



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 7 Márta 2017

Tuesday, 7 March 2017

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: Last year, a commission of inquiry was established into the Tuam mother and baby home following the outstanding work of historian Catherine Corless, who has been instrumental in uncovering and revealing a very dark period of and dark side to our history. As the Taoiseach knows, the commission's investigators have uncovered a significant number of infant and toddler remains. We now know that up to 796 infants and toddlers lost their lives in this home and were buried in unmarked and unknown graves. There is an enormous sense of shame that such a phenomenon was allowed to happen in this country, with such appalling treatment of women and of children. The State, the church and, indeed, wider society remain culpable for the extraordinary cruelty visited upon many young women and, obviously, upon infants and children, who were considered to be lesser people within society.

In many ways, the ongoing work of the commission must also inform the current and future treatment of children. As I said, it reveals an appalling attitude in regard to women, to the stigma that was associated with becoming pregnant outside of marriage and to the treatment of children. It is also revealing in the context of the phenomenon of institutionalisation and the dangers of institutionalisation as a means of addressing issues. We had it in our mental health institutions for decades and in the industrial schools and, as is now clear, in the mother and baby homes.

Will the Taoiseach confirm that he intends to issue a formal State apology on behalf of all of us and on behalf of the State to all of those affected by such practices? Does the Taoiseach agree that there is a need for a dignified commemorative memorial so that these children can be remembered with dignity? Will the Taoiseach confirm that there is a need for the widening of the scope of the inquiry to cover mother and baby homes across the country? Above all, there is a need for lessons to be learned from this in terms of how we deal with children.

As we speak, 2,500 children are homeless or living in hotels. We know that there is a chronic lack of social workers to deal with children at risk in our society. We know that there is a chronic lack of therapists - be it speech and language therapists, physiotherapists or occupa-

tional therapists - right across the country, as well as a lack of psychologists. Most Deputies are frustrated by the long waiting lists for child and adolescent mental health services, CAMHS, for young children who need access to mental health facilities now. In the midst of all of the outrage and genuine shock and shame, there needs to develop a resolve on behalf of Government and this Oireachtas to, once and for all, comprehensively address the shortcomings and gaps in services for children in this country by comprehensively investing in such services. That is the only way to deal with the list of current shortages I have outlined. Does the Taoiseach agree with that?

The Taoiseach: Tuam is not just a burial ground, it is a social and cultural sepulchre. That is what it is. As a society in the so-called “good old days”, we did not just hide away the dead bodies of tiny human beings, we dug deep and deeper still to bury our compassion, our mercy and our humanity itself. No nuns broke into our homes to kidnap our children. We gave them up to what we convinced ourselves was the nuns’ care. We gave them up maybe to spare them the savagery of gossip, the wink-and-elbow language of delight in which the “holier than thou” were particularly fluent. We gave them up because of our perverse, in fact, morbid relationship with what is called respectability. Indeed, for a while it seemed as if in Ireland our women had the amazing capacity to self-impregnate. For their trouble, we took their babies and gifted them, sold them, trafficked them, starved them, neglected them or denied them to the point of their disappearance from our hearts, our sight, our country and, in the case of Tuam and possibly other places, from life itself.

We are all shocked now. If the fruit of her religious and social transgression could be discarded, what treatment was meted out to the transgressor herself? We had better deal with this now because if we do not, some other Taoiseach will be standing here in 20 years saying, “If only we knew then, if only we had done then”. What will be his or her then is our now. Now, we do know. Now, we have to do. All of us in this House must do so together.

This commission of investigation has completed some of its work and has carried out the physical excavations on this chamber of horrors in Tuam. What is now needed is some reflection on the processes required. There is an independence for the coroner. There is an independence for the Garda. There is a duty in terms of the local authority. Obviously, those whose siblings and families were affected are distraught. There is a role for the coroner in north Galway to consider what steps may be necessary and appropriate in accordance with his statutory functions. The commission has not made formal findings yet. What it has done is complete the physical excavation, so we now know that there are substantial remains of very young children in this spot.

We need to have some little time to reflect on the issues that Deputy Micheál Martin has raised. Clearly, the fact that we set up a Department of Children, a Ministry for children, the Child and Family Agency and held a referendum to enshrine to rights of children in Bunreacht na hÉireann speaks for the direction in which the Government wishes to go. I would like to think I could answer “Yes” to all the Deputy’s questions now but I respect the independence of both the Garda and the coroner in respect of the progress that must be made in the next steps. Yes, we are all shocked. Yes, let us do something about it then.

Deputy Micheál Martin: The real fitting memorial to those dead children would be resolve to ensure that, in the future, people will not look back on today and say the State did not act comprehensively. There are effectively 2,500 homeless children. I mean these remarks sincerely. With regard to mental health, there is not a Deputy who does not have a file containing

the cases of a number of children with mental health challenges who are facing inordinately long waiting times to gain access to child and adolescent mental health services. We know that families of children with autism cannot avail of respite anymore. I have visited many disability centres and service providers. They are really frustrated beyond comprehension. They have essentially given up on getting any resources to deal with families who need respite and other services. We know about the therapies for children but they are not happening. Deputy Thomas Byrne will be tabling a motion tonight on the National Educational Psychological Service. There are many potential scandals arising right now and we should not be waiting for some future period or generation to shine a light on them in 20 years. It will simply be too late. There will be no point in shock and horror in 25 years if the State could have intervened now in respect all the services I have outlined, the absence of social workers, in particular, and the under-resourcing of Tusla in respect of young children and teenagers in real danger of physical and mental harm because of their particular circumstances.

There is an opportunity – I hate using that phrase – for a once-in-a-generation paradigm shift and to ask, before we do anything in the next budget, whether we can comprehensively deal with services for children. This would be an appropriate response in addition to everything else we must do in response to the revelations in Tuam.

The Taoiseach: Sure, I would like to think we could reflect seriously on this as the preparations for the economic statement of the Government and the preparation for budget 2018 begin. Of course, we spent many years trying to get agreement in respect of the National Maternity Hospital. It is now done and agreed. We have been 50 years talking about children's facilities. I am glad the decisions have been made in respect of the National Children's Hospital.

Deputy Thomas Byrne was perfectly entitled and right to raise the issue of the psychological services. As the Minister will reply, clearly the number of special classes has doubled since 2011, from 548 to 1,153. The number of resource teachers has increased by 41%, from 5,200 to over 7,500 now. In 2011, the number of SNAs was increased by a further 22%, from 10,500 to 13,115. These are very substantial improvements in the issues that surround children in that particular area.

The Deputy mentioned waiting lists, child and adolescent mental health services, homelessness and mental health. These are all serious issues. That is why, in respect of homelessness, there has been investment at an unprecedentedly large scale to make what we desire happen. Deputy Micheál Martin is only too well aware of the reasons for the collapse of the entire construction sector. No matter what we do, there still has to be supply to cater for numbers. In 2030 and beyond, we will have to provide a further 5,000 homes and there will be an increase in the population of 1 million. Where are they going to live and work and how are we going to transport them? Together, we can look at the bigger issues of this country given what happened in the shadows, in the limbo, even in my own years on this earth, which number slightly more than those of Deputy Micheál Martin. Clearly, these are issues that were in the shadows and limbo-land for years. I commend Catherine Corless for her painstaking work, which has unveiled another sad legacy of the past in this country. I wish to deal with this and I hope that when the process has been completed with the coroner, the Garda, the local interests and the local authority the Oireachtas can focus, for once and for all, on dealing with these sad legacies of the past that unfortunately impinge on the sensitivities and personal lives of people through their tragedy and on the siblings who have had to bear with it.

Deputy Pearse Doherty: Maidin Dé hAoine thug an coimisiún fiosrúcháin ar na háras

máithreacha agus naíonán sonraí maidir leis an tochailt a rinneadh níos luaithe i mbliana trínar tháinig ar méid substaintiúil de thaisí daonna ag sean-suíomh an tí máthar agus linbh i dTuaim, Contae na Gaillimhe. Coirp leanaí agus páistí ar aois suas go trí bliana a bhí ann sna taisí seo. Cuireadh ansin iad gan chúram, gan aitheantas agus gan suaitheantas. Go bunúsach, cuireadh iad i dabhach shéarachaís gan meas a thabhairt ar a ndínit daonna nó ar a suaitheantas. Tá a fhios againn uilig gur cúis náire é don náisiún seo.

Ó fuarthas na coirp seo, deimhníonn sé na heaglaí is measa a bhí ar na daoine a tháinig slán as na tithe seo agus ar na daoine atá i mbun feachtasaíochta ar a son le fada. Ba chóir adhlacadh ceart measúil a thabairt do gach corp daonna a fuarthas ansin, más é sin atá á lorg ag na teaghlaigh. Ba chóir dul sa tóir ar na daoine atá freagrach as seo agus iad a thabhairt os comhair na cúirte as na gníomhartha gránna seo a dhéanamh.

Is láthair coire atá sa suíomh i dTuaim anois. Mar sin, cad é atá á dhéanamh faoi seo anois? An bhfuil an láthair faoi chosaint ag An Garda Síochána? Go háirithe, an bhfuil básanna na leanaí and na páistí óga seo á bhfiosrú ag an nGarda Síochána? An bhfuil na hachmhainní atá de dhíth an nGarda ann chun an fiosrúchain sin a chur i bhfeidhm? Sin a bhfuil an pobal ag lorg agus ag súil leis agus caithfidh sé a tharlú gan mhoill.

Tá an pobal ag súil fosta go ndéanfaí téarmaí tagartha an choimisiúin fiosrúcháin a leasú dá réir. Nuair a cuireadh na téarmaí os comhair na Dála seo, dúirt muidne i Sinn Féin go raibh siad lochtach agus nach raibh siad fóirsteanach ach go hiomlán mí-fhóirsteanach. Is léir an méid seo uilig anois. Tagann na Náisiúin Aontaithe leis an seasamh seo agus iad ag rá nach mbaineann an fiosrúchán mar atá sé na caighdeáin idirnáisiúnta amach agus nach gcomhlíonann sé na caighdeáin sin atá leagtha síos.

Níl i dTuaim ach ceann amháin d'institiúidí as líonra dóibh a tháinig salach ar chearta ban agus a bpáistí sa Stát seo. Tá a fhios againn anois, nuair a chuirtear na tithe contae san áireamh agus forais eile, go raibh suas le 180 institiúid san iomlán ar fud an Stáit. Sna téarmaí tagartha mar atá siad faoi lathair, ní dhéanfar imscrúdú ach ar cheithre cinn de na tithe contae.

Tá sé ríthábhachtach go ndéanfar téarmaí tagartha an choimisiúin a leathnú sa dóigh is go mbeidh achan institiúid - tithe máthar agus linbh, tithe contae agus institiúidí eile ina measc - clúdaithe. Seo an t-aon bhealach teacht ar an fhírinne fá na dóigheanna diabhlá a cleachtaíodh i dTuaim, a bhfuil muid anois níos eolaí faoi. Caithfidh sé a dhéanamh go luaithe agus caithfidh na téarmaí tagartha a leathnú sa dóigh is gur féidir coimisiún Uí Mhurchú fiosrúchán iomlán a chur i gcrích.

Impím ar an Taoiseach go gcuirfidh sé ina luí ar an Aire Leanaí agus Gnóthaí Óige go bhfoilseoidh sí an dara tuairisc idir-thréimhseach an choimisiúin. Tuigim go bhfuil an tuairisc sin ag an Aire ó bhí mí Mheán Fómhair ann. Ba chóir go mbeadh an tuairisc sin foilsithe inniu.

The Taoiseach: Is é an chéad rud atá le rá ná gur cheart go mbeadh cuimhneachán ceart do na leanaí agus na gasúir óga a fuair bás san áit seo i dTuaim i gContae na Gaillimhe. Tá dualgas neamhspleách ag an gcróinéir agus ag an nGarda faoi chéard atá is ceart agus is cóir a dhéanamh as seo amach. Tá sé sin á phlé faoi láthair. Ba cheart go mbeadh dlúthcheangail ann le daoine na háite, san áireamh iad siúd atá ina gcónaí ansin agus iad san a bhfuil gaolta acu a bhí san uaigh seo, ó thaobh cibé cinneadh is féidir a dhéanamh chun an rud is fearr a dhéanamh. Níl an coimisiún críochnaithe lena chuid oibre. Níl déanta acu ach an uaigh seo, an suíomh seo, a oscailt agus a rá go bhfuil neart agus go leor corp de leanaí agus gasúir inti.

Ag teacht as sin bhí cruinniú ag an chomhairle contae an lá cheana, 3 Márta. Iad siúd atá ina gcónaí cóngarach don uaigh seo, bhí ceangailt pearsanta le chuile duine acu. Bhí fógra curtha isteach go chuile teach go raibh cruinniú speisialta ar siúl. Bhí cuid de na daoine atá ina gcónaí ansin i láthair ag cruinniú sa halla i dTuaim. Bhí cathaoirleach an chomhairle chontae, na baill tofa den chomhairle, duine éigin ón Oireachtas agus iad siúd atá ag obair le chomhairle chontae na Gaillimh ann. Is éard a bhí le plé acu ná céard is ceart a dhéanamh as seo amach agus cén stádas atá ag an uaigh seo. Is dóigh liom gur cuireadh beannachtaí ar an uaigh seo go minic sna blianta fada roimhe. Céard is cóir a dhéanamh leis an struchtúr agus le nadúr an tsuímh seo? Céard is cóir a dhéanamh leis as seo amach? Céard is ceart a dhéanamh dóibh siúd a bhí inti? An gá, mar a dúirt an Teachta, go mbeadh socraidh fhoirmeálta acu in áit éigin oiriúnach?

Céard é ról an choimisiúin as seo amach? Níl a chuid oibre críochnaithe. Níl déanta acu ach cuairt a thabhairt ar an suíomh. Céard é ról an chróinéara, An Garda Síochána agus fiú an chomhairle contae féin? Céard is cóir a dhéanamh leo siúd atá ina gcónaí go díreach cóngarach don uaigh seo? Céard atá i gceist ó thaobh an chuid ama a chaithfidh na húdaráis ag déileáil le seo? Mar a dúirt mé, níor mhaith liom cur isteach ar obair an choimisiúin. Níl sé críochnaithe. Tá dualgas agus neamhspleáchas ag an chróinéir agus ag na gardaí. Is ceart go mbeadh dlúthcheangailt idir iad, na daoine atá ina gcónaí ansin agus iad siúd a bhfuil gaolta leis na gasúir agus leanaí a fuair bás anseo. Ba mhaith liom go mbeadh an tAire Leanaí agus Gnóthaí Óige i dlúthcheangailt leo an t-am ar fad agus go mbeadh a fhios ag gach duine sa Teach seo céard atá ag tarlú chuile lá, más gá é sin.

Deputy Pearse Doherty: Tá cúpla ceist agam don Taoiseach. An fhoilseoidh an tAire Leanaí agus Gnóthaí Óige an dara tuairisc idir-thréimhseach an choimisiúin atá faoi bhráid an Aire ó mhí Mheán Fómhair ann? Ba chóir go mbeadh an tuairisc sin foilsithe inniu. Sin an chéad rud.

An dara cheist a chuir mé ar an Taoiseach ná an bhfuil na hacmhainní cuí ag na húdaráis, An Garda Síochána ina measc, fiosrúchán cuí a chinntiú? Tá dualgas ar an Stát cinntiú go bhfuil na hacmhainní acu. Tuigimid go bhfuil siad neamhspleách ón Stát agus go bhfuil jab le dhéanamh acu ach tá dualgas orainn fáil amach an bhfuil na hacmhainní acu.

Bhain an triú cheist nár fhreagair an Taoiseach leis na téarmaí tagartha. Labhrann sé faoin fhírinne agus dúirt sé go gcaithfidimid teacht go dtí deireadh an scéil seo chun an fhírinne a fháil amach, ach faoi mar atá sé, tá na téarmaí tagartha leagtha síos agus fúthu ní bheidh imscrúdú á dhéanamh ar suas le 160 arásáin institiúid ar fud an Stáit. Tá 180 institiúid ann, ach níl ach ach ceithre cinn leagtha síos i dtéarmaí tagartha na scrúdaithe. Tá gá ann, mar a dúirt mé ag an am, iad a leathnú.

Tá rud amháin deireanach le rá agam leis an Taoiseach. D'éist mé leis an méid a dúirt sé ní ba luaithe. Dúirt sé nár bhris na mná rialta isteach inár dtithe agus nár ghlac siad ár linbh agus gur thugamar suas iad. Tuigim, b'fhéidir, nach sin a bhí i gceist ach chuir an Stát cuid de na mná sin go dtí na hinstitiúid seo. Ní dheachaigh siad isteach dá dtoil féin. Chuir an Stát isteach iad. Mar a tá fhios againn ó thaobh an tí i dTuaim, bhí ról lárnach ag an Stát. Cheadaigh an Roinn Sláinte an institiúid seo mar áras máithreacha agus naíonán sna 1950í agus roimhe sin. Fágfaidh mé leis seo: chuala mé an méid a dúirt an Taoiseach agus an samhnas maidir leis an méid a thit amach do na páistí agus na linbh ansin. Ach an dtabharfaidh sé leithscéal ar son an Stáit do máithreacha agus teaghlaigh na bpáistí atá curtha sa chóras séarachas ansin? Tá dualgas ar an Taoiseach níos mó ná samhnas a léiriú: tá dualgas air leithscéal a ghabháil mar gheall ar an ról a bhí ag an Stát sa phróiseas scannalach seo.

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The Taoiseach: Ní leithscéal atá i gceist anseo ar chur ar bith. Luaigh an Teachta an dara thuairisc agus go léireodh an tAire Leanaí agus Gnóthaí Óige an cheist sin. Is cóir go mbeadh na hacmhainní ag an nGarda agus ag na húdaráis eile. Caithfidh fanacht go mbeidh breithiúnas déanta ag an gcróinéir agus ag an nGarda ar na ceisteanna sin. Ní hé seo an t-aon áit amháin ina bhfuil siad ag cuartú agus ag déanamh fiosrúchán maidir le leanaí nó gasúir óga a bheith curtha in uaigheanna ar fud na tíre.

Tá fhios agam go bhfuil na téarmaí tagartha leagtha amach. Tá i bhfad níos mó ná an ceithre cinn seo ar fud na tíre. Mar a dúirt an Teachta, tá 160 i gceist. Nílím chun cur isteach ar obair an choimisiúin anseo. Is fíor go bhfuil áiteanna eile agus go dtabharfar iad isteach san áireamh anseo.

Cinnté tá ról ag an Stát anseo. Cuireadh isteach sna hinstiúidí agus sna Tithe seo iad. In éineacht leis sin, cuireadh neart de na mná óga seo, na máithreacha óga seo, thall go Sasana, díbríodh amach as na paróistí iad - rud scannalach ar fad – mar bhí siad ag breith linbh. Díbríodh na mílte le blianta go dtí Meiriceá, go Sasana agus go hAlbain. Bhí sé scannalach ar fad an tslí a bhí daoine ag maireachtáil an t-am sin agus na difríochtaí sóisialta a bhí idir iad siúd a bhí acmhainní acu agus iad gan acmhainní.

Go macánta, ní mhiste liom cur isteach ar obair an choimisiúin. Tá an cuartú déanta. Tá ról ag an gcróinéir agus ag an nGarda agus go deimhin ar an údarás áitiúil. Ba mhaith liom go ndéanfaidh siad cinneadh faoi cad is cóir dóibh siúd a dhéanamh. Tabharfaidh muid freagra ón Rialtas ansin. Ní mhiste dom cur isteach ar rud atá neamhspleách agus ról acu.

Deputy Brendan Howlin: Intermittently the name “Grace” has been mentioned in this Chamber. Deputy Deasy has campaigned with compassion and determination to bring her story to light. Daniel McConnell, Fergus Finlay, Colm Ó Mongáin and others have done much work they can be proud of too. Over the weekend we heard more about the appalling mismanagement of Grace’s case. On the “This Week” programme, it was revealed that the HSE did not contact the Garda about making public the two reports into Grace’s care until three years after those reports were completed.

Yesterday, we heard for the first time from Grace’s mother. She was a young single mother in the late 1970s. The Taoiseach has referenced that sort of person and the attitude of this country to that sort of person in his previous replies. She kept in touch with the South Eastern Health Board and regularly called for updates on her daughter’s welfare. Here we have a young woman who was reassured that Grace was happy attending day services in a loving, caring home. As she said yesterday, “that made me happy knowing that she was happy and that’s what I was made to believe”.

The State failed a young woman. Along the way whistleblowers were cast aside. Visible bruising and sexualised behaviour were ignored. This young woman was abused, beaten, denigrated and the State acted as a facilitator. For eight years, Grace’s mother has gone through a living hell, knowing the level of depravity that was meted out to her defenceless daughter. For all of that time, the State agencies concealed the full extent of the truth from her. The greatest harm, of course, was done to Grace herself.

Apologies for historical ill-treatment have become more commonplace in recent years. Yet, here we stand again today. Apologies repeated over time lose their impact and their meaning. Historical recrimination and remorse can sometimes conclude in a line in the sand, but not in

this case. Grace was not protected until 2009, while reckless endangerment was made an offence in the State from 1997. The Children Act 2001 created an offence for any person who had custody, charge or care of a child who wilfully allowed a child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause unnecessary suffering or injury to the child's health or well-being.

Will the Taoiseach confirm that the terms of reference of the commission of inquiry will cover the care received by all children in this particular foster home? Conor Dignam recommended under the heading, "Care and Decision Making in respect of Others", a commission should investigate a range of matters broader than the Grace case. These included all claims made in the protected disclosures that gave rise to the inquiry, the care received by all persons placed in that foster home, including whether they suffered abuse and whether the Health Service Executive knew, and the use of this placement by another unnamed person. The proposed terms of reference must not seek to shut the door on these matters, or, at least, try to postpone the proper inquiry to a later date.

Second, will the Taoiseach explain to the House whether a criminal investigation into this case is now under way?

The Taoiseach: This is another horrendous case. It is an appalling case of a young life with the challenges which Grace faced. I listened to the voice of her mother this morning, as many others did. The Deputy and I, and everybody else, have a duty to sort this. Are we continuously to stand here to deal with the consequences of the sins of those who went before us? I thought we had come to within sight of the end of these but obviously not.

The Deputy asked two questions. My understanding is that there is still a criminal investigation going on. There was some confusion about whether that would be disruptive of these reports being published. The matter has been cleared and they have been published in redacted form.

The second question the Deputy asked was in respect of the recommendation of the Dignam report that there may be others in this foster home for whom there should also be an investigation. I can inform the Deputy that the Cabinet approved both the order to come before the House and the terms of reference which will be brought through by the Minister of State, Deputy Finian McGrath. These were fully approved by Cabinet today.

One of the conditions of the terms of reference will deal with the question the Deputy asked. Without taking from the Minister's opening statements on this, in respect of any facts established by the investigation's terms of reference, it will also allow for the specification of the scope of any further investigations which the commission considers to be warranted in the public interest. This would have regard to the facts and information established in its possession, including the report by Conor Dignam SC in his review of certain matters relating to a disability service in the south east of 29 August 2016 and his recommendations regarding the areas to be examined by a commission of investigation, which were referred to in chapter 4 of his report, including care and decision making in respect of others, which was referred to in pages 306 and 307 of his report. The intention is to deal, in the first instance and as the Minister will outline, with the horrors inflicted on Grace and the answers to the many questions that the Deputy and so many others have asked. I commend Deputy Deasy, who is not in the Chamber but who raised this matter on a number of occasions. I also commend Deputy McGuinness, who also raised it. The terms of reference allow for an expansion, if that be considered appropriate, by

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the commission, both arising from the facts and information it has and taking into account what Mr. Dignam, SC, said in his report.

Deputy Brendan Howlin: Grace was the person longest resident in this foster home - she lived there for 20 years or more - but she was probably also the one least able to complain. She is still not in a position to give her account of what happened to her. Meanwhile, there are 47 other directly contemporaneous witnesses. It simply makes no sense that this should not be all taken in one investigation if there are contemporaneous witnesses who will be able to cast light in a way that Grace unfortunately will not be able to do. An article in *The Irish Times* requests that the commission “will be given the authority to expand and intensify the investigation”. An RTE report states that it should specify the scope of any further investigations the commission considers warranted. Will the Taoiseach tell us specifically what are the terms of reference in regard to the 47 other individuals who were also notionally under the care of the South Eastern Health Board or the HSE and placed in this particular home?

The Taoiseach: I do want to go through all of the terms of reference that the Minister will outline-----

Deputy Brendan Howlin: Just those in regard to the 47 other individuals.

The Taoiseach: ----and that will obviously be published. They are set out in 11 different sections and are quite detailed. They take into account the circumstances, the actions, the purpose and the questions that so many people have asked about this matter. My understanding is that the Minister, in making his announcement, will be able to confirm that the sole person in charge of this investigation will be able to do the job quite expeditiously in respect of Grace and, hopefully, answer all of these particular questions.

As I said to the Deputy, one specific term of reference deals with the report on the review of the services in the area by Conor Dignam, SC, and allows for that to happen. Obviously, there is a process involved, as the Deputy will know, but the commission will have the capacity to expand beyond the Grace case if it considers that is warranted based on the evidence it gleans, on the facts that it has and the information that it obtains. From the Minister’s point of view - and that of Grace’s mother the first matter to be dealt with is that case and all those issues that were raised on so many occasions over the years.

Deputy Bríd Smith: Yesterday, Peter Mulryan stood in the High Court trying to establish what happened to his sister - was she trafficked or was she buried? As the same time, the Taoiseach’s Minister, Deputy Noonan, stood outside the old Barringtons Hospital in Limerick welcoming the new addition to the Bon Secours empire, the biggest private hospital empire in this country. I argue that this empire was built on the bones of the dead Tuam babies. I am sick of listening to Ministers - including the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, on radio at the weekend - saying that we are all responsible for what happened in Tuam and that we are all responsible for the legacy. That is not the case. What happened in Tuam was paid for by this State in the form of a headage payment for each child, as if they were cattle or sheep. The mothers who were forced to go in there, or their mothers who put them in there, did not ask for them to be starved to death, to be neglected to death, to be buried unbeknownst to them or to be trafficked to America. The headage payment involved for the trafficking of each child to America was between \$2,000 and \$3,000 at the time. A lot of money was made out of the babies of the mothers who went into mother and baby homes. It was systemic abuse. It was abuse that involved the State and the church working together.

What are we going to do about it, Taoiseach? The first thing we should not do is to stand outside the latest addition to the Bon Secours empire and celebrate its completion two days after this report was published. How obscene. The first thing we should do - I call on the Taoiseach to do this with me - is ask the Bon Secours order to reconsider its position and disband. It has no moral authority to remain an order in this country. To that end, I call on all communities in which there are Bon Secours utilities - in Limerick, Cork, Cavan, Dublin and Tralee - to stand outside those hospitals at 6 p.m. this Friday in a dignified protest, bearing white ribbons in memory of these children and calling on the order to disband. This was a system of abuse and a network of buildings, institutions, organisations, orphanages, Magdalen laundries, mother and child homes and industrial schools and the State knew exactly what was going on inside them. Then, to add insult to injury, the State, through a deal done in 2002 by the former Fianna Fáil Minister, Michael Woods, indemnified the church to the tune of €128 million, while the State has paid €1.5 billion in restitution for the abuse that has happened because of the church. In order to really do something about the future, we must drop the Woods deal, get rid of it immediately and make the church pay not just for a memorial to the children but for every penny in offence it has caused the families and survivors. We must send a clear signal that the days of abuse of women and the obsession with their pregnancies and bodies are over. To do so, I call on the House to support my Bill, to be considered tonight, to end the 14-year sentence for abortion in this country. It is obscene that we have that provision and it must go.

I am therefore asking the Taoiseach to do three things: to join me in a call for the Bon Secours order to disband today, to support the Bill tonight and to call on people to gather in a dignified, quiet manner at the Bon Secours institutes on Friday night to remember these children and ask the order to go.

The Taoiseach: The Bon Secours hospitals in this country have given thousands of instances of exceptional care to people and patients who needed them.

Deputy Ruth Coppinger: They did so for people who have money.

The Taoiseach: The case of Tuam is the subject of a commission of investigation. Serious numbers of babies' and young children's remains have been uncovered. It is important to allow the independent commission set up by this Oireachtas to do its work. As I pointed out to Deputies Martin and Doherty, there are independent responsibilities in respect of the coroner and the Garda, and the local authority has engaged very intensively with the local community. As the Deputy is aware, a court case is ongoing in respect of Mr. Mulryan and I hope it will be possible for him to find out what happened to his sister so many years ago.

The essence of the Deputy's Bill, which concerns the question of abortion and which will be considered this evening, is to reduce the penalty for an abortion carried out unlawfully in this country to a fine of €1. The point has been made to me very powerfully and very graphically by a number of people that in seeking to change the legislation enshrined in the Constitution, the Deputy is saying that if, for instance, somebody kicks his pregnant partner and kills the baby she is carrying, he is to be guilty of a fine-----

Deputy Mick Barry: That is an outrageous comment.

The Taoiseach: -----of €1.

Deputy Ruth Coppinger: No. He can be charged with assault.

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Deputy Bríd Smith: We can deal with that tonight.

Deputy Ruth Coppinger: That is a pathetic comment. The Government is punishing women.

Deputy Bríd Smith: The Bon Secours hospitals are the biggest private health provider in this country. They have an accumulated profit of €74 million and have on their hands the bones of the dead children of Tuam. If we are serious about putting behind us the legacy of what happened in the mother and baby homes, the very least we should ask this order to do is disband and write itself out of the history books of this country. We also have the continued abuse of women because of our abortion laws, and Vera Twomey is outside Leinster House now with Deputy Gino Kenny seeking access to health care for her very sick child. The abuse of women and children has not stopped and has been outlined time and time again in this Dáil. Is the Taoiseach aware the church has offered to pay back €480 million because of the scandals? It has actually paid back €211 million and the State has paid €1.4 billion. When will the church, with all its lucrative lands and wealth, be made to pay back? When will we get it out of our lives, out of our beds, out of our hospitals and out of our schools? The way to do that is to start by calling on the Bon Secours to disband, to pay for a memorial as a fitting tribute to those children and their families and to pay for the High Court cases of the likes of Peter Mulryan, who has had to go to the High Court to find out what happened to his sister.

The Taoiseach: The House debated and considered this previously. We set up a commission of investigation. It has a function. It has not completed its work by any means. It has uncovered and located substantial numbers of babies and young children in this particular location and there are others. The commission will make its formal findings and they will be brought back here and the Oireachtas will reflect on that.

The Deputy mentioned Ms Twomey, who is meeting the Minister for Health today for the fifth time. The Minister has made it very clear that in respect of medicinal cannabis for the treatment of patients or people who might have recourse to it, it requires the authorisation of a prescription. While an application for prescription is being made here, that is not to be taken as authorising a prescription. He gave the details of that last week. He is talking again to Vera and her family. I met her myself in Cork just a fortnight ago. The paediatric neurologist is required to make an adjudication here. I am not putting pressure on the medical profession. There is a process there. The Minister has already arranged a meeting of the committee under Deputy Harty to discuss this matter today. I think it is probably over by now. He is meeting with Ms Vera Twomey-----

Deputy Bríd Smith: Whatever the Taoiseach does, he should not answer my question. Will the Taoiseach call on the Bon Secours to reconsider its position?

An Ceann Comhairle: Deputy, please.

Deputy Bríd Smith: The Taoiseach did not answer my question.

The Taoiseach: The Deputy raised-----

An Ceann Comhairle: Deputy, please.

Deputy Bríd Smith: That is why I am asking the Taoiseach questions.

The Taoiseach: The Deputy raised the point about Vera Twomey being outside the gate.

Deputy Bríd Smith: What is the point of this session? It is Leaders' Questions and we get no answers.

An Ceann Comhairle: Deputy, please.

The Taoiseach: The Deputy raised it as part of her question and said-----

Deputy Bríd Smith: The fundamental question I asked is whether the Taoiseach will ask the Bon Secours order to reconsider its position in the country.

An Ceann Comhairle: The Taoiseach is responding.

The Taoiseach: The Deputy chose-----

Deputy Bríd Smith: Will the Ceann Comhairle ask the Taoiseach to answer my question?

An Ceann Comhairle: I am asking Deputy Smith to calm herself, please.

The Taoiseach: Deputy Smith chose to raise her question in the course of which she said that Deputy Gino Kenny was outside the gate with Mrs Twomey.

Deputy Bríd Smith: That was not my question.

Deputy Marcella Corcoran Kennedy: The Deputy did ask the question. It was part of the overall question.

The Taoiseach: I replied to that by saying the Minister is meeting her for the fifth time today in an effort to deal with this and has called the committee together under Deputy Harty's chairmanship. The question of bringing forward the legislation for compassionate distribution of medicinal cannabis is being brought forward. It will still require a prescription to be signed off by a paediatric neurologist.

Deputy Bríd Smith: Nice one. The Taoiseach is politician of the year, managing not to answer a single question.

An Ceann Comhairle: Deputy, please.

Deputy Bríd Smith: Why does the Taoiseach not answer a Deputy's question?

Order of Business

An Ceann Comhairle: Táimid ag dul ar aghaidh anois go dtí an chéad phíosa gnó eile. Iarraid ar an Teachta Ó Snodaigh tuairisc a thabhairt dúinn ón gCoiste Gnó.

Deputy Aengus Ó Snodaigh: Is iad seo a leanas na socruithe atá aontaithe ag an gCoiste Gnó le haghaidh an sceideal gnó don tréimhse Dé Máirt go Déardaoin, 7 go 9 Márta 2017.

Is é gnó na Máirte ná Uimh. a4, tairiscint maidir le coimisiún imscrúdúcháin (cás Grace). Is é Gnó Comhaltaí Príobháideacha ná Uimh. 22, an Bille um Chosaint na Beatha le linn Toirchis (Leasú) 2017 - an Dara Céim, arna roghnú ag AAA-PBP.

Is é gnó na Céadaoine ná Uimh. a4, tairiscint maidir le coimisiún imscrúdúcháin (cás Grace)

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(atógáil); Uimh. 9, ráitis roimh an gComhairle Eorpach; Uimh. 2, an Bille Sláinte (Leasú), 2017 – Ordú don Dara Céim agus an Dara Céim; Uimh. 10, an Bille um Cheartas Coiriúil (Pianbheirtheanna Príosúnachta Fionraithe) 2016 [*Seanad*] - Ordú don Tuarascáil, An Tuarascáil agus an Chéim Dheiridh; Uimh. 11, an Bille um Cheartas Coiriúil (Cionta a bhaineann le Córais Faisnéise) 2016 – Ordú don Tuarascáil, An Tuarascáil agus an Chéim Dheiridh; agus Uimh. 12, an Bille um Mí-Úsáid Drugaí (Saoráidí Insteallta Maoirsithe) 2017 – an Dara Céim (atógáil). Is é Uimh. 92, tairiscint maidir leis an tSeirbhís Náisiúnta Síceolaíochta Oideachais, NEPS, arna roghnú ag Fianna Fáil, a bheidh mar ghnó Comhaltaí Príobháideacha amárach.

Is é gnó na Déardaoin ná Uimh. 13, ráitis maidir le fógra an choimisiúin imscrúdúcháin a dhearbhaigh go bhfuil taisí daonna ar shuíomh iar-áras máithreacha agus naíonán Thuama; Uimh. 2, an Bille Sláinte (Leasú) 2017 – an Dara Céim (atógáil); agus Uimh. 12, an Bille um Mí-Úsáid Drugaí (Saoráidí Insteallta Maoirsithe) 2017 – an Dara Céim (atógáil). Déanfar díospóireacht ar an Dara Céim de Uimh. 24, an Bille um Dhlínse Uilechoiteann do Chearta an Duine 2015, le linn an tseala um thráthnóna.

Ba mhaith liom aird na Teachtaí a tharraingt ar an dara tuarascáil leasuithe ón gCoiste Gnó dar dáta an 6 Márta 2017. Maidir le gnó na Máirte beartaítear:

(1) I ndáil leis an tairiscint maidir le coimisiún imscrúdúcháin (cás Grace), go mbeidh gach óráid d'óráidí an tairgtheora Rialtais agus na bpríomhurlabhraithe páirtithe nó grúpaí, nó Comhalta a ainmneofar ina n-ionad, deich nóiméad i bhfad, go mbeidh cúig nóiméad an duine ag gach Comhalta eile, go dtabharfaidh Aire nó Aire Stáit freagra cúig nóiméad, agus go bhféadfaidh gach Comhalta am a roinnt; agus

(2) Go ndéanfar Uimh. 22, an Bille um Chosaint na Beatha le linn Toirchis (Leasú) 2017, a thabhairt chun críche ar 10 p.m.

Maidir le gnó na Céadaoin, beartaítear:

(1) I gcás nach ndéanfar an tairiscint maidir leis an gcoimisiún imscrúdúcháin a thabhairt chun críche ar an Máirt, go suífidh an Dáil ar 10 a.m. chun athchromadh ar imeachtaí ar an tairiscint agus go ndéanfar iad a thabhairt chun críche ar meán lae mura mbeidh siad críochnaithe roimhe sin. Má thugtar an tairiscint chun críche roimh meán lae, rachaidh an Teach ar fionraí go dtí meán lae agus tosóidh Ceisteanna ó Cheannairí ar meán lae; agus

(2) Go dtosóidh ráitis roimh an gComhairle Eorpach go díreach tar éis ceisteanna chun an Taoisigh agus go mbeidh ceisteanna chun an Aire Sláinte ina ndiaidh. Déanfar na ráitis a thabhairt chun críche tar éis 85 nóiméad agus ní dhéanfaidh ach Aire nó Aire Stáit agus na príomhurlabhraithe páirtithe nó grúpaí, nó Comhalta a ainmneofar ina n-ionad, óráidí a thabhairt, ní rachaidh gach óráid díobh thar deich nóiméad, tabharfaidh Aire nó Aire Stáit freagra cúig nóiméad, agus féadfaidh gach Comhalta am a roinnt.

Maidir le gnó an Déardaoin, beartaítear:

(1) Go suífidh an Dáil ar 10 a.m. chun ráitis a thógáil maidir le fógra an choimisiúin imscrúdúcháin a dhearbhaigh go bhfuil taisí daonna ar shuíomh iar-áras máithreacha agus naíonán Thuama. Má thugtar na ráitis chun críche roimh meán lae, rachaidh an Teach ar fionraí go dtí meán lae agus tosóidh Ceisteanna ó Cheannairí ar meán lae. Cuirfear an suí ar fionraí ar feadh 30 nóiméad tar éis an bhloic vótála agus tógfar ceisteanna chun an Aire Talmhaíochta, Bia agus Mara ar 4 p.m.;

(2) Go mbeidh ráiteas Aire nó Aire Stáit agus príomhurlabhraithe páirtithe agus grúpaí, nó Comhalta a ainmneofar ina n-ionad, maidir le fógra an choimisiúin imscrúdúcháin a dhearbhaigh go bhfuil taisí daonna ar shuíomh iar-áras máithreacha agus naíonán Thuama deich nóiméad i bhfad. Déanfar babhta eile 40 nóiméad san iomlán do chomhaltaí den Rialtas, Fianna Fáil agus Sinn Féin a roinnt go comhréireach ar bhonn 40/40/20, faoi seach, agus féadfaidh gach Comhalta am a roinnt; agus

(3) Go suífidh an Dáil níos déanaí ná 7.48 p.m. agus go rachaidh an Dáil ar athló i ndiaidh an Bhille um Dhlínse Uilechoiteann do Chearta an Duine 2015 go dtí 2 p.m. ar Dé Máirt, an 21 Márta 2017.

An Ceann Comhairle: Tá cinntí le déanamh againn ar thrí mholadh. An bhfuil an moladh maidir le gnó an lae inniu aontaithe? Aontaithe. An bhfuil an moladh maidir le gnó an lae amárach aontaithe? Aontaithe. An bhfuil an moladh maidir le gnó na Déardaoinne aontaithe?

Deputy Joan Burton: Tá fadhb agam leis an moladh sin. In the context of all the discussion we have seen in the media and in homes throughout Ireland, the two hours devoted to the discussion of the finding of babies' bones in Tuam is completely inadequate. It is not going to give Deputies in this House either an opportunity or time to find out the stories of the different institutions in their own constituencies. These institutions were spread all over Ireland. If the debate were postponed or took place in two parts, it might be a better arrangement. I am speaking probably as one of the few people in this Chamber and down the years in the Dáil with a direct connection to these events.

I find deeply upsetting some of the language being used in this House relating to people who were in mother and baby homes. I did not like the Taoiseach yesterday using the term "sub-species" in regard to people. I understand the context in which he used it. I do not like a Deputy over there talking about headage payments being paid in respect of our children to go to America. I am sure the Deputy did not mean any hurt by it but could we just stand back from this? I have had people on the phone to me and people I have known all my life who were in institutions. People are running away with themselves in allowing political points-scoring. We need to have a large dose of compassion with this.

I am not disagreeing with some of the arguments from the Deputies. Without a doubt, the very authoritarian Catholic Church must take the vast amount of responsibility. I have pursued in this House, as have others in the Labour Party, the fact that the church should pay the money it agreed in the nefarious deal made by the then Taoiseach, Bertie Ahern, along with the former Minister, Dr. Michael Woods.

An Ceann Comhairle: Let us not get into a debate.

Deputy Joan Burton: The former Minister, Deputy Micheál Martin, is here today.

An Ceann Comhairle: We should not get into a debate.

Deputy Joan Burton: He was a Minister in that Government.

Deputy Mattie McGrath: The Deputy is looking to score points.

Deputy Joan Burton: I am just saying the deal was not a good deal because-----

Deputy Micheál Martin: We were the first to do anything at all. The Deputy's Govern-

ment neglected it.

Deputy Eugene Murphy: The Deputy is scoring points now.

Deputy Joan Burton: -----the religious orders have not paid the money.

Deputy Micheál Martin: The Deputy's Government neglected that. She should not go there.

Deputy Joan Burton: That is what I am saying.

Deputy Micheál Martin: That is because the Deputy's Government neglected it.

Deputy Joan Burton: There should be time for a proper debate. People should think of both the birth mothers, many of whom are no longer alive-----

Deputy Micheál Martin: They have all the records.

Deputy Joan Burton: -----and of their descendants. Many of them went on to marry. The children who died in the home also have siblings. We should have some regard to human feeling in the wider families. We should also remember the local community in Tuam, which looked after the graves over a long period in the limited way it could. I agree with many of Deputy Bríd Smith's points about the responsibility of the Catholic Church but there needs to be some consideration-----

An Ceann Comhairle: The Deputy has made a very useful intervention but let us try to keep things in proportion.

Deputy Pearse Doherty: D'iarr muidne go mbeadh am leagtha ar leataobh an tseachtain seo sa dóigh is go dtig linn an cheist seo a phlé. Ó d'iarr an Teachta Ó Snodaigh an t-am sin, tá níos mó eolais curtha ar fáil don phobal sna meáin agus tá sé iontach tábhachtach go mbeadh níos mó ama ar fáil chun é seo a phlé. D'fhéadfaí na ceisteanna ar an Aire Talmhaíochta, Bia agus Mara a chur ar athló sa dóigh is go mbeadh níos mó ama ar fáil ansin. B'fhéidir gur féidir leis na páirtithe suí síos chun é seo a phlé. Seo ceann de na scannaill is mó atá feicthe ag an Stát seo agus, mar a dúirt mé leis an Taoiseach cheana féin, níl muidne sásta leis na téarmaí tagartha. Ní raibh muid sásta leo riamh. Caithfear é seo a phlé agus caithfear níos mó ná dhá uair a chloig a leagan ar leathaobh chun é seo a dhéanamh. Iarraim go dtiocfadh na páirtithe le chéile chun amharc an féidir níos mó ama a bheith againn ar an Déardaoin chun é seo a phlé.

Deputy Ruth Coppinger: I am glad the issue is being discussed on Thursday but I also question if two hours is sufficient.

The issue has serious repercussions. On Thursday, the Taoiseach should come here and make a statement about the criminal action that will be taken against the perpetrators who ran these homes and the repercussions for education, given that over 90% of primary schools are under the patronage of the Catholic Church. He should also tell us whether there will be excavations on the sites of other so-called mother and baby homes? They were far from "mother and baby" homes, given that mothers were not let near their babies. This is a key issue and two hours will not be sufficient. We should be willing, if necessary, to table more. Regarding the comment on headage payments, which Deputy Burton brought up-----

3 o'clock

An Ceann Comhairle: We will not help anybody by getting into that type of issue.

Deputy Ruth Coppinger: It was said in the context of the attitude of the people who ran these orders towards the children who were meant to be in their care but who were considered children of sin.

Deputy Micheál Martin: Cheapas go raibh sé seo socraithe ag an gCoiste Gnó roimh ré agus bhí. Níl aon deacracht againne má thugtar níos mó ama don díospóireacht seo. Táimid ag lorg le fada an lá níos mó ama maidir le díospóireachtaí den saghas seo. Tá Fianna Fáil ag lorg i bhfad níos mó ama seachtain i ndiaidh seachtaine, ach níltear sásta é a thabhairt dúinn. Ba chóir dúinn níos mó ama a chur ar fáil don díospóireacht agus cothrom na Féinne a thabhairt do gach Teachta Dála, cúlbinseoirí na páirtithe is láidre sa Dáil ina measc, seans a fháil chun labhairt. De ghnáth, ní fhaigheann siad seans páirt a ghlacadh i ndíospóireachtaí den saghas seo. Táimid i bhfabhar níos mó ama a thabhairt go ginearálta.

Deputy Mattie McGrath: I, too, agree with what Deputy Joan Burton said. We all received glaoch ar an teileafón ó dhaoine ar an gCoiste Gnó inné. We were asked if we would agree, and we did. I am sure we have no problem giving extra time. Some of the people who spoke here, including Deputy Joan Burton, have party members on the Business Committee and I am sure they were all contacted yesterday. Why did they agree to it if they are not happy with it today? I have no hang-up on extra time. It is an awful situation and we need to give it extra time. However, much of this is grandstanding.

Deputy Catherine Connolly: Aontaím go bhfuil gá le tuilleadh ama maidir leis an díospóireacht. I fully agree that there should be more time. I am from Galway and have intimate connections with what happened in Galway. However, the Dáil is not the place for it. The Dáil is for holding systems to account. This is what the debate should be about this week and in the extended time. In Galway city, we have had numerous reports and nobody was held to account, from the hospital to the Brothers of Charity, to the mother and baby home to the institutions in Taylor's Hill, Letterfrack and lower Salthill. I am mentioning only a tiny fraction. I call for a rational holding to account of the system and that we listen to what the groups on the ground are seeking.

An Ceann Comhairle: Chun rudaí a shoiléiriú, tháinig iarratas isteach ó bheirt chomhaltaí den Choiste Gnó ag lorg díospóireachta ar an ábhar tábhachtach seo. Cuireadh glaoch ar gach comhalta den Choiste Gnó ag iarraidh orthu an mbeidís sásta le díospóireacht maidin Déardaoin ar feadh dhá uair an chloig agus is é an freagra a fuair eamhar ag an am ná go mbeidís sásta leis sin. Ní fheicim deacracht ar bith le tuilleadh ama a chur ar fáil.

The Taoiseach: Tá an Príomh-Aoire anseo agus tá sí toilteanach níos mó ama a chur ar fáil. B'fhéidir gur chóir go mbeadh cruinniú ag an gCoiste Gnó arís chun an t-am atá leagtha amach a leathnú más mian leis an gcoiste go mbeadh cead ag na cúlbinseoirí ráitis a dhéanamh sa díospóireacht. Tá an Príomh-Aoire toilteanach é sin a dhéanamh. Glacaim leis an rud a dúirt an Teachta. Ba chóir go mbeadh díriú ar conas na dualgais atá orthu siúd a bhfuil dualgais acu a chur i bhfeidhm. Ba cheart go mbeadh sé sin lárnach sa díospóireacht.

An Ceann Comhairle: Déanfaimid socrú breis ama a chur ar fáil. Tá sé aontaithe.

Deputy Brendan Howlin: Níl aon gá go mbeadh críoch leis an díospóireacht ar an Déardaoin.

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An Ceann Comhairle: Ní críochnóidh sé ar an Déardaoin. Leanfaidh sé ar aghaidh ina dhiaidh sin. Anois beidh ceisteanna againn ar reachtaíocht atá geallta. Glaoim ar an Teachta Micheál Martin.

Deputy Micheál Martin: Mar is eol don Taoiseach, tá Vera Twomey tagtha don Teach seo inniu agus í buartha faoi chás a hiníne, Ava. Tá mé féin ag déileáil leis an gcás seo ó mhí Iúil nuair a bhuaileas leis an Aire Sláinte. Bhí an Teachta Michael Creed agus daoine eile ann chomh maith. An deacracht is mó atá ann ná an deacracht le comhairleach péidiatraice a bheith ann chun cead a thabhairt cannabais a úsáid sa gcomhthéacs seo. We are familiar with the HPRA report. Sin tuarascáil tábhachtach agus tá dul chun cinn le feiscint sa tuarascáil. Tá moladh ann maidir le cannabais leighis agus seans é a úsáid i gcomhthéacs Dravet's syndrome, ailse agus araile. Tá sé geallta ag an Aire compassionate access programme a chur ar fáil ach caithfear reachtaíocht a chur i bhfeidhm. Cé mhéad am a bheidh i gceist go dtí go bhfeicimid an reachtaíocht sin?

The Taoiseach: Thug an tAire cuntas don Rialtas ar maidin agus tá obair ar siúl maidir leis an mBille. Is cuma faoin mBille-----

Deputy Micheál Martin: Ní haon Bhille atá i gceist ach statutory instrument maidir leis an cannabis access programme.

The Taoiseach: Cibé Acht a bheidh ann, caithfidh an ceadúnas leighis a bheith ar fáil ón dochtúir speisialta do na leanaí. Tá a fhios ag gach duine go bhfuair leanaí agus gasúir eile an leigheas seo mar bhí ceadúnas leighis sínithe ag an dochtúir speisialta. Níl sé sin déanta sa chás seo agus níl cead ag an Aire an leigheas a chur ar fáil do Ava toisc nach bhfuil an ceadúnas sínithe ag an dochtúir speisialta. Sin atá i gceist. Tá an tAire chun bualadh le Vera inniu don cúigiú uair. Tá obair á dhéanamh aige maidir leis an mBille. Bhí cruinniú de chuid an choiste Oireachtais inniu faoin compassionate-----

Deputy Micheál Martin: Access programme.

The Taoiseach: Bhí an cruinniú sin ar siúl ar uair an mheán lae.

Deputy Pearse Doherty: Tá sé ráite go soiléir sa chlár Rialtais go bhfuilimid ag iarraidh pobal rathúil sa chathair agus faoin tuath a thógáil. Ag éirí do mhuintir na tuaithe ar maidin, chuala siad na cinnlínte ar an nuacht go raibh se beartaithe níos mó seirbhísí bunúsacha a dhruidiú i gceantair tuaithe. Tá suas le 80 oifig poist le druidiú, mar atá ráite sna cinnlínte. Tuigtear dúinn go bhfuil Ulster Bank ag amharc ar 30 banc a dhruidiú i gceantair tuaithe. Anuraidh dheimhnigh an Dáil go soiléir go bhfuilimid i gcoinne laghdú ar bith ar an líonra d'oifig an poist agus i gcoinne seirbhísí ar bith a bhaint dúinn. Tá a fhios againn go bhfuil seirbhísí bus faoi bhagairt ag an pointe seo fosta. Thug mé faoi deara i bhfreagra ar cheist pharlaiminte le déanaí go bhfuil sé beartaithe ag na Coimisinéirí Ioncaim riar maith dá gcuid brainsí i gceantair tuaithe a reáchtáil ar bun coinne amháin. Is é sin go mbeidh siad ag druidiú an tseirbhís siúl isteach. Bhí tuairisc le foilsiú ag grúpa a láraigh an tAire Stáit, an Teachta Ring, maidir le hoifigí poist. Bhí siad ag rá go mbeidh na hoifigí poist mar chroílár an phobail agus go mbeidh ról tábhachtach acu ó thaobh imeachtaí sóisialta agus eacnamaíochta. Chuaigh na míonna thart agus níl an tuairisc sin foilsithe aige. Cén uair a bhfeicimid beart de réir briathar ó thaobh ceantair tuaithe de?

The Taoiseach: Ní plean Rialtais atá i gceist anseo ach tuarascáil a cuireadh ar fáil. Tá sé soiléir nach bhfuil cuid mhaith de na hoifigí poist beaga ag déanamh gnó ar bith nó tá fíor-

bheagán gnó á dhéanamh acu. Tá daoine ag dul thar na hoifigí sin go dtí an baile mór. Tá siad ag déileáil le cúrsaí digiteacha freisin. Tá an tAire Stáit, Teachta Ó Rinn, ag déileáil le seo. An plean atá ag an Rialtas ná seirbhísí nua, cibé iad, a thabhairt do na hoifigí poist seo i dtreo is go mbeidh siad in ann gnó eile a dhéanamh dóibh féin.

Níl cumhacht ar bith againne ó thaobh na mbanc de. Chonaic mé an nuacht faoi dhúnadh Banc Uladh sa Tuaisceart agus in áiteanna ar fud na tíre. Ní hé an chéad bhanc a dhein é sin. Maidir le na hoifigí poist, foilseoidh an tAire Stáit, Teachta Ring, an tuarascáil seo agus beidh díospóireacht againn sa Teach. Tá gnó ann gur féidir le cuid de na hoifigí poist seo a dhéanamh. B'fhéidir nach gcuirfeadh sé cosc ar iad a dhúnadh ach ní dhéanfadh sé an gnó atá á dhéanamh acu a laghdú níos faide. Tá an Rialtas toilteanach chuile chabhair a thabhairt dóibh is gur féidir as seo amach.

Deputy Brendan Howlin: Tá sé soiléir go bhfuil níos mó cearta ag mná na hÉireann ná mar a bhí ag a máithreacha, a seanmháithreacha agus a sinseanmháithreacha. Fós féin, níl an comhionannas idir fir agus mná beartaithe amach go hiomlán. Is iad na fir atá fós níos treise san ionad oibre. Léirítear i staitisticí ón gCoimisiún Eorpach, a fhoilsíodh anuraidh, go bhfuil an bearna pá idir fir agus mná ag leathnú. Amárach, beidh mná ar fud na tíre ag ceiliúradh Lá Idirnáisiúnta na mBan. An bhfuil aon phlean ag an Rialtas an fhadhb sin a réiteach? Is é sin an bearna pá atá fós ann agus ag leathnú idir fir agus mná. An bhfuil reachtaíocht ar bith geallta ag an Taoiseach chun an fhadhb sin a réiteach?

The Taoiseach: Nach breá an Ghaeilge atá ag an Teachta. Tá sé ag déanamh go maith. Níl a fhios agam go díreach cén sórt reachtaíocht atá ar intinn an Aire, ach cuirfidh mé scéal chuig an Teachta Howlin. Is fíor an rud atá sé ag rá. Tá difríocht ann idir pá na bhfear agus pá na mban. Tá sé thar am go mbeadh an pá céanna don obair chéanna á fháil ag gach duine sa tír seo. Cuirfidh mé scéal chuig an Teachta.

Deputy Mick Barry: Before this session I went for a walk and as I walked into town with Vera Twomey and her army of supporters, there were construction workers on scaffolds who stopped to applaud them, cars that honked and women on the streets with shopping bags who came out to shake her hand. My question for the Taoiseach is this. When will we have progress on the AAA-PBP Bill to legalise medicinal cannabis? It passed its Second Stage in this House before Christmas but I understand it is not due to be discussed on Committee Stage until 5 April, nearly a month away. Given the urgency of the issues at stake, is the Taoiseach willing to intervene to assist in bringing that date forward?

The Taoiseach: This is a matter for the determination of the agenda of the Dáil and I do not have any control over that. As the Deputy is aware, the Business Committee does its job. I want to make it very clear that if we introduce a Bill and it becomes law, the requirement, even in compassionate circumstances, is that there be a prescription in cases like this of there being a paediatric neurosurgeon available. Whether it is done on compassionate grounds or on legal grounds, that is required. When Deputy Barry is on his walk, if he goes into a pharmacy and looks for something he does not have a prescription for, he will not get it unless it is freely available to everybody else. This applies in the case of serious issues like those affecting this young child, who has serious challenges. That is the process.

Deputy Mattie McGrath: On a point of order, I understand the health committee under Deputy Michael Harty was having that discussion today, with it having been brought forward by five weeks. We all want to support Vera Twomey.

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Sa programme Rialtais, gealladh lán-chabhair do na hoifigí poist ar fud na tíre. As the Taoiseach knows, bhí scéal sa pháipéar maidin inniu about 80 post offices that might go under the Kerr report. The Rural Independent Group had a motion in the House some weeks ago and we spent a long weekend negotiating with the Taoiseach's office, the Minister of State, Deputy Ring's office and the Minister, Deputy Naughten's office to agree that motion. We were grateful and we submitted it, and the Government supported it and allowed it through. How can it happen, some short number of weeks afterwards, that a selective leak can come out just days after the Minister of State, Deputy Ring, announced last Friday he was going to have a consultation about how community banking could be rolled out in the post offices? Tá ceist mhór anseo. We need action. We on this side of the House cannot be used in this way. The Rural Independent Group wants to support rural post offices. The Government accepted the motion but then we have this kind of balderdash coming out in the newspapers this morning.

Deputy Michael Healy-Rae: First, I have to declare an interest as I am postmaster of a small post office. On page 48 of the programme for Government a clear commitment is given to our post offices. Can the Taoiseach explain why, today, we have a report of 80 post offices closing? That is not the big story, however. The big story is that, as I told the Taoiseach before in this House, 700 post offices will close in the next three years. The Taoiseach will not close them, nor will the next Taoiseach. It is ourselves who will close them. I was speaking to a postmaster today who told me his income will go from €27,000 down to €12,000. The Government needs to implement the merit of the motion we brought before this House, which got unanimous support in November from Fianna Fáil, Sinn Féin, the Government, the Independents and everyone else. Unless the Government implements that in a real fashion and brings in community banking to follow the success around the world such as in China or New Zealand-----

An Ceann Comhairle: Tá an t-am caite.

Deputy Michael Healy-Rae: We need to look at all the places where community banking has worked and has saved their networks. I plead with the Taoiseach and his Government to work in a proper fashion to ensure we do not go down the wrong road, and to save our post offices.

Deputy Marc MacSharry: With regard to similar issues, page 41 of the programme for Government spoke of the Government making a Cabinet-level Minister responsible for regional and rural affairs. I do not see a Cabinet-level Minister. Indeed, if it is the Minister, Deputy Humphreys, or the Minister of State, Deputy Ring, and I am not sure whether he is at Cabinet, the question of what we are doing can legitimately be asked.

We have become consumed and conditioned by a culture of service reduction and alienation of rural and regional Ireland. Is it the Government's policy to continue to ignore the regions? The national planning framework, which should underpin the future of post offices instead of the rumoured 80 closures we hear of today, is written in such a way that the template provided for people to give submissions next week is going to exclude the whole north-west of the country and west of Mullingar. We seemed to have defined it in such a way that the future growth and potential of the country is going to come from elsewhere. It seems to be written in terms of the pretence given to the strategic environmental assessment that it is going to undermine the potential of these regions to perform to their capacity.

An Ceann Comhairle: Go raibh maith agat. Tá an t-am caite.

Deputy Marc MacSharry: Is it Government policy to continue as it has with this culture, which undermines the very culture of our citizens? People live outside Dublin, outside our cities. What are the Taoiseach's Ministers going to do to deal with this issue?

Deputy Michael Moynihan: Three years ago, under the previous Government, there was an announcement by the then Minister, Mr. Rabbitte, that there would be a whole-of-Government response to the issue of post offices. I am not sure what the definition of a whole-of-Government response was three years ago but in my opinion, there has been no response. This morning's report bodes very poorly for rural Ireland. It is time for action to be taken in regard to empowering An Post in order that it can have a service that will empower the postmasters and postmistresses to have a vibrant operation within their communities.

Deputy Danny Healy-Rae: The people in rural Ireland are devastated with this news today. What is the Taoiseach going to say to Bank of Ireland, which is proposing to close one in every four bank branches in the country? Given the last Government and this Government supported this bank, is the Taoiseach going to allow it to do this again to the people in rural Ireland? It is the people in rural Ireland who will be hit first.

The Taoiseach: The Minister of State, Deputy Ring, put together the post office hub working group last year to identify potential models under which post offices could act as community hubs, particularly in rural areas. That considered a number of options, for example, shared value post offices, which would see local post offices act as multi-purpose bases for the community. That report will be brought to Government shortly by the Minister of State. The perception that this is some sort of secret Government plan is far from the truth.

Deputy Mattie McGrath: Inaction is the same thing.

The Taoiseach: It is what they call fake news.

Deputy Marc MacSharry: Good man, Donald.

Deputy Michael Moynihan: Alternative facts.

The Taoiseach: The Kerr report is a good and realistic document and it will be back before the Dáil. The Deputies will all have their say shortly. The Department-----

Deputy Mattie McGrath: Fake news.

An Ceann Comhairle: Ciúnas.

The Taoiseach: -----is willing to work with An Post and the IPU to establish common ground to progress actions that can support the network, such as the operation of four pilot shared value post offices, which can be rolled out to up to 150 post offices subsequently. The Minister, Deputy Denis Naughten, has brought forward amending legislation that will have the effect of removing the price cap mechanism on postage stamps.

Deputy Mattie McGrath: Nuacht bhréagach.

The Taoiseach: The Final Stage of the legislation is being taken in the Seanad this week. The report referred to in the media today was commissioned by An Post for An Post.

Deputy Mattie McGrath: Tá sé ag caint faoi nuacht bhréagach.

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The Taoiseach: That is not a Government report. News stories are referring to the report from the network renewal implementation group. The group included representatives from An Post and the IPU and it was chaired by Mr. Kerr. The Kerr report was provided to An Post in December 2016. My understanding is-----

Deputy Mattie McGrath: Scéalta gan fhirinne.

The Taoiseach: -----that it is being considered by the company.

Deputy Mattie McGrath: Tá an Taoiseach caillte anois.

The Taoiseach: An Post is a commercial State body. Decisions with regard to its size and distribution are a matter for the board and management. Any decision to close individual post offices is a matter for An Post. The Government has not decided to close any of these.

Deputy Michael Healy-Rae declared his interest. He is quite correct because if people do not use the post offices, they will not survive. The Government is quite willing to offer whatever support it can. The previous Government made the decision to have that position of basic banking available in post offices. As the Deputy knows, it will not suit every case.

Deputy Mattie McGrath: Cén bhliain?

The Taoiseach: We said at the time that it would take two and a half to three years to actually implement it.

An Ceann Comhairle: Tá an t-am caite. Caithfidh deireadh a chur leis.

The Taoiseach: I wish to respond to Deputy MacSharry. He comes in here with this issue all of the time. I did not see him at the Leader function in the Sligo Park Hotel the other night-----

Deputy Marc MacSharry: That is true.

The Taoiseach: -----where people from all over Sligo presented in a very optimistic and positive way the work they are doing-----

Deputy Marc MacSharry: I did not have time to pay homage to the Taoiseach, I had to work for my constituents.

The Taoiseach: -----and the people they are employing right out through Enniscrone, out beyond Benbulbin, Rathcormac and everywhere else.

Deputy Micheál Martin: The Taoiseach should give them more money.

The Taoiseach: There was no sign of Deputy MacSharry. Deputies McLaughlin and Scanlon were there but there was no sign of Deputy MacSharry.

Deputy Marc MacSharry: I did not have time for a photocall.

The Taoiseach: The Deputy's father, former Deputy Ray MacSharry, would have been there right up in the front seat to hear the Taoiseach give a dissertation about how well Sligo is doing.

Deputy Mattie McGrath: Bhí sé i mBaile Átha Cliath.

An Ceann Comhairle: Go raibh maith agat, a Thaoisigh.

The Taoiseach: I ask the Deputy not to not give me that every week he comes into the House.

An Ceann Comhairle: Sin deireadh le-----

Deputy Marc MacSharry: I will. For as many weeks as the Taoiseach has left, I definitely will.

The Taoiseach: Deputy MacSharry should have been there.

An Ceann Comhairle: Sin deireadh le ceisteanna ar reachtaíocht atá geallta.

Ceisteanna - Questions

Economic Policy

1. **Deputy Micheál Martin** asked the Taoiseach if he will report on the commitment in his Department's strategy statement on engaging with the National Economic and Social Council to developing of economic and social policy. [9998/17]

2. **Deputy Brendan Howlin** asked the Taoiseach the other new engagement structures he envisages working with and their remit and membership, particularly in view of the statement in his Department's recent Strategy Statement 2016-2019 (details supplied). [10031/17]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

The role of the National Economic and Social Council, NESCC, is to analyse and report to the Taoiseach on strategic issues for Ireland's economic, social, environmental and sustainable development. The NESCC comprises representatives of business and employers' organisations, the ICTU, agricultural and farming organisations, the community and voluntary sector, the environmental sector, heads of Government Departments and independent experts.

The make-up of the council means that it can bring together different perspectives from civil society together with Government. This helps the NESCC to analyse the challenges facing Irish society and to develop a shared understanding among its members of how to tackle these challenges. The council's work in recent years has included reports such as: Ireland's Rental Sector: Pathways to Secure Occupancy and Affordable Supply; Housing Supply and Land: Driving Public Action for the Common Good; and Sustainable Development in Irish Aquaculture. The NESCC secretariat also provides assistance to a number of Departments in the development of policy in specific priority areas.

The NESCC secretariat continues its work, including on issues relevant to the programme for Government such as: housing supply, ownership and rental; climate change and social engagement on wind energy; jobless households; social dimensions of the crisis; consumer prices; labour market activation; and funding of higher education.

The Programme for Government sets out an approach to addressing long-term challenges

involving the development of a broad-based political and public consensus before a settled action plan can be developed. Items identified in the programme for this type of longer-term planning are housing, broadband, climate change, pensions and long-term funding models in education and health. The NESC, with its track record of engagement and consistent and high-quality work on contentious issues, has an important role to play. The views of other structures must also be taken into account.

The council's term of office has finished and I am making the necessary arrangements to appoint a new council. I expect to make those appointments by the end of this month.

Deputy Howlin asked about other new engagement structures. These include the national economic dialogue, the Labour Employer Economic Forum, which I chaired a meeting of recently, and the Climate Change Advisory Council. The Social Inclusion Forum has been in operation for some time now. The national dialogue on climate action has been launched recently and was confirmed today at Cabinet.

Deputy Micheál Martin: Is fíor a rá le blianta beaga anuas nach bhfuil pleanáil straitéiseach le feiscint maidir le cúrsaí eacnamaíochta na tíre agus cúrsaí na hEorpa, mar shampla. Táim ag lorg páipéir báin anois faoin Eoraip. Cad é an polasaí atá againn maidir le todhchaí an Aontais Eorpaigh? Is tábhachtach an rud é nach bhfuaireamar aon pháipear seachas an ceann a bhaineann le cúrsaí sláinte. Ní raibh an Rialtas in ann é sin a chur i bhfeidhm. Is é sin an ceann a bhaineann le hárachas sa chóras sláinte. Ní raibh mórán ann.

Maidir le todhchaí eacnamaíochta na tíre seo agus na hábhair sóisialta is tábhachtaí atá romhainn, tá easpa anailíse cuimsitheach ann faoi láthair i mo thuairimse. Measaim go gcaithfidh an Taoiseach freagracht a thabhairt do NESC plean cuimsitheach a bhaineann le cúrsaí eacnamaíochta na tíre seo a chur le chéile go meán-téarmach agus go fad-téarmach do thodhchaí na tíre. Bhí páirtnéireacht sóisialta ann i roinnt de na blianta sin agus bhí sé an-éifeachtach. Caithfidimid é sin a admháil. Is léir anois nach bhfuil aon saghas struchtúir ann chun muintir gnó, na hoibrithe agus an pobal i gcoitinne a thabhairt le chéile. I mo thuairimse, tá sé in am dúinn machnamh a dhéanamh ar an gceist seo, ach laistigh de sin, freagracht a thabhairt do NESC plean cuimsitheach a chur le chéile do thodhchaí eacnamaíochta na tíre seo.

The Taoiseach: Níl an Teachta mí-cheart sa mhéad a dúirt sé. Dúirt mé go mbeadh comhairle nua curtha i bhfeidhm roimh dheireadh na míosa seo. Is éard atá i gceist ná go mbeidh teagmháil idir an Rialtas agus NESC chun comhairle a thabhairt dó ar an obair gur mhiste leis an Rialtas go ndéanfaidh sé. Chuir NESC tuarascálacha ar fáil faoi chúrsaí tithíochta agus easpa tithíochta, cúrsaí talmhaíochta agus comhairle seasmhach ó thaobh eacnamaíocht uisce nó aquaculture. Tá na tuarascálacha sin curtha ar fáil ag NESC.

Tá cuid den chlár Rialtais oiriúnach do anailís NESC ag éirí as atá ann. Is iad sin cúrsaí tithíochta, cúrsaí leathanbhanda, cúrsaí athrú climate agus cúrsaí pinsin. An aidhm ná go gcuirfidh NESC tuarascálacha ar fáil i leith cén sórt infheistíocht a bheidh ag teastáil agus cé as a thiofadh sé ó thaobh chúrsaí oideachais de. Tá na príomh-nithe leagtha amach. Nuair a bheidh an comhairle nua curtha ar bun, beidh cead aige an obair ard-chaighdeánach a dhéanann sé a chur os comhair an Rialtais as sin amach.

Deputy Brendan Howlin: I have been tabling questions on the National Economic and Social Council, NESC, for some time. I am no wiser about the Taoiseach's exact attitude to the council. Obviously, there was a long hiatus when he did not appoint members to the board. I

assumed there would be a replacement of some description or a reconfiguration but the Taoiseach is now advising the House that by the end of this month, we will revert to what I presume is the traditional NESAC. The Taoiseach might tell us whether that is the case.

Let me set out why I tabled a question on the new engagement structures. These are set out in the Taoiseach's own Department's strategy statement. Are they once-off engagement structures? I listened to them for the first time as the Taoiseach listed them out. Is any of them a permanent new structure?

It is clear that we now need a new economic focus, not only because of Brexit, which will affect us very significantly, as we all know, but also because of the Trump presidency. The new Administration in the United States is pursuing a trade policy that will directly challenge our long-standing industrial model of foreign direct investment here. The case for a clear platform for economic advice has never been stronger. The Taoiseach talked about housing, aquaculture etc. but there are fundamental issues associated with our economic and industrial model that need to be fundamentally re-examined, almost in a Whitaker-like way. Does the Taoiseach have any ideas about that new, fresh approach?

The Taoiseach: As Deputy Howlin is aware, the sectors represented are the business and employer interests, ICTU, farming and agriculture interests, the community and voluntary sector and the environmental sector. Each will nominate a minimum of three and a maximum of four to the council. I appoint 20 members specifically on the basis of nominations from organisations or interests set out in the Act. Included are up to six public servants and up to eight independent members. In the previous council, the independent members were mainly from the higher academic sector. Once the composition is decided, the independent appointments outside those set out in legislation will be made in accordance with the guidelines the Minister for Public Expenditure and Reform sets out. Whether one wants to consider a different economic model entirely or look at the challenges that the country faces, things are fragile enough internationally. We are facing elections in the Netherlands and France and later in Germany. There is a possibility of elections in Italy. Clearly the decisions being made by the new Administration in the United States are also having a global impact. For the Oireachtas and all its Members, the question of what the outcome of Brexit will be is a case in point.

When one considers the longer-term analysis the Government is now undertaking by way of public consultation on what we should do for 2020, 2030 and 2040, one must bear in mind that we will have a million extra people, requiring an extra 500,000 houses to be built and the creation of 500,000 extra jobs and infrastructure. We will have to provide these people with transport and a location in which to live. They will require broadband, which is the DNA of regional and rural Ireland. The Deputy, when Minister for Public Expenditure and Reform, grappled with all these questions. The questions cover infrastructure, primary care centres, hospital extensions, schools and road structures. In other words, if we are to make the country attractive for investment and for the location of businesses, for quality of life and for people to be able to live and have careers and opportunities, we will have to make the facilities available anyway, irrespective of what kind of model one chooses. I hope there will be a council up and running by the end of March. Academics or others will be appointed after that. Let them engage with the Government on the spring economic statement and the Government's remit for the preparation of the budgets for 2018 and beyond, and feed into the broader consultation taking place for 2020, 2030 and beyond. I am quite sure the NESAC will identify some really important areas in respect of which it will be anxious to make recommendations. We look forward to that in due course.

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Departmental Staff Data

3. **Deputy Joan Burton** asked the Taoiseach the number of whole-time and part-time civil servants who were working in his Department on 22 February 2017. [10023/17]

4. **Deputy Gerry Adams** asked the Taoiseach if he will report on current staffing levels in his Department; and if he envisages changes in view of the upcoming Article 50 negotiations. [11421/17]

The Taoiseach: I propose to take Questions Nos. 3 and 4 together.

On 22 February 2017, there were 197 civil servants, established and unestablished, working in my Department. One hundred and seventy-three were working full-time and 24 were working part-time. This equates to a whole-time equivalent of 189.2 civil servants working in my Department.

I have restructured my Department to ensure Brexit is treated as a crucial cross-cutting issue, including by creating a newly amalgamated international, EU and Northern Ireland division, under a new second Secretary General. In addition, my Department is in the process of recruiting additional staff. Among the business areas that will benefit from the additional resourcing are the international, EU and Northern Ireland division and the economic division. This is to ensure an effective, whole-of-government response to Brexit.

While responsibility for the strategic oversight for Brexit rests in my Department and preparations are co-ordinated through the dedicated Cabinet committee that I chair, it is worth emphasising that this is an all-of-government issue and each Minister has an important role to play. Since the UK referendum, the EU policy role of the Department of Foreign Affairs and Trade has been strengthened, as have the roles of other key Departments and agencies at home and abroad. Each Department has developed a thorough analysis of the critical issues that need to be addressed in its sectors.

The 27 Heads of State and Government will meet shortly after Article 50 has been triggered to agree and adopt guidelines defining the framework for the negotiations. The General Affairs Council, GAC, including Ministers from the 27 member states, will then adopt more detailed negotiating directives and will authorise the opening of the negotiations. The European Council will discuss the negotiations on a regular basis and will update the guidelines and directives as required.

The European Commission will lead the technical negotiations on behalf of the Union. Its team will be led by Mr. Michel Barnier, as head of the Commission's task force on Brexit, and it will include a representative of the rotating Presidency of the Council. Progress will be monitored and guidance will be given to the Commission, by a dedicated working party involving all member states, which in turn will report to COREPER, the committee of permanent representatives or ambassadors to the European Union, which, of course, includes Ireland's permanent representative to the European Union. It is expected that the working party will meet at least once a week. The negotiations will, therefore, be under the overall strategic and political guidance of the European Council and the General Affairs Council – representing the member states - and will be scrutinised in great detail at senior official and ambassadorial levels. We will pursue our national interests and priorities fully within this framework.

Deputy Joan Burton: Along with many other Members, the Taoiseach and I have been

involved with a number of EU Presidencies. The Taoiseach will recall that in the year and a half in the run-up to a Presidency, enormously detailed arrangements were made right across the Government and within the structures of government. A particular feature was the employment of special staff.

Among the special staff who will be required to deal with Brexit will be those with experience of trade negotiations and also, I would imagine, lawyers with experience of trade legislation and possibly trade negotiations, in addition to lawyers with experience of the technical complexities of current and likely EU structures. Has the Taoiseach attempted to recruit additional experts?

With regard to Presidencies, I believe the Taoiseach will agree that there are fine members of the diplomatic service in the Department of Foreign Affairs and Trade. I recollect that where very significant people with significant sets of skills in that Department or others were about to retire or had recently retired, they were in many cases brought back on temporary contracts for the purpose of beefing up the Irish team. Has any consideration been given to doing that in the context of the challenges that undoubtedly face us with Brexit?

Deputy Aengus Ó Snodaigh: An bhfuil an Taoiseach sásta go bhfuil go leor ó thaobh foirne de le déileáil leis na ceistanna móra agus go bhfuil an saineolas sa Roinn maidir le Brexit, na gnéithe difriúla a bhaineann leis agus na hathraithe difriúla a bheidh i gceist? Mar shampla, beidh torthaí as cuimse maidir le poist agus slite beatha do shaoránaigh ar an dá thaobh den Teorainn. Tá mé ag tagairt, mar shampla, do na mílte fheirmeoir beaga a mbíonn ag taisteal timpeall na Teorann, iad siúd atá gafa i dtionscal maidir le bainne ina measc. Téann 600,000 lítear bainne trasna na Teorann gach bliain. Déantar táirgeadh air sa Stát seo chun púdar bainne a dhéanamh roimh é a easpórtáil. Caithfidh an Taoiseach smaoineamh a dhéanamh ar na rialacha agus na táillí a bheadh i gceist air sin de réir chóras an WTO – 45% a mbeadh i gceist. Beidh teip iomlán ar an tionscal bainne ach go háirithe más rud é go ngearrfaí an táille sin air.

An bhfuil na saineolaithe ag an Taoiseach chun déileáil leis na féidearthachtaí ar fad de thairbhe Brexit? An bhfuil sé ag déileáil leis sin?

Deir an Taoiseach nach mbeidh Teorainn chrua ann. Cad faoin scéal atá sna meáin le déanaí go bhfuil lucht custam ag taisteal timpeall na Teorann ag lorg suímh nua chun botháin custam a thógáil? An bhfuil an scéal sin fíor nó an bhfuil sé ag tarlú?

Deputy Micheál Martin: Is cuimhin liom go maith nuair a thosaigh an Taoiseach amach ina phost in 2011 go raibh sé ag gearráin maidir leis an méid státseirbhísigh a bhí i Roinn an Taoisigh, go háirithe roimh a era féin. Tá fhios agam nach raibh mórán ann sa ghearrán sin ach cleasaíocht polaitíochta, mar is eol dó. Ní Roinn ollmhór atá sa Roinn. Dúirt an Taoiseach go raibh 197 fostaí ann. Tháinig cuid státseirbhísigh ó Roinn Gnóthaí Eachtracha agus Trádála chuig Roinn an Taoisigh. D’fhill roinnt daoibh ar an Roinn Gnóthaí Eachtracha agus Trádála. I gcomhthéacs Brexit agus an t-idirbheartaíocht a bheidh ann, i mo thuairim tá géarghá ann níos mó státseirbhíseach a mhealladh chuig Roinn an Taoisigh, go háirithe daoine le scileanna speisialta. Tá fhios againn go mbeadh idirbheartaíocht tábhacht ó thaobh cúrsaí trádála de. Tá dainséar ann nach bhfuil an expertise agus daoine le saineolas speisialta a bhaineann leis an gceist sin ann faoi láthair.

Tá cinneadh déanta ag an Taoiseach go mbeidh a Roinn freagrach as idirbheartaíocht maidir le Brexit agus go mbeidh an Roinn sin an ceann is tábhachtaí ó thaobh Brexit. Níl aon Aire

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speisialta ann agus ní bheidh. Is é Brexit an dúshlán is mó atá ann don tír le fada an lá. Tá muid buartha nach bhfuil dóthain státseirbhíseach ann maidir le Brexit. Tá gá ann i bhfad níos mó a dhéanamh agus struchtúr níos láidre a chur i bhfeidhm ionas go mbeidh muid réidh agus cumasach ó thaobh na hidirbheartaíochta.

An Leas-Cheann Comhairle: Tá cúig nóiméad fágtha agus tá ceithre go leith nóiméad ag an Taoiseach. Ina dhiaidh sin ní bheidh ach leath nóiméad fágtha. Mar sin, is é seo an freagra deireanach ón Taoiseach.

The Taoiseach: Deputy Burton raised a valid question about the position that always applied in the case of the EU Presidency, and the troika that was lined up with the incumbent, the previous holder and the state due to hold it. In the first half of 2013, when we held the Presidency, there was a massive response from the public service to deal with that in very difficult circumstances and to put together a budget of €960 billion. The position is that as Article 50 is due to be triggered in a short while we will ensure we get whatever extra staff that will be required. At present, the European affairs section has the necessary skills for dealing with this. The officials who work there have experience and expertise in European and foreign affairs, bolstered by the Minister for Foreign Affairs and Trade and the Minister of State with responsibility for European affairs, who attends the General Affairs Council, GAC, on a regular basis, in terms of knowing what is happening in this regard. With regard to academic qualifications, a number of that team have graduate and postgraduate qualifications in areas that are of direct relevance to this work, such as a master's degree in European interdisciplinary studies from the College of Europe, a master's degree in human rights and democratisation, a master's degree in economic policy studies and a BA in European studies. In respect of international relations, a number of the team have graduate and postgraduate qualifications in areas that are of direct relevance. These include a degree in international development and food policy, a PhD in political science, a master's degree in economic science in policy analysis and degrees in economics, history and politics, which include modules on international relations.

In respect of data protection, which is such a big issue at present, there is significant experience of working on projects in economic and enterprise development, European affairs and social policy both within the Department and with other public and private sector organisations. The members of the team have developed a strong understanding and knowledge of data protection related issues through a combination of on-the-job learning, attending a wide range of seminars and so forth. In terms of academic qualifications, team members have graduate and postgraduate qualifications in areas of direct relevance, such as a master's degree in European economic and public affairs, a diploma in applied European law and a doctorate in governance.

The corporate affairs division is responsible for finance, ICT, human resources and corporate governance. Their qualifications include third level qualifications such as MSc in computer science, MBS in change management and organisational studies, postgraduate diploma in public management, BComm specialising in human resources and diploma in human resource management, as well as accounting technician and financial management qualifications. These staff continue to develop their skills by engaging in online research.

Once Article 50 is triggered, if we need extra specialist staff we will get them. We will keep Members informed. As I said, Deputy Howlin and Deputy Martin have been given briefings and reports have been produced online. When Article 50 is triggered the Government will respond, through all the background work that has been done, to the detail of what will be contained in the letter from the Prime Minister.

Deputy Brendan Howlin: Does the Taoiseach have a date for that yet?

The Taoiseach: There is no date yet. It was expected to be around 9 March but the vote in the House of Lords might have put paid to that for a while. When it is triggered the Government will respond directly and in far greater detail, because then we will know with clarity what the British Government is seeking.

Deputy Joan Burton: The Taoiseach did not mention a barrister, solicitor, a chartered accountant or a management accountant.

The Taoiseach: I did.

Deputy Joan Burton: In particular, the Taoiseach did not mention any trade lawyers. The EU has 7,000 trade lawyers. Do we have any?

The Taoiseach: I am quite sure we have. I mentioned some of the qualifications and expertise that are available. When Article 50 is triggered, we will get whatever expertise is required. We cannot afford not to.

Cabinet Committee Meetings

5. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee on infrastructure, environment and climate action last met. [10043/17]

6. **Deputy Bríd Smith** asked the Taoiseach when the Cabinet committee on infrastructure, environment and climate action last met. [10074/17]

7. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet committee on infrastructure, environment and climate action last met; and when it is scheduled to meet again. [11419/17]

8. **Deputy Micheál Martin** asked the Taoiseach when the Cabinet committee on infrastructure, environment and climate action met last. [11613/17]

9. **Deputy Brendan Howlin** asked the Taoiseach when the Cabinet committee on infrastructure, environment and climate change last met and the plans to meet. [11757/17]

The Taoiseach: I propose to take Questions Nos. 5 to 9, inclusive, together.

The Cabinet committee on infrastructure, environment and climate action last met on 30 January 2017. The next meeting of the Cabinet committee has not yet been scheduled but will happen shortly. The committee addresses the climate change challenge in terms of domestic policy and with regard to Ireland's EU and international obligations.

In addition, the committee drives the development and delivery of key infrastructure and associated policy, including oversight of relevant commitments in A Programme for a Partnership Government.

Deputy Richard Boyd Barrett: What discussions has the Taoiseach had about our water infrastructure at the aforementioned committee? Over the past number of years, the Taoiseach has tried to justify domestic water charges on the basis that we urgently need to address the huge problems with our water infrastructure and to comply with EU directives in the context of

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the management of our water resources. I do not give that any credibility, frankly, because if the Taoiseach was really interested in such matters, then instead of wasting what could amount to €1 billion on domestic water meters - when we now know from the expert committee that household usage in this country is not wasteful - he would have something to say about what the committee is doing to actually address the huge infrastructural deficit.

I want to ask specifically why the Government is not proposing a retrofit programme for water-harvesting equipment in all publicly-owned housing. Why is the Government not introducing building regulations requiring water harvesting? In terms of meeting the requirements of the EU directive, why does the Government not introduce an incentive scheme and provide grants to householders for the installation of water-harvesting equipment? I recently asked the Minister for Housing, Planning, Community and Local Government how many swimming pools there are in the country, in the context of possibly introducing a swimming pool tax for those wasteful people who have private swimming pools, but he did not know the answer. Does the Taoiseach have any answers on any of this or is it all just spoof?

Deputy Bríd Smith: Like everyone else, I heard the news this morning that 80 post offices are due to close. The Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, constantly says that the Government is fully committed to a policy that will see An Post remain a strong, viable company in a position to provide a high-quality postal service and maintain a national network of customer-focused post offices in the community. While I welcome that commitment, closing 80 post offices in the immediate future is really tragic for rural Ireland. The Taoiseach is from a beautiful part of rural Ireland in County Mayo. I am from Ballyfermot and one or two post offices in my constituency of Dublin South Central are being closed. However, the impact of the closure of post offices in towns and villages in Mayo, Kerry, Clare, Donegal and other parts of the country will be enormous. As one journalist wrote this morning, "Will the last person out of rural Ireland please turn out the lights?". This Government has disappointed the people in the context of the provision of bus services. It is now closing post offices and this is just not acceptable. The people of rural Ireland need decisions to be made that will support them, not neo-liberal decisions based on where the most profit can be made and determinations that services are not viable if profits cannot be made. We sprang to attention when the banks went down. We sprang to attention overnight and bailed them out with our money. What are we going to do to bail out rural Ireland and to keep those post offices open? Post offices are essential, not just to financial fabric but the social fabric of our towns and villages.

Deputy Aengus Ó Snodaigh: Tá sé ráite i gclár an Rialtais, atá beagnach bliain d'aois anois, go mbunóidh an Rialtas comhrá náisiúnta ar athrú aeráide, le comhairliúcháin phoiblí forleathan san áireamh. Ní fhaca mé aon trácht ar a leithéid de phróiseas ó shin. Bliain ina dhiadh an geallúint sin, cá bhfuil an bogadh? Cén uair a bheidh an comhairliúchán sin, nó fiú an comhrá, tosaithe? Ar an 1 Feabhra seo caite, léirigh an Coimisiún Eorpach i dtuairisc maidir le fuinneamh in-athnuaite nach sroichfidh an tír seo na spriocanna atá leagtha síos don Stát seo i gcomhthéacs na bliana 2020. Thug an Taoiseach geallúint don Oireachtas agus don phobal i gcoitinne go mbeadh an comhairliúchán seo ar siúl. Cén uair a bheidh an gné sin de chlár an Rialtais tosaithe agus - ina dhiadh sin - críochnaithe? An mbeidh aon tionchar ag an bpróiseas comhairliúcháin ar an tuairisc atá curtha faoinár mbráid ag an gCoimisiún? Muna sroichfidh an Stát seo na spriocanna atá leagtha síos ag an Aontas Eorpach agus an Coimisiún Eorpach, tá gach seans ann go ngearrfar fineáil ar an Stát seo. Tíocfaidh a leithéid d'fhadhb anuas orainn i bhfad níos tapúla muna bhfuilimid ag caint faoi.

Deputy Micheál Martin: Glacann beagnach chuile dhuine leis go bhfuil easpa pleanála agus infheistíochta i gceist le blianta beaga anuas ó thaobh cúrsaí infreastruchtúir na tíre seo. Cé go bhfuil roinnt pleananna foilsithe ag an Rialtas, níl iontu ach liostaí de thograí éagsúla. Níl aon straitéis ann do na rudaí is tábhachtaí i gcúrsaí eacnamaíochta agus sóisialta na tíre seo. Cad iad na nithe is tábhachtaí ó thaobh infreastruchtúir de? Tá go leor ráite maidir le cúrsaí taighde, ach níl dóthain airgid curtha ar fáil le haghaidh infreastruchtúr taighde sa tír seo. De dheasca sin, tá gearrthacha á ndéanamh i gcónaí ar an méid áiseanna atá ar fáil do lucht taighde na tíre. I gcás fadhb na tithíochta, mar shampla, is léir dom anois go bhfuil an Roinn Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil agus na húdaráis áitiúla beagnach ar fud na tíre i gcoinne tithíocht shóisialta a thógáil. Is é sin an meon agus an fealsúnacht atá acu. Go bunúsach, the Department of Housing, Planning, Community and Local Government and local authorities in this country do not want to build council houses any more. It is time that the rhetoric stopped. We are hearing so much about social housing options and so forth but local authorities will not build council houses. It is a scandal in itself and a contributory factor to the current crisis. It is extraordinary to think that we are in the midst of the worst housing crisis in living memory and we cannot get council houses built despite all of the strategies and plans. Tá an rud ar fad dochreidte.

Deputy Brendan Howlin: I, too, want to talk about the infrastructure deficiencies in the State. Obviously, we have gone through a period when money was particularly scarce and in order to ensure continued provision of vital public services over the past six years or so, the amount of money devoted to our built infrastructure was diminished. That needs to be rectified now but we must do it in a way that is affordable. We do not want to see incredible cost inflation. Three weeks ago, I raised the issue of the cost of the proposed new national children's hospital, which is a really worthy project. I do not need to hear about how worthy the project is because in 2011 it was one of the flagship projects that the then Government identified. The cost in 2011 was €410 million. Two years ago, the cost had risen to €650 million and now we are being told that the project will cost €1 billion. We will not be able to deal with the three new maternity hospitals that we need. The plan is to move the National Maternity Hospital from Holles Street to a site at St. Vincent's Hospital and to co-locate the other two maternity hospitals with adult hospitals. We will not be able to meet all of this infrastructural need if we do not have clear control over the cost of development. In terms of the proposed national children's hospital, has the Taoiseach been given any explanation for the escalation in costs? Was this discussed by the Cabinet sub-committee? What does the Taoiseach have to say about it?

The Taoiseach: First, in response to Deputy Boyd Barrett, I am glad he is in favour of water harvesting-----

Deputy Richard Boyd Barrett: I wish the Government was-----

The Taoiseach: -----but one does not need any sophisticated Government response in respect of water-harvesting devices for ordinary houses.

Deputy Brendan Howlin: Just a barrel.

The Taoiseach: If one goes to any DIY or home improvement outlet, one will find them, purpose-built and available. One simply puts them under the down pipe and one has water for one's flowers, to wash one's bicycle, one's car - I do not know if the Deputy drives a car - or whatever.

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Deputy Bríd Smith: That would be illegal without permission from Irish Water.

The Taoiseach: They can all be specially designed for Deputy Bríd Smith's house; she does not need to worry about that.

Deputy Richard Boyd Barrett: The Taoiseach would want to read the small print from Irish Water.

The Taoiseach: Under the scheme that the Minister has already put out for bringing back into use houses that are unoccupied-----

Deputy Bríd Smith: It is necessary to get its permission, though.

The Taoiseach: -----it might need €10,000, €15,000 or €20,000 to bring the water into line, address the roof or whatever it might be. These are opportunities for water harvesting. These things are common and have been part of European planning rules and regulation for 50 years. I know we are an exceptional country in the sense that it rains for 200 days in the west, although perhaps not so much in Dublin. It is quite possible for Deputy Boyd Barrett to harvest the water out in that sophisticated part of County Dublin where he lives.

4 o'clock

Deputy Richard Boyd Barrett: Where are the real conservation grants?

The Taoiseach: I am glad that Deputy Bríd Smith recognises the qualities of particular parts of the west. I do not know if she was in the House when Deputy Michael Healy Rae mentioned that, as a postmaster himself, he has an interest in-----

Deputy Micheál Martin: Climate change.

The Taoiseach: -----the report published by Mr. Bobby Kerr.

Deputy Bríd Smith: Among other things.

The Taoiseach: The report that was leaked was one that was commissioned by An Post for An Post; it is not a Government report. The Kerr report will be brought in by the Minister of State, Deputy Ring, shortly and will set out the realism here where Government can actually support rural post offices. We decided three years ago, when Deputy Howlin was in government, to have basic banking facilities in post offices, suitable for some but not for everyone. In the case of quite a number of post offices that closed recently in the west, nobody wanted to take them on and they just closed. There is a requirement for An Post to advertise, communicate locally and invite expressions of interest from anybody who wants to take on a post office.

Deputy Brendan Howlin: Job opportunities for them.

The Taoiseach: Unfortunately, it found that no interest was expressed from local people in quite a number of areas. That is a reality.

Deputy Bríd Smith: The Government could pay the minimum wage to a postmaster.

The Taoiseach: Bhí an Teachta Uí Snodaigh ag caint faoi athrú aeráide agus mar sin de. Glacadh an Rialtas leis an díospóireacht sin ar maidin. Beidh sé ag tosú láithreach. Beidh an tAire, an Teachta Naughten, ag caint leis an Teachta Ryan agus beidh cead ag na gnólachtaí thart fud na tíre déileáil agus a gcuid tuairimí a chur isteach sa díospóireacht sin. Glacfaidh an

Rialtas leis ar maidin. Beidh sé ag tosú láithreach.

Deputy Martin asked about infrastructure. Of course, this is always the problem. We have €42 billion between the Exchequer, private moneys, PPPs, but that is not enough. For the Ireland of 2030 or 2040 we need to do much more. That is why we recently opened the European Investment Bank office, which will be in a position to provide serious moneys for particular kinds of infrastructure development on a long-term low-interest basis but where there is an income stream to actually pay for it. A case in point is the motorway from Cork to Limerick, a much needed piece of infrastructure costing approximately €1 billion. If that were to be tolled, it would provide an income stream to deal with that and take it away from the central Exchequer.

We have many ports, but only two that are really big for exports. That area may also provide an opportunity as do the works on the Luas and metro in Dublin as well as work in other cities. They have an income stream and take it away from the central Exchequer. The EIB will provide that over a longer period.

Yesterday along with the Minister of State, Deputy Ring, I launched the Atlantic economic corridor including County Donegal which will come into it when you are finished with it a Leas-Cheann Comhairle. One of the points regarding doing work on ports - without knowing the outcome of the Brexit discussions - is that it is possible to get to the Continent from ports besides Rosslare and Dublin, rather than going to Britain. Obviously, it might be a little longer, but there are other opportunities. There are also opportunities for rail freight to move to ports if that be the case. We need to be creative in how we look at these things.

Maidir leis na cuanta agus the bóthar mór ó Chorcaigh go Luimneach and the cúrsaí trae-nach agus mar sin de, tithe sóisialta, I agree with this. When Deputy Micheál Martin and I were on local authorities, local authorities were always building council houses, as they were called, or social houses. They have directions to get back into this and I do not see why they should not. They got out of it for particular reasons, because it became commonplace to hive them off to housing associations and so on. Local authorities were always in a position with small staffs to build significant numbers of houses in urban and rural areas throughout the country and I hope that happens again.

Deputy Micheál Martin: The Taoiseach is the boss.

The Taoiseach: On infrastructure, in fairness to Deputy Howlin, we did put some money into the opera house and put a few quid into the courthouse. He did provide a decent road to Wexford and the people from that wonderful county returned him and other Deputies to the Dáil.

The national children's hospital is an entity out to 2021. I am informed that a specific monitoring committee will be dealing with a fixed-price contract. The original price obviously was a base price I suppose. Last week I read out all the issues beyond that in terms of fit-out and other things that are clearly a cost. It is expected that when this commences there will be very specific monitoring control and that the costs the Deputy mentioned will not run out of control and hopefully it can be contained at less than the €1 billion being mentioned. I do not need to go into the reasons for having a national children's hospital but I hope and expect it will be tied down in a very disciplined way in respect of the money to deal with the specifics of the contract.

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Topical Issue Matters

An Leas-Cheann Comhairle: Ba mhaith liom cur in iúl don Teach go bhfuil fógra tugtha maidir leis na hábhair seo a leanas faoi Bhuanordú 29A agus ainm an Chomhalta a thug an fógra i ngach cás a lua: (1) Deputy Eugene Murphy - safety concerns with the N5 national primary route; (2) Deputy Brendan Griffin - the need for progress on CF drugs Orkambi and Kalydco; (3) Deputy Bernard J. Durkan - funding to the Moat Club, Naas, County Kildare; (4) Deputy Carol Nolan - the *ex gratia* scheme of compensation for school sex-abuse survivors; (5) Deputy David Cullinane - implementation of the Herity report into cardiac services at University Hospital Waterford; (6) Deputy Josepha Madigan - the possible reopening of a Garda station at Stepside; (7) Deputy Tom Neville - delays with referrals for child and adolescent mental health services, CAMHS, in Limerick; (8) Deputy Noel Rock - the extension of Gaelscoil Cholmille, Oscar Traynor Road; (9) Deputy Niamh Smyth - the CLÁR programme 2017 and the roads improvement scheme; (10) Deputy Willie O’Dea - the increasing demand for incineration facilities; (11) Deputy Frank O’Rourke - removal of the traffic unit in Leixlip and Garda resources in Kildare North; (12) Deputy Imelda Munster - collated data of council owned land banks zoned for housing; (13) Deputy John Curran - traffic congestion in Dublin; (14) Deputy Fiona O’Loughlin - employees’ concerns at the Bord na Móna plant in Kilberry; (15) Deputies Michael Moynihan, Pat Casey, Éamon Ó Cuív, Jackie Cahill and Mattie McGrath - closures throughout the post office network; (16) Deputy Martin Ferris - rural isolation in Kerry; (17) Deputy Donnchadh Ó Laoghaire - funding of Scouting Ireland; (18) Deputy Clare Daly - the use of Shannon Airport by US military aircraft; (19) Deputies Aindrias Moynihan and Joan Collins - access to cannabis-based medicines; (20) Deputy Kathleen Funchion - the proposed cutting of the X7 bus route between Clonmel and Dublin, serving Callan and Kilkenny city; (21) Deputies Michael Fitzmaurice and Charlie McConalogue - the ongoing delay in processing GLAS payments to farmers and the effect it is having on farming families and communities; and (22) Deputy Mick Wallace - meetings with bidders for Project Eagle.

The matters raised by Deputies Eugene Murphy, Tom Neville, Carol Nolan and Willie O’Dea have been selected for discussion.

Ceisteanna - Questions (Resumed)

Priority Questions

Departmental Expenditure

20. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the progress made to date in 2017 in delivering on her Department’s programmes and ensuring a full spend of the allocated resources; and if she will make a statement on the matter. [11790/17]

Deputy Éamon Ó Cuív: At the end of last year the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs had a capital carryover of €30 million - in other words an underspend. In addition the Department had paid €28 million to local authorities for work that was

not done and had not even commenced. That means that at the end of last year the Department had underspent by €40 million in terms of effect on the ground. The gross expenditure at the end of February on the Exchequer return showed that the Department had only spent €8 million in capital. What will the Minister do to spend the money to the benefit of the people on the ground rather than hoarding it away for some unknown reason? The Minister is just not spending the money.

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): My Department has a very broad agenda which includes responsibility for the conservation, preservation, protection, development and presentation of Ireland's heritage and culture; responsibility for promoting the Irish language; supporting the Gaeltacht and island communities; and facilitating the economic and sustainable development of Ireland's regions and rural communities.

A gross provision of €368.422 million is available to my Department across five programme areas in 2017, comprising current funding of €249.637 million and capital funding of €118.785 million. In addition, a further €13.548 million in capital funding was carried over from the 2016 provision.

Details of provisional expenditure in respect of my Department and all Departments are published at Vote level by the Department of Finance on a monthly basis. Provisional current and capital expenditure figures in respect of my Department at Vote level as of 31 January 2017 are due to be published shortly and these figures indicate that expenditure for January 2017 is on profile.

Preliminary figures for the period to the end of February 2017 indicate that gross total expenditure incurred by my Department amounted to €46.9 million - this expenditure represents 95% of profile. However, these figures are merely preliminary and are subject to an internal verification and monitoring process within my Department, as is usual, prior to their return to the Department of Public and Expenditure and Reform. Adjustments may fall to be made as part of this process and all figures are also subject to audit by the Office of the Comptroller and Auditor General in due course.

All expenditure within my Department's Vote is and will continue to be carefully monitored to ensure the best and most efficient use of available financial resources.

Deputy Éamon Ó Cuív: When an answer starts saying what a Department does and all I and the public knows, I know somebody is trying to obfuscate the answer. I have had to resort to putting in freedom of information, FOI, requests to get basic financial information available to the Department made available to me as an Opposition Deputy. I will continue to put in FOI requests to get this information until the Department starts providing it in replies to parliamentary questions.

To give the Minister her own information back, according to the Exchequer returns at the end of February, published by the Department of Public Expenditure and Reform, €8 million was spent on capital in the gross voted expenditure against a profile of €10 million, which was unnaturally low. This meant the Department was 16% behind where it should have been.

I asked the Department in another parliamentary question what had happened with the carryover. I was told there was not even an order made to allow for any expenditure on that after two months. As well as that, I asked about the local authority spend for work not done and I

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was told nothing had happened on that either. Will the Minister start coming up with the figures and answering questions with them? I cannot understand why her Department is so shy about the figures, except for the fact that it is not spending the moneys.

Deputy Heather Humphreys: The Deputy referred to figures of €8 million out of €10 million. I want to be clear as to why all the capital moneys were not spent in 2016.

Deputy Éamon Ó Cuív: I referred to the Exchequer returns for January and February 2017. These were published at the end of February this year. For spend in 2017, the profile was €10 million, actual spend €8 million and shortfall, 16.7%. Those are figures for this year.

Deputy Heather Humphreys: Of course at this time of year, bills for projects may not come in until at a later stage. We keep all spending under review and it is monitored closely. To be fair, my officials gave the Deputy a detailed briefing on expenditure in the Department when he was there.

We need to be clear that funding is going out and many projects are being funded. Sometimes, the bills for capital expenditure do not come in as soon as we would like because there are delays. Last year, there were some delays with capital projects. There were certain one-off Decade of Centenary projects where there were unavoidable delays, including the national monument at Nos. 14 to 17 Moore Street and the major redevelopment works at the National Archives. That is why money had to be carried over because it was not actually spent.

Deputy Éamon Ó Cuív: Not only was some €30 million not spent last year, but it has not been spent this year. I have also been told by the Department that it has no record of any of the huge amount of moneys given to local authorities for work not done, some of it sanctioned by the Minister of State, Deputy Michael Ring, in December. As well as that, will the Minister confirm there has been zero spend on the 2014 to 2020 Leader programme, except for administration? The reality is there is €40 million available for Leader. Even allowing €8 million for administration, €32 million is still there for capital spend. It is patently obvious that in the beginning of March this year the Department will not spend half this capital allowance on Leader. Is the Minister making alternative plans already? I will be asking the Minister of State, Deputy Kyne, about the moneys which will not be spent in his section of the Department. Is the Minister making alternative plans to spend the Leader moneys that will not be spent or will she once again short-change the people dependent on her Department at the end of the year by having another carryover into 2018?

Deputy Heather Humphreys: I can reassure the Deputy that there was no short-changing of anybody. The moneys not spent on Leader last year were vired into other programmes.

Deputy Éamon Ó Cuív: It went to county councils.

Deputy Heather Humphreys: Those moneys went out to rural Ireland and were made available in line with the sanctioned receipt from the Department of Public Expenditure and Reform on the basis of funding agreements signed with the local authorities. The moneys are with the local authorities which are spending it.

I am conscious of the need to ensure that all funds allocated to local authorities under these schemes are fully accounted for. In this context, my Department is working closely with local authorities to ensure worthwhile projects are allocated funding. It is in line with the public spending code. I want to ensure funding is spent properly and in accordance with the projects?

proposals.

National Museum

21. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs if her Department has investigated the allegations made regarding inappropriate sexual behaviour in the National Museum of Ireland; and if a case of inappropriate sexual behaviour was referred to the human resources section in her Department. [11788/17]

Deputy Peadar Tóibín: Mar is eol don Aire, tá foireann Ard-Mhúsaem na hÉireann ag fulaingt faoi scamall dorcha le fada. Tá a fhios againn go raibh go leor líomhaintí ann faoi mhí-iompar gnéis, faoi bhulaíocht agus faoi bhainistíocht trom-láimhe. Is rud tromchúiseach é gur tharla na rudaí seo in eagraíocht Stáit agus go raibh oibrí an Stáit ag fulaingt gan faic á dhéanamh ag an Rialtas. An raibh a fhios ag an Aire cad a bhí ag titim amach san Ard-Mhúsaem? An bhfuair an tAire an t-eolas faoi? An bhfuair a Roinn tuairisc faoin mhí-iompar gnéis agus an ndearna an tAire iniúchadh faoi?

Deputy Heather Humphreys: I will answer the question put forward to me. Unfortunately, I was not able to pick up all the Deputy said in his introduction, as he well knows.

I am advised my Department has not received any allegations of inappropriate sexual behaviour in the National Museum of Ireland, nor has any investigation of such allegations been undertaken. In April 2012, my predecessor was in receipt of correspondence relating to general staff issues at the National Museum of Ireland.

While it would not be appropriate for me to intervene directly in human resources, HR, issues, the Deputy should be aware that I and senior officials have had discussions with the chair of the museum on legacy staffing issues recently referred to in the media. On foot of these discussions, I have also been assured that steps are being taken to address the issues highlighted in the well-being survey, also recently highlighted in the media, which was commissioned by the museum to improve its working environment.

I am supportive of the chair and the new board, which I appointed in July 2016, in implementing change in the museum, as well as preparing new plans to improve the museum's services to the public over the coming years. I have offered to provide any additional support if required in dealing with these issues.

Deputy Peadar Tóibín: Ar dtús, ba mhaith a rá go dtacaím freisin leis an gcathaoirleach den bhord-----

An Leas-Cheann Comhairle: Gabh mo leithséal. Tá córas aistriúcháin ar fáil.

Deputy Peadar Tóibín: Is féidir liom fanacht go dtí go bhfuil an tAire réidh.

Deputy Michael Ring: To be fair.

An Leas-Cheann Comhairle: An bhfuil an corás aistriúcháin ag obair? Níl a fhios agam.

Deputy Peadar Tóibín: Is é seo lá na Gaeilge agus bhí sé réitithe cheana féin ag gach duine go mbeadh seans ag Baill labhairt as Gaeilge sa Dáil.

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Deputy Heather Humphreys: Tá brón orm. Níl-----

An Leas-Cheann Comhairle: Tá an córas ag obair.

Deputy Peadar Tóibín: Tá sé ag obair. Fanfaidh mé go dtí go bhfuil sé réidh.

An Leas-Cheann Comhairle: Tá an córas aistriúcháin ag obair. It is working.

Deputy Heather Humphreys: Go raibh maith agat.

Deputy Peadar Tóibín: An bhfuil sé ag obair duit anois? An gcloiseann tú aon rud?

Deputy Heather Humphreys: Ní chloisim.

Deputy Joan Burton: Níl aon aistriúchán ann, is dócha.

Deputy Peadar Tóibín: Dúirt an fear-----

Deputy Aengus Ó Snodaigh: Dúirt an fear go bhfuil.

An Leas-Cheann Comhairle: Dúirt an tAire nach bhfuil.

Deputy Peadar Tóibín: Beidh ormsa leanúint ar aghaidh as Béarla mar sin. Is mór an trua é sin. Níl ach lá amháin sa bhliain go bhfuil deis againn ár gcuid gnó a dhéanamh as Gaeilge. Is rud simplí atá ann. Is féidir é a dhéanamh sa Bhruiséil.

Deputy Joan Burton: Tá sé-----

Deputy Peadar Tóibín: An bhfuil sé ag obair anois?

Deputy Joan Burton: B'fhéidir. Níl a fhios agam.

An Leas-Cheann Comhairle: Éist ar uimhir a haon. Number one.

Deputy Joan Burton: Labhair arís.

Deputy Peadar Tóibín: Tacaím go huile is go hiomlán leis an gcathaoirleach ar an mbord sin. Bhí a fhios ag an Aire le fada go raibh rudaí ag titim amach san Ard-Mhúsaem. In ainneoin go bhfuairéamar an t-eolas sin-----

Deputy Joan Burton: Tá sé ann anois.

Deputy Peadar Tóibín: Cad é?

Deputy Joan Burton: Tá sé ann anois.

Deputy Peadar Tóibín: In ainneoin go bhfuairéamar an t-eolas ón Aire nach bhfuair siad eolas faoi seo, tá fhios agam go bhfuair oifig an Aire glaoch gutháin i mí an Mheithimh 2015 mar gheall ar an rud seo. Tá fhios agam freisin ón bhfoireann a bhí ann ag an am gur chuir an fhoireann sin an t-eolas os comhair na Roinne mar choimeád siad cóip istigh sa National Museum freisin. An bhfuil an tAire ag tabhairt eolais mhíchruinn dúinne, mar tá an t-eolas atá ag an Aire iomlán difriúil ón eolas atá faighte agamsa ón bhfoireann atá istigh ann agus daoine eile a bhfuil baint acu leis?

Deputy Heather Humphreys: Just to be very clear, I am not giving anybody wrong infor-

mation. A number of different issues have been outlined from different sources and I want to clear the record. First, there was a consultant's report in 2012 which was referred to the Department at that time. Human resources, HR, issues were mentioned in it and that was a matter for the museum. A new board was appointed to the museum in July 2016. A well-being survey was commissioned last autumn and it is now dealing with HR issues in the museum and any legacy issues. The board and the director of the museum, therefore, are dealing with those issues. As I said, the well-being survey outlined a number of issues and it is on that basis that the board and the director will address the HR issues in the museum.

I want to be clear that it is not my job to get involved in HR issues. I am very clear about that. It is the responsibility of the museum. The museum has a new board and a new chairperson. It is a very good board with a very capable chairperson and there is also the director of the museum. That is their responsibility.

Deputy Peadar Tóibín: With regard to the case of the individual who is on administrative leave, it is my understanding that a report was sent to the Minister's Department, that there is a copy of that report in the National Museum and that this report was destroyed in the Department. It is also my information that a protected disclosure was made to the National Museum but there is no record of a protected disclosure on the Department's records or on the National Museum's records. The stand-off that exists between the Minister and the Department and the museum is very difficult to understand given that two cases were settled in the High Court around this issue.

Given that with respect to the cases with regard to heavy-handed management and bullying, a telephone call was made to the Minister's office in June 2015 about this issue, and given the fact that all these reports have come to light, it is not credible that the Minister would say that it is not her responsibility to fix this particular problem. Hundreds of thousands of euro have been spent on High Court settlements, psychotherapists and on all those reports that were carried out, and State workers have been working in a dysfunctional environment where they have not felt safe for a number of years. It is the responsibility of the Minister to come up with the goods in that scenario.

Deputy Heather Humphreys: I repeat that I am advised that my Department has not received any allegations of inappropriate sexual behaviour and I am not aware of any protected disclosures. What I can say, however, is that an official in my Department received a telephone call approximately two years ago during the course of which the same issues were raised that had been previously written about to my predecessor regarding the report of 2012. I did not ignore the matter. This is a HR issue. I am not getting involved in HR issues. As the Deputy knows, HR is a specialised area for specialists. In fairness to the board of the museum, I respect the chairperson and the new board and the work they are doing at the museum. It is not appropriate for me to get involved in HR issues. It is a matter for the director and the board. It is not my role. I will not get involved in issues relating to HR. What is more, I have no proof that the museum is spending, or wasting, the type of money the Deputy mentioned on those matters. I have outlined clearly that I have no role in staff management at the museum.

Arts Funding

22. **Deputy Niamh Smyth** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the amount of funding that will be delivered under pillar 2 of the Creative Ireland

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plan; and her views on whether this is sufficient. [12037/17]

Deputy Niamh Smyth: Creative Ireland is the Government's recent policy document for enhancing Ireland's creative sector. Creative Ireland is made up of five pillars, with pillar 2 referring to the links with the local authorities. Under pillar 2 each local authority will be encouraged to create and establish a cultural team comprising the arts officers, the librarians, the heritage officers and so on and to develop a cultural plan. How much funding has the Minister allocated under pillar two and does she believe it is sufficient?

Deputy Heather Humphreys: The Taoiseach and I launched the Creative Ireland Programme-Clár Éire Ildánach 2017–2022 on the 8 December 2016 as the Government legacy programme for Ireland 2016 and as the main implementation vehicle for the priorities identified in Culture 2025-Éire Ildánach, the draft cultural policy which I published in July 2016. This is a cross-Government initiative to mainstream culture and creativity in the life of the nation and to promote individual, community and national well-being.

The second pillar of the programme, enabling creativity in every community, will be implemented primarily through our local authorities as they are the primary instruments of local community engagement. Each local authority has now established a culture team bringing together arts officers, librarians, heritage officers, museum curators, archivists and other relevant personnel led by a director of services, with a nominated person as Creative Ireland co-ordinator. A dedicated budget of €1 million from the overall Creative Ireland programme budget of €5 million has been allocated to the local authorities towards the implementation of initiatives under pillar 2, including the aforementioned culture teams, the publication of a culture and creativity plan for each county, reflecting at local level the overall structure and aims of the national programme, and the implementation of Cruinniú na Cásca, a programme of arts activities and events on Easter Monday.

I understand that additional support will also be made available to the local authorities for these initiatives by the Department of Housing, Planning, Community and Local Government.

Deputy Niamh Smyth: I wholeheartedly welcome the initiative. Cultural events do not only happen in Ireland's main cities but, as we know, culture is embedded in rural Ireland as much as anywhere else. This policy echoes one brought forward by my party some years ago proposing that all local authorities formulate an action plan for arts and heritage. The current level of funding is likely to be insufficient to support the real development of our towns and villages. With 31 local authorities in Ireland, each will receive approximately €33,000. This is a serious cut in funding compared with the allocation in 2016 when €3 million was allocated to local communities to implement their counties' arts and commemorative plans. For many local authorities this funding is much needed. Given the Government's previous cuts in funding for the arts and heritage sector, this is quite a significant reduction in the amount of funding they will have with which to work. During the period from 2011 to 2016, many of the main arts agencies operating within the State suffered massive funding cuts of up to 40% and that was particularly pronounced in our rural communities. Will the Minister comment on the funding issues I outlined?

Deputy Heather Humphreys: The Deputy mentioned the local authorities received a funding allocation of €3 million last year. That was made up of €1 million from my Department, €1 million from the Department of Housing, Planning, Community and Local Government and €1 million from IPB Insurance. That allocation funded more than 3,500 events nationwide. There

was a wonderful collaboration between local authorities and the 2016 programme. They did tremendous work and made a small amount of funding go a long way.

Funding under Creative Ireland is enabling money to put culture and creativity at the centre of communities in every county in the country. It is important that the €1 million for local authorities is not viewed in isolation. We are increasing funding across the board. As the Deputy is aware, I increased the funding to the Arts Council by €5 million in the 2017 budget. This will support arts groups all across the country. Likewise, I increased funding to the Heritage Council by €1 million, and we all know the fantastic work that body does, particularly as part of National Heritage Week, which again involves a group-up approach at community level. I was also delighted to announce recently the €9 million arts and culture capital scheme in Cavan.

Deputy Niamh Smyth: I am curious about the Minister's cultural teams. Will they involve the education and training boards, ETBs? Where are we going with our local arts and education partnerships? The Minister talked about initiatives with schools, but I hope that this model, of which she herself was very supportive, has not been dropped and that the ETBs will be involved in these cultural teams in some way or another because they have much to offer, as she knows. It is somewhat unclear whether the funding is intended just to develop a plan or whether further funding will come on stream to implement it. How it will be implemented is the huge concern for arts practitioners and arts and cultural centres around the country. Without ring-fenced funding, implementation of local authorities' plans will be seriously jeopardised and a hugely important point of all this is how we will actually implement these nice plans.

Deputy Heather Humphreys: As I said, funding of €1 million has been made available to local authorities under Creative Ireland. This is enabling funding and will attract other funding. Apart from this, as the Deputy knows, I was delighted with the €9 million arts and culture capital scheme. This scheme is the most significant investment in our regional arts centres in a decade, and 85% of the funding went to projects outside of Dublin. This was about reaching out to arts groups country-wide and Townhall in Cavan is a great example. It was awarded €750,000. Of course, the Deputy is very familiar with it and she will know the people there have been crying out for funding for years. They submitted an excellent application and I was delighted to be able to support them. There are strong synergies between pillar 2 of Creative Ireland, "enabling creativity in every community", and pillar 4 of the Action Plan for Rural Development, "fostering culture and creativity in rural communities". Pillar 1 of Creative Ireland, "enabling the creative potential of every child", to which the Deputy referred, will go to the heart of our local communities through our schools and other venues where children access arts, music, drama and other disciplines. This will include the arts in education charter and my Department working with the Department of Education and Skills to make sure every child has access to the arts.

Seirbhísí trí Ghaeilge

23. D'fhiafraigh **Deputy Peadar Tóibín** den an Aire Ealaíon, Oidhreachta, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta i bhfianaise na cáipéise nua atá curtha le chéile ag Acadamh na hOllscolaíochta Gaeilge, ina léirítear inní forleathan maidir lena laghad seirbhísí poiblí atá ar fáil as Gaeilge, cad atá á dhéanamh aici chun dul i ngleic leis an easpa seirbhísí poiblí sin, cathain a thosóidh an próiseas sin; agus an ndéanfaidh sí ráiteas ina thaobh. [11789/17]

Deputy Peadar Tóibín: An teachtaireacht atá ag teacht ón Rialtas ná foghlaim an Ghaeilge,

labhair an Ghaeilge ach ná labhair linne mar Stát í. Ar maidin chuaigh mé i dteagmháil leis an Revenue. Bhí píosa oibre le dhéanamh agam. Roghnaigh mé an líne as Gaeilge. Tar éis ceithre nóiméad tháinig duine ar ais chugam agus dúirt siad “Oh sure I have no Irish at all”. Cúpla bliain ó shin chuaigh mé i dteagmháil le heagraíocht Stáit ag iarraidh léarscáil Gaeilge a fháil agus dúirt an fear liom: “Do you think we can make maps for every hobby in the country?” Léiríonn sé sin meon an Stáit mar gheall ar sheirbhís na Gaeilge. Cathain a bheidh an Rialtas sásta seirbhísí na Gaeilge a chur ar fáil le haghaidh daoine sa Ghaeltacht agus Gaeilgeoirí thart timpeall na tíre?

Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Seán Kyne): Is é príomhaidhm Acht na dTeangacha Oifigiúla 2003 a chinntiú go gcuirtear feabhas ar sholáthar seirbhísí poiblí trí Ghaeilge agus is tríd na scéimeanna teanga faoi alt 11 den Acht go príomha a chuireann comhlachtaí poiblí seirbhísí ar fáil don phobal.

Tá próiseas leanúnach ar bun ag oifigigh mo Roinne chun scéimeanna teanga a dhaingniú le go leor comhlachtaí poiblí a thagann faoi scáth Acht na dTeangacha Oifigiúla 2003. Ón eolas is déanaí atá ar fáil do mo Roinn, tá 214 scéim teanga san iomlán daingnithe le comhlachtaí poiblí éagsúla, ón uair gur tháinig an tAcht i bhfeidhm, ar a n-áirítear céad, dara agus tríú scéimeanna. Ag tógáil san áireamh athruithe atá tagtha chun cinn mar thoradh ar scor nó ar athstruchtúrú comhlachtaí poiblí éagsúla le tamall anuas, tá 121 comhlacht poiblí san iomlán clúdaithe faoi na scéimeanna teanga i láthair na huair. Ina theannta sin, tá plé gníomhach ar siúl le tuairim is 120 comhlacht poiblí faoi láthair chun scéimeanna teanga a aontú leo. Tá scéim daingnithe le gach Roinn Stáit agus le gach comhairle contae, seachas ceann amháin. Is féidir a rá go bhfuil scéim daingnithe le mórchuid na gcomhlachtaí poiblí a mbíonn plé rialta ag an phobal leo.

Ar ndóigh, ní miste a mheabhú gur cúram d’Oifig an Choimisinéara Teanga féachaint chuige go bhfuil na gealltanais atá tugtha ag comhlachtaí poiblí i scéimeanna teanga á gcomhlíonadh acu.

Ní miste a nótáil go bhfanann scéim teanga i bhfeidhm, faoi réir alt 14(3) den Acht Teanga, ar feadh trí bliana ón dáta a dhaingnítear í, nó go dtí go ndaingnítear scéim nua, cibé acu is moille. Tá sé aitheanta go bhfuil an próiseas chun scéimeanna teanga a aontú dúshlánach, go háirithe sa chomhthéacs reatha ina bhfuil brú mór ar acmhainní. Tá céimeanna éagsúla á mbeartú chun an próiseas aontaithe scéimeanna a éascú, go háirithe i gcomhthéacs na leasuithe reachtúla atá beartaithe ar an Acht Teanga.

Ón uair gur tháinig córas na scéimeanna i bhfeidhm faoin Acht Teanga, tá sé tábhachtach a aithint go bhfuil feabhas tagtha ar líon agus ar chaighdeán na seirbhísí Stáit a chuireann comhlachtaí poiblí ar fáil i nGaeilge. Aithníodh ón tús gur próiseas forchéimnitheach a bheadh i gceist le feidhmiú an Achta, ag tógáil céimeanna de réir a chéile le comhoibriú agus le dea-thoil na bpáirtithe leasmhara éagsúla.

Deputy Peadar Tóibín: Ceapaim go bhfuilimid ag dul in olcas i ndairíre mar fiú go bhfuil scéim teanga daingnithe ag an Aire agus ag an Rialtas, conas a bhfuil fhios aige go bhfuil siad ag oibriú? Conas a bhfuil fhios aige go bhfuil na heagraíochtaí ag comhlíonadh a gcuid dualgas mar gheall ar na scéimeanna sin? An bhfuil Revenue faoin scéim? Ní raibh mise in ann aon seirbhís a fháil as Gaeilge inniu ó Revenue. Is féidir gach scéim a chur i bhfeidhm ach muna bhfuil an Rialtas sásta daoine a earcú le Gaeilge fheidhmeach ní oibreoidh na seirbhísí amach sa todhchaí. Sin leath den fhabhb.

Táimid beagnach ag teacht chuig deireadh na straitéise 20 bliain. Chuir mise ceist pharlaiminte i ndiadh ceist pharlaiminte isteach ag lorg an dáta foilseacháin agus ní dhearna an Rialtas dada ach an cheist a chur ar an méar fháda. Is léir dúinne uile an chúis a bhí leis an ndrogall a bhí air an cháipéis a fhoilsiú. Léiríonn sí teip mhór an Rialtais i leith na Gaeilge. Taispeántar dúinne i measc iliomad laigí eile go bhfuil easpa seirbhísí poiblí ar fáil as Gaeilge. Cad a dhéanfaidh an tAire Stáit chun dul i ngleic leis an laghad sheirbhísí poiblí seo? Cathain a dtosnóidh an próiseas chun dul i ngleic leis na fadhbanna seo?

Deputy Seán Kyne: Is mór an trua nach bhfuair an Teachta seirbhís ón gCoimisinéir Ioncaim ar maidin nó i rith na seachtaine. Chuala mé ó dhaoine eile a bhí ag freastal ar an gCoimisinéir Ioncaim go raibh siad in ann seirbhís a fháil trí Ghaeilge. Níl fhios agam cén fáth nach raibh an Teachta in ann ar an ócáid seo. Tá dualgas ar an gCoimisinéir Teanga agus a fheidhmeannaigh monatóireacht a dhéanamh ar na scéimeanna. An bhfuil siad ag oibriú? An bhfuil daoine in ann seirbhísí a fháil trí mheán na Gaeilge ó chuile seirbhís Stáit?

Ó thaobh an méid atáimid ag déanamh faoi láthair, níl sé fíor go bhfuilimid ag teacht chuig deireadh na straitéise. Nílimid ach sa séú bhliain de 20. Níl sé fíor go bhfuilimid ag teacht go deireadh na straitéise. Ag cruinniú in 2013 chuir an Rialtas tús le cur chuige nua chun cumas agus úsáid na Gaeilge sa Státseirbhís a threisiú. Tháinig na socruithe nua in áit an chórais a bhí ann go dtí sin maidir le marcanna bónais i gcomórtais earcaíochta agus arduithe céime as a bheith inniúil sa Ghaeilge.

Deputy Peadar Tóibín: An rud atá mé ag rá ná go bhfuilimid ag teacht chuig deireadh na deise chun an straitéis a chur i bhfeidhm. Táimid ag teacht chuig deireadh na deise chun na cuspóirí atá istigh sa straitéis a bhaint amach. Is léir nach bhfuilimid ag teacht chuig na figiúirí mar gheall ar sheirbhísí, achmhainní nó cainteoirí laethúla taobh amuigh den Státchóras.

Bhí an tAire Stáit ag caint faoin gCoimisinéir Teanga. Sheas an iar-Choimisinéir Teanga siar. An fáth a sheas sé siar ná go raibh sé iomlán den tuairim nach raibh sé in ann a chuid poist a chomhlíonadh agus nach raibh an Stát sásta seasamh taobh thiar de na focail a bhí á rá aige. Dar leis an gCoimisinéir Teanga atá ann anois, tá teip iomlán déanta ag an Rialtas maidir leis na cúraimí atá aige. An t-eolas atá ag teacht chugainn ná nach mbeimid in ann cuspóirí na straitéise 20 bliain a bhaint amach muna bhfuil athrú iomlán i meon an Rialtais. Nílím lán cinnte. Ceapaim go bhfuil dearcadh dearfach ag an Aire Stáit mar gheall ar na rudaí ach níl an bheirt Airí in aice leis fiú ag éisteacht leis an gceist. Ní thuigeann siad cad atá i mbun na ceisteanna seo. Níl an cumhacht nó an toil chuí ag an Rialtas dul i ngleic leis na fadhbanna atá i gceist.

Deputy Seán Kyne: Aontaím leis an Teachta go dteastaíonn níos mó a dhéanamh agus feabhas a chur ar sheirbhísí trí mheán na Gaeilge ón seirbhís phoiblí. Ó thaobh cad atáimid ag déanamh, tá sé socruithe ag an Roinn Caiteachas Phoiblí agus Athchóirithe go ndéanfaidh Ranna agus oifigí Rialtais sainathint ar phoist agus ar réimsí oibre inar dteastaíonn oifigí le Gaeilge. De réir an pholasaí nua, tá beartas á chur i bhfeidhm leis an méid daoine atá in ann a gcuid oibre a dhéanamh go dátheangach a mhéadú. Tá sé seo á dhéanamh chun go mbeidh cur chuige ann a bheidh dírithe ar iomaíocht i gcomhthéacs chomórtas earcaíochta agus ardaithe céime don Státseirbhís. Mar chuid den phróiseas nua seo, tá fo-phainéil d'iartheoirí cáilithe dátheangacha le bunú mar thoradh ar an gcomórtas atá ar siúl faoi láthair ag an Seirbhís um Cheapacháin Phoiblí, PAS, d'oifigigh chléireachais, oifigigh fheidhmiúcháin agus oifigigh riaracháin. Cuireann na ceapacháin a dhéanfar ó na fo-phainéil seo go mór le cumas na Ranna éagsúla seirbhísí níos fearr a chur ar fáil trí Ghaeilge.

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Toisc go bhfuilim in amhras maidir le feidhmiú an chóras seo, tá sé iarraithe agam ar mo oifigigh comhrá oscailte a thógáil le comhghleacaithe i Ranna eile féachaint an féidir an córais a fheabsú. Tá siad i mbun na hoibre sin faoi láthair agus tá siad ag déanamh dul chun cinn maith.

Brexit Issues

24. **Deputy Joan Burton** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs her role in dealing with the consequences of Brexit within a regional and rural affairs context and the threat it poses to communities on both sides of the Border; the contingencies her Department has prepared in view of the threats it poses to the livelihoods of persons in rural Ireland; and if she will make a statement on the matter. [11791/17]

Deputy Joan Burton: Ba mhaith liom ceist a chur ar an Aire mar gheall ar Brexit agus cad atá á dhéanamh aici agus ag an Roinn chun cabhair a thabhairt do mhuintir na réigiún ar an dá thaobh den Teorainn. An bhfuil a fhios aici go bhfuil an-eagla ar dhaoine go mbeidh poist chustaim ann arís ar an Teorainn?

Deputy Heather Humphreys: I am acutely aware of the challenges arising from Brexit for rural Ireland and for the Border area in particular. Last November, I hosted a productive public forum on Brexit in Monaghan which was attended by a range of interests from the Border region. I also hosted a sectoral dialogue on Brexit in Cavan on 6 February which was attended by over 100 stakeholders from across the arts, culture, film, heritage, Irish language, regional and rural affairs sectors.

This sectoral dialogue meeting focused on the impacts of Brexit on the sectors served by my Department, with particular attention being given to the impact on rural and Border communities. This event was part of the ongoing engagement with civil society initiated through the series of all-island civic dialogues hosted by the Taoiseach.

The actions set out in Realising our Rural Potential - the Government's Action Plan for Rural Development, which was launched in January - will also assist in supporting rural communities, including those in Border areas, to meet the challenges posed by Brexit and to position themselves to avail of the opportunities which may arise. The action plan contains over 270 actions to be delivered by a range of Government Departments, State agencies and other bodies and sets out to support sustainable communities, support enterprise and employment, maximise our rural and recreation potential, foster culture and creativity and improve rural connectivity.

The plan sets out a number of actions which will address the effects of Brexit in particular. For example, specific research will be commissioned on the impact of Brexit on rural areas, and particularly rural areas in the Border region. InterTradeIreland will fund the development of a programme of initiatives to increase the awareness and capacity of SMEs to deal with the practical consequences of Brexit for cross-Border trade.

I am confident my Department's preparations for Brexit are comprehensive and will assist in ensuring that rural communities and businesses are equipped as best as they can be to deal with the issues which will arise.

Deputy Joan Burton: Is the Minister aware of the indication, which has been confirmed by an tAire Airgeadais, that there may be customs posts along the Border and that, in the event

of Britain leaving the customs union, the Republic will be the border of the 27 remaining states and that the Northern Ireland side of the Border will be the frontier for the United Kingdom? I am sure the Minister is aware that this is highly concerning for people living along the Border. Matters improved dramatically for communities in the aftermath of Britain joining the EU and since the commencement of the peace process. Now, there is an open Border. We could very soon have a difficult situation. Has the Minister met the Minister for Finance to discuss this issue? Has she or her officials met Revenue and Customs and Excise to find out what they are doing in terms of scouting possible sites for Border posts? Could she enlighten us about what she has done on that? It is the big fear. Tá an-eagla ar mhuintir na háite mar gheall air sin.

Deputy Heather Humphreys: I live five or six miles from the Border. I am very conscious of the issues Brexit will have on the Border area. There is no doubt that issues will arise. There are threats but also opportunities, which is something somebody said to me. On Monday, I spoke to a man who lives very close to the Border. He said we cannot be all negative about this because opportunities will arise as a result of this as well. I am very conscious, as is the Government, of the potential consequences of Brexit in the Border areas. We have emphasised this in our engagement with EU and UK counterparts. That message is well understood. For example, Michel Barnier, the EU's chief negotiator on Brexit, has indicated that border issues - meaning matters that affect our Border with Northern Ireland and Spain's border with Gibraltar - are one of just four key issues to be addressed in the Brexit negotiation. This is an issue that will certainly be addressed in the negotiations. Before the elections in Northern Ireland I spoke to my counterparts, the Ministers, Chris Hazzard and Paul Givan, about issues in my Department regarding Waterways Ireland.

Deputy Joan Burton: My question was in the context of the Minister's position as Minister with responsibility for the regions and regional development. Has she met the Minister for Finance to specifically raise with him the issue of the possible return of Border customs posts? It has been suggested there could potentially be five or six major customs points? As the Minister said, she lives close to the Border so she knows the implications of that. If there are approved customs points, many of the roads that the Minister and others use will essentially become unapproved for customs purposes. Has she met the Minister for Finance and Revenue and Customs to discuss what they are doing? My question asked the Minister about contingencies. The largest and most difficult contingency facing the Minister - in her ministerial capacity and in her constituency - is the return to a hard Border. Has she met the people who are potentially scoping out areas where there may be customs posts? That is the question. I appreciate the Minister's answer on the other matters but could she tell us about this? As Minister with responsibility for regional affairs and in light of where she lives, I thought she would be very aware of that.

Deputy Heather Humphreys: I meet the Minister for Finance at least once a week at the Cabinet meeting. I have raised the issues regarding the Border and Brexit. We want free movement of people. We want to maintain and build on the peace process. We want to support all that was achieved through the Good Friday Agreement and the Fresh Start agreement. We want to have free trade and movement of goods across the Border. It happens every day in a seamless manner. We want to maintain that in so far as we can. As I have mentioned, the EU's chief Brexit negotiator, Michel Barnier, has indicated that matters which affect our Border with Northern Ireland comprise one of the four key issues to be addressed in the Brexit negotiations. I am very aware and conscious of the points made by the Deputy.

Deputy Joan Burton: I regret that the Minister has not discussed them with the Minister

for Finance.

Deputy Heather Humphreys: I have discussed them.

Deputy Joan Burton: What have the Ministers discussed?

Deputy Heather Humphreys: I meet him every week at Cabinet meetings.

Other Questions

National Parks and Wildlife Service

25. **Deputy Bríd Smith** asked the Minister for Arts, Heritage, Regional, Rural and Gael-tacht Affairs if a formal request has been made to An Garda Síochána to investigate the loss of weapons and ammunition in the National Parks and Wildlife Service; and if she will ensure that any report on this issue will be made available to the public. [11716/17]

Deputy Bríd Smith: Has a request been made to An Garda Síochána or any outside body with regard to weapons and ammunition held by the National Parks and Wildlife Service? Will the Minister of State ensure any report emanating from such an investigation will be made available to the public?

Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Michael Ring): The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs is not aware of the loss of any high-calibre weapons or ammunition from armou-ries. As part of its annual asset verification process, my Department undertakes reviews of sensitive assets, including firearms. These are routine and standard asset reconciliation, veri-fication and management exercises. An annual report is being prepared for the Department's management board on foot of the verification exercise conducted in 2016. No loss of weapons or ammunition was identified in that process. The 2017 audit of such firearms, which com-menced recently, is being combined with an additional review of the Department's management procedures in respect of firearms and ammunition. The purpose of this review is to ensure the Department's management procedures and policies with regard to controls on firearms and am-munition remain robust. To date, no issues of asset reconciliation have come to my attention.

The Deputy will appreciate that given the particular security considerations attached to fire-arms, the Department does not generally publish any details concerning the number of firearms held or their location. If the Department becomes aware of the loss of a firearm, it will of course notify the Garda Síochána.

Deputy Bríd Smith: My question did not drop out of the sky. Members of staff in the Na-tional Parks and Wildlife Service have concerns with regard to the arms and ammunition held by the service. The Minister of State has told the House that an audit was carried out in 2016 and the 2017 audit has just commenced. Is this a regular occurrence? Are arms and munitions audited annually? Is the Minister of State satisfied that the 2016 audit has delivered the re-quired level of detail to ensure the Department complies with the Firearms Acts? There is real concern among staff members in the National Parks and Wildlife Service that some arms and munitions are unaccounted for. The Minister of State is telling me that the audit is done and

that he is happy with it, but it is not available to the public. Would it be made available to me or anybody else who might submit a freedom of information request in respect of it? I would like to hear the Minister of State reiterate that he is happy with the 2016 audit. When is it likely that the results of the 2017 audit, which has commenced, will be available?

Deputy Michael Ring: My understanding is that a report is compiled every year. The 2016 audit has already been carried out. I am waiting for that report to come to the management board. All Ministers will get a copy of that. I am sure information will be made available. The Deputy will understand that some information is sensitive. Information relating to the location of arms and ammunition cannot be thrown around. For security reasons, we are not allowed to provide such information. I have been told by officials in my Department that no issues in respect of missing ammunition or equipment arose in 2016. I cannot tell the Deputy more. I am being honest when I say that. In addition to the 2017 review, there will be an examination of procedures to make sure they are carried out in accordance with regulations. I assure the Deputy that I have been assured by my Department that nothing warranting an investigation was found in 2016. The 2017 audit is now taking place. There are further security checks this year because we want to make sure nobody is put in danger. We cannot say what ammunition we have or where that ammunition is located. We cannot say what rifles or guns are held for use by our rangers.

Deputy Bríd Smith: I accept the Minister of State's comment to the effect that he has been informed by his Department that the audit for 2016 is in good condition. However, he has not seen that audit.

Deputy Michael Ring: No.

Deputy Bríd Smith: When will he see the 2016 and 2017 audits? The Minister responsible needs to look at those audits. There are concerns about the systemic underfunding of the National Parks and Wildlife Service. This is a reflection of other issues like the underfunding of the protection of corncrakes and curlews and the mismanagement of moneys going to farmers in the wrong places for the protection of the right birds. I do not have time to go into the detail of the anomalies in how proportionately conservation grants are divvied out to farmers. There are problems with the checks that are done to see how those grants are used. For example, there needs to be an assessment of whether farmers are doing the works that are required to protect species like the corncrake and the curlew and of whether there is enough oversight on the whole project. That some of this work has been outsourced to Birdwatch Ireland, an organisation for which I have great respect, is an indication of the systemic underfunding and understaffing of the National Parks and Wildlife Service. This could have an impact on the oversight of munitions and arms.

Deputy Michael Ring: The Deputy tabled a simple question about ammunition and guns. I assure her that my officials are telling me that nothing needs to be reported to anybody and that the report which has been done will be before the management board meeting soon. The Deputy also asked about staffing. As she knows, the Minister, Deputy Humphreys, and I have been in the process of employing new rangers since we were appointed to this Department. New rangers are needed. I understand that a massive number of applications have been submitted in response to an advertisement looking for eight new rangers. I hope these jobs will be filled very quickly. The Deputy is quite correct when she suggests that the National Parks and Wildlife Service has a big workload. It has a lot of work to do. It needs more staff. Outgoing staff were not replaced when the economy was not going well. I assure the Deputy that these

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new staff will be employed and that the positions of those who retire will be filled as well.

Banking Sector

26. **Deputy Joan Burton** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the progress of the investigation into the establishment of a public banking system here by her Department; the likely timeframe for the investigation; the stakeholders involved; the way in which interested parties can make submissions to the investigation; and if she will make a statement on the matter. [11608/17]

Deputy Joan Burton: How is the examination of the establishment of a public banking system in this country going? Today has been a very bad day for rural Ireland. We have heard reports indicating that up to 80 post offices are to close. In recent days, we heard the bad news that up to 30 branches of Ulster Bank are to close. Many of those branches are in the Republic of Ireland, most likely along the Border. The creation of another banking structure to allow people in small towns and villages to have a banking service should be of the utmost importance to any Government that claims to have a regional policy. What is happening in this regard? Progress seems to be incredibly slow.

Deputy Michael Ring: The programme for Government envisages that An Post, the Irish League of Credit Unions and other interested stakeholders will be asked to investigate and propose a new model of community banking, such as the Kiwibank model in New Zealand, which could be delivered through the post office network.

The programme for Government also includes a commitment to investigate the German Sparkassen model for the development of local public banks that operate within well-defined regions.

The role of my Department in this regard is to work with other Departments and stakeholders to examine the feasibility of these and potentially other models of community banking.

My Department is actively working with the Department of Finance to make progress with the commitment in the programme for Government.

Both Departments are following an agreed work programme on this matter. A public consultation was launched on 2 March to seek views on the community banking model. Interested parties are invited to submit their views to my Department by 29 March.

Submissions may be made via my Department's website or by post. Further details are available on the website.

A number of key stakeholders have also been contacted directly and have been invited to meet representatives from the two Departments. Senior officials from both Departments recently met representatives of the German Savings Banks Foundation for International Cooperation and Irish Rural Link to discuss the viability of the Sparkassen model of local community banking in an Irish context. All views received on this matter will be carefully considered and I anticipate that work on the examination of community banking models will be completed by the middle of the year.

Deputy Joan Burton: I thank the Minister of State for confirming there has been engage-

ment with both the Sparkassen bank and, perhaps, the German Government, which has been promoting this idea. In my experience as a Minister for over five years, the greatest impediment to this was the Department of Finance, so I am interested to hear the Minister of State say the same Department is now being co-operative. In my time as Minister for Social Protection, I fought very hard and quite successfully to prevent the closure of post offices in the teeth of a very difficult financial position that we inherited. I also set up a small micro-credit scheme operated by credit unions, which has been very successful in helping to keep people from the hands of moneylenders. I also established through the Money Advice & Budgeting Service, MABS, in conjunction with the Department of Justice and Equality, a special help service for people in trouble with their mortgages and banks when it came to debt. All of that was accomplished without any very positive co-operation over a very long period from the Department of Finance. It was actually the contrary.

What is the timeline for this development? We are all aware the life of this Government may be short. One of the reasons rural Ireland is in some difficulty in the meantime is that its financial institutions are disappearing, particularly from smaller towns and villages. Without financial institutions, it is very difficult to have local small and medium enterprises develop. Where will they get credit?

Deputy Michael Ring: I hope the Deputy and her colleagues on the committee will make a report that can be examined by the Department of Finance and my Department. It is envisaged the report I mentioned will be ready and submitted to the Government some time in the middle of the year. I hope we get plenty of interest. As I said, we have contacted many outside groups seeking for them to make submissions. We have had discussions with Irish Rural Link and the German banking company. I hope many people will make submissions to the Government in order that it can consider them and respond to the issue. It is a part of the programme for Government and I hope it will be honoured.

The Deputy mentioned she was a spokesperson for many years on finance issues and she was a Minister in the previous Government. She knows how the Government works and if people want something to happen, it will happen. I hope this will happen and the Deputy is quite correct. I hope the credit unions will make a very strong submission. They are already a proven entity and are there to support rural communities. They have a role in this as well.

Deputy Peadar Tóibín: The major problem is that the Minister for Finance, Deputy Noonan, has made an oligopoly in the State by creating two banks, which he refers to as pillar banks, with 80% of the market. When there are two large beasts with such dominance within a market, they can pretty well determine the functioning of the market by themselves. They can determine location, price and level of service within a market, which is exactly what they are doing. They are withdrawing from less profitable bases because they know they can retain customers as they have no other options. One would imagine a free market political party like Fine Gael would be happy to see extra competitors within the market. We in Sinn Féin have been ranting about this for years and four or five years ago I launched a document on public banking and sent it to the Minister of Finance. It is jaw-droppingly difficult to watch the death of rural Ireland while at the same time credit unions are not allowed to use the €10 billion they have on deposit for the good of the rural economy.

Deputy Éamon Ó Cuív: I often think those who do not live in rural Ireland have a kind of funny attitude about doing business there. There are very substantial businesses in rural Ireland, particularly in the west, as the Minister of State knows. The problem for entrepreneurs

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is not the physical location of a bank but rather getting finance, especially equity finance from venture funds into businesses. The idea that €50,000, €100,000 or the limits of the friendly credit union can really sustain a business does not match my experience of running a business in the west. It was not that big when I was there. What will the Minister of State do through the Western Development Commission investment fund to ensure these people have adequate funding to give money to businesses in the west?

Deputy Michael Ring: Comments were made about competition between banks and the Minister, Deputy Noonan, creating two banks. He did not create those banks and the banks created the biggest problem we have had since the foundation of the State. Let us not forget about that. The banks brought this country to its knees and the Minister, Deputy Noonan, is the Minister for Finance who saved this country from I do not know what.

This Government has given a commitment and what we need is competition in the market. We need to ensure we make the right decision and whoever is put into the market should survive and be able to provide necessary capital and funding for small businesses throughout the country. We need a bit of competition. Deputy Ó Cuív is correct in saying this is not about banks or post offices but rather people's ability to get money. The Western Development Commission has a substantial fund and at the end of the year I gave it further money because it has a job to do. It does that very well and we must support small businesses. We need to be able to give people capital when they want it.

There is ongoing consultation and I hope all political parties, the public, banks, building societies and those who want to get involved with banking will make a submission. That will give us the opportunity to consider what we can do about banking in this country.

Cistiúchán Roinne

27. D'fhiafraigh **Deputy Éamon Ó Cuív** den an Aire Ealaíon, Oidhreachta, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta aici maidir le clár caipitil na Roinne don Ghaeltacht agus do na hoileáin a chur i bhfeidhm; agus an ndéanfaidh sí ráiteas ina thaobh. [11358/17]

Deputy Éamon Ó Cuív: Is léir ag an am seo cheana féin nach gcaithfidh an tAire Stáit an méid atá leagtha amach do ché Inis Oírr ar an gcé sin i mbliana. Cad iad na pleananna malartacha atá ag an Aire Stáit leis an airgead sin a chaitheamh? Má chaith sé €300,000 ar Inis Oírr, sin an méid a chaith sé. Céard atá sé le dul a dhéanamh agus cén uair a bhfuil sé le dul a fhógairt? Beidh sé ró-dheireanach é a dhéanamh sa dara leath den bhliain.

Deputy Seán Kyne: Ag tagairt do na hoileáin ar dtús, is féidir liom a dheimhniú don Teachta go bhfuil iarrtha ag mo Roinn ar údarais áitiúla ábhartha moltaí maidir le tograí caipitil a bhféadfaí a chur i gcrích in 2017 a chur faoi bhráid an Aire d'fhonn iad bheith comh-mhaoinithe ag mo Roinn. Ach moltaí na n-údarás áitiúla a bheith faighte, déanfar iad a mheas i gcomhthéacs an tsoláthair airgid atá ar fáil dom agus na n-éileamh ar an soláthar sin.

Anuas air sin, tá iarrtha agam ar Chomhairle Chontae na Gaillimhe dul ar aghaidh i mbliana leis an obair phleanála don fhorbairt ar ché Inis Oírr i gContae na Gaillimhe. Faoin socrú idir an comhairle contae agus an Roinn, cuirfear tús in athuair leis an obair chomhairleoireachta i ndáil leis an tionscadal a phleanáil. Tá iarrtha agam chomh maith ar oifigigh mo Roinne dul

i dteagmháil leis an gcomhairle contae maidir leis an réamh-obair a bheidh i gceist chun an fhorbairt ar chéim 3 de ché an Chialaidh Mhóir in Inis Meáin a thabhairt chun cinn i mbliana.

Maidir le clár caipitil don Ghaeltacht, cuireann mo Roinn cúnamh ar fáil a bhfuil sé mar chuspóir aige an Ghaeilge a threisiú mar theanga phobail agus teaghlaigh sa Ghaeltacht i gcomhréir le cuspóirí na Roinne agus na Straitéise 20 Bliain don Ghaeilge. Is féidir cúnamh a chur ar fáil le cabhrú leis na costais a bhaineann le háiseanna pobail agus teanga a athchóiriú nó a fhorbairt agus le trealamh áirithe a sholáthar. Is coistí agus eagrais phobalbhunaithe a fheidhmíonn trí Ghaeilge sa Ghaeltacht a aithnítear go hiondúil faoin gclár. Tá buiséad de €1.422 milliún ar fáil do na tograí seo in 2017.

Ar ndóigh, tá clár caipitil ag Údarás na Gaeltachta chomh maith le haghaidh fostaíocht sa Ghaeltacht a chaomhnú agus a fhorbairt. Fuarthas €1 milliún breise i maoiniú caipitil aonuaire don údarás mar chuid de Mheastacháin Athbhreithnithe 2016 agus bhí áthas orm gur coinníodh an leibhéal maoinithe seo do 2017. Dar ndóigh, bhí mé an-sásta gur éirigh liom allúntas breise de €2.4 milliún a fháil do bhuiséad caipitil an údaráis anuraidh chomh maith. Táim sásta go gcuideoidh an cistiú breise seo leis an údarás poist a choinneáil ina chliantchuideachtaí sa Ghaeltacht agus tuilleadh infheistíochta a mhealladh go ceantair Ghaeltachta. Tuigim go bhfuil sé mar sprioc ag an údarás 500 post úr a chruthú sa Ghaeltacht in 2017.

Deputy Éamon Ó Cuív: Maidir leis an údarás, de bharr nach gcaithfear an t-airgead Leader, beidh an tAire Stáit in ann teacht ar chiste mór ansin freisin ag deireadh na bliana agus beidh sé in ann breathnú amach don údarás. Idir an dá linn, an bhfuil an tAire Stáit ag rá go bhfuil sé tar éis iarraidh ar na comhairlí contae pleananna gur fiú €1.5 milliún iad i mbliana a chur chuige maidir le tograí oileánda taobh amuigh den dhá ché. Fáiltím roimh an rud atá ráite faoin dhá ché. Ag glacadh leis go gcaithfidh an tAire Stáit €500,000 ar chéanna Inis Meáin agus Inis Oírr - tá €100,000 cheana féin ag Comhairle Chontae na Gaillimhe d’Inis Meáin - ó thaobh pleanáil de i mbliana, an €1.5 milliún atá i gceist aige a chaitheamh ar thograí beaga oileánda i mbliana? An mbeidh scéim na mbóithre áise ar ais i mbliana? An mbeidh scéim na mbóithre portaigh agus scéim na gcéibheanna beaga ar ais i mbliana freisin? Tá farasbharr airgid ag an Aire Stáit agus tá farasbharr ollmhór airgid ag an Aire Stáit taobh leis agus ag an Aire féin de bharr nach gcaithfidh Leader an t-airgead atá ann i mbliana?

Deputy Seán Kyne: Tá mé ag coinneáil súil ar an mbuiséad agus beidh sé caite i mbliana. Déanfaimid cinnte é sin a dhéanamh. Tá iarratas curtha amach do na comhairlí áitiúil ag iarraidh cláir do na hoileáin. Beimid sásta an chuid is mó den airgead a íoc agus a chaitheamh ar na hoileáin. Chaith muid €600,000 an bhliain seo caite. Tá muid ag fanacht do na tograí go léir ó na hoileáin agus beidh muid ag breathnú ansin ar na figiúirí. Ó thaobh scéim na mbóithre áise agus scéim na gcéibheanna beaga, níl aon pleananna ann ag an am seo chun breathnú orthu. Ag an am céanna, i gcomhthéacs an méid airgid atá le caitheamh agus atá caite i rith na mbliana, déanfaimid athbhreithniú ar an gcinneadh sin. Tá a fhios agam go bhfuil a lán bóithre ann atá go dona agus nach bhfuil faoi chumhacht an chomhairle contae, ach ag an am seo tá muid ag breathnú ar na hoileáin amháin.

Deputy Éamon Ó Cuív: Ar chuir an tAire Stáit treoir airgid leis an iarratas chuig na comhairlí contae ó thaobh na n-oileán de. Ar ndúirt sé leo, “Tá an méid seo airgid ann; cuir moltaí chugam” nó an ndúirt sé moltaí amháin a chur chuige. Céard faoi na bóithre pobail agus na bóithre portaigh? Tá fadhb ollmhór ag daoine dul isteach sna portaigh. Tá a fhios ag an Aire Stáit faoi bhóthair portaigh Sheana na bhFáthach ach tá go leor coda eile. An mbeidh an tAire Stáit sásta breathnú ar chomhghaoiniú a dhéanamh ar bhóthair Dhoire Fhatharta i mbliana má

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bhíonn airgead fágtha ag an Aire sinsearach leath bealach tríd an bhliain agus má bhíonn sí sásta é a chur ar fáil don Aire Stáit? Beidh airgead fágtha aici. An mbeidh an tAire Stáit ag breathnú ar na bóithre straitéiseacha? Má thuig mé ceart é, dúirt sé go mbeidh sé sásta breathnú níos deireanaí sa mbliain ar na céibheanna, ach beidh sé cineál deireanach, agus ar na bóithre áise. Cuireadh faitíos orm go mbeidh sé ró-dheireanach sa mbliain. Seo í an fhadhb. An dtuigeann an tAire Stáit an fhadhb? Céard atá sé le dul a dhéanamh le déanamh cinnte go ndéanfar na cinntí sách luath i mbliana leis an airgead a chaitheamh? Mar is eol don Aire Stáit agus don té atá in aice leis, tar éis deireadh na bliana níor caitheadh oiread is pingin den €28 milliún a thug siad do na comhairlí contae roimh dheireadh na bliana.

Deputy Seán Kyne: Tá a fhios agam nuair a bhí an Teachta ina Aire go bhfuair Comhairle Chontae na Gaillimhe airgead deireanach sa bhliain freisin agus bhí sé deacair é a chaitheamh.

Deputy Éamon Ó Cuív: Bhí sé caite

Deputy Seán Kyne: Sin ceann de na fadhbanna.

Tá mé cinnte go mbeidh an t-airgead caite. Nuair atá na freagraí faighte ar ais againn ó na comhairlí áitiúla ó thaobh na n-oileán, beidh níos mó eolais agam ansin chun cinneadh a dhéanamh agus chun a bheith cinnte go mbeidh an t-airgead caite. Tá a fhios agam go bhfuil a lán rudaí sa Ghaeltacht nach mbaineann leis na hoileáin ar a bheadh muid in ann é a chaitheamh. Déanaim geallúint don Teachta go mbeidh sé caite. Tá sé sin cinnte.

Rural Development Programme Funding

28. **Deputy Martin Heydon** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs when she expects to launch the town and village renewal scheme 2017; and if she will make a statement on the matter. [11547/17]

Deputy Martin Heydon: On the launch of the town and village renewal scheme for 2017, the 2016 scheme was very successful and a great way to re-energise our rural towns and villages. Many of the villages in Kildare South are keen to get their applications in for the new scheme. It was great to have the Minister in south Kildare yesterday, when she visited a number of the areas where funding went last year. Does the Minister envisage any change to the eligibility criteria for the 2017 scheme and what areas of development will the 2017 scheme focus on?

(Deputy Heather Humphreys): The action plan for rural development, which was launched on 23 January, contains a number of measures which have the objective of rejuvenating Ireland's rural towns and villages to make them more attractive places in which to live and work, and to increase their tourism potential. As part of the 2017 budget, I have secured funding of €12 million for an enhanced town and village renewal scheme this year. I intend to launch the first phase of this scheme in the coming weeks, with a focus on improving the economic development of our towns and villages.

To ensure the maximum impact of the scheme, I am exploring how best we can align this scheme with other initiatives across Government which can also support the rejuvenation of rural towns and villages. The town and village renewal scheme will be funded by my Department and administered by the local authorities. Full details of the scheme will be made available

when the scheme is launched. I also intend to launch a second phase of the scheme later this year. This will be a pilot project to encourage residential occupancy in rural towns and villages. The pilot will be launched in the second half of the year, when details of the scheme have been finalised in consultation with relevant Departments.

Deputy Martin Heydon: I very much welcome the fact that there will be an enhanced scheme. In her response the Minister outlined some of the focus on the areas. Last year, €380,000 came to County Kildare to Athy, Kildare town, Ballymore Eustace, Timolin, Ballitore and Prosperous. The €95,000 towards the upgrade of the town square in Athy is crucial as is the €95,000 towards a framework plan for Kildare town. However, in the smaller villages such as Ballitore, which the Minister visited yesterday, the Tanyard project is a key example of a village that will benefit greatly from the investment. Another example is Ballymore Eustace, with €45,000 towards the landscape enhancement, €20,000 towards a feature entrance to Timolin and €100,000 for the plan in Prosperous. When will applications for 2017 have to be in for the rural communities that have seen the projects I have outlined and which are enviously planning their own projects for the year ahead?

Deputy Heather Humphreys: I will launch the scheme shortly. I was delighted to visit Ballitore yesterday with the Deputy and see first hand where my Department's money is being spent and the major positive impact it has on rural communities. The Tanyard consists of three historic masonry tannery buildings. My Department was able to award €100,000 to the project under the rural economic development zone, REDZ, scheme. As the Deputy said, the aim of the project is to refurbish the Tanyard to make it a focal point for the village of Ballitore. As the Deputy has shown, many shops in the village have closed over decades.

This is an opportunity. A vibrant community has come together, worked with the local authorities and put in an application saying it will make the difference in their community. I am delighted we have been able to support it. It is due to the prudent management of the economy by the Fine Gael led Government since 2011 which, coupled with the sacrifices made by the Irish people, has led to our economic recovery. Were it not for the economic recovery, we would not be in the happy position in which we are able to start to invest in our towns and villages.

Deputy Martin Heydon: I thank the Minister. I agree, that is where it is at. Hopefully the Ministers in control of the purse strings will allow the Minister greater latitude in the finances we have to spend on this scheme in the year ahead. I would be a great advocate for where the money has already gone to, as outlined, such as to villages like Ballitore that have been allocated €125,000. Similarly we have communities in towns and villages like Castledermot, Rathangan and Kilcullen looking at the potential ways they can address the rejuvenation of their own towns and villages with the assistance of this scheme. If the focus remains on economic development linked in with the vibrant heart of a rural community, is there any specific advice the Minister would have for those communities as they look to put together their key projects?

Deputy Heather Humphreys: I will launch a new round of the town and village renewal scheme shortly and the criteria are currently being finalised. The emphasis again will be very much on supporting innovative projects that support economic regeneration and can make a real and lasting difference to our local towns and villages. It will also be about communities coming forward. I have not yet seen a good project that did not get funding. It may not all come from one place; people can get funding from different sources and a good project will always get funding. I have seen that many times over the years. My advice to people is to look at what is best suited to their community and what is going to work in their town. Nobody knows this

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better than the local people. They should do this in conjunction with their local authority to work together. It is about working together that makes the difference and about working collaboratively.

CLÁR Programme

29. **Deputy Peter Burke** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs when the 2017 CLÁR programme will open for applications; her views on the benefits this scheme can bring to rural communities; and if she will make a statement on the matter. [11418/17]

Deputy Peter Burke: On 6 October 2016, The Minister of State, Deputy Ring announced the opening of the CLÁR programme. It had been closed for business since 2009. We are all aware that he also presided over the sports capital programme. He re-opened it in 2012, as that programme also then was closed for business. Rural areas have had a huge benefit from this funding and CLÁR has been especially beneficial to depopulated areas that needed small infrastructure projects such as school or road safety issues. Perhaps the Minister of State could outline the scheme for the coming year.

(Deputy Michael Ring): CLÁR is a targeted investment programme which provides funding for small scale infrastructural projects in rural areas which have suffered the greatest levels of population decline. I have secured an allocation of €5 million for CLÁR for 2017 and my objective is to maximise the impact of the funding that is available for the benefit of communities in CLÁR areas. I will announce details shortly of the measures to be funded under the programme this year.

In 2016, the CLÁR programme provided funding to over 650 projects for the development of local infrastructure such as safety lights at rural schools, better road markings and pedestrian crossings close to community facilities, the provision of play areas and multi-use games facilities, as well as support for access roads to public amenities. Details of the individual projects approved under each measure of the 2016 CLÁR programme are available on my Department's website.

While often modest in nature, these interventions can and do play a significant role in improving the lives of the people who live in CLÁR areas. They not only make the areas physically better places in which to live and work, they also help to facilitate better community engagement and social networking.

Deputy Peter Burke: I welcome the additional €5 million for 2017. The critical aspect of this funding is that it makes rural Ireland an attractive place to live. It provides key infrastructure into areas where there has been a deficit. In my constituency, County Westmeath received an allocation of €214,000 last year while County Longford received €237,000 for key infrastructure projects. I must compliment the Minister of State, Deputy Ring, on the way the funding was distributed in a fair and balanced manner. During his term of presiding over sports capital grants, there were never any issues around transparency or the way money was allocated. It is great to see small towns and villages benefiting from this funding. Under A Programme for a Partnership Government we need to emphasise the importance of rural Ireland and areas that have been neglected due to the very harsh recession. People have given up so much and sacrificed so much - as the Minister, Deputy Humphreys, has said - and this programme breathes life

back into those areas and ensures we are now delivering from our strong economy to improve our society and to bring compassion back into these areas. It is very important.

Deputy Martin Heydon: I am aware that the Fianna Fáil-led Government in 2006 established criteria for this scheme and unfortunately no part of Kildare was designated under CLÁR then. If there was to be a review of the process then perhaps the Minister of State might consider that while there is a perception of affluence in County Kildare, there are pockets and areas where we struggle and have challenges. It is very important. CLÁR is the kind of scheme that could target specific cases and projects in those areas. I ask that the Department would give consideration to a review of the areas that are designated for CLÁR and that places such as Kildare that do not have a designated area could then become eligible should the right project fit and come forward.

Deputy Michael Ring: I thank Deputy Burke for his comments on the sports capital funding. He is quite correct that we gave a commitment to Government that we would run two programmes but we actually ran three programmes, in very difficult times. I am very proud of the fact that there was nobody giving out about distribution of funds because we did it *pro rata* and everybody got their fair share of the national cake. It was the first time it had ever been done and I do not believe it can, or should, be changed on this occasion. The sports capital should be distributed *pro rata*, as I did it, and everybody gets their fair share. There may be problems within the counties themselves, but at least every county gets its fair share of the national cake.

The Deputy is correct that the CLÁR programme was opened in 2006 by Fianna Fáil and it was closed by the same Government. I was glad to be able to open it again last year.

Deputy Eugene Murphy: It was a long time to open it.

Deputy Michael Ring: I am sorry about that but it was the truth. I was glad to be able to open the programme again, like the sports capital grants.

With regard to the modest funds, I got great satisfaction from the number of schools throughout the State that actually wrote to the Department afterwards. The funding was small - €700 or €800 - for road marking, playgrounds and simple things in and around schools for school safety. I will leave that measure in place again for this year.

I thank Deputy Heydon for his comments on Kildare. He is correct that the county is not in the CLÁR programme and I need to review that. I will ask my departmental officials about it. I do not want to find that areas might be taken out from the programme. I want to see more areas being brought in. Maybe we should change the scope of the CLÁR programme to bring in more people. I know the Acting Chair, Deputy Durkan, would not object to Kildare being brought in to the CLÁR programme.

Deputy Peter Burke: We have had a huge amount of schemes such as the sports capital programme, the town and village renewal scheme, the REDZ programme and the rural recreation scheme that have been targeted at rural Ireland. This is very welcome and we need to continue with this progress to ensure that we are delivering for these areas. It is amazing to go through small villages such as Multyfarnham, Moate, Ballinalee and Granard that have received huge funding that provides key infrastructure into these areas. It is also noteworthy that when funding is provided, communities can add funding to it from their own local authority to undertake real, large-scale projects in their areas. One can see safety measures such as pedestrian crossings outside schools and key measures that provide huge infrastructure for areas. I

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welcome the efforts being made by the team in the Department and I hope we can continue with this progress to ensure we have good news for rural communities.

Deputy Michael Ring: I thank Deputy Burke for his comments and he is quite correct, and I also compliment the Minister, Deputy Humphreys. When the Minister of State, Deputy Kyne, and I went into the Department this year we fought very hard to get extra funding and I must compliment the Minister. It took a number of weeks to get our funding in place but we have now opened a lot of schemes that had not been open for many years. The Deputy is right about the small investment in rural areas. People forget that for every euro we put into any community it means that somebody has a job and is employed. The funding creates employment as well as providing a modest community centre and so on. Where the funding is put in place it creates a lot of jobs, for which I am glad. I compliment the Minister, Deputy Humphreys, again because we went in and we negotiated but the difference was that she brought the team with her, and the team fought with the Department of Public Expenditure and Reform. We did not win every little battle but we got a fair bit of funding this year. On the CLÁR programme for which I have €5 million, I am hoping - and I am depending on the Minister - that I will be spending more than €5 million.

National Heritage Plan

30. **Deputy Niamh Smyth** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs her plans on publishing a national heritage plan; and if she will make a statement on the matter. [11606/17]

Deputy Niamh Smyth: The Government promised a national heritage plan in A Programme for a Partnership Government. The Minister has promised to publish a national heritage plan on numerous occasions in this House. When does the Minister plan to publish a plan and will she make a statement on the matter?

Deputy Heather Humphreys: I thank the Deputy for raising this matter. The national heritage plan 2002-07 was the first integrated plan that sought to conserve and protect all aspects of our national heritage. Over the course of more recent years, my Department's responsibilities for the protection and promotion of our built and natural heritage have been met by a range of policy developments that sought to respond to the challenges arising in different sectoral areas within my heritage remit. A Programme for a Partnership Government envisages the development and publication of an updated national heritage plan. I am currently considering how best to approach its development in the context of ongoing policy priorities across the heritage sector, both built and natural. I intend to deploy a framework similar to the one used successfully in the context of Culture 2025 and my officials are working on developing that approach.

Work has been initiated by my Department regarding the scope and terms of reference for the process. As the Deputy will be aware, the heritage sector is composed of many different sub-sectors with differing needs. It is intended that a formal engagement with key stakeholders and implementation partners will play a central role in the development of such a policy, given the many strands of our national heritage.

In the context of the foregoing, my Department is drafting Ireland's third national biodiversity action plan 2017-21. The plan is being developed in co-operation with an interdepartmental biodiversity working group and the Biodiversity Forum, which represents various interested

sectors of society. I invited the views of the public on the draft plan on 21 December 2016 and the consultation window closed on 9 February 2017. Some 90 submissions were received and these will be published on the Department's website, with a summary of the views provided and with comment on the main strands of the submissions made.

Deputy Niamh Smyth: A national heritage plan is badly needed by the heritage sector, particularly given the cuts it has suffered since 2011. The Heritage Council funding was cut by almost 90% between 2011 and 2015 and funding cuts to the National Monuments Service have badly hurt that organisation and its ability to conduct its work. While Fianna Fáil welcomes the recent funding that has been announced, funding alone cannot save Ireland's struggling heritage sector. If we want to see our heritage sector thrive, we need to plan for how best to support it. A national heritage plan should listen to the needs and policy goals of the organisations active in the heritage sector and find a meaningful way to address those needs. It should also contain detailed proposals as to the levels and mechanisms through which funding should be provided to heritage projects and centres throughout the country. Doing so will require co-ordination and co-operation between multiple Departments and a vision for the future. The basic purpose of the plan should be to set out clear priorities in the heritage sector for the coming years and make a commitment to achieve these. Will the Minister elaborate further on her vision for co-ordinating that plan?

Deputy Heather Humphreys: A lot of good work is ongoing in the heritage division within my Department. At the end of January, I, along with the CEO of the Heritage Council, Michael Starrett, launched the 2017 funding schemes which fund the conservation and protection of heritage buildings. Of course, there were cuts to the Heritage Council but I am glad I have been able to increase funding and then increase it again this year. The Heritage Council does a tremendous amount of good work in terms of working with communities and engaging with their heritage through community projects, and heritage week is extremely successful. A number of heritage projects have been funded throughout the country and these create employment in the conservation and construction industries while at the same time helping to regenerate urban and rural areas.

To give some examples with which the Deputy will be familiar, the restored gate lodge in Castleblayney received €30,000 under the structures at risk fund. This has been completed and the gate lodge has been wonderfully restored and is now in full use. Cavan and Belturbet parish churches and the parochial house in Cootehill are important local projects which have received funding under the built heritage investment scheme. I agree with the Deputy there is a need to take a collaborative approach to developing the heritage plan.

Deputy Niamh Smyth: As the Minister knows, the heritage sector makes a huge contribution to Irish life. The Heritage Council has published reports suggesting that for every €1 spent on local heritage projects, tourism is boosted by €4.40. The Golden Mile projects and the heritage offices in many local authority areas are very good at stretching very small funds that make a massive impact in small communities. The heritage sector provides 25,000 full-time jobs, giving a major boost to the Irish economy, and it supports some 40,000 jobs indirectly. It represents 2% of Ireland's employment and these jobs comprise a variety of roles, including those related to maintenance, construction, administration and tourism in our local authorities. Many of these jobs are in rural areas, which are also covered by the Minister's Department, and support the economically disadvantaged.

The bottom line is that I feel very strongly that a coherent plan must be put in place for the

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heritage sector, which, like our arts offices, can stretch very little funding to make a massive difference in local communities. However, it needs a plan that has vision and that co-ordinates the many other departments within our local authorities.

Deputy Heather Humphreys: As I said, it is intended that a formal engagement with key stakeholders and implementation partners will play a central role in the development of such a policy, given the many strands of our national heritage, both natural and built. We will be working with them very closely and we welcome submissions and ideas from the House, the Oireachtas joint committee and all the different stakeholders.

I agree with the Deputy that heritage is wonderful for local communities. I see great opportunities between the Action Plan for Rural Development and improving the heritage offering in our local communities. Of course, the Deputy is familiar with Bailieborough courthouse. My Department was able to provide €100,000 for the renovation of the courthouse and the old Bridewell jail. There are great opportunities to marry heritage and rural development, and that is the type of innovative project this funding will support. The project is putting Bailieborough courthouse into great use for the future and there are great plans there.

Arts Funding

31. **Deputy Peter Burke** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs when she expects to launch stream 3 of the arts and culture capital scheme for smaller-scale projects following the recent announcement of the successful applications under streams 1 and 2 of the scheme; and if she will make a statement on the matter. [11357/17]

Deputy Peter Burke: After the success of streams 1 and 2 of the arts and culture capital scheme, I would be grateful if the Minister would outline when she intends to open stream 3 of this funding. It is very important to look at the smaller areas that we can fund under arts and culture, especially in rural areas.

Deputy Heather Humphreys: I thank the Deputy for raising the matter. I recently announced details of grants of more than €9 million in capital funding for arts and culture centres throughout the country. This capital scheme is the most significant investment in arts and cultural centres in a decade and will target investment at a range of different facilities, including arts centres, theatres, galleries and museums, as well as artists' studios and creative spaces. I will be opening a further stream of funding under this scheme in the coming weeks and this will provide smaller capital grants of up to €20,000 to not-for-profit organisations with a defined arts and cultural remit. While the amounts involved are relatively modest, the grants will in themselves make a huge difference to individual organisations and will be of particular benefit to local cultural centres throughout rural Ireland. I will make an announcement once the scheme is open to applications.

This kind of investment is at the centre of what I am trying to achieve through Creative Ireland and the Action Plan for Rural Development. The fourth pillar of the action plan is Fostering Culture and Creativity in Rural Communities. The key objectives of this pillar are: to increase access to the arts and enhance cultural facilities in rural communities; to develop and enhance further culture and creativity in rural Ireland through the establishment of culture teams and creativity hubs as part of the Creative Ireland programme; and to promote the Irish language as a key resource in Gaeltacht and other rural communities. In addition, a dedicated

budget of €1 million has been allocated to the local authorities towards the implementation of initiatives under pillar 2 of the Creative Ireland programme, Enabling Creativity in Every Community.

Deputy Peter Burke: The Minister may remember when, on her visit to Moate with Councillor John Dolan last year, she stopped at a number of locations including Dún na Sí, met the Moate performing and visual arts group and Moate Action Group and saw the great work that was done in the town in recent years. The town has been benefiting from funding from this Government. During the Minister's visit to Moate performing and visual arts group, she saw the huge facilities that need to be upgraded at the relevant location. There are a number of students and staff who are doing their very best to bring culture into the lives of younger people and back into the area and put on many performances. The club was established in 1998 and prior to that was an offshoot of another group established in 1981. The Minister will remember the performance the students gave on a very cold afternoon. She could see at first hand the passion they had in giving that performance. We need to bring culture into areas like that. Areas like that will benefit from this measure. It is good to see that schemes like this can benefit and apply under one of these measures.

Deputy Heather Humphreys: I was delighted to visit Moate last year. There is an excellent local action group in place down there that is doing powerful work in the town. I have used Moate as an example of how communities can come together within a town because what they are doing in Moate is wonderful. I was delighted to be able to support them with funding under the town and village renewal scheme. As the Deputy said, I met the Moate performing and visual arts club and the local dance troupe - full of young performers. They put on a wonderful show. As the Deputy said, it was a very cold day. It is a great community facility and they take great pride in it. They had all of their pictures and awards displayed from down through the years. There was a vast array of costumes as well.

That is the sort of community-based facility in rural Ireland that I want to see supported as part of the small scale grant scheme that I will be announcing shortly. The third stream applications will be much less onerous than the applications for the first and second streams in order to make it easier for the local community groups to apply. I would certainly encourage them to get the forms filled out and get them in as soon as the scheme opens. Those are the types of facilities that I want to see supported. That type of vibrant community-based facility is at the heart of the community. One sees young children learning how to dance and families coming together and meeting. It is wonderful. We want to support that kind of vibrant community right across the country.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Road Network

Deputy Eugene Murphy: Cuirim fáilte roimh an Aire, Teachta Ross. Is é seo Seachtain na Gaeilge, so úsáidfidh mé cúpla focal Gaeilge. I am glad the Minister is in the Chamber as I highlight the urgent need to upgrade the N5 national primary route from Dublin to Westport,

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particularly between the villages of Termonbarry and Ballaghaderreen in County Roscommon. Along this stretch, numerous accidents have occurred. There has been much loss of life over the past 30 years.

Many of my constituents and many of the people along the route have been lobbying me very strongly on this issue for a long period of time. Crossing the River Shannon, one enters the village of Termonbarry. It is a village that has grown hugely in recent years. The volume of traffic coming through that village is highly significant. The difficulty is that much of that traffic is travelling at very high speed. It is a danger to pedestrians, cyclists and others. Let us move about eight miles up the road to a place called Scramogue Cross. It is a well-known landmark. Along this route, there have been many accidents. There is an accident almost weekly, and that is not an exaggeration. It is a staggered crossroads.

Coming along the N5, one meets a major regional road. It takes traffic coming from the north. That traffic comes through Ballinamore, Carrick-on-Shannon, Roosky and then crosses the N5 and goes down towards Athlone and the south if it is going that way. The junction is very busy. There have been numerous accidents in this location. It would not be an exaggeration to say that many people are scared to death driving through Scramogue Cross. It is a real death trap and urgent attention is needed to address this situation. There are also major visibility problems in the village of Frenchpark. Motorists take their lives in their hands on a daily basis trying to negotiate dangerous junctions on the main N5, while there are accident black spots near Tulsk village. There is a school located in that village as well.

I have frequently called on the Taoiseach to include the upgrading of the N4 between Mullingar right up to Donegal through Longford and Sligo into a motorway, as well as upgrading the N5 between Scramogue and Ballaghaderreen, in the capital programme. It is essential that both of those roads are brought into the capital programme for 2017 as they are vital infrastructural links to the west. It is vital to upgrade those routes as they have been severely neglected. Apart from the Galway road, there is no motorway to most of the west or north west, where in excess of 500,000 people live.

I call for a clear commitment that the N4 and N5 be included in the capital programme for 2017. The glaring omission of funding from the N4 and N5 from the much-lauded rural revitalisation plan was only one of the problems with the plan. We see this with regard to developing rural Ireland. We must have both of those roads made safe in the first instance and then developed properly. I appeal to the Minister to deal first with the short-term issues of safety and, in the long term, to use all of his influence to get both the N5 and the N4 into the capital programme of 2017.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Eugene Murphy for the opportunity to address this important and very interesting matter.

As the Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding of the national roads programme. The planning, design and implementation of individual national road projects is a matter for Transport Infrastructure Ireland, TII, under the Roads Acts 1993 to 2015 in conjunction with the local authorities concerned.

Ireland has just under 100,000 km of road in its network and the maintenance and improvement of national, regional and local roads places a substantial financial burden on local authorities and the Exchequer. As a result of the national financial position, there have been very large

reductions in Exchequer funding available for roads expenditure over the past number of years. Within its capital budget, the assessment and prioritisation of individual projects is a matter, in the first instance, for TII in accordance with section 19 of the Roads Act.

As Minister, I have to work within the capital budgets included in the plan and TII, in turn, must prioritise works on the basis of the funding available to it. TII does allocate funding specifically for safety works based on its analysis of the network. This year, it has allocated approximately €17 million for such works. Under its HD15 programme, safety works are based on an analysis of accident density across the network and those sections of the network with considerably higher than average accident densities are selected for analysis. Sections of road which are amenable to engineering solutions are prioritised for treatment. In addition, TII operates a HD17 programme based on road safety inspection reports. These reports indicate which issues, for example, signing, lining or safety barriers, need to be addressed on different sections of road and programmes are drawn up to deal with the priority issues. It should be noted that good pavements also contribute to road safety and TII has allocated approximately €50 million for pavements in 2017. I understand that TII has recently completed a collision cluster analysis on the most recent three years of An Garda Síochána collision data and has identified four sites on the N5 in Roscommon for further examination - two east of Tulsk and two east of Frenchpark. Roscommon County Council will examine these sites over the coming months with a view to identifying whether engineering solutions will improve safety at these locations.

Regarding Scramoge Cross, a preliminary examination of the collision statistics for the N5 at this location does not indicate a collision cluster there. However, it may be the case that the road authority concerned, Roscommon County Council, has more up to date information available that indicates that road safety improvement measures may be warranted. In order for TII to consider any such proposals fully, the road authority is required to carry out an analysis of the collision history at the location in consultation with the local gardaí. If a collision cluster is identified at the location that could benefit from an engineering solution, the road authority should design an appropriate scheme to deal with the safety issues identified, carry out an economic appraisal of the proposal, fully cost the scheme, prepare a feasibility report on the scheme and prioritise the scheme in regard to other works being proposed at this time by Roscommon County Council. Roscommon County Council is proposing an N5 Ballaghaderreen-Scramoge road improvement scheme which I understand extends from the eastern end of the Ballaghaderreen bypass to Scramoge, a distance of some 33 km. Given the limited funding envelope available under the plan and the primary focus on maintenance and renewal of the network rather than new projects, this scheme is not currently included as part of the plan. TII has, however, provided an allocation of €700,000 to Roscommon County Council for the scheme this year to enable the planning process to progress. I am aware that Roscommon County Council has recently completed the business case, environmental impact statement and compulsory purchase order documentation for the proposed N5 Ballaghaderreen-Scramoge road project.

All major capital projects are subject to the project appraisal requirements in the public spending code and my Department's common appraisal framework for transport projects as well as the An Bord Pleanála planning consent process. In this context, a cost-benefit analysis for all schemes costing over €20 million is required as part of the business case for the project. In line with the project appraisal requirements, each cost-benefit analysis needs to be assessed by the economic and financial evaluation unit in my Department and then reviewed by the Department of Public Expenditure and Reform. The cost-benefit analysis for the Ballaghaderreen-Scramoge scheme has been submitted to my Department for evaluation. If the cost-benefit analysis were

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to be found compliant with project appraisal guidance, a separate decision would be needed on the business case, which takes account of the availability of funding for the project. It is not possible at this point to indicate what the outcome of the project assessment process will be.

Deputy Eugene Murphy: There is some positive news and some not so good news. I welcome the fact that some safety works are to be carried out east of Tulsk and Frenchpark. I have no doubt that this work needs to be done.

The Minister seems to be well apprised of the route. I welcome that. He and his officials have done their work on it. I must state again, however, that the problem starts in Termonbarry village just as one crosses the River Shannon from Longford into Roscommon. That area has grown considerably in recent years. It is a very busy village. In general, the traffic obeys the rules but a significant amount of traffic, particularly lorries, is flying through the village. People are very afraid of serious accidents, even death. There have been some accidents there.

Let me move on to Scramoge Cross, that well known landmark. It has to be on the Garda records that there are weekly incidents there. Traffic coming off the regional roads creates issues as it crosses over the N5. There have been people injured. As the Minister was speaking, I could recall at least 20 people who lost their lives along that route over 20 years. The number is probably higher. It is a significant loss of life.

While I welcome what the Minister said in regard to some of the works to be carried out, I ask him and his officials — I will take this up with Roscommon County Council — to re-examine Scramoge Cross and Tulsk village, a very fast-growing village with a school in the middle. Issues also arise outside Strokestown.

Flashing lights have been erected along the route where there are very acute bends. I am sure the Minister is aware of them. The lights indicate to motorists that they should slow down or drive go mall. They are very cheap to install, costing approximately €11,000. If we could agree to install more of these lights in the short term, it would be beneficial. Where they have been installed, the number of accidents has been reduced. They definitely make motorists more aware. I am sure the Acting Chairman, Deputy Bernard Durkan, has seen these lights operating. In the interest of safety and saving lives, I ask the Minister to re-examine the route in question. I invite him to visit some day with me. It will take him an hour to go along the stretch of road I am talking about. He will get there from Dublin in an hour and a half and will be back in Dublin in another hour and a half. He should come and enjoy the nice, warm atmosphere in Scramoge in County Roscommon and have a look at the route himself.

Deputy Shane Ross: I thank Deputy Eugene Murphy for his invitation. I am terrified of accepting invitations in this House because it causes turmoil. People expect me to keep to those commitments. At some stage, I will visit but I ask the Deputy not to hold me to a date. I would be delighted to see the area in question.

The Deputy is kicking an open door when he talks to me about safety. I hope he will take that as genuine. Road safety is the top priority in my Department in the transport area because of the awful loss of lives. The Deputy will be as aware of the figures as I am and that the number of fatalities rose last year and is rising again this year. This is utterly and totally unacceptable. I have asked TII specifically to identify what it calls collision clusters. The fact that some of the blackspots mentioned by the Deputy have not featured at the top of the lists should be taken as encouraging but I gather there are some up to date statistics that we should look at. I

promise the Deputy that if the up to date statistics do justify the treatment to which the criteria already apply, I will ask the authorities to regard this as a priority. It seems that, among the difficulties, safety is the one that really matters.

When one is talking about areas such as Tusk or other black spots, the answer is that I will see that they receive the attention they merit. We look forward to new figures. If the Deputy can produce them himself before the local authorities and they are authentic, I will certainly act upon them as soon as I possibly can. His commitment is genuine because I want to see the figures come down. I want to see lives being saved; it is as simple as that. It is imperative. I cannot give a commitment on whether the requirements concerning the N5 and N4 will be included in the capital programme but they will certainly be considered. I can assure the Deputy of that.

Mental Health Services

Deputy Tom Neville: I wish to raise the issue of delays and waiting lists associated with child and adolescent mental health services, CAMHS, in Limerick and the mid-west. CAMHS are consultant-led, community-based services provided by six multidisciplinary teams in Limerick city and county. The city and county services cover an age group from zero to 18. Those in Clare cover zero to 18 and north Tipperary services cover zero to 17. I have read articles in the past that referred to ages zero to 16 in north Tipperary and Clare but that has obviously changed. That said, an age range from zero to 17 does not cover those aged 18, which is the age of adulthood. I would like clarification on this. If somebody goes on a waiting list at 16 and is on it for approximately two years, he is pushed over the 18 years threshold, thus implying he will never have got to avail of the child and adolescent mental health services.

In Limerick, the emergency and out-of-hours service offers a same-day assessment from Monday to Friday for children presenting in crisis. Consultant child psychiatrists provide an out-of-hours service to the emergency department in University Hospital Limerick but this is not replicated across the country. If inpatient treatment is required, the first preference is to admit the child to a dedicated CAMHS unit in Galway, St. Anne's. If the unit is experiencing temporary capacity pressure, then admission to a paediatric ward or public unit with special staffing arrangements in place is considered. That information is from the HSE itself. Why are there not CAMHS beds made available in Limerick? This was called for in this House some time back by my predecessor and also by me in one of my first speeches here. I have had no update on that. The circumstances that obtain have considerable implications for the people of Limerick and the mid-west. This obviously affects north Tipperary and County Clare also.

In Limerick central, there are 25 on a CAMHS waiting list. In Limerick east there are 56 and in Limerick west, which I represent predominantly, there is a waiting list of 63.

The HSE has outlined the factors that are currently affecting the Limerick waiting list. One is the fact that two members of the west Limerick team are on extended sick leave, with a consultant on leave for over two months and a social care leader on leave for over six weeks. Why are some temporary staff measures not put in place to alleviate this? We do not know how long these people might be out of work. That is not their fault but I know from working in the private sector that there are flexibility arrangements whereby when somebody is out of work, somebody else can come in and take their place temporarily. It is a demand-led service. Another issue is that one psychologist on the west team was not replaced while on maternity leave and is due back at work before the end of March. Again, why is there

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no flexibility to alleviate this situation? Staff members who have resigned and have yet to be replaced on the Limerick team include one senior psychologist, a nurse, an occupational therapist and a community health doctor, CHD. All have been approved for replacement but why have they not been recruited?

Routine appointments were not scheduled for at least ten days to accommodate the move of the three Limerick teams to a new premises at Rosbrien Road during February 2017. That will greatly enhance the provision of the service and I welcome that. In addition, the HSE states that new referrals have increased by 15% from January to February 2017. There is an increase in demand but flexibility arrangements are not in place when people are off sick and obviously the recruitment arrangements have not been put in place to recruit staff. I would welcome clarification on these issues.

Minister of State at the Department of Health (Deputy Helen McEntee): I thank the Deputy for raising these issues. The policy of the HSE, as reflected in its annual service plan, is that young people under the age of 18 years should receive age-appropriate treatment and, when necessary, be placed in age-appropriate settings. That does not happen 100% of the time but achieving that is the goal.

Child and adolescent mental health services, CAMHS, have been prioritised in the new funding that has been made available since 2012. In terms of additional resources it means we now have 67 CAMHS teams. I do not claim these teams are operating at 100% capacity because we know they are not. We have three paediatric liaison teams and there are 66 operational CAMHS beds nationally. While 66 beds are operational, there are 76 beds in total but there is a difficulty with the recruitment of staff. Until we hire the staff we cannot open the full number of beds. The Deputy referred to the 20 beds that were promised in Limerick. As far as I am aware, this dates back to the term of the former Minister of State, former Deputy Tim O'Malley. There was discussion at the time about opening a new unit in Limerick. However, if one adds the 76 beds, anticipating that we fill the staffing needs, with the new beds that will be available in the new Central Mental Hospital, that will bring the total to the amount that was recommended in A Vision for Change. Obviously, a review of A Vision for Change is taking place at present, including of the figures. As the Deputy said, the number of people referred in the Limerick area alone has increased by 15% and the increase in the number of children coming into the system this year is approximately 8,500, so the figures must be revisited. I am not sure if Limerick might come back into the frame at that stage.

It is important to stress that a lack of funding for mental health services is not the problem. The Deputy correctly pointed to the difficulties with the recruitment of staff. As regards the two staff members who were sick, the difficulty is that it was extended leave so one does not know when they will return. Replacement for maternity leave is a problem across the board and particularly in mental health services, where a huge number of nurses are young women. The fact that we cannot replace any maternity leave is something we are trying to work on outside the Department of Health as well. In the case of new staff, replacements have been approved but the services have been unable to fill the posts. There is a huge difficulty with recruitment and retention of staff and it has nothing to do with funding.

The new standard operating procedure introduced in June 2015 has provided greater clarity and consistency in how the specialist mental health service for children is delivered nationally. A huge amount of work is being delivered by the HSE, which is trying to ensure that younger people stay away from the CAMHS. CAMHS should be specifically for young people under

the age of 18 years who have severe mental health problems. There are self-harm nurses in all the level 4 hospitals. They not only work with young people but also train people within the hospital on how to deal with young people when they come to the hospital. We have developed new eating disorder hubs and the dual diagnosis clinical programme, for young people who present with alcohol and drug related issues which are affecting their mental health as well. There is also the development of the new transgender programme, which at present is focused on people over 18 years of age. However, there will be a new programme for young people as well.

The HSE service plan for 2017 provides for further development of the CAMHS, including better out-of-hours liaison and seven-day response cover against a background where we expect an increase of 8,500 young people this year. Approximately 18,500 children will attend CAMHS this year, including approximately 14,000 referrals. All of this information is available on the HSE website. With regard to community health care organisation, CHO, 3, which includes Limerick, consultant-led community-based services are provided by six multi-disciplinary teams in Limerick city and county, Clare and north Tipperary. To answer the Deputy's question regarding children under 18 years, the reason there are no services for 17 year olds in north Tipperary is that this requires a clinician or consultant post and the HSE has been unable to fill that post.

Deputy Tom Neville: I thank the Minister of State. I do not question her commitment to this issue. One of the big developments she has progressed is the 300 hours of mental health classes to help students maintain their well-being in the post-primary school sector. That is very welcome in terms of prevention and helping people as early as possible. However, I must highlight my frustration and that of the people who are on the waiting list in this regard. We must conduct an examination of work practices if there is no flexibility with regard to providing cover for people on certain types of leave or on indefinite sick leave. The bottom line is that people on the waiting list are suffering and the waiting list is increasing because of this. It is a demand-led service.

I have worked in the private sector for most of my professional life. When one works in a demand-led service and one of the team members is out of work, there is a flexible arrangement or a flexible work model in place whereby somebody or the team can cover those hours to maintain the service. That is something we must examine with respect to everybody working in the service. I do not question their commitment and enthusiasm in how they approach their work but this is a systemic change that we must examine. Obviously, there are recruitment challenges and the HSE must work harder in addressing the recruitment shortfalls. It must find solutions to this. There is always a solution in recruitment. The issue is finding it and looking at how the HSE is working on this. However, I must highlight that people are on these waiting lists and we must catch these problems as early as possible because this is all about early intervention.

Deputy Helen McEntee: I fully agree with the Deputy. The Minister for Education and Skills is present and he will be responsible for rolling out the 400 hours of health and well-being classes in our schools, which are much needed. This is an area we must focus on more and develop further. Again, it means keeping our young people out of the mental health services and specifically out of CAMHS. When one looks at where the funding is going, one sees that 80% goes towards the specialist services which are dealing with 20% of our people. We need to start bringing more of those people into the primary care services under the primary care teams. We are developing these programmes outside the clinical specialist CAMHS teams so that young

people do not have to go into the CAMHS.

We have also found, and this is a snapshot of the whole country and not just of the Deputy's area, that the number of people waiting under three months is over 1,000 but that the number has come down dramatically. The number of people waiting over 12 months has halved in the last two years. We have found that many of the people who are waiting up to 12 months are waiting for a diagnosis. The system has turned into one where if one manages to get a diagnosis, one finds one is able to access services or the supports one needs much easier. That is not the way we should be going. Sometimes there are young people in the CAMHS who do not have a severe mental health problem but they are left within the system for too long waiting for that diagnosis. That is something we are trying to address at present with the development of services through education, our primary care system and through the CAMHS.

I agree that we have a massive difficulty with the recruitment of staff for our CAMHS teams. Some of the teams are operating at less than 50%, which is not adequate. A body of work is being done at present to examine how we can bring in various other organisations or skills that will be able to work with our younger people who do not require specialist psychiatric nurses or the clinical teams. I will keep the Deputy updated on our progress.

Compensation Schemes

Deputy Carol Nolan: Tá mé buíoch go bhfuil an deis seo agam labhairt ar an topaic fíorthábhachtach seo um thráthnóna.

I want to discuss the State's approach to the Louise O'Keeffe ruling and in particular, its interpretation of that ruling and the impact for survivors of sex abuse at State schools. As we know, Louise O'Keeffe was involved in a 20 year legal battle against the State for justice. It was only when she went all the way to the European Court of Human Rights that she received justice and an acknowledgement of the horrific abuse inflicted on her as a school child and of the failure of the State to protect her from that abuse.

Unfortunately, for hundreds of other school child sex abuse survivors, their day of justice never came and the State has done everything in its power to ensure that, for the majority, it never will. Due to the very narrow interpretation of the ruling of the European Court by the State, many survivors have been effectively locked out of the *ex gratia* scheme. In particular, the State's interpretation that a prior complaint of sex abuse must have been made in order to fulfil the terms of the scheme has meant that a lot of survivors have been deprived of a remedy for the failure of the State to protect them. The Irish Human Rights and Equality Commission, IHREC, and the Child Law Clinic of University College Cork, which was heavily involved in the original case, have made numerous submissions to the Council of Europe on this point and have clearly stated that this interpretation is not in line with the O'Keeffe ruling. In its latest communication on this issue, the IHREC also pointed out that the most recent unsuccessful claims brought to the High Court were found to be statute barred and no finding was made that the facts of the cases were distinguishable from the facts in O'Keeffe case.

I am aware of situations where survivors of abuse were written to by the State and told that if they did not drop their cases, they would face thousands of euro in costs. That is not right. As we know, after the initial unsuccessful Supreme Court case by Louise O'Keeffe, 210 plaintiffs dropped their cases. They felt forced to do so and they are now statute barred from bringing

their cases to court and are not eligible under the payment scheme. Out of 350 cases, just six have been settled under the scheme and a relatively small number have been processed. Will the Minister for Education and Skills commit to ensuring that survivors have access to the justice they deserve by implementing the O’Keeffe ruling in full? I ask him to widen the terms of the scheme to ensure that those who dropped their cases as a result of letters sent to them by the State containing threats of legal costs can access the scheme.

Minister for Education and Skills (Deputy Richard Bruton): The legacy of sexual abuse against children, whether in residential institutions, day schools, or in any other setting, is truly appalling. It is impossible even to imagine what some of these people have gone through. I have enormous sympathy for anyone who suffered abuse. When the trust between a child and an adult responsible for his or her care is breached, the child’s life is altered completely.

It has been a major project of recent Governments to deal compassionately, humanely and fairly with the victims and survivors of abuse. In the Louise O’Keeffe case, in January 2014, the European Court of Human Rights found that the State has liability in these cases in specific circumstances, namely, where there was a prior complaint against the abuser in question and where the case is not statute barred. In the three years since the O’Keeffe judgment the Government has submitted six action plans to the Council of Europe outlining the response of the State to the issues identified in the ruling. These include the review initiated by the Government of current and planned child protection mechanisms in the school system to ensure that they meet best practice standards. The action plans also refer to various legislative developments, particularly the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, which was commenced in April 2016 and requires vetting of all staff to be undertaken. In addition, the Teaching Council (Amendment) Act, 2015, all sections of which were commenced by November last year, provides for the vetting of all teachers. The Children First Act 2015, a number of sections of which have been also been commenced, provides for the mandatory reporting of incidences by persons in positions of responsibility. The action plans also refer to the updated child protection guidelines for schools in respect of the commencement of statutory requirements for Garda vetting.

On the question of compensation, the Government has put in place a process to provide compensation for all victims of sexual abuse who come within the terms of the judgment. Following the Louise O’Keeffe judgment, the Government agreed that out of court settlements be offered to survivors of abuse whose cases come within the terms of that ruling and are not statute barred. Subsequently, in July 2015, the Government approved proposals, on the same basis, to offer *ex gratia* payments up to a maximum of €84,000 to those who initiated legal proceedings in cases of school child sexual abuse against the State but who subsequently discontinued their claims. Persons who believe that their cases come within the criteria can contact the State Claims Agency and provide supporting evidence. At this stage, I cannot say how many cases in this category will satisfy these criteria. Where there is a disagreement between the State Claims Agency and the individual as to whether their circumstances come within the terms of the European court’s judgment, provision is being made for the application to be reviewed by an independent assessor. In these settlements, the State will not be covering the liabilities of the perpetrators, school managers, patrons or other co-defendants. A person who suffered abuse or injury in school had recourse to report the matter to the relevant school or to the statutory authorities. Victims of sexual assault may bring cases for compensation through the courts for the injuries and loss they have suffered.

While I cannot comment on individual cases, where plaintiffs institute claims against the

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State in relation to historic child sexual abuse which are not statute barred and come within the terms of the Louise O’Keeffe ruling, the State Claims Agency is authorised to make settlement offers. The agency continues to engage with litigants’ solicitors to clarify the circumstances of new cases and to make settlement offers where the claims come within the terms of the European Court’s ruling and are not statute barred. Survivors can submit their details to the State Claims Agency. Where the agency does not accept that the criteria are met, the facts will be reviewable by an independent assessor who is being appointed.

Deputy Carol Nolan: I thank the Minister for his response but I am extremely disappointed. I have met a group of sex abuse survivors, the Creagh Lane group in Limerick, whose lives have been destroyed. We need action here. We must defend those people and make sure that they get justice.

The letters that were sent to the people who were claiming that they were abused were sent during the Dáil’s summer recess. Several victims approached their local representatives about the letters but Deputies could not challenge the Minister or the Government. There is a question to be answered regarding the timing of the sending of those letters.

It is blindingly obvious that this scheme is not fit for purpose. It is my understanding that a relatively low number of applications have been processed to date and the vast majority of them have been declined due to the narrow criteria used. Clearly the Government has not listened to the Irish Human Rights and Equality Commission on this matter. Even the courts have been critical of the approach of the State on this particular issue. In his judgment last year, Mr. Justice Barrett said that survivors might be forgiven for wondering if they will ever live to see the day when such injustice as may have been done to them is finally righted by a “foot-dragging State”, to the extent that money can ever be a remedy for certain injuries suffered. Yet in the aftermath of that judgment, the State Claims Agency wrote to 107 plaintiffs again to tell them that they faced huge legal bills if they did not drop their cases. Seven of them did drop their cases. This happened on the Minister’s watch.

The Government’s approach on this issue is wrong, both morally and legally. It is causing untold distress to survivors of school child sex abuse. The Government appears to be more concerned with limiting damage to the State coffers than providing comfort and closure to survivors. That is what the survivors want. All that the members of the aforementioned group from Limerick want is closure and that is what this scheme is designed to do. I once again urge the Minister to reconsider the Government’s approach to this issue and to ensure that survivors can access the justice they deserve. It is the least the Minister can do.

Deputy Richard Bruton: I am no lawyer but the European Court of Human Rights has ruled that the State has a liability where there was fault involved. The fault that it has established is where there was prior abuse established and it failed to act. That is the criterion that is being applied. The State did not run the schools in question and the court established that had the State been aware or should have been aware because the information was brought to the attention of those in the schools and the State could have been aware, that is when the liability occurs on the State. We were following the European court judgement in this respect. As I outlined, we are providing compensation that does not require people to go to court to get compensation where those circumstances were met.

Obviously, we have a wider obligation which is also part of the court ruling, which is to report on the protections we are putting in place to ensure children in our schools are now fully

protected. As I outlined in the reply, a considerable effort has been made to put new procedures in place as follows: the compulsory vetting of all sorts of staff, including of teachers through the Teaching Council; now the Children First guidelines and in time the mandatory reporting requirements; and the obligation for child safety statements to be developed and for risk assessments to be put in place by these institutions. The law is continually evolving to ensure we protect children in these circumstances. The response of Government has been in accordance with the court ruling where State liability only arises in those circumstances where the State knew of the prior offences that were involved.

Waste Disposal

Deputy Willie O’Dea: I thank the Ceann Comhairle for allowing me to raise this very serious issue which has most profound consequences for my region. I refer to proposals from Irish Cement Limited to seek planning permission at its plant in Mungret, County Limerick, to switch from burning fossil fuels to burning used tyres and other combustible materials, including domestic waste. The plant in Mungret is located in the centre of a population of roughly 20,000 people on the western suburbs of Limerick. It is the fastest-growing suburb of Limerick, with planning applications for thousands more houses in the area. Of course, the impact will not be just on people in the immediate area, but will be felt citywide and in the city’s surrounds.

The people immediately affected by this proposal have expressed major concerns. We have had numerous meetings and a huge march is planned for Saturday. More than 2,000 letters of objection have gone to the Environmental Protection Agency, EPA, already. The people are worried about the potential for this changed situation to release cancer-causing dioxins into the atmosphere. The people’s concern is exacerbated by the appalling track record of this company at the Mungret plant with two major blowouts in 2006 and 2013. It is further exacerbated by the fact that it is crystal clear that there are insufficient regulatory safeguards in the plan the company has submitted to Limerick and County Council.

In addition the failure of the EPA to gather any baseline data on air quality is mind-boggling and incomprehensible. Has the Department, the HSE, the EPA or any other agency undertaken a public-health risk assessment of this proposal? Incineration on the scale envisaged brings huge dangers, but there appear to be no plans in place to guard against those dangers. The EPA’s State of the Environment Report 2016 stressed the critical importance of air quality to community well-being. What reassurances can the Minister give us now that the burning of 90,000 tonnes of industrial waste, including tyres, solvents and plastics, will not have an adverse effect on air quality to the detriment of the community?

With further plans for a gasification plant in Shanagolden, which is also in County Limerick, the importation of industrial waste into Foynes, which is also in County Limerick, not to mention Platin and Poolbeg, is there an undeclared strategic plan to turn Ireland into a hub for the incineration of waste from around the world?

In the course of the interaction between the various authorities and the protesters - the objectors to the proposal - very serious concerns have been expressed to me about the Environmental Protection Agency. These include concerns over the lack of resources and expertise of the Environmental Protection Agency, concerns over flawed governance and accountability, and fundamental concerns that there is an institutional bias in the Environmental Protection Agency in favour of industrial development to the detriment of monitoring and enforcement. In addition,

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serious concerns have been expressed at what I can only describe as the token involvement by the HSE despite major unanswered questions about the long-term public-health risk.

Deputy Richard Bruton: I apologise on behalf of the Minister, Deputy Naughten, who is unable to be here. He asked me to reply on his behalf.

Three regional waste management plans made by the local authority sector in May 2015 for the period from 2015 to 2021 highlighted the need for an additional 300,000 tonnes of thermal treatment capacity for residual municipal waste in the State. The plans, which are available to download at <http://www.epa.ie/wastc/policy/regional/>, articulate that the additional need is determined by analysing future projections and is based on a number of assumptions as set out in the plans.

In accordance with the provisions of the Waste Management Act 1996, the preparation and adoption of a waste management plan, including in respect of infrastructure provision, is the statutory responsibility of the local authority or authorities concerned, and under section 60(3) the Minister is precluded from exercising any power or control in the performance by a local authority, in particular circumstances, of a statutory function vested in it.

The role of the Minister in waste management is to provide a comprehensive legislative and policy framework through which the relevant regulatory bodies, such as local authorities and the Environmental Protection Agency, operate. Government waste policy is set out in A Resource Opportunity - Waste Management Policy in Ireland. That policy is predicated on the waste hierarchy, whereby the prevention, preparation for reuse, recycling and recovery of waste is preferred to the disposal of waste.

Thermal recovery activities, where the principal use of waste is as a fuel to generate energy, sit on the recovery tier of the waste hierarchy and have a role to play in reducing our dependence on disposing waste to landfill. The State has made huge progress in this regard. Landfill of municipal solid waste has decreased from 92% in 1995 to 41% in 2012. This also reflects the increase in recycling and recovery of municipal solid waste from 8% in 1991 to 59% in 2012, the first year that the percentage tonnage of municipal waste managed for recovery at 59% exceeded the percentage tonnage managed for disposal at 41%.

The EPA's State of the Environment Report 2016 highlights that the most significant change in residual waste treatment since 2012 has been the shift from disposal to landfill, to energy recovery. The report notes that the export of waste for energy recovery has increased significantly in recent years and, though this has moved the treatment of waste up the waste hierarchy and away from landfill, it has also left Ireland vulnerable in terms of our reliance on waste export markets and the loss of jobs and energy in the material we export.

Those concerns were highlighted by the lack of capacity to manage municipal waste adequately in 2016 which ultimately resulted in the temporary emergency use of landfill. We need to build on our recent achievements and, in line with Government policy, continue to strive to prevent and recycle waste to the greatest extent possible. The recovery of waste also has a part to play in minimising the impact on the environment and assisting in meeting targets and obligations under current and future EU legislation. We all wish to avoid a repeat of the scenario from the 1990s, whereby practically every county in the State had an operating landfill. Burying waste in the ground is not only detrimental to the environment in terms of managing the resultant leachate and greenhouse gas emissions but also detrimental to the creation of jobs and

energy through the development of recycling and recovery processes.

Deputy Willie O’Dea: I thank the Minister for delivering the reply on behalf of the Minister, Deputy Naughten. However, it provides cold comfort to the residents of Mungret, Raheen, Balinacurra, Clarina and all those other heavily populated districts which will be immediately affected if this proposal proceeds. I take the Minister’s point that Limerick County Council is responsible for planning and we do not seek to interfere with the planning process in any way. However, the Government must have responsibility for national policy on incineration. It must also be conscious of the fact that the performance of incinerators in this country is patchy at best with consequent implications for people’s health.

Is the Minister aware that Limerick city already has one of the worst levels of pulmonary disease in the country? As I will be facing the people on Saturday, will the Minister give me a guarantee there will be no adverse consequences for public health in terms of air quality, pollution or the potential for a serious accident or filter failure? Will he give me a guarantee that there will be no reputational risk to the dairy sector in the area which is vital to the local economy or to tourism, another fundamental prop of the local economy, or to the plans, to which his Government has averted, to turn Limerick into a business hub by 2030?

Deputy Richard Bruton: I acknowledge the concerns the Deputy has raised. The Environmental Protection Agency, EPA, is a professional agency set up by the Oireachtas. I know the Deputy is casting doubt on its governance and its bias. However, it is an independent agency and has a strong reputation and strong powers. It licenses and controls emissions levels. To be fair to the Minister, Deputy Denis Naughten, he does not have authority in the planning decision in this case and nor does he control the EPA. It would be regarded as wrong if he were to be the Minister controlling the EPA. It has an independence because it has a statutory remit to protect people, to ensure operations of this nature are run according to the licences with which they are issued and that those licences are drafted in such a way as to protect the public interest. I have no doubt that the EPA, as well as the local authority, will be sensitive to the concerns and determined to ensure the protection of people in any decisions it takes. The Minister has no power in monitoring or enforcing those responsibilities which the Oireachtas gave to the EPA to execute. It has a good track record in that respect.

I will convey to the Minister the Deputy’s concerns. I understand them as similar concerns were expressed in Dublin with the establishment of a similar plant in Ringsend. We have professional organisations both assessing licences and monitoring them. Those bodies have the primary responsibility and will be alert to the concerns the Deputy and the people of Mungret are expressing to ensure they execute their responsibilities properly.

Commission of Investigation (Certain Matters Relative to Disability Service in the South East and Related Matters): Motion

Minister of State at the Department of Health (Deputy Finian McGrath): I move:

That Dáil Éireann:

bearing in mind the specific matters considered by Government to be of significant public concern arising from the case of Grace (pseudonym), who resided in a former foster home in the South East which is the subject of abuse allegations, as detailed in the

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following reports:

(a) Report of Conal Devine and Associates – Inquiry into Protected Disclosures, SU1 (2012);

(b) Report of Resilience Ireland Ltd. – Disability Foster Care Report HSE South East (2015); and

(c) Report of Conor Dignam SC – Review of Certain Matters relating to a Disability Service in the South East (2016);

noting that the matter raises serious issues about the role of public authorities involved in the care and protection of Grace;

noting that it is the opinion of the Government that a Commission of Investigation represents the best method of addressing the concerns raised;

further noting that a draft Order which the Government proposes to make under the Commissions of Investigation Act 2004 (No. 23 of 2004) has been laid before Dáil Éireann on 7th March, 2017, in respect of the matters referred to, together with a statement of reasons for establishing a Commission under that Act; and

approves the draft Commission of Investigation (Certain matters relative to a disability service in the South East and related matters) Order 2017, and the statement of reasons for establishing a Commission of Investigation.

The House will, by now, be fully aware of the historical abuse allegations which have been raised about a foster care home in the south east and, in particular, about a young woman known as Grace. I wish to reiterate the words of the Taoiseach when he said in this House recently that the very least we can do is apologise to Grace and her family for what was done to her. I wholeheartedly agree with him when he says that Grace's treatment is a disgrace to us as a country. I cannot emphasise too strongly how angered I am about the serious allegations addressed in both the Conal Devine and Resilience Ireland reports published last week and the need to establish the facts of the matter for once and for all. This is the least that the individuals at the centre of this case, and their families, deserve.

The Commission of Investigation Act 2004 provides an effective, prompt and transparent mechanism to investigate complex matters of public concern, while also respecting fair procedures and natural justice. I am pleased to bring to the House the draft order and statement of reasons for establishing a commission in accordance with the legislation. The draft order enables the Minister for Health to set the terms of reference for the commission. The terms of reference, which were drafted in the context of the recommendations in chapter 4 of the report by Conor Dignam SC were approved by the Cabinet this morning. As the draft order has been laid before the House for the purposes of the motion, I propose to focus on its principal objectives and, in particular, the key provisions within the terms of reference.

The draft order contains a number of preliminary recitals and four main provisions. The recitals provide details of the statutory powers under which the commission of investigation is being established by the Government and confirm the date of the Government decision as 7 March 2017. They acknowledge that the Government order may be signed by the Taoiseach when a draft of the proposed order and a statement of the reasons for establishing the commis-

sion have been laid before the Houses of the Oireachtas and a resolution approving the draft has been passed by each House. Articles 1 to 3, inclusive, provide for the Short Title, define the relevant enabling legislation, establish the commission and task it with investigating and reporting on matters which the Government considers to be of significant public concern. This is the threshold for establishing a statutory commission of investigation.

Article 4 designates the Minister for Health as the Minister responsible for overseeing administrative matters relating to the establishment of the commission. The Minister for Health will also receive the reports and discharge related functions under the Act. In addition, the order authorises the Minister for Health to appoint members to the commission. In this regard, I wish to inform the House that the Minister has decided to appoint an eminent senior counsel, Marjorie Farrelly, to be the chair and sole member of the commission. I believe these terms of reference reflect the range of questions which require to be answered in the case of the young woman we refer to as Grace, to protect her identity, and represent our best efforts at allowing the facts surrounding Grace's care to be established within a reasonable timeframe. To accomplish this as effectively as possible within the required timeframe, the commission is asked, in so far as it considers appropriate, to take account of and, where appropriate, adopt relevant information and findings from previous investigations, in particular those investigations already undertaken in the completion of the reports identified in this motion. The commission is also asked to adopt and implement an appropriate working methodology or framework to ensure the report is delivered within the required timeframe. One of the advantages of a commission of investigation is that it is mandated to take oral testimony. While it is essential that all those affected by the matters under investigation get the chance to tell their story, this has never been more important than in the case of vulnerable people who are at the centre of this matter. Establishing an effective dialogue with people who have complex needs and who face communications challenges may be difficult, but it is achievable. Not only is it achievable, but to my mind it is absolutely essential that giving a voice to Grace, after years of acknowledged neglect and abandonment, is central to this whole investigation.

The terms of reference of the commission are focused on a combination of seven distinct headings under which it will be asked to consider Grace's care. First is clarifying the context, in particular the statutory, non-statutory, administrative and governance context which applied in respect of the care and protection of children and vulnerable adults who were in the care of the State. Second is monitoring and review of the care provided by the foster family to Grace. Third is the care and decision-making in respect of Grace from 1989 until before her 18th birthday in 1996. Fourth is the decisions made regarding Grace on reaching adulthood in 1996. Fifth is representations by the male foster carer and another party in 1996. Sixth is the care and decision-making in respect of Grace from her 18th birthday in 1996 up to 17 July 2009. Finally there are other matters, including whether there was any deliberate suppression or attempted suppression of information in Grace's case as well as alleged threats by the HSE to the funding of the agency whose staff made protected disclosures.

Having regard to the facts established through the investigations detailed above, more importantly the commission is also asked to specify the scope of any further investigations which the commission considers warranted in the public interest having regard to the facts established and information in its possession, including the report by Conor Dignam SC and the recommendations in chapter 4 of that report. This includes the recommendations which relate to the care of the 46 other individuals who resided with the former foster family.

I have listened to the views of my Opposition colleagues over recent days, including those

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of Deputy Margaret Murphy O'Mahony, Caoimhghín Ó Caoláin, Róisín Shortall, Catherine Murphy and other spokespersons on disability and have taken on board their views as it is important to us all that an explicit reference is made in the terms of reference to other individuals who resided at this foster home and their care and decision-making. I also welcome the chance for Members of this House to put their views on the record in this debate. I believe that the terms of reference provide a fair and equitable balance between establishing the facts relating to Grace as quickly and effectively as possible while acknowledging and providing for the investigation of the care of the other individuals involved.

The terms of reference require the commission to provide an interim report to me within six months of commencing its work and a final report within a year of its commencement. Given the length of time to be investigated and the depth and breadth of the issues to be considered, I believe this timescale will be challenging but achievable. On the basis that the commission will complete the matters set out in parts 1 to 10 of the terms of reference and will report within a year, the Government has noted that costs, with the exclusion of any third party legal costs which may be approved, are estimated to be in the region of €2.5 million.

An Ceann Comhairle: Will the House agree to allow the Minister of State to complete his statement?

Deputies: Yes.

Deputy Finian McGrath: I thank the Ceann Comhairle for that. This includes the funding necessary to meet the set-up and operational needs of the commission and additional funds to meet the demands attaching to administrative oversight of the commission within the Department of Health. The staffing complement of the commission will reflect the scope of the terms of reference and the challenging timeframe. My Department is engaging with Ms Farrelly, the chair designate, in this regard to ensure the commission is supported in getting up and running as efficiently as possible. The commission will also have the scope and funds, under section 8 of the Commissions of Investigation Act, to appoint persons with relevant professional expertise and skills to assist in its investigations.

I believe that this commission will at last enable us to get to the truth of Grace's care during her years in the former foster home and, more importantly, will enable the facts to be established to the satisfaction of Grace and those who care for her. The Government is confident that the terms of reference, which it has approved, will enable this task to be accomplished within an achievable timeframe, and I commend this motion to the House.

Deputy Margaret Murphy O'Mahony: Fianna Fáil fully supports the proposal to set up a statutory commission of investigation into the events surrounding the Grace case. The formal establishment of this inquiry is long overdue as it is more than six months since the Minister received the Dignam report, and taking into account that the terms of reference for the inquiry have obviously been greatly influenced by the Dignam report, I do not understand why it has taken the Minister of State so long to get to this stage.

The facts surrounding this case are traumatic and very distressing. In light of the long murky history of child abuse in Ireland, people are appalled and upset to learn that a child who was in State care was abandoned and abused while being fostered. This is exacerbated when we realise that other children were removed from the home due to concerns. The appalling allegations that have been made, and the inadequacy of the HSE's response to them, means this

commission of investigation is absolutely necessary.

This is not some distant scandal from our past, from the early years of the State such as the Tuam mother and baby home, which is in the news again. This is a 21st century scandal. The fact is that for all her life Grace has been failed by the State and this failure went right up to 2016, and the issues arising from this failure right up to 2016 will now be investigated. That someone so vulnerable should have been subject to such abuse for so long is frightening and inexcusable, and the revelations keep coming.

Last weekend, Grace's mother told us that she never knew of her daughter's abuse until 2009, despite regular inquiries about her daughter's welfare. Grace's mother trusted in the State and placed her child into care as a young, single mother in the late 1970s as she believed it was the right thing to do for the child. She thought it was in the best interests of her child. For 20 years Grace's mother made regular inquiries about her welfare and was reassured that all was well. She said:

My understanding before all the revelations is that she was happy, she was attending her day services and she was just in a loving caring home. That made me happy knowing that she was happy. Because that is what I was made to believe. That is what I was always told.

At no time before 2009 was she told there was any issue. Now she has received a letter of apology that very understandably she feels she cannot accept and she doubts the sincerity of the letter. The actions of the HSE only serve to buttress this scepticism.

Last weekend, it was also claimed that the HSE waited three years after the completion of the Conal Devine report before contacting the Garda about its contents. The facts of this may be in dispute as the HSE said it had ongoing contact with the Garda between 2012 and 2014. However, the truth is that the HSE has conducted itself so badly throughout this case that we are now at the stage that any damaging claim about it has a whiff of credibility. Even yesterday when the HSE issued a new apology to Grace's mother, it was another ham-fisted effort on its part. Grace's mother, as we know, says that she has many unanswered questions and the HSE had the gall to use this to claim that this was "indicative of just how complex this matter is over a twenty year period". Is it any wonder Grace's mother will not accept its apology when it is couched in such terms. As we discuss the commission of investigation, it is crucial we again acknowledge the bravery and the resolve of the whistleblowers. It is clear that without them we would not be here today. I also pay tribute to the work done by the Committee of Public Accounts, specifically Deputies McGuinness and Deasy, who have been instrumental in bringing this terrible case to public notice. In addition, the reporting and investigations of the *Irish Examiner* and RTE have been relentless and invaluable.

The terms of reference are extensive and detailed and there is no doubt but that the recommendations of the Dignam report have largely been taken on board, which we welcome. We also welcome the requirement that the commission will complete an interim report within six months and a final report within 12 months. This may turn out to be optimistic when we consider the duration of other commissions but it is important to set a challenging target. This matter is urgent. It is clear, though, from the terms of reference that a conscious decision has been taken to put the case of Grace to the front and centre. This is understandable, and my party accepts there is an urgent need to complete the inquiry on Grace first. The terms of reference leave it open to the new commission of investigation to recommend further action and "specify the scope of any further investigations which the Commission considers warranted in the public

interest having regard to the facts established and information in its possession including the report by Conor Dignam SC ... and his recommendations regarding the areas to be examined by a Commission of Investigation contained in Chapter 4 of that report". I know many people want a number of further investigations considered now and I am sure they may well be warranted. We should let the reports on Grace be published first. However - and I am not prejudging the outcome of the commission of investigation - the fact is that to read through the terms of reference is to read a catalogue of failures and deficiencies. It therefore seems unimaginable to me that in the light of what we already know, further inquiries would not be undertaken. Accountability demands no less and it is a matter to which we should return. Nonetheless, it may arise that when reporting in a year's time, the commission finds that it does not consider further investigations warranted. I want to be clear, however, that my party will not accept such a conclusion. The details thus far about other cases may not be on the same spectrum of horror as that of the case of Grace. Furthermore, to include them at this juncture may prolong the investigation of the Grace case. However, the concern is justified and legitimate and cannot be dismissed.

The heinous allegations of sexual and physical abuse by foster parents in the south east behoves the Government to immediately put the national safeguarding policy for vulnerable adults on a statutory basis and I am not alone in urging this. Last November, the HIQA chief executive basically called for the Children First guidelines to be put in place for vulnerable adults and he set out a clear basis for this. Last year, when Grace's case was debated in the Dáil just before the election, one contributor very rightly stated "we must put in place adequate protection measures for all people with intellectual disabilities". That contributor is now a Minister of State and I urge Deputy Finian McGrath to act on his words. The terms of reference for this promised inquiry are finally here and we accept them in good faith. It may be that in a year's time we will be invited to expand them. If this happens, we will be open to that. What is important now is that the commission gets on with its work, does it as thoroughly and efficiently as possible and provides the answers this House, the public, Grace and her mother deserve.

Deputy Caoimhghín Ó Caoláin: It is beyond comprehension how Grace, a young woman with intellectual disabilities, was left in a foster home for 20 years, despite a succession of sexual abuse allegations. It is equally hard to understand how 46 other children were placed in this setting over the two decades up to 2013. This scandalous series of events represents nothing other than gross negligence on the part of the State and the State bodies that have a duty of care to these young people.

So many things were quite simply wrong in this case and there are so many questions as to how this was let trundle on for more than 20 years. Among the starkest realities of the case is the fact that there is no evidence that the foster family in question was ever approved to provide long-term care. In addition, why was there no monitoring, supervision and oversight of care, "no intervention or interactions", as the Conal Devine and Resilience Ireland reports state? How was it that the 1996 decision to remove Grace from the foster home following allegations of sexual abuse was subsequently reversed following representations from the foster father? Why was no contact made with Grace's mother to inform her of the allegations?

Sinn Féin supports the establishment of a commission of investigation. It is vitally important that we get to the bottom of how all of this was allowed to happen to Grace. Based on the terms of reference published today, I would appreciate if the Minister could clarify a number of important points. The information to date suggests that there was only one perpetrator involved in this abominable case. Is this the case? Has this man since passed on? There was an-

other party who made representations to the then Minister for Health, Deputy Michael Noonan, alongside the male in the foster household. That party requested that Grace remain in the foster care setting. Is that person still alive? When did the Garda and the South Eastern Health Board first become aware of all of this, of even the suspicion? Will there be a thorough investigation of how they acted? It is deeply shocking and worrying to note that in a third State-sponsored review of the two reports carried out by senior counsel Conor Dignam, concerns were included pertaining to the shortcomings in the documents available, specifically that documents that would have been of relevance were deliberately destroyed by unknown persons. Do we know who was involved in such actions? Ultimately, will any or all of those who will be shown to have acted criminally be made amenable to the laws of the land?

One cannot forget that a further 46 young people were placed in this setting over the years. I understand that the families of those people have expressed disappointment that this investigation will, for the moment, focus specifically on Grace. While I can absolutely understand their distress, I also understand the logic to investigate incrementally all these matters. Furthermore, it must be stated that point 10 of the terms of reference states that based on the investigation's findings, there will be the opportunity to "specify the scope of any further investigations which the Commission considers warranted in the public interest having regard to the facts established and information in its possession including the report by Conor Dignam SC [...] and his recommendations regarding the areas to be examined by the Commission of Investigation contained in Chapter 4 of that report (including Care and Decision Making in respect of Others)".

In light of all that has unfolded, we need to avoid such abominable failures happening into the future. Every single child should have an allocated social worker. It is incredibly important that the voices of children with disabilities are heard and that they are provided with an independent advocate to ensure their rights are protected. Following the conclusion of this investigation and the publication of the interim and final reports, it is imperative that the recommendations contained therein are implemented and those responsible face due process. No child should ever again have to suffer the way Grace did.

Finally, what of other so-called care settings? Are there, or have there been, other Graces in different placements elsewhere in this sad and sorry land? What efforts are now in train to establish the full truth of the disgraceful standards that have applied in the care of our most vulnerable citizens?

Deputy Donnchadh Ó Laoghaire: Bhí faillí i ndiaidh faillí sa chás seo, gach faillí níos measa ná an ceann a chuaigh roimis - failure after failure, each failure potentially worse than the last. What Grace endured was appalling, shocking and, in truth, heartbreaking. If revelations this weekend regarding Tuam revealed that our failures regarding child protection have deep and institutional roots, then the case of Grace reminds us that our failures to the most vulnerable in our society continue right up to this day.

She and her mother have been failed utterly by the State. I wish to express my concern about the way this has been handled by Government in the past few hours. It is unfortunate that the terms of reference have been published. I recognise that the Minister of State
7 o'clock has taken on board observations from spokespersons. Due to the fact that the terms of reference were published such a short time before this debate, however, it meant the main spokespersons only had a very brief period to look over them. That is not a critique of the terms of reference, with which I am generally satisfied. This is not, however, a good way of doing business. There is a precedent. We will now be potentially looking at expanding the

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terms of reference of another commission of investigation, which an awful lot of Deputies will be dissatisfied with, as happened with the mother and baby homes. It is an example of what happens when we do not get the terms of reference right from the get-go. To ensure that the latter happens, there needs to be adequate time to scrutinise the terms of reference.

I contacted the Minister of State's office and I understand that amendments will not be taken on board. I am not sure when, if ever, a vote will be taken on this. Will the Minister of State clarify that particular point because the language of his contribution was to the effect that this is a motion and, presumably, amendments could be tabled in respect of it?

I want to express a concern about the terms of reference. It is the right approach to prioritise Grace but Part X is not explicit enough in guaranteeing that those other families and children who were in that care setting will get an investigation. It is unfair on the families because they will have to wait a year before they are given any guarantee their cases will be looked into after the conclusion of Part X. That section of the terms of reference needs to be strengthened in order to give those families reassurance and certainty that their cases will be looked into. The systematic issues in care in the south east also need to be looked at. I call on the Minister of State to give a more explicit commitment in the terms of reference in that regard.

I want to reinforce what my colleague, Deputy Ó Caoláin, said on the points raised in the Dignam report, which has largely been followed in the terms of reference and rightly so. The extraordinary and quite shocking allegation that files may have been destroyed, that there was a fear that files would be destroyed or that threats were made about funding on the back of what the whistleblowers were coming forward and saying needs to be a very substantial part of the inquiry.

It is good that the Chairman of the Committee on Children and Youth Affairs is here. It is unfortunate that the Minister is not. This is an issue that relates very substantially to child protection. We need to begin a conversation because this is not the first allegation in recent weeks or months about the way child protection and more recent matters relating to Tusla have been handled. This matter needs to be part of a broader discussion about how Tusla and all our authorities dealing with child protection go about their work. The Devine and Resilience Ireland reports contain 30 recommendations on improving procedures in this regard. The Minister for Children and Youth Affairs and the Minister for Health should outline what has been implemented since then.

The final point I want to make is on foster care. Beidh mé gairid anseo. Foster carers play an enormously important role and without them our care system would absolutely collapse. They cover approximately 93% of all children in care. We owe them a great debt of gratitude. The Irish Association of Social Workers has issued a call in respect of the need for a better framework and better structures to support it in its work but also to ensure the children in those placements are protected. I echo the calls-----

An Ceann Comhairle: Go raibh maith agat, a Theachta.

Deputy Donnchadh Ó Laoghaire: This is my final sentence. I echo the calls by the association to establish a working group on foster care in the near future in order to ensure that any pitfalls that exist regarding those placements are rectified.

An Ceann Comhairle: I thank the Deputy. That was quite a long sentence.

Deputy Brendan Howlin: I said this afternoon - and I am happy to repeat it now - that Deputy Deasy has campaigned with compassion and determination to bring this particularly gruesome story to the full light of day. I also acknowledge the work done by Daniel McConnell, Fergus Finlay, Colm Ó Mongáin, Deputy McGuinness, who is present, and others.

We got two long-delayed reports last week about the service user known to us as Grace. We knew well before their publication that these reports were inadequate. They were acknowledged as inadequate following the report by Conor Dignam, SC. We also knew that this further commission of investigation which we are now charging with this task was inevitable. Nevertheless, we have gathered some more detail about the appalling mismanagement of the Grace case. We discovered that although the HSE had hidden behind the ongoing Garda inquiries as its reason for not publishing these two reports, it has been stated now the HSE did not contact the Garda about these reports until three years after work on them was concluded. At least, that is the information presented to the nation by RTE in documents it received from the HSE under the Freedom of Information Act. This is, among other things, another story about our treatment of whistleblowers and it gives rise to huge concerns and anxieties. How can they be cast aside and ignored as they were? How is the greatest consideration always the defence of the institution and how can self-preservation lead to concealment, cover-up and wholesale dereliction of duty?

I said earlier today that we are well used now to apologies in this House. There are many particular revelations that have necessitated belated apologies to women in particular for organised, systematic suppression and mistreatment that has gone on for decades - in essence, since the foundation of our State. Church, State and other powerful institutions operated to repress the children who stayed at home and sent others into exile. That lasted for the first 50 or 60 years after Independence. We are used now to apologising for the past as if it was a different country inhabited by different people now long past, operating under laws that have now been repealed. This case is different. This is not about historical ill-treatment. This case belongs to the modern era and it survived into this century. This modern Irish State has treated Grace maliciously. We failed a young woman who needed us and when we were nearly done failing her, we kept on failing her. Here we stand again. Over time, apologies start to lose meaning and saying sorry begins to sound hollow. It is long past time to apportion blame. Previously, we were satisfied with fault-finding at institutional level, collective remorse, collective vows to do better and another line drawn in the sand, but not in this case. In this case, Grace was not properly protected until 2009. Reckless endangerment became a criminal offence in this State in 1997. If ever a crime was aptly named, it is this one. Anyone who has had even a cursory look at the reports on Grace would describe her situation as a truly perilous one, a case where she was left in danger due to the recklessness.

The Children Act 2001 replaced earlier criminal law by making it “an offence for any person who has the custody, charge or care of a child wilfully to cause or procure or allow the child to be assaulted [or] ill-treated”. As this is a case in which modern law applies to recent events, there is no good reason there should not be a full criminal investigation into the most serious offences against children in care that can be imagined. I asked about this earlier today and I am still waiting for confirmation.

Why have the Minister and the Government been reticent, misleading and wrong in what they have said about the commission’s terms of reference? Conor Dignam, SC, recommended under the heading “Care and Decision Making in respect of Others” that the commission should investigate a range of matters broader than the Grace case, including the care received by all

people placed in this foster home. For some reason, the Government decided not to include the terms of reference in its draft order that is before the Dáil. We found them eventually on the Department of Health's website so that we could have a proper debate about these fundamentally important matters. As other speakers have said, it takes some time to find them on the website. The terms of reference we have seen differ from the Dignam proposals in one crucial respect. Despite what the Minister of State, Deputy Finian McGrath, has said and despite the explicit assurances the Taoiseach gave me during Leaders' Questions this afternoon, the Government's terms of reference are not modular and do not give the commission the discretion to investigate further. Having taken preliminary legal advice, my judgment is that the terms of reference operate to prohibit the commission from making further investigation. Others have quoted what the commission will be specifically empowered to do under these terms of reference. It will be able to "specify the scope of any further investigations which the Commission considers warranted in the public interest having regard to the facts established" by it already.

The only capacity we are giving to this inquiry outside of the Grace case is to scope out a potential further inquiry. That is it. It can carry out a scoping exercise but no more. That is hugely different from what Conor Dignam wanted. This must not be the case, even initially. It cannot be simply and solely an inquiry into the care provided to Grace. It must go further. It should be an inquiry into the care provided by the South Eastern Health Board, including in particular the care it provided through the use of placements with family X, its monitoring of that care and its response to any concerns. To put it bluntly, it should not simply be a Grace inquiry; it should be an X Inquiry. It is not possible or practicable to atomise the issues in the way that is now proposed. Grace was the longest resident in that home. She was there for 20 years or so. She was probably the resident least able to complain. She is still not in a position to give her own account. Meanwhile, there are 47 other directly contemporaneous witnesses. It makes no sense to postpone consideration of their cases. They are eyewitnesses to what happened in real time. How can their evidence and direct experiences be segmented out and postponed to another time and another inquiry? We need to get things right for Grace this time. We have to take the time and the care to do just that.

Deputy Ruth Coppinger: This is certainly one of the most disturbing issues any Deputy has come across. As others have said, it is not in the distant past. It is in the quite recent past and in the present reality. The case of Grace and the others who were in the foster home in the south east has angered and shocked many people. Aside from the apparent abuse that took place in the home in question, the most disturbing issue is the failure of the State to act decisively to protect a vulnerable person despite many warnings and indicators that it needed to do so. Like other Deputies, I am concerned that the terms of reference relate to just one person, given that 46 children were cared for in the home at some point. It is absolutely vital for the remit of the commission of investigation to be enlarged.

Grace was born in 1979 with intellectual disabilities. She is non-verbal, or unable to speak. Her mother was a vulnerable young single mother who acted by doing what she thought best for her daughter. She was assured that foster care would deliver the best possible outcome for Grace. I strongly commend Grace's mother on coming forward in recent days to give her side of the story. We should remember that even in 1979, single or unmarried mothers were told they were unable to look after their own children. They were put under pressure to have their children adopted or to put them into foster care. Even as recently as 1979, parents were encouraged to put children with disabilities of any kind into care. Rather than intervening by offering additional supports to lone parents to help them to raise their own children and provide

them with loving homes, the State's approach was to take children into care or to institutionalise them. This attitude, which dominated for much of the 20th century, led to the horrendous treatment of vulnerable women and children at the hands of the Bon Secours order in Tuam, as exposed in recent days. There is a cloud of shame over the Irish State's links with the Catholic Church. Earlier today, the Taoiseach condemned the social attitudes that existed at that time. There is a danger that this line of argument blames the population, rather than the Catholic Church and the Irish State, as the source of those social attitudes.

It is very important that a full investigation of the case of Grace and all the children who passed through this foster home is undertaken. We have to deliver justice for this girl, having let her down for so long, and for her mother and her family. We need to expose the flaws in the HSE and the Irish system of care of the most vulnerable. We must not allow such a situation to happen again. It can be seen from the report of Mr. Conal Devine's inquiry into the case of SU1 and from Resilience Ireland's disability foster care report that there is a history of grave errors in this case. These errors did not happen by chance. They happened as a result of systemic problems in the HSE and the health boards that preceded it. These grave errors were made in the 1980s and right up to 2009. I will give a few examples. Even though this foster family was approved for respite care only and not for foster care, children like Grace were there for long periods of time. This family was meant to have no more than two children at a time but there was overcrowding in this home at times. Some 46 children stayed with this family at different times. I do not know the history of this foster family, but I understand it took children from various sources, including local "special schools", private respite, the health board and the HSE. The use of the term "headage payments" earlier today was criticised, but serious questions need to be asked about whether there was a financial motivation, as well as the more sinister motives linked to physical and sexual abuse. It is an absolute horror story. The most disturbing thing is that all of this happened after a social worker and another family raised concerns about any children being sent to the foster family in this case. Grace stopped attending school soon after she started to go to this foster family. This appears to have isolated her and led to a reduction in her interactions with other people. Therefore, the chances of the abuse being exposed were lessened. Later, when she attended day care, bruising was very common but no action was taken. That must also be investigated.

In 1996, Grace was to be moved from the house but it would appear there was an intervention after the foster family made contact with the Minister for Health at that time. It is absolutely outrageous that a political intervention could overrule a decision based on what was in the best interests of a vulnerable person and previous information from a professional social worker. The 1996 intervention seems to have been a compromise of sorts where, on one hand, the foster family kept Grace while, on the other, it would not get any further children. The 1996 intervention must also come under the terms of this commission. Grace would remain with this foster family for a further 13 years. During that time, there was ongoing evidence of abuse. It is really shocking stuff. It would appear there was severe bruising on her breasts and thighs in March 2009 and she was returned to that foster family the same night. Only in July 2009 was she finally removed from the house.

One incident is telling. She was brought to a sexual assault unit but the investigation was not progressed because of the distress she was in. That night she was returned to the foster family. This is absolutely incredible. This happened in the past ten years. It is seriously sickening to think that a person would get to a point where she is being looked after in a sexual assault unit and the people who are meant to be caring for the person see fit to send her back from whence

she came. The reason was that the HSE did not think it suitable for her to stay overnight in the hospital. That defies belief.

I will conclude by referring to the problems with the terms of reference. As I said, I am very concerned that they do not cover children other than Grace. What about Sarah, about whom we have heard, and the other children who were in that foster home? The families of the other children have been speaking out against the narrowness of these terms of reference. I would like the Minister of State to explain whether he will budge on this. I understand that there is a need to progress a timely inquiry into Grace's case but if real lessons are to be learned and a full and honest understanding is to emerge, there is a need to cover the experiences of others in that home. In light of the apparent systemic problems in the supervision of foster families, the question must be asked as to whether other cases exist. Are there other foster families about which the HSE or Tusla have been equally negligent?

Deputy Clare Daly: I move amendment No. 1:

(a) To insert after “in the care and protection of Grace” the words “and other persons who were in foster care or on private placement in the same home”; and

(b) To delete all words after “establishing a Commission under that Act;” and substitute the following:

“calls on the Government to make the following amendments to the draft Commission of Investigation (Certain matters relative to a disability service in the South East and related matters) Order 2017:

— in section 3(a) to delete all words from and including ‘the role of public authorities’ down to and including ‘that family until 2009, and’ and substitute the following:

‘the role of public authorities in the care and protection of persons who were in foster care or private placement with a family in the South East of Ireland, including but not limited to a person known by the pseudonym Grace, who resided with that family until 2009, and’; and

— in section 4(b), to insert after ‘terms of reference,’ the words ‘subject to the approval of both Houses of the Oireachtas.’”

I was absolutely gutted when I read the terms of reference and saw the way in which the Government is handling this issue. I see this as an absolute betrayal of the families who have been victimised at the hands of the HSE. We have been silent too long at this stage.

Contrary to the popular narrative, this horrific case was not brought to the attention of the universe as a result of the very heroic gestures of a whistleblower who went to the Committee of Public Accounts. The truth is the position was well known for decades in the South Eastern Health Board. It was known at the top of the Department of Health and two previous Ministers. Six months before that meeting of the Committee of Public Accounts in September 2014, the protected disclosure of a HSE social worker, who has remained anonymous to this day, was made. That was the worker who made the formal report to An Garda Síochána, a whistleblower who contacted us in 2014. We took that information not to the newspapers but directly to the then Minister for Health, Deputy Varadkar, and the then Minister of State, former Deputy Kath-

leen Lynch. From what we could see, both of them attempted to deal with the issue as best they could. They first moved to deal with the people who had interacted with that foster care home to see if they got the required attention and supports. They also sought to publish the reports and information to take this issue further.

This is not an isolated or one-off event but a deliberate and orchestrated instance of cover-up by the HSE to protect itself regardless of the consequences for vulnerable adults. The then Minister of State, former Deputy Kathleen Lynch, wrote to the committee after meeting us in April 2015 and stated that she thought it “extremely important the review should be finalised and both reports should be published as soon as possible”. She said she emphasised that to the HSE. We all know the HSE hid behind the Garda excuse all of the time with the Minister of State and that it has continued to do so for the past two years. We now know the excuse did not come from the Garda.

Another issue relates to the removal of people to safety. In fairness, both Ministers made much play of that. After the “Prime Time” programme in 2015, evidence emerged that another person was still using that foster care home. When we went to the then Minister, Deputy Varadkar, and we told him that, he moved immediately to find out if that was the case. I have the e-mail he got back in which the HSE, not concerned about due diligence or the fact that there was a woman in that home, informed the Minister that it had not placed anyone there. It also indicated that “the Deputy” might have been talking about a private arrangement but that it had told the family not to continue with that arrangement and the family did not do so. The family did continue with the arrangement because it was never told the reason why the HSE did not want it to do so or about the sexual abuse.

The terms of reference we have seen are an absolute stitch-up. This is not about Grace but rather ignoring the signs over decades. In 1991, 1993, 1995, 1996, 1999, 2007, 2008, 2009, 2010 and 2012, social workers made points. In 1993, the mother of a woman who was really badly abused in that position made a complaint. She was told she had a husband and son and asked whether she wanted them investigated for possible sex abuse. She was basically encouraged to drop the sex abuse allegation. The person who said that to her was the same individual who had approved the foster care arrangement, who approved Grace being placed there and who was named in the Ryan report for negligence. This is not an *ad hoc* blip. It comes as a result of systematic failures in the south-east region. If we do not deal with it, the only place this is going is to another inquiry. It will not do Grace any good. I cannot accept what the Government is saying on this and we will not support the motion. We need this to be a comprehensive inquiry into the full gamut of events.

Deputy Donnchadh Ó Laoghaire: I have a brief point of order. I contacted the Minister’s office and was told amendments to the motion would not be taken and the motion would just be passed. I do not know if Deputies were made aware of when amendments could be submitted.

An Ceann Comhairle: Any motion can be amended.

Deputy Donnchadh Ó Laoghaire: There was no deadline. Will the Minister of State indicate when a vote will occur and when amendments will be accepted?

Deputy Róisín Shortall: On the same point, I attended a briefing with somebody from the Minister’s office this afternoon and asked if this was a *fait accompli* or if there would be an opportunity to table an amendment. I was told we could not amend it.

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An Ceann Comhairle: I understand a time was indicated of 3 p.m. this afternoon for amendments being submitted for a Supplementary Order Paper.

Deputy Caoimhghín Ó Caoláin: As spokesperson for my party, I have not seen that.

An Ceann Comhairle: We can do some investigation in the course of further discussion and get back to the Deputies. We will see what we can do on those matters.

Deputy Mick Wallace: As Deputy Clare Daly indicated, we have engaged on this matter since 2014. We gave State bodies and the Government the benefit of the doubt but, sadly, they have proved unworthy of that. Last week, a former specialist lecturer in child protection of disabled children, Dr. Margaret Kennedy, stated that the report into the abuse of Grace had been published, with heads of State, disability advocates, HSE and Tusla managers - virtually everyone - expressing sorrow, apologies, shock and horror. There was a firm promise to sharpen procedures, policies, guidelines and practices. These responses are disingenuous. Grace was deliberately abandoned in a foster home where there was a very strong suspicion of physical, emotional, and sexual abuse because she had an intellectual impairment. Her foster family saw Grace not as human but as a cash cow. Services did nothing and overlooked what they saw because they also saw Grace as inhuman and probably regarded her as difficult to place.

The original whistleblower's story has yet to be told. The Devine report claims that the lack of decisive intervention cannot reasonably be attributed to a lack of resources. This is not true. When the whistleblower became the social work team leader for vulnerable adults in the south east, the body had more than ten times the average UK caseload for adult services social workers. It was impossible for the team to become aware of the neglect and abuse of vulnerable adults unless it was directly contacted by a concerned person. It was only when the mother telephoned it in 2007 that Grace's file was discovered. Had she not done so, the team might never have known anything about Grace and the foster placement.

The whistleblower raised the resource issue with the Devine inquiry team when he met them in 2010. Afterwards, he was provided with a written account of his evidence, which did not match what he had said and which did not include the context he had given of systemic HSE neglect of children and adult services in the south-east region. He offered to meet the inquiry team again with a tape recorder. This was refused. Although Conal Devine was well aware of the resources issue, in order to protect his paymasters in HSE management, he refused to acknowledge it in the report. These services had suffered years of managerial neglect at the hands of the very people who were running the inquiry.

The years of chronic mismanagement due to a lack of resources applied not just to disability services but also to child care services, including child protection and children in care. In 2007, a child died in Waterford partly as a result of the lack of social work resources. This led to the Ferguson report, which was unpublished and swept under the carpet. In 2009, the HSE commissioned a firm called PAE Consulting to review waiting lists for child protection cases. There is no jurisdiction for any delay in protecting children and many counties had no waiting lists. However, Waterford came out worst in the country, with more than 750 cases pending. Wexford was third worst.

For children in care, the situation was no better. In 2006, the whistleblower was given responsibility for most of the children in care - more than 100. The whistleblower discovered that in the majority of cases the HSE was in breach of the foster care regulations which require

children to be visited and reviewed every few months. At least ten children had not been seen by a social worker for several years. At least half the children had had no statutory review in over two years. Again, this was due to a chronic lack of resources. Although most children were very well cared for by their foster parents, there were serious exceptions.

One child, aged ten, had been repeatedly raped in her foster placement by an older boy living in the same placement. The boy, then aged 16, had been visited by a social worker for over two years. In February 2007, the whistleblower demanded that the HSE review what had occurred to allow this little girl to be sexually abused for so long. He demanded a review from the service point of view and also into the fact that there had been no Garda investigation. His request was declined. In 2015, the social work team leader in charge of the foster placement at the time of the rapes was promoted to principal social worker in Waterford disability services. She now has overall social work responsibility for Grace. This is not to say the person is in any way individually culpable. However, it suggests that if one can be relied upon to keep silent about cases in which the HSE is exposed to legal claims, the sinister and behind-closed-doors management of the HSE will be there to reward one. It is a travesty that senior HSE managers are subjecting social workers to human resources procedures after leaving them working for years in impossible conditions of chronic managerial neglect, ignoring and even undermining their professional recommendations and then paying Conal Devine to scapegoat them in his report.

I do not know how much the Minister of State knows about what is going on. A tsunami is coming down the tracks if the Government does not deal with this properly. It is horrific. It is not just about Grace. In this particular region it is systemic and has gone on for years. It starts at the top, not at the bottom. The system is rotten to the core. Has the Government any interest in doing anything about it? When will heads roll? Will people be held accountable for what has gone on in the region for several years? It has been one cover-up after another. The whistleblower gave a protected disclosure to the Department in September 2014. What he had to say was horrific. What is being done about it? Where are we going with it? I am not saying it is all the Minister of State's fault. However, it is much worse than he thinks.

In Ireland, we have a lack of ability to hold people accountable for wrongdoing and it seems to be getting worse, not better. The HSE said there is nobody in the home now. A girl was there in 2015. Although the HSE told the family it did not recommend putting the girl there, it would not say why. It did not want to lift the lid. What role have any politicians played in all of this over the years? What role has Arthur Cox played? It was allowed to set the terms of reference for one of the reports. Did it have a vested interest in the terms of reference?

Unless the Government deals with this matter properly, it will haunt it. This is not just about Grace. Hers is the story that has come to light. There are many other horrific stories and they are not going to stay in the dark. The Government is not going to keep the lid on it. The Minister of State can bin the terms of reference and start again. Let us do it right. If not, the Government will regret it and will let down many people.

An Ceann Comhairle: On the issue of amendments which Deputy Donnchadh Ó Laoghaire and others raised, an e-mail went out to all Members at 1.58 p.m. stating:

Please find the Supplementary Order Paper for the day's sitting, Tuesday, 7th March, attached. The Journal Office requests that those seeking to submit an amendment to the attached motion should do so by 3 p.m. today, Tuesday, 7th March, or as soon as possible

thereafter.

Deputy Finian McGrath: On the points raised by Deputies Ó Laoghaire, Ó Caoláin and Shortall, there was obviously a misunderstanding on my part when I was at the Cabinet meeting earlier. I apologise for it.

Deputy Róisín Shortall: This is not good enough. If something went out at 2 p.m., many Members were outside meeting Vera Twomey. I went from there to the Minister's office. There was no opportunity to see the e-mail, let alone put in amendments. It is unacceptable. The issue is far too important. I ask the Ceann Comhairle to address the matter in terms of allowing flexibility for Members to submit amendments by, say, 10 a.m. tomorrow.

An Ceann Comhairle: I assume the debate will go on after 8 p.m. this evening and resume. In the normal course of events, the amendments have to be submitted before the debate on the motion commences. That is the issue. It has been the normal practice. Deputies may have been busy and at various locations. The notice went out in the normal way from the Houses of the Oireachtas, not from the Minister or his Department.

Deputy Róisín Shortall: With respect, an hour's notice, over lunchtime when some of us were attending briefings on the issue, is not enough. We will have no choice but to vote against it. While the House should not have to divide on such an issue, it has been bungled. We should have the proper opportunity to amend the motion.

An Ceann Comhairle: While I take the Deputy's point, the other side of the issue is that when Members come into the House demanding that matters be debated and action taken, and when the action is taken in short timeframes, these difficulties arise.

Deputy Michael Harty: The Grace case illustrates a lack of proper governance, accountability and transparency within the HSE. It amply illustrates the dysfunctionality that exists in the HSE. Some 15 months ago, the CEO of the HSE said that it is an amorphous mass that nobody understands, that it lacks vision and a long-term plan. When Dr. Aidan Halligan was offered the post of CEO of the HSE in 2004, he looked at the executive and described it as being over-managed and under-led. HSE management has lost the trust and respect of the general public, which depends on it to provide good governance and good leadership. There are many examples of dysfunctionality within the HSE, the Grace case being the most recent. There is a litany of mismanagement within the HSE. I refer, for example, to the hospital waiting lists and trolley queues. Our children's hospital has been delayed for ten years as a result of flip-flopping on the location, consultancy fees and delays in planning. There is also now a huge premium to be paid for building the hospital on a brownfield site. There has been failure to build capacity in our health services, failure to create a satisfactory work environment for our medical graduates who are emigrating and a failure to develop proper primary care services. This is all down to poor governance structures in the HSE, which lack a clear vision and an integrated, innovative planning process.

The Grace case illustrates what happens in the HSE when a problem is found. First, there is a failure to recognise that a problem exists even though it is readily identifiable. The HSE continues to compound the error when it has been identified. It denies that the problem exists even when whistleblowers have uncovered the shortcomings. It sets up commissions of inquiry - and in this case two commissions of inquiry - and then delays the publication for several years on the grounds of due process and legal constraints. It took three years to report this matter to

the Garda. Even then, it was only when the HSE had no choice. Only when evidence becomes overwhelming will the HSE respond and issue an apology, which is often too little and, as in this case, too late. The HSE has lost touch with the people it serves.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Harty: It has become impersonal, detached and unresponsive in human terms. Bureaucracy is more important than patient outcomes and proper service delivery. Patients become service users and doctors, nurses and allied professionals become service providers. There is a Kafkaesque language used by the HSE. Initially, the apology was made to the service user without referring to her by name or pseudonym. The HSE has developed a language of its own that is technical, detached and disconnected from plain English. Grace's mother has said she does not accept the HSE apology, that she does not trust the HSE and that she does not trust what it says. This lack of trust in the HSE is now widespread among the general public, but when it comes to service delivery, there are many practical managers, doctors, nurses and allied professionals whose work is highly valued and appreciated by the public. HSE management is letting down the public and the front-line workers.

Many people believe there is something rotten at the heart of this case. It is the role of this commission of investigation to find out who was responsible at the various stages of this unspeakable outrage. I hope the terms of reference of the inquiry will be sufficient to get to the bottom of this. I commend the Minister of State, Deputy Finian McGrath, on bringing the terms forward so quickly but I hope they are watertight. I am sure there will be much disappointment that the Grace case is the only one being investigated. I hope that, if there is evidence, other cases will be investigated. The test of this commission is to discover the truth and tell the public in plain English what actually happened. The people of Ireland need to know what happened, who was responsible and what consequences will flow from that. At the very least, the public and front-line workers should expect excellence in management underpinned by excellence in governance. It is a sad reflection on the HSE that a commission of inquiry is required to find out the truth in this case. Good governance is not going to happen unless the HSE is decommissioned and rebuilt in a manner that requires it to have transparency, accountability and good governance, underpinned by a legislative framework to prevent cases such as Grace's happening in the future.

Deputy Mattie McGrath: I could not, as a normal person, follow that performance by Deputy Harty. He has been working at the coalface for decades and he knows the position. I am sure he does not speak those words lightly.

I welcome the opportunity to make some brief comments on this tragic and heartbreaking matter. What Grace was subjected to in terms of her own personal and sexual abuse was horrendous. To have that abuse compounded by the organisation tasked with overseeing her care and protecting her interests is nothing short of the worst nightmare. We know that 47 other service users were placed under the boarded out fostering scheme. We do not know, nor do the families of the other children and young adults who used the same service as Grace, if similar treatment was experienced by them.

The failures in this case, while truly disturbing, are part of a pattern that we, as a society, are sadly becoming increasingly familiar with. Parents with the best interests of their loved ones at heart and children with the greatest hopes were betrayed and violated by a system that was as ignorant and callous as it was incompetent. We have been here too many times before and

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we are still here stuck in gear. An official culture that, on the face of it, gives out an image of compassion and professionalism is revealed at the last moment to be rotten to the core. Grace and many more like her have been the unwitting victims of a dysfunctional system that closed in upon itself rather than be held accountable. For over 20 years the system has failed to live up to its statutory and moral obligations. It has responded with a complete absence of humanity or warmth to a young woman who could not speak or tell anyone of the horror she was enduring. This is the stuff of nightmares but, tragically, it is all too real.

We cannot avoid the implications of this case. We cannot wring our hands and cry our tears and then carry on as normal, which is what tends to happen. We plead for change, we express our sympathies and we call for those in power to be held to account, but rarely does anything concrete happen. Systems change slowly they tell us but this is a pathetic and insulting response. In its own report, the HSE says the issues were complex and difficult. That is the response of a bureaucracy that has to be dragged into the daylight before its failings are exposed. Serious questions must be asked. For example, whether staff members involved with this case are still involved, still employed in many different capacities and still active in the Child and Family Agency, Tusla. Since it was first established in 2014 with the transfer of 4,000 staff from the HSE and an operational budget of over €600 million, Tusla has lurched from crisis to crisis. Grace and those like her deserve so much better than to be managed by such an organisation. We must do better or history will condemn us as useless and ineffective bystanders to a horror that happened under our noses.

Without apportioning any particular blame to the Minister of State, I believe the terms of reference are wholly inadequate. If this had happened under somebody else's watch, I could see him sitting behind me on this side of the House - where he was over a year ago - and being full of righteous indignation. I am totally opposed to what has happened. Although Grace was the last person in this foster care home, should we ignore the other 47 people? Someone should be charged with reckless endangerment. It is beside apathy to think that this could go on and that the terms of reference could be rushed. I appreciate the Ceann Comhairle's comments regarding amendments but I have only read the e-mail. I am not blaming staff. Perhaps it is too rushed and too panicked after all this time when reports were denied and covered up. When is somebody going to tackle the HSE and Tusla? I never supported Tusla or the children's referendum - the so-called rights for children. We have had cover-up after cover-up with both organisations. It stinks to high heaven. Deputy Harty has described it as so, with all of his experience. There are many good people who work in the HSE and there are good outcomes - ask any member of the public - but up the ladder there are self-serving officials who, if they were to retire today, have a path charted and set out for themselves. That must be stopped by means of legislation so they cannot act in a private capacity after having just left a job. Some of them are more interested in setting up their future career paths in foster care and many other types of care. What is going on is abominable. They have appalling records and they are being rewarded with big pensions and payouts, and are then getting lucrative contracts. It stinks, it is rotten and it has to be dealt with. If it is not, it will be a shame on all of us.

Deputy Róisín Shortall: The litany of failures outlined within the Devine and Resilience Ireland reports speak for themselves and shame us all. In spite of significant concerns for Grace's safety, time and again opportunities to intervene in her care were missed or ignored. The Devine report identifies instances in 1996, 2004, 2008 and 2009 where action could and should have been taken. The State's failure to act is inexcusable and indefensible. Let us not fall into the trap of thinking that this is a historic litany of events; it is not, and it brings us

almost right up to the present day. What is more, there is no reason to have confidence that things have changed in any way and it is quite possible that other children are left in the unsafe conditions that Grace was left in. We know our social work services are severely under-funded, we know social workers are severely stressed and under-resourced and we know that there are many hundreds of children on social work waiting lists, children who are suspected of having been sexually abused, physically abused or neglected, yet the State seems to tolerate that further scandal.

The shortcomings are further compounded by a disturbing culture of negligence which runs through the State's interaction with Grace. In particular, the Devine report cites failings in records management, the recording of discussions and basic case management. In the absence of the sort of documentary evidence which should have resulted from these meetings, a commission of investigation may be the only way to get to the truth of those inexplicable actions. There are major questions about the deliberate destruction of files and criminal investigations should follow on that. We have, yet again, more examples of the shocking treatment of whistleblowers by official Ireland.

Beyond the actions of those involved directly in Grace's case, the response from the HSE to both the Devine and Resilience Ireland reports is deeply concerning. There are still many aspects of its subsequent actions which give rise to grave concerns and which have yet to be adequately explained. Only last Sunday, the HSE's head of disability operations simply could not explain why it sought to avoid bringing Grace's case before a judge during the wardship proceedings, why it would not share her health records - despite requests from the individual who was subsequently made her committee of the person - and why it waited three years to notify the Garda about the Devine report. We need answers to those questions now. Before entering into a lengthy investigation on the events of recent years, we need to know what is happening within State bodies now.

Last Tuesday I asked the Taoiseach three simple questions, namely, why did the HSE not disclose to Tusla the names of the people involved in key decisions in Grace's case, did the Minister for Health direct the HSE to hand over this information to Tusla and are the people who were involved in decisions concerning the care of Grace still involved in child protection services? The Taoiseach claimed he could not answer those questions and he stated that answering those questions would require a commission of investigation. Yet, within a matter of hours, the HSE confirmed to RTE that five of its current employees are involved in the Grace case while a spokesperson for Tusla confirmed that six of its current staff are referred to in the reports. However, they declined to comment on whether any of these people are currently dealing with children or are in a child protection role. We need to know that, and we need to know it tonight. I ask the Minister of State, Deputy Finian McGrath, to give us a guarantee that none of those people associated with the Grace case is currently involved with any child protection services. I do not know how six people working in Tusla can be doing work that does not involve child protection services. We need answers on that.

Beyond the scope of the commission of investigation, we need clarity on what is happening currently. Can the Government inform the House as to what internal investigations are currently taking place within State agencies? Are disciplinary actions being taken? I asked if there is a current sexual offences investigation and a current reckless endangerment investigation. Incredibly, the Taoiseach admitted that he had not asked the Minister for Justice and Equality - he suggested the Minister would know the answer to those questions but he had not asked. They are basic questions we need to know the answer to now. I ask the Minister of State not to

do what the Taoiseach was doing in hiding behind a commission of investigation.

What changes, if any, have been made within the organisations involved so we can have some level of confidence this is not happening right now to someone else? Establishing commissions such as this is often all too necessary but their role is specific and limited. They do nothing to prevent the sort of behaviour they are investigating from taking place as we speak. The existence of the commission cannot be used to distract from addressing the identified failings within our State bodies. It has its role as a commission but it is no substitute for action. That is why I say we need answers to those questions now in respect of the HSE, Tusla and the Garda. The Ministers in Cabinet have access to those replies and they should be providing them for us.

I want to raise the issue we spoke about earlier, namely, the fact we were not, in my view, given adequate notice of the opportunity to put in amendments. In addition, I have to say that I asked that specific question of the person providing the briefing for me at 3 p.m. today and I was told that it is a *fait accompli* and there is no opportunity to amend it. That is not satisfactory by any means. It is not enough just to brush that aside. It is not acceptable and, as I said, it will inevitably lead to this House dividing on an issue such as this. If the Minister of State had taken a little time and had consulted prior to drawing up the terms of reference, we would not have this difficulty. Equally, I would say to the Minister of State that if he had taken the trouble to read in detail the Dignam report, which is an official report based on two other official reports, he could not but have accepted the case that this commission must go beyond simply dealing with the handling of the Grace case.

The Dignam report states:

- The facts surrounding the care received by all persons placed at the said foster placement, including whether any of them suffered abuse during the placement and, if so, whether the HSE or the SEHB [South Eastern Health Board] knew of same or ought to have known of same.
- The facts surrounding any decisions made by the HSE or service providers in relation to each and every service user's use of the foster placement or respite placement.
- Whether the HSE should have known of another person's continued use of this placement between November, 2009 and April, 2010 and, if not, how it was that they were not aware of it.

The Minister of State has been told by a professional consultant who has been employed by Government that there are serious grounds for concern in regard to the handling of those other cases and it is only by examining those other cases in the context of this commission that we can find out whether or not there are serious systemic problems within the HSE and Tusla. All the evidence would indicate that there are and that early action needs to be taken.

It is not acceptable for the Minister of State to come up with the excuse that there is the potential to do that under the terms of reference. The terms of reference simply state the commission may specify the scope of any further investigation, not undertake any further investigation. The Minister of State has been warned by his own commission's report on this. He has been warned that there is a high likelihood of serious systemic problems within our child welfare services. Tonight he is choosing to ignore that and not to follow it.

8 o'clock

Deputy Finian McGrath: Not at all.

Debate adjourned.

Protection of Life During Pregnancy (Amendment) Bill 2017: Second Stage [Private Members]

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

Tá brón orm agus é Seachtain na Gaeilge nach bhfuil mo chuid Gaeilge feabhsaithe go leor chun é seo a chur as Gaeilge.

An Ceann Comhairle: Tá sé an-mhaith.

Deputy Bríd Smith: Déanfaidh mé mo dhícheall amárach agus i rith na seachtaine seo romhainn.

This is a very simple Bill. It is an amendment to the Protection of Life During Pregnancy Act 2013. I wish to pre-empt everything I am going to say with a bit of an explanation. The worst criticism I have had of this Bill has been from those who say it continues to criminalise women for having an abortion. I will give a little bit of history on it. I have tried twice to amend the Protection of Life During Pregnancy Act by removing any reference to the criminalisation of women or medical practitioners who may seek to procure an abortion in this country. On both occasions, parliamentary legal advice - not external legal advice or advice from a solicitor to whom my party and I would go to ask for an opinion - has been that it would be unconstitutional because of the eighth amendment. Here, I rest my case. What we really need and the only thing that will end up dealing with all of the complexities of the criminalisation of women and everything else that stems from it, including the likelihood of women who seek an abortion dying in this country because it is illegal to give them one, is a referendum on the eighth amendment.

As we know, the Citizens’ Assembly is progressing ahead. We have debated all the ins and outs of that quite a bit. I am sure it will come into the debate again tonight as I understand there is an amendment from the Government to leave the matter in the hands of the Citizens’ Assembly. I did try to change section 22 of the 2013 Act in order for it to state it shall not be an offence for a pregnant woman, her adviser, her doctor or other health worker to terminate a pregnancy as long as this is in the course of a woman making that decision and with her valid consent. I was told that was out of order and that I would have to try something else.

The Anti-Austerity Alliance-People Before Profit and I are moving a simple Bill, which we would rather not be doing. I am going to explain in the few minutes that I have why we are doing it. It is to amend section 22 of the 2013 Act to state that a person guilty of an offence under this section shall be liable to a fine of not more than €1. That sounds like I am being facetious or trivialising it. I am not. *Au contraire*. I am trying to deal with abortion and the stigma that lies around it in this country.

It has been a strange day insofar as there has been a convergence and a link made between the Grace case, which we just discussed, the Tuam babies, this Bill, and indeed, to some extent, the struggle for a mother, Ms Vera Twomey, to get health services for her child. It has been a day full of the discussion about the rights of women in this country and their control over their

own lives. I believe the link between all of these is that for too long we have had a kind of coherent enterprise between the State and the church to dominate and control women's lives. The control of our reproductive lives is unbelievably out of order in the 21st century. In particular, that control has manifested itself as a war on the poor and on working-class women in the recent past and to this day. The last respectable form of that oppression in this country is the eighth amendment and the denial of women in this country of the control of their own fertility and decision-making over their own lives.

We are trying to begin the process of decriminalising women's choices. The Bill is simple and it is not complicated. It is not trying to say abortion must remain criminal but only arguing for a small sentence. The reason for the Bill is that, in the very recent past and not very far away from us - probably 60 to 65 miles or 80 km to 90 km away - three women were arrested and charged before the courts in Northern Ireland for procuring the abortion pill. Somebody might say that this Bill does not deal with backstreet abortions. The form of backstreet abortions, if it can be called such in this country, is the abortion pill, which is safe as declared by the World Health Organization and is increasingly being sought by young women as a form of control of their fertility and to deal with crisis pregnancies. In the North, three women - a mother of an under-age child and two women who self-aborted using the pill - have been before the courts. In the North, they could face a life sentence. That is not much different to a 14-year sentence, which is what they could face in this State. That is what the Act of 2013 states. Section 22 states:

(1) It shall be an offence to intentionally destroy unborn human life.

(2) A person who is guilty of an offence under this section shall be liable on indictment to a fine or imprisonment for a term not exceeding 14 years, or both.

(3) A prosecution for an offence under this section may be brought only by or with the consent of the Director of Public Prosecutions.

In a very twisted and silly way, the Taoiseach in a response to my question during Leaders' Questions about the Tuam babies said that he could not support our Bill because "if, for instance, somebody kicks his pregnant partner and kills the baby she is carrying, he is to be guilty of a fine." Coming from the leader of a country, it is really disgraceful and silly in a way to equate the attempt in this Bill with an attempt to decriminalise grievous bodily harm and assault. That is not what I am saying. What we want to do is decriminalise abortion for women, not to decriminalise grievous bodily harm or assault on women. That is what that amounts to.

It is alarming that in a court recently, a man who beat up his partner very badly in front of her children was referred on for the possibility of doing community service. That has nothing to do with the legislation that I am trying to alter tonight. The process of decriminalising women has to begin before we wait forever for the Citizens' Assembly to make its adjudication, for the outcome of that and then, if and when, for the possibility of a referendum on the eighth amendment. It has to begin. Every day in this country, at least three young women access the abortion pill and therefore at least three young women are faced with a potential 14-year sentence hanging over them. This country is changing. The message has to be sent out through measures like this that we are turning our backs on the days of the killing fields of Tuam, on the Magdalen laundries and on the days when the church in this country dominated our lives by being obsessed with our pregnant bodies. We cannot allow a sentence of 14 years to remain, while everybody else navel gazes and looks at how we are going to deal with it.

To those Deputies who have indicated to me already that they are either going to abstain or vote against the Bill but particularly to those abstaining, the Minister, Deputy Katherine Zappone, and the Independents in government, I ask them to think. What amendment would they table to this Bill that would satisfy their idea of how women who procure an abortion in the State or who take the abortion pill should be responded to? Should we give them ten years instead of 14? Should the fine be €10 or €100? I ask them to tell me and amend accordingly. Let us see then what we can come out with. If the Government does not agree with the criminalisation of women, it should support this Bill. Those who tell me they are abstaining because of legal opinion, such as those in Sinn Féin, should note there are all sorts of legal opinions one can get. I could go down the road and pay a solicitor for another set of legal opinions. The Deputies are really saying they are going to leave women, particularly young women, susceptible to a hefty sentence while we wait for a reversal of the other processes instigated in this House to stall the process of decriminalising abortion, decriminalising women and making our choices freely, legally and safely in this country.

This is not an academic argument because what I describe is happening in Northern Ireland. It is not a question of waiting because the legal opinion suggests this, that and the other; this is reality. I make a special appeal to those who believe it is acceptable to abstain or that we can wait until the Citizens' Assembly has completed its deliberations. If one has been campaigning with us, standing on the street with one's "Repeal" T-shirt and badges and marching and really believes in what one is saying when one protests against the draconian use of legislation against women in this country, one should think twice, vote with one's conscience and not be bound by party restrictions on one's beliefs. If one believes this Bill is not good enough, one should propose amendments. One should not, however, support an amendment that kicks for touch, implying that it is acceptable to continually leave women and their medical advisers with the stigma, threat and chill factor of a 14-year sentence hanging over their lives.

Deputy Ruth Coppinger: I am very happy to support this Bill. In March 2016, only a year ago, Mr. Donald Trump, on his campaign trail, made the statement that women should suffer some form of punishment for having an abortion. That statement led to an absolute outcry in the United States. Among all the outrageous statements Mr. Donald Trump made, this was the least acceptable to the general population. Mr. Trump had to back-pedal, yet in Ireland there is a 14-year jail sentence for any woman, friend, counsellor or other individual who helps a woman with a crisis pregnancy to have an abortion. That law was enacted only in 2013, which is absolutely unbelievable. It is not a relic. It is not from the Victorian area. It is not the Offences against the Person Act 1861. It was a response to the really minimal X case legislation brought in following the death of Ms Savita Halappanavar. The legislation had to be accompanied by the legislation of 2013 because of the conservatism of Fine Gael, Fianna Fáil and, unfortunately, even people in the Labour Party.

As Deputy Bríd Smith just said, when the Taoiseach is asked whether he supports or will continue to support this kind of punishment of women, he answers with something completely different. Today, when asked about this matter by Deputy Bríd Smith, he said that if we changed this law, the Deputy would be saying that if somebody, "kicks his pregnant partner and kills the baby she is carrying, he is [only] to be guilty of a fine." If somebody kicks his pregnant partner, he is guilty of assault; he is not subject to a fine. The Taoiseach does not seem to know the difference between an abortion, assault and miscarriage. It is quite incredible. It is a pathetic response to a really serious issue.

What is the effect of this law and of the ban on abortion in Ireland generally? It does not

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lessen the rate of abortion. Legally or illegally, women will find ways to have abortions. Therefore, what is the purpose? It has a chilling effect on general practitioners, who cannot even talk to pregnant women in distress. They cannot even talk openly to them about where they can have an abortion, should that be their choice. Even women with fatal foetal abnormalities have reported or testified to the Deputies opposite that they cannot even be assisted by their doctors. That is the effect of this law.

The other effect is evident from the case of the woman who was clinically dead and pregnant but who less than two years ago was kept as if in an incubator by doctors because of the chilling effect of the eighth amendment and particularly the chilling effect of the threat of 14 years in jail if they were not seen to be carrying through with the eighth amendment. It was not just the eighth amendment in itself. We also saw the same chilling effect in regard to the care of Savita Halappanavar.

Women are punished. It is bad enough that women are forced to leave the country at their own expense and in secrecy because of the eighth amendment but the imposition of a criminal record also occurs. This is happening 100 miles up the road in Northern Ireland. Therefore, the idea that it could not happen here at some point is completely wrong. Why have a law if it is not going to be invoked?

Are Deputies seriously saying they believe a woman who has an abortion in this country should be treated worse than a rapist or somebody who carries out a violent crime? If anyone seriously believes that, there is something mentally wrong with him or her. There is no way that is the case. A woman who simply cannot continue with a pregnancy, which could be for any of a variety of reasons, is not a criminal. Therefore, why have this law?

Who are the women? They are sisters of Deputies and they are neighbours, workmates and relatives. They are not aliens from outer space; they are women one meets every single day in one's life.

I have just come from taking part in an event with the ROSA Bus4Repeal. It was part of the global and national actions that are taking place in defiance of the eighth amendment and with the aim of offering assistance to women and giving them access to safe medical abortion pills. I refer to abortion pills such as the ones I have to hand. It is a packet of pills for the Dutch and Belgian market. They are available to women in every other country in the European Union but there is a jail sentence if used in Ireland. We are told by Deputies how unsafe they are. Tell that to women in Norway or the 80% of women in Finland who have abortions. There is nothing unsafe about them and they should not be sensationalised.

Women who use and gain access to the pills have very positive experiences. A survey was carried out by Women on Web on women who access their service. Three women per day have abortions in their own bedrooms in Ireland. Are we seriously saying we are going to send around the police to investigate and arrest them and carry out the punishment in the Protection of Life During Pregnancy Act? Some 70% of the women in question felt relieved and most felt very happy with the decision they made.

We are on the eve of an extremely important day. International Women's Day is very historically significant. It commemorates when women workers, in particular, fought for the right to join trade unions and for workers' rights. Tomorrow there will be global actions on International Women's Day on the issue of woman's rights, particularly to draw attention to violence

against women. Throughout Central America and Latin America, millions of women have protested. Of course, this is not reported much in RTE and other Irish media. Millions of women have marched against femicide. Throughout the United States, following the election of Mr. Donald Trump, 3 million women took to the streets in the march on Washington. There were also protests in Poland and every other country where women's rights are being eroded and endangered. Tomorrow in Ireland, the focus will be on the repeal of the eighth amendment. At 12.30 p.m., Strike4Repeal is asking women to assemble on O'Connell Bridge wearing black. It is asking that they take time off work or go on strike, which I fully support and endorse. At 5.30 p.m., there will be a march for repeal leaving the Garden of Remembrance and going to the Dáil, where Deputies will yet again be put under pressure over the outrageous eighth amendment.

Why are these things happening? It is because a new generation will not wait. It will not accept that it should just wait dutifully for the likes of the Citizens' Assembly and this Dáil, which is completely unrepresentative of Irish society. It does not reflect the huge societal change and attitudes that have taken place on abortion and many other issues, including that of medical cannabis. The two big parties, particularly Fine Gael because it is in government and has power, are so conservative that they do not believe children should have access to medical cannabis. The new generation of young men and women will not wait. They look at the revelations coming from Tuam, from the so-called mother and baby home. It was not a home but an absolute institution and prison - a concentration camp, in fact, for the young, poor and pregnant women who were put into it and whose offspring mattered nothing to the nuns and the church taking care of them, so much so that the children's bodies were unceremoniously dumped, right up to the age of three. Why did those children die? They had no contact with their own mothers. That, in itself, put their health in serious danger in terms of feeding the other emotional supports. Does the Minister seriously think that the church that put the eighth amendment in place - let us not kid ourselves that it was any other church as it was a who's who of Catholic groups that argued for the eighth amendment in 1983 - has any moral high ground to lecture women or young people in this country on how they should lead their lives after what we heard at the weekend? It absolutely has not, so forget it. The first thing a bishop was asked at the Citizens' Assembly by one person was whether he really thought he had the right to tell people what to do after what has happened in his institutions. It is hypocrisy. There must be a separation of church and State now.

However, the key reason is the delay. The Citizens' Assembly was put in place last October. It was five years last October since the tragic death of Savita Halappanavar and we still have not had a referendum. The Citizens' Assembly has not even got around to discussing women's health as a basis or ground for abortion. When will it get around to it? It will not. It does not consider it important. It is quite unbelievable that what led to the death of Savita and the resurgent repeal movement has not even been discussed. The debate is being directed into very narrow channels. The opinion poll that appeared in *The Irish Times* over the weekend suddenly inserted the idea of replacement of the eighth amendment, rather than its repeal. It is a concept that did not even exist six months ago and is clearly politically motivated to soften people up for far less than repeal. The pro-choice movement will say with one voice, "No, we will not accept anything less than repeal." We reject the tone policing that is taking place, telling us that we are too shrill and loud and that we should accept something less than what is necessary. That was said to the women on the contraception train in 1971 also. They were told they were asking for too much. We deserve nothing less than repeal and that is what we will fight for.

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Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):
I move amendment No. 1:

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

Dáil Éireann declines to give the Protection of Life During Pregnancy (Amendment) Bill 2017 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 to the Constitution of Ireland prior to further consideration of potential legislative change including to the existing penalties set out in the Protection of Life During Pregnancy Act 2013, and report to the Oireachtas, or to an Oireachtas Committee, in the first half of 2017.

The Private Members Bill before us seeks to amend section 22(2) of the Protection of Life During Pregnancy Act. The title of section 22 of the Protection of Life During Pregnancy Act is, “Destruction of unborn human life”. Section 22(1) specifies that it is an offence to intentionally destroy human life. Subsection (2) clarifies that the penalty for a person who is guilty of the offence of destruction of human life is a fine or up to 14 years’ imprisonment or both. Subsection (3) states that prosecution for the offence may be brought only by or with the consent of the Director of Public Prosecutions. The effect of the amendment Bill introduced by the Anti-Austerity Alliance-People Before Profit and the Green Party is to delete subsection (2) and substitute it with the following subsection: “a person who is guilty of an offence under this section shall be liable to a fine of not more than €1.00”. As a consequence the penalty for the offence of the intentional destruction of unborn human life would be reduced to €1.

Before I set out the reasons for not accepting the Bill and putting forward a reasoned amendment, I will remind the House of the current constitutional and statute law on abortion. The main purpose of the Protection of Life During Pregnancy Act 2013 is to restate the general prohibition on abortion in Ireland while regulating access to lawful termination of pregnancy in accordance with the X case and the judgment of the European Court of Human Rights in the A, B and C v. Ireland case. Its purpose is to confer procedural rights on a woman who believes she has a life-threatening condition in order that she can have certainty as to whether she requires this treatment. The Act sets out exemptions to the offence, in cases where there is a real and substantial risk to the life of the pregnant woman which may only be averted by termination of pregnancy.

The principal constitutional issue dealt with in the Act is the right to life of the unborn, with due regard to the right to life of the mother, as set out in Article 40.3.3° of the Constitution. Article 40.3.3° or the eighth amendment to the Constitution states: “The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its law to respect, and as far as practicable, by its laws to defend and vindicate that right”. The effect of this Article is that a high level of protection is afforded by the Constitution to the right to life of the unborn and, subsequently, the power of the Oireachtas to legislate to allow for abortion is restricted. Subject to the exemption where the life of a pregnant woman is at risk, abortion is prohibited in Ireland. The Protection of Life During Pregnancy Act does not, and cannot, confer new rights to termination of pregnancy, but clarifies existing rights. A referendum would be required to broaden the scope of the Protection of Life During Pregnancy Act.

As I have previously said, section 22 of the Act provides for the offence of the intentional destruction of unborn human life. The section replaces sections 58 and 59 of the Offences

Against the Person Act 1861, which are repealed under section 5 of the Act. Under the 1861 Act, a woman could be prosecuted for an unlawful abortion, the penalty for which was “to be kept in penal servitude for life”. Under the 2013 Act the penalty for the offence is up to 14 years in prison or an unlimited fine, or both. A prosecution may be brought only by or with the consent of the Director of Public Prosecutions. This is to ensure that frivolous or mischievous cases cannot be brought before the courts. While Article 40.3.3° of the Constitution prohibits abortion, with certain exemptions, this prohibition would be ineffective without the provision of a criminal prevention of the offence in question. Due to the gravity of the crime, the intentional destruction of unborn human life, and the constitutional protection for the unborn, a maximum of 14 years in prison is considered an appropriate penalty.

Deputy Ruth Coppinger: Outrageous. It is an embarrassment.

Deputy Marcella Corcoran Kennedy: The period of 14 years was agreed at the time of drafting the 2013 Act following discussions with the Department of Justice and Equality and the Office of the Attorney General to ensure alignment with the criminal code for crimes of similar magnitude. Other offences subject to a maximum of 14 years include the offence of assisting the commission of a suicide, under the Criminal Law (Suicide) Act 1993, and assaults causing serious harm, under section 4 of the Non-fatal Offences against the Person Act 1997.

The penalty of up to 14 years imprisonment may apply to any person, including the pregnant woman. While it is recognised that the potential criminalisation of a pregnant woman is a very difficult and sensitive matter, this provision reflects the State’s constitutional obligation arising from Article 40.3.3I move amendment No. 1:

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

Dáil Éireann declines to give the Protection of Life During Pregnancy (Amendment) Bill 2017 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 to the Constitution of Ireland prior to further consideration of potential legislative change including to the existing penalties set out in the Protection of Life During Pregnancy Act 2013, and report to the Oireachtas, or to an Oireachtas Committee, in the first half of 2017.

The Private Members Bill before us seeks to amend section 22(2) of the Protection of Life During Pregnancy Act. The title of section 22 of the Protection of Life During Pregnancy Act is, “Destruction of unborn human life”. Section 22(1) specifies that it is an offence to intentionally destroy human life. Subsection (2) clarifies that the penalty for a person who is guilty of the offence of destruction of human life is a fine or up to 14 years’ imprisonment or both. Subsection (3) states that prosecution for the offence may be brought only by or with the consent of the Director of Public Prosecutions. The effect of the amendment Bill introduced by the Anti-Austerity Alliance-People Before Profit and the Green Party is to delete subsection (2) and substitute it with the following subsection: “a person who is guilty of an offence under this section shall be liable to a fine of not more than €1.00”. As a consequence the penalty for the offence of the intentional destruction of unborn human life would be reduced to €1.

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prohibition on abortion in Ireland while regulating access to lawful termination of pregnancy in accordance with the X case and the judgment of the European Court of Human Rights in the A, B and C v. Ireland case. Its purpose is to confer procedural rights on a woman who believes she has a life-threatening condition in order that she can have certainty as to whether she requires this treatment. The Act sets out exemptions to the offence, in cases where there is a real and substantial risk to the life of the pregnant woman which may only be averted by termination of pregnancy.

The principal constitutional issue dealt with in the Act is the right to life of the unborn, with due regard to the right to life of the mother, as set out in Article 40.3.3° of the Constitution. Article 40.3.3° or the eighth amendment to the Constitution states: “The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its law to respect, and as far as practicable, by its laws to defend and vindicate that right”. The effect of this Article is that a high level of protection is afforded by the Constitution to the right to life of the unborn and, subsequently, the power of the Oireachtas to legislate to allow for abortion is restricted. Subject to the exemption where the life of a pregnant woman is at risk, abortion is prohibited in Ireland. The Protection of Life During Pregnancy Act does not, and cannot, confer new rights to termination of pregnancy, but clarifies existing rights. A referendum would be required to broaden the scope of the Protection of Life During Pregnancy Act.

As I have previously said, section 22 of the Act provides for the offence of the intentional destruction of unborn human life. The section replaces sections 58 and 59 of the Offences Against the Person Act 1861, which are repealed under section 5 of the Act. Under the 1861 Act, a woman could be prosecuted for an unlawful abortion, the penalty for which was “to be kept in penal servitude for life”. Under the 2013 Act the penalty for the offence is up to 14 years in prison or an unlimited fine, or both. A prosecution may be brought only by or with the consent of the Director of Public Prosecutions. This is to ensure that frivolous or mischievous cases cannot be brought before the courts. While Article 40.3.3° of the Constitution prohibits abortion, with certain exemptions, this prohibition would be ineffective without the provision of a criminal prevention of the offence in question. Due to the gravity of the crime, the intentional destruction of unborn human life, and the constitutional protection for the unborn, a maximum of 14 years in prison is considered an appropriate penalty.

Deputy Ruth Coppinger: Is the Minister not embarrassed reading that?

Deputy Marcella Corcoran Kennedy: It would also be inequitable to have, as a matter of course, a significant penalty for the person performing a termination but none at all for the woman undergoing the procedure. The sentence to be applied in any particular case is a matter for the court.

Reference was made by Deputy Bríd Smith, in her contribution introducing this Bill in the House last Thursday, to the prosecutions in Northern Ireland of women for the procurement, supply or administration of abortion pills. The law in Northern Ireland is different from that of Great Britain. In the North, the law relating to the termination of pregnancy is contained in sections 58 and 59 of the Offences Against the Person Act 1861 and in section 25 of the Criminal Justice Act (Northern Ireland) 1945. This means it is lawful to perform a termination of pregnancy only if it is necessary to preserve the life of the woman or there is a risk of real and serious adverse effect on her physical or mental health, which is either long term or permanent. In this jurisdiction it is also illegal to procure an abortion, whether by surgical, medication or other means, outside of the circumstances specified in the Protection of Life During Pregnancy

Act 2013.

While I understand the sentiment behind this Private Members Bill in terms of overall policy in this area, including further constitutional and-or legislative change, the Bill is premature. 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 October 2016 that commitment has been well advanced. The Citizens' Assembly established by the Government last year is actively engaged with the topic of the eighth amendment to the Constitution. Ms Justice Mary Laffoy, a justice of the Supreme Court, chairs the assembly comprised of 99 citizens randomly chosen from the population. The assembly is currently discussing the eighth amendment over a period of five weekends and only last weekend held its fourth meeting on the issue. A report with its recommendations on the matter is expected to be presented to the Oireachtas in June. The Government has agreed to immediately refer the assembly's report to a special Oireachtas committee which will be asked to respond to the deliberations and recommendations of the assembly by the end of the year. The special committee will bring the outcome of this process to the Dáil for further debate and decision.

I understand the inclusion of the Article 40.3.3^o in the Constitution has caused much hardship and uncertainty for women-----

Deputy Bríd Smith: And death.

Deputy Marcella Corcoran Kennedy: -----but we do have a process in place to review this provision. I ask that we give the Citizens' Assembly the time it needs to consider the issue and report back to the Oireachtas. It is on that basis that the Government moves its reasoned amendment in order that the Citizens' Assembly, established by resolutions of Dáil Éireann and Seanad Éireann, can conclude its deliberations on the eighth amendment prior to further consideration of potential legislative change, including to the existing penalties set out in the Protection of Life During Pregnancy Act 2013, and report to the Oireachtas or an Oireachtas committee in the first half of 2017.

Deputy Billy Kelleher: This issue was always going to be raised again in the context of the Bill previously debated in the Dáil which subsequently became the Protection of Life During Pregnancy Act 2013. It was raised quite a lot during the debate on that legislation. The main focus of debate at the time was on addressing the issue of protecting the life of the mother in the context of what had happened and against the backdrop of the eighth amendment and Article 40.3.3^o of the Constitution. There is no doubt, however, that there was a lot of disquiet at the time about the statutory provision for a 14 year prison term for a girl or a woman who procured an abortion, used abortion pills or otherwise terminated a pregnancy in the State. Let us think of a young girl, sitting at the end of her bed with a positive pregnancy test result, alone, vulnerable and unsure of what to do. Let us say she did actually procure abortion pills on the Internet. There have been several seizures of abortion pills being brought into the State from other countries, particularly the Netherlands. Would any of us in this House be comfortable with that girl being prosecuted in court, convicted and potentially sentenced to 14 years in prison for procuring abortion pills because of a crisis pregnancy? That is, effectively, what is in the Statute Book. I can understand the constitutional requirement to have that provision in the Statute Book. We debated this issue at length in 2013 and have debated it subsequently, but that is the fact of the matter, as things stand. If we are comfortable with that, fine, but if we are uncomfortable with it, the issue will have to be addressed. We simply cannot have a situation where there is a potential criminal conviction and a 14 year jail term for a young girl who procures abortion

pills in the first trimester of a pregnancy. If the State is to be true to itself, it must either enforce the law or repeal it. In that context, repeal would be the obvious issue to address. That said, I accept the constraints. Bills similar to the one before us have consistently been brought before the Dáil in one guise or another, but we are in the middle of a process. We can debate the issue and march on the streets, but, ultimately, it is the people - possibly Parliament and then the people - who will decide, depending on what the Citizens' Assembly recommends.

We have to be honest with ourselves about the legislation and the stringent criminal terms laid out therein. Equally, we must be honest that there is little we can do until such time as we look at Article 40.3.3o and wait for the Citizens' Assembly to report. It will then be a matter for the Houses of the Oireachtas. There may be an election in the interim. Ultimately, the Dáil and the Seanad will decide on a path forward on foot of the recommendations or observations of the Citizens' Assembly. I did not support the establishment of the Citizens' Assembly at the time because I felt it would be unwieldy. We should have considered having a judge-led commission to take a quick, concise look at the issue, as happened in the case of the Protection of Life During Pregnancy Bill, which formulated the debate for the then Oireachtas Joint Committee on Health and Children. That said, Judge Mary Laffoy is chairing the Citizens' Assembly and will, I hope, be seen to be impartial. The assembly is going about its work. Some are saying it is too slow, while others are saying the assembly is not delving into enough detail. We must give it time to come to its conclusions. The views of 100 of our peers will ultimately be placed before the Dáil and the Seanad and we will decide whether to retain, amend or repeal the eighth amendment. Depending on what the Citizens' Assembly recommends, the Parliament will make its decision. Ultimately, we may see the exercise of the greatest example of people power in a referendum.

There is a view in middle Ireland on this issue. While there are some who are strongly on one or other side of the argument, there are people in middle Ireland who want to see some of these issues addressed but who do not want it to be done in a divisive way. Some Deputies are trying to stimulate debate, knowing full well that the constitutional requirements mean that the provisions of the Bill before us would fall at the first hurdle in a constitutional test.

Deputy Bríd Smith: The Bill is not unconstitutional.

Deputy Billy Kelleher: You said-----

An Leas-Cheann Comhairle: Iarraim ar Theachta Kelleher labhairt tríd an chathaoir. Iarraim ar gach éinne eile gan teacht isteach.

Deputy Billy Kelleher: Gabh mo leithscéal. As Deputy Bríd Smith said, one can get various political opinions, but one can also get various legal opinions. I am simply making an observation, as I see it. We will be discussing the findings of the Citizens' Assembly, either at the Oireachtas Joint Committee on Health or in formal plenary session of the Dáil, very soon. The assembly is to report in the first half of 2017. There are lots of issues relevant, including Article 40.3.3°, the Protection of Life During Pregnancy Act and the criminal sanctions included in that Act. We must consider the difficulties faced by young vulnerable girls who have nowhere to go, who are full of fear and panic and who go onto the Internet. We must think of the criminal sanctions that hang over them or their friends who may assist them. We must think of this when we are debating the issue in the future. I hope the debate on the Bill will keep that issue to the fore. At the same time, we must be honest with ourselves. We cannot amend the Protection of Life During Pregnancy Act while the Citizens' Assembly is in session, deliberating and coming

to a definitive decision on the recommendations that will ultimately be debated in this House. It is unfortunate that this issue is again being used in a divisive way when a lot of people would like to see us deal with it in a very compassionate, humane manner.

Deputy Bríd Smith: This is the ultimate Citizens' Assembly, to which the Deputy was elected.

Deputy Billy Kelleher: It happens-----

An Leas-Cheann Comhairle: A Theachtaí, le bhur dtoil. Is é seo Seachtain na Gaeilge agus táimid ag déanamh an-iarracht an Ghaeilge a labhairt.

Deputy Mattie McGrath: Maith an fear.

An Leas-Cheann Comhairle: Leanfaimid ar aghaidh anois leis an Teachta Éamon Ó Cuív. Tá beagnach 12 nóiméad aige, gan cur isteach ó aon taobh den Teach.

Deputy Éamon Ó Cuív: Mar dhuine a labhraíonn Gaeilge beagnach chuile uair a sheasaim sa Teach seo, beidh mé ag labhairt cuid mhaith i mBéarla anocht. Tá mé cinnte go maithfear dom é mar is dóigh go bhfuil mé thar a bheith dílis ó thaobh úsáid na Gaeilge sa Teach seo.

I have listened with interest to the debate from the beginning. I always try to respect everybody's view. I try to not to impugn people's motives, but that does not always seem to be reciprocated. The fundamental basis of the differing views on abortion hinges on one question: do you believe an unborn baby is a human or do you not? Does one believe it is an independent human even though it is in the mother's womb but independent in its life or does one believe it is the sole property of the mother?

Deputy Ruth Coppinger: She is not a mother.

Deputy Éamon Ó Cuív: Sorry.

Deputy Ruth Coppinger: A woman is not a mother unless she has a baby.

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

Deputy Éamon Ó Cuív: It is an interesting interjection.

An Leas-Cheann Comhairle: Níl cead aici é sin a dhéanamh, má tá sé suimiúil nó nach bhfuil. Níl cead aici é a dhéanamh.

Deputy Éamon Ó Cuív: I know many women who would not agree with that particular theory. Obviously, as the father of four children I have been very close to one particular woman during those periods of her life.

Deputy Ruth Coppinger: I am a woman and I know the difference.

Deputy Éamon Ó Cuív: I think she would not have accepted that she was not a mother from the time that she started carrying a baby.

There is a great slagging match going on that those of us who believe in the protection of human life do so at the behest of the Catholic Church. Do I believe in the protection of born human life because of the Catholic Church? The rest of the Deputies here, whom I know would share my belief in the absolute protection of human life after birth, would absolutely dismiss the

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idea that they believe in it because of the tenets of the Catholic Church. I would share their belief that capital punishment is an obscenity that has no place in the modern world. I believe that because I believe nobody should take a human life. Therefore, it is a much more fundamental belief than a belief that a church might have. To believe that human life in all of its stages of life should be protected is a fundamental right of the human.

Obviously, in the case of somebody who is expecting a baby, that creates a huge issue in that one is trying to protect rights, the rights of the unborn child and the rights of the mother. I know of nobody who says if the woman's life is in danger and if the child has to be taken and if the child cannot survive outside the womb, that should not happen. That has been happening in medicine for years.

Many eminent gynaecologists would say that what happened in the Savita Halappanavar case was a total lack of care, which seems to be a major challenge in hospitals because we have had a very high number of maternal mortalities in hospitals in recent years. University Hospital Galway, which had gone for years without any maternal death, had one in recent times that according to many experts was totally avoidable and had nothing to do with the protection of human life under the Constitution.

I share Deputy Billy Kelleher's concern over the Citizens' Assembly because like the Deputies who introduced this Bill, I believe ultimately that we are the citizens' assembly. The whole idea of setting up Dáil Éireann in 1918 was to set up an assembly of the people elected only by the people. To have a parallel assembly elected by some lottery system seems to run counter to the very deep roots of democracy within the State. However, the Citizens' Assembly is there now. A process has been put in train and let us move forward with that process.

Another thing I would share with the people who introduced the Bill is my view that many criminal sanctions are far too high. It is well known that I am not great at the business of the condemnation of people right across society. Many have been involved in what society considers criminal activities, but often there are extenuating circumstances to it. It is well known that I would generally be against those people in society who favour throwing away the key when people go to prison and look for even longer sentences.

I remember being very concerned about the particular provision that had been raised here when this was debated on Committee Stage in the Oireachtas because I thought the sanction was incredibly long, particularly when compared with other sanctions. However, to say the only way that somebody might commit an offence under this law is by taking the abortion pill does not in any way recognise that abortion can come at many stages and in many circumstances. If it is against the law and banned under the Constitution, there must be some penalty. I was very concerned at the time that the penalty for the mother and the penalty for the person who would actually do the abortion is the same in the Act for all of the reasons that those who know me well would understand - my natural sympathy for a mother in a case of a crisis and what might happen. This particular issue needs to be debated in much more detail.

What we have is not an effort to deal with a criminal sanction that could be far too high irrespective of the circumstances, but a part of a very open campaign. I admire those who have the view even though I diametrically disagree with them, but it is part of a campaign to allow abortion on demand in this country. It would appear that this is still a minority view, but let the people decide that question.

There are those of us who take a contrary view and do not believe that abortion is a personal issue for one person, but believe there is a second person involved. Will they not respect us for having a belief? Will they not at least do us the courtesy of trying to see where we are coming from? I always try to see where the other side is coming from. I recognise that if they do not believe an unborn baby - a baby at 24, 25 or 26 weeks - is a human person, why not have abortion? That is a valid view. However, believing the opposite is an equally valid view and is the one I happen to hold not because any church tells me, but because my reason tells me that it is a person, a human, and therefore entitled to human protection.

That is why I believe in this. It is important that, regardless of what happens in this debate, we should respect each other. We will probably never agree, but we should respect the sincerity of people's views. People should stop trying to impugn other people's integrity just because they disagree with them. They should believe that there is sincerity in those who are very understanding who would be very tolerant, but who just cannot get away from the firm belief that what we are talking about here are little humans.

Quite rightly there is absolute condemnation of what happened in Tuam and I share that condemnation because we are talking about babies, born and unborn, that were dealt with in a way that is totally wrong. If there is one lesson from that, it is that we must care for children. Some people define a child the second after birth. Some define it after 30 weeks in the womb, while others after 20 weeks. These are all different views, but everyone is entitled to his or her beliefs. While I accept children are not independent because they need parents or somebody else to look after them, what I find distasteful is people not accepting the motivation of those of us who believe a child is a human being and separate person. Can people not at least accept that because they are a separate human being, that is our motivation? Anyone who has ever come to me over my long career in politics, or before, no matter what dilemma he or she was in or where he or she was, including prison, found nothing ever from me except understanding and compassion as well as an unwillingness to judge or condemn anyone. It is not my business to judge or condemn anybody, irrespective of what he or she ever did.

Deputy Louise O'Reilly: I thank the AAA-PBP, in particular, Deputy Bríd Smith, for using their Private Members' time to debate this important issue. It is particularly welcome we are discussing this issue on the eve of International Women's Day.

Sinn Féin is opposed to the criminalisation of women for terminating pregnancies. This was reflected in the contribution we made during the debate on the Protection of Life During Pregnancy Bill in 2013. At the time, we tabled several amendments which would have excluded the pregnant woman herself from criminal sanction. While the Bill we are debating tonight is well-intentioned, the simple and undeniable fact is that it does not address the issue of the criminalisation of women. This issue cannot be meaningfully addressed until the eighth amendment to the Constitution is repealed.

We in Sinn Féin do not dispute in any way that the Deputies tabling this Bill are well intentioned. However, the Bill, as drafted, could lead to unforeseen consequences such as reducing the penalty for those who intentionally commit harmful actions against a pregnant woman. We acknowledge this is not the primary intention of the Bill. However, as drafted, it is a real possibility and one which means we cannot support it. We cannot ignore the fact that this Bill will not address the key issue facing women today. This House cannot, despite its best intentions, give women the help and support they need until the eighth amendment is repealed.

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Instead, we have the Government refusing to deal with the issue, which is impeding the delivery of rights for women. We have the Citizens' Assembly, which is supposed to comprise a cross-section of our community. Why are we asking 99 people in staged debates in Malahide rather than asking everyone? We should have a vote for all. It is past time for the referendum. The people want this referendum. We are fooling nobody if we think we can tinker around the edges of this issue without repeal.

The eighth amendment stands between this House and our ability to stop the criminalising of women for accessing abortion services. The eighth amendment is an impediment to dealing effectively with crisis pregnancies. Without a repeal of the eighth amendment, we are letting women down. We criminalise their actions without giving them a choice. While I welcome this debate, we cannot ignore the fact this legislation seeks to reduce the penalty. However, only after repeal can we effectively deal with the issue of criminalisation. It is time to repeal the eighth amendment because we cannot have a grown-up conversation as a people about the criminalisation of our women until that happens. Whether the fine is one cent, €1 or €1 million, the issue of the criminalisation of women, which Sinn Féin has spoken out against inside and outside this Chamber, cannot be dealt with until we repeal the eighth amendment.

We fully respect the intention of the Deputies who tabled this Bill but Sinn Féin cannot support it as drafted. We do not wish, however, to oppose it because we know it is motivated by compassion. We will have to abstain on the Bill, but we will work with all those Deputies from all parties and none who want to see the eighth amendment repealed.

On the eve of International Women's Day, we reflect on cases like that of Ann Lovett, as well as the women and their babies condemned to the horror of mother and baby homes. As a people, we have not covered ourselves in glory where women are concerned. While we continue to do women a disservice, wait for the Citizens' Assembly to report and wait for the Government to legislate for the repeal of the eighth amendment, we also continue to criminalise our sisters, friends and daughters. These women deserve better. They do not deserve criminalisation. Whether the fine is one cent or €1, we cannot ignore the fact there is an amendment to the Constitution which impedes those of us who want to do the right thing for women.

We must stop repeating the mistakes of the past and get on with the business of compassion and understanding for our women and girls. Let us repeal the eighth amendment and ensure pregnant women are excluded from any indictment and all penalties. We cannot do this until we repeal the eighth amendment and come together as a parliament to debate and legislate for women.

Deputy Alan Kelly: The Labour Party supports this Bill as we have consistently sought to ensure the repeal of the eighth amendment. The Labour Party has a proud history in supporting a woman's right to choose. Colleagues of mine such as Deputies Jan O'Sullivan and Howlin, with others in the party, campaigned against the eighth amendment as far back as 1983. That opposition then was based on the principle that it was wrong to use the Constitution as a mechanism to deal with the sensitive issue of terminations. It was wrong then and it is wrong now. It is worth remembering that my party has always been the key catalyst for much social change. Under Labour Party Governments, we decriminalised homosexuality, held a successful referendum to legalise divorce, legalised contraception, called a referendum to enshrine marriage equality and legislated for the X case, after the successive failures of previous Governments to do so.

The eighth amendment should never ever have been inserted into the Constitution. It was stupid. Bunreacht na hÉireann is not the arena in which deeply personal decisions regarding the health of a woman should be adjudicated. We remain one of the only countries in western Europe to place such a heavy restriction on access to safe, legal and appropriate abortion services. Abortion is a matter for a woman and her doctor, supported by her family. It is important to say on this day of all days that it is not for the State, for the church or for anyone else to interfere in matters to do with the bodily autonomy of women.

There can be no illusions about it. Twelve women leave our shores every day to access termination services. According to the Irish Family Planning Association, between January 1980 and December 2015, 166,951 women travelled overseas to access a procedure not available in their own country. In 2015 alone, 3,451 women gave Irish addresses while accessing services in the United Kingdom. While the United Kingdom is the primary country where Irish women receive terminations, there are other countries to which they, unfortunately, have to go, including the Netherlands.

For those with the financial resources, it is an arduous journey but for many more, with less financial means, it is a journey they cannot afford to take. That is wrong. It is also wrong that no woman of child-bearing age has had a chance to ever vote on these laws. It is shameful that nobody in the State under the age of 51 years has had his or her say on the archaic eighth amendment.

If a woman or girl is raped and a subject of incest and becomes pregnant as a result, our laws force her to carry the pregnancy to term. If a crisis pregnancy causes a woman excess acute medical illness, in many cases she has been forced to live with it.

Access to terminations can also be a class issue. According to the Irish Family Planning Association, IFPA:

Travelling to the UK for a ... [termination] below 14 weeks gestation costs at least €1,000. This includes clinic fees of €500-€600, flights and accommodation. This does not include indirect costs such as child care and loss of income.

[So termination] ... in cases foetal abnormality costs more due to the duration of the treatment, which can ... [go on for another] 4-5 days [up to a week].

It is disappointing, despite all the progress we have made as a nation, that we continue to export the issue of abortion in what is a total abdication of duty towards our fellow citizens.

Given the day that is in it and it has been an emotional day and an emotional week for our country, it is incredible that successive Governments, comprising Members from all sides of the House, can stand by in the light of what is a fundamental human rights issue. As Members of this House will be only too aware, Ireland is in breach of Article 8 of the European Convention on Human Rights. This is intolerable and we need urgent action.

Who is thinking of Amanda Mellet tonight and the apology which this State had to give to her? I know the Minister, Deputy Simon Harris, met her because I, with Deputy Billy Kelleher, wrote to him last November asking him to meet her and to at least give her some hope and support in regard to two of the three issues that the United Nations has declared Ireland to be in breach of, particularly in the area of rehabilitation and compensation.

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The Labour Party made a clear commitment during the last general election to hold a referendum to repeal the eighth amendment. I commend the work of my colleagues and the Labour Party women in this regard. It is not sufficient to simply repeal the amendment and not replace it, hence the Labour Party has always proposed legislation, and has done so in the recent past, to deal with it.

The Government, however, also needs to consider the views of others, those of clinicians. Many commentators have highlighted the legal difficulties faced by doctors under the current system. The existing legislation is not robust enough to allow for doctors to make decisions in consultation with women and in their best interests. We in the Labour Party are not interested in fudging the issue by diverting it off to the Citizens' Assembly which is devoid of the people who are representing them in the one true Assembly which is here in Dáil Éireann. The Dáil is our citizens' assembly and it has been said time and again in this House that we must call a referendum and allow the people their say on this outdated amendment.

I agree with the spirit of this Bill and we, in the Labour Party, will be voting for it. The idea that a young girl who accesses abortion pills or anything else can be incarcerated for 14 years is immoral, wrong and unconscionable. We need to work more closely with a coalition of people campaigning for a repeal of the eighth amendment to make some serious progress. The law must be changed. However, we need a sweeping reform of access to termination services.

Public opinion has clearly changed. A Red C poll commissioned by Amnesty International found that 87% of respondents want access to termination services widened. In October 2016, a poll in *The Irish Times* found that nearly 75% of respondents support repeal of the eighth amendment. The only realistic solution is to call an immediate referendum and repeal the outdated eighth amendment and legislate in this House.

The Protection of Life During Pregnancy Bill was something that we fought for in the previous Dáil. The second annual report on the Protection of Life During Pregnancy Act has been released. We now have two reports, one for 2014 and one for 2015. In total they tell us that 52 lives have been saved as a result of that legislation. The people in this House and outside it might reflect on the change that has brought about and the continuing change we all need to bring about for the women of this country.

Deputy Joan Collins: People are clear on my position on the repeal of the eighth amendment. Ireland's historical treatment of women and children is not something of which we can be proud. This was sadly reaffirmed with the news about the findings at the Tuam Mother and Baby Home on Friday. The legacy of the shameful way in which women were treated in the past is evident in the Constitution to this day, and the eighth amendment infringes upon the autonomy of women and impedes on our access to essential reproductive health care services.

As has been said, 12 women a day leave these shores to travel to Britain for an abortion. I read a quote that stated that in the 100 days the Citizens' Assembly has been sitting approximately 1,000 women have left these shores to go to Britain for an abortion, with hundreds more taking the abortion pill.

For too long we have exported our abortion dilemma to other shores and we cannot continue to do this. For those who are not in a position to travel, the eighth amendment is a source of discrimination and inequality. The abortion ban hits marginalised and vulnerable women the hardest. These include women on low incomes, for whom the cost of travelling for an abor-

tion can mean up to 15% to 20% of their income. We know those who are disproportionately affected include asylum seekers and undocumented women, children and adolescents, women living with a disability or illness, victims of domestic violence and women who have received a diagnosis of fatal foetal abnormality. We also know that in recent polls there is a strong public desire to have a clear regulatory framework in place that allows access to abortion.

People are no longer willing to see people's lives placed at risk. They are no longer willing to see the chilling effect of section 22 of the legislation which provides that anybody who procures or carries out an abortion will be jailed for up to 14 years.

Deputies Clare Daly, Mick Wallace and I, former Deputy Luke 'Ming' Flanagan and other Members attempted to introduce legislation in this area twice in the previous Dáil. That played an important role in raising this issue and generating debate on it in the Dáil and among those in the community. When we introduced our first Bill in this area, we got legal advice on it, and it was very strong legal advice, but while it was defeated, it was supported by Action on X and all the other organisations, which have supported the progressive legislation we attempted to introduce. The issue was clearly placed on the agenda and could no longer be ignored by the political elite in the country and that Bill played an important role in the movement that has developed around support for the repeal of the eighth amendment.

I opposed the Protection of Life During Pregnancy Bill particularly because of the Tuam effect of the legislation with regard to the imposition of a prison sentence of up to 14 years. It is horrendous that a young girl who is very frightened would have that threat hanging over her head. It is disgraceful that we as a Dáil continue to allow that situation to continue.

I understand where Deputy Bríd Smith is coming from in introducing this Bill. It seeks to reduce the penalty from a chilling 14 years imprisonment to €1, but, as was mentioned, it does not decriminalise the act of having an abortion in terms of the role of the GP, or that of the women or the girls. Health professionals would still be charged with a criminal offence. They would be struck off the register if they assisted in this. A fine of €1 would not have an impact on that. It would still be a criminal offence from that point of view. If a mother were to get an abortion pill for her daughter or if a woman were to get an abortion pill from another country, they would still be criminalised. They would still have to go to a court and would be known to have accessed an abortion pill. This Bill does not provide for decriminalising the act of accessing an abortion pill or accessing an abortion and if it was passed tomorrow, I do not believe that any health professional would procure an abortion for a woman having regard to it. That is a difficult situation.

I have talked to people about the Bill. Some have said it is a great Bill as it makes an ass of the Act in reducing the 14-year sentence to a €1 fine; others have said they do not agree with it because they feel it is a bit of a stunt. However, any debate we have in the Dáil on the question of abortion is good. I have yet to talk to a number of people and want to talk to more people and see the feedback I get about the Bill. Any debate we have here that raises the issue and gets it into the communities and the public arena is worthwhile. That there is legislation that could put one in jail for 14 years for accessing an abortion pill is absolutely outrageous, and this should feed into debate over the next few days and International Women's Day. Nothing can take away from the fact that the only measure that will decriminalise women, doctors, general practitioners and everybody else involved in this issue is repeal of the eighth amendment. We must do that, we must fight for it and we must keep pushing for it. We must also repeal the Offences against the Person Act 1861. Abortion should be accessible as early as possible and as late as

necessary and there is generally a feeling among the population now that we need that change. I have yet to make my mind up whether I will support the Bill. I will vote on it on Thursday, but I want to get a little more advice from people before I make a decision.

Deputy Michael Harty: The eighth amendment states: “The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right”. The Protection of Life During Pregnancy Act 2013 defines the circumstances under which termination of pregnancy is allowed, namely, pregnancy endangering the life of the mother, including through a risk of suicide. Deputy Brid Smith is correct in stating the 14-year sentence for a woman procuring an abortion in this country is harsh. I believe a referendum will be put to the people regarding repeal of the eighth amendment, and it would be absolutely correct because this is a very important decision which must be decided by the people. It is a very important social issue which cannot be decided other than by the people. I am not in favour of termination of pregnancy on demand, but neither am I in favour of prosecuting a woman with a potential 14-year sentence.

Advances in medicine have now developed to the extent that one does not need to go into hospital to have a termination of pregnancy. One can have a medical termination at home, certainly early in pregnancy, and this makes the procurement of a termination a much more vague process. This is as much a moral issue as a social, medical and legal issue and it is becoming more complicated as time goes on. If it were easy to resolve, we would have resolved it long before now.

Regarding the Bill before us, criminalising women in vulnerable situations is harsh and uncaring. I would not be able to carry out an abortion other than for medical reasons to preserve the life of the mother. That is my personal feeling. Balancing the right to life of the mother and the child is virtually impossible. I believe both have a right to life, not one or the other. The hard choices inevitably must be made so, by taking the moral, medical, social and legal considerations into account, each situation must be judged on its own individual merits. I agree that women should not be criminalised but disagree that abortion on demand should be available. A life is a life.

Deputy Danny Healy-Rae: I cannot support the Bill. However, I do not condemn the people who have put it before us; I just do not agree with their point of view. I have my own point of view and believe, as Deputy Michael Harty has said, that the mother’s life is paramount and needs to be defended. However, I believe there are laws in the country good enough to protect the mother.

I would be worthless in this world if I could not defend the right of a little baby to live. My first granddaughter will be two years old in a few months’ time. From watching her since she was very small until now, I would have no use in this world if I could not do everything to give every other little baby that is conceived and coming into the world a fair chance at life. Life is precious from when the baby forms in the womb. That is my belief, and I will stand by my beliefs for as long as I live. It is very important that small babies be allowed to come into the world and that we do our best to protect them. I will vote against the Bill as I will against any referendum to repeal the eighth amendment. Those are my views and, while I have said already that I respect the people bringing this Bill before us, I ask them to respect my views and the people I represent who have that same view.

Deputy Mattie McGrath: This Bill proposes to amend section 22 of the so-called Protection of Life During Pregnancy Act 2013. I sat on the health committee at the time of the passing of the Bill and saw what happened and the shutting out of views other than those that were so-called sympathetic to abortion. Section 22 provides:

(1) It shall be an offence to intentionally destroy unborn human life.

(2) A person who is guilty of an offence under this section shall be liable on indictment to a fine or imprisonment for a term not exceeding 14 years, or both.

However, as the Minister of State made clear, it is up to the Director of Public Prosecutions, in a very careful and arduous examination, to consider the matter at hand before any prosecutions take place, and very few have taken place. I welcome the Minister of State's stance. The Bill proposes to decrease this penalty so that a person guilty of the offence would be liable to a maximum fine of €1. This is one of the most disturbing pieces of legislation that has ever come before the House, certainly in my time. If passed, it would reduce and trivialise human life in a manner that can be only called contemptuous. It makes a mockery not only of the value of human life, but also of the law. It would effectively remove all restrictions and all sanctions in respect of the intentional destruction of human life. It is a political stunt that is deeply distasteful. The Bill's proponents have equated the value of human life and the penalty for destroying that life with a fine of less than the price of a cup of coffee. The Bill will, however, serve to highlight the underlying thinking and mentality of those proposing it. It clearly sets out the agenda that no meaningful safeguards should exist for the protection of the unborn child, and I could not live with that. This is horrific legislation that I will oppose.

The likes of Mr. Soros and company are funding many of the pro-abortion lobbies and trying to interfere in our democratic process. As far as the so-called Citizens' Assembly and the so-called assessment and choosing of the 99 people who sit on it are concerned, I wish them well and thank them for their service. However, that nine counties, including mine, Deputy Danny Healy-Rae's and others, could be left out of that process of so-called consultation is shameful. It was a flawed process, and the way in which the PR company was picked was stage-managed. Even a blind man could see that. As to the fact that the Citizens' Assembly is running at all, this House is a citizens' assembly to which I, thankfully, and many of my colleagues were elected over a year ago. We should have the courage to vote on and make legislation. If we must hold a referendum, let the people decide it. We should not have this mockery, shambolic assemblies and so on as a cover.

Deputy Catherine Martin: Ba mhaith lion a rá leis an Teach anocht go bhfuil an Comhaontas Glas sásta tacaíocht a thabhairt don Bhille seo. Once again in this House, we find ourselves discussing the need to repeal an uncompromising, extremely rigid Article in the Constitution which has caused untold unnecessary suffering to many Irish women and families since its inception in 1983. One of the many lessons to be learned from 1983 is the need for the Legislature to be trusted as the Constitution is not the place and is unsuitable for detailed provisions, which tie the hands of future generations.

The Bill before the Dáil tonight on the eve of International Women's Day highlights the appalling way in which we treat our women in Ireland. The Thirty-second Dáil and the Ireland of 2017 have an opportunity with this Bill to say a firm "no" to criminalising women. We have not only abandoned women by forcing them to leave their own country to access a safe medical procedure, we have compounded the suppression by threatening and sanctioning women and

doctors with severe punishment and threatening them with jail sentences of up to 14 years. This threat and stigma surrounding abortion puts women in a dangerous position and continues to tie the hands of doctors when it comes to emergency scenarios, which, if not responded to properly, as this country has learned to its eternal shame, can result in the unnecessary and avoidable deaths of mothers. We have also made our doctors powerless and placed women in frightening and inhumane situations. The heartbreaking personal journeys that we are all aware of have shown that we need to do everything within our power as legislators to ensure we do not punish women but rather show compassion for the difficult decisions that face women in this country. Women should not have to steal away from their country to access a safe medical procedure and not one woman's life should ever be put in unnecessary danger. Women should not be branded, punished and treated as criminals.

The Green Party recognises the ongoing work of the Citizens' Assembly but this does not mean that we abdicate our duties as legislators. The Government's amendment to the Bill paralyses that legislative function. The truth is this and previous Governments have lacked the political courage to deal once and for all with the issue. If this proposed legislative change is all we can do for now as legislators as we await a Government of courage, let us do exactly that.

Deputy Richard Boyd Barrett: It is difficult, given the context in which this debate is taking place, not to remark on the extraordinary inconsistency of people who oppose women having the right to choose abortion and to control their own bodies and lives on the grounds they are concerned for the life of unborn children when the very same people stood by while babies and their mothers were treated in an absolutely shocking, obscene and abominable way. It gives the lie to that when one looks at the horror of the Tuam babies, the Magdalen laundries and the Bethany Home or at the experience of people in the care of the State who were being sexually and physically abused. It does not add up that the people who allowed that to happen then say they are concerned for the life of unborn children. There seems to be a supreme hypocrisy in all that. The sharp edge of that hypocrisy is a situation where a woman who chooses to try to exercise control over her own body and make choices about whether or not to continue with a pregnancy could be subject to a 14-year criminal sentence. It is beyond belief. That is what this Bill is about. There is a 14-year criminal sentence on the Statute Book for a woman who procures an abortion or abortion pill or for anybody who assists her in procuring those things. It is 14 years in prison.

We are not suggesting for one moment that this Bill resolves all the problems around a woman's right to choose or the urgent necessity of a referendum to repeal the eighth amendment, which must be done forthwith as far as we are concerned. It should never have been hived off to a Citizens' Assembly but is a decision the people should have the right to take. It is very important to say that even if the eighth amendment is repealed this will still be in the Statute Book. It is highly possible that the main parties in this country, which have opposed abortion, and the forces who oppose abortion will prevail in achieving a restricted form of abortion rights, which limits it to a very narrow set of circumstances. Any woman who procures an abortion outside of those restrictive circumstances will still be subject to a 14-year prison sentence. We cannot fully decriminalise, as should be the case, and fully and completely remove the obnoxious, abhorrent, criminal stigma the State has put on women who make a choice to terminate a pregnancy because of the eighth amendment. That is why it must be repealed. Even if we repeal the eighth amendment, many women will still be subject or may be subject to a 14-year prison sentence, which is utterly obnoxious and abhorrent. That is what we are trying to draw people's attention to. Whatever else we need to discuss about the repeal of the

eight amendment or about whether women should have the right to choose, as we believe, or whether it should be limited, as others believe, we are asking people to decide whether they believe it is acceptable there is a prison sentence of 14 years for a woman procuring an abortion pill or for doing something in this country that the State acknowledges women do every day in their thousands by going across to Britain to do in another jurisdiction. That is the choice; it is a simple one. I do not see how anybody has sustained, or could sustain, an argument that a 14-year prison sentence is acceptable in any kind of civilised society for a woman who makes a decision about her own pregnancy and life and body. To me, it is simple.

Deputy Paul Murphy: Here we are again with the left bringing the movement for women's bodily autonomy and women's rights into the Dáil. Outside the Dáil there is a majority who support the repeal of the eighth amendment and a majority who support the extension of abortion rights. In here, in this debate, we are in a small minority because of how conservative and how influenced by the Catholic Church the establishment is. The response of the various political parties is to hide again from this issue. Fine Gael's response is to hide behind the Citizens' Assembly, an assembly which is itself a hiding exercise and an attempt to put the question off far into the future. Fianna Fáil is also hiding behind a Citizens' Assembly. Its leader has said the real citizens' assembly is in the Dáil. It is hiding behind a spurious argument about legality and constitutionality. There is nothing to that argument. Sinn Féin, interestingly, is hiding behind the legality argument while also arguing that this Bill does not go far enough because it does not repeal the eighth amendment. In reality, it is hiding because it is not a pro-choice party. Unfortunately, it is in favour of abortion rights in extremely limited circumstances. While we welcome the support of the Labour Party, it should be noted that it is ironic that the punishment and criminalisation against which the former Minister, Deputy Alan Kelly, and his party colleagues intend to vote was introduced by a Government of which they were a part. This raises a question over the so-called "proud history" of the Labour Party. I suggest it would be more accurate to refer to the proud history of the labour movement.

I want to clarify the question of legality. This Bill is an attempt to do as much as possible, within the framework of a barbaric and backward Constitution that needs fundamental amendment, to come close to ending the criminalisation of women who access abortion. It is precisely for that reason that the Bill is not unconstitutional. Rather than eliminating the penalty altogether, which is what we would have liked to do, the most we can do within the framework of the Constitution as it stands is to reduce the penalty from 14 years to one year. The arguments being made by Fianna Fáil and others are nonsense. We agree with those who say they are in favour of the repeal of the eighth amendment and those who say they are pro-choice. We are asking them to vote in favour of this Bill. It is very simple.

The Bill does not solve all the problems. It does not repeal the eighth amendment. It does not provide for abortion for women who need it. It does not provide for the necessary health services. We are fighting for all of those things. The establishment tries to hide, but women cannot hide from the criminalisation that is happening on a daily basis. The 12 women a day who are forced to travel abroad and the women who access abortion pills face this potential criminal sanction. The movements outside the Dáil will not allow the establishment to hide from the need to repeal the eighth amendment. Those who mobilised today on the bus for repeal, those who will mobilise tomorrow with the strike for repeal and those who will participate in the march for repeal will not let the establishment get away with it.

It is important, and it is not wrong, to name the opponents of the change that is needed in our society. The Catholic Church and the religious right were responsible for the insertion of

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the eighth amendment in the first place with the agreement of the establishment parties. Deputy Éamon Ó Cuív said that his views on this issue have nothing to do with religion. He said it is his independent belief that a foetus has some sort of independent existence. I do not believe it is an accident that this belief is shared by Catholic Church. The Constitution of this State is riddled with the Catholic ethos. This is an expression of the historic relationship between the hierarchy of the Catholic Church and the State. It is not an accident that the only other constitution in the world with a ban on abortion is the constitution of Chile, which was introduced by Pinochet with the co-operation of a big part of the clergy during his dictatorship. The Catholic Church is the church of symphysiotomy, the Magdalen laundries and the so-called mother and baby home in Tuam. It attempts to lecture women about morality. The church and the rest of the conservative establishment cannot talk seriously about being pro-life. They could be much better described as being pro-birth.

I will conclude by making a point about respect. Many Deputies have appealed for respect to be shown during this debate. That is fine. We should have a respectful discussion. This is fundamentally about respect for women. The calls for respect are about policing the tone of women and saying women should not be demanding full abortion rights. The key thing is respect for women's rights and women's bodies.

Minister for Health (Deputy Simon Harris): I thank Deputy Bríd Smith and her AAA-PBP colleagues and Deputies Catherine Martin and Eamon Ryan of the Green Party for publishing the Bill that is before the House. I thank all the Deputies who have spoken on this issue for their contributions to the debate. This is the third occasion in my ten months as Minister for Health that I have addressed this House on the issue of abortion. I hope my own feelings on this matter are clear. My views on the road we need to travel have been put clearly on the record of the House. My generation has not had its say on this important issue in a constitutional referendum.

It is clear that public opinion on this issue is not as cut and dried as some people would have us believe. That is why the work of the Citizens' Assembly is so valuable. Those of us who followed the assembly's proceedings at the weekend could see that its work is now at an advanced stage. While I do not wish to pre-empt the outcome of the assembly's work, I wish to reiterate my clear belief that we need a referendum on the eighth amendment to enable those of us who have not yet had our voices heard to be heard. The key to the success of any referendum is to try to create a majority viewpoint for constitutional change.

I am proud of the record of my party on this issue. When we were in government with the Labour Party, we tackled generations of neglect following the X case by introducing the Protection of Life During Pregnancy Act 2013. Was it enough? Did it go far enough? I have already said I think we need to look at the eighth amendment through a constitutional referendum. Did it go as far as this House could legally go at that time? It absolutely did. That was the very clear advice available to the Government at that time.

While the Bill we are discussing this evening is well-meaning, I do not believe it is the way forward. I have received clear advice from the Attorney General that Article 40.3.3° of the Constitution imposes a positive obligation on the State "by its laws" to respect, defend and vindicate "the right to life of the unborn ... with due regard to the equal right to life of the mother". This means that the termination of pregnancy is prohibited by law except where there is a real and substantive risk to the life of mother. This prohibition is set out in section 22 of the Protection of Life During Pregnancy Act 2013, which restates the existing prohibition on abortion in

modern terms.

If the State is to fulfil its obligations under Article 40.3.3°, this prohibition must be backed up by an effective sanction that reflects the seriousness of the offence and provides the trial judge with sentencing options that can be tailored to the particular circumstances of cases which, as we all know, can vary widely. This provision was carefully considered at policy level during the drafting of the 2013 Act with a view to providing a calibrated, proportionate and constitutionally robust provision. As those of us who were Members of the Dáil or the Seanad at the time will recall, this issue was debated at great length. The Government of the day sought the advice of the Attorney General and that advice was scrutinised at great length.

I hope nobody in this House would wish to see any sort of punitive punishment imposed on a woman in a crisis pregnancy or a difficult pregnancy. In 2013, this House sought to deal with the legal framework we were trying to put in place in a manner that was respectful of the constitutional reality. I believe the constitutional reality needs to change. I believe there needs to be a referendum to make that happen. I hope the Citizens' Assembly brings us to that point. As I have said, the provisions of the 2013 Act were carefully drafted at a policy level.

The Private Members' Bill before us seeks to reduce to €1 the existing penalty for the intentional destruction of unborn human life. This penalty is so low that it would represent a failure to respect, defend and vindicate the right to life of the unborn, as the State is currently obliged to do under Bunreacht na hÉireann. It would also remove any discretion at all from a trial judge, who would not be permitted to pass a sentence reflecting the gravity of the offence in a particular case. The circumstances in which the life of the unborn is lost can vary significantly across a number of cases. For instance, a judge would be unable to impose an effective penalty in a case in which an abortifacient is administered to a pregnant woman without her knowledge or consent.

I respectfully suggest this legislation would have many inadvertent and unintended consequences - I accept that they are unintended - on a woman, on a woman's well-being and on the defence of a woman from certain crimes that may be committed against her and her baby. The clear advice of the Attorney General, which I am sharing with the House, is that this Bill fails to discharge the State's obligations under Article 40.3.3° of the Constitution and would, if passed, be likely to be subject to immediate successful legal challenge. It is clear to me as a member of the Government and as Minister for Health that we cannot accept this amendment to the 2013 Act.

As we all know, Article 40.3.3° is under active consideration by the Citizens' Assembly. This House has already taken steps, through the passage of a motion and through consideration at the Business Committee, to assess what it will do when it receives the report of the Citizens' Assembly in order to enact change, if that is the direction the assembly brings us in. It is for this reason and the reasons outlined earlier that I cannot support a Second Reading of this Bill. I ask the House to allow the Citizens' Assembly, which was established by resolution of this House and Seanad Éireann, to conclude its deliberations on the eighth amendment as quickly as possible prior to further consideration of potential legislative and constitutional change, including the various elements of the Protection of Life During Pregnancy Act 2013. As people know, this is due to report to the Oireachtas during the first half of this year. As we are now into the third month of the year, that will happen within three months.

It is for that reason the Government tables its reasoned amendment. It is important to note

the difference between a reasoned amendment and opposition to a Bill. The reasoned amendment declines to give the Bill a reading on Second Stage for all the various reasons I have outlined, as opposed to disagreeing with the overall principle of what the proposers of this Bill are trying to achieve. When we pass laws in this House we must be cognisant of the Constitution, regardless of whether one likes it. We must be aware of the legal obligations it places on the State and the Government and if we want to change that reality, we need a referendum. I hope we will have a referendum and that the Citizens' Assembly will bring us to that point.

Deputy Mick Barry: If the Minister is serious about his opposition to the eighth amendment, he would urge support for this Bill as the passing of it would show how outrageous the eighth amendment is. It was stated in the debate by a spokesperson on the Government side that while Article 40.3.3° of the Constitution prohibits abortion with certain exemptions, this prohibition would be ineffective without the provision of a criminal prevention of the offence in question. I put it to the House that this is a powerful argument for the scrapping of the eighth amendment. Most people do not know and would be shocked to learn it is part of the law of the land-----

Deputy Bríd Smith: That is true.

Deputy Mick Barry: -----that a woman could be jailed for 14 years for procuring an abortion. What a scandal it is that we could potentially involve the police, courts and judges in what is the most intimate sphere of life for any woman. What a horrible law this is and it shows how rotten is the eighth amendment and why it must go. That is in addition to all the other arguments.

I will read into the record of the House the names of the Ministers currently sitting at the Cabinet table who voted in the previous Dáil to keep the wording in the Protection of Life During Pregnancy Act 2013 that allows a woman to be jailed for 14 years for procuring an abortion in this State. They are Deputies Richard Bruton, Simon Coveney, Michael Creed, Regina Doherty, Paschal Donohoe, Frances Fitzgerald, Charles Flanagan, Enda Kenny, Mary Mitchell O'Connor, Denis Naughten, Leo Varadkar and Simon Harris. I see there are campaigners for repealing the eighth amendment in the Visitors Gallery. I would say to them without hesitation that the names of those Deputies who vote against taking that horrible provision out of the laws of the land in the vote on Thursday, as well as the Deputies who abstain, should be made known throughout the land. I have no hesitation in saying they should be named and shamed.

This Bill appears before the Dáil at a very timely moment. Tomorrow, on 8 March, we have International Women's Day and it is an historic moment for women in Ireland. For the first time, all marches, rallies and demonstrations taking place on the day are unmistakably linked with the urgent need to repeal the eighth amendment. Tomorrow, thousands of women and men will take to the streets of our major cities expressing their disgust with the anachronistic laws in this country that treat women as criminals for wanting the obvious, which is access to and control over their bodies and reproductive rights. I am proud to say the Anti-Austerity Alliance Deputies will be taking part in as many of these actions as we can tomorrow and we are calling on everybody to join us.

It is horrific to think the history of the State is absolutely tainted from the get-go with the appalling treatment of women and women's health. It amounts to appalling treatment I would not hesitate to describe as crimes against women, some of which the State and church are still pretending never happened or were not sufficiently serious to merit full apology or proper

redress. These include symphysiotomy, the Magdalen laundries, revelations about the Tuam home cruelties, the Grace case and the social stigma that unmarried mothers had to endure for years, as well as the punishments that came with that. There were hundreds of cases of sexual abuse being covered up and, more recently, women were denied the dignity of their own choice over their body. There are examples from the X case 25 years ago to Ms Y one year ago, the case of an under-age suicidal rape victim and asylum seeker who was forced to carry on with her pregnancy until it was safe to conduct a caesarean section, despite repeatedly asking for termination of her unwanted and forced-upon pregnancy. This is not to mention the cruelty committed every single day when women of all ages facing a plethora of different personal issues are forced to travel abroad, mainly to England, because the Constitution treats them as second-class citizens.

I will conclude as I do not want to eat into Deputy Bríd Smith's time. It is essential to bring forward Bills like this. Tomorrow, we will see a clear and unequivocal message from the thousands of people who will take part in the strike for repeal and the march for repeal. It is time for Ireland to shake off any relic of a backwards and mediaeval state and decriminalise abortion. We must stop exporting it and remove all the legal obstacles for women to access their bodily autonomy.

Deputy Bríd Smith: I thank all Deputies who supported me in this. I forgot at the beginning to thank the Green Party in particular for signing the Bill and supporting it. My comrades beside me have done a great job. That is why they are my comrades, as they do a great job in being logical, unlike some of what I heard tonight. None of the other Deputies really addressed the issue. Why do we have a 14-year sentence for women? The Minister, Deputy Simon Harris, has told me that is the best they could do when they brought in the Protection of Life During Pregnancy Bill. Is that the best he could do? Please give me a break.

Deputy Simon Harris: That is without changing the Constitution.

Deputy Bríd Smith: Please give a break to the young women in this country who face daily the obstacle of not being able to procure abortions at home. The Minister and I know, as well as the dogs in the street, that they can go abroad and we can export the problem. They can also obtain the materials for an abortion illegally over the web. I happen to be in favour of a united Ireland and I find it difficult to recognise the Border at all. I am certainly against a hard Border. Currently, north of the Border, three women have faced the courts with a punitive sentence of life imprisonment being available to the courts in Northern Ireland as punishment for obtaining the abortion pill. That is the reason I am putting forward this legislation. I am not gagging or seeking sensationalism. I am not messing. I am seriously saying to the Deputies in this House, "How dare you?"

Most of the other people who spoke tonight against the Bill were men. Are there no women in Fianna Fáil for example? Deputy Éamon Ó Cuív maintains that I do not respect him, but I absolutely respect his beliefs, as well as those of his wife and anybody else in the House. I do not respect their imposition of their beliefs on me, the women in the Visitors Gallery or anybody else in this country. They have no right to impose their personal beliefs on the rest of us and allow for a 14-year sentence for that act.

We must have some sense of urgency and not wait for what will at least be another year before the Citizens' Assembly's product comes back to us and we have a vote on it. As Deputy Richard Boyd Barrett rightly and eloquently pointed out, even then this law and the punitive

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14-year sentence will remain in the Statute Book. At least the Minister understood what I was talking about, unlike the Taoiseach, who referred to a partner kicking a woman in the belly and getting away with a €1 fine. How silly, ridiculous and dismissive of the seriousness with which we are dealing with this matter.

I appeal to Deputies to speak to the subject and think about the issue. This is a 14-year sentence that can be applied to women, counsellor, doctors, advisers and anybody helping a woman to procure an abortion.

Deputy Richard Boyd Barrett: A student union.

Deputy Bríd Smith: I have helped a young woman to get an abortion pill and I could face a 14-year sentence. I am past my sell-by date in terms of being able to carry a child but I have helped other women to terminate a pregnancy because they found themselves in a crisis. I could get 14 years and many of us in this country could be subject to it.

Nobody in this House, apart from those who support the Bill, seems to be taking this issue seriously. If a single woman, doctor or anybody else ends up being arrested or in court, shame on those Deputies. They will bear the responsibility for that. They have an opportunity to vote against this amendment of the Government, which basically argues that the *status quo* should remain and the 14-year punishment is the best we can do. If it is the best those opposite can do, they should not be in government. They certainly do not represent the interests of women in this country. It is unhealthy and immoral and must end. That is why I am saying our hands are tied in introducing legislation to decriminalise women and their practitioners absolutely and utterly. This was the advice from the Office of the Parliamentary Legal Adviser, which told us it was unconstitutional. It did not state this about the proposed reduction of the sentence from 14 years to €1. It stated the opposite. It told us that we were free to go ahead, given that it was not unconstitutional. The Minister is receiving different advice from the Attorney General. The Office of the Parliamentary Legal Adviser gave us this advice and we should put it to the test. If the Minister and other Deputies think it is a problem, they should amend it and tell us what they think is appropriate. If this is the best the Minister can do, perhaps he might propose giving them six months, three years, five years or €10. If this is the best he can do because it was the best he could do, he is failing women and should not be Minister for Health.

Amendment put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 9 March 2017.

Message from Seanad

An Leas-Cheann Comhairle: Tá glactha ag Seanad Éireann leis an Bhille um Rialáil Cumarsáide (Seirbhísí Poist) (Leasú) 2016 gan leasú.

The Dáil adjourned at 9.55 p.m. until 10 a.m. on Wednesday, 8 March 2016.