 3, on its application for DEIS 1 status; (2) Deputy James Lawless - the reason volumes of waste from the greater Dublin area are currently being deposited in Drehid landfill site, north-west Kildare and related issues; (3) Deputy Carol Nolan - the ongoing increases in motor insurance premiums; (4) Deputy Sean Fleming - the reduction in services at an Alzheimer’s day care unit in Monasterevin, County Kildare; (5) Deputy Eugene Murphy - the deportation of an individual whose marriage has been confirmed by the HSE; (6) Deputy Josepha Madigan - the closure of Notre Dame school in Churchtown; (7) Deputy John Lahart - Airbnb properties and planning permission; (8) Deputy Niamh Smyth - the need to address the issue of substance abuse following a recent case at Cavan general hospital accident and emergency department; (9) Deputy Catherine Murphy - the disparity between sterling

and euro in retail prices; (10) Deputy Jonathan O'Brien - industrial action by members of An Garda Síochána; (11) Deputies Aengus Ó Snodaigh, Bríd Smith, Joan Collins - school management concerns over staffing at the Assumption girls school in Walkinstown; (12) Deputy Clare Daly - the terms of reference of the O'Neill investigation and the undermining allegations; (13) Deputy Pat Buckley - to discuss allegations of historical abuse at Clonmel Mental Hospital; (14) Deputy Mick Wallace - the terms of reference of the NAMA commission of inquiry; (15) Deputy Jackie Cahill - competition concerns in the beef industry; (16) Deputy Catherine Conolly - the withdrawal of a bus service in Galway; (17) Deputies Richard Boyd Barrett and Gino Kenny - the demolition of the refugee camps in Calais; (18) Deputy Maureen O'Sullivan - the impact of puppy farms and the need for stricter enforcement; (19) Deputy Anne Rabbitte - the staffing of maternity services in University Hospital Galway; (20) Deputy Frank O'Rourke - the resourcing of the adult degenerative spine service in Tallaght Hospital and the Dublin/Midlands Hospital Group; (21) Deputies Thomas Byrne and Mick Barry - measures being taken to prevent school closures during the upcoming strike by ASTI members; (22) Deputy Barry Cowen - the withdrawal and relocation of ambulance services from Edenderry to Tullamore; (23) Deputy Margaret Murphy O'Mahony - the closure of the only waiting list for free eye tests for children; (24) Deputy Mattie McGrath - the time period allotted for slurry spraying on agricultural land; (25) Deputy Fiona O'Loughlin - the reduction of services in the Alzheimer's day care unit servicing south Kildare; (26) Deputy Martin Heydon - the need for improved youth services in County Kildare including a dedicated youth officer.

The matters raised by Deputies John Lahart, Josepha Madigan, Jonathan O'Brien and Frank O'Rourke have been selected for discussion.

Topical Issue Debate

Planning Issues

Deputy John Lahart: I am grateful to be able to raise the Airbnb subject under Topical Issues today. It is a highly topical issue that has been commanding attention for the last number of days.

6 o'clock

We need to have a conversation in this House about Airbnb. It is well past time. Airbnb has featured as a topic on the airwaves and in newspapers, both nationally and internationally, for the past year or so. For travellers, websites such as that of Airbnb offer affordable rooms to travellers and tourists, as well as an insight into and a taste of local living throughout the world. Airbnb's European headquarters are, as we know, based in Dublin, providing 300 jobs in the capital. I recognise that for those who rent rooms or properties, it can represent a financial lifeline. In the Irish context, being in negative equity has often been cited as a reason for availing of such a lifeline, as well as, perhaps, supplementing a modest income. A recent article in the *Financial Times* stated:

...the creation of this huge new marketplace should be welcome. But to some city authorities, the explosive growth of home-sharing represents a threat to the regulated hotel sector, a nuisance to other residents and an incentive for landlords to convert long-term lets

into more profitable holiday rentals, exacerbating housing shortages.

It can be argued that those landlords who let full properties to Airbnb guests would not let them to social housing tenants to the same extent, but at a time of an acute housing shortage surely some of them would or could so let. Equally, because of the shortage of hotel rooms in Dublin, with only one additional hotel coming on stream at the end of 2016 and only another half dozen to be delivered before the end of 2019, the argument in favour of Airbnb supplementing and augmenting the tourism room offering in the capital is compelling. However, we have no statistics or hard information, except that from Airbnb or monitoring websites. The website *insideairbnb.com*, for example, gives the following statistics for Dublin. In the capital there are a total of 6,225 listings of properties for sharing or renting. In the Dublin city area there is the largest number of properties available, almost 5,000, for an average of 119 nights per year. Furthermore, 48% of the listed properties are either apartments or houses which are available for full letting. In other local authority areas there are smaller, proportional numbers. According to the statistics, the average cost of an Airbnb room in Dublin is €102 per night, which compares with the cost of €129 for a hotel room. There are more than 2,000 properties listed in Dublin. These are not rooms or sharing opportunities but either homes or apartments which are available on Airbnb for full-time letting for 80% of the year.

What started out as a novel concept offering individuals who owned their own homes the opportunity to offer to travellers a room, rooms or their home to share or rent has exploded into a market impacting service with few ground rules, in which there is a lack of regulation, while there are issues around registration, tax compliance and planning laws. The evidence of landlords with multiple properties or individuals renting multiple properties and sub-letting them to Airbnb tenants, while undoubtedly entrepreneurial, has placed Airbnb very much on the radar of the hotel industry, housing and homelessness organisations, the Revenue Commissioners and, more recently, the independent planning authorities but not the legislators in these Houses. That is my purpose in raising the issue. As I stated, it is well past time we had this conversation about Airbnb. As the *Financial Times* puts it in its editorial:

[It] is not a reason to restrict home-sharing. It is rather an occasion for authorities around the world to look again at the regulation of overnight accommodation, consider which rules still make sense and ensure they apply to all businesses offering equivalent services.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I thank the Deputy for raising this important issue. He is right; it is time we had this conversation in the House. I will give some background information and put the issue in context, but it is a conversation we need to have, not just tonight. It is one we are examining and will be discussing it further.

Article 10(4) of the Planning and Development Regulations, 2001 to 2015, which deals with change of use exemptions for planning purposes provides that development consisting of the use of not more than four bedrooms in a house, where each bedroom is used for the accommodation of not more than four persons as overnight guest accommodation, shall be exempt from the requirement to obtain planning permission under the Planning and Development Act 2000, as amended, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

The interpretation and application of enactments relating to exempted development in any

particular case are, in the first instance, matters for the local planning authority concerned or An Bord Pleanála on appeal or referral. Similarly, an enforcement action for any breach of the planning code is a matter for individual planning authorities under Part VIII of the Act of 2000. Section 30 of the Act specifically precludes the Minister from exercising any power or control in any particular case, including enforcement, with which a planning authority is or may be concerned.

I understand the recent determination by the board on the use of an apartment for short-term, commercial letting purposes through a dedicated website was based on a number of considerations related to the particular circumstances of the case. They included, for example, the exclusive use of the apartment in question on a year-round basis for short-term commercial lettings, the absence of any permanent resident from any portion of the apartment and submissions made by the letting company, as well as those made by other residents of the area. Accordingly, the board concluded that the use of the particular apartment in question constituted a material change of use and was, therefore, not an exempted development under the planning code.

The effect of the determination which is in line with the earlier decision of Dublin City Council is that the letting company or apartment owner will need to apply to Dublin City Council for planning permission for a material change of use. Continued operation of the apartment in question without such planning permission could be considered to be unauthorised development and subject to enforcement proceedings by Dublin City Council under the planning Acts. It is also important to note that the role of the Minister in the planning system is primarily to provide the supporting policy and legislative framework which the Deputy addressed and which comprise the Planning and Development Act, the planning and development regulations and statutory planning guidelines, to which planning authorities and An Bord Pleanála are required to have regard in the exercise of their statutory planning functions. The day-to-day operation of the planning system is a matter for the individual planning authorities and the board. However, in the context of the recent determination by the board, as referred to by the Deputy, the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, has asked the Department to examine the decision and consider the appropriate steps that might need to be taken, including the provision of statutory planning guidelines, with a view to providing clarity and ensuring consistency of approach by all planning authorities in terms of the planning requirements for such commercial lettings. As part of that work, we will have this conversation to see where we are going in this matter. The Deputy has raised valid points and we will have an opportunity to address and discuss them further in the House after the Department has prepared a briefing note for the Minister.

Deputy John Lahart: There are a number of other issues that have been highlighted by commentators and to which the Minister of State has not referred, including the impact Airbnb properties have on the social environment. Given that the majority of its properties are residential in character or setting, the ability of Airbnb to impact on neighbourhoods, residential areas, particularly apartment and privately managed complexes, is considerable. There is sufficient anecdotal evidence available on this point in terms of a public narrative for it to be at least a cause for concern. This is before mentioning the legal complexities of renting properties with shared management fees, common areas, parking and public access issues and so on, never mind the impact on residents of a residential development which was granted planning permission morphing into a commercial and, possibly, rateable enterprise. More than 6,000 units in Dublin are listed with Airbnb. The An Bord Pleanála decision allows for a wider conversation to take place and the Minister of State suggests he is open to having it. Airbnb has to begin

25 October 2016

to engage in an Irish context, but it needs an agency to engage with before that discussion can begin. However, there is no such agency or vehicle to allow it to take place.

Until recently, Airbnb properties were not in breach of any law or regulation. The Minister of State will be aware of the wider international context. Berlin has banned tourists from renting entire apartments on Airbnb to protect the availability of affordable housing. Other cities have banned the renting of full, multiple properties because of its impact across a range of factors such as housing supply, neighbourhoods and residential settings. In New York the governor may give effect to a law which provides for fines of \$7,500 for the owners of short-term lets on Airbnb. I recognise that an association which represents Irish landlords states there should not be an outright ban.

As I stated, what started out as a novel idea has exploded and I guess Airbnb is a victim of its own success. The House and the Government needs to discuss the issue. There is a balance to be struck. I look forward to seeing the report the Department is to bring to the Minister and hope it will enable us to have a wider debate on the regulatory framework.

Deputy Damien English: We will examine all of the issues raised by the Deputy in the review of the decision made last week. I agree that it would be worthwhile having the conversation, but we will be forced to have it now, which is fair enough. It is something that was on the cards for a while. The Department will review the decision and examine all of the various concerns raised by the Deputy. We will also examine the international context and decide on the best step by step approach to take. I assure the Deputy that we will have a chance to discuss the matter in the House before that will happen. It is something the relevant committee might decide to examine. The committee is doing great work in analysing policy statements and future policy formation. We do not yet have a timeline setting out when we will be ready to proceed but we are working on the issue and I will keep the Deputy posted.

School Closures

Deputy Josepha Madigan: I thank the Ceann Comhairle for allowing me to speak on this Topical Issue, which is of great concern to many of my constituents in Dublin-Rathdown. The announcement of the closure of the Notre Dame schools in Churchtown came as a great shock to parents of students in the schools who were not given any notification that the school was to close. The Notre Dame secondary school has 150 pupils, while the junior school has 100 pupils. Although the junior school is a fee-paying private school, the Department has some oversight in respect of the secondary school.

Parents learned from media reports that the schools were to close. I understand the junior school will close in June 2017 and the senior school will close in summer 2019. Some allowance has been made, therefore, but the parents I met last Sunday are devastated by the decision. One particular woman lost her husband two weeks ago and her five year old child has been crying every day because the child must move school.

When did the Department learn that the schools were to close? What steps were taken to address the lack of funds in the schools, which were clearly not viable? Why were parents not informed that this would happen?

I am aware that a trust was established which is not subject to the oversight of the Depart-

ment. Members of the trust also have questions to answer when I and a number of parents meet the chair this evening.

This is extremely stressful for all those involved. I ask the Minister to clarify whether a competition to have other schools open on the site will be expedited. I am aware that ownership of the site has transferred to the Department. The possibility of a Gaelscoil or Educate Together school opening on the site has been mooted. I would like the process to be expedited and I ask the Minister to provide clarity on when this will happen.

The announcement of the closure of the Notre Dame schools has caused great distress. We are all aware of the significant waiting times for schools in all localities. What action is the Department taking on the issue? Will the Minister communicate directly with the parents to find a resolution?

Minister for Education and Skills (Deputy Richard Bruton): I thank the Deputy for raising this matter. I can fully understand the dismay caused by the decision of any school to close. I will clarify the Department's position on the closure by Notre Dame Schools Trust of the fee-paying primary and post-primary schools which it operates on Churchtown Road Upper in Dublin. I understand the concerns that have been raised by staff, parents and students regarding the recent announcement of this closure.

Last week, the Notre Dame Schools Trust made a formal announcement regarding its decision to begin winding down the Notre Dame junior and secondary schools. The parents of pupils have been informed that the decision to close the school was made by the trustees on the basis that there was insufficient income to support the schools' financial commitments and operating costs and the need for significant investment in the infrastructure.

Officials from the Department of Education and Skills had been in contact with the school trustees prior to the closure to provide the required supports to assist them in facilitating an orderly wind-down and phased closure of the schools. Notre Dame Schools Trust has at all times indicated its commitment to ensure appropriate arrangements are put in place to facilitate the current cohort of students during the schools' phased closure. The Notre Dame junior school will continue operating until the end of the current academic year in June 2017 and will then close. The Notre Dame secondary school will continue to operate until June 2019 to ensure that all pupils currently attending the school can complete their current junior and senior cycles uninterrupted.

As part of its liaison with Notre Dame Schools Trust, my Department agreed the acquisition of the school property and grounds, with a view to using them for school purposes in the future. This acquisition was finalised recently. While the proposed school to be accommodated has not been determined at this point, there are several school needs in the area and the future use of the property is being considered in that context. My Department is awaiting clarification pertaining to the feasibility of development of alternative sites and the timelines for acquisition, planning permission and development, which will inform the decision with regard to the future use of the Notre Dame site. The Department will not take over the current schools. As part of the discussions on the acquisition, it was agreed the current schools will remain *in situ* until the wind-down period has been completed.

I thank the Deputy for giving me the opportunity to outline the position regarding the closure of two schools in Dublin 14.

25 October 2016

Deputy Josepha Madigan: I thank the Minister for his statement. I appreciate the sentiments expressed and will convey them to the parents when I meet them this evening.

The Minister stated the Department is “awaiting clarification pertaining to the feasibility of development of alternative sites and the timelines for acquisition”. Whatever happened in the past has happened and separate questions arise with regard to the Notre Dame Schools Trust. I would appreciate, however, if I could give the parents some indication as to timelines for the future of the site. It may not be feasible to open a new school by September 2017, which will require parents to re-school their children or find alternative schools for them. Their preference is to have their children to continue their schooling at the Notre Dame schools’ site. I would appreciate if the Minister could provide definitive timelines and give me an idea as to when the feasibility study will be completed.

Deputy Richard Bruton: It is hoped the matter will be dealt with in a matter of weeks, rather than over a longer period. I hope we can identify what is the best use of the site that recently came into the ownership of the Department. I understand a number of stakeholders could use the site. The Department wants to make a decision based on what alternatives are open to the schools in question and whether they would represent the best use of the site to accommodate needs in the local area. We do not envisage a drawn-out process because we expect an existing school to operate from the site, which would mean a new patronage process would not be necessary. Establishing a brand new school with a new patron would require a much longer planning horizon.

Deputy Madigan asked what role the Department will play. When a patron decides it can no longer continue to operate a school, it is entirely a matter for the patron. However, the Department will support the continuing operation of the school to allow students in certificate classes to complete their cycle and sit their examinations. I hope we will be in a position within a reasonably short period to give parents some indication as to the future use of the site in order that we can assist them in making plans.

Garda Industrial Relations

Deputy Jonathan O’Brien: I ask the Tánaiste to provide an update on the ongoing negotiations with Garda representative organisations. While I fully understand she cannot provide details of the discussions, I ask her to provide information on the number of meetings that have taken place and so forth. I am aware that representatives of the Association of Garda Sergeants and Inspectors, AGSI, are due to meet departmental officials again tomorrow to try to find a resolution before Friday’s industrial action. I also note the AGSI stated today that it did not have any progress to report. While I understand the Tánaiste is limited in terms of providing details of the ongoing discussions, I ask her to provide information on the nature of the discussions, the number of meetings held and at what level and whether she is hopeful of finding a resolution to the problem.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank the Deputy for raising this important matter. As he stated, the negotiations are at a sensitive stage. For the moment, we must concentrate on securing a satisfactory resolution to the ongoing talks. I assure the House that every effort is being made to resolve the dispute in the only way that it can be resolved, namely, through negotiation. Intensive discussions are taking place. I know the House will understand that I am anxious not to say anything publicly which would

make the resolution of the issues involved any more difficult. Everything that can be done is being done. The resolution of outstanding concerns lies in further engagement and I will continue to facilitate that.

I do not want to mislead the House by pretending there is some easy solution to hand. On the one hand, the Garda associations feel a genuine sense of grievance about their pay and conditions, a grievance felt by many public service workers and others as a result of the great sacrifices which had to be made, given the dire economic circumstances this country faced. While it is easy to understand and sympathise with this, what this Government cannot do is take measures which could only have the effect of endangering the progress we have made in leaving those dark days of economic ruin behind us.

We all have great admiration for the difficult job which members of An Garda Síochána do, day in, day out, in protecting our community. However, we cannot let that admiration and respect blind us to the consequences of trying to resolve this dispute outside general policy in regard to public service pay. Against that background, we need the discussions to continue to see whether we can reach agreement on measures which are possible within the context of the Lansdowne Road agreement. Of course, they have to be fair to gardaí, to other public sector workers and to the wider community, which has to pay for these measures.

As Deputies are aware, the agreements reached between the Department of Justice and Equality and the GRA and the AGSI addressed in a very positive way the issues raised by them in the course of the negotiations which took place over a number of months. In particular, the agreement sought to address the concerns they have articulated in regard to the pay of new recruits, the additional hours that gardaí are required to work, their access to pay determination and dispute resolution bodies and the completion of the review of An Garda Síochána - the Horgan review - which will be available in a number of weeks. The agreement included very significant benefits, including the restoration of the rent allowance worth over €4,000, or 17%, annually to new recruits and also, in the case of the GRA, the lifting of the increment freeze from 1 January.

It is very disappointing that these terms have been rejected and that the announcement has been made in regard to industrial action and withdrawal of service. The reality of any negotiations is that both sides do not get everything they want. However, we must continue in the coming days to work with great intensity to map a way forward, which we will. While our focus is on achieving that, work is ongoing in the background in regard to contingency planning and indeed I met with the Garda Commissioner to discuss issues relating to the dispute, including contingency plans.

Clearly, the reality is that very significant challenges will be faced in this country if there is a widespread withdrawal of labour by a substantial number of gardaí. I believe the Garda commitment to serve our community will inform the discussions that are taking place. I believe all sides must wholeheartedly focus on those discussions in an effort to resolve the dispute. I appreciate the support of this House.

Deputy Jonathan O'Brien: The AGSI is due to have another round of discussions tomorrow. The Minister might inform us when the GRA is due to meet Department officials. While we do not want to say anything that may jeopardise those ongoing negotiations, it is important for the general public to know what is happening. That is why I put down this Topical Issue in that it gives the Minister the opportunity to reiterate that every opportunity to try to resolve this

25 October 2016

will be explored. This is not just about pay, as the Minister knows. There are other issues on the table and the AGSI in particular is, for example, seeking the recognition of the European Social Charter, which was ruled on in 2014. I am sure all of that is part of the negotiations.

The Minister said she has met the Garda Commissioner in regard to the contingency plans. Although I am sure she is not going to go into what those contingency plans are, again, it is an opportunity to put on the public record that if the industrial action does go ahead, there are very robust contingency plans being worked on at the moment that will be implemented if necessary.

I want to wish the Department officials, the Minister and the Garda representative bodies every success in trying to resolve this. As the Minister said, no side is going to come out a winner or a loser in this and the only way it is going to be resolved is around the negotiating table. I hope the negotiations bear fruit, hopefully before this Friday but, if not, certainly before the following Friday.

Deputy Frances Fitzgerald: I thank the Deputy for the approach he has taken. The Government understands the very real anger that is out there which, as I said, is shared by many in the public sector and the public at large because of the very tough decisions that had to be taken in recent years and the impact that has been felt so deeply by many people, including gardaí, who feel it very deeply. However, it is important to be clear that withdrawal of service, industrial action or threats of industrial action will not achieve something in contravention of wider public pay policy. Nonetheless, I believe there is scope for an agreement, which is what we want to focus on.

Intensive work is ongoing. The Deputy asked about meetings with the GRA. There have been meetings today and there is a meeting with the AGSI again tomorrow. I assume these meetings will continue. Detailed discussions are ongoing which I hope can lead to satisfactory outcomes, with goodwill all round.

In regard to the contingency planning, as I said, I have met with the Garda Commissioner in this regard and we are liaising very closely with the Garda authorities about all aspects of the dispute, as the Deputy would expect. The Garda associations have already stated that some emergency cover would be provided. The extent and nature of that cover is very important in terms of managing the situation. The Garda Commissioner will have to take any and all actions available to her to mitigate the impact and effects of any withdrawal of labour.

There is no point pretending the planned action, if it goes ahead, will not constitute a very significant challenge to this country. Given the scale of the work the 12,800 gardaí do, day in, day out, whether in regard to cash in transit escorts, preventing burglaries, gathering intelligence, dealing with fatal road traffic accidents and the whole range of other work they do, it is a hugely significant issue if that labour is withdrawn and would have a huge impact. I make no apology for repeating that the focus of the Government remains on engagement, negotiations and, ultimately, finding a pathway to resolution and agreement in the coming days. We want all sides to keep talking, discussing and trying to find a solution. That is what is happening at present and I hope we will have a positive outcome.

Hospital Procedures

Deputy Frank O'Rourke: I am grateful for the opportunity to raise this matter. Two weeks ago a surgeon requested to meet me and my colleagues, Deputies Lahart and Troy, regarding his concern for his patients due to the current unacceptable delays in adult spinal surgery at Tallaght Hospital. Grave concerns exist regarding the growing outpatient waiting list and there is currently no dedicated spinal theatre in Tallaght. While five surgeons are attached to Tallaght, three are jointly appointed to Crumlin children's hospital, one is working half-time on a temporary basis and one is a recent appointee. I met the consultant who carries out spinal surgery as a result of the seriousness of the issue and the impact it is having.

Tallaght Hospital currently services hospitals such as Naas, in my constituency of Kildare North, Tullamore, Portlaoise and St. James's, among others. It is a wide catchment area, given that my constituency has a population in excess of 100,000 people. As far as I am aware, the only hospitals that have theatres equipped to carry out spinal surgery and are dedicated as such are Beaumont Hospital and Cork University Hospital.

In response to the front-line staff - the surgeons and all of their teams - and the patients on these excessive waiting lists, can the Minister and the Department give a commitment that they will invest in one, and ideally two, spinal surgery theatres in Tallaght and provide the required staff? I am told the cost of a theatre is approximately €4 million and the cost of staffing to carry out operations adequately is approximately €300,000 per annum. Those are the figures I have been given but the Minister of State, Deputy Finian McGrath, may correct me on them. I am being told there is now an urgent requirement to have one theatre but that, given the waiting list, the service would operate very effectively and efficiently with two.

Statistically, our population is ageing. The demands for spinal surgery will increase as the population ages and the service will become more critical. Therefore, it is imperative to have in place the necessary infrastructure, such as the dedicated theatres.

The total number of patients currently on the waiting list for outpatient surgery in Tallaght is approximately 412. One hundred and ninety of those are waiting for between 12 and 24 months. One hundred and seven are waiting for between six and 12 months. The lists are becoming longer all the time, for the reasons we have outlined. This is because the facilities are not in place. The service is covering such a wide catchment that it is just not able to keep up and deal with the number of people referred to it for various types of surgery.

The adult waiting list to see a spinal consultant is currently in excess of 400. Most of these people will need surgery. The spinal surgeon I met made this known to me purely out of concern for his patients. The waiting lists are getting completely out of control, with no end in sight. The surgeon said the target waiting time for urgent cases is approximately one to two months, but the actual waiting time is 13 months. For a routine procedure, the next available appointment is the target, but the actual waiting time is in excess of 23 months. Currently, there are 93 patients awaiting urgent surgery. It is very important to address this and I would appreciate the feedback of the Minister of State on ascertaining how this issue can be dealt with. It is important that the Department takes this on board and consider an investment plan and policy so we can deal with this issue.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputy Frank O'Rourke for raising this important issue and giving me an opportunity to outline

to the House the current position on this matter. Tallaght Hospital adult service is part of the Dublin Midlands Hospital Group and Tallaght is the principal provider of elective orthopaedics in the group. The hospital's spinal orthopaedic service provides emergency and elective access for varying acute and degenerative spinal conditions with a tertiary referral base.

The hospital service for chronic degenerative disorders includes surgery for conditions such as sciatica resulting from spinal degeneration, degenerative spinal deformity, bone fragility-related disorders of the vertebral column and spinal fractures. Patients with abnormal curvature or deformities of the spine may also require corrective surgery. Approximately 30% of spinal patients operated on in Tallaght Hospital are patients who transition from Crumlin children's hospital. In cases involving the severely disabled, complex reconstructive surgery provides real capacity for improvement in life quality, pain and spinal function. The service at Tallaght Hospital includes a pioneering physiotherapy-led back pain clinic screening, which ensures that only 20% of the GP referrals require onward referral to a consultant-led clinic. There are also linkages with pain management services so that patients have access to pain management clinics.

It is acknowledged that spinal orthopaedic activity levels at Tallaght Hospital have fallen in recent years. There has been a reduction in consultant staffing numbers in this sub-specialty area due to consultant departures and difficulty in recruiting replacements. This is an important issue. In an effort to address inpatient and outpatient spinal orthopaedic waiting lists, an additional half-time consultant was appointed in late 2014. This appointment has assisted in managing emergency admissions and in running additional waiting list clinics. In 2015, €1 million was provided by the HSE to fund 100 degenerate spinal surgeries. An additional consultant is due to start work at the hospital in July 2017 and it is expected that this appointment will assist in addressing the hospital's capacity deficit in the long term, particularly in respect of the issues the Deputy raised today.

Furthermore, the winter initiative funding for 2016 and 2017 includes a €7 million fund for a targeted waiting list programme for orthopaedics and spinal and scoliosis procedures in designated sites, including patients on the Tallaght Hospital waiting list. This includes €2 million provided specifically for scoliosis patients to treat the 39 adolescent patients on the Tallaght waiting list and additional 15 to 20 paediatric patients by the year's end. I am aware that the long-term strategy for Tallaght Hospital is to provide spinal degenerative surgery, with a gradual transfer of the adolescent scoliosis surgery from Our Lady's Children's Hospital, Crumlin, to the new children's hospital.

Hospital groups must focus increasingly on networks of service provision, with smaller hospitals managing routine, urgent or planned care locally and more complex care managed in the larger hospitals, such as Tallaght Hospital.

Deputy Frank O'Rourke: I thank the Minister of State and welcome this reply but the difficulty is that the number of patients waiting to have surgery is still in excess of 400. The information I am getting from the surgeons and the front-line staff who must deal with the waiting lists and reduce them to a manageable size is that there ought to be a commitment to invest in delivering the theatres. I know the Minister of State understands this. We are trying to ascertain whether the commitment will be given. Ultimately, it is what will deal with the backlogs initially and have them managed thereafter.

I welcome the €15 million investment in the National Treatment Purchase Fund. I hope

some of this will assist in dealing with some of the backlogs and waiting lists in this area. It is a short-term solution for dealing with waiting lists that is to be welcomed but in the longer term we must plan and strategise. The best way to deal with this for the future is to ensure we have the necessary infrastructure and appropriately staffed theatres ourselves.

The surgeon to whom I spoke highlighted that when surgeries are being carried out in private practice in Blackrock, for example, four to six can be carried out per day. In the same period in Tallaght Hospital, the maximum number carried out is two. This needs to be examined, regardless of whether it is a staffing issue or an efficiency issue. The people at the front line are doing everything they can. They are working in difficult circumstances, as we all know, but what is occurring is adding to the problem.

Those who need the procedures carried out are suffering from horrendous pain. I accept what the Minister of State said about pain management but I note, having spoken to those affected in recent days, that it is not working and it is having a serious negative impact on the patients' mental health. There are many consequences arising from having people suffering and waiting for over 24 months to have necessary procedures. I hope there will be a genuine refocusing on this issue, based on the delivery of the measures needed at the front line to deal with this unacceptable problem and the unacceptable waiting lists.

Deputy Finian McGrath: I thank the Deputy. Spinal injuries are an important issue for me, the Minister, Deputy Harris, and the Government in general. Only last week I had a very informative meeting with a group of affected patients, and they raised many of the issues raised by the Deputy today. I arranged to meet with my adviser on disabilities, Mr. Gerry Maguire, in the past couple of days. We are focusing on the issue. I totally accept the Deputy's point about there being 100,000 people in his constituency in Kildare.

The Deputy mentioned Beaumont Hospital and the unit in Cork, which do great work on these issues. As the Deputy knows, Beaumont Hospital is in my constituency. I am well aware of the work. The Deputy referred to the cost of a theatre. He is correct it is in the region of €4 million. Staffing a theatre costs in the region of €300,000 per annum. Our plan is to invest in the health service. We have started that investment. It is important that we recognise that. I am working on the issue of investment very closely with the Minister, Deputy Simon Harris, whom I commend for his recent work, particularly on the budget, on which we also worked very closely. We are talking about actions, not just issues, for example, the provision of €3 million for an additional 570 orthopaedic procedures in the national tertiary referral centre at Cappagh; €2 million for additional orthopaedic procedures in Beaumont Hospital, Tallaght hospital and the hospitals in Tullamore, Waterford and Galway, with the objective of achieving the 18-month waiting list target by year end; and €2 million to treat the 39 scoliosis patients on the Tallaght hospital waiting list and an additional 15 to 20 paediatric patients by the end of the year.

The important message from the budget - I am standing beside the Minister for Finance, Deputy Michael Noonan - is that we are focusing on investing in health services. I hope to be able to do something about many of the issues raised by the Deputy. As I said, I am working very closely with the Minister, Deputy Simon Harris. The issues raised by the Deputy are among my priority issues in the context of the HSE service plan. I hope, therefore, that we will see some movement in dealing with them in the next few months.

25 October 2016

Finance Bill 2016: Order for Second Stage

Bill entitled an Act to provide for the imposition, repeal, remission, alteration and regulation of taxation, of stamp duties and of duties relating to excise and otherwise to make further provision in connection with finance including the regulation of customs.

Minister for Finance (Deputy Michael Noonan): I move: “That Second Stage be taken now.”

Question put and agreed to.

Finance Bill 2016: Second Stage

Minister for Finance (Deputy Michael Noonan): I move: “That the Bill be now read a Second Time.”

As I said in my 2017 Budget Statement, the country has overcome significant challenges which many thought were insurmountable. The lessons of this challenging period must not be forgotten. There is a need to manage the public finances effectively and fairly for the benefit of all. In the programme for Government we decided to favour investment in services over tax changes on a two to one basis in favour of public services. We have also listened to the need for reform of how we do our business. This Finance Bill is focused primarily on implementing the main tax changes announced on budget day. As there are limited resources available for taxation changes, we have sought to make progress, where possible. The budget made changes to USC rates and this is another step in bringing us nearer to phasing out this charge. The changes to the capital acquisitions tax, CAT, thresholds and capital gains tax, CGT, entrepreneur relief are a step forward in moving towards the programme for Government commitments. The Bill, for the most part, reflects the objectives set out in the budget. I am conscious of the need to support the wider business sector, given its importance in terms of employment creation and investment. These budget measures are a good start in how we will help business to deal with Brexit. They are only a start and we recognise that we will have to do more in the future.

First, the Government has retained the reduced VAT rate for the tourism and hospitality sector. Other measures are included in the Bill to extend the special assignee relief programme and the foreign earnings deduction until the end of 2020; to extend the start-your-own business scheme for a further two years; and to improve the revised entrepreneur relief I introduced in budget 2016 by reducing the 20% rate of capital gains tax to 10% on disposals of qualifying assets up to a limit of €1 million in chargeable gains. The Bill also provides for an increase in the earned income credit from €550 to €950 per year. This credit is available to self-employed individuals who do not have access to the PAYE credit and provides support for entrepreneurs and small business owners generating employment and economic activity across the country.

The universal social charge was introduced in 2011 as a measure to broaden the tax base to address the fiscal crisis. Since that time, significant progress has been made in broadening the income tax base in other ways through the curtailment or abolition of reliefs and exemptions. This allowed me to begin to reduce the USC in the last two budgets and now allows me to continue that process in this Bill which provides for the reductions in the three lowest rates of USC announced in the budget.

A Programme for a Partnership Government acknowledges that higher personal tax rates discourage work and jobs. For the third year in a row, the measures introduced in this Finance Bill will reduce the top marginal rate of tax on incomes up to €70,044 per year. Subject to the passing of the Bill, this marginal rate will stand at 49% from January 2017.

From 1 January next year, the Bill will reduce the three lowest rates of USC by 0.5% each. The 1% rate will fall to 0.5%; the 3% rate to 2.5%; and the 5.5% rate to 5%. This will decrease the rate of USC applying on all incomes up to €70,044 in a year, fulfilling our programme for Government commitment to focus tax reductions on low and middle income earners. The Bill also makes a small increase in the ceiling of the band on which the reduced 2.5% rate of USC will be payable to €18,772. This will ensure the salary of a full-time worker on the minimum wage will remain outside the top rates of USC following the increase in the national minimum wage from €9.15 to €9.25 per hour. I am maintaining the threshold for entry into the USC at €13,000. This will maintain the breadth of the income tax base and ensure over two thirds of income earners will continue to contribute towards the provision of public services and social supports for all citizens.

The Bill also provides for an increase in the home carer tax credit to €1,100 per annum to support families where one spouse works primarily in the home to care for children or other dependants. This credit is of benefit to over 80,000 families annually.

The help-to-buy initiative included in the Bill aims to assist first-time buyers of new homes to fund the deposit required under the Central Bank's macro-prudential rules. It takes the form of a rebate of income tax paid in the previous four tax years as a contribution to the deposit needed to fund the purchase of a new home. The amount rebated will be up to a maximum of 5% of the purchase price of a new home up to a value of €400,000, while no rebate will be available for new purchases costing more than €600,000. The amount of rebate available to an applicant is calculated based on his or her total income tax paid in the previous four years. To qualify, the property must be a new build and purchased or self-built as the applicant's principal private residence. By restricting the initiative solely to new builds and new self-builds, it is anticipated that the resulting increase in demand should encourage the construction of such properties.

The help-to-buy scheme as announced on budget day limited it to persons who had mortgages with a minimum 80% loan-to-value ratio. The Central Bank has indicated to the Department of Finance that a sizeable number of first-time buyers take out a mortgage with a loan-to-value ratio of less than 80%. I have, therefore, decided to amend the scheme in order that first-time buyers do not feel compelled to borrow larger amounts in order to qualify. I have set a minimum loan-to-value ratio for the scheme at 70% in the Bill.

As I announced in the budget, the Bill will implement measures in respect of section 110 of the Taxes Consolidation Act 1997. Concerns were raised about the section 110 regime being used by investors in a manner which was never intended. I am, therefore, moving to restrict the use of the regime where transactions involve loans secured on and deriving their value from Irish property. Ireland has always protected its right to tax profits arising from property in the State, as is the international norm. This measure reinforces our taxing rights and will ensure the Irish tax base is appropriately protected, while simultaneously ensuring the section 110 regime will be maintained for bona fide securitisations. The proposed amendment to section 110 applies to profits arising from the holding of financial assets that derive their value from Irish land and property from 6 September 2016 and does not permit the section 110 companies to “mark

to market” or revalue their assets at that date. The final proposal, however, does include exemptions which relate to bona fide securitisations such as collateral loan obligations, residential and commercial mortgage-backed security transactions and loan origination businesses.

In a further move to assert our taxing rights over Irish property, I am introducing a new tax regime for Irish funds holding Irish real estate. Irish real estate funds are investment undertakings, as defined, where 25% of the value of that undertaking is made up of Irish real-estate assets. Where an Irish real estate fund holds 25% or more of its value in Irish real estate assets, the IREF must deduct a 20% withholding tax on certain property distributions to non-resident investors. The withholding tax will not apply to certain categories of investors such as pension funds, life assurance companies and other collective investment undertakings. The proposal will ensure that the Irish tax base will be protected where Irish property transactions are taking place within collective investment vehicles. The amendment will apply to accounting periods beginning on or after 1 January 2017.

Therefore, in terms of the treatment of section 110 and of funds, I think that the changes in the Bill represent the most appropriate balance that can be achieved. I recognise that there may be issues of a technical nature, in particular with regard to Irish real estate funds, which if necessary can be addressed on Committee Stage.

I am conscious of the difficulties in the farming and the agrifood sector driven by changes in world prices, the immediate impact of a fall in the value of sterling arising from Brexit and the difficult weather. Some of the tax changes for the self-employed will also accrue to this sector. The sector will benefit from the following specific tax measures. The flat-rate addition for farmers will increase from 5.2% to 5.4%. Farm-restructuring relief is being extended to 2019. Farmers will be able to step out of income averaging and pay only the tax due on a current-year basis with any deferred tax liability becoming payable over subsequent years. The scheme of accelerated capital allowances for investment in energy-efficient equipment to sole traders is being extended to all non-incorporated businesses and will help businesses in the farming and marine sectors to invest in energy-efficient equipment and receive the full allowances in the first year. An income tax credit is being introduced for fishermen. The €1,270 annual credit will shelter income of up to €6,350, which is the equivalent value of the seafarers’ exemption.

In budget 2017, I announced that I was increasing the capital acquisitions tax group A tax-free threshold which applies to gifts and inheritances from a parent to their son or daughter to €310,000. The Bill also allows for an increase in the group B threshold to €32,500 and the group C threshold to €16,250. These increased thresholds are effective from 12 October 2016 and further threshold increases will be considered in the context of the 2018 budget.

I will now go through the Finance Bill measures, but Deputies will appreciate that in the limited time available to me I cannot describe every single section in detail. Part 1 of the Bill deals with universal social charge, income tax, corporation tax and capital gains tax. Sections 2, 3 and 4 provide for the income tax and USC changes that I have just outlined. Section 5 provides for a new tax credit for fishermen to assist the viability of the fishing sector. This will allow those who spend at least 80 days fishing at sea in a tax year to claim an additional income-tax credit of €1,270 per annum.

Section 6 makes a technical amendment to the sportspersons’ relief to provide that contributions to PRSAs are treated in the same manner as other pension products. The extension of the home renovation incentive for a further two years is provided for in section 7. Deputies will

be aware of how successful this incentive has been to date with more than €1 billion worth of works undertaken on almost 47,000 properties so far.

Section 8 gives effect to the help-to-buy incentive scheme. Section 9 extends the special assignee relief programme until the end of 2020. This programme was due to expire at the end of 2017, but this extension is being announced now in order to provide certainty for the foreign direct investment sector in the context of Brexit.

Also in that context, section 10 provides for the extension of the foreign earnings deduction until the end of 2020. It adds Columbia and Pakistan to the list of qualifying countries and reduces the minimum period required to be spent abroad from 40 to 30 days to ensure that the scheme is more accessible to smaller businesses.

Section 11 extends the start-your-own-business tax relief for new applicants for an additional two years until the end of 2018. This scheme assists long-term unemployed individuals to start a business by giving them an exemption from income tax on profits of up to €40,000 for two years and mirrors that available for corporate start-ups.

An increase in the ceiling for tax-free income under the rent-a-room scheme from €12,000 to €14,000 is provided for in section 12. Deputies will be aware that this incentive aims to encourage homeowners to rent out additional vacant rooms, thereby providing extra residential accommodation.

Section 13 relates to personal retirement savings accounts, PRSAs. Revenue has brought to my attention certain tax-planning opportunities entailing PRSAs that were not envisaged by the legislation. The section will close off the opportunities concerned by amending the legislation to ensure that all PRSA benefits are deemed to commence on the PRSA owner's 75th birthday; it is deemed to become vested PRSAs on that date regardless of whether the benefits commence on that date or at all.

PRSAs which become vested in these circumstances will come within the imputed-distribution regime that applies to vested PRSAs, be treated as a benefit-crystallisation event for standard fund threshold purposes and, on the death of the PRSA owner, pass to a surviving spouse or civil partner under the rules applying to approved retirement funds. Where PRSA owners have, to date, maintained their PRSAs intact beyond their 75th birthday, these will be deemed, subject to transitional arrangements, to vest on the date of passing of Finance Bill 2016.

Section 14 amends the living-city initiative. These changes are being brought forward following a review completed by my officials in consultation with the city councils and others. The changes include the removal of the restriction on the maximum floor size of properties that can qualify, the removal of the requirement for the residential element of the initiative that the property must have been previously used as a dwelling and changes to the minimum amount of expenditure needed to qualify. It also extends the availability of the initiative to landlords in respect of the renovation of rental accommodation in the designated living-city areas.

Section 15 provides for the phased restoration of 100% interest deductibility for landlords of rented residential property over the next five years, the first stage of which will be an increase from 75% to 80% deductibility in the year 2017. This is one of ten housing market support measures announced in budget 2017 to complement the structural measures in the action plan for housing and homelessness.

25 October 2016

Section 16 extends the scheme of accelerated capital allowances for energy-efficient equipment to make it available to farmers and all sole traders in addition to corporates.

An amendment to the income averaging regime that allows a farmer's taxable profits to be averaged out over a five-year period is provided for in section 17. The amendment will allow farmers to step out of income averaging in a single year of low income and will be available for the current tax year.

Section 18 and section 27 relate to fishing vessel decommissioning. The Department of Agriculture, Food and the Marine has allocated €16 million in funding under the European Maritime and Fisheries Fund for a vessel decommissioning scheme to remove excess capacity from the Irish fishing fleet. This is intended to meet the Common Fisheries Policy requirement to balance a national fishing fleet with the fishing opportunities available to that fleet.

7 o'clock

As part of the policy to encourage decommissioning, an amendment is being introduced that will extend the terms of CGT retirement relief for those receiving compensation under this scheme and will also lengthen the time over which they can pay balancing charges for capital allowances on vessels. These amendments are subject to a commencement date.

Section 19 provides for a technical correction and amendments to the employment and investment incentive, EII, to ensure that the Revenue Commissioners may continue to publish information relating to the companies who raise investments under the incentive. It also retains EII outside the scope of the higher earners restriction. Section 20 provides for the reduction in the rates of deposit interest retention tax, DIRT, from 41% to 33% over a four year period. Section 21 deals with amending section 110 and section 22 introduces the legislation for Irish Real Estate Funds, IREF. Section 23 makes some minor technical amendments to our existing legislation on country-by-country reporting for large multinationals. Section 24 implements EU Directive No. 2015/2376, which is known as DAC 3, into Irish law. The directive extends the automatic exchange of information with other EU member states to include information about taxation rulings and advance pricing arrangements issued by tax authorities.

Section 25 relates to changes to entrepreneur relief. Section 26 seeks to bring sections 579 and 579A of the Taxes Consolidation Act 1997 into line with European Union law. These sections are anti-avoidance provisions designed to prevent the establishment of non-resident trusts for the purposes of avoiding tax. The EU Commission's Directorate General for Taxation and Customs Union has expressed doubts about the compliance of both sections with European Union law, in that they see them as meaning that the beneficiaries of such trusts are treated less favourably than the beneficiaries of Irish trusts. Section 27 relates to fishing vessel decommissioning, which I referred to in section 18. Section 28 is concerned with farm restructuring. A capital gains tax, CGT, relief for farm restructuring was introduced in budget 2013. It is granted where a more efficient farm holding results from the sale and purchase of land. I announced in budget 2017 that I was extending the deadline for first transactions by three years from end 2016 to 31 December 2019.

I will now turn to section 29. The EU Commission requires Ireland to carry out restoration works on raised bog special areas of conservation and raised bog natural heritage areas. This will require access to certain land, and compensation for this access will be paid to the landowners and the holders of turbary rights on such land. Payments under the scheme will be

exempt from CGT. Compensation paid under the scheme from 1 October, 2016 will enjoy this exemption. Sections 30 to 33, inclusive, clarify the requirements for authorisation to operate as a consignor or consignee for excisable products. This section also strengthens the power of the Revenue Commissioners to refuse or revoke authorisation where certain requirements are not met. Section 34 clarifies the powers of Revenue officers to take samples of excisable products while executing search warrants in the investigation of excise offences.

Section 35 gives effect to the increase in the rates of tobacco products tax which came into effect on budget night. This measure is estimated to raise €5.7 million in 2016, and €65 million in a full year. The excise duty on a pack of 20 cigarettes has been increased by 50 cents, including VAT, with a *pro rata* increase for other tobacco products. This public health measure will bring the price of cigarettes in the most popular price category to €11. Section 36 is a provision for micro-breweries. I am increasing the qualifying ceiling from 30,000 hectolitres to 40,000 hectolitres. The relief remains available on the first 30,000 hectolitres released for consumption in Ireland, but the increased ceiling allows micro-breweries to grow and take advantage of export markets.

Sections 37 to 39, inclusive, set the excise rate at the minimum rate allowable under the EU energy tax directive when applied to natural gas and biogas used as a transport fuel. Sections 40 to 42 give effect to the budget announcement of providing a full carbon tax relief on fuel inputs used in combined heat and power plants to create highly efficient electricity. This section also amends the repayments periods and deadline for claiming the relief. This is subject to a commencement order. Section 43 provides for the extension of vehicle registration tax, VRT, reliefs available for electric vehicles to 31 December 2021 and for hybrid electric vehicles to 31 December 2018.

Part 3 deals with value-added tax, VAT. Section 45 updates the rules regarding VAT deductibility apportionment in relation to VAT inputs relevant to both taxable and non-taxable activities, making it more in line with the EU VAT directive. Section 46 increases the farmers' flat-rate addition from 5.2% to 5.4% with effect from 1 January 2017, as announced in the budget. In addition, a new anti-avoidance measure is being introduced into the flat-rate farmer scheme.

Part 4 deals with stamp duties. Section 48 will provide an exemption from stamp duties on the conveyance, transfer or lease of land to the National Concert Hall in connection with its functions under the National Cultural Institutions (National Concert Hall) Act 2015. Section 49 refers to the extension of the bank levy. The levy has been in place for the years 2014 to 2016, inclusive, with an anticipated yield of €150 million in each of those years. The current levy is calculated at 35% of an institution's liability for deposit interest retention tax, DIRT, in 2011. This ensures that the levy relates to the size of an institution's Irish operation. I announced in my 2016 Budget Statement that I proposed to extend the levy out to 2021, subject to a review taking place of the methodology used to calculate the levy. This section provides the statutory mechanism to achieve this extension and maintain the annual yield. From 2017 the levy will be based on DIRT payments made in a base year which will change every two years. Between 2017 and 2021 the levy is expected to raise €750 million.

Part 5 deals with capital acquisitions tax, CAT. Section 51 relates to changes to CAT tax-free thresholds, which I have already described. Part 6 of the Bill deals with miscellaneous matters. Section 53 is essentially an administrative change relating to the tax treatment of jointly assessed taxpayers. I am always conscious of the need to improve Revenue powers to

deal with tax evasion. Based on advice from Revenue, section 54 proposes to amend the existing legislation relating to penalty mitigation and publication so as to exclude any disclosure made in connection with relevant foreign accounts, assets or income, from being a qualifying disclosure where such disclosure is made on or after 1 May 2017. In my budget speech I also advised of my intention to introduce a new strict liability criminal offence to facilitate the prosecution of serious cases of offshore tax evasion. My officials and Revenue are consulting with the Office of the Attorney General on the best way to progress this.

Lastly, section 55 proposes a number of primarily administrative changes in respect of the publication of tax defaulters. There are still a small number of matters under consideration that I may bring forward on Committee Stage. Clearly the process of completing the Bill may be more complex this year, and I will, of course, also give consideration to the suggestions put forward during our debate here over the next few days and in the context of the Finance Bill process and discussions. I commend the Bill to the House and I thank colleagues for their attendance and kind attention.

Acting Chairman (Deputy Jim Daly): I call Deputy Michael McGrath, who is sharing time with Deputy Dara Calleary.

Deputy Michael McGrath: I welcome the opportunity to speak on the Finance Bill 2016. When we reflect on the results of the general election earlier this year we can see the Irish people wanted to see a new direction in Irish politics. It was clear they wanted a move away from the budgets of the previous Government. They wanted a fairer, less divided and more inclusive Ireland. The core message of our party's campaign was that priority should be given to investment in the provision of better public services for people when they need them most. We received significant support for this message at the ballot box. Subsequent to the election we tried on three occasions to provide an alternative to a Fine Gael-led Government. We did not receive any support from outside our party, and faced with this reality we recognised our responsibility as the second largest party in the House to ensure the country had a Government. While others walked away and sat comfortably on the sidelines, we played our role to ensure a Government could be formed, not the Government we wanted, but a Government that deserved to be given a fair opportunity to govern.

In my view, ordinary hardworking Irish people do not want to see election after election, as is the case in some European countries. They want us to sit down and work together where we can to run the country responsibly and fairly. It was, and still is, the responsible thing to do. It is against this backdrop that we were able to negotiate a confidence and supply agreement that provided for a budgetary policy with a split of at least 2:1 in favour of public expenditure over tax cuts. In the weeks before budget 2017 was announced by the Government, we sought progress on our core policy priorities. Let me be clear, we certainly did not get everything we wanted. However, we did help to secure an overall shift in budgetary policy, with the ratio of public expenditure to tax cuts coming in at 3:1.

What this means in reality is that more and better public services can be provided with the limited resources available. Achieving this split in resources allowed the debate to take place on where priorities lie around services, including more home care packages, more supports for children with special needs, extra resources to tackle hospital waiting lists and more supports for those caught up in the housing crisis. The confidence and supply agreement went further than setting a ratio between investment in public services and tax cuts. It outlined areas of focus that would make Ireland a fairer and, fundamentally, a more decent society. It stipulated that

changes in the universal social charge would need to be directed at lower and middle income earners and ensured there would be improvements in services and supports for older people. It focused on creating decent jobs and supporting enterprise. It placed emphasis on cutting costs for families. These areas were clearly outlined as priorities in our election manifesto. The budget is undoubtedly influenced by the agreement we entered into. As a result, it is in stark contrast to the five regressive budgets of the previous Fine Gael and Labour Party Government. According to the ESRI, budget 2017 is close to distributionally neutral overall and additional resources were targeted towards those on the lowest incomes. The gains are very modest, and no one should overstate them, but at least they represent some progress.

The budgetary process in Ireland is simply not fit for purpose. While the Committee on Budgetary Oversight has done very good work in a short period of time, an independent budget office needs to be established as a matter of urgency, as is the norm in many other countries. It is simply unacceptable that a few days before the budget is announced the available fiscal space increases by 20% or €200 million. How can the Irish people be confident in our budgetary process when it is subject to such large last minute changes?

Budget 2017 comes at a time where there is great uncertainty facing our country. The decision by the people of the United Kingdom to exit the European Union in June of this year represents the single biggest challenge facing our island. This issue has serious political and economic consequences for the Republic and the North. Ireland imports up to 90% of our energy from the UK; €1.2 billion worth of goods and services are exchanged between our two countries every week; and 40% of Ireland's agrifood exports go to the UK. Crucially, 30% of all employment is in sectors which are heavily reliant on UK exports. We do not know the future relationship the UK will have with the European Union. It is our belief that a hard Brexit would be beneficial to nobody, but as costly as a hard Brexit might be, as I said on budget day, it does not mean that it is not going to happen. A hard Border between the Republic and Northern Ireland is a possibility, as is the reintroduction of tariffs and customs and the restriction of the free movement of people. None of us hope any of this happens.

When negotiations on Article 50 formally begin next year, we will need a Government that will be very clear on what we seek to achieve. Given our unique position in this debate, we need a Government that will fight our corner tooth and nail. Unfortunately, the response so far from the Government has been woefully inadequate. There are, of course, measures we welcome, but in the main, they are existing measures that are being extended, such as the retention of the 9% VAT rate for the tourism and hospitality sector. We do not need Article 50 to be invoked to know the depreciation of sterling is hurting business and damaging jobs today. We do not need Article 50 to be invoked to know Irish SMEs heavily dependent on the UK market need help to diversify their export markets in a post-Brexit landscape. The budget represented a unique opportunity to address some of these issues, but it was sadly lacking. I welcome the Minister's statement that he recognises more will need to be done in time.

The Government talked in advance about the budget being Brexit proof. Of course this was never achievable. No budget could fully insulate the country from the effects of Brexit, many of which are still unknown. However, the measures that were announced fall far short of what was expected. Schemes that are already in place were extended and dressed up as being part of a Brexit package. The special assignee relief programme and the foreign earnings deduction scheme have had little impact so far, so it is hard to argue their extension will be a game changer for businesses struggling to cope with the fallout from Brexit. At present, sterling is trading at £0.89 to €1. This means our goods and services being exported to the UK are 16% more

expensive than they were back in June when the referendum was held. Hedging against currency fluctuations is a difficult and costly process and most SMEs simply lack the resources and expertise to engage in it. The Minister has completely ruled out any form of a hedging strategy, where even just support and expertise could be provided to SMEs. Many SMEs desperately need to diversify their trade to other countries and Enterprise Ireland needs to be given extra funding in this respect. Unfortunately, all we have seen from the Government in the budget is an extra €3 million for the agencies involved.

The improvement to the entrepreneur capital gains tax relief is welcome, but it hardly puts us on a level playing field with the UK. The €150 million cashflow support fund for farmers with an interest rate of 2.95% is welcome, but what about thousands of SMEs around the country in dire need of such an initiative? Where is the credit line for them at cheap interest rates? The implications facing the Border region are particularly stark. A hard Border between the Republic and Northern Ireland would be a huge step backwards in the process of building peace and reconciliation on this island. A return to a hard Border could spell the end for many businesses in the Border region. Deputies on all sides representing Border counties are already spelling out the impact the sterling depreciation is having on businesses in their area.

While Brexit will bring negative consequences, there are also opportunities. We have a strong, qualified, English-speaking workforce. This is attractive for foreign companies, but we cannot take for granted that we will benefit. IDA Ireland does a terrific job of attracting companies to Ireland, but in light of Brexit it needs more resources so it can take advantage of the opportunities that exist. Deep in the expenditure report for budget 2017 we see no provision for extra funding for IDA Ireland to attract foreign Brexit-affected companies. While we do not want to be in the business of simply taking jobs from other countries, we have to be realistic. Make no mistake, cities such as Paris and Frankfurt are making moves to attract business and investment from London and the UK generally, particularly in the area of financial services. If we are not proactive in this area, we run the serious risk of being overlooked, and this would represent a missed opportunity for our country. Regrettably, the budget is wholly inadequate in taking advantage of Brexit as well as facing up to the challenges presented by it.

Fianna Fáil believes that home ownership is essential in building and maintaining a prosperous society. Many people dream of building a family around a family owned home. Regrettably this dream is being pushed further and further away by the housing crisis. Nearly every report on the subject to date has indicated that the supply of houses has not matched demand. I agree with the views of many experts that the help-to-buy scheme announced on budget day is a demand side initiative. Earlier today, Davy stockbrokers said this scheme is likely to “add to the momentum in house prices in 2017 with a limited supply response”. In a written reply to a parliamentary question last week, the Minister confirmed: “Given the critical nature of the housing crisis and the urgency with which a governmental response was required, there was insufficient time to commission an independent impact assessment in relation to this measure.” Given our experience of interventions in the property market by Government, I find this truly extraordinary. Given the nature of this scheme in providing assistance to people in meeting the deposit requirements, one would have expected the Central Bank to have been consulted as to the likely effects it would have on house prices and the housing market. It is clear from the reply issued by Governor Lane to Deputy Pearse Doherty and myself yesterday, the Central Bank was not consulted on the overall merits of this scheme.

Fianna Fáil does not believe the scheme is the right policy at this time. We will not bring down the Government on this, but we will engage on some of the key issues on Committee

Stage. We remain of the view that the €600,000 threshold is exceptionally high and does not properly target limited taxpayer resources. People building their own homes are unfairly treated under the terms of the scheme provided for in the Bill. If any part of their mortgage is drawn down before 19 July, they will be denied the benefit of the scheme, irrespective of when their home is completed, which is unfair. The drawdown date of the final portion of the mortgage should determine the relevant cut-off. We will also propose that an independent impact assessment of the scheme be carried out after 12 months of its operation. This assessment would need to consider whether the scheme was having a beneficial impact on the supply of new homes and also what impact it was having on property prices. Supply is the predominant issue with the current market, however, and we need to find out why building new homes is currently not viable in many cases. In that respect, we will propose that the Government carries out a detailed analysis of the cost of delivering a new home in Ireland, including the taxes and charges, and identifies options for reducing that cost, without compromising the quality of the home. This is where the solution to the current crisis lies. Separately, Fianna Fáil has proposed to the Central Bank, that, under its mortgage deposit rules, second-time buyers should be treated the same as first-time buyers, and that first-time buyers should be rewarded for having a strong rental history.

People work hard all their lives and they naturally wish to pass on any wealth they have accumulated to their children and other family members. In 2015, the largest category of inheritance tax cases was to people other than a child. To increase the group A threshold while leaving groups B and C unchanged, as was the intention in the programme for Government, would be unfair to those who wish to provide for loved ones outside the parent-child relationship. We welcome the increase in the thresholds in budget 2017.

In our election manifesto, we made a clear commitment to support enterprise. As the SME sector is one of the main drivers of employment and growth in our economy, we welcome some of the initiatives in this budget. As outlined in our manifesto and in the confidence and supply agreement, we committed to providing a supportive tax regime for entrepreneurs and the self-employed. Entrepreneurs must be rewarded for the risk they are taking and they should not be penalised by the tax credit system for starting their own business. As a party, we are committed to bringing the earned income tax credit up in line with the PAYE tax credit of €1,650, and the further move in this budget is a step in the right direction. We want to encourage entrepreneurship and the lowering of CGT rate from 20% to 10% for entrepreneurs will be of help in this respect, along with the extension of the start-your-own business relief.

The agrifood industry is not only one of the most important indigenous industries, employing more than 175,000 people; it is also the bedrock of many rural communities throughout the country. We made a commitment in our manifesto to support farms and our fishing industry. We are glad that measures were introduced in the budget in this respect. We welcome the fact the flat rate addition for farmers not registered for VAT will be increased from 5.2% to 5.4% and the ability for a farmer to “step out” of income averaging for an exceptionally poor year will prove helpful to smaller farmers, in particular. However, we desperately need a food ombudsman to ensure small suppliers are treated fairly and lawfully. Fianna Fáil has published a Bill in this regard and we urge the Government and other parties to support it.

A key part of the State’s industrial policy is a corporation tax rate of 12.5%. This has received a great deal of attention recently. As a country, we need to be clear about our position on corporation tax and our tax system generally. We are not a tax haven. We welcome the moves in the budget to clamp down on offshore tax evaders, which bring us closer to the commitments

made under the OECD's base erosion and profit shifting initiative. We also welcome the appointment of Mr. Seamus Coffey to undertake an independent review of our corporation tax system. We have to defend our sovereignty in setting our own tax rates and we must defend our 12.5% tax rate. We must be able to compete with other countries to attract and retain foreign direct investment, which sustains almost 190,000 jobs directly across the Republic. This week, the European Commission is yet again set to publish new proposals, which could potentially result in tax harmonisation by the back door. We urge the Government to engage constructively with the Commission but to also be prepared to stand strong against attempts to undermine our tax sovereignty. We cannot be caught off guard again, as we were with the Apple case.

There was a great deal of discussion in the lead-up to the budget about the taxation of vulture funds using section 110 companies. Section 110 was initially set up to attract to Ireland foreign financial services funds investing in foreign assets. Section 110 and other loopholes were used by foreign funds to earn huge profits on Irish property and mortgages on a tax free basis. Every Irish citizen must pay taxes on income and capital gains and these funds, and other tax structures, which are targeted by the measures set out in the Bill, should do the same. We need regular monitoring from the Revenue to make sure other loopholes are not being exploited in this manner. Concerns have been raised that many investors will be reluctant to move to Ireland as a result of this move. It is important that the relevant sections of the Bill are closely examined on Committee Stage. We need to be clear that we are still an attractive place to do business in the financial sector. This is now ever more important in light of Brexit and the opportunities associated with it. Our position is straightforward. If any fund earns Irish profits from Irish assets, it should pay Irish taxes, similar to every citizen and, indeed, company in Ireland. We will engage co-operatively on Committee Stage in the technical examination of the measures that have been proposed.

We welcome the gradual reduction in the USC for lower and middle income workers in line with the confidence and supply agreement. The gains are modest but any reduction in the burden of the charge is welcome. The 0.5% cut in the three lower rates provides a good spread of the benefit across income earners. We reiterate our position, however, that the abolition of the USC in the lifetime of this Dáil is not achievable or, indeed, desirable. Further reductions in the USC can be delivered in future budgets provided the economic recovery is maintained.

Savers need to be rewarded for the interest they earn on those savings. Since 2008, people have been double taxed in one sense as they faced a collapsing interest rate and a doubling of DIRT tax. The modest reduction in DIRT is a move in the right direction but more needs to be done. The current change will discriminate against life assurance policyholders. Individuals, many of whom do not pay marginal rate income tax, and who have saved over a number of years in a life assurance policy, will face an exit tax of 41%. This will not change in line with the DIRT changes outlined previously. This exit tax brought in €247 million last year, up more than 600% in recent years and it penalises a certain type of saver over another. The State should encourage people to save for times they have a sudden loss of income or other life crises and I will bring forward proposals on this on Committee Stage.

The increase in the home carer tax credit is modest but welcome. It is only right that the work of all home carers should be recognised and we would like this credit to be increased much further in the future.

Rental prices increased considerably over the past number of years, particularly in Dublin and the other major cities, as the number of people seeking rented accommodation has

increased while the number of properties available to let has decreased. The increase to 80% interest relief for landlords and the extension of the rent-a-room allowance to €14,000 will encourage people back to the rental market and, thus, hopefully have an impact on the out of control escalation in rents.

In conclusion, we will honour our side of the agreement in respect of this budget. It is our intention to facilitate its passage. The confidence and supply agreement has made this budget better and fairer. Another election would add more uncertainty in a deeply uncertain time. This would cripple our recovery, hurt the economy and cost jobs. While many will attack us, Fianna Fáil firmly believes it is the responsible thing to do. We did not write this budget and it certainly is not perfect. We look forward, however, to the opportunity of participating constructively on Committee Stage when we will bring forward amendments in an effort to improve this Finance Bill.

Deputy Dara Calleary: In the context of a Finance Bill debate and given the role played by our late colleague, former Deputy Brian Lenihan, over several years in such debates, I send our sympathies tonight to the Lenihan family on the death of Mrs. Ann Lenihan, a lady of great courage and determination in the face of huge adversity over recent years.

As Deputy Michael McGrath said, the spirit of this budget was not set by the programme for Government but the confidence and supply agreement where the Minister agreed that any budget package carried out for the next three years would have a two-to-one split in favour of investment in services and social protection versus taxation cuts. That this budget went to three to one is a testament to the strength of that confidence and supply agreement, as well as the strength of some of the provisions and determinations contained in it. We will continue to support budgets which reflect that trend, as well as reflecting the need to continue to invest in services and people who need more resources.

The Finance Bill is modest. Deputy Michael McGrath has expressed his concerns about the home buyer's initiative and there are many areas in which this can be improved. Will the Minister engage with people over the coming weeks before Committee Stage to ensure the scheme will be as advantageous as possible to the first-time buyers who he seems to want to assist?

I welcome sections 5 and 27 with provision for a seafarer's allowance and the decommissioning provisions for the fishing community. I caution, however, that there seems to be a deadline of 2022 with the seafarer's allowance. Why is that in place? Will the Minister engage with the fishing community over the coming weeks to ensure this scheme is as effective an allowance as possible to a community which is under enormous pressure at the moment? It must be accompanied with capital investment in our ports and facilities for fishing communities, particularly in the context of Brexit and the opportunities that may emerge for the fishing industry with the extension of quotas and new markets across the world.

Section 17, amending the income averaging regime for farmers, is to be particularly welcomed. Farming is in crisis. The danger is that as it cries wolf so often, when a real crisis comes, as has now, it can be ignored. The collapse of sterling is impacting on farm gate prices, while the pressures on prices for beef and tillage are also having major impacts. The summer's weather conditions have meant crop yields are not what they normally would be. I reiterate the call for greater support for our farmers, particularly legislative support in competition. Sections 17 and 28 are of no good if farmers have no place to sell their goods or face an uneven playing pitch. As long as we let large retailers and beef operators continue with the practices in which

they are currently engaging, these sections will come to nought.

Section 14 introduces several welcome changes to the living city initiative programme announced last year. The programme has not worked, a point acknowledged by many people including the Minister's local newspaper, the *Limerick Leader*. These changes will assist the programme. However, without an opening for finance vehicles to access the programme, it will not work. Why is the Minister ignoring the potential role of credit unions in housing provision? The living city initiative is all about the reinjection of communities into our cities and towns. It is about the reinjection of families into the unused premises over offices and shops. Nothing says more about community than our credit union movement. It has €8.5 billion worth of members' funds available for social housing projects. It is beyond me why the Government ignores the potential role credit unions can play in dealing with our housing challenge.

Given that the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, has a town and village renewal scheme, is it not time to link it with the living city initiative? The town and village renewal scheme is about putting minimal infrastructure into towns selected by county councils. Partnering it with a similar scheme, such as the living city initiative, would encourage people to use the infrastructure provided. It is time to have a conversation about the use of state aid rules which are handcuffing us, preventing us from giving the kind of investment we need for our regional and city communities which have not seen improvements. The state aid rules around airport provision, in particular regional airports, are hampering investment in Ireland West Airport Knock and other airports which need investment to the rate of 90% to fulfil their economic role. In the context of our recovery and being at the front line of Brexit, it is important a challenge is made about state aid rules and off-Government balance sheet investments.

As Deputy Michael McGrath said, the change to the capital acquisitions tax is not, as portrayed by some commentators, for rich people in certain parts of Dublin. My office has been hit by cases of people affected by sibling transfers. Older siblings can be left a large tax bill at a late stage in life which forces them to sell a family home to pay the settlement. Not enough was done to deal with sibling tax until this change. It is not the wealthy who will gain from it but ordinary people who get an inheritance late in life because of an unmarried sibling. I had one case of a gentleman who lives in London in social housing who cannot move home to a house left to him because of a tax bill associated with it. These are the kind of people affected by lowering the threshold, not just the wealthy in certain parts of Dublin city.

Next year's budgetary process has to be considerably different. The role of the independent budget oversight office will be crucial in this respect. The one reason for the need for an independent budgetary oversight office is the lack of an impact assessment for the help-to-buy scheme. The fact the Minister made some desktop analysis around the scheme and tried to fly it off with Central Bank endorsement is absolutely wrong. This House needs an independent budget office to assist Members prepare for the budget and ensure we have the backup and independent guidance to stop something like what happened with this scheme from happening again.

Next year's budget will have to be different too in the context of Brexit. This budget could have been written before the Brexit referendum due to the lack of initiatives and focus on the issue. Brexit is hampering and hitting our communities. Our mushroom, beef and other food industries, as well as our retail industry, face a very difficult number of weeks ahead at what should be a prime time of the year for them. Yet, as Deputy Michael McGrath said, there is

little in this budget for them, a budget which was supposed to be Brexit-proofed but seems to be Brexit-irrelevant.

The €3 million which IDA Ireland and Enterprise Ireland have received to assist in accessing Brexit opportunities is a mere drop in the water. It will only pay for salaries, never mind the programmes the Government is trying to launch. Today, the Minister made announcements about attracting various bodies to Ireland. They will not come unless we have office and residential accommodation. There is very little in this Finance Bill which will help supply in these two areas. We need a serious Brexit budget the next time around because it will be real by then. Brexit will be impacting on our ability to get the plans we want for this country's growth. This budget has failed the Brexit test and I get no sense from the Government that it understands that.

The budgetary process was new, difficult and challenging for us. It was the first time an Opposition party signed a confidence and supply agreement. It seems it is catching on if one looks at recent developments in Spain. Fianna Fáil could have walked away and ran to the hills, turning its back on the responsibility it was given at the end of February. We decided not to do that. Instead, we decided to influence the process through confidence and supply. As I said on the day of the Budget Statement, we have not achieved everything. The most important point, however, is that we steered the Government along a path it would not have gone without our input in the confidence and supply agreement. That is the path of fairness, as well as investment in services and people.

Deputy Pearse Doherty: I welcome the opportunity to speak on the Finance Bill 2016. I am not one to defend the Minister for Finance, Deputy Noonan, but in regard to Fianna Fáil's justification of its confidence and supply arrangement and its repeated statement since budget day that its biggest achievement in that regard is that it got Government to agree to a 2:1 ratio in terms of spend and tax cuts, I refer Fianna Fáil to Mr. Fiach Kelly's article of 25 January in regard to the Minister having said on record that the spend would be 70:30, 70% on spending and 30% on tax cuts, or to the article by Fiachra Ó Cionnaith on 1 February in the *Irish Examiner* on the long-term economic plan, which shows that the figures are the same. Fianna Fáil proposed more net tax cuts in its manifesto than Fine Gael had done. I make that point because it seems the justification is that all that is in the budget came about because of Fianna Fáil. It appears that Fianna Fáil is trying to wipe out the fact that Fine Gael in government had already embarked on this course. The other interesting one is the help-to-buy scheme. It is important that the House would look at the two different versions of the help-to-buy scheme. Deputy Michael McGrath was the instigator of this scheme at the Fianna Fáil Ard Fheis.

Deputy Michael McGrath: It is totally different.

Deputy Pearse Doherty: I acknowledge that it is different - it is available for all to see on the Fianna Fáil website - particularly in terms of the huge mansion tax it proposed. The Government scheme deals with house purchases of up to €600,000. Fianna Fáil did not go with a €600,000 threshold in its scheme. It is available to individuals regardless of the price of the house. Fianna Fáil's proposal is the ultimate mansion tax in that a person can purchase a new build or an old house for €1 million or €1.5 million and still be able to avail of its version of the scheme. Fianna Fáil rightly makes the point at this late stage in the day that this scheme will push up house prices. The Government plans to put €40 million per year into a scheme that I believe will fuel house prices. Fianna Fáil did not plan to make €40 million or €50 million available: it proposed to make €105 million available, which was more money for investors. It did not want the scheme restricted to first-time buyers. It wanted it to be available to every

house purchaser. In the words of many commentators, including the Central Bank and others, the people who benefit from this scheme are the builders, not the buyers. Is it any wonder that Fianna Fáil was proposing a scheme that provided twice as much money, had no upper limit and would have cost the taxpayer €500 million over five years as opposed to the €150 million that the Government scheme will cost. There is a wee bit of honesty needed in this debate. Anybody can check out the Fianna Fáil scheme on its website. The Fianna Fáil scheme would have done the same as the Government scheme but Fianna Fáil would have thrown more cash at it to fuel house prices.

It is two weeks since we listened to the budget announcements. It was too much to hope that in the meantime some sense would have been seen. Then again, this budget was never, in my view, about sense. It was a carve-up and it was about reverting to type, back to the bad old habits. Vision and sense are not words that should ever be used to describe budget 2017 or this Bill. I say that while also acknowledging that there are some things that Sinn Féin called for that are provided for in the Bill and will be, hopefully, passed into law. In terms of what underpins the budget in this Finance Bill, I believe that budget 2017 was a missed opportunity. We could have put the country on the right track but the Government failed to do so. The right track is one on which we would be investing in our public services and infrastructure. Instead, we have an old style budget, merging the two worst instincts of two deeply conservative political parties.

The Finance Bill that has emerged is as expected: regressive and as short-sighted as the budget. In its small print are major tax breaks for a small number of people. What is missing tells the real story. This is one of the most important Bills of the year, of any year, which, as legislators, we all know. It provides us with an opportunity to stop and think and get rid of some bad ideas or ideas that did not work and replace them with good ideas. Abstaining on the Finance Bill is like sitting out an all-Ireland final. We have heard Deputy Micheál Martin say that Fine Gael has gone too right wing. I reject right wing politics and right wing policies. I do not abstain on them. My party rejects ideas that we know will be a disaster for working people. We reject ideas that we know will push up house prices. We do not sit on our hands and we do not just give about these ideas. Sinn Féin opposes, amends and votes on proposals. Fianna Fáil is sitting this one out. It is sitting on its hands and will not oppose what it believes are bad policies that will damage the economy.

The Finance Bill is the time when we get to shout “stop” in terms of law-making. No speeches or rhetoric will stop a right-wing Bill or policies that are badly designed. Section 2 deals with the meat of the Bill in that it deals with the cut to the three bands of the USC. The Minister reiterated in his speech that this is about phasing out of the USC. I agree with Deputy Michael McGrath that the abolition of the USC is not desirable or achievable in the lifetime of this Government but Deputy McGrath needs to stand up and say whether Fianna Fáil supports the proposal to cut €2.7 billion from the USC. It is not acceptable to just say that Fianna Fáil does not support the Government but it really wants to go close to where it is. We need a bit of honesty on what the Fianna Fáil Party stands for. Perhaps it has changed its position on this issue. That would be welcome. There is no such thing as a popular tax. There are taxes that are necessary and taxes that are fairer than others. The USC is both. The only reason €330 million is being cut from the USC is because at some point, weeks before the election, a bright spark in Fine Gael printed up posters calling for the abolition of the USC. It flopped as a message, as we know. People could see with their own eyes the issue of homelessness ravaging through our cities and how our health service is struggling on a shoe string. Ultimately, the choice must be between cutting taxes and protecting or improving public services. We are squeezed into an

arbitrary fiscal space so we must prioritise. We must make choices. Politics is about making choices. Sinn Féin set out in its alternative budget what in its view those choices should be. We did that by way of a costed budget. We did not sit on the sidelines. Sinn Féin is willing to be questioned on what it stands for. For the first time ever the largest opposition party in this House did not produce an alternative budget. That is unbelievable. Fine Gael has allowed that and it now finds itself in a situation of its own making. As I said, this is only phase one in terms of cuts to the USC. We know that this reduction would have been far more drastic were it not for the fact that Sinn Féin exposed the short-sightedness and recklessness of hacking away at the USC. We will continue to oppose that despite the fact that the benefits in that regard are small. One might think that a €330 million cut is small but the point is that, as the Minister said, this is only part of a plan to abolish the USC over a number of years. We oppose cuts that disproportionately benefit those at the higher end.

As I said earlier, the help-to-buy scheme is a bad idea. It is wrong and we all know it. Every commentator who is worth his or her salt on this issue knows that and has said so. The Central Bank knows it, in my view. Changing the deposit requirement from 20% to 30% did not make it a good idea. Changing the upper threshold from €600,000 to €500,000 or €400,000 will not make it a good idea because this is fundamentally a bad idea. Listening to the Minister trying to defend this in the past couple of weeks has been painful. He has tried to imply that this is a supply-side solution. He has tried to imply that the builders who talked him into this scheme have the national interest at heart. This is a shockingly bad idea that must be stopped and stopped now. Two weeks ago the Minister told us in this House that he had discussed the proposed scheme with the Governor of the Central Bank and that he had agreed that the rebate received under the scheme will be reckoned in full in the calculations of the deposit required to be eligible for a mortgage under the Central Bank's macroprudential rules. The following day he spoke to Sean O'Rourke on the national airwaves. When asked if the Governor of the Central Bank had misgivings about the scheme, the Minister said "No, he is on side". Now we know how on side the Governor of the Central Bank was. Now we know the only thing the Governor of the Central Bank was actually consulted about was a technical issue as to whether the tax rebate to be provided could be used as part of the deposit under the mortgage lending rules. It is clear from the letter he sent to me and the version he sent to Deputy Michael McGrath that the Governor of the Central Bank did not know the details of this scheme. It is very clear that the Minister did not consult him in line with the commitment in the programme for Government to work with the Central Bank to introduce a help-to-buy scheme. The Governor of the Central Bank rightly points out that in the absence of increased building and development, this scheme could have the impact of pushing up house prices with the benefits going to builders instead of borrowers. This has been stated consistently by many of us.

The Government consciously and carefully tried to mislead the Dáil and the public into believing it had engaged in detail with the Central Bank on the merits of this scheme. We now know that no such thing happened. Is it any wonder? Like any other respected body when asked its opinion on this scheme, the Central Bank has pointed out that it could increase prices and benefits to builders not buyers. Of course, we all know that. As with the "Abolish USC" battle cry, Fine Gael has made commitments which are reckless but it does not have the political courage to back down. Deputy Michael McGrath referred earlier to the Davy report. Davy has made it very clear and the Minister of State should listen to the experts out there. I questioned the Taoiseach last week as to when he was going to listen to the evidence on the scheme. Davy has no axe to grind here, but it issued a report to its investors today in which it has revised house price inflation upwards to 7% in 2017. What does that mean for the average punter out there? It

means the person who is thinking about buying a €300,000 house next year will see the price of that house increase to €321,000. Davy does not stop there. It says it will be 6% the year after and 5% the year after that. It points out that one of the factors contributing to this increase is the Government's flawed help-to-buy scheme. The €300,000 house of today will cost €357,000 within the next three years. That is what is happening here. Who is going to benefit? It will be the builders.

The Minister has referred to this as a supply-side solution. Does he think we came down in the last shower? No new building is going to take place for at least the next 18 months which is not already planned. It is impossible. One cannot throw up a house. This scheme lasts for three years yet the benefits are already there for people who bought from 19 July 2016. No new houses that are not already planned will be available for sale for at least a year and a half. If people have to go through the planning process, they will not even be on stream before the scheme has come to its end.

The Minister stood up here and said the Government was going with a loan-to-value ratio of 80% because people with a loan-to-value ratio of less than 80% could obviously afford the deposit and, as such, did not need the help. As a result of the Central Bank's intervention to protect its position, however, the Government has now gone with a loan-to-value ratio of 70%. What does that mean in practice? Somebody who is buying a €400,000 today would need to have a deposit of €58,000 under the Government's macroprudential rules. Under the Government's scheme to provide a €20,000 tax rebate, a person would need a deposit of €120,000 to buy that €400,000 house. As such, he or she already has the deposit anyway. If a person is on a loan-to-value ratio of 70%, that means he or she already has €120,000, which is twice what is required under the Central Bank rules. At a time when we have so many expenditure crises and hear time after time from Minister after Minister that we do not have the resources to deal with long waiting lists for orthodontic treatment, patients on trolleys, a housing and homelessness crisis which is out of control, the number of people, including children, in poverty or to pay our young public sector workers the right wages, why under God is the Government giving €20,000 of the State's money to people who already have a deposit of €120,000? They do not need the support to meet the Central Bank's rules if they can bypass those rules by nearly 100%. It makes no sense and it shows that the proposal is ill thought out and flawed.

I was obviously naive in thinking that we had ended the practice of making policy on the backs of envelopes when Fianna Fáil was kicked out of office. I thought there was going to be a new approach and that we would have evidence-based politics. Where is the analysis? Where is the report that backs up this policy and the expenditure of at least €50 million of our money? It will be at least €50 million because it is a demand issue. If there are more people, it will cost us more money. Where is the report that says this measure will not provide money to individuals who would have purchased new houses anyway and will lead to new building that would not have been provided in any event? That is something that has to be published. I do not believe the Government has that report, but if it does, it should be published before we deal with this on Committee Stage.

On funds and property, I am glad to see the Government has accepted my proposal for a withholding tax on distributions from funds to non-resident investors relating to Irish property investments. It is something for which I have called a number of times. We have spent a lot of time on this in my office where Eolan de Búrca has drilled down into the accounts of some of these qualified investor funds and ICAVs. One can see how blatantly they were boasting. Kennedy Wilson's accounts included the boast that it paid no withholding tax here, 20% on

property funds in Britain and 25% on funds in Spain. There was absolutely no tax to be paid on the millions in profit it was making from rental income in Ireland. Other funds' accounts set out how they are the biggest landlords in the State. They have paid absolutely no tax up until now notwithstanding the fact that among their largest tenants is the State itself. It is unbelievable. As such, I welcome the acceptance of my proposal for a 20% withholding tax. I went with 20% because I thought that if the Government was to be persuaded to move on this, that was a figure it could at least start with. However, it has failed to deal with the major issue of large scale tax avoidance by non-resident holders of Irish property through vehicles like qualified investor alternative investment funds and ICAVs. That is because the Government has built into the system a loophole which will allow tax-free gains to be made by non-resident investors when they hold Irish property for more than five years.

The Government has introduced a withholding tax, which is exactly what I wanted, but now it has said that if vehicles or funds hold property for five years, they will not have to pay capital gains tax on the uplift. Given that qualified investor funds and ICAVs are estimated to own approximately €10 billion to €12 billion of Irish property, failing to apply any tax to gains they have made on the vast bulk of that property will result in massive losses to the Exchequer. That is particularly so in light of the exponential uplift we have seen in the value of Irish property holdings over the past number of years. Those funds that bought into the office sector in central Dublin last year saw increases of approximately 22.4% in 2015 alone. There is absolutely no economic justification for allowing non-resident investors to transfer gigantic gains from Irish assets offshore and tax free while ordinary Irish citizens and SMEs pay full Irish taxes. In Dublin, residential property prices have risen by an average of 42% from their lowest point in mid-2012. Outside the capital, the average has been 32% since the end of 2013. The proposed five-year window will allow these funds to leave town tax free. That there is a 20% withholding tax, which we welcome, is the headline. However, because they do not have to pay any capital gains on the huge uplift they are getting, the 20% withholding tax will not apply. That part is completely exempt.

Debate adjourned.

8 o'clock

An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (An tOchtú Leasú a Aisghairm) 2016: An Dara Céim [Comhaltaí Príobháideacha]

Thirty-fifth Amendment of the Constitution (Repeal of the Eighth Amendment) Bill 2016: Second Stage [Private Members]

Deputy Ruth Coppinger: Tairgim: “Go léifear an Bille an Dara hUair anois.”

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

I wish to share time.

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

25 October 2016

Deputy Ruth Coppinger: I will refer first to the Government amendment to the Bill, which is seen by people as a disgraceful manoeuvre. The Dáil and the electorate are very clear about what is happening, namely, that Fine Gael and, unfortunately, Independents are now opposing the repeal of the eighth amendment. They are ensuring that it will never happen within the lifetime of this Government because the timeline they have put forward would bring everything to 2018. It is to be hoped that this Government will not be in existence at that point. Certainly, the arrangement with Fianna Fáil would suggest as much. What is happening is not surprising in view of the fact that some of the architects of the eighth amendment - including the Taoiseach and the Minister for Finance, Deputy Noonan - are key figures in this Government. What will enrage and anger many women and young people is that Independents who were elected on a platform of repealing the amendment and a lifetime commitment to opposition to political whips are now buckling under a whip and kicking this issue to touch. Women must wait, as must young people who are very impatient in terms of downgrading the church's grip on people's lives.

During the debate on the eighth amendment in 1983 there was a Salem-style atmosphere in the House. A host of Deputies spoke about a holocaust of the unborn. Members, with a few very notable exceptions in the Seanad and other places, obviously had no regard whatsoever for women experiencing crisis pregnancies. Today, we have a very different debate because this is about bodily autonomy, a concept that is now increasingly demanded by the population. We do not think that, under our Constitution, an embryo or foetus should have equal status to a live woman.

The momentum for repeal has been increasingly obvious. We have had the Maser mural, repeal jumpers and #twowomentravel. There was an historic march for choice attended by 25,000 people. I, the Socialist Party and the Anti-Austerity Alliance salute, in particular, young people who have made a decision that they are going to fight to bring about change on this issue. They have been inspired by the marriage equality campaign last year. They will not accept the Government's Irish solution to the Irish problem.

The Dáil is now a severe impediment to progress on this issue, yet it is the only place where a referendum can be triggered. If Deputies really want the repeal of the eighth amendment, they should vote for this Bill because there will be a series of stages to progress it. Meanwhile, the Citizens' Assembly can deliberate. To those involved in the repeal movement I say that we must continue the pressure to end the possible stymieing of a very important issue. We need to look no further than Poland, where hundreds of thousands of women and men came out onto the streets and forced their Government to change.

In the past two months, another trend has emerged. There has been a series of articles, opinion pieces and polls which tell us that women are asking for far too much and that we should give them a little bit of, rather than full, abortion rights. An article by Michael Clifford suggested that the radical left should tone things down. The left is the only force in this country that has ever championed repeal and the pro-choice view, including in 1983 when three left-wing Deputies tried to prevent the madness that engulfed the Dáil. Society in Ireland, we are told, has not progressed that much and the new mantra is that people are not ready. We are told we must continue with the slow pace of incremental change that has been the hallmark of Irish society for decades. People are no longer prepared to do that.

The Minister for Children and Youth Affairs, Deputy Katherine Zappone, now tells us that there is not enough support for a pro-choice position. If the civil rights movement in racist

southern states in 1950s America had listened to arguments of that nature, we would be a long way behind where we are today. Even if it was the case that only a minority of people are pro-choice, that does not preclude us from asking for what is necessary, namely, legislation to deal with the 12 women who leave this State every day to access abortion. The Minister for Health, Deputy Harris, tweeted a couple of them recently. In this country, three women access medical abortion pills from Women On Web and have abortions in their homes every day - that is 1,000 abortions in Ireland every year. That will continue, legally or illegally, regardless of whether a referendum is called. That is what the Government must stand over.

I remind the Government that this is the fourth anniversary of the tragic death of Savita Halapannavar. Four years on, it is not even discussing the absence of what led to her death, that is, abortion to protect a woman's health. It is not even thinking about that. The slow pace of change it wants people to accept is quite incredible. I do not think that what the Government is claiming is the case. I am of the view that if we held a referendum to repeal the eighth, we would win a majority in respect of our position.

The key point is that we must keep women's bodies out of the Constitution. It is not the place to be dealing with what the Taoiseach has said are not black-and-white issues. It is not normal to do so, it has been a disaster for 33 years and it has had a chilling effect on doctors. The latter was particularly the position in the case of Savita but also in the context of many other women.

Some parties are actually suggesting that abortion in cases where a woman's life is at risk, where rape has occurred or where fatal foetal abnormalities exist is an adequate response to what is needed. We totally reject that. We put forward the idea that we must repeal the odious eighth amendment and then legislate for what is needed. I would also contend that the people who argue that we should not move too fast but, rather, that we should proceed at a slow and steady pace are not in touch with the popular mood. It is only three years ago that people on the other side of the House thought it was fine to introduce a 14-year jail sentence for women who have abortions. Nobody in society thinks it is acceptable. The commentators in the media did not predict the significant turnout in working class communities for the marriage equality referendum.

Opinions are not fixed. We should have a debate if the Bill is passed - we need to have a debate the length and breadth of the country. However, tying repeal of the eighth amendment to any restriction in terms of legislation would be to predetermine the outcome of the debate and suggest in advance that there are deserving and undeserving abortions. We need women to be trusted to make those decisions, and that is the view of the Anti-Austerity Alliance-People Before Profit.

We believe that there is an underestimation of the real radicalisation that has taken place in society. Nothing short of dealing with a situation where working class women, poor women, migrant women, those who cannot travel so easily, young women, students and all women should be able to decide this for themselves. It is a matter of bodily autonomy.

I will finish with a quote from Martin Luther King. Every single social movement has been told, "Hold on, you're looking for too much". He answered by saying, "For years now I have heard the word "Wait!" ... This "Wait" has almost always meant "Never"". I remind people who were elected and voted only 18 months ago on this side of the House for this very same Bill to review their position.

Deputy Bríd Smith: The first observation I wish to make is how interested the people in the Chamber are in this Bill. They cannot wait to debate it. Over 70 people in the House committed in advance of the election to supporting a referendum on repealing the eighth amendment. I am stunned by the presence of those who think that a debate on half the population is so important that they turned up and bothered to stay for this debate. As the debate progresses, we will see how many stay away and how many turn up. My guess is that shame, mortification and the fact that they made U-turns are keeping most of them away. There are experiencing mortification of being called out on their own hypocrisy, and mortification and shame on the question of how women in this country have been treated and continue to be treated. I will quote one of those women. She is known to this House. She is a woman called Ms Amanda Mellet who suffered from fatal foetal abnormality and about whose case the UN human rights committee attacked the State for cruel, inhumane and degrading treatment and discrimination and violation of Articles 7 and 26 of the International Covenant on Civil and Political Rights. To quote Amanda:

I still suffer from complicated grief and unresolved trauma, not from the termination but from the way I was forced to have it. I hope the day will soon come when women in Ireland will be able to access the health services they need in our own country, where we can be with our loved ones, with our own medical team, and where we have our own familiar bed to go home and cry in. Subjecting women to so much additional pain and trauma must not continue.

That is exactly what those on the other side of the House are doing tonight with their tricks, their obfuscation and their twisting to push this Bill down the road by a year. They are forcing more Amanda Mellets into more pain and more trauma. I hope that is as far as it goes. If there is another Savita Halappanavar within the next year, they will have to think long and hard about their position. We have an historic opportunity for the first time in 33 years to rid this country, and particularly the women of this country, of a chain around their ovaries, bodies and lives. That amendment was put into the Constitution when I was a young woman. Along with Deputy Finian McGrath, we were out campaigning against it. We now have an historic opportunity to undo that and that is because of the young people in the Visitors Gallery. Those young women, who were not even born when that amendment was inserted into the Constitution, want the right to be able to say how they live their lives, control their bodies and what this Government has to say to them. They have never had a vote on whether that amendment should stay in the Constitution or not. The Government's amendment to our Bill to kick it down the road at least one whole year means that they probably will not get that chance in the lifetime of this Government, if it lasts that time. The Government has guaranteed that for them.

I will quote figures from very important research in medical journals. Some 250,000 women have left this country, North and South, between the years 1970 and 2015. Today, about ten women a day leave this country to procure abortions. Five years on, Women on Waves estimates that about 5,600 women have contacted it to get the abortion pill.

The legacy of the 1980s, when 15-year old Ann Lovett died giving birth in a graveyard in Longford, the legacy of Savita Halappanavar, the legacy of Ms X and Ms Y and the whole plethora of pain and suffering that was brought on women in this country cannot continue. If the women in the Visitors Gallery represent anything in this country, it will not continue, because despite the Government's obfuscation and kicking to touch, this fight goes on. This campaign to repeal the eighth amendment will not stop. The Government will get its answer on the street. It keeps saying that the centre will hold. Those women are the centre and they will not hold the Government's plan together for it to continue the barbarism and the low moral values

of the 1980s. The Government cannot tell those women that it is the boss of them. It will not be allowed to continue.

I want to make a few simple points about this wonderful Citizens' Assembly that the Deputies opposite and the Taoiseach came up with in order to avoid dealing with the question of women having control and a say over their own lives. First of all, let us think about it. A well-off polling company, Red C, based in Dublin and internationally, chooses 99 citizens to sit down with professionals from the legal and medical professions to talk about what is good for women. What is good for women? What is good for me? Do I decide whether I can have a right to terminate a pregnancy or do 99 citizens, a doctor, a lawyer and a judge make that decision? Put that opposite what real democracy looks like: a constitutional referendum that is put before about 3 million voters in this country who are given a free choice to decide whether or not that oppressive amendment stays in the Constitution. There is no part of the Constitution that controls an aspect of a man's health. There is one part of the Constitution that controls an aspect of a human being's health. That is the eighth amendment. It utterly and totally discriminates against half the population. The so-called Citizens' Assembly, with Richard Jolly TV Ltd., a budget of €2 million, Q4PR to do the publicity and *Beatrice.ie* to do the e-mails is going to tell the vast majority of us how we should live and what we should think.

When the woman at the centre of the X case was imprisoned against her will by this State, I remember marching with a sheet of paper that had "Let her go" written on it, alongside tens of thousands of young girls who burst out of their schools, pushed aside the principles of the nuns and came down to the Department of the Taoiseach day after day to demand "Let her go". When it culminated in a big demonstration of tens of thousands on the street, lo and behold, the Supreme Court changed its mind. There you go: the independence of the Judiciary versus the will of the people. It will be the will of the people that will force this House to make a decision and stop kicking it down the road the way it did with water charges, the NAMA legislation and any other challenging issue that came before the Government. It kicked it down the road and hoped it did not come back. It is not going to do that with women and women's lives.

It took 21 years for this House to legislate on the basis of the referendum that took place after the X case - 21 years. What a bunch of cowards. The same bunch of cowards have absented themselves tonight from this House. Tens of thousands marched when Ms Savita Halappanavar tragically lost her life. Tens of thousands marched a few weeks ago, even though there was a bus strike on and it lashed rain. The demand was simple: we want a vote and we want to repeal the eighth amendment.

I wish to illustrate more hypocrisy by people in this House, by the morality of the church and by the State in this country. It is the utter hypocrisy of closed eyes, closed ears and closed mouth, like the three monkeys, to pretend it is not happening. Abortion in this country is a reality. It has been a reality forever and it will remain a reality. Tragically, what will also probably remain a reality are the serious cases like Savita, Ms X and Ms Y. We have the opportunity and duty to now ensure that the Government does not get away with it and that the fight continues.

I have here the abortion pill. It is very simple and very simple to obtain. It can be acquired on Women on Web over the internet. Loads of the young women in the Visitors Gallery are doing that. One of the reasons for that is because it is very safe. The World Health Organization, after trial and trial again, has said that it is safe. It is affordable and it can be obtained here in this State. One can also be sentenced to 14 years for procuring it, taking it and for helping oneself to have an abortion at home. I think, if they put their hands up, there are a load of women in

the Visitors Gallery who could be arrested and fill two wings of Mountjoy. I could be arrested and given 14 years for having it, but the Government is not going to do that. Despite what is on the books and in the laws, the Government knows that if it dares to implement it, it would bring hellfire and brimstone down on top of this House and on wider society. We have moved on from the 1980s and the dark ages and we are not going back there. Though this pill will continue to be used, the Government will continue to deny that abortion is already a reality in this country and will be for tens of thousands of women.

I have to say that I was extraordinarily angry with the Independents in particular in the Government and the measures they took today to kick for touch on this issue. My anger is nothing compared with the anger that was felt outside at a relatively decent-sized demonstration at 5.30 p.m. this evening. Young women are furious with them. They are furious with Deputy Katherine Zappone, who was mainly elected on the basis of marriage equality, the repeal the eighth campaign and all of the good liberal and free-thinking things that people hoped to see enacted. They are furious with Deputy Finian McGrath, Deputy John Halligan and with every single one of the TDs and Senators who committed to repealing the eighth amendment in advance of the election. Are they going to do what former Deputy Pat Rabbitte did and make promises just to get elected without implementing them? If Deputy McGrath keeps nodding his head, he will probably be doing so for another year. If the so-called 99 wise men and women come back and tell me what to do with my life at the end of next June, they will already have witnessed an exodus of at least 3,000 women from this country in order to procure an abortion and tens of thousands will be more likely to procure this simple pill in the future.

At least the pill is affordable. Many women, including those in direct provision, do not even have the option to leave the country. Many women do not have the money or the support at home or they cannot get time off from their jobs or source a childminder. Rich women can do it, but working class and poor women cannot and, disgracefully, we have imprisoned hundreds of women, who have no right to leave this country and return, in direct provision centres. If the UN thinks that it was bad for Amanda Mellet, and it was, and there will be more Amanda Mellets, let it look now at how we treat women in direct provision, poor women and children in care. There are major questions over the behaviour of this Government. It has an opportunity to do something real and meaningful for the future of women in this country, but it will just throw it away, enthusiastically and proudly, with both hands. How dare it?

I guarantee the Minister the fight is not over. The question of pushing for a referendum to repeal the eighth amendment will continue. More people will join in, more trade unions will back it and more workplace groups for repeal will be set up, despite the obfuscation of Fine Gael and the Independents with the collusion more than likely of Fianna Fáil when it comes to the vote on Thursday.

The Government is outrageous. It does not deserve to sit in this House making promises on the one hand and selling out half the population on the other. If tragedies such as these happen again, be it on the heads of those in government. In the meantime, the Government should think about all the women it is exporting and will continue to export until some day, when we have put enough pressure on the Government, we will sit in this House and vote to give the people the possibility of voting on whether they want to repeal the eighth amendment. I think the result of that constitutional referendum is what the Government fears.

Minister for Health (Deputy Simon Harris): I move amendment No. 1: To delete all words after “That” and substitute the following:

“Dáil Éireann declines to give the Bill a second reading in order that the Citizens’ Assembly, established by Resolutions of Dáil Éireann and Seanad Éireann, can conclude its deliberations on the Eighth Amendment which is the subject matter of this Bill, and report to the Oireachtas in the first half of 2017.”.

Rather than the other side of the House telling me what I think on this issue, they might please allow me to outline what it is I think on it. The Government gave a clear commitment on how it intended to examine the complex and important issue of the eighth amendment. Since our last debate on this issue in July that commitment has been advanced. The Citizens’ Assembly has now become a reality and has held its first meeting. It will deal with the eighth amendment as its first piece of work and it, independently of this House, has declared its intention to report in the first half of next year. This morning, the Government confirmed that a special Oireachtas committee will be asked to respond to its recommendations within six months.

I concluded my contribution during the last debate on this issue by speaking as one of a generation who has never had an opportunity to vote on this issue. I begin tonight in that same place. Like all others who have never had their say, I want mine. However, I refuse to pretend it is as simple as those proposing this Bill present it. I realise, as keenly as anyone else, the long and complex history of abortion debate in this country.

It is now more than 30 years since the eighth amendment was enacted following a bitter and divisive political debate and amid controversy about the meaning and effect of the new constitutional provision. It is 20 years since the Supreme Court confronted the issue in the urgent circumstances of the X case and it is four years since the tragic death of Savita Halappanavar. It is just three years since the last Government, of which I was proud to be a member, finally addressed the generational neglect of the Supreme Court ruling by passing the Protection of Life During Pregnancy Act to give it effect. Despite the limited nature of that legislation, remember how it divided this House, political parties and people. Remember the differing points of view and the difficult, but important, discussions that it entailed.

Then, as now, this country, and this House, are bound by the Constitution. A referendum was held in 1983 and, regardless of one’s views, and I certainly have views, resulted in the adoption of a provision which became Article 40.3.3° of the Constitution and which is now commonly known as the eighth amendment. As the House is aware, Article 40.3.3° provides, “The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.” The Private Member’s Bill before the House this evening provides for a referendum to delete the eighth amendment to the Constitution.

Proposing a Bill to amend the Constitution is the easy part. Telling the people what would replace that constitutional amendment in law or elsewhere is the difficult work we now must do. As the proponents of this Bill well know, and as I know, to hold a referendum one must do one’s homework and one must properly engage with and inform the Irish people. We saw it with the children’s referendum and the important marriage equality referendum. It cannot be ignored that there are significant policy and legal issues involved in changing the eighth amendment. Simply deleting it opens up major questions for our existing laws and the future legislative framework which would apply. There are important questions that must be answered before proposing an amendment to the Constitution. Simply deleting it raises significant implications for medical practice and the ethical codes of professional regulatory bodies. Simply deleting it takes no account of the differences of opinion in society, and it will be the will of the people

that decides this issue.

There are those who believe that the X case was wrongly decided and that there should be another referendum to row back on the right to an abortion in the case of suicide. However, two referendums which tried to remove suicide as a ground were held in 1992 and 2002 and were defeated. Recent public debate has indicated public support for termination of pregnancies in cases of rape, incest or fatal foetal abnormality. However, other groups, as is their right, would like to see much broader grounds for termination. Therefore, let us not pretend this is simple. This is a complex debate.

As Minister for Health, I understand that the inclusion of the eighth amendment in our Constitution has caused much hardship and uncertainty for women who experience a crisis pregnancy and for our health care professionals who provide a clinical service to them, and I am not satisfied with this situation. Our last debate in this House on the issue of abortion was on foot of legislative proposals by Deputy Mick Wallace on the issue of fatal foetal abnormalities. While I was not able to support that legislation because of the constitutional reality, as we listened to the stories of women who received a diagnosis of fatal foetal abnormality, and I met them again only last week, we know that the current constitutional and statute law causes added distress to them and their families, who are already distraught. I would like to change this situation as soon as possible, but we have to provide the public with comprehensive information about the legal and policy changes that would follow upon a change to the Constitution. Clearly, if this Bill were to pass here tonight, it would do so both in a policy and legal vacuum.

For these reasons I would ask that we in this House, who only just set it up, give the Citizens' Assembly the time it needs to consider the issues and report back to the Oireachtas in the first half of next year. The establishment and the terms of reference of the assembly were approved by a resolution of both Houses of the Oireachtas only in July. The assembly is required to consider the eighth amendment of the Constitution and report its recommendations on the matter to the Oireachtas, as I have stated, in the first half of 2017. Ms Justice Mary Laffoy, a justice of the Supreme Court, is chairing the assembly, which comprises 99 citizens randomly chosen from the population. The first meeting of the assembly took place in Dublin Castle on 15 October and a list of dates has already been agreed to discuss the eighth amendment over the next number of months.

I thank the women and men who, on our behalf, are undertaking this mammoth task. It is a true example of civic service and they do have the gratitude and support of many. The assembly's recommendations will be acted upon by a special Oireachtas committee which will be asked to report in six months. The Government is today asking the Business Committee of the Oireachtas to lay the preparatory groundwork for this committee so that it can begin its work without delay.

I know that the time this will take is too long as far as some people both inside and outside of the House are concerned but, just as the last Government addressed the Supreme Court judgment in the X case after 20 years of neglect and avoidance by politicians on all sides of this House, the current Government will address the issue of the eighth amendment. However, we want to do so in the best way. We must do the preparatory work to properly inform debate, to facilitate considered and respectful dialogue and to try to build, in so far as is possible, consensus across Irish society on an issue that has divided society for decades. I believe truly that the Citizens' Assembly is the forum in which to do it, that it is the best way to do it and that it will do the people a great service in examining all of the complex issues involved. Deputy Ruth

Coppinger referenced the marriage equality referendum. We saw the role the constitutional convention played in informing public debate, putting information into the public domain and teasing out issues. We saw a referendum on foot of it and we know how happy all of us were to see that referendum pass.

Although I cannot support the Bill before us this evening, I welcome the opportunity to debate this again. It is important that we debate it. No one is trying to silence debate, as I heard others state earlier today. In particular, I genuinely do welcome the changed tone that has been noticeable in our discussions, even in the past three years. We have to discuss the issue and address it. I would like to especially pay tribute to those who have come forward and told their very personal stories. Those stories have shaped my personal views and remind us all of how real people experience our laws and their effect on medical practice.

I wish I could tell them we could solve this tomorrow but I know that simply is not true. I recognise that colleagues on all sides of this House come to the debate with deeply held principles. I accept their bona fides and hope they accept mine. For my part, I cannot and will not do women of Ireland the disservice of pretending that this question can be answered with one word, three words or one Bill. It is on this basis that the Government brought forward its reasoned amendment in order that the Citizens' Assembly established by this House and the Upper House in July can conclude its deliberations and make its recommendations and that the Oireachtas committee can act upon those recommendations. We have proved that we will address the issues that were neglected for generations, as happened in the X case. I am determined that we should address the issues related to the eighth amendment. Let the Citizens' Assembly do the very important work it needs to do.

Deputy Billy Kelleher: I wish to share time with Deputy Fiona O'Loughlin.

I welcome the opportunity to speak on an issue that has been discussed in the House on numerous occasions, sometimes in a very confrontational manner. In recent times, the tone, manner and language used in debates on this issue have changed in a positive way.

The Bill proposes the simple deletion of Article 43.3.3° and many people believe this is the correct approach to the issue. Let us be clear, however, deletion of the article would leave a serious challenge in terms of what would be the role of clinicians and what support we would put in place across the broader legal framework. Simply deleting the article without giving consideration to the legislative underpinning that would be required could have many implications.

Views on this issue in the Fianna Fáil Party vary, as they do in the Oireachtas generally and in broader society. It is incumbent on everyone to try to advocate his or her position in a meaningful way, while understanding that there are deeply held views and convictions on all sides. I have stated on previous occasions that we must revisit Article 43.3.3°, which has a chilling effect on clinicians and forces many women to travel abroad. Many people in the centre take a very compassionate view of circumstances involving fatal foetal abnormalities, incest and rape. Let us be under no illusions, however. Strong views are held on either side of the argument, with some people advocating a more liberal regime and others contending that termination of pregnancies should not take place under any circumstances. Several years ago, for example, during the debates on the Protection of Life During Pregnancy Bill, some Members expressed the view that there should not be any termination of pregnancy, even where the life, as opposed to the health, of the mother was at risk. There are people who hold that view. We must move to a position in which there is no longer a chill effect on clinicians and they are able to take

clinical decisions in the best interests of the woman independently and without fear. Neither the clinician nor the women involved must fear prosecution. We must arrive at a position where there is no chill effect on people who deal in a medical context with the issue of the life and health of a woman.

Simple narratives do not make for great debate. In the context of the repeal of Article 43.3.3°, I did not have an opportunity to vote on the eighth amendment in 1983. Nevertheless, we cannot dismiss the fact that the amendment was inserted into the Constitution by Irish people and that they will ultimately arbitrate on the matter again at some stage. I have no doubt that a referendum will be held on the issue in the near future. The key point is whether it will be a simple question of deleting Article 43.3.3° and, if so, whether such a proposal would secure the support of the majority of the people. While one should not legislate or make decisions based on opinion polls, there is a middle ground in this argument which would be supportive of moving to address, in a compassionate manner, circumstances involving fatal foetal abnormalities, incest and rape, as well as the freedom to make clinical interventions in the context of the health and life of the mother. This is critically important.

Beyond this, some people are certain that a proposal involving the simple deletion of Article 43.3.3° would be carried. I am not sure that is the case because many people would be concerned that to do so would effectively entrust the Legislature with introducing legislation to underpin certain views and beliefs on this particular issue. The question is whether Irish people would be willing to trust Parliament to introduce the legislation that would have to follow if Article 43.3.3° were deleted without having any knowledge of what form that legislation would take. I have made this point on a number of occasions and I have also supported in this House Bills aimed at addressing the eighth amendment.

I was not enamoured of the decision to establish the Citizens' Assembly. We should have established some form of commission to examine the legal, ethical and moral issues surrounding this issue and to report quickly to the Dáil. We could then have held an Oireachtas hearing and made a final decision on what proposal, if any, would be put to the people. While the Citizens' Assembly established by the Dáil and Seanad is not the best roadmap for addressing and teasing out all the issues, it is the process that is in place. Regardless of whether I, Deputy Coppinger or others like it, we must deal with the reality. Ms Justice Laffoy and 99 citizens will listen to the differing views on the matter and produce a report which will, I assume, be made available to an Oireachtas committee to adjudicate on its recommendations. The Dáil and Seanad will then make a decision on the matter. We cannot circumvent the reality that the Oireachtas will ultimately decide what type of referendum, if any, will be put to the people. We must achieve a consensus in broader society and the Oireachtas. This requires that we articulate and explain our respective viewpoints and convince others of their merits. The idea that one can dismiss those who have different views does not lead to a healthy debate.

On 8 May 2015, I spoke on Deputy Coppinger's previous Bill on this issue. The tone and language of the debate in broader society demonstrate a greater understanding of the various positions taken on this issue. As the Minister for Health noted, people have bravely told their stories about the impact of having to travel abroad for terminations has had on them. In the area of fatal foetal abnormalities in particular, we have heard harrowing stories about families having to make very difficult decisions. That they have subsequently found there is no support available in their own country to help them through the trauma is repugnant. This area must be addressed quickly. People will argue that the Citizens' Assembly is a pathway to prevarication but I hope that will not be the case. If it reaches some form of consensus that ultimately brings

the House together in terms of making a decision, that would be welcome.

Reference was made to the referendum on marriage equality. Let us be honest, until recently many people believed a referendum on marriage equality could not pass. Certain Deputies and parties expressed strong views on the issue. While the Fianna Fáil Party called for the issue to be addressed, it certainly helped that there was discourse and debate on the issue and that respect was shown for differing views on it. One hears sarcastic remarks about middle Ireland, the centre holding and so forth but a consensus was reached and middle Ireland was happy to support the marriage equality referendum. I am definite that if it had been left to the extremes on both sides, without there having been a platform or a pathway for middle Ireland to be heard, we could have had a very different outcome. I think it shows a certain maturity as to how we bring about movement on very difficult social issues.

Overall, as I said previously, I have not definitively made up my mind on how I will vote on this Bill. I want to see a referendum and want to see the issue addressed but, at the same time, I believe much of the time these Bills are coming before the Dáil when we know we have a process that should be able to shape broader debate in this House in the coming months, when the Citizens' Assembly reports. I do not think it is doing the broader debate a service when it is introduced primarily to embarrass some people. We have to be conscious that it sometimes is used for political debate rather than for public debate and ensuring there is proper discourse and understanding on the matter.

With regard to clinicians, when one speaks to medical experts such as obstetricians and gynaecologists, there is no doubt there is still a chilling effect. The fact we have legislation on the Statute Book that only allows for interventions to save the life of the woman is extreme. While the Protection of Life During Pregnancy Act was a move in the direction of addressing that issue, it has not addressed it fully and fundamentally. We must accept there is a need for a genuine look at Article 40.3.3° and the eighth amendment in the context of clinical outcomes and interventions and of making sure we have clear guidelines and do not tie medical decisions based on a chill factor or a fear factor. Most of the time we trust our clinicians and, on this issue, we should trust them, the woman and the family to make the decisions.

There is another area of which we must be conscious. If we are to move to where some of us would like to be, where we actually consult the public in the context of a referendum and have a broad debate, one could argue we would probably need a number of options to be discussed in terms of what is possible and feasible. As I said previously, if it is just a deletion without any consideration being given to what is beyond that, we could end up in a situation where the public simply would not support it and we would be back to square one. I do not believe we should make this judgment without having done a detailed analysis of the findings of the Citizens' Assembly. We should then bring that into an Oireachtas committee and have swift hearings. We have to make a decision on this and cannot prevaricate any longer.

Reference was made on a number of occasions to the fact this issue has been ignored for many years. Nonetheless, we had referendums on it on a number of occasions and it was rejected as recently as 2002. As far as I can recollect, it was rejected by the extremes on both sides, in that those who were fundamentally opposed to abortion objected to it, as did those who were very much pro-choice, and the middle ground lost out. We are now in situation where it is again being debated.

I suggest to the proposers of the Bill and, equally, to the Government that we do not pre-

varicate and do not use the Citizens' Assembly as a method of stringing out this debate. When this comes back to the Oireachtas, there should be swift hearings on it so we can come to an informed decision in this Chamber and in the Seanad in the context of giving many of the people who are most affected by Article 40.3.3° a choice in voting on this issue. I believe the younger generations have an entitlement to and are fully justified in having a say on this issue in the short term. I hope we come to the right decisions that will allow that debate.

If we are to move on this, we should move by trying to bring as many people with us as possible. I believe there is a middle ground in Ireland that wants to deal with issues such as the health of the mother, the life of the mother, the issue of incest and rape, and fatal foetal abnormalities. If we can move to that type of position, I believe there will be broad support. However, if it becomes divisive on both sides, we could be in a situation where the public are unsure and may not be willing to support changes to Article 40.3.3°.

Deputy Fiona O'Loughlin: Any debate on the eighth amendment is, was and always will be extremely divisive. However, to really have any understanding of what it means, one must walk in the shoes of a woman facing a crisis pregnancy and, indeed, her partner, or of a doctor who must work under conditions that are not always clear-cut.

The eighth amendment can be viewed as a massive platform of inequality, given the fact the last vote that took place on the matter was in 1983. The people whose lives are directly affected today by this amendment did not vote. In fact, most women of child-bearing age never had the opportunity to vote. Life has changed and the world has changed.

Reports from the UK Department of Health show ten Irish women a day still travel to the UK for abortions, with 3,451 travelling last year. Of those, 5% gave addresses in my constituency in Kildare. While this number has dropped significantly in the last 15 years, Irish women still account for the largest number of non-UK nationals presenting for abortion. The second highest number of women was from the UAE, where abortion is illegal and carries a custodial sentence.

It must be the most cruel and horrific of situations where a woman, hearing the news and feeling the joy that she is going to give birth to a baby nine months hence, then gets the tragic and awful news that the baby is not going to survive past birth. Who am I and who is anyone here to tell that woman what she should do or how she should feel?

We are a caring nation and there can never be a referendum, vote or amendment that will please all. However, it must always be the duty of us all to protect the most vulnerable in society, whether that is the unborn child or protecting a newborn from pain and suffering or saving the life, directly or indirectly, of a pregnant woman. As a society, we know so much more than we did over 30 years ago. We have revealed and discovered so much in the last 30 years about our nation. Ireland is now welcoming the people of nations across the earth. We are required to welcome those fleeing war and abuse and those escaping death and violence. Can they arrive in a country with so little choice and with such restrictions?

A change in law, one hopes, could only mean we are moving forward and evolving. Yet, it remains true what Dame Cicely Saunders, the founder of the hospice movement, said: you matter and you matter for every moment of your life. Free will and choice are powerful gifts. One person's wish may be another person's tragedy. The terms that are used when debating the eighth amendment can be hurtful and insulting to those who have faced the horrors of losing a

child before or after birth. Terms such as “incompatible with life” and “fatal foetal abnormality” are often far too clinical to be used in times of such grief for a family. While such medical terms may often be required by medical professionals to allow them to cope with the difficult choices they have to make, we must remember the term coined by Orla O’Connell, a researcher in Cork University Hospital, while establishing the necessity for prenatal palliative care: incompatible with life but not with love.

My honest opinion is that I battle with what I feel about what is right and what is wrong. It is wrong to destroy a life but it is wrong to refuse a choice to a woman who is in this situation about what is right for her. It cannot be right that a woman has to carry a child that will not survive if that woman does not wish to do so. We have to listen to all sides with respect. Everyone is entitled to an opinion without being labelled “pro-life” or “pro-choice”. As far as I can see, everybody is pro-life, but to be labelled as one or the other causes great disrespect.

A referendum is the right way to go but we must be clear and unambiguous about the wording that would replace the current wording. The Government should have dealt with this by having a judge-led commission, which my party suggested, and by bringing forward wording to the House and ultimately the people in order that they could make a decision. It is a huge decision for our nation and all its people.

Deputy Louise O’Reilly: I am sharing my time with Deputy Kathleen Funchion.

I thank Deputy Coppinger and her party for bringing this Bill to the floor of the House. I acknowledge the work done by her and others, including some in this House, on this important issue. I do not wish to play politics with this issue because those women who are watching this will not thank us for that. This is bigger and more important than point-scoring and cheap shots, and the talk by Ministers and some others on the Government side to the effect that this Bill is somehow designed to exploit divisions in the Government benches is not only unnecessary but decidedly unhelpful. There are people in the Visitors Gallery and others watching us who want to have a referendum on the eighth amendment. They did not vote for a citizens’ assembly. This was not the decision of the majority of people and it is important we do not lose sight of this and somehow pretend a citizens’ assembly is the wish of the people. It is not. It has been said, and it bears repeating, that this Chamber is the citizens’ assembly as we were elected to make decisions and not outsource anything we regard as a little uncomfortable or potentially divisive.

I want to make the Sinn Féin position very clear. We support the right of a woman to seek, if she wishes, a termination of pregnancy where her life and mental health are at risk or in grave danger. We support the introduction of legislation, North and South, to allow for terminations in the cases of fatal foetal abnormalities, rape and incest. In the Twenty-six Counties, this will require the repeal of the eighth amendment to the Constitution. I have placed a motion on the Order Paper to this effect and this is part of the action that is needed. I am outlining the position that Sinn Féin will be taking when this is debated in the Dáil and I know that all parties should and will have an opportunity to outline their respective positions. I state this not to pre-empt the result of any debate but to be absolutely clear about my position and that of my party.

It is now 33 years since the eighth amendment was inserted into our Constitution. When it comes to matters of women’s health and the involvement of the State, we have not exactly covered ourselves in glory, and we need to face the fact that we have failed women and that we must take every opportunity to make amends for this.

25 October 2016

One should remember retired Ms Justice Harding-Clark's report into obstetric practices at Our Lady of Lourdes Hospital, Drogheda, the report by the maternity and infant care scheme review group, the maternity services task force, Ann Lovett, symphysiotomy, Ms X, Savita Halappanavar, Ms D, and Ms Y. The UNCHR report that found Ireland failed to protect Ms Amanda Mellet from "cruel, inhuman and degrading treatment". That was very recently and a direct result of the eighth amendment. We discussed that very finding here very recently and there was an outpouring of sympathy for Ms Mellet, her family and all those who find themselves in her position.

These were just words. They tripped easily off the tongues of those who sought to grab headlines, but when the opportunity presented to vote to support the women and their families, their support evaporated. Without even having the manners to be ashamed, those in question proudly voted with the Government and made a very clear statement that they were happy for this treatment to continue. They cast their votes to ensure this treatment would continue. What we are seeing is a litany of abuse and the neglect of women, particularly when they are at their most vulnerable. We have commissioned reports, task forces and groups to look into these issues and we have published recommendations, but nearly every year without fail we hear of another tragic failure of our system to protect and support women. That abject failure is, in part, attributable to the eighth amendment.

Before anybody claims better investment in maternity services would offset the need for repeal, let me be very clear. We need repeal and we need better maternity services. We need to consider what it is like for women in Ireland today and examine honestly what that says about us as a country. Women deserve support during pregnancy and after. They should have access to all the supports necessary for their health and mental well-being.

I was a child when the eighth amendment was introduced. I was a child when I watched my mother cry because Ann Lovett had died on her own in a grotto in the cold and in the dark. My mother cried her heart out. She did not want it for her daughter. I am a grandmother now and do not want it for my daughter. I do not want it for my grandson or his generation. We do not need to have the eighth amendment. We can support this legislation. We all know we have to have a debate about it but we need to repeal the eighth amendment.

Deputy Kathleen Funchion: I commend Deputy Coppinger on bringing the Bill forward. My colleague has already set out our position. Let me make it clear that we support the right of a woman to seek a termination of pregnancy where her life and mental health are at risk or in grave danger. We support the introduction of legislation to allow for terminations in cases of fatal foetal abnormality, rape and incest. In the Twenty-six Counties, this will require the repeal of the eighth amendment of the Constitution. We are obviously all aware of this in debating tonight.

It is important to realise, and we sometimes forget this in this debate, that the important issue is women's health and well-being. We have no role in that at present. A decision should be made by a woman and her doctor. It is not up to us, as politicians, to tell a woman what she should or should not do. She should be able to make the choice in consultation with her doctor.

This Government's delaying tactics are not acceptable. It is not acceptable that politicians in here shy away from this conversation and their responsibilities. Meanwhile in everyday life, more women suffer as a result.

The UN judgment this summer was the latest in a series of rulings that has made it clear that the eighth amendment has to be removed from the Constitution, yet here we are still stalling on this matter. We need a referendum on the amendment and the Government must stop dragging its heels on the issue.

Our party recognises that where a woman wishes to continue with a pregnancy, even in challenging circumstances, she should be fully supported in that decision. We have also called for the introduction of an all-Ireland protocol on prenatal diagnostic screening in pregnancy to support this.

A Fianna Fáil Deputy mentioned the number of women who leave the State every day for an abortion. This is the reality, which we continue to ignore. We were all elected and given a job to be responsible and to be legislators. We cannot decide to talk about and make decisions on certain issues that we feel are popular while just talking about other issues that are unpopular and uncomfortable or creating a citizens' assembly, conventions or talking shops. We were not elected to do the latter action. We have to be able to make responsible decisions and stand up for the women of the country in that regard. We must not continue to simply export our issues. We have a duty to protect the safety and health of women here. This Government has a responsibility to provide the necessary measures to support women with what they need on this very important and sensitive issue. I appeal to all Deputies to support this legislation. Let us get this issue dealt with finally. It is what people want. I cannot stress enough that it is our responsibility. We have kicked this matter down the road for long enough. I appeal to Members to support the Bill.

Deputy Alan Kelly: I am sharing my time with Deputy Jan O'Sullivan.

The Labour Party will be supporting this legislation to bring about a referendum on repealing the eighth amendment of the Constitution. The very introduction of the eighth amendment was opposed by the Labour Party in 1983. We were very much alone at that time. The Constitution was never the place for such a proposal. Unfortunately, our history since 1983 has proven our stance to have been the correct one. The last time we voted on this matter, Labour Deputies were bound by a programme for Government that had prioritised legislation for the X case, which we delivered. At other times we could not, as a party, vote on any Bills that we knew, unfortunately, to be unconstitutional.

9 o'clock

Today is very different. On the first occasion - in opposition - on which we are presented with a Bill on the eighth amendment which we know absolutely to be constitutional, we are very happy to support it. In fact, we feel very much obliged to support it.

The Labour Party has always been to the fore on progressive social change in this country and we will continue to support such change. Whether it was in the context of amending labour laws, changing the law on contraception, decriminalising homosexuality or bringing in divorce, it was very much our party that pushed for these developments. Even recently, the campaign for marriage equality happened because the Labour Party insisted - on foot of a commitment in the previous programme for Government - that it should. What a joyous and hopeful campaign it was. Of course, the Labour Party did not alone persuade the massive majority of the people to vote in favour of marriage equality in the referendum. That was done as a result of conversations across a range of areas - at breakfast tables, in pubs and on social media. However, the

25 October 2016

campaign to repeal the eighth amendment will be much different. Unlike marriage equality, accessing an abortion is certainly not something to be celebrated. We will all need to be conscious of this as the debate unfolds. We will also all need, collectively, to respect everyone's views and to stop pigeonholing people into two camps, namely, pro-life and pro-choice. I was very much taken by a social media post recently by somebody who said that a recent pro-choice march was just the usual suspects, "liberal students from Dublin universities, Trotskyites", and a reply by Emma Burns, a 42 year old mother of two and a disability rights advocate, who started the hashtag #KnowYourRepealers.

Times have moved on. There is something to be said in normal circumstances for the examination of this issue in a complex way through the Citizens' Assembly. If the Government this time around had proposed to re-establish the Constitutional Convention and apply a tight deadline to this work, we would have possibly supported it. However, preventing all politicians from being members of the assembly was a mistake and the deadlines that have been set are intended to push this item down the road so that the Government will not have to deal with it. The Minister's cop-out tonight in the amendment is, I believe, an embarrassment for him, for Fine Gael and for the Independents who support this Government. It is wrong to prevent the House, the Legislature of the people, from even voting on the Bill passing Second Stage. I am very disappointed by the Government and, in particular, the Minister, Deputy Harris, and certain Independent Ministers who have been very vocal on this issue previously. Obviously, they do not fancy having a referendum during their period in Government.

It is a fact that, on average, 12 women a day travel to the UK for abortions. This fact cannot be ignored by any of us. For those with financial resources the journey is an arduous one. For many migrants or those living in poverty it is a journey they cannot make at all. That is wrong. It is also wrong that no woman currently of child-bearing age has had the chance to vote on these laws. If a woman or girl is raped or is the subject of incest and becomes pregnant as a result, our laws force her to carry that unwanted pregnancy to term. If a crisis pregnancy causes a woman acute medical distress, we tell her she simply must live with it. This is simply barbaric. The Labour Party supports repealing the eighth amendment and then legislating properly and comprehensively to deal compassionately with the situations I have just outlined. It is denial of bodily autonomy and it inflicts real damage on real women - our sisters, daughters, nieces and friends. They are the people the eighth amendment really hurts.

We did not expect the Government to seek to use archaic parliamentary procedure to try to block a vote on this Bill. In truth, however, we do not expect the Bill to pass because of the stance the Government has taken. However, the Labour Party will vote for it and we call on all others across this House to do likewise so that we can move towards a repeal of the eighth amendment and a compassionate settlement that works for the women and for the people of Ireland.

Deputy Jan O'Sullivan: I thank Deputy Kelly for sharing time in order that I might place quite clearly on the record of the Dáil my view that the eighth amendment should never have been put into the Constitution and needs to be taken out. We absolutely support the Bill before the House this evening.

I have been knocking on doors as part of various campaigns since 1983. My first campaign was against the eighth amendment going into the Constitution, and I have never encountered so much venom on doorsteps as I did on that occasion. It should never have gone into the Constitution. We have had the hypocrisy ever since of the idea that Ireland has somehow or other been

protected from abortion. The truth is the opposite. We have abortion in Ireland; it is just that we have it in Britain and in various other countries, but mainly in England. The statistics show that the abortion rate actually increased after 1983. In fact, the number of women giving Irish addresses in UK abortion clinics nearly doubled from 3,650 in 1982 to 6,673 in 2001. Other Deputies have provided similar statistics. They are significant numbers. In fact, Ireland has a higher abortion rate - as a proportion of its population - than many other countries. However, abortion just does not happen in this country. That is hypocrisy, and it is about time we got rid of it. It has no place in the Constitution. I am not sure whether the Fianna Fáil position is that we should replace the eighth amendment with some words about the circumstances in which we should allow abortion. Either way, it is our job, as legislators, to decide on legislation. Abortion law should not be in the Constitution. We really need to take our responsibilities here and we need to put it to the people that times have changed and that it is time we had a referendum on this issue. I do not believe we should have any delay whatsoever.

Deputy Joan Collins: In the past five and a half years, as an elected representative in the Dáil, I and my colleagues have supported five Bills that challenged the eighth amendment and the lack of access to abortion for women with diagnoses of fatal foetal abnormalities. Every time we had this debate, we came up against the eighth amendment. The eighth amendment has always been the problem. During the most recent general election campaign, there was a fairly good campaign to repeal the eighth which saw people talking to Deputies about the issue of abortion. Many Deputies say they support repeal of the eighth amendment. I think five in Fine Gael have now come out very clearly in support of repealing the eighth amendment. It is a step forward but the Government still lags behind the mood of the people. The people are way ahead of the Government on this. I heard the point made about the marriage referendum. The people were way ahead of us on that too. There was not any particular group that pushed it. The grannies with young sons and daughters who are gay knew what they needed in their lives. They were way ahead of us. That is why the referendum got so much support. The Minister is way behind on this. His Government is way behind on this.

A RED C poll conducted on behalf of Amnesty International has shown that 55% of people agree that expanding access to abortion should be one of the priority issues for this Government. The people want us to deal with this issue. They do not want us to put a group of individuals in a room to make a decision and come back with some recommendation. I certainly do not want to see anything with a constitutional aspect to it that recommends merely changing the Constitution coming back from the Citizens' Assembly. That would be wrong. It has been wrong all along. I think I have gone over my time so I better conclude.

Deputy Clare Daly: Today, on a whole number of fronts, new politics looks decidedly old. Let us be honest: women's reproductive rights are essentially being sacrificed in a political game tonight. That is what this is - a game so that people who oppose this Bill can pretend they do not. It is pathetic and it is never the way this House has done business. It sets an incredibly dangerous precedent, which has already been replicated in the case of the fracking Bill. People are elected to this House to make decisions. The Government should make a decision, stand by that decision and man up. The manoeuvring on the Government benches today was disgraceful. Here we are, in essence, with another Irish solution to an Irish problem, another monument to our hypocrisy on this issue. I think people have reached a turning point and have got to the stage of no more.

I probably moved the first of these types of Bills, but I am very glad that this will probably be the last one because a repeal of the eighth amendment will be delivered, probably not be-

cause of this Government but most definitely in spite of it. Ordinary citizens, young and old, have demonstrated time and again that they are not prepared to continue imposing extra hardship, extra stigma and extra financial strain on women with crisis pregnancies, forcing them to go to the extra expense of travelling, leaving behind their support network, sometimes being too sick to travel, having later abortions with more stress, leaving their children behind and organising for the remains of a much-wanted child to be brought home in the boot of a car. All this is done simply to preserve the lie that there are no Irish abortions.

Of course, there are Irish abortions and they are pretty much the same as the abortions that go on in every other country. One in ten Irish women, including many people in this House, serving Deputies, staff, their sisters, mothers and partners have all had abortions. Pretending that is not the case is the modern version of the mentality that said, “There’s no sex on in Ireland, so lock up your women behind the walls of the Magdalen laundries”. That attitude has no place in a modern Ireland where tolerance, compassion and kindness are the bywords of people who recognise that it is not a black-and-white issue and the best people to make the decision in those not-black-and-white circumstances are the women who are faced with that decision.

Abortion is a normal part of the reproductive lives of women the world over and is a normal part of the reproductive lives of Irish women. For God’s sake, let us end the hypocrisy and get rid of the amendment. Why do we need to put in restrictions? Our abortion regime is effectively governed by the 1967 British Act so we might as well bring that here in any event.

Deputy Mick Wallace: We have been a few years arguing about this and many years waiting for things to be done right in this area. It reflects poorly on those in this House that they seem to be in tune with very powerful conservative forces in Ireland but seem less in tune with the ordinary people.

Our draconian laws do not stop women from seeking abortion; they just do it somewhere else. The sad part about it is that it prevents women from receiving the medical care and support they need. A Dutch website that sells the abortion pill has had over 6,000 applications from Ireland in five years. Women are taking it without medical advice and support. We are putting women’s lives at risk by refusing to do what needs to be done. The hypocrisy is frightening. How can we listen to the international condemnation of Ireland? The UN Human Rights Commission found Ireland’s ban on abortion to be “cruel, inhuman and degrading”. It found the denial of abortion to a woman made pregnant through rape as torture.

The Minister can say that the citizens’ assembly will deliver in the most efficient way. However, he is prolonging the misery, degradation and abuse of human rights of women in Ireland for another period. We may even have a change of Government before it is eventually repealed. I have seen measures of a financial nature implemented overnight, but we are kicking the can down the road for at least another year while women continue to be abused in this manner. It reflects very poorly on the House.

Deputy Michael Harty: I wish to share time with Deputy Mattie McGrath.

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

Deputy Michael Harty: This Bill, called the Thirty-fifth Amendment of the Constitution (Repeal of the Eighth Amendment) Bill, is set to repeal the eighth amendment of the Constitution. It is ill judged if taken in isolation from supporting legislation. It would amend the Constitution to remove Article 40.3.3°, which recognises the right to life of the unborn. That

progressed over many years and we eventually evolved to giving ladies the right to travel and the right to information.

Deputy Ruth Coppinger: Thanks a million.

Deputy Michael Harty: This was a particularly Irish solution to an Irish problem.

The Protection of Life during Pregnancy Bill in 2013 redefined the circumstances in which termination could be administered or procured where there would be a real or substantive risk to the life of the mother, which included suicide. These were the only grounds on which a termination could be procured. This gave a statutory right for termination of pregnancy. In 2009 the Supreme Court defined life as that which had the capacity to be born. Article 40.3.3° only offered protection after implantation in the womb. These are all very restrictive definitions. Yet in 2013 the risk to the health of a mother was insufficient to justify a termination.

The UN Human Rights Committee advised that Ireland should review its termination requirements and add different reasons for termination - to save the life of the mother, which we have; to preserve a woman's physical health; to preserve a woman's mental health; in the cases of rape or incest; in the cases of fatal foetal abnormality; for social and economic reasons; and on request. This is the suite of options from which the UN recommended that Ireland should choose.

Termination for a social or economic reason or on request is a form of birth control in relation to pregnancy. In Britain termination was introduced to preserve a woman's physical or mental health, but that evolved into termination on demand.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Harty: Twenty one of 28 countries in the EU allow abortion on that entire suite of options.

This is not a simple issue or otherwise it would have been solved many years ago. Medicine and pharmaceuticals have moved on over the years and it is now possible to obtain through the post a pharmaceutical product that will act as an abortifacient. This is subverting and outstripping the Constitution, the law and the medical profession for better or for worse, making all these institutions redundant.

We have the options to repeal, amend or retain the eighth amendment. That is the decision the people will have to take in a referendum. It involves ethics, compassion, education, social values and choices. It is a huge social question which will have to be carefully considered and debated. Should the eighth amendment be repealed, legislation will need to be carefully crafted to reflect the will of the people. Pro-life versus pro-choice are opposites within the same spectrum. We will need to find common ground which is fair, just and compassionate.

Deputy Mattie McGrath: It will come as no great surprise that I will be opposing this Private Members' Bill. My opposition to the repeal of the eighth amendment is a matter of public record. I was clear about that position in the run-up to the general election and I am even clearer about it today.

The Bill before us recommends altering the Constitution to remove any reference to that most fundamental of human rights - the right to life. A constitution is a statement of the highest principles which guide a nation and its legislators. It is inconceivable to me that we should

arrive at a point where the right to life of the unborn child is excluded from those principles.

What are we about as a people if we do not work to “cherish all the children of the nation equally”, as stated in the 1916 Proclamation? What is deeply troubling to me and to many others across the country is that during the whole course of the repeal the eighth campaign, there has been no mention whatsoever as to what would replace it. Time and again, I have heard representatives from the parties proposing this Bill and the repeal the eighth campaign being asked what protections they would put in its place for the unborn child. No clear answer has been forthcoming at any stage. Are they seriously suggesting that at a constitutional level no protections at all should be in place to protect the right to life of the unborn? If they are and that is what they intend, it is a battle they cannot win. The vast majority in the State do not support the view that there should be no limits in accessing abortion services. That is a fact the Anti-Austerity Alliance and People Before Profit seem content to ignore in the pursuit of what is, by any measure, an extreme political stance. In Ireland’s system of government the Constitution is the highest guarantor of the rights of people. To alter it and rely solely on legislation which can be amended or deleted is not a strong enough protection for the right to life.

We know that given the chance, the parties which are proposing the Bill would remove even the limits set in the so-called Protection of Life During Pregnancy Act about which we have heard so much. I have no doubt that they would do the same in the case of any future legislation brought before the House. That is a clear indication that they want no limits, on when or how an abortion can be sought. That is unacceptable to me and, I contend, the majority across the State. I will, therefore, be opposing the Bill which I see as a further attempt to undermine the right to life of the mother and that of the unborn child as outlined in the eighth amendment.

As far as the Citizens’ Assembly is concerned, I believe, like many in the Repeal the Eighth campaign, that this House is the citizens’ assembly, to which Members sought election. Many of us have made our views known clearly and in an forthright manner. We were elected to deal with issues, not to set up an assembly and ask the 99 people involved to deliberate on what is a very difficult issue. Are we just passing the buck? Deputies should deal with issues in this Chamber, as we ought to do, as we were elected to do, as we are entitled to do and as we are empowered to do under the Constitution. The Citizens’ Assembly was ill-advised and has been ill thought out. While I have respect for the justice who heads it, there were question marks over the process of selection of the people taking part in it.

An Leas-Cheann Comhairle: The next slot is to be filled by members of the Social Democrats and the Green Party. Is Deputy Catherine Murphy sharing time?

Deputy Catherine Murphy: Yes, with Deputies Catherine Martin and Seamus Healy.

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

Deputy Catherine Murphy: How many times is this House going to find an excuse to delay what is surely the inevitable, the opportunity for citizens of the State to have a say on an issue that has affected so many in the past 30 years? What is happening tonight is that politicians in this House, some of whom only last month marched through the streets of Dublin to call for the holding of a referendum and who have been vocal in the media on the need to hold a referendum on the issue, are ducking the opportunity to provide for the very thing they have sought. It can be parsed any way one wishes, but that is what is happening in this Chamber tonight. There are so many shades of opinion on this issue that it is fair to say very few people are on the

same page on it. One thing, however, is clear from poll after poll, that is, that the majority are in favour of holding a referendum to allow the people, not this House, to make a decision on it.

We have had the alphabet soup of women and their families who have been brutalised by the lack of coherence as to what the eighth amendment means for the medical profession in Ireland. A person would need to have been born before 1963 to have had a say on the issue. I was one of the ones who had an opportunity to vote in 1983 and I voted against including the eighth amendment in the Constitution. The Constitution is not the place in which to deal with this most sensitive of issues. I remember the debate clearly. There were very extreme views on both sides and the debate was characterised by very narrow legal definitions. In the interim we have seen very real cases that were far from academic. Some were very high profile such as the A, B and C case, the X case, the Y cases and so forth. The Bill before the House is calling for one thing - upholding the right of the people to have a say on the issue. The Social Democrats will be supporting the Bill and urge other politicians, who in standing for election promised that that would be the position they would take, to take it when they vote on the Bill later in the week.

Deputy Catherine Martin: The Green Party welcomes the Bill because, as a nation, we must have the courage to deal with this issue. Women should not have to steal away from their country to access a safe medical procedure and no woman's life should ever be put in unnecessary danger. Ultimately, the Legislature must bear responsibility for the ongoing endangerment of the health and safety of women. On a number of occasions court judgments have, rightly, reminded us that it is our function to legislate. The courts have, correctly, signalled their unwillingness to fill the gap by doing the job of legislators. Tonight the Government is compounding that ongoing failure through its proposed amendment which will cause a further unnecessary delay. This latest delay, this intransigence and foot dragging put in peril the health and safety of more Irish women. We understand the work of the Citizens' Assembly is ongoing and that it should be allowed to complete its work, but its job is not to legislate. That power lies exclusively with the Oireachtas. The Government's amendment will paralyse that legislative function and, in so doing, once again deals a severe hammer blow to all those who had hoped 2016, in the era of so-called new mature politics, would offer real change. The truth is that the Government lacks the political courage to lead from the front on this issue and, in the absence of a willing Government, the Citizens' Assembly moves centre stage and suddenly represents women's best pragmatic hope in the lifetime of the Thirty-second Dáil. The Green Party wishes the Citizens' Assembly well, but in the meantime this Oireachtas should never have its voice softened - it should be heard loud and clear. It is not right to expect Members of the Oireachtas to temporarily lose their voice, their resolve and their right to vote. It is because the voices of elected representatives in the past were not sufficiently loud, effective, just, coherent and steadfast that we are where we are today with some women's lives continuing to be endangered. Sadly and ironically, it is as if the present is catching up with the dark and uncaring days of the past. Ireland can no longer pretend or indefinitely postpone and prevaricate. That is why the Green Party will be supporting the Bill because we believe a referendum is needed to repeal the eighth amendment as soon as possible.

Deputy Seamus Healy: I welcome the Thirty-fifth Amendment of the Constitution (Repeal of the Eighth Amendment) Bill 2016 and commend Deputy Ruth Coppinger on bringing it forward. I confirm my support for it. I am old enough to have opposed and voted against the eighth amendment in 1983, believing then as I do now, that equating the life of the mother with that of a foetus was fundamentally unsound and would be detrimental to the health and lives of women and that it would have unforeseen, as well as entirely predictable, consequences. We

have had a number of referendums and legal challenges as a result. Some of the unforeseen consequences include restricting the right to travel to another state and the freedom to provide or obtain information on services lawfully available in another state. It was always entirely predictable that the formula used in the eighth amendment would produce risks to the health, well-being and lives of expectant mothers. Sadly, that has proved to be the case during the years. The issue is, of course, sensitive and controversial, but regardless of one's own views on termination, it is important that citizens be allowed to have a say by way of a referendum on the issue. I believe, in particular, that the issues of fatal foetal abnormalities, inevitable miscarriage, the life and health of expectant mothers and rape and incest must be addressed urgently.

An Leas-Cheann Comhairle: Is Deputy Paul Murphy sharing time?

Deputy Paul Murphy: I will share time with Deputies Gino Kenny and Mick Barry.

There has been a lot of talk about compassion this evening; compassion offered by politicians from the establishment parties responsible for the eighth amendment and compassion offered to the brave women who speak out about their experiences of travelling abroad to access abortions. It is an improvement on the shame offered to them in the past by establishment party politicians but it is nowhere near good enough. To be blunt, they do not want politicians' compassion. They want their rights. The Bill has not been brought forward, as was suggested, to cause trouble for the Government or anyone in the Government. It was brought forward so that women can have their rights and the right to control their own bodies.

I was born in 1983, the same year the eighth amendment was inserted into the Constitution. If we look at the debate at that time, and we want to see where the eighth amendment came from, we see the incredible influence of the Catholic Church and right-wing Catholic organisations, such as the Society for the Protection of the Unborn Child and the pro-life amendment campaign. The intertwining of church and State is the key reason Ireland was the only democratic State to introduce a constitutional ban on abortion. This connection needs to be broken. We need a separation of church and State, repeal of the eighth amendment, and an end to a situation where the Catholic Church controls the vast majority of our public schools, our hospitals and, clearly, still has massive influence in the conservative political establishment. Even if we had repeal of the eighth amendment, and even if we had similar abortion legislation to that which exists in Britain, but we had a conservative medical establishment and a Catholic influence on sex education, we still would not have access to abortion potentially for those who need to access it.

I was not here in 1983, but there are Members of the House, including the Taoiseach, Deputy Enda Kenny, who were Members of the Oireachtas at that time. It was then Minister, Deputy Michael Noonan, on behalf of the Government, who articulated the backward argument of the establishment then in proposing the eighth amendment. He dismissed what he called the secular humanist standpoint, stating there was no common ground for debate with those who believed in the right to choose. There was a voice of reason in the Seanad that day. He described the amendment as a piece of appalling political hypocrisy. That voice was then Senator Shane Ross. Today, he is in ministerial office. He might be in a ministerial car right now. He is prepared to engage in appalling political hypocrisy by voting not to repeal the eighth amendment and instead for a convoluted exercise in evasion designed to kick the can to the next Government.

To finish I will quote the then Deputy, now Minister of State, John Halligan, speaking on 17

December 2014, on an identical Bill to repeal the eighth amendment. He said:

It is about time people stood up and said enough is enough. Can somebody not break ranks over there and say, “I am going to support this Bill for those women who have died and for those women who will have to go to England tomorrow or in the next few weeks; I will make a change and I will stand up for the civil rights of women”?

Wherever Deputy Halligan is, it is his turn to stand up.

Deputy Gino Kenny: I welcome everyone in the Gallery. I observe the absolutely disgraceful non-attendance of Fine Gael and Fianna Fáil. There are literally six people from the two parties, which is an absolute disgrace. No wonder people do not have confidence in the Chamber.

Ireland has come a long way since 1983. That journey of 33 years has led to a sea change in the fight for women’s right to choose. There has also been the arduous journey which tens of thousands of women have taken from this State to access abortion services. This journey is one of the hardest journeys any woman can make in having to deal with a crisis pregnancy, sometimes alone, sometimes with their partners, families and friends. This journey will continue as long as we hide from the reality that 3,450 women and girls travel to Britain each year to have an abortion. The financial hardship this imposes makes an extremely difficult situation even more difficult for women who have to travel to Britain to end their pregnancy.

Many people like myself, and I am sure countless others in the country, have been on another journey, in getting to the position that ultimately it is a woman’s right to choose. Today’s generation of young women will not tolerate the Government’s inaction and complete ambiguity on repealing the eighth amendment. Last year’s marriage equality referendum showed this is not the Ireland of 1983 but the Ireland of 2016. The Catholic Church’s moral grip on all of our lives should be a thing of the past and not a thing of the future. It is not a case of if but when there is a referendum. It will not be because of a citizens’ assembly or the ineptitude of the Government, but the people demanding one. A sorry shame litters our history with regard to women’s rights. There are women behind the anonymous letters in the X case, the Y case and the C case who went through absolute torture. The journey has never ended and it will not end. Give women the right to choose. Give the citizens of the country the right to a referendum.

Deputy Mick Barry: I will start by acknowledging the campaigners for women’s rights in the Gallery this evening. The Government may dither and delay and cover itself in shame, to be frank about it, but the campaigners in the Gallery are part of a mass movement in Irish society, which has not only put this issue on the agenda but which will sweep away the eighth amendment and get the job done. If we lived in a country which genuinely and truly respected women and trusted women and the decisions women make, we would have the eighth amendment repealed, we would have legislation in place for a woman’s right to choose and we would have abortion provided through the health service without cost and without shame for all who need it. If we lived in a fully democratic society we would go one further and completely separate the church from the State.

This State is almost alone in western Europe in denying women access to widely available abortion services in its own jurisdiction. By the way, the abortion rate in western Europe is 12 per 1,000 women aged between 15 and 44, which is the lowest sub-regional rate anywhere on the planet. It is in sharp contrast, interestingly, to areas of the world where abortion is more

often than not illegal, such as Africa where the rate is 29 per 1,000 or Latin America where the rate is 32 per 1,000, which is more than two and a half times the western European rate.

One such western European country is the Netherlands. In the Netherlands terminations are legal for up to 24 weeks. They are free for residents of the country and a comprehensive programme of sex education and contraception is in place. In the Netherlands the abortion rate is 8.5 per 1,000. More than 95% of these abortions are in the first 12 weeks, the vast majority around the sixth week. Compare this to Ireland's abortion solution, which means just 68% of Irish residents who had an abortion in England or Wales in 2012 were in the first nine weeks. The comparable figure for residents of England and Wales was 77%. Women travelling from Ireland to England and Wales for abortion services are consistently more likely than UK residents to be at a later foetal gestational age. They are forced to travel, arrange accommodation, arrange child care and take time off. All of this takes time, particularly for women on lower incomes. The Irish solution, far from reducing the abortion rate, results in all likelihood in an increase in later term abortions.

This is just part of this Irish solution to an Irish problem that Fine Gael, the Independent Alliance and Fianna Fáil plan to keep in place for the remainder of this year, for all of next year and for some of the year after, at an absolute minimum. Shame on them all. The Government parties are standing over a disgraceful situation and they will not be able to hold back the movement for change in this country. It is going to change things despite them.

Deputy Kate O'Connell: I wish to share time with the Ministers of State at the Department of Health, Deputies Finian McGrath and Catherine Byrne.

It seems to me the AAA-PBP is determined to disrupt the established process of the Citizens' Assembly. The Programme for a Partnership Government sought to establish the assembly and address the eighth amendment as a priority. I have long supported a repeal of the amendment. I support free, safe and legal access to abortion for any woman who wants it. I would have a referendum tomorrow, if it were possible, but there is still no guarantee it would pass. That is why I support the Citizen's Assembly and the work it is doing to discuss the relevant medical, legal and scientific facts around the eighth amendment. Those who want a repeal have waited too long for a referendum to waste their opportunity to win it.

Deputy Coppinger may dismiss my support of a repeal, but the indisputable fact is that when Ireland voted in February, more Deputies from Fine Gael than any other political party were elected. It suits the Deputy to attack Fine Gael on all fronts and to try to demonise Members who were democratically elected by their communities to represent them. If the AAA-PBP is hell bent on destabilising the Government and rejecting its efforts to address the amendment civilly, have its Members given much thought as to which party or parties would replace the Government? If the latest opinion polls are to be believed, Fianna Fáil supporters are most in favour of retaining the amendment whereas fewer than one in five Fine Gael voters supports retaining it in its current format. Do AAA-PBP Members believe they will secure enough seats in the next election to form a Government? They made little effort this time. We live in changing political times, but perhaps they will not change soon enough for them to achieve that goal. On this issue, would it not, therefore, be a more reasonable approach to support the progress being made by the Government?

Deputy Coppinger and her colleagues have a politically radical, left-wing ideology and they will rarely appeal to voters of the centre or centre right. However, they do not have a monopoly

on caring about the eighth amendment or about women's rights in this country. I am ashamed of our nation's record when it comes to these issues. I know many people from my side of the political spectrum who agree with a repeal of the amendment but they are conflicted by the sense that by supporting the Bill, or others like it, they would be guilty of endorsing the other policies and activities of the extreme left.

Deputy Gino Kenny: That is ridiculous.

Deputy Paul Murphy: Even the Labour Party supports the Bill.

Deputy Bríd Smith: The Deputy is a disgrace.

Deputy Kate O'Connell: These people do not feel aligned with those who supported the false imprisonment of a former Tánaiste-----

Deputy Paul Murphy: Jesus Christ, the Deputy is not able to say that.

Deputy Kate O'Connell: -----or who think that the economy would benefit from a socialist transformation.

An Leas-Cheann Comhairle: The Deputy should address her remarks to the Bill.

Deputy Paul Murphy: Can I ask that that be retracted?

Deputy Kate O'Connell: The people who favour-----

Deputy Bríd Smith: The Deputy could not help herself----

Deputy Paul Murphy: Can I ask that that be retracted?

An Leas-Cheann Comhairle: It is a matter for Deputy O'Connell.

Deputy Kate O'Connell: The people who favour keeping the eighth amendment love to cultivate a culture of fear-----

Deputy Paul Murphy: On a point of order, the Deputy cannot be allowed to continue. I was not allowed to speak earlier on these issues.

An Leas-Cheann Comhairle: I asked Deputy O'Connell to address the Bill before us.

Deputy Paul Murphy: No, she should withdraw the allegation.

An Leas-Cheann Comhairle: It is matter for her to withdraw the allegation.

Deputy Paul Murphy: No, the Leas-Cheann Comhairle cannot-----

An Leas-Cheann Comhairle: I am in the Chair.

Deputy Paul Murphy: As long as you are bringing her to order.

Deputy Ruth Coppinger: You were in the Chair earlier when Deputy Murphy could not refer to this issue. She must withdraw that allegation.

Deputy Kate O'Connell: The people who favour keeping-----

25 October 2016

Deputy Ruth Coppinger: She must withdraw the allegation she made.

An Leas-Cheann Comhairle: Does Deputy O’Connell wish to withdraw the allegation?

Deputy Kate O’Connell: No, I do not.

Deputy Bríd Smith: The Deputy should repeat what she said.

An Leas-Cheann Comhairle: She will not withdraw it. I have no control.

Deputy Paul Murphy: I will not allow her to continue.

An Leas-Cheann Comhairle: I have asked her to withdraw and I have no control over it.

Deputy Kate O’Connell: I said I did not wish to withdraw it, but if the Leas-Cheann Comhairle asks me to withdraw, I will.

An Leas-Cheann Comhairle: Now continue.

Deputy Gino Kenny: Is the allegation withdrawn?

Deputy Kate O’Connell: The people who favour keeping the eighth amendment love to cultivate a culture of fear and shame to make their case. Those who support a repeal should not have to rely on such emotionally manipulative tactics. Fear and shame have no place in policy-making. Those who hold moderate views or who remain unsure of the necessity to repeal must not feel afraid or ashamed to admit they have not ever considered what the amendment means in their lives. The same applies to the members of the Citizens’ Assembly who I hope will remain unscathed as they work to deliver their considered recommendations to this House. Those who support a repeal must engage with the undecided voters. I will continue to play my part on the path to repeal, however much abuse is thrown in my direction by either side.

Deputy Bríd Smith: The Deputy is a great bit of stuff.

Deputy Ruth Coppinger: Bourgeois feminism.

Minister of State at the Department of Health (Deputy Finian McGrath): I hope I can make up for the time lost.

I am grateful for the opportunity to contribute to this important debate. I support the repeal of the eighth amendment and that has always been my clear position. It will happen. Tactically, we in the Independent Alliance had to deal with this important issue and make a decision not to play politics or to grandstand on the issue. This is too important an issue relating to women’s health, and those of us in the Independent Alliance also have different views. However, respecting difference and enjoying diversity is a core value of the alliance. Broader society gets that but, sadly, many of the conservative political parties do not seem to understand that. Today is another important step in the broader equality agenda and in women’s health. I accept some of the criticisms made in the debate but the process has started.

Deputy Mick Barry: What criticisms does the Minister of State accept?

Deputy Finian McGrath: If Members look closely at what we have achieved, they will see clearly that we have pinned down a timeline and managed to retain the Independent Alliance’s core value of a free vote when the proposals are referred back to the Oireachtas committee and

the House. Judge me then and judge me on my actions.

Deputy Mick Barry: What criticisms does the Minister of State accept?

An Leas-Cheann Comhairle: The Minister of State, without interruption.

Deputy Finian McGrath: Of course, there are different views within the Government on the substantive issue of the eighth amendment but there are many different views in wider society. I would like to bring people around to my point of view, which is to repeal the amendment and to get it over the line in a well-thought out, comprehensive manner. I hope we have all learned from the marriage equality referendum. We had to bring people with us and encourage change. That is the way forward. The Constitutional Convention helped to win the referendum. Politics is about bringing people with us and winning the referendum, and I believe that will happen.

I also strongly believe in the separation of church and State. We will not vote down the Bill. We have tabled a reasoned amendment to it because the Bill pre-empts the work of the Citizens' Assembly, the agreed independent process set out in A Programme for a Partnership Government to deal with this issue and approved by both the Dáil and the Seanad. That is the position I find myself in. Earlier, we asked the Business Committee to set in train the work to get ready for it. We will not adopt a collective policy position for the committee's deliberations.

I support the repeal of the eighth amendment and I want to ensure all women in the State are treated with respect and dignity, with their health and well-being at the top of my political agenda. The process has started and we can win the referendum to repeal the amendment. This will happen sooner than many Members think. I thank all of them for the differing views and for the way the debate has been conducted so far.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank Deputy Coppinger and her colleagues for the publication of the Bill. I also thank those who have spoken for their passionate and thoughtful contributions. Many of them suggested that Article 40.3.3° needs to be revisited. They have different views on how to strike the right balance and on what they wish to be in a final proposal to amend the eighth amendment. I share the views expressed by the Minister for Health earlier. Contemplation of changes to Article 40.3.3° requires considerable careful consideration of the policy and the legal issues involved. Removing the current constitutional protection to life of the unborn would have significant implications, opening up major questions for existing law and the future legislative framework that would apply. The deletion of Article 40.3.3° would also raise significant implications for medical practice and ethical codes of professional regulatory bodies. The Government's decision to review our Programme for a Partnership Government commitment to allow the recently established Citizens' Assembly to consider the issue and report back to the Oireachtas is the best way to bring the whole matter forward. For these reasons, and those outlined by the Minister for Health, I cannot support the Second Reading of the Bill. Instead, I ask the House to allow the Citizens' Assembly, established by resolution of the Dáil and Seanad, to conclude its deliberations on the eighth amendment, the subject matter of this Bill, and report to the Oireachtas in the first half of 2017.

An Leas-Cheann Comhairle: I call on Deputy Richard Boyd Barrett who is sharing time with Deputy Ruth Coppinger.

Deputy Richard Boyd Barrett: The cheap political jibes and the red-baiting are beneath

Deputy Kate O'Connell. They are also beneath the seriousness of a debate about women's lives and futures. Frankly, if I hear the expression "the moderate centre" again, I will scream. The moderate centre has not ruled women's lives. The Catholic Taliban, instead, has ruled women's lives in this State for decades, with the support of the two major political parties. The disciples of Archbishop John Charles McQuaid and their oppressive doctrine have led to the abuse, the stigmatisation, the torture, the incarceration and the enslavement of women in this country for decades. These were shameful decades of mistreatment of women as second-class citizens. It brought us the shame of the Magdalen laundries and symphysiotomy, as well as driving 250,000 women since 1970 out of the country under the shadow of shame, stigmatisation, and criminality.

The persistence of that oppressive and abusive regime is manifest in the eighth amendment. The eighth amendment is responsible for the tragedies of X, Y, C. It is responsible for the death of Savita Halappanavar. It brought us tragedies like Ann Lovett, Amanda Mellet and countless more who have been the victims of rape and who have suffered as a result of wanted children suffering from fatal foetal abnormalities, as well as the tens of thousands of other women who just felt they could not go through with a pregnancy for whatever reason. That is the reality of what we are dealing with.

The Minister for Health, Deputy Simon Harris, said how difficult and complex all this is and the Minister of State, Deputy Catherine Byrne, talked about how we have to strike the right balance. For the women who have suffered crisis pregnancies and are forced to go to Britain under the shadow of stigmatisation and shame, it is complex and difficult. The issue at stake is not complex and difficult, however. It is very simple. It is about whether women should decide their own fate, control their own bodies, decide what medical procedures they need and want, decide when they should have children or if they should not have children. It is about whether politicians, lawyers, anti-abortion groups, the Church, or, for that matter, a randomly selected Citizens' Assembly of 99 people, instead should have that choice. Do we trust women and believe they have the right to make that decision or does somebody else have the right? That is the issue at stake.

I know there are people who support this delaying tactic and do not want this Bill to pass because they believe it is acceptable for the law or politicians or somebody else to decide the fate of women, to draw the lines as to when women can decide their own fate and when they cannot. For those, who gave a pledge before the last general election that they supported the repeal of the eighth amendment and they believed women have the right to choose, to pander and make concessions to those who do not believe women have that right is a shameful disgrace. It is a dangerous move, indeed. Members opposite may think it is tactical. It is the opposite. The people who oppose a woman's right to choose are the people who want to confuse and obfuscate, turning it into a debate about where we draw the lines. That is what will lose us the referendum or prevent us from ever getting it. Those who believe in a woman's right to choose should stand up when the vote is taken on this Bill and vindicate that right and fight for it. Otherwise, that right will not be achieved. A referendum and its victory is not inevitable unless we fight absolutely, unconditionally and unequivocally for a woman's right to decide her own life and control her own body.

Deputy Ruth Coppinger: In his speech, the Minister for Health, Deputy Simon Harris, gave a picture that there would a terrible political and legal vacuum if we had a referendum to repeal the eighth amendment. If it were repealed, it would be exactly the same the day after as it was the day before. The Minister seemed to be suggesting doctors would suddenly become

major fans of carrying out abortions. Obviously, we would still have the Protection of Life During Pregnancy Act 2013 which the Government wrote into law, criminalising women. The Dáil would have to deal with that situation and bring forward new legislation.

I was particularly horrified at the Minister's implication that the Government had dealt with the case of Savita Halappanavar, a claim of which he was proud. It did not.

Deputy Simon Harris: I did not say that.

Deputy Ruth Coppinger: The Minister suggested it in his speech.

Four years on, that horrific situation has not been dealt with. We can and will, unfortunately, have more Savitas, unless there is a change.

I remind Deputy Kate O'Connell that she ran on a pro-choice platform in the general election. Tonight was her first opportunity since she came into the Dáil to actually vote for a motion which vindicates that stance. She used it instead to politically attack the left. I am not sure when she will ever be able to vote for a repeal the eighth amendment motion which does not come from the left. No other party or other force has championed it except left individuals, Independents and parties. She just displayed her snobbery and true colours tonight.

What magical formula is the Citizens' Assembly going to come up with? We are told to wait for it to find some magical formula to persuade middle Ireland, which we keep hearing about, to move its position. We can have discussions in the exact same way the Citizens' Assembly will. Apparently, however, it will wave its magic wand.

I want to correct one point made earlier. We do actually have abortion in Ireland. That is the main difference with the last major debate on this in 1983. Up to 1,000 abortions take place in women's bedrooms in Ireland. Findings published in a medical journal last week showed three women a day contact *Women on Web* alone, just one agency, to access safe but illegal medical abortion pills. Up to 97% of them said after that they felt they had made the right choice while 98% of them said they would recommend it to others. Up to 70% felt relieved. It is not the case that women feel guilty or it was a trauma or a tragedy. In terms of the gestation of the pregnancy, it was less than seven weeks for 79% of them. We have to recognise that *Women on Web* and other services like it are being accessed by women mainly with children.

10 o'clock

The impression is given that if we allow abortion we will have single women, after a Saturday night out, turning up at their doctor's surgery the following week demanding an abortion. Women have abortions for a myriad of reasons and the majority of them have children.

I thank the Deputy for giving ladies the right to travel. I would like to correct the Deputy because ladies were not given the right to travel: people marched for the right to travel. Following the horrific incarceration in this country of a 14 year old rape victim in 1992 there were massive demonstrations, with many girls bursting out of their schools against the wishes of their head nuns and so on. I took part in those demonstrations, as did many other Deputies on this side of the House. Nothing is granted by the Dáil. Rights are never granted: rights are fought for and won. The lesson from today's debate is that the Dáil is now a conservative brake on progress. Even the so-called liberals who people might have thought would bring forward the repeal movement have not brought it forward. They are acting now in the same way. We

25 October 2016

have to build the left in this country. We may not surpass Fine Gael but we have to build a left majority in this country if we want the type of rapid change that is needed. It certainly will not be the case that Fine Gael or Fianna Fáil will take on the church in this country. That is absolutely ruled out, both parties having lived in its pockets.

An Leas-Cheann Comhairle: The Deputy has exceeded her time by one minute.

Deputy Ruth Coppinger: We need to build a massive campaign to force these people to act. We need to look to Poland, Spain and other countries where mass mobilisations took place and wiped away the conservatism that is innate. In regard to ROSA, I appeal to people to join in the day of action on repeal of the eighth amendment this Saturday at 12 noon.

Cuireadh an leasú.

Amendment put.

An Leas-Cheann Comhairle: The division is postponed until the weekly division time on Thursday, 27 October in accordance with Standing Order 70(2).

The Dáil adjourned at 10.05 p.m. until 10 a.m. on Wednesday, 26 October 2016.