



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 18 Eanáir 2018

Thursday, 18 January 2018

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Capital Expenditure Programme Review

1. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the position regarding the progress of the capital review; the discussions he has had with the Minister for Health on health capital investment priorities; and if he will make a statement on the matter. [2486/18]

Deputy Dara Calleary: I am trying to get a sense of the timeline for the capital plan review. Has the Minister set a deadline for publishing it? I asked parliamentary questions of all of the Ministers, and I got no sense of major urgency in terms of their various priorities and negotiations with the Minister on the plan. This morning I want to focus specifically on the health element of the plan, bearing in mind the Minister for Health has said he intends to engage with the Minister on the capital plan and the Minister for Health's capacity review. What work has been done on this?

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): As we have discussed on a number of occasions, the capital review was published on 14 September last year and all Members of the Oireachtas received a copy of it. To recap, the review of the plan highlighted some important themes, which will closely inform and be incorporated into the analysis leading to the finalisation of a new ten-year plan. These themes include confirmation of the role of capital investment and aligning that investment to the changing demographics in Ireland. Also included is the importance of balanced investment throughout the country. It

also looks at mechanisms to strengthen our resilience to risks such as Brexit. There is also the importance of having mechanisms in place to support efficiency and value for money for public capital investment and the need to ensure we have strong business cases in place.

Based on the analysis, the review of the capital plan identified a number of important sectors for investment. These include transport, education, housing and, to address Deputy Calleary's point, health. The findings of the review assisted the Government in selecting priorities for the allocation of the additional €4.3 billion capital expenditure allocated in budget 2018 for the period to 2021. Between 2014 and 2021, capital expenditure in Ireland will have doubled. We judge and expect that by 2021 capital investment will have reached €8.4 billion, of which €780 million will be designated to health.

We have consistently prioritised investment in health, with an increase of 19% in the health capital allocation since 2016, typifying our investment in that area. The Government's investment in primary care centres is an example of this, as 63 primary care centres were opened between 2011 and autumn 2017, bringing the total to more than 100.

To answer the specific additional questions the Deputy has put to me, just before Christmas the Department received the review of the Minister, Deputy Harris, on acute capacity in the health sector and we are considering it at present. It is a key input into the ten-year plan.

Deputy Dara Calleary: I thank the Minister. I am trying to get a sense of the timeline. Is the Department working to a timeline for the final process and publishing the final review in terms of the major projects identified, specifically with regard to health? The HSE stated in response to parliamentary questions that the capital cost of a hospital bed is approximately €1 million. The Minister, Deputy Harris, has mentioned looking for 500 extra beds in the system this year. Has he engaged with the Minister, Deputy Donohoe, on this specific figure? It has been reported that the capacity review suggests we will need an extra 2,500 hospital beds in the system, which would have a capital cost of approximately €2.5 billion. The Minister has said there is €4.3 billion. I presume it will not all go to health but a great majority of it will do so. I am trying to get a sense of it. In response to the emergency department crisis, the Minister for Health made a number of statements and commitments. What backup and work has he done with the Minister for Public Expenditure and Reform and the Department to back up these statements?

Deputy Paschal Donohoe: With regard to the timeline, the key framework for all of this is the national planning framework. Public consultation on the national planning framework finished in recent weeks. An additional number of submissions were received by the Minister, Deputy Murphy, which he is now considering. When that work is done it will allow me to conclude where we are with our ten-year capital plan.

On the Deputy's question on the status of the number of beds that may be requested under the review of capacity in the health sector, the Minister, Deputy Harris, will bring that recommendation to Cabinet in the next two weeks. At that point we will be able to finalise what the recommendation will be and how it will be met.

With regard to the cost, the Minister, Deputy Harris, and I are engaging on what the cost per bed will be. There is no doubt that, like other forms of capital investment, a significant amount of funding is required to meet the type of challenge he is referring to. This is why we are looking at it on a ten-year basis. If we look at it over many years as opposed to year to year, it will

give us a greater chance of being able to plan for this effectively and meet these high costs.

Deputy Dara Calleary: Has the Minister for Health made a specific request to the Minister for Public Expenditure and Reform for extra funding in light of the difficulties faced in our emergency departments in recent weeks and which will be faced over a number of weeks to come and in light of his statement on 500 extra hospital beds in 2018? Has a specific request been made to the Department of Public Expenditure and Reform from the Department of Health on this?

Deputy Paschal Donohoe: The Minister for Health has submitted a view regarding the total number of beds needed in the coming period. He has put forth his views on many costs in respect of the health service, which include beds but also deal with our position from the perspective of primary care centres and our needs - for example, how we fund a new national maternity hospital. I have an array of different health sector and other costs coming in and I am now working with many Departments to try to finalise what those costs are and assess what costs we are able to afford and deliver across the coming years.

Public Private Partnerships

2. **Deputy Jonathan O'Brien** asked the Minister for Public Expenditure and Reform if additional use of public private partnerships, PPPs, in capital spending beyond the 10% cap will be ruled out in view of the lack of a systematic cost-benefit analysis; and if he will make a statement on the matter. [2405/18]

Deputy Jonathan O'Brien: I ask the Minister to rule out the use of PPPs in capital spending beyond the 10% cap in light of the review and given the lack of cost-benefit analyses.

Deputy Paschal Donohoe: Public private partnerships are subject to the same robust and rigorous project appraisal process as traditionally procured projects. In ensuring that Departments obtain the best value for money from public capital investment, PPPs, just like traditionally procured projects, are subject to the requirements contained in the public spending code.

The public spending code, PSC, is designed to ensure that the State gets the best possible value for all the resources at its disposal. The requirements of the code are based on employing good practices at all stages of the expenditure life cycle. Departments and other public service bodies need to be satisfied that the expenditure practices they employ are of an acceptable standard and that they consistently maintain these standards. All projects over €20 million, which would include all PPPs, should be, and are, subjected to a cost-benefit analysis or cost-effectiveness analysis.

In addition, all public investment projects valued at €20 million or above must also be referred to the National Development Finance Agency, NDFA, for advice on the best way of financing the projects, which would include all PPPs.

An expert group was established last year to review our experience of using PPPs and to make recommendations on their future use. The group's deliberations will be completed alongside the finalisation of the new ten-year national development plan, and I understand that one of the recommendations will be that cost-benefit analysis for PPPs, as for all major projects, should in future be published.

With regard to the 10% cap, the current position is that when all currently planned PPPs are operational, the cost of unitary payments is expected to peak at about €410 million per annum in 2023. This is expected to be less than 5% of the expected Exchequer capital allocation in the year, so there is still significant headroom for additional projects within the 10% cap that was introduced in 2015.

Deputy Jonathan O'Brien: We will await the outcome of that review and see what its recommendations will be, but I am sure the Minister is well aware that the IMF recently commented on the use of PPPs. It recommended:

- Consider imposing restrictions on PPPs that are more likely to impose a future fiscal burden and consider “raising the bar” by requiring PPPs to achieve higher net cost savings compared to the public-sector benchmark.

[...]

- Make public the results of [those cost-benefit analyses] of PPP projects, and the criteria used to select them.

- Conduct more ex post reviews of PPP projects, and disseminate the results; give more weight in these reviews to the economic and social impact of PPPs.

It will be interesting to see what the outcome of the review will be and whether we will get to a position where the cost-benefit analyses will actually be published. The Minister said the current projection is about 5%, and I am glad to hear that, but I am also a little concerned that he says there is that wriggle room there because, in my opinion, the long-term economic benefits of using PPPs are questionable. That is why we need these cost-benefit analyses to be published.

Deputy Paschal Donohoe: The answer to the Deputy's question varies by project. I believe private financing can play an important role in allowing important public projects to go ahead. The example I would give to the Deputy is the recent loan made by the European Investment Bank to allow us to move ahead with the new national children's hospital which is under construction. We have public private partnerships all over the country that, for example, have allowed primary care centres and schools to go ahead. I believe that in the future we will be able to find a way to allow the publication of cost-benefit analyses that will not impinge on commercial sensitivities but allow the State to get good value for such projects in the future. A matter with which I am dealing at present, of which I am sure the Deputy is aware, is any spillover effects that may have been caused by the difficulties concerning Carillion in the UK. Yesterday I met the National Treasury Management Agency, part of whose work is to deal with public private partnerships. We are working now to ensure that any potential difficulties here in Ireland are dealt with, particularly in respect of a number of schools that are part of public private partnerships. We want to ensure that the expectations of their pupils, their teachers and their communities are met.

Deputy Jonathan O'Brien: It is interesting the Minister mentioned Carillion because its collapse has raised concerns. In British politics a number of commentators have commented on the use of PPPs and the contribution they have made. One politician said:

It enabled you [he was speaking to the Chancellor of the Exchequer], at least in the short term, to dress up considerable amounts of public expenditure and put them off the public

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sector balance sheet. We have now had enough evidence that it is not good value for money and therefore not sensible from the point of view of the taxpayer.

This was actually a Conservative politician, so there is not a left-wing-right-wing outlook to this matter. The publication of these cost-benefit analyses is important, and we need to find a way to achieve that without impinging on commercial incentives.

Deputy Paschal Donohoe: Public private partnerships have served us well in delivering many projects, either more cost-effectively than we would have been able to do them in the past, or indeed projects that we would not have been able to make happen at all in the past. I believe private financing and the role of public private partnerships generally in the future will continue to be of great help to us in making important projects happen. My key point, however, is that the answer to the question whether PPPs help will vary from project to project. There are particular projects - for example, in the area of transport - for which PPPs will be really valuable and will help. I will continue to approach the matter on a case-by-case basis to ensure we get good value for the taxpayer and are able to move ahead with important projects.

Bullying in the Workplace

3. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the number of cases of bullying and sexual harassment that have been reported within a Government Department since 2011; the outcome of such cases; the steps he is taking to ensure the safety and dignity of all employees within the public service; and if he will make a statement on the matter. [2487/18]

Deputy Dara Calleary: Bullying and harassment at work has come into a new focus in recent weeks and months. I am conscious of the Minister's Department's Dignity at Work document. I want to know what engagement there is between his Department and other Departments on the issue of bullying and sexual harassment within each line Department.

Deputy Paschal Donohoe: The Civil Service is committed to protecting dignity and respect across all organisations. The current policy for dealing with complaints of bullying or harassment is, as the Deputy has said, Dignity at Work, which was revised and published in 2015. The policy aims to promote respect, dignity, safety and equality in the workplace. My Department developed the policy in conjunction with Civil Service management and the staff panel of unions. It is a matter that I and my Department take very seriously, and we go to great efforts to ensure that the policy is implemented and understood by both employees and management across the breadth of our Civil Service.

This policy provides a clear process for dealing with complaints about bullying and harassment in Civil Service organisations. The policy also provides for the investigation of complaints. To ensure access to impartial and professional investigations of any allegations of bullying or harassment, my Department put in place an external workplace investigation services framework. It provides a framework of companies that can be requested to investigate cases of bullying and harassment, workplace difficulties and disciplinary matters. Under the auspices of my Department the Civil Service Employee Assistance Service is available to all civil servants. Although my Department does not currently hold figures for total numbers of bullying and sexual harassment complaints, the following data are available centrally. The numbers of investigations requested by Civil Service organisations under the external workplace investiga-

tion services framework in 2015, 2016 and 2017 were 15, 18 and 27, respectively. The numbers of mediations in the Civil Service carried out by the civil and public service mediation service in 2015, 2016 and 2017 were 37, 36 and 29, respectively.

Deputy Dara Calleary: I am concerned that the data are not held centrally. What unit in the Department of Public Expenditure and Reform is in charge of ensuring the dignity at work policies are implemented and made known in each Department? I tabled a parliamentary question to each Minister about the level of complaints within his or her respective Department, although my question to the Minister may have been worded differently. There have been 89 complaints since 2011, eight of which were upheld. During that period there were two complaints made in the Department of Health, 51 in the Department of Employment Affairs and Social Protection and 18 in the Department of Agriculture, Food and the Marine. As Minister for Public Expenditure and Reform, can the Minister stand over the consistency of implementation of the dignity at work policy in each Department and indicate who in the Department of Public Expenditure and Reform is driving this policy and ensuring it is being implemented across Departments such that, regardless of in what Department a civil servant is working, he knows that can stand over this process?

Deputy Paschal Donohoe: In my Department responsibility for this issue lies within the human resources section which works closely with the public service reform unit of my Department. On whether there is consistent implementation of the policy across the Civil Service, I am satisfied that it is applied. It is a matter I have reviewed with staff in my Department and we believe the policy is applied broadly and fairly, but we can never be complacent on this matter. The statistics I have given to the Deputy and the ones referenced by him should be viewed in the context of the many tens of thousands working in the Civil Service, although one case is one too many. We have to treat the issue with the seriousness it deserves. I am personally committed to ensuring that will happen, as I know my Department is, too. This is a very serious matter.

Deputy Dara Calleary: On the agencies or bodies within the remit of the Department of Public and Expenditure and Reform and each of the other Departments, has the Minister been made aware of any State agency or body in which the incidence of bullying or sexual harassment is higher than in other offices?

Deputy Paschal Donohoe: No part of the Civil Service or any semi-State body has been identified to me as having a higher incidence than the average figure or the norm. Any case that is proved does not reflect well on our work in ensuring there is dignity in the workplace. As I said, one case is one too many. My Department and I want to ensure anybody who comes to work in the Civil Service or elsewhere is treated with the dignity and respect he or she deserves. I am confident that this happens in the overwhelming majority of cases. Any example of where this policy is not applied should be and will be dealt with fairly and seriously. Anybody who comes to work for any part of the State deserves to be treated fairly and professionally and have his or her human dignity respected.

Acting Chairman (Deputy Declan Breathnach): In the absence of Deputies Mattie McGrath and Joan Burton, we will move to Question No. 6.

Question No. 5 replied to with Written Answers.

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Office of Public Works Projects

6. **Deputy Brendan Smith** asked the Minister for Public Expenditure and Reform the drainage projects to be undertaken by the Office of Public Works in County Cavan in 2018; the estimated cost of same; the drainage projects to be undertaken by Cavan County Council with financial assistance from the Office of Public Works; and if he will make a statement on the matter. [2131/18]

Deputy Brendan Smith: Many parts of County Cavan are affected by severe flooding. Unfortunately, however, very little of the county is covered by the Arterial Drainage Act 1945. There is at times a huge burden on the county council to carry out flood relief and drainage works. Will the Minister of State ensure whatever proposals are put before the Department of Public Expenditure and Reform by Cavan County Council are given urgent and favourable consideration? Will he engage with the Minister of State with responsibility for local government on the need to allocate specific funding for local authorities to carry out essential drainage and flood relief works?

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): The Boyne, Inny and Glyde and Dee arterial drainage maintenance schemes are in operation in County Cavan. As part of the annual maintenance programmes, maintenance of approximately 78 km of river channel is scheduled to take place in County Cavan at an estimated cost of €460,000. I am delighted to tell the Deputy that the work will take place this year.

Local authorities are responsible for the ongoing maintenance of certain watercourses within the drainage districts in the county. For areas not covered by the arterial drainage maintenance programme, the OPW operates a minor flood mitigation works and coastal protection scheme. It is open to all local authorities to submit a funding application under this scheme. Any application received is considered in accordance with the scheme's eligibility criteria that have recently been reviewed and having regard to the overall availability of resources for flood risk management. An application was recently received from Cavan County Council for structural flood defence works at Drummullan. The application is under consideration.

Towards the end of last year I announced a pilot scheme for channel cleaning for five local authorities. Following on from a review of the delivery of the pilot schemes, I hope to widen the scheme to other areas next year, including County Cavan.

Deputy Brendan Smith: I thank the Minister of State for his reply. I have been actively involved with residents in the Drummullan area of County Cavan to which the Minister of State referred and know that Cavan County Council has been in regular contact with his officials in Trim. The residents appreciate the co-operation and the willingness of the Minister of State's officials to advance the particular project. Approximately €250,000 is required to carry out the necessary flood relief works in the area. As I am anxious that that necessary approval issue to the county council at the earliest possible date, I would very much appreciate it if the Minister of State would discuss the matter with his officials. There are other areas in respect of which the council will be making applications for financial assistance, including Ballyhaise and Drung. As these areas are flooded on a 12-month basis, land is lying fallow and often people are unable to get to their homes or farms. In a county such as Cavan in which there is little drainage of the river system under the Arterial Drainage Act 1945 there is a huge burden on the council. I would very much appreciate it, therefore, if the Minister of State would designate it as one of

the pilot scheme areas for the channel remediation works to which he referred.

Deputy Kevin Boxer Moran: I appreciate from where the Deputy is coming on this issue. Cavan County Council works closely with the Department. Where we can expedite the process of delivering under the schemes, we will do so, particularly in the areas mentioned by the Deputy. As I said, the recently submitted application is under consideration and we will respond to the local authority in due course. The pilot scheme has been rolled out. Following a review of its delivery, I will come back to the Deputy on roll-out of the scheme nationally.

Deputy Brendan Smith: The Minister of State has accepted an invitation from me to visit County Cavan. I look forward to bringing him to some of the areas affected, where he will see at first-hand the terrible hardship being experienced by local communities, households and farmers. If he were to announce during the visit that he would include County Cavan in the pilot scheme, it would be most welcome. He will also see at first-hand the necessity for investment in the area.

We can no longer have so many homes flooded annually and farms people are not able to farm due to constant flooding on their holdings. Those issues need to be addressed. People want a clear, positive message that action will be taken and the necessary funding given to the council to carry out those essential works.

Deputy Kevin Boxer Moran: The Deputy is aware that I did a tour of Monaghan last week and looked at all the areas in question and I gladly take up his offer to visit Cavan. I had thought I would do it on the day but I did not get to it given the number of areas I had to see. The Minister, Deputy Humphreys, had me touring the best part of the day. I must give great credit to the two local authorities because they are willing to look for finance and assistance to help the people and to work together with those mentioned by the Deputy in delivering for their future.

11 o'clock

Brexit Issues

Acting Chairman (Deputy Declan Breathnach): With the permission of the House, we will now take Question No. 4. Deputy Mattie McGrath was attending a meeting of the Business Committee.

4. **Deputy Mattie McGrath** asked the Minister for Public Expenditure and Reform the core priorities of his Department with respect to the ongoing challenges presented by Brexit; and if he will make a statement on the matter. [2609/18]

Deputy Mattie McGrath: My apologies. I was attending a meeting of the Business Committee. What are the Minister's priorities in respect of the ongoing Brexit debate? This issue is hugely worrying for many.

Deputy Paschal Donohoe: As the Deputy will be aware, the Government is adopting a whole of Government approach to the challenges posed by Brexit. Our objectives are to minimise the impact of Brexit on trade and the economy, to protect the Northern Ireland peace process, to maintain the common travel area and to influence the future direction of the European Union.

Brexit issues in my Department are co-ordinated by the Department's Brexit-EU-North-

South unit. This unit supports me in my work on Brexit, leads Brexit work across the Department and represents the Department on the various groups that co-ordinate the Government's response.

The Government's response to Brexit involves continuing to manage the economy and the public finances carefully, negotiating effectively as part of the EU 27 while at the same time supporting and ensuring a strong and well-functioning EU, continuing support for business and our economy, and exploring existing and potential EU measures that could assist Ireland in mitigating the effects of Brexit. In supporting these objectives, the best and most immediate policy under my own control is to manage our public finances carefully.

Additionally, in budget 2018 I announced a number of measures which continue the process of making Ireland Brexit-ready. These include a new Brexit loan scheme of up to €300 million for SMEs. I have already seen the advertising for such funds commence. The measures also include the establishment of a rainy day fund, additional capital expenditure of more than €4 billion over the next four years, increased funding in Departments such as the Department of Agriculture, Food and the Marine, and increased allocations in Departments such as the Department of Business, Enterprise and Innovation to allow them to respond to many of the challenges created by Brexit.

Deputy Mattie McGrath: I congratulate the Government on the first round of the negotiations. They were very iffy and up and down and I acknowledge that they worked out reasonably well after a lot of careful and arduous work and a bit of blunt talking. Now, however, we are down to the next phase, which is very serious. I welcome the funds announced by the Minister and the advertising because we need to see them being advertised. I am not saying it should be loose money but we also need to see that there is not too much bureaucracy involved in accessing funds, especially for farmers that have a lot of exports to the UK, which is most farmers. Neither can it be too bureaucratic for SMEs that export. Every day since we came back and for two or three months before we went on break we have been in here talking about delayed farm payments due to computer glitches and other issues, which is not good enough. There is a lot of uncertainty and people need the supports to be as readily available as possible. They need to be forearmed and ready for whatever negative impacts may occur.

Deputy Paschal Donohoe: On the availability of funds, only last weekend I saw advertising from Enterprise Ireland encouraging SMEs to access the Agile Innovation fund. This fund is designed to support SMEs make the necessary changes to get ready for Brexit. I emphasise that the responsibility for making those changes sits first with those who run and own these companies. We will do as much as we can but I am concerned that the scale of the challenges approaching all of us as Brexit develops in whatever shape it may take has to be broadly understood by those involved in running small and medium-sized businesses. We have opened the fund to support them in their work and we will, as announced in the budget, put in place an additional fund which is aimed at Irish agriculture in particular. The Taoiseach addressed the IFA on Tuesday night to ensure its members of our understanding of their difficulties as well as the opportunities available, and our desire to support its members and Irish farming in responding to the grave challenges that could develop.

Deputy Mattie McGrath: There are organisations other than the IFA which represent the agriculture sector and smaller farmers as well. The Minister referred to agility. Most small business people are very agile because they have to be. It is not easy to keep an SME running and to keep all the balls in the air. They, therefore, do not need that kind of a response. The

money may be advertised - many schemes are advertised - but then there is the form filling, red tape and bureaucracy that has taken over our system. The Minister can roll his eyes up to heaven if he likes but those are the facts. Even for community organisations it is bucketloads and acre loads of paper. They just get weary and walk away from it. We need less of the red tape and we need the supports now.

I see the able Minister of State, Deputy Kevin Boxer Moran, is giving the Minister a bit of sound advice. He knows how to deal with it. He gets out on the ground and does it, and he does it every day of the week. We saw him all over the Christmas break looking after people. Make it easier for people to get access. Further, remember that Enterprise Ireland only supports companies that meet its threshold on the number of employees. I am talking about small SMEs with between one and ten employees, that is, those involving a person with perhaps his wife and family. Those are the people whom we need to support. Not everyone comes within the ambit of Enterprise Ireland which I think requires companies to have 200 or more employees.

Deputy Paschal Donohoe: I was just trying to maintain eye contact with the Deputy but I will look up at the sky in the future.

Deputy Mattie McGrath: I missed that. I do not know what the Minister said.

Deputy Paschal Donohoe: In terms of the Deputy's observations, if we were not advertising the funding, he would accuse us of not doing anything and of not making potential customers aware of a fund we have set up. Therefore, we did that. On helping people access funds, Enterprise Ireland is trying to make it as simple and as clear as possible for people to access the funding. I am aware that there are organisations other than the IFA. For example, I met representatives from the ICMSA in the run-up to the budget and I know the Minister for Agriculture, Food and the Marine, Deputy Creed, is working hard to try to ensure that we have the right funds and supports in place. Bord Bia published a report last week and I am greatly encouraged that we were able to point to another year in which Irish farmers and the agriculture sector have delivered improved sales to the UK and elsewhere of the exceptionally high-quality produce being produced.

Other Questions

Public Sector Pay

7. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the progress his Department has made on the report on pay equalisation as specified in the Public Service Pay and Pensions Act 2017; the scope of the report; the timeframe involved; and if he will make a statement on the matter. [2339/18]

Deputy Dara Calleary: We proposed an amendment to the Public Service Pay and Pensions Bill on pay equalisation and I want to ensure that this is working its way through the system.

Deputy Paschal Donohoe: The Public Service Stability Agreement 2018-2020 provided that an examination of remaining salary scale issues in respect of post-January 2011 recruits at entry levels would be undertaken within 12 months of the commencement of the agreement.

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Additionally, as the Deputy is aware, he proposed, and this Government accepted, an amendment to section 11 of the Public Service Pay and Pensions Act 2017 which provides for the implementation of the terms of the agreement. This amendment provided that I will, within three months of the passing of the Act, prepare and lay before the Oireachtas a report on the cost of and a plan in dealing with pay equalisation for new entrants to the public service. This is a significant piece of work and the Irish Government Economic Evaluation Service has been assigned to collect, collate and examine the data and provide detailed point in time costs associated with the measure.

With regard to working on and dealing with the substantive issue, work has commenced and engagement is under way on the matter of data availability. It is taking place with the HSE, the Department of Education and Skills, the Office of the Government Chief Information Officer and the Department of Defence. Further meetings are being scheduled with the remaining 12 sectors and we will meet the timeline to which I committed with the Deputy in the amendment I accepted from him in December in the debate on and the passage of the legislation.

Deputy Dara Calleary: I welcome the clarification. It is also welcome that the Minister has the work under way through the Irish Government Economic and Evaluation Service. Will the service be consulting purely on figures or will it also engage with the unions involved before the March deadline? Is it just to give us the information to allow us to cost the measures and then proceed with the work of the Public Service Pay Commission?

Deputy Paschal Donohoe: I will not be engaging directly with the unions on the matter. It is the work of my Department and the industrial relations sections of other Departments to deal with them and they will continue to do so. The work of the Irish Government Economic and Evaluation Service will be, as the Deputy said, to respond and provide the information on the cost and consequences of the measure and to place the issue in the broader context of what is happening within the economy and current wage trends. As I said, the commitment I gave to the Deputy in December will be honoured and the report will be delivered to the House.

Deputy Dara Calleary: I thank the Minister.

Capital Expenditure Programme

8. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform his plans to prioritise particular projects in the context of the capital review programme; the extent to which he expects to address issues in health, housing or other sensitive areas in this context; and if he will make a statement on the matter. [2344/18]

Deputy Bernard J. Durkan: My question relates to the extent to which the Minister might find it possible, in the context of the capital review programme, to identify the most important items of infrastructure with a view to benefiting the economy.

Deputy Paschal Donohoe: I thank the Deputy for his question. I recognise his ongoing commitment to dealing with this issue, the work he has done in the Oireachtas and the parliamentary party to draw attention to the issue of housing supply and point to the terrible social costs experienced by people who are under pressure in their accommodation or in not being able to find accommodation. I am aware that he wants us to do more quickly and I am doing my best to do so. I just wanted to express my appreciation of his efforts.

The Deputy is aware that we have increased capital expenditure to meet housing needs. A recent example is the further €100 million made available before Christmas on foot of the work done by the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to ensure we could invest in local housing programmes such as home hubs and to respond to the social housing needs identified by local authorities. A traditional challenge has been local authorities not drawing down the available funding to meet housing needs. I am pleased to say, however, that last year all of the funding made available for housing was drawn by local authorities. The Minister, Deputy Eoghan Murphy, approached me towards the end of 2017 to say he believed there was an opportunity to invest more to ensure the programmes to which we had committed would happen. On that basis, we brought forward the Supplementary Estimate of €100 million for the Department of Housing, Planning and Local Government. I believe we are making progress. The Deputy and I are both aware that we want to make more progress and address the challenges. I will continue to do my best, with the Minister, Deputy Eoghan Murphy, to do that and take on board the warnings and advice the Deputy offers on the issue.

Deputy Bernard J. Durkan: I thank the Minister. I acknowledge his understanding of the matter, with that of the Minister, Deputy Eoghan Murphy, and other Members of the House. Given the extensive challenge presented by the sector, does the Minister believe that it might be possible in the short term to make an intervention or to assist the Minister, Deputy Eoghan Murphy, in making an intervention that would have a dramatic impact on those most seriously affected by the housing crisis? People are living in hotels, guest houses and the open air. Children are at risk as a result of circumstances beyond their control and it appears the country.

Deputy Paschal Donohoe: You can never recover a childhood. Families with young children are living in hotel accommodation. They include children who are attending primary and secondary school. Our commitment to give them the housing and accommodation they need is genuine. That is the reason we made additional funds available towards the end of 2017 to tackle this and other matters.

The Deputy made reference to a dramatic intervention. I have dealt with this issue on a constituency level for many years and the experience has given me an appreciation of the difficulties caused, especially when one arrives at a home in the constituency to see all of the generations living under the same roof. Would a sudden intervention make a big difference? I am concerned that it might not. The way to make a difference is the way we have tackled other problems in the State to try to improve week after week and month after month where we stand. There is urgency and we will continue to support the Minister, Deputy Eoghan Murphy, through anything we can do to tackle what is the burning issue in the country.

Question No. 9 replied to with Written Answers

Public Service Pay Commission

10. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform his plans to review and address recruitment and retention issues in various areas of the public service; and if he will make a statement on the matter. [2342/18]

Deputy Dara Calleary: During the course of last year there was a major issue in some areas of the public service. Once again the health sector was highlighted in the past few weeks owing to the difficulties faced in the recruitment of nurses and emergency doctors. Difficulties

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are also evident in the disability services. There was a debate in the House yesterday on section 39 organisations. What are the specific plans in place and the targets for recruitment campaigns in the next quarter to fill vacancies in these areas of the public service?

Deputy Paschal Donohoe: In devising a strategy to address recruitment and retention issues in the public service the Deputy will be aware that the Government approved the terms of reference for the second phase of work of the Public Service Pay Commission to address identified recruitment and retention issues in the public service. Provision for this process was included in the public service stability agreement 2018-2020, PSSA. The Deputy will recall that the commission's first report recommended a more comprehensive examination by it of underlying difficulties in recruitment and retention in sectors and employment streams of the public service where difficulties were clearly evident. The commission's approach will seek to identify where and to what extent there are difficulties in recruitment and retention for specific groups, grades and sectors of the public service. In such cases the commission will examine the full range of underlying factors, including the elements underpinning current remuneration packages, planned future pay adjustments, the alleviation of pension-related deductions as provided for in the PSSA and the FEMPI legislation post-2020. The commission will also look at best practice in other jurisdictions and, where appropriate, the domestic private sector in Ireland in addressing such issues. It will also look at supply constraints such as those relating to newly qualified graduates from relevant post-leaving certificate and third level programmes, career structures and other relevant HR practice or organisational issues.

The parties to the PSSA will have an opportunity to make submissions to the commission as an important part of the process. In conducting the work in its second phase the commission has access to external expertise to inform its deliberations. It will seek to bring forward a preliminary report during the year ahead and a final report on all these matters by end of the year, as agreed in the PSSA.

Deputy Dara Calleary: While I appreciate the work being done by the Public Service Pay Commission, I specifically want to know what will happen in the next quarter. Will there be any focused recruitment campaign launched for the health service or the education sector in which there is also a crisis in finding substitute teachers. The latter matter was highlighted on a number of occasions, particularly in the past week.

I note the commission is looking at pay and conditions, but is there a plan to examine overall HR practices within the civil and public services? Are these best practice, in terms of where we are at in 2018 and in terms of the lifestyle trends of people who we want to get working? Do they facilitate the choices people are making now, in terms of taking time out to travel and for other reasons, such as further study? Can the Minister honestly say that the HR practices across the civil and public services are fit for purpose in 2018?

Deputy Paschal Donohoe: In regard to the Deputy's first question, I do not agree there is a crisis in recruitment or retention within schools. We are hiring more teachers and we are lucky with the quality of both the graduates who have come through and those who are qualifying from the teaching colleges who are coming into the schools. The Minister for Education and Skills has acknowledged that in a number of particular areas within teaching we are experiencing some recruitment and retention difficulties and he has said that he will bring forward proposals and measures to deal with that.

In regard to the Deputy's second question on whether HR practices are fit for purpose, to be

honest, the answer varies by sector. If I look at where we are from a Civil Service perspective, I believe we have HR practices in place that are fit for purposes but I have asked the Public Service Pay Commission to look at HR practices in the particular sectors I touched on a moment ago. I am strongly of the view that if the commission points to difficulties - matters such as career planning, allowing people to study and recognising that people might need to work at different paces at different points in their careers are at the heart of some of the issues we may need to address - it will examine them. It will look at whether such practices are consistently applied throughout the country.

Deputy Dara Calleary: I disagree with the Minister. If the Minister thought “Morning Ireland” was difficult this morning, imagine being a primary school principal trying to find a substitute teacher at 8 a.m. this morning. Sitting at a phone, going through the list and trying to find one, which is virtually impossible for many of them. That was highlighted by the Irish Primary Principals’ Network. If the Minister was a principal in a secondary school, he would experience the difficulties of trying to get teachers to fill vacancies in science or any of the subjects we value so much, such as mathematics. The reason there are so few people applying to be teachers in those subjects is because it is not seen as attractive. Pay is one issue. Pay equalisation is a key issue which the Minister has discussed, but there are the other issues.

I welcome the Minister’s acknowledgement that there are areas of HR that need to be examined but we need to look at this in the round. There is a crisis. There is a shortage of nurses. That has been evident over the past number of weeks. There is a shortage of emergency doctors. That is being highlighted by the Minister for Health. There are so many areas into which we need to inject urgency. We also need to recognise that pay is an issue but it is not the only issue discouraging people from applying for jobs in the public service.

Deputy Paschal Donohoe: I was responding to the Deputy’s question, particularly in regard to education. I never said there were not any difficulties. There are difficulties. Where I differ is that we will respond to the difficulties. The Minister for Education and Skills has stated we already do that. We must view the difficulties that we are referring to against the background of two developments. The first is that we are recruiting more teachers and nurses than we have done in the past. We have the ability to do it. Second, an ingredient in all that is the fact that we now have a labour market that is recovering and very healthy. It is entirely possible that we will get to a point this year where we will have more people at work than we have ever had before. This is only a few short years after us battling with the unemployment crisis within our country. Any difficulties, including those the Deputy correctly pointed to, have to be set against the backdrop of the fact that we have over 2 million people at work and we are seeing employment growth begin to be broad-based and across the country.

In response to the Deputy’s second point, I agree that we must look at these matters in the round. The Public Service Pay Commission may point to where we are on pay - the commission will look at it - but I am confident it will look at other issues as well.

Public Procurement Contracts

11. **Deputy Mick Barry** asked the Minister for Public Expenditure and Reform if his Department will issue guidelines to other Departments regarding the engagement of private companies for contract work; if the working conditions of staff in these companies’ firms, including trade union recognition, will be considered; and if he will make a statement on the matter.

[2163/18]

Deputy Mick Barry: When other Departments engage private companies for contract work, will the Department of Public Expenditure and Reform issue guidelines as to the regard to be given to the conditions of workers in those private companies, including trade union recognition? I am interested to hear a statement on that matter.

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I thank the Deputy for the question. Public procurement is the acquisition, whether under formal contract or not, of works, supplies and services by public bodies. National rules governing public procurement must comply with the relevant EU, WTO and national legal requirements and obligations. Under EU law, public contracts above a certain value must be advertised EU-wide and awarded to the most competitive tender in an open and objective process. The aim of European and national rules is to promote an open, competitive and non-discriminatory public procurement regime which delivers best value for money.

In this regard, public procurement rules include provisions that allow member states to require a contractor to comply with EU and national legislation on the protection of labour rights. As a consequence, public procurement procedures require applicants to meet certain standards when applying for public contracts and applicants are required to make declarations in regard to their financial standing and legal standing and in regard to payment of taxes and social contributions. They must also be compliant with relevant labour law. These requirements are set out in the template documents used in tendering for goods and services which have been developed by the Office of Government Procurement in conjunction with the Office of the Attorney General and the Chief State Solicitor's office.

I launched new Public Procurement Guidelines for Goods and Services last July. These guidelines promote and reinforce improved best practice, standardisation and consistency of approach among public procurement practitioners. However, the management of a tendering process for a public contract is a matter for each contracting authority and it is the contracting authority's responsibility to assess that tenderers comply with all the requirements of the process.

Once awarded, the conditions of the public works contracts require the contractor to certify compliance with employment law, to maintain records of all those employed on the site, regardless of whether they are employees of the contractor or their subcontractors, and the hours worked by them. Where requested, the contractor must also provide details of the payments made to those employed on the site.

Where the contractor fails to comply with its obligations under the contract or employment law, deductions may be made from payments due under the contract until the situation is rectified.

It is important to note that employment law and its enforcement, in both public and private contracts, is a matter for the relevant State authorities, including the Workplace Relations Commission and the Departments of Business, Enterprise and Innovation and Employment Affairs and Social Protection.

Deputy Mick Barry: I specifically want to raise the case of a company called Extern. This is a Northern Ireland based company with charitable status. It has been engaged by a number of Departments, including the Department of Children and Youth Affairs, the Department of

Justice and Equality, and the HSE. It has 450 employees, North and South. It operates in 40 locations across the island and provides services, it claims on its website, to 15,000 persons. This company refuses to recognise a trade union here in the Republic. The union in question is the Unite trade union and the official who has been making the efforts is Mr. Roy Hassey. The Departments, when contacted by the union, refuse to engage. The Department of Justice and Equality, in a written response, states it is referring the matter to the Minister for Public Expenditure and Reform.

Non-recognition is bad enough. What is more galling is the fact that Extern also obtains contracts of a similar type from government Departments in Northern Ireland and yet there, its employees' union, NIPSA, the Northern Ireland Public Service Alliance, is recognised by Extern management.

Can the Minister of State stand over such partitionist double standards? The fact is that the Minister of State's colleagues in other Departments seem not only to stand over it but to reward it.

Deputy Patrick O'Donovan: The Deputy raises a specific case. It is the first time that I have heard of it. I will not comment on a specific case. To do so would not be fair, to be quite honest about it, because I do not have the details. I have taken a note of what the Deputy has said and I will review the matter with the relevant officials when I return to my Department. I wish to reiterate that the role of the Office of Government Procurement is in the setting out of the contract tendering process. It is a matter for the tendering authority - I do not know to which tendering authority the Deputy is referring - to ensure that all conditions laid down under Irish law, as well as any EU provisions, are complied with. It is a matter for whatever agency of the State is the tendering authority in this case. As I said in my initial response, there are mechanisms available to everybody, including the Workplace Relations Commission, but I do not know the details of the specific case the Deputy has raised and will not comment on it today.

Deputy Mick Barry: I ask the Minister of State to send me a written reply to my question after he discusses the specific case with his officials. However, this issue does not solely involve Extern. Departments and local authorities have awarded construction contracts to firms that have delivered on those contracts on the basis of bogus self-employment practices when it was clear from the outset that the bids were so low that they could be only delivered in such a manner. We have submitted written questions to the Minister of State and other Ministers regarding the collapse of the UK-based firm, Carillion, which not only affects Britain as it has jeopardised various public works in Ireland, including the construction of six schools. A profound debate has been taking place in Britain over the past week on the need to reverse the trend of outsourcing for several reasons, not just because of the ability or inability of private firms to deliver but also because of the important question of workers' rights. Such a debate needs to take place here. I put it to the Minister of State that it is clear the Government is at one with the Tories in the United Kingdom on such issues.

Deputy Patrick O'Donovan: I will not be drawn into the cul-de-sac of name calling that Deputy Barry wants. This is an important issue and his attempt to trivialise it at the end of his contribution does not do it any fairness or justice. For the record and the information of the House, I discussed this matter with the Minister, Deputy Donohoe, this morning.

As regards the other matter also raised by Deputy Calleary, the Minister, Deputy Donohoe, is very confident that the schools potentially affected by the collapse of Carillion will be de-

livered and he yesterday spoke to the National Development Finance Agency, NDFA, in that regard. He is very confident that the risk to those schools will be mitigated and they will be looked after. However, I will not be drawn into specific allegations that have been made regarding named companies. I have noted the name of the company and will refer the matter to my officials and revert to the Deputy in due course.

Public Sector Expenditure

12. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the actions taken in the event that spending projections across Departments are not met; if the €317 million underspend in net voted expenditure in 12 Departments announced in the December 2017 Fiscal Monitor will be returned to the central fund or if the funds will be kept in the Departments; and if he will make a statement on the matter. [2343/18]

Deputy Dara Calleary: I ask the Minister to confirm the end-of-year figures in terms of current and capital underspend. I note a total of €352 million, made up of €314 million and €38 million. Will that underspend be retained in each Department or go back into the Central Funds?

(Deputy Paschal Donohoe): The effective management of the delivery of public services within budgetary allocations is a key responsibility for each Minister and their Department on an ongoing basis. My Department is in regular contact during the year with all other Departments and offices to ensure that expenditure is being managed within the overall budgetary parameters. Information in regard to gross and net voted expenditure is published monthly in the Department of Finance's Fiscal Monitor.

Given the scale of overall voted expenditure, the cash basis of Government accounting and the funding implications that unexpected events can have on expenditure requirements, variances from spending profiles can occur for a number of reasons. At the end of December last year, net voted expenditure was €46.29 billion in total. Net current expenditure amounted to €41.968 billion and net capital expenditure amounted to €4.3 billion. In overall terms, this level of spend is €352 million, or 0.8%, above profile based on the Revised Estimates Volume published in December 2016. The expenditure report of 2018, published on budget day, updated the estimated expenditure position for 2017. The expenditure outturn for the year is broadly in line with the updated estimate of €46.72 billion.

As the Deputy will be aware, Supplementary Estimates of €491 million were agreed by the Dáil in December. As we are operating under the preventive arm of the Stability and Growth Pact, Supplementary Estimates must be accommodated within the requirements of the fiscal rules. Where there are underspends across Departments, they can be used to offset additional expenditure in other areas. Thus, the underspends of €317 million for 2017 across 12 Departments, as noted by the Deputy, will offset the impact of the Supplementary Estimates and the balance will be surrendered to the Exchequer based on the appropriation account outturn.

Deputy Dara Calleary: What amount does the Minister anticipate will be surrendered to the Exchequer following that process? Does any Department give him cause for particular concern? For example, the Department of Health is €195 million above profile in terms of current expenditure yet at the final Cabinet meeting before Christmas a health service plan for 2018 was published, wherein the Director General of the HSE stated there was €346 million of

planned expenditure for which he had no money. Will we see another figure next year for an overspend in the Department of Health? Those who are depending on fodder and awaiting a proper response from the Department of Agriculture, Food and the Marine will be perturbed by the €73 million underspend within that Department in terms of current spending. Some Departments have huge expenditure pressures but are sending in under budgets and then once again the Department is significantly over current profile.

Deputy Paschal Donohoe: As regards the Deputy's first question, as we are currently in mid-January I am not yet in a position to tell the Deputy the net amount that will be left once the underspends in individual Departments are offset against the additional costs to which I referred. However, I expect that the net underspend will be a very small amount of the total €46.27 billion the State spent last year.

I do not currently have additional concerns relating to any individual Department. It is correct that the Department of Health in recent years has received additional support from my Department to help it meet needs relating to costs that develop throughout the year. If I did not respond to such needs, I would be criticised for not dealing with service needs that exist. However, we continue to expect all Departments to live within their means, as is the case overall in terms of the total figures available to the Government.

Questions Nos. 13 and 14 replied to with Written Answers.

Public Sector Staff Retirements

15. **Deputy Peter Burke** asked the Minister for Public Expenditure and Reform the status of the proposed legislation to increase the compulsory retirement age for public servants to 70 years of age; and if he will make a statement on the matter. [2121/18]

40. **Deputy John Brady** asked the Minister for Public Expenditure and Reform the reason public service workers who wish to remain at work beyond 65 years of age will see wage cuts as per the terms and conditions set out for those wishing to remain at work; and if he will make a statement on the matter. [2349/18]

Deputy John Brady: I want to ask the Minister about the announcement he made last December whereby he decided to increase the retirement age for public service workers from 65 to 70. That must be welcomed, although it does not go far enough. The Minister is aware that I put forward legislation to ensure no worker would be subject to a mandatory retirement age. However, there is some concern on this issue. With whom did the Minister consult regarding the interim arrangements he announced in a circular dated 7 December?

(Deputy Paschal Donohoe): I propose to take Questions Nos. 15 and 40 together.

The Government agreed on 5 December 2017 that the compulsory retirement age of public servants recruited before 1 April 2004 should be increased to age 70. This group of public servants currently has a compulsory retirement age of 65. Primary legislation will be required for the changes to be implemented. In approving the proposals, the Government also approved the general scheme of a Bill to give effect to the changes. The Attorney General's office has been asked to give priority to the drafting of this legislation so that the new compulsory retirement age for pre-2004 public servants will become effective as soon as possible. The new compul-

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sory retirement age will only apply to pre-2004 public servants who reach the age of 65 following the commencement of the new legislation.

In the meantime, the Government has approved some limited interim arrangements to apply in the period between the Government decision and the commencement of the necessary legislation. The interim arrangements, through retirement and rehire, will allow pre-2004 public servants who reach the age of 65 in that period to remain in employment only until they reach the age of eligibility for the State contributory pension, which is currently 66 years of age. The interim arrangements will not apply in the case of public servants who, at the age of 65, were facilitated by their employer to remain at work until age 66, as they will have already reached the age of eligibility for the State contributory pension, which is currently 66 years of age and will remain at that age until 2021.

The policy across the public service is that where a retired employee is rehired they are paid at the minimum point of the relevant scale rather than at the pay point they had reached when they retired. This practice is continuing in the context of the interim arrangements. We consulted all the unions on this matter, and its introduction has been broadly welcomed by those who work in the public service and those who represent them.

Deputy John Brady: It was a welcome step in the right direction. I brought forward legislation, which the Government is sitting on, which would ensure that there is no mandated retirement age for any worker, whether in the private or public sector. We are not yet in a position to advance that. It has gone through Second Stage and pre-committee scrutiny, and we are waiting for a money message. There are serious concerns around the interim arrangements announced by the Department on 7 December concerning public service workers. People will be forced to retire once they reach the age of 65. They will then be rehired by the Department, but on the lowest pay scale within the relevant sector. The Minister is saying that he wants to address that issue for these workers, yet they are being brought back to work on a lower pay scale and will not be in a position to continue to build up their pension.

How long is this interim arrangement going to be in place for? When will we see the legislation, and when will the heads of the Bill be published so that we know that this interim arrangement will be brought to an end and that public service workers will be able to stay, if they so wish, in the area in which they are employed at the relevant pay scales?

Deputy Paschal Donohoe: I thank the Deputy for the support he has offered to this policy. To answer his questions, if I did not have interim arrangements in place I would be accused of having announced a policy that is not going to happen. We have to legislate to make it happen. The legislation is being drafted at the moment, and my officials are working as hard as possible to get the work done. Its appearance before the House is, of course, a matter for the Business Committee, but I am aiming to bring proposals to Government on the matter as soon as I can.

On the particular matter mentioned by the Deputy, it must be recognised that the people we are referring to have already retired. Under the interim arrangement we are announcing, the people who will be affected by this are people who have retired. They are retiring because we do not have the legislation in place. They will come back to work and still receive their pension. Under the principles of abatement, they cannot be in a place where the pension and salary they receive is cumulatively higher than what they received in the past. That is why the provision is in place that they will return to work at the minimum point of the pay scale. The rationale for this was understood by those we negotiated and discussed this matter with. I hope

to be in a position to bring in the legislation so that the workers concerned are not retiring in the first place.

Deputy John Brady: We need the legislation. It should be in place as soon as possible, because the interim arrangements are certainly not attractive for anybody. The Minister is saying people should have the opportunity to remain in the workforce, but there is no incentive for them to do so if they are coming back on a lower pay scale and terms and conditions different from those which they were previously employed under. We need to see the legislation, and it needs to be brought forward as quickly as possible. I have spoken to numerous public sector workers who are reaching retirement age. These interim arrangements do not make it attractive for them and there is no incentive to remain on. We need legislation for this as quickly as possible.

The legislation I published seeks to ensure there will be no mandatory retirement age for any worker, whether in the public or private sector. The Minister is sitting on that legislation. We are waiting on a money message from Government to ensure it can get to Committee Stage, where it can be advanced.

Deputy Paschal Donohoe: I am not sitting on any legislation on this issue. The policy on the minimum retirement age across the entire economy is a matter for either the Minister for Business, Enterprise and Innovation, Deputy Humphreys, or the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty. We are not seeking to incentivise people to make a choice. We are simply recognising the choice that employees want to make. In many cases, the rationale for why people want to continue working after reaching retirement age is not always a financial matter. As people approach retirement age, they are still able to contribute so much, whether to the classroom, the hospital or the workplace. They want to continue working. That is a win-win for the country, because these people have the expertise and experience built up that allows that work to be done well. We are now in a position where we can recruit new and younger workers to our public service. The reason people are coming back in at the minimum point on the salary scale is that these workers have already retired and we must bear in mind the principles of abatement which have been in operation in our Civil Service workplaces for quite a while. I hope to be able to deal with the matter in its entirety when I bring forward the legislation to deal with it. When it passes it will mean that the workers the Deputy referred to will not have retired in the first place.

Question No. 16 replied to with Written Answers.

Flood Relief Schemes Status

17. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the status of the flooding projects undertaken in 2017; the status of the projects planned for 2018; the position regarding CFRAM; if his Department has a role in ensuring insurance companies process storm damage claims in a timely manner; and if he will make a statement on the matter. [2340/18]

Deputy Dara Calleary: We had a short discussion prior to Christmas about catchment flood risk assessment and management, CFRAM, and insurance. I know the Minister and his yellow jacket have been on tour around the country, along with various Fine Gael Ministers, since then. Where are we on the CFRAM issue? I understand the Minister is planning some big announce-

ments in the next while. Where are we with insurance companies, in particular concerning the events in Galway and other places over Christmas? Insurance companies are continuing to use the CFRAM consultation maps to exclude people from insurance claims around the country.

Deputy Kevin Boxer Moran: The following tables set out the position on major flood relief schemes, that is, those that were at construction in 2017 and those that will be at construction stage in 2018.

Table 1 (Schemes at construction in 2017)

Scheme	Status
Athlone, Co Westmeath	At construction since 2017; expected completion end of 2020
Bandon, Co Cork	Construction ongoing; expected completion second half 2019
Bellurgan, Co Louth	Commenced construction in 2017; expected completion 2018
Bray, Co Wicklow	Construction completed in 2017
Claregalway, Co Galway	Construction ongoing; expected completion by end 2018
River Dodder, Dublin	Construction ongoing; expected completion by end of 2018
Dunkellin River, Co Galway	Construction ongoing; expected completion early 2019
Ennis Lower, Co Clare	Construction ongoing; expected completion by end of 2018
Foynes, Co Limerick	Construction completed in 2017
Limerick City, King's Island advance contract at Verdant Place	Advance contract completed. Construction on main scheme likely in 2019
Northlands, Co Meath	Substantially completed at end 2017
Skibbereen, Co Cork	Construction ongoing; expected completion by mid 2019
South Campshires, Dublin	Substantially completed at end 2017
Templemore, Co Tipperary	At construction since 2017; expected completion by end 2020

Table 2 (Schemes at construction/likely to be at construction in 2018)

Scheme	Status
Athlone, Co Westmeath	Ongoing construction; expected completion by end 2020
Bandon, Co Cork	Ongoing construction; expected completion second half 2019
Bellurgan, Co Louth	Construction to be completed in 2018
Blackpool, Cork	Construction to commence second half of 2018; expected completion by end 2020

Scheme	Status
Claregalway, Co Galway	Ongoing construction; expected completion by end 2018
Clonakilty, Co Cork	Construction to commence in first half of 2018; expected completion by end 2020
River Dodder, Dublin	Ongoing construction; expected completion by end 2018
Douglas, Cork	Construction to commence in second half of 2018; expected completion by end 2020
Dunkellin River, Co Galway	Ongoing construction; expected completion in early 2019
Ennis Lower, Co Clare	Ongoing construction; expected completion by end 2018
Ennis South, Co Clare	Construction to commence in first half of 2018; expected completion by end 2019
Glashaboy, Co Cork	Construction to commence in second half of 2018; expected completion by end 2020
Lower Lee (Morrisons' Island) Cork City	Construction to commence in second half of 2018; expected completion in 2024
Lower Morrell, Co Kildare	Construction to commence in first half of 2018; expected completion in mid 2021
Sandymount (Phase 1), Dublin	Construction to commence in first half of 2018; expected completion in mid 2019
Skibbereen, Co Cork	Ongoing construction; expected completion by mid 2019
Templemore, Co Tipperary	Ongoing construction; expected completion by end 2020

The Deputy has raised this question a number of times, so I will outline the good work that has been done by my Department by naming the schemes for the House today. Schemes are in place in County Cork, County Louth, County Wicklow, County Galway, County Dublin, County Clare, County Limerick, Limerick city, County Meath, County Tipperary, County Westmeath, Cork city and County Kildare.

In addition to the above projects, under the existing programme of capital flood relief works, a further 18 schemes are at various stages of design and planning and will be brought forward to construction over the coming years. In addition to the major schemes, the OPW provides funding to local authorities to carry out minor flood mitigation and coastal erosion works, with 60 projects being completed in 2017. The 29 flood risk management plans developed under the CFRAM programme are undergoing an independent review of the strategic environmental assessments, SEAs, by the Minister for Finance and Public Expenditure and Reform. Once this independent review of all SEAs is completed and observations addressed, I hope in the coming weeks to seek the formal approval from the Minister for Finance and Public Expenditure and Reform for the plans. A number of the proposed structural measures included in the plans will be progressed to detailed project level review and design on a priority basis during 2018.

The OPW has no role in the oversight of insurance companies or their commercial opera-

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tions but does exchange information with the insurance industry on completed flood defence schemes, in line with the agreed memorandum of understanding with Insurance Ireland, the representative body for the insurance industry. To date, the OPW has provided details to Insurance Ireland on 18 completed schemes nationally and Insurance Ireland surveys its members to ascertain the extent to which flood insurance cover is available in these areas. The results of the most recent survey indicated that 83% of property insurance policies in these areas include cover against flood risk. We are making significant progress on insurance.

Deputy Dara Calleary: I am delighted that the Minister of State had the opportunity to name into the record all the counties to which he has travelled in recent weeks. On his last point, it is correct that people are being offered cover but it is at unsustainable rates for the customer. Those maps are being used to charge premiums that are unfair and unaffordable in many cases.

Does the Minister of State have a timeline for the independent review being carried out by the Minister for Finance and for Public Expenditure and Reform, who is sitting two seats away from the Minister of State and who is his Minister on this matter? Will we have it by February? Will it feature implications for the capital plan?

Acting Chairman (Deputy Declan Breathnach): Deputy Niall Collins has a supplementary question and we will take them together.

Deputy Niall Collins: I wish to raise an issue in my own constituency with which the Minister of State will be well aware, namely, the property of Mr. Eamon Roche in Abbeyfeale which is likely to be washed away due to the erosion of the riverbank at the River Feale. I want to make the Minister of State aware that another public meeting was held this week and there is much concern over what will happen on this. The Minister of State has had extensive engagement on the matter, to be fair to him and his Department, but it seems as though everyone is running for cover while in the meantime this man's house will be literally washed down the river. Is the Minister of State in any position to give us an update or provide any comfort to Mr. Roche and his family given the perilous situation in which they have found themselves?

Deputy Kevin Boxer Moran: The answer to Deputy Calleary's question is that the review of CFRAM will be announced in a few weeks. On the Deputy's question about flood maps, I can assure him that the CFRAM maps are not being used by Insurance Ireland and I will not allow it to do so. They are done on a regional basis, not on a house-to-house basis. If Insurance Ireland is using maps, it is using its own and not of CFRAM.

On the situation in Abbeyfeale, many Deputies have raised this issue, including the Minister of State, Deputy O'Donovan, who has left the Chamber. I have met the local authority. This is not a flooding issue. It lies solely with the local authority and the developer in question. The house was not flooded. Part of the embankment and the supports that were set up to support the house have been taken away into the river. I received some angry exchanges over Christmas from certain quarters in the area. I am not responsible for the particular matter which is a matter for the local authority and the Department of Housing, Planning and Local Government, which has full responsibility. They are responsible, not my Department.

Question No. 18 replied to with Written Answers.

Flood Relief Schemes Funding

19. **Deputy Jonathan O'Brien** asked the Minister for Public Expenditure and Reform his plans to prioritise the flood defence needs of the State in the next capital plan; and if he will make a statement on the matter. [2334/18]

Deputy Jonathan O'Brien: This is to ask the Minister of State about capital spending on flood defence projects and if he will make a statement on the priorities.

Deputy Kevin Boxer Moran: A new ten-year capital plan is in the process of being finalised. The plan, which will be published alongside the new national planning framework, Ireland 2040, will set out the Government's intentions on public capital investment beyond 2021. Details on the exact level of funding over the period 2022 to 2027 cannot be confirmed in advance of the publication of the plan.

The Government has committed to significant increased investment in flood risk management in the current capital investment plan for 2016 to 2021 which provides an allocation of €430 million during the lifetime of the current plan. I anticipate that the new capital plan for 2018 to 2027 will provide for a continuation of this increased level of investment in flood risk management to enable the remaining significant flood risk in the country to be addressed.

The Office of Public Works, OPW, is advancing 42 major flood relief schemes under its existing capital programme, with the majority of these to be completed by 2021. More than 100 projects arising from the CFRAM plans will be initiated over the coming years with the intention of completing the majority of the projects over the lifetime of the new capital plan.

Acting Chairman (Deputy Declan Breathnach): If the Deputy asks one supplementary question, we will be able to fit in another question.

Deputy Jonathan O'Brien: That is fine. On the future capital plan, does the Minister of State have a list of projects and their costing which will feed into any deliberations about how much will be needed in future? I know that the projects which are being undertaken come under this capital programme.

Deputy Kevin Boxer Moran: There are 130 projects coming from CFRAM, of which 47 prioritise that. I need €1 billion to cover all flood sites.

Acting Chairman (Deputy Declan Breathnach): I call Deputy Brendan Smith. If he is quick we may get to Deputy John Curran's question.

Questions Nos. 20 to 29, inclusive, replied to with Written Answers.

Flood Prevention Measures

30. **Deputy Brendan Smith** asked the Minister for Public Expenditure and Reform the measures that will be undertaken by the Office of Public Works in 2018 to alleviate flooding caused by the River Erne in County Cavan due to the damage caused by such flooding over recent years; and if he will make a statement on the matter. [2130/18]

Deputy Brendan Smith: The River Erne, which rises in County Cavan and flows from

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County Fermanagh into County Donegal, causes major flooding in Cavan. One problem relating to drainage comes from a channel between upper and lower Lough Erne in County Fermanagh. I urge the Minister of State to maintain ongoing contact with the authorities in Northern Ireland to bring forward a scheme which will benefit the citizens of both County Fermanagh and County Cavan.

Deputy Kevin Boxer Moran: The Erne catchment is being assessed under the Office of Public Works and co-operation with the river section in the Department for Infrastructure in Northern Ireland. This co-operation is part of the joint implementation of the EU flood directive, and therefore the Erne catchment in both Ireland and Northern Ireland is fully assessed as part of the CFRAM study.

On the Erne catchment, CFRAM preliminary flood risk assessment undertaken in 2011 identified Cavan town and Ballyconnell in County Cavan and Ballybay in County Monaghan as areas for further assessment, and these are being assessed as part of the North Western-Neagh Bann CFRAM study. This includes public consultation on the draft flood maps, which was held in spring 2015, on the options in the spring of 2016, and on the draft plans in autumn 2016. The structural options for Cavan town and Ballybay are proposed in a draft flood risk management plan, and Ballyconnell has been assessed as having a very low risk of flooding. The plans set out the other measures to address the flood risk in the River Erne catchment. The final plans are undergoing independent review of strategy level environmental assessment by the Department of Public Expenditure and Reform. Once the review has been carried, we will publish it in the coming weeks.

Questions Nos. 31 and 32 replied to with Written Answers.

Pension Provisions

33. **Deputy John Curran** asked the Minister for Public Expenditure and Reform the progress made in addressing the issue of pensions for community employment supervisors; and if he will make a statement on the matter. [2118/18]

Deputy John Curran: I know time is short so I will be very direct. The issue of pension rights for community employment supervisors has been raised in the House, and time and again we are told that the high level forum in the Minister's Department is dealing with the issue. Will the Minister advise us and update us on any progress that has been made recently.

Deputy Paschal Donohoe: The high level forum met before Christmas. My officials who were participating in it shared the scoping exercise which was undertaken with the union representatives. It outlines how many people work in the sector, the different costs involved and some of the difficulties. I understand that the unions are considering the matter and that the high level forum will meet again.

Deputy John Curran: The high level forum has been a prolonged issue which precedes the Minister's appointment to the Department. Is he in a position to give the House any indication of the anticipated timelines to deal with the matter?

Deputy Paschal Donohoe: The forum will meet again to engage with unions on the matter.

The Deputy is right to say that this matter has been around for quite a while. One of the rea-

sons for that is that it cuts to the heart of a principle regarding who the State does and does not employ. This is a matter that Fianna Fáil grappled with when it was in government many years ago when the resources available to the State were greater. We will be meeting the unions again to get their response to the project and to the scoping report that we have shared with them. I have been trying to catch up on my notes to get to the question that the Deputy put to me. The meetings to which I am referring took place on 23 November 2017 and on Friday, 15 December.

Acting Chairman (Deputy Declan Breathnach): For the information of House, we covered the questions of those Members who were in the Chamber.

Written Answers are published on the Oireachtas website.

Leaders' Questions

Deputy Barry Coveney: The housing crisis continues to get worse. When Deputy Coveney was Minister for Housing, Planning and Local Government in 2016, he said that it would get worse before it gets better and, unfortunately, he has proven to be correct. The number of homeless families has increased by 26% while the number of homeless children has increased by 30% in the last year alone. The bottom line is that there are far from enough social housing units being built, there are no affordable purchase or rental schemes and the barriers to construction have not been taken down. The media have been inundated with figures from the Government relating to the housing assistance payment, HAP, and the rental accommodation scheme, RAS. These are nothing more than temporary stopgaps but they are now being trotted out as semi-permanent solutions. Rent costs are going into a different stratosphere, especially in Dublin. Young professionals and tradespeople are living at home with their parents, if there is room. HAP is masking the real picture. I know of one family in Galway that has been on the housing waiting list for nine years. They are 80th on that list but no social houses were built in 2016 or 2017 in Galway. That was at a time when the Government was telling us to keep the recovery going. Young working adults between 25 and 40 cannot afford to rent or save to buy a home. These people are in addition to the 91,000 people on waiting lists, as well as those who are on HAP and RAS. The latter schemes, as I have said, are temporary stopgaps but participants in those schemes are not on the housing waiting lists. They are on a transfer list that goes nowhere.

Meanwhile, back at the ranch, on Monday the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, claimed that the Government had exceeded its housing targets. That has to be one of the most cynical pronouncements in a while and there has been plenty of them. The Minister failed to explain that he moved the Government's targets and reduced them by 25%. He told the Dáil last October that the Government's target was to build 3,200 social homes in 2017. On Monday he claimed the Government had exceeded the target that was set at 2,400. The bottom line for Fine Gael in Government is that it is trying to blind people with announcements and pronouncements while not providing new homes. There are no homes being built in communities throughout the country where they are needed. That is the statistic that people can see for themselves.

When will the spinning cease? When will the Government start delivering affordable and social homes rather than relying on what are meant to be temporary stopgaps? When will it honour the commitments to provide significantly more social homes, to provide affordable rental and purchase schemes and to remove the barriers to private sector construction?

Minister for Education and Skills (Deputy Richard Bruton): I thank the Deputy for raising this issue which is undoubtedly one of the major challenges that we face as a country. Having been through the crisis that we experienced, we know for a fact that it was the phoney boom in property and housing that brought that crisis upon us. It is not entirely surprising, therefore, that the most difficult sector to fix is the one that dragged us down, namely, the housing sector. I reject the Deputy's suggestion that the Government is not serious about this issue. The Government is committed to getting housing supply back on track. The Deputy rightly points to social housing as an area which was neglected by his own party in Government and subsequently. The situation in respect of social housing is that in 2016, only 650 social homes were built but in 2017, that number more than trebled to 2,245 units. There is a strong social housing pipeline in place, with 190 sites open and almost 4,000 units under construction. There is a real, sustainable change in the social housing programme. It is the Government's intention that 33,000 social homes will be built. Last year a total of 7,000 new social homes were made available through acquisitions, the restoration of voids and new leases. That was substantially ahead of what was achieved in 2016, which was just over 5,000 social housing units. Real and sustainable progress is being made.

In respect of creating a more affordable market, the Minister for Finance, Deputy Donohoe, announced in the budget a series of measures designed to support the private sector in getting to grips with building. These measures include using the experience and ability of NAMA and providing an additional fund of €750 million. In addition, there have been interventions to help individual families to get a deposit together so that young families can start to access homes. Indications from recent figures are that we are seeing, at last, more young starter families getting access to new homes and that is a positive development.

I would be the last to suggest that this problem is solved. However, I recall that when I was seeking to address the unemployment issue, we set the target of 100,000 jobs and many said that it was not realistic and that we were not making progress quickly enough. We put in place a systematic plan containing a lot of different measures that changed the performance and we see the positive consequences of that, with fantastic employment numbers in the country now. I believe that the measures being put in place will solve this problem but we must be absolutely committed to getting quicker responses not only at national level but also at local government level. Each and every local authority has a responsibility to deliver on this programme.

Deputy Barry Coven: I thank the Minister for his response and for correcting the discrepancies in last Monday's announcement and for confirming that only 2,200 new social homes were made available. There was nothing wrong with the Government's targets, its plan or the work that went into devising that plan. The issue was always going to be implementation, and the slow pace and lack of urgency is all too obvious. The Government is way behind its own schedule and targets. It is my job and duty to represent those who have given me the privilege to be here and to lay on the table the Government's failings. A total of 1,500 rapid-build units were to be provided but only 75 have been completed. The Minister made reference to acquisitions. In many of those cases the people who left the homes could not afford to stay in them. They had to move out of their homes and go on waiting lists. The local authorities then took others off the waiting lists and put them into these homes.

The Government has also failed in the area of supply. It has failed by relying on old and tired systems that are not up to scratch and do not meet the demands placed on them. Land identified many years ago by local authorities and the State has not been acted on.

An Leas-Cheann Comhairle: Ceist, a Theachta.

Deputy Barry Cowen: It is taking too long to develop land where planning permission has been secured and no objections have been received. Procurement is also taking too long. I could name many sites in my constituency and others that were identified three years ago and for which planning permission has been granted but nothing has been built.

An Leas-Cheann Comhairle: The Minister to respond.

Deputy Barry Cowen: The Government keeps going back for more. There is nothing new. The Minister referred to the €750 million announced in the budget in competitive finance. That would help, but it has gone nowhere.

An Leas-Cheann Comhairle: The Deputy has had two minutes.

Deputy Barry Cowen: It is another example of an announcement or pronouncement that solved the problem for the day that was in it in the hope people would walk away without getting responses. The Government needs to do this differently.

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Barry Cowen: A new sense of urgency is required. The Government needs to do things differently in order to get results.

An Leas-Cheann Comhairle: The Deputy has exceeded his time by one minute.

Deputy Barry Cowen: I thank the Leas-Cheann Comhairle for his forbearance on this most crucial issue facing the country.

Deputy Richard Bruton: I agree that it is crucial and think we need to have an honest debate. Last year 25,892 families were assisted into social homes under the housing assistance payment scheme or by way of social provision. That was a massive increase on the 19,000 families who had received such assistance the previous year. Solutions are being provided for families, although the Deputy might not agree. Every time we deliver on a target, he denigrates it and says we should be addressing another one.

Deputy Barry Cowen: Is that a permanent solution?

Deputy Richard Bruton: Last year there was an almost fourfold increase in the number of social homes constructed and delivered.

Deputy Barry Cowen: Whoopee.

Deputy Richard Bruton: We doubled the target number of voids to be delivered into the social housing stock and used as homes by families. We are making real progress in all of these areas. We have accelerated the planning process for housing supply by the private sector. As the Deputy knows, developments of more than 100 units can proceed directly to An Bord Pleanála.

Deputy Barry Cowen: The Government has not staffed An Bord Pleanála.

Deputy Richard Bruton: We have made it easier for builders to build apartment complexes.

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Deputy Barry Cowen: This is nothing new.

Deputy Richard Bruton: Easier provisions are in place to contend with the real shortage of apartments. We are taking initiatives across every area where initiatives can be taken. We have provided rent zones to control rents. We are continuing to look at the residential tenancies legislation to ensure it is up to speed. We want to ensure these provisions are not abused by landlords. A systematic programme is in place. The Government is attaching huge urgency to this matter.

An Leas-Cheann Comhairle: I ask the Minister to conclude as the same rules apply to him.

Deputy Richard Bruton: There will be a further meeting of all stakeholders to make sure we are acting to the best of our ability in every area.

Deputy Mary Lou McDonald: People who are being discriminated against under the current State pension provisions will protest outside Leinster House again this afternoon. The Minister is probably aware that this issue affects approximately 40,000 citizens who are campaigning for the full restoration of their pension entitlements. They want a full rather than a partial solution. Some of them are out of pocket to the tune of €30 a week as a result of the changes introduced in 2012. As the Minister knows, this discrimination disproportionately affects women and is a direct result of measures introduced by Fine Gael and its Labour Party partners when they were in government in 2012. Deputy Joan Burton's changes have made it extremely difficult for women who exited the workforce, perhaps to raise children or attend to other caring duties, before returning to employment later in life to qualify for the maximum payment. I cite women as an example because they are affected disproportionately, but I am conscious that the changes also hurt some men. This discrimination did not happen by accident. It was not an oversight or a mistake. The Government of the day made the changes in the full knowledge of the impact they would have on these citizens and the disproportionate effect it would have on women.

Sinn Féin has been calling on the Government for some time to sort out this matter. A motion we proposed in the Dáil in December 2016 to address this injustice was rejected by Fine Gael and Fianna Fáil. The alternative budget we published in October 2017 showed the Government how funding could be provided to rectify and correct this discrimination, but, again, it was rejected by the Government. We raised this matter during Leaders' Questions on a number of occasions before Christmas. Every time we have proposed solutions to this problem we have received evasive and non-committal responses from the Government. Time and again, it has chosen not to do right by the people affected.

It has emerged that the Government is now considering partial restoration. I understand the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, has acknowledged that the citizens mentioned have been wronged and vowed to fix this anomaly. However, she has expressed the view that something magical will have to happen if the money is to be found. I remind the House that the Government infamously conjured up €5 million to fund a strategic communications unit as the Taoiseach's vanity project. It was able to find enough financial space to introduce tax cuts which disproportionately benefited the well off. Now it is telling us that financial wizardry would be required to find €70 million to correct an injustice perpetrated against 40,000 people. The people who will protest at the gates of Leinster House today are telling us loudly and clearly that they will not accept being treated as second-class

citizens any longer. The Government's job is to find a solution for them. Comforting words and expressions of sympathy are not enough because a solution is needed. Will the Minister tell the people standing at the gates of Leinster House that the Government will provide the €70 million in funding needed to enable them finally to receive their full entitlements?

Deputy Richard Bruton: I thank the Deputy for raising this issue. I am aware that the removal of the anomalies in the pensions system is of acute concern. It is also a difficult task. As the Deputy knows, a disregard for home caring was introduced in 1994. Many people who opted out of the workforce in the years before 1994 have been severely affected by averaging. The averaging system is an embedded part of the way we calculate whether people have made sufficient contributions to receive full pensions. It is embedded in the system. The Minister for Employment Affairs and Social Protection is committed to introducing a total contributions approach as a long-term solution. It will overcome the anomaly whereby some people who have made the same number of contributions as others are treated less fairly because their contributions are averaged over a longer period with a gap somewhere in between. Such anomalies will be removed by the long-term solution proposed. As the Deputy said, the Minister is examining various short-term options, on which she will report to the Cabinet in due course. I understand a report on the issue has been put together and will be brought before a Cabinet committee.

When we are making any change in the pensions area, we must ensure it will be sustainable in the long term and not create additional unfairness or new anomalies elsewhere. We also have to ensure it can be funded on a sustainable basis. Such requirements have to be teased out by any responsible Government to ensure the changes made in response to a set of challenges - I recognise that there are challenges in this regard - are sustainable and will not create further unfairness elsewhere. The Government will take time and care to ensure that when we are addressing these problems, we will not create problems further down the road for others. This issue will be carefully assessed by it. We will look at the cost implications and the equity of anything proposed.

Deputy Mary Lou McDonald: I thank the Minister for that answer. I do not for one second deny the complexities involved in pensions policy, provision and reform. I am not challenging that, but the Minister needs to understand the absolute simplicity of the case being made by those who are gathering at the gates of Leinster House. The simple fact is that the changes introduced when Fine Gael was in government in 2012 are costing approximately 40,000 citizens as much as €30 a week in some cases. That is a lot of money for people on limited incomes. Deputy Brady informs me that the paper of which the Minister spoke will be presented to a Cabinet committee today and is due before the full Cabinet next Tuesday. Will the Government provide the €70 million required to correct this matter? I would like a straight "Yes" or "No" answer to that question. I ask the Minister not to hide behind other anomalies or quirks in the system that need to be dealt with or use them as an excuse for not doing right by the people concerned. The Government must show us the money to make this right.

Deputy Richard Bruton: As the Deputy knows, the budget for 2018 has been agreed and I do not have €70 million in my pocket, nor does the Minister for Finance for that matter. We must consider all changes in this area in a balanced manner. The Deputy recognised the complexity of the issue. If one makes a change in one area, one can create anomalies elsewhere. Under the old system, people who had paid approximately 40% of contributions received the same pension as people who had paid 95% of contributions. It featured anomalies and we must ensure any reform we introduce or contemplate introducing in another budget is thought through, is fair to all those involved and does not create new anomalies elsewhere in the system.

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The Minister's approach has been to bring to Cabinet a detailed report that fully examines the potential knock-on effects of any change in order that a decision can be made on any future changes with the full information available.

As I stated, it is the Government's ambition that we move to a total contribution scheme, which would be much more equitable and fair to people who are affected. We continue to have the non-contributory pension as a safety net for all pensioners.

Deputy Mary Lou McDonald: I will take the Minister's reply as a "No".

Deputy Danny Healy-Rae: I raise serious road safety issues on the N22 primary road leading into Killarney. I will start with an issue in Glenflesk village located on the N22. On dark Saturday nights, people attending a church located at the junction of the R570 and N22 must manoeuvre back and forth across a road that traffic may travel along at 100 km/h. I ask the Minister to take note of the points I raise and bring them speedily to the attention of the Minister for Transport, Tourism and Sport. I have been raising these issues in Kerry County Council since 2009. I tabled motions in the council and led deputations on this issue in 2009, 2010, 2012 and 2013 and since then, my daughter, Councillor Maura Healy-Rae, and other members of the council have tabled numerous other motions on this issue.

Recently, a lovely, beautiful young girl was tragically killed crossing the N22 at Glenflesk. Fr. George Hayes, the Garda, local people and people from neighbouring parishes are asking that the speed limit be reduced from 100 km/h to 60 km/h at Glenflesk. I do not have anything against people in Lissarda or County Cork in general but a 60 km/h limit applies on the same road at Lissarda.

Five fatalities have occurred at a dangerous bend at Rusheen Beg, which is down the road from Glenflesk. We ask that the camber of the road be examined to identify what is wrong at this location because there have been crashes and fatalities involving traffic travelling in both directions. We also ask that a crash barrier be erected at this point to prevent cars from crossing the verge where the two most recent fatalities occurred. We ask that a speed limit be applied on the stretch of road from Lissivigeen Roundabout to the bottom of Pike Hill. Tragedies, including one fatality and many serious injuries, have occurred at a junction on this stretch road of leading up to the lough.

We ask that rumble strips and public lighting be installed at Poll Gorm bridge, another junction on the Cork side of Glenflesk where many serious accidents have taken in place. My brother and I were nearly blown into oblivion one night when we were hit from behind because there is no lighting at this dark and dangerous junction.

An Leas-Cheann Comhairle: The Deputy will have to slow down now.

Deputy Danny Healy-Rae: There have also been several accidents, including one recent fatality at another junction on the N22 where the Lewis Road meets the bypass leaving Killarney.

An Leas-Cheann Comhairle: The Deputy has overshot the runway.

Deputy Danny Healy-Rae: This is a very serious issue.

An Leas-Cheann Comhairle: I know it is serious.

Deputy Danny Healy-Rae: All we are asking is for signs to be changed at these locations. Will the Government do that? It could not cost much to change the signs on both sides of these junctions. I ask the Government to do so.

Deputy Richard Bruton: I thank Deputy Healy-Rae for raising these road safety issues, which I am sure are extremely important. Unfortunately, I do not have access to briefing material on the detailed specifications of points on the N22 at which the Deputy wishes speed limits to be changed or junctions made safer. However, I will refer the issues to the Minister for Transport, Tourism and Sport. Allocations for road improvements have been made to local authorities, which have greater powers in respect of speed limits and other adjustments they may make to meet road safety needs. I will ask the Minister to ensure the relevant local authorities have access to advice on locations at which problems such as those the Deputy highlighted could be resolved if they do not currently have the powers to do so.

I regret that I am not able to give a detailed response to the mile-by-mile critique the Deputy has provided. I assure him, however, that I will pass on his concerns. I am sure that through his family members on Kerry County Council, there will be a facility for discussions to take place with adjoining local authorities to ensure concerns such as those the Deputy highlighted are properly aired in the relevant authority.

Deputy Danny Healy-Rae: For poor Denise Crowley, a lovely girl, it is too late. I will tell the Minister what has been happening. When we tabled motions in Kerry County Council we were told that responsibility lay with Transport Infrastructure Ireland, TII. However, TII claims these matters are the responsibility of local authorities. I want the Government to intervene and make someone responsible for doing this necessary work. We do not want anyone else to be killed at these places.

The Minister for Transport, Tourism and Sport, Deputy Shane Ross, talks a great deal about saving lives. He now has a chance to do something to save lives in our area. The people of Kerry and those who travel through the county are important to us. Something could be done and low cost safety measures could be introduced. It would not cost much to change road signs, which is what we are asking the Government to do.

A pedestrian crossing, with tiles and so on, has been installed at Glenflesk to cater for a blind person. Can the Minister imagine a blind person trying to cross a road on which traffic is moving at 100 km/h or more? It is ridiculous and something needs to be done about it, even if it is too late for many people.

Deputy Richard Bruton: While I have no doubt that something needs to be done, to suggest the solution to problems such as this are to be found in Kildare Street is not the way to handle these issues.

Deputy Danny Healy-Rae: The Government has a Minister with responsibility for transport. He should come down to Kerry to look at these places because I am fed up with dealing with the issue.

Deputy Richard Bruton: Local authorities have powers in this area. They also have the power to meet the relevant national authorities if they wish. I do not imagine that Transport Infrastructure Ireland is refusing to meet local authorities to discuss their concerns. To suggest that every issue has to come to Kildare Street for a solution contradicts the approach to empowering local government the Deputy advocates.

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Deputy Danny Healy-Rae: The Minister should be fair. I have been asking about this issue for years.

An Leas-Cheann Comhairle: Deputy Healy-Rae, please.

Deputy Danny Healy-Rae: I am asking the Minister to meet representatives of Transport Infrastructure Ireland and the local authority. I am asking him to intervene.

An Leas-Cheann Comhairle: Deputy Healy-Rae, you are normally behaved.

Deputy Danny Healy-Rae: That is what I am asking for. We are elected to here by the people to raise these issues.

An Leas-Cheann Comhairle: We will move on to the next question.

Deputy Seamus Healy: In 2010, the Fianna Fáil-Green Party Government and the HSE decided to close the 50-bed acute psychiatric unit for inpatients at St. Michael's unit, South Tipperary General Hospital in Clonmel. The unit catered for patients suffering from mental illness from all over County Tipperary. There was no consultation whatsoever with stakeholders about the decision. The first patients, family members, staff and the public knew about it was when a HSE official announced the closure on local radio.

Stakeholders immediately recognised that the decision to close the unit was a major blow to undermine the psychiatric services for patients and their families in Tipperary. Patients, carers, nursing staff, medical staff, general practitioners, public representatives and the public opposed the closure vehemently. Lobbying of Ministers and deputations to Ministers followed but all of it was to no avail.

The then Minister of State at the Department of Health, Kathleen Lynch, bulldozed the closure through in 2012, sending north Tipperary inpatients to Ennis and south Tipperary inpatients to Kilkenny. The Rolls-Royce community-based service promised has turned out to be a Mini Cooper, understaffed, underfunded and under-resourced. As bad as the community service is, the inpatient service at the department of psychiatry at St. Luke's General Hospital, Kilkenny, has turned out, as predicted, to be an absolute disaster for patients, their families and staff. It is a nightmare to be a patient, a family member or a member of staff at the department of psychiatry at St. Luke's General Hospital, Kilkenny. The unit is constantly overcrowded. Despite the HSE knowledge of this situation, nothing has changed and nothing has been done about it. Patients are being admitted to an overcrowded and unsafe place. They are being admitted to couches and chairs and sleep on mattresses on the floor of the unit. Last Monday was yet another straw that broke the camel's back, when 51 patients were in a 44-bed unit. This included seven patients on couches, chairs and mattresses on the floor of the unit.

What is the Government going to do to solve this overcrowding problem? Is it acceptable that patients are admitted and put in chairs and left to sleep on mattresses on the floor? If it is unacceptable for general medical patients to be on trolleys in accident and emergency departments, why is it acceptable for psychiatric patients to sleep on mattresses in this unit in Kilkenny?

It is now accepted widely, even within the HSE, that the decision to close the unit at South Tipperary General Hospital was a major mistake. It is now time for the Government to approve the reopening of acute psychiatric beds in South Tipperary.

Deputy Richard Bruton: I thank the Deputy for raising this issue. Any report of patients being treated in a manner where the standards are not up to an acceptable level is of acute concern to the Government. Certain authorities have responsibility for investigating levels of care. I know the authorities have shown no unwillingness to address failings by the HSE or others. If the Deputy has concerns, they should be brought to the attention of HIQA and other bodies that can intervene. I will ensure that the script the Deputy has provided to the Dáil is brought to their attention.

There is an overall mental health budget. The Government has been determined to try to bring mental health out of the dark corner it was in. Each year, in good years and bad, Ministers have made provision to expand mental health services. This has involved new staff being provided and new centres being provided. We are seeing a consistent rise in the number of young people and adults who are being provided with care in mental health services.

There is a change in the approach, with an increasing emphasis on treatment of persons with mental health issues in the community using the normal accident and emergency services and facilities within the community rather than the old hospital settings. That transition obviously creates difficulties. There is a danger that some of these changes can have bad effects on individuals. It is important that, as we expand these budgets, ensure that we reach more people and bring these services into a wider community setting, we do not lose or leave anyone behind.

Unfortunately, I cannot give a detailed response to the specific condition in Clonmel to which the Deputy refers. I do not have briefing on the matter, but I assure the Deputy that I will bring the Deputy's concern in this area to the attention of the Minister for Health, Deputy Harris. I assure the Deputy that, from the Government's point of view, mental health and the development of our mental health services are high priorities. We believe we are making significant progress, albeit needs are expanding rapidly as well. As we all know, increasingly stressful and pressurised problems are emerging, especially among young adolescent men. I will bring the issue to the attention of the Minister, Deputy Harris. I hope he can provide the Deputy with a fuller response.

Deputy Seamus Healy: The situation at the department of psychiatry at St. Luke's General Hospital, Kilkenny is outrageous, disgraceful and unacceptable. As the Minister is aware, there has been a cluster of unexplained deaths associated with the unit. Tipperary patients are suffering delayed admissions due to the overcrowding as well as inappropriate early discharges. Travel and visiting difficulties make it almost impossible for carers and family members to support patients in the unit. The staff are at breaking point, to the extent that nurses held a lunchtime protest outside the unit recently.

The situation in Kilkenny needs to be investigated immediately. The Government needs to ensure that acute psychiatric beds for Tipperary are reopened in Tipperary at South Tipperary General Hospital. It must be done urgently.

Deputy Richard Bruton: I am informed that there has been a HIQA investigation in this area and the authority has found fault with some of the facilities. Officials have carried out a revisit. While they did find considerable improvement, there is recognition that infrastructural problems are involved. Clearly, the Government is making investment and we want to see care being provided in more of a community setting. The parallel development of these services is an important long-term structural change. Clearly, we need to ensure that as we expand the new community facilities, we do not create acute problems in some of the traditional facilities. I will

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ask my colleague, the Minister, Deputy Harris, who is now present, to respond to the Deputy in writing on these issues in view of the seriousness of the matter.

Questions on Promised Legislation

An Leas-Cheann Comhairle: I remind Deputies that it is Thursday and we have 15 minutes for this slot. Before I call those with cards in numerical order I am obliged to call either the leaders of groups or parties. Deputy Curran is first on behalf of Fianna Fáil.

Deputy John Curran: On the last day of the Dáil before the summer recess in July, the Social Welfare, Pensions and Civil Registration Bill was debated and concluded Second Stage. The debate was unusual because the Bill as presented on Second Stage was substantially different from the Bill that had undergone pre-legislative scrutiny. The section around defined benefit schemes was not included. The Minister acknowledged that. She said it was a work in progress and that she would bring forward amendments on Committee Stage. She went on to say that the amendments would better protect the benefits of scheme members.

In the interim nothing has happened. Recently, we discovered that Irish Life is in the process of closing its defined benefit scheme. This will affect 3,000 members. The scheme is in surplus to the tune of €200 million. My concern is that the Government, having introduced the legislation and indicated the changes it intends to make has left a void. The members of other defined benefit schemes face a degree of peril or risk because of the Government's failure to move as it said it would. Second Stage was debated on 14 July and Committee Stage amendments are awaited. In the interim the void the Government has created is causing serious concern among other members of the schemes. Can the Minister give a commitment that those Committee Stage amendments will be dealt with urgently?

Minister for Education and Skills(Deputy Richard Bruton): I am sure the Minister is working to develop amendments. I am very conscious that this area is legally complex and there are conflicting constitutional rights that must be steered through to ensure that any amendments that come forward are robust and sustainable. I will alert the Minister to the Deputy's concern in light of this development and I hope the drafting of amendments can proceed rapidly to meet his concern.

Deputy Mary Lou McDonald: Several of the Minister's colleagues have signalled a review of the local property tax, LPT, including the Minister for Finance, Deputy Donohoe, this morning. We had advised Government from the outset that the local property tax was not a progressive but a punitive tax on the family home. It seems the penny has dropped as property prices and home values are rising not least in Dublin. The Government should be abolishing this tax. As it seems it will not do that can the Minister tell me when this promised review will be completed and will it require any legislative change?

Deputy Richard Bruton: I understand that the Minister has announced that a review will take place from now and hopes it will be completed by the end of August. The valuations on which LPT are now paid were set in May 2013. They will remain the same for 2018 and 2019. There could, however, be revisions on value as of 2020, based on market prices. The Minister has signalled his intention that people would see relative stability in the level of LPT they would pay. He has indicated that there will not be a massive expansion in people's bills. He has also signalled that there should be a review of the structure of the tax. It is a broad-based review.

There will be the opportunity for public consultation and for individuals to make their views known. He has reassured people that the rise in property values will not see a surge in their liability. Instead, he expects to see a stable source of revenue coming from this which raises approximately €500 million at the moment.

This tax has made a very important contribution to sustaining services at a difficult time and has moved us away from a very volatile source of property tax in the past, stamp duty.

Deputy Brendan Howlin: It is reported that the Government is considering an alternative to the repeal *simpliciter* recommendation of the all-party committee on the eighth amendment. This was reported to be on foot of legal advice advanced by the Attorney General. The committee considered this matter very carefully, as it did the separation of powers, in making a determination on this matter. Does the Minister for Health agree that we must settle this matter, without further delay, in a very open manner? To achieve that will the Government provide the legal advice, in whatever condensed form, to the Members of this House so that we can understand why an alternative to the committee's recommendation that the article should simply be repealed is being considered?

Minister for Health(Deputy Simon Harris): The Citizens' Assembly and the Oireachtas committee each got legal advice and came forward with recommendations on how best to repeal the eighth amendment. As the Government now navigates this important sensitive issue towards holding a referendum this summer we need to get our legal advice. We are still in the process of doing that. I expect to advise Government on this matter by the end of this month or the start of next month. I would be very happy at that stage to brief Members of this House and all parties and groupings once the Government has made a decision on that.

Deputy Gino Kenny: Last year 15 cyclists lost their lives on Irish roads, the most in a decade; 2017 turned out to be an *annus horribilis* for cyclists and their families. More than ever people are using their bicycles to go to work or for leisure. I am a very keen cyclist and cycle in here every day and I see that it is dangerous to cycle in the city.

The Minister's colleague tabled a Bill last year, the Road Traffic (Minimum Passing Distance of Cyclists) Bill 2017 of which I was quite sceptical at the start but on getting more information in recent months I think it is a Bill worth bringing forward to the next Stage. Any legislation that saves one cyclist's life in this country is worth debating.

Deputy Richard Bruton: I understand this is a Private Member's Bill. There is provision for Private Member's Bills being taken in this House and we are keen to encourage that. There has been some desire to evaluate its practicality and enforceability and it is reasonable that the House, whether through pre-legislative scrutiny or otherwise, would get information on the enforceability of such a measure and its practical effectiveness. We are open to such a process. The Bill has not been taken but if it were the Government would consider it with an open mind. Presumably, however, pre-legislative scrutiny would be required to ensure that it is workable.

Deputy Mattie McGrath: There is a commitment in the programme for Government on education from naionraí and pre-school to third level and fourth level. The amalgamation project between Cahir Boys' national school and Our Lady of Mercy Convent girls' school has been stuck in the bowels of the Department of Education and Skills for decades. Planning permission has been granted and the design has been agreed. Could the Minister please try to resurrect the project and give it some semblance of progress to allow young children from Cahir and the

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surrounding area in the parish to have half-decent accommodation? They have excellent teachers, staff and boards of management and parents' councils but they are entitled to a fair standard of accommodation to be taught and learn in, not the Dickensian buildings that they have.

Deputy Richard Bruton: We have a substantial capital budget but the pressures on us from the capital side are huge. We have a series of programmes to meet the demographic demand every year, which absorbs approximately 80% of our money. We have programmes for additional accommodation, for emergency works, summer works and minor works. We try to allocate the money as fairly as possible to meet the needs. Every application by a school is given due consideration and has to be prioritised. I will seek information from the Department on exactly what proposition has been put forward by these schools and where it stands and I will communicate with the Deputy.

An Leas-Cheann Comhairle: I remind Members that we are taking questions on promised legislation in numerical order. They should be on promised legislation and not specific questions. What number is Deputy Danny Healy-Rae's promised legislation?

Deputy Danny Healy-Rae: Number 1. The Common Agricultural Policy, CAP, negotiations are about to take place. There are rumours that part-time farmers will not get payments from Europe. I remind the Minister and the Government that 80% of farmers nowadays are part-time.

An Leas-Cheann Comhairle: The question should be on promised legislation.

Deputy Danny Healy-Rae: It has to be remembered in these negotiations that these payments are-----

An Leas-Cheann Comhairle: The Deputy is too specific.

Deputy Danny Healy-Rae: No. These payments-----

An Leas-Cheann Comhairle: Let us be fair. The Deputy is just skiting.

Deputy Danny Healy-Rae: We are protecting the farmers' income.

An Leas-Cheann Comhairle: We cannot allow this. The Deputy should speak on promised legislation.

Deputy Danny Healy-Rae: These payments are compensation for not being paid properly for their product.

Deputy Niall Collins: Ah, here. Can we move on?

Deputy Danny Healy-Rae: Those payments are compensation for not being paid properly for their produce.

An Leas-Cheann Comhairle: I ask the Deputy to be reasonable.

Deputy Danny Healy-Rae: I am reminding the Government that it has to keep this in mind at the negotiations in Europe.

An Leas-Cheann Comhairle: Will the Minister, Deputy Bruton, deliver the message to the Minister for Agriculture, Food and the Marine?

Deputy Richard Bruton: I will, certainly.

Deputy Danny Healy-Rae: It is promised legislation that we protect farmers' incomes. That is promised legislation. I can vouch for that.

Deputy Niall Collins: We are all aware that the delivery of large-scale infrastructure projects is complex and costly and takes a lot of time. In the mid-west and south, the proposed project to develop the M20 motorway between Cork and Limerick is a classic example. It will cost a huge amount of money - estimated at almost €1 billion. What concerns me at this point, apart from the timeline to deliver it which is yet unknown, is the impact on the potential landowners right along the proposed route.

An Leas-Cheann Comhairle: Promised legislation.

Deputy Niall Collins: In the context of the proposed review of the national infrastructure development legislation, where are we in terms of amending and updating that? It is a commitment in the programme for Government to deliver these projects on a more timely basis and to remove uncertainty for the landowners who will be affected.

Deputy Richard Bruton: I will have to get a report for the Deputy on that.

Deputy Declan Breathnach: Under promised criminal justice legislation, it is widely known that there is an increase of over 14% in violent crime in this country. In my own town of Dundalk, we witnessed the stabbing and killing of Yosuke Sasaki, which made the headlines around the world. In this last month, five people have died as a result of stabbings. I am asking that in the criminal justice legislation we provide for zero tolerance, no bail and mandatory sentencing for anybody convicted of a crime relating to use of weapons such as knives and guns. I am asking that those provisions be brought to this House. What is happening is intolerable.

Allied to that is the fact that a migrant can move freely with no papers, as is the case-----

An Leas-Cheann Comhairle: Promised legislation.

Deputy Declan Breathnach: It is in respect of criminal justice legislation being brought before the House.

Deputy Richard Bruton: I do not know of any proposal from Government to introduce mandatory sentencing. This has been a very controversial issue whereby the Oireachtas seeks to remove discretion from judges to evaluate the individual merits of each case. It would have to be done with very careful consideration. The Deputy would have to consider with his own party and with others whether such an approach would command support across the House. I know the Minister of Justice and Equality would have very serious misgivings around mandatory sentencing as a principle. It has not proven particularly effective where it has been introduced. The House would have to give it very serious consideration. That is in no way to understate the genuine concern the Deputy has expressed about the increase in violent crime and the need to have effective policing and justice in those cases.

Deputy Frank O'Rourke: My question is on promised legislation for health. The programme for Government commits to improving the health care service for all, including to access to services and reductions in the cost of medicines for those with long-term illnesses. Why, then, has it taken the HSE so long to approve the Abbott FreeStyle Libre for inclusion in the long-term illness, LTI, scheme for people with type 1 diabetes?

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Abbott submitted an application for its inclusion in the long-term illness scheme in early January 2017 and received acknowledgement from the HSE, which stated it would be considered in line with the Act of 2013. The application was to be assessed for listing under reimbursable items for people with diabetes aged four and above, which is critical, who intensively use insulin, namely, those requiring multiple daily injections of insulin. It has been almost a year now, with very little communication from the HSE. The diabetes community is understandably frustrated with the delay. Can the Minister indicate when a decision might be made and when this game changer for diabetes management will be included in the LTI scheme?

Deputy Simon Harris: I am very pleased to say that I expect to have some positive news in respect of this shortly. I alluded to this at a diabetes conference in the Glenview Hotel last Saturday. I expect the HSE will conclude its discussions very shortly and put in place a framework to make this device available to people, in the first case in the hospital setting on the recommendation of a consultant. I will update the Deputy and the House on this shortly.

Deputy Michael Healy-Rae: I must declare what could be considered a possible conflict of interest because I am a postmaster.

An Leas-Cheann Comhairle: Would the Deputy first of all declare what promised legislation his question concerns?

Deputy Michael Healy-Rae: It is the programme for Government. In the programme for Government, it is pledged to support our post offices. The online system for renewing passports is extremely quick, easy and convenient. The big difference between online and the paper application is that people do not have to get a garda to approve the online version. Will the Government please carry out a review of the paper passport application? The online version is taking greatly from the post offices because people do not want to spend the time looking for gardaí to stamp the forms. I urge the Government to keep to its commitment to our post offices by carrying out that review.

Deputy Richard Bruton: I will have to refer the question to the Minister responsible as to why there is this distinction between the requirement of a garda signature on one and not the other.

Deputy Peadar Tóibín: Dáithí Mac Cárthaigh, a well-known barrister, was renewing his insurance with AA Ireland. He happened to speak to somebody who knew Irish; the conversation switched into Irish and then the phone line dropped. He rang back and asked to speak to the same individual. He was told that he could but would not be allowed to speak Irish. The AA, functioning in Ireland, is banning its staff talking to Irish people in Irish.

We are all awaiting the Bill to amend Acht na dTeangacha Oifigiúla. Is it not logical that companies operating on licence in this country would, in that Bill, be requested to respect the national language and to facilitate Irish speakers?

There is an online campaign under way called *níl sé ceart go leor, #nílséagl*. It is in response to the disrespect and second-class citizenship that many Irish speakers experience at the hands of this Government, the public services and commercial organisations. Can we fix this?

Deputy Richard Bruton: I understand that the official languages Bill is under pre-legislative scrutiny at the moment. I imagine the committee will be in a position to consider suggestions like the Deputy's before the Bill is considered here as substantive legislation.

An Leas-Cheann Comhairle: In view of the brevity of the last speakers, I will take one more question.

Deputy Michael Collins: My question concerns the programme for Government and farmers' incomes. Farmers from the north, south and south west are under huge pressure with fodder crisis, as well as grain and suckler farmers suffering losses in their incomes. This was discussed quite a lot in the programme for Government. For the survival of the suckler farm, would the Government set up a €200 suckler cow scheme to help those farmers?

Deputy Richard Bruton: I know that the Minister for Agriculture, Food and the Marine is particularly concerned about the fodder situation and has set up a national committee to work with the farming community regarding the fodder shortage. That is in place and Teagasc has had a number of meetings to seek to address the issue, and to help farmers better budget and plan their fodder provision.

I do not know about the other question raised by the Deputy and will ask the Minister for Agriculture, Food and the Marine to respond to him.

***k*Road Traffic (Amendment) Bill 2017: Second Stage (Resumed)**

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to Second Stage of the Road Traffic (Amendment) Bill 2017 which was taken on Wednesday, 17 January. On the question, "That the Bill be now read a Second Time," a division was claimed. In accordance with Standing Order 70(2), that division must be taken now.

Question put:

<i>The Dáil divided: Tá, 85; Níl, 8; Staon, 37.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Collins, Michael.</i>	<i>Aylward, Bobby.</i>
<i>Bailey, Maria.</i>	<i>Daly, Clare.</i>	<i>Brassil, John.</i>
<i>Barrett, Seán.</i>	<i>Fitzmaurice, Michael.</i>	<i>Breathnach, Declan.</i>
<i>Barry, Mick.</i>	<i>Healy-Rae, Danny.</i>	<i>Browne, James.</i>
<i>Boyd Barrett, Richard.</i>	<i>Healy-Rae, Michael.</i>	<i>Butler, Mary.</i>
<i>Brady, John.</i>	<i>Lowry, Michael.</i>	<i>Byrne, Thomas.</i>
<i>Breen, Pat.</i>	<i>McGrath, Mattie.</i>	<i>Cahill, Jackie.</i>
<i>Brophy, Colm.</i>	<i>Wallace, Mick.</i>	<i>Calleary, Dara.</i>
<i>Broughan, Thomas P.</i>		<i>Canney, Seán.</i>
<i>Bruton, Richard.</i>		<i>Casey, Pat.</i>
<i>Buckley, Pat.</i>		<i>Cassells, Shane.</i>
<i>Burke, Peter.</i>		<i>Chambers, Jack.</i>
<i>Byrne, Catherine.</i>		<i>Chambers, Lisa.</i>
<i>Cannon, Ciarán.</i>		<i>Cowen, Barry.</i>
<i>Carey, Joe.</i>		<i>Curran, John.</i>
<i>Connolly, Catherine.</i>		<i>Donnelly, Stephen S.</i>

<i>Coppinger, Ruth.</i>		<i>Dooley, Timmy.</i>
<i>Corcoran Kennedy, Marcella.</i>		<i>Fleming, Sean.</i>
<i>Creed, Michael.</i>		<i>Haughey, Seán.</i>
<i>Crowe, Seán.</i>		<i>Kelleher, Billy.</i>
<i>D'Arcy, Michael.</i>		<i>Lahart, John.</i>
<i>Deasy, John.</i>		<i>Lawless, James.</i>
<i>Doherty, Pearse.</i>		<i>McGrath, Michael.</i>
<i>Doherty, Regina.</i>		<i>McGuinness, John.</i>
<i>Donohoe, Paschal.</i>		<i>Moynihan, Aindrias.</i>
<i>Doyle, Andrew.</i>		<i>Moynihan, Michael.</i>
<i>Durkan, Bernard J.</i>		<i>Murphy, Eugene.</i>
<i>Ellis, Dessie.</i>		<i>O'Brien, Darragh.</i>
<i>English, Damien.</i>		<i>O'Dea, Willie.</i>
<i>Farrell, Alan.</i>		<i>O'Keeffe, Kevin.</i>
<i>Ferris, Martin.</i>		<i>O'Rourke, Frank.</i>
<i>Fitzpatrick, Peter.</i>		<i>O'Sullivan, Maureen.</i>
<i>Flanagan, Charles.</i>		<i>Ó Cuív, Éamon.</i>
<i>Funchion, Kathleen.</i>		<i>Pringle, Thomas.</i>
<i>Griffin, Brendan.</i>		<i>Rabbitte, Anne.</i>
<i>Halligan, John.</i>		<i>Scanlon, Eamon.</i>
<i>Harris, Simon.</i>		<i>Smith, Brendan.</i>
<i>Harty, Michael.</i>		
<i>Healy, Seamus.</i>		
<i>Heydon, Martin.</i>		
<i>Howlin, Brendan.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kenny, Gino.</i>		
<i>Kenny, Martin.</i>		
<i>Kyne, Seán.</i>		
<i>Madigan, Josepha.</i>		
<i>McDonald, Mary Lou.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Mitchell, Denise.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Munster, Imelda.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Paul.</i>		

<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Nolan, Carol.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Jonathan.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Penrose, Willie.</i>		
<i>Phelan, John Paul.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Smith, Bríd.</i>		
<i>Stanley, Brian.</i>		
<i>Stanton, David.</i>		
<i>Tóibín, Peadar.</i>		

Tellers: Tá, Deputies Joe McHugh and Tony McLoughlin; Níl, Deputies Mattie McGrath and Michael Collins.

Question declared carried.

Road Traffic (Amendment) Bill 2017: Referral to Select Committee

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I move:

That the Bill be referred to the Select Committee on Transport, Tourism and Sport pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Sitting suspended at 1.20 p.m. and resumed at 2 p.m.

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Report of the Joint Committee on the Eighth Amendment of the Constitution: Statements (Resumed)

Deputy Louise O'Reilly: I thank the Chairman of the Oireachtas joint committee, Senator Catherine Noone. I also thank the members of the Citizens' Assembly who made the work of the committee so much easier by placing in the public domain an enormous amount of information and vital evidence. In addition, I thank those members of the committee who approached the work of the committee in a thoughtful and professional manner. We heard evidence that was sometimes difficult to hear, but it was very necessary. Some members of the committee used their body language and close physical presence to delegates in a manner which I personally believe was designed to be intimidatory. They did themselves and their cause no favours.

We have heard the evidence from experts. We wanted facts, not opinions. We have heard the evidence from the experts on why the eighth amendment must go. We heard from the masters of the maternity hospitals, the men and women we trust to look after women - our daughters and their friends. They have told us, clearly, in a way one could not misunderstand or misinterpret, that the eighth amendment is an impediment to them in doing their job. Professor Malone, Dr. Peter Boylan and Dr. Rhona Mahony said it. The evidence is there. It does not suit the narrative put forward by the anti-abortion cabal which is reminiscent perhaps of what was being said in 1983, but we have moved on. Women have fought and continue to fight for equality. We will not go back into the boxes in which the patriarchy tried to put us in 1983 and for the decades thereafter.

We spoke to medical professionals and legal experts. The facts might contradict the narrative put forward by some, but they are the facts. Spurious claims were made at the committee. For that reason, I had to write to the Icelandic and Danish Governments in order that they could defend themselves against the misinformation and put forward the facts.

Many Irish women have had the personal experience of travelling to England either with a friend or on their own and they gave an English address. Therefore, we cannot say definitively how many women travel, but we know that it is in the thousands. We cannot say Irish women do not have abortions. They do; they just do not have them here. They take abortion pills and while the pills are safe, it is not ideal that they are sometimes taken without medical supervision.

For me, the most compelling evidence at the committee was given by the masters of the maternity hospitals, in particular Professor Malone who, to paraphrase him, said the eighth amendment prevented him from providing a full range of health care services for the women in his care.

Repeal *simpliciter* is the best option. It is Sinn Féin's preferred option and the option favoured by the committee. That must be reflected in any question put to the people. I will not rehearse the Sinn Féin position which is well known and has been well ventilated, but I will say I am immensely proud of my party and our members for the manner in which they have discussed this issue of women's health and health care and the way they have embraced the need to repeal the eighth amendment. Given that we are concluding a comprehensive 32-county women's health policy, it is not appropriate that we pre-empt any further decision of our members on this issue. We will be bound by the decision of our members. Our activists are the lifeblood of our movement and their decision, once arrived at democratically, is important to us. It is instructive, not indicative. However, whatever our members decide, we must be clear that

it is unimplementable, unless and until we repeal the eighth amendment.

We are having a respectful debate. Let us hope we have a respectful campaign. I call on all repealers to come together. Whether we agree or disagree on what legislation may be drafted in the aftermath, we must put repeal first. I call on the leaders of other parties to do what their job title suggests and lead on this issue. The women of Ireland will not thank us if we do not provide leadership. They will not thank us if we use this referendum to score political points. The committee heard a huge amount of unbiased and expert evidence, some of which was very moving, like the stories shared with us by Termination For Medical Reasons Ireland, and some of it put very clearly the need for repeal.

I will conclude by saying to my parents and others who campaigned against the insertion of the eighth amendment in 1983 that they were right. What they said in 1983 was right. They were subjected to quite disgraceful and disgusting intimidation at the time, but they predicted all of these issues. We can now say they were right when they predicted the complications that would result from inserting an issue related to women's health care into the Constitution. We have an opportunity to put this right. We thank the veterans of 1983 for trying to keep the amendment out of the Constitution. We assure them that we will not miss this opportunity to work hard to get it out. Similarly, I thank all of the young people, many of whom are young women, who have driven this issue in more recent years. We all shared our ages yesterday evening. I say this as someone who is possibly moving gently into the category of "auld wan", that it is not for me that the amendment needs to be repealed but for those women who will come after me.

Today I remember Ann Lovett, Sheila Hodgers, Joanne Hayes and all those women who have been served horrendously by the State. For them, our daughters and granddaughters, we will repeal the eighth amendment.

Deputy Jan O'Sullivan: I, too, very much welcome the opportunity that I had to serve as a member of the Oireachtas Joint Committee on the Eighth Amendment. It really was a privilege. I pay tribute, in particular, to the Chairman but also to all of its members, some of whom came on particular journeys. It was a very positive and enriching experience. I also thank the members of the Citizens' Assembly for the work they did, including the chairman, Ms Justice Laffoy. It was a particular privilege for me as one of those "auld wans" who campaigned back in 1983.

Deputy Finian McGrath: I get that all the time. How does the Deputy think I feel?

Deputy Jan O'Sullivan: To some extent, I am disclosing my age category, but I will not be exact on my age. I campaigned in 1983 against the insertion of the eighth amendment into the Constitution. It was a very difficult campaign. It was my first election campaign and the first time I had ever knocked on doors. If that did not put me off knocking on doors, nothing ever will because it was a truly horrendous campaign for everybody, particularly for those involved on the side I was on. For that reason, it was really historic yesterday to listen to the debate in the Chamber. It would have been simply unthinkable not very many years ago for a Minister for Health to stand up in the Dáil Chamber and give the numbers of women from every county in Ireland who had travelled to Britain for an abortion.

Back in the dark days of 1983, women were in a very dark and lonely place. We saw evidence of that this week in the information on the Kerry babies case and the way in which Joanne Hayes was treated. It was a very dark and lonely place for Irish women in so many ways. Oth-

ers have spoken about the Magdalen laundries, the way in which children were put into institutions and the way in which unmarried mothers were treated. This is still a dark country for the thousands of Irish women who travel to Britain or elsewhere to have an abortion or who have to take a pill. Again, they are in a dark, lonely place where they cannot talk about what they are doing and where they are actually committing a crime. While we have come an awfully long way, we still have not dealt with the issue facing the women of Ireland. Over 5,000 women per year are affected. This number is based on adding the number of women who gave Irish addresses to clinics in England and Wales to the number who accessed Women on the Web. That is not even all of the women because others travelled to other places, and others obtained pills online through other mechanisms. Therefore, we have to ensure that we address this issue and do so now. We cannot say Ireland is not a dark place for women until we address this issue.

I very much welcome the fact that, at the committee hearings, everyone was open to listening. Maybe I would make some exceptions but most of the members of the committee were willing to listen to the evidence. It was about evidence, factual information and expertise. I shall quote some of the evidence because it is important to put some of it on the record. Committee members had the opportunity to hear it but most Members of the Houses of the Oireachtas did not hear it.

Before I put evidence on the record, I want to talk about the date of the referendum. It is crucial that we hold it in May. The date was always to be in May. Up to very recently, Government spokespersons spoke about May. We on the committee were told we had to have our report produced by 20 December, our deadline, so there would be time for the drafting of the legislation to be put before the people in the referendum, the setting up of the referendum commission, the debate in the Dáil on the legislation, and the drafting and publication of subsequent legislation that, should the referendum be passed, would reflect the Government's intention with regard to the law that would follow. We kept to our timetable and I do not see any reason the Government cannot keep to its timetable.

I strongly advocate a May referendum for a number of reasons, the first being that the leaving certificate examinations start in the first week of June. There are many 18 year olds who will be doing the examinations. There are many families who will be involved with young people doing them. Many mature students will be doing the leaving certificate examinations or junior certificate examinations. For those people, June is a very stressful and busy month, and they should be facilitated to vote. Many students in higher education travel abroad during the summer months or, if they do not, they may well go to another part of the country to work. They need the opportunity to vote also. People under the age of 53 have never had the opportunity to have their say on this issue. They should have their say. That is what democracy is all about. I strongly urge that the date be in May, not in early June.

The reason given for the possibility of a later date is that the Government needs to obtain the advice of the Attorney General on the wording that would be put before the people. I strongly advocate repeal *simpliciter*. I made that proposal at the committee hearings and it was supported by the majority of members. We made the decision following legal advice on a number of possible options. That advice, which was provided to us and also to the Citizens' Assembly, indicated that there would not be legal certainty on the issue of the Constitution, no matter which decision was made. Therefore, there will not be legal certainty with the alternative wording we understand the Government is going to consider. I refer to the possibility of inserting wording into the Constitution making it the duty of the Oireachtas to legislate.

The argument is that inserting wording would somehow safeguard the constitutional interpretation from the intention of the Legislature regarding an absolute ban on abortion and an exception where the life of the mother is at risk. There have been strong legal arguments that suggest this is not necessary and that any court that would be interpreting the Constitution would take into account the will of the Oireachtas and the various other rights in the Constitution, such as the right to privacy. I am strongly supportive of the argument that there is no necessity to include alternative wording in the Constitution. That was the considered view of the joint committee established by the Government. Repeal *simpliciter* is the question that should be put.

I do not see why seeking the advice of the Attorney General should cause a significant delay. The Attorney General, no more than anybody else following the debate, would have known the legal arguments and heard the arguments made at hearings of both the Citizens' Assembly and the committee. I would imagine and expect, therefore, that the Office of the Attorney General has work done on the considerations and should be able to report to the Government in the very near future.

The referendum date should be in May, and seeking advice from the Attorney General should not hold it up. The Government should be absolutely determined to ensure it holds it in May. It is really important that we deal with this issue once and for all. The Constitution is not the appropriate place to have an absolute or almost absolute ban on abortion, that is, the impossible provision of upholding the equal right to life of the mother and the unborn. The reality is very different from what is provided for. The reality is that thousands of women in Ireland have abortions. The reality is that there is abortion in Ireland. It is just not carried out in this country or, if it is, it is imported through pills, as somebody said yesterday. It is happening and we need to face that reality. The members of the committee did face that reality. The committee's work in that sense was very positive.

I commend those who fought the battle over the years because it has been tough and hard. Many people put their heads above the parapet at a time when it was very difficult. We should pay tribute to all those people, whoever they are, going right back to 1983. My party leader spoke yesterday about the Seanad group he belonged to and the way in which people were vilified at the time for voting in the Seanad for a Labour proposal not to accept the then Government's proposal to amend the Constitution. There have been many others since then.

I commend Labour Women, the women's section of the Labour Party, which has campaigned consistently and strongly. Its work is very important. Organisations such as the National Women's Council of Ireland have been very strong. The council consulted widely around the country with its associate members and the various bodies affiliated to it. It published a document called Every Woman, which is the result of that consultation. It emerged before the report of the committee but is very much along the lines of what the committee recommended. It is quite a short document and I urge Members to read it to see what the women of Ireland are saying on this issue. It refers to a protected period, which is the period of 12 weeks, and to protected people, such as those with a diagnosis of a fatal foetal abnormality, and circumstances where there is a threat to the life or health of the mother. The document states:

Our hope is to build a sensitive and inclusive consensus that acknowledges people's experience of pregnancy and family life in all its diversity and complexity. Our aim is to build a shared understanding of what reproductive services we need that will enable all women and girls to realise their potential. This means facing, with honesty, openness and compassion, complex issues relating to life choices, fertility control and pregnancy care.

I hope that will be the tone of the debate.

At the committee itself, we heard a significant body of evidence. I want to quote from three of the written submissions to the committee because it is important to put some of these on Dáil record. The first is from TFMR Ireland which represents those with a diagnosis of what is normally described as a fatal foetal abnormality. The presentation was powerful and affected many members of the committee. It stated:

We have to make our own travel arrangements. Do we go by plane, by car or boat? How do we get from the airport or ferry port to the hospital? Who will travel with us? If we have children at home, who will look after them? How do we get time off work? Do we have a passport? Can we afford it?

It is also worth pointing out that when we go for an induced labour and delivery we have no way of knowing how long it will take and when we will be coming home. This adds to the stress and cost.

The group then stated:

We need to find out whether or not we can bring our baby home, and if we can - how? If we have our car we can bring our baby home on the boat. This journey involves us having to go to a supermarket to buy freezer packs, and then we have to stop at regular intervals to open the coffin and change them so that we can keep our baby cold. We also have to leave our baby in a coffin in our car, covered by a blanket or in the boot, while we cross the Irish Sea.

If we are coming home by ferry but don't have a car, we have to carry the coffin on public transport - buses or trains - and carry our baby onto the ferry as a foot passenger.

If we are flying home, we may be able to bring our baby's remains on the plane. We have to check in advance with the airlines and deal with their special assistance staff. We may need to place the coffin in a holdall or suitcase and check it in as luggage. This will mean our baby will be put in the hold by baggage handlers and we will have to collect them from a luggage carousel in Dublin, Cork, Shannon, Galway or Knock. Alternatively, we could take the coffin onto the plane as hand luggage.

Imagine all of this is happening within hours of giving birth in the most tragic of circumstances. How do you think this makes people who live here feel? Would any of you be comfortable with your own family members or neighbours having to go through this ordeal?

That powerful presentation had a strong effect on committee members.

The Irish College of General Practitioners is very much at the coalface when it comes to women who find out they have a crisis pregnancy. In its written submission, it stated:

Despite efforts of the Government, educational initiatives and health care practitioners, and despite widespread access to emergency contraception, crisis pregnancy cannot always be prevented. A total of 35% of Irish women who have been pregnant describe having had at least one crisis pregnancy. It is usual for most GPs, as the first point of contact for individuals, to encounter women and sometimes their partners with unplanned, unwanted pregnancy.

The college gave the example of a woman with three children, but separated from her husband and who has become increasingly abusive towards her and her children. It described how she decides she will travel to Britain:

In the clinical vignette above, Sandra chooses to travel to the UK for an abortion. For women who choose an abortion, GPs cannot refer or make an appointment on behalf of the woman at a clinic in the UK. GPs may provide a copy of their medical records to the patient. GPs would also encourage women to return to the practice after having an abortion, if they have any concerns. GPs would also discuss post-abortion contraception. Irish GPs may need to consider a dating ultrasound if the dates are uncertain. Any GP who has a conscientious objection must refer women to another GP. Abortion is a very safe medical procedure.

The college described how Irish women tend to have later abortions because of travelling to Britain which is obviously not desirable.

The master of the National Maternity Hospital told the committee:

It is not always possible to predict clinical course with precision. In medicine we deal with probability informed by available clinical evidence and experience.

If, for example, a woman is 14 weeks' pregnant and the membranes surrounding the pregnancy rupture, there is very little chance that this foetus will survive, although foetal death is not inevitable. This mother, however, runs a significant risk of developing chorioamnionitis, although this is not inevitable. Therefore, in this case, a patient and her physician are required to monitor for the potential onset of chorioamnionitis and the resulting risk to life if such infection takes hold. We understand from experience that a young woman with severe infection can appear relatively well despite advanced infection - but she can decompensate suddenly and unpredictably. It is then to be hoped that modern medical therapies can successfully resuscitate her and treat her infection. Attempting then to terminate a pregnancy in a woman who is very ill and potentially at risk of dying confers additional risk but that is the current requirement of the law. And clinicians are tasked with getting it right in what can be a very narrow therapeutic window.

She continued that "decision-making may be delayed or distorted as clinicians ponder the law rather than medicine."

One could quote more of these submissions to the committee. However, it is important to put these on the Dáil record. It shows the dilemma of the families themselves who have to deal with difficult issues. It also shows the difficulties faced by the medical profession in dealing with what should be their medical care under the current situation.

Above all else, the committee saw that this should be a matter between a woman and her doctor. It should be part of medical care, not of the law. We should not criminalise the thousands of Irish women who either travel to Britain or take abortion pills. This is the reality. We cannot pretend this does not happen. We cannot stop what is the practice. It is a different Ireland now. We need to ensure that young people, who have never had a chance to vote on this issue, will have the chance to do so.

I urge that the debate be based on evidence and facts, not simply a question of stating absolutist positions which are not open to genuine discussion or consideration. This is one of the

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issues that we have not yet faced. It is one of the seminal issues that Ireland needs to address. We should not be excluding Irish women any longer from care in their own country and expecting them to travel to another country for a service that they clearly need and they are choosing.

The other issue is that of the pill and the fact women can access it and take it.

Another point strongly made at the committee was that in the case of rape or incest, it is practically impossible to facilitate pregnancy by way of some exceptional provision in the Constitution. That would mean putting women through a court case that would go on longer than the actual time for a termination. This is something we have been told is simply impossible. There are many reasons we should remove Article 40.3.3o from the Constitution. I urge that the referendum be held in May.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Eamon Scanlon - the position with BPS payments to farmers on the Killery Mountain; (2) Deputy Éamon Ó Cuív - to discuss the urgent need to provide a fodder aid scheme; (3) Deputy David Cullinane - the need for an investigation into sexual abuse allegations (details supplied) in various State agencies; (4) Deputy Maureen O'Sullivan - to discuss the recent fox hunt on a housing estate in Cork; (5) Deputy Frank O'Rourke - the need to improve mental health services, especially in psychiatry in County Kildare; (6) Deputy Catherine Connolly - to discuss the response to the recent flooding in Galway; (7) Deputy Mattie McGrath - the need to upgrade the N24 Limerick to Cahir road; (8) Deputy Fergus O'Dowd - the need for respite services for families in County Louth; (9) Deputy Pat Buckley - the need for traffic calming measures on roads in east Cork; (10) Deputy Eugene Murphy - to discuss the HSE embargo on admissions at Áras Naomh Chaolain in Castlerea, County Roscommon; (11) Deputy Louise O'Reilly - the need for a scheme to assist living organ donors; and (12) Deputy Mick Wallace - the need to discuss moneys collected by Cerberus from NAMA's Project Eagle loans.

The matters raised by Deputies Eamon Scanlon Catherine Connolly, Fergus O'Dowd and Louise O'Reilly have been selected for discussion.

Report of the Joint Committee on the Eighth Amendment of the Constitution: Statements (Resumed)

Deputy Clare Daly: For those of us who were members of the Joint Committee on the Eighth Amendment of the Constitution, we are at a peculiar juncture now where we have been through months of discussion on this issue, yet, for many of the general public, this is the start of the run into the referendum campaign, an issue for which some people have waited a lifetime. I have heard people speak about being surprised at the way the Citizens' Assembly had approached this matter and by the outcome and by the outcome of the committee's deliberations. If they were surprised, it means that they had not been listening in the past few years. It is clear to me that attitudes in Ireland have changed dramatically in the last period, even from the days when I first came into this House and Deputies Mick Wallace, Joan Collins and I first raised the issue here. The position is now different. When we first raised the matter a number

of years ago, it coincided with an awakening outside the House. Four women appeared on “The Late Late Show” and spoke about coming home from England having had an abortion because of fatal foetal abnormalities. It was the first time people had begun to come out into the open to say their names, tell their stories and shed the stigma that had surrounded the reality of abortion in Ireland. This is not a debate on whether there is abortion in Ireland. There is. As Irish citizens, we have a constitutional right to an abortion, but, shamefully, that constitutional right has to be exercised beyond these shores. It is a constitutional right to travel from our home for a medical procedure and obtain information on it, but we cannot have that treatment at home. In that sense, most people have woken up and realise they know many people who have had an abortion. They might not know that they know them as they might not have told them, but one can be guaranteed that everybody knows many women who have had an abortion, whether mothers, daughters, sisters, friends or wives. It is a normal part of reproductive life in any society. I am sorry that I am getting emotional and do not know why that it is, but we have come a long way.

I thank Senator Catherine Noone and the committee secretariat. The staff of the Oireachtas who supported the work of the committee were outstanding in what they delivered.

Other Deputies have made points about the experts who came and those who gave of their time. They shared their expertise. I take offence at the way some of them were castigated and decried as advocates. They are experts in their field. They are experts in medicine, the law or human rights. They are compassionate human beings and were there to talk to us about life in Ireland and point a way forward. The committee and the Citizens’ Assembly produced the outcome that they produced because we had listened and heard really strong factual medical, legal and human rights evidence. We heard from people on the damage the eighth amendment had caused in impacting negatively on the care of pregnant women. We heard from Professor Arulkumaran who confirmed the direct role the eighth amendment had played in the tragic death of Savita Hallappanvar. We heard from members of the medical profession in hospitals and general practice clinics on the fear of prosecution and the impact it had had on a daily basis on the clinical and professional judgment of doctors and staff in hospitals. We heard about the chilling effect of the criminalisation of abortion as a result of the eighth amendment. We heard clearly that it was only in this area of women’s health care that there was such interference with the right of a doctor to treat a patient appropriately. We also heard from human rights experts on how Ireland was an outlier and in breach of the fundamental rights of female citizens. The cases of Amanda Mellet and others stand out. We should remind ourselves that in recent years the State has been found guilty of discrimination and cruel, inhuman and degrading treatment which had aggravated the shame and stigma associated with criminalisation. We listened to expert opinion. I defy anybody who slagged off the work of the committee, generalised its arguments behind sloganeering and cheap headlines to sift through the deliberations of the committee and the Citizens’ Assembly and the evidence and way in which it was conducted. Having done that, I defy them to come back and cast aspersions about the functioning of the committee.

My only issue is, having heard all of the evidence, why the committee did not go further. Ireland is an outlier on this issue compared to equivalent societies in Europe or other modern, advanced countries. Ireland stands out as being completely different in the health care provided for women. I am delighted, however, that the committee was clear on the main recommendations of the Citizens’ Assembly. We were very clear that we needed to remove the eighth amendment from the Constitution. We need to decriminalise abortion and place this aspect of women’s health care in a medical setting where it belongs.

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I forgot to say that I welcomed the speech of the Minister for Health, Deputy Simon Harris, on which I would like to compliment him. I support his comments that it is unacceptable that women cannot access medical help in Ireland and that we cannot turn our backs any longer. Fair play to him.

I echo the points made by other Deputies and hope we mean what we say when we say we will have a referendum in May. There is an expectation that that will be delivered, especially among young people and students who largely leave these shores to work abroad in the summer, that the referendum will be held at a time when they can participate in it. It is their call. We are past it, thankfully, but it is a matter for young people who never had an opportunity vote on the issue in the first place. We need to stick to the deadline suggested. We need to deliver and hold the referendum in May and be mindful of the participation of young people in that regard.

It struck me when I heard about the death of Mr. Peter Sutherland more than a week ago, that in some ways there was a little irony in the fact that he had been the Attorney General who had advised the Government not to insert the eight amendment into the Constitution. Many points have been made to eulogise his legacy, but that is one I have not really heard mentioned anywhere. That is probably the only thing on which I would have agreed with him, but that is a separate argument. I definitely agreed with him on that issue and he was right. It has caused enormous problems and been a disaster and a scourge for women. Not only that, it has been an absolute joke. It was sold on the basis that it would mean that there would be no abortion in Ireland, but some 170,000 Irish women have had to leave these shores for an abortion. On the ground of abject failure alone, the eighth amendment should go. It has just meant that having an abortion is more expensive, that it takes place later, that more often it takes place surgically rather than medically and that many Irish women have been put through huge trauma in having to travel for medical care. Unfortunately, it has also meant that some Irish women cannot travel; those who are vulnerable, poor, too young or too sick cannot access it. Standing over that continued hypocrisy is just not on. We need to send a strong signal in that regard. The tone of the discussion broadly has been very good. The tone at the committee largely was very good, although not always.

The media need to take note too. There are elements which, perhaps to deal with flagging newspaper sales, are trying to go back to 1983 to have a them-and-us and zealots-on-all-sides type of debate on this issue. There was even that nonsense in *The Irish Times* last week, but I do not accept that that is the case. This is not a divisive issue. It is a very personal one for many citizens and there are no sides. There are no rights and wrongs. Human beings are making private, personal decisions about their lives and it is the job of the State to support those decisions. That is all that we can do. Some of the media have been irresponsible and should think about this. We would like the public to have access to the expert legal and medical opinion that the committee and the Citizens' Assembly received during their deliberations in a reasoned, mature manner and not have the have red herring arguments that have been introduced, including the appalling use of people with disabilities and references to the elimination of people with Down's syndrome, when we know the majority of abortions take place in the early weeks of pregnancy - up to nine weeks - whereas Down's syndrome is not usually detected until after 12 weeks. These very wrong arguments are being used to distort and manipulate in an emotive, non-evidence-based way.

One of the interesting statements in the debate over the recent period was the position of Catholics for Choice, which was published earlier this week. It made a good statement, which I would like to put on the record:

Many of the hierarchy's teachings on reproductive rights have not been received by the faithful. For instance, the majority of Catholic women have made conscience-based decisions to use contraception responsibly, and Catholic women have abortions at the same rate as other women. They understand these can be ethical choices.

Armed with the knowledge that conscience is not about imposing beliefs that are out of sync with people's lives but that it is about allowing the faithful to formulate their own moral positions, Irish Catholics have evolved in their thinking about abortion. They can reconcile the complexities of these weighty matters.

They know you can be a woman who believes she would not have an abortion in any circumstances, but yet can support the right of other women to do so. Or that you have had an abortion and do not want other women to face the restrictions you faced; or that as a man you respect the right of every woman to make her own decision and be author of her own life.

That is powerful testimony because I have never met an abortion advocate or anybody who is pro-abortion in the same way I am not pro-hip replacement. Every person should not have their hip replaced but I recognise that it is necessary if someone needs that medical care and I stand over his or her right to have it. This is exactly the same. This is about respecting people's choices in the first place and not about killing unborn babies. That is an utter nonsense.

This issue starts with women faced with crisis pregnancies. A crisis pregnancy in some instances is very much a planned and wanted pregnancy where something tragic happens along the way. Something happens to the foetus such that it is no longer compatible with life or something happens to the woman where her life or her health will be impaired and in consultation with her doctor or her partner, she decides that the best thing for her health and well-being is to terminate the pregnancy. Other crisis pregnancies are not planned. They happen because a woman is raped and violated. Are we seriously suggesting that if a pregnancy follows the rape, that person should be shackled to it and that her husband, partner or other children should have to endure a pregnancy because of that? It is absolutely abhorrent to most people that that would happen. What about the young student who was about to start a new career and who gets pregnant in college; or the woman who has come off drugs, for example, and who has just had her children who were in care returned to her and cannot deal with another child; or the woman who is homeless and does not have a roof over her head; or the older woman who has raised her children and who for the first time in her life is getting her own life back and unexpectedly finds herself pregnant? These are Irish women and they are the same as women in every other country. They weigh up their life decisions and they make the best decision for them, which they should do with support.

Some mad issues were raised at the committee hearings and, even last night, the issue of adoption was introduced. Deputy Michael Healy Rae mentioned a constituent of his who asked him to read out a text message to beg that we would not have abortion in Ireland because he was adopted and he had a great life. What is that about? Few children are put for adoption in Ireland nowadays. We supposedly do not have adoption now. How in God's name, therefore, could repeal of the eighth amendment do anything about that? It could not. If someone wants to do something about adoption and boost the numbers of children to be adopted, then the payments to lone parents should be reduced with people forced into a position where they cannot afford to raise their own children. The fact the people have the means to raise children has had the biggest impact on reducing the adoption figures, not abortion. I support the call of the

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Archbishop of Dublin who said that we should support the payments to single parents and so on if people do not have the economic means to raise their children in dignity on their own. All people should have the right to do this so when people say they are arguing in favour of an end to this, they are not advocating abortion. It is not up to me to tell anybody else what to do and I never would. It is about supporting the decisions that people make.

I received a moving letter, as I am sure many other Members did, from a parent of a child who was diagnosed with a fatal foetal abnormality and who lived for a short time, which described the pleasure the child gave the family. I fully support and accept this narrative and I am glad the family had that brief period of joy. Would that it would have been otherwise but that will not change if we repeal the eighth amendment. Those people can still continue with the pregnancy and have those brief moments of joy but the position of other people who cannot deal with that scenario for a plethora of other reasons has to be understood and equally respected. That is all that has to be done here. All that we, that is, people who support women's rights and the right to an abortion, are saying is that a woman knows best about her body and her life circumstances and, in conjunction with her doctor and her family, is in the best place to know what is best for her and when is the best time to have a child and to be supported in that decision. That is all a responsible society can do.

I have heard comments about the floodgates opening following repeal but that is a nonsense. Irish women have abortions all the time and repeal will not have an impact on that. Everybody would be supportive of reducing the number of abortions. It would be great. The evidence given to the committee shows how that can be done. We can do it by reducing the number of crisis pregnancies and investing properly in a free, comprehensive contraception programme, proper sex education in schools and in increasing the payments to lone parents and parents of children with disabilities and so on in order that people can choose to have children and have the right to raise them in respect and dignity. That is all a society can do.

The Taoiseach made the point in apologising to Joanne Hayes that we are in a different place from where we were in the 1980s, but it is the same place. It took 34 years to apologise to Joanne Hayes. Thirty five years later, we are standing over the eighth amendment and we still have a situation where abortion is criminalised. However, at the same time, it is a very different time. Things need to change to reflect that in order that we can end the dark days when women's reproductive choices are a source of shame and stigma, which should not be talked about and should be hidden away, and move to a society that is open, tolerant and appreciative of all the different aspects of people's lives.

I compliment everybody who has been involved in this process so far. I urge the Government to listen to what the committee said and, in particular, to our call for a repeal *simpliciter* with access to abortion for a minimum without restriction as to reason up to 12 weeks, which is based on our proper findings. There has to be a referendum in May in order that we can bring the country to a completely different place and do justice by our young people.

Deputy Bernard J. Durkan: Deputy Clare Daly said that she probably did not agree with anything else the late Peter Sutherland said but she might be pleasantly surprised. He was a great champion of human rights, he was a great champion of the refugees, and outspoken about it, and he was a great champion of levelling the playing pitch in so far as he could at European level and global level, and he did that.

I happen to be one of the people who was around in 1983. I was a very young child at the

time, of course, as the Leas-Cheann Comhairle will probably know.

Deputy Finian McGrath: The Deputy is still here.

Deputy Bernard J. Durkan: Despite that, I had three Dáil elections and a Seanad election behind me. I can recall the debate very well. It was a very hotly contested debate, full of acrimony, full of accusations, full of unpleasantness and full of false allegations. It did not do any good for our society. In fact, it divided society badly at that time.

I sat in on most of the hearings chaired by the now Senator Jerry Buttimer in 2013 in course of the run-up to the then Minister, now Senator James Reilly's Protection of Life During Pregnancy Bill. Many of the same issues arose again as well as quite a lot of unpleasantness, allegations and counter-allegations. In more recent times, in the past couple of years, we have spoken about the Magdalen laundries, the mother and baby homes and the way pregnant women were treated in this country for a long time, and it was not only in this country but in other jurisdictions as well. We have learned the way they were shunned from society - our so-called caring society - and sent into oblivion, where somebody else would care for them and look after them, and the nuns were then blamed for maltreating them afterwards. Society walked away. Society did nothing. Society chose not to look at what was happening at the time. I hope the debate we are having now brings us forward in a way that recognises people's situations as they are, not as they are perceived to be. It would be hugely important to us, as a society, even at this late stage, to recognise that times have changed, time has moved on, science has changed and people's attitudes have changed, and we have to move along with that.

As I said during the course of the hearings and have said many times in the past, I am not in favour of abortion. However, I recognise that particular situations have arisen in recent years that require to be looked at again. I have always singled out rape as one situation. I do not agree at all with the notion that the victim of rape should have to continue to bear the product of that rape afterwards, to the satisfaction of the perpetrator. I could never in my life understand that argument. It was trotted out several times in 1983 and it was trotted out in 2013 as well. I am not saying that to aggravate anybody, it is just that I cannot see the justice in it at all. It is similar in regard to incest.

I know people have said, in regard to the findings of the committee, that it was strange there should be unrestricted access to abortion. In fact, that is not the case. There is unrestricted access to abortion at the present time on the Internet, although it is illegal and there is no supervision, no medical advice and no counselling. In a situation like that, as in the past, there have been tragic circumstances. It is incumbent on us now, as legislators, to ensure this does not continue. If we want to become hardline on it, we can say we will ban the Internet, or ban abortion on the Internet, but reality is reality. Times have changed, and it is not possible to do that sort of thing. It is necessary, given the duty of care the State has, to take some measures to ensure that women who are pregnant and who may have to have recourse to the Internet to achieve what they feel they require at the time are protected. Society has to protect them and we have to put in place the medical supports, backup and counselling that is required. As Deputy Clare Daly said, it may not necessarily always be an abortion that is required but support is required. There is a need to recognise the isolated situation in which some women have found themselves. We need to ask ourselves whether we want that to continue. Do we want to help them, do we want to offer a helping hand or do we want to do nothing?

A long time ago, I read *Adam Bede*, a famous book written by a woman writer under her

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pseudonym, George Eliot. It was similar to *Far from the Madding Crowd*, which we saw a couple of weeks ago, where the same scene was enacted again and again. Life goes on. Times have changed but the same fault lines have occurred, the same mistakes have been made and there has been the same failure to react sympathetically to a situation that was obvious in those times and again in the 1970s, 1980s and 1990s. The point I am making is that as legislators, there are times when we have to remain silent, times when we have to take action and times when we have to show leadership. It is incumbent on us to show that leadership now and to offer the help, support, sympathy and solace needed during pregnancy.

I remember that people would say, way back, that women had been becoming pregnant for millions of years, and so they have. However, it is not all occasions that it is trouble free. That is the thing we all need to ponder. When a difficulty arises, for example, where a single girl, on her own, has to try to make up her mind as to what is the best thing to do, is it not incumbent on us to offer support and to provide a backup medical service and support for her so she is not left alone? I think it is, and that is what the committee is doing.

The committee also did another important thing, which I have pointed out on many occasions. It highlighted that both sides in this debate over the past ten years have said at one time or another that they want a referendum. That is a fact. It has been said for different reasons, admittedly, but both sides have wanted a referendum. I believe it is necessary to have that referendum now. I agree with the speakers who said it has been a long time since the previous one, which it has been. It is important that we have the referendum. It is now down to the people. The committee did a great job and every member of the committee did to the best of their ability what was required of them. They asked the questions, heard the evidence submitted and tested that evidence, as they were supposed to do. The Chairman did a very good job with a very sensitive and, very often, challenging subject, and she did it well. However, it is now down to the people and they cannot stand aloof. Society is making this decision. Society cannot stand aloof and say it does not agree with what the committee did. Some people may not agree and some people may, but there is one thing we cannot get away from, namely, a decision has to be made and only the people can make that decision. We have tested the evidence that has come before us. We have asked the questions. Not everybody has liked the questions we have asked, not everybody has liked us and not everybody has liked the subject as presented, but it has been presented to us in good faith. We could like it or lump it, as they say. The evidence was there before us. It was up to us to ask how the Citizens' Assembly came to its conclusions and we did that to the best of our ability.

Some of the evidence adduced was challenging, to say the least, and was distressing on numerous occasions, as referred to by other speakers. It was distressing because we had lived through this ourselves. We remembered some of the sequences that were raised during the course of the hearings. For example, we read the coroner's report in the Savita case, which was really sad. It was so sad, moving and disturbing that words could not describe it. I thought then that it was our duty, and it remains our duty, to learn from that and to do what we can to hand this over to the community, to the people, to society to make this decision. Let them now be the judges. Let them ask themselves and ask their peers, in a quiet and persuasive way, what is the right thing to do.

If they do that, they will come to a conclusion that is amicable and generally in line with the findings of the committee. There may be changes or improvements, but that is a matter for the Minister and others. I compliment him and every Deputy who has contributed to the debate so far. Their interesting, caring and knowledgeable contributions were the kinds of response that

we should have had when dealing with this subject more than 30 years ago.

During our consideration of this matter, counselling and support were some of the most important issues that arose. A great deal of time was spent in 2014 debating what should happen where the health or life of the mother was threatened. This is one of the issues that we should consider very carefully. Some health conditions, such as diabetes and high blood pressure, can accelerate rapidly in pregnancy and quickly develop into life-threatening situations. This was pointed out in the Savita case. Over the years, some of us have had experience of dealing with people in that situation. One quickly learns what one would do if one had to advise the people concerned. Medical professionals are in this situation all the time. Their duty is to advise on what should be done and to be alert.

If we balance everything on a 50:50 basis, surely we must take into account the life of the person who has the central role, namely, the pregnant woman. Should we ignore that and recommend that she wait a little while longer so that we can see how the situation progresses? Sepsis, for example, can rapidly reach its zenith, and then it is all over. There is no coming back from that tragedy. It is all very well for us to step away and say that it was unfortunate or we are sorry the woman was lost, but “Sorry” does not undo the tragedy. When we have available to us the measures necessary to take the steps that should be taken at a crucial time, the judgment call should be to protect the mother. Surely we have reached that juncture at this stage in our development. I hope that we have.

I also hope that the committee’s discussions will be of some benefit to the general public when they come to make their decision. If not and the argument revolves around issues other than those thrashed out by the committee and the Citizens’ Assembly, it will have moved away from the subject matter that should be central to the debate. I hope that those involved will recognise the necessity of keeping the debate on track and focused on the issues that have affected the women of this and other countries for millennia. They should also keep in mind the fact that medicine has advanced, times have changed and what was acceptable 30 or 40 years ago is no longer acceptable.

I hope nobody believes that the victim of a rape should have to continue to enjoy the aftermath. “Enjoy” is the wrong word. The woman at least needs to have some kind of choice in that situation. Otherwise, we are saying that society or a judge in a court will decide. There is no place for that; we do not have time for that. This is about medicine, health and the need to do what is required at a crucial time.

That is why the ten-week or 12-week issue arose. It seemed odd until the evidence was tested. When we asked ourselves how the Citizens’ Assembly had reached that conclusion, two factors came to the fore, the first of which was the ordering of abortion pills online without supervision, medical advice or medical control. If a medic became involved, there was also the danger of him or her being charged with committing a criminal offence. That part of the debate was conclusive. The abortion pill is available on the Internet. First there was the morning after pill and then the week after pill. Now there is a three-month pill. We listened to all the arguments against this, what it meant in terms of preventing the lives of unborn babies and so on, but contraception means that as well. During our debates, we received strong evidence from the medical profession to the effect that, with proper sex education in schools and the availability of contraception, there had been a considerable move away from abortion on the grounds that it was unnecessary.

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In previous debates, particularly those in 2013 and 2014, there was a suggestion that women would automatically claim to be mentally unstable in order to avail of an abortion. That is not true at all. However, a woman could have a medical condition that, combined with being pregnant, could affect her quality of life and judgment. The courts have proven this in the meantime. In 2014, we were told that thousands of women would seek this option, but they have not. In the consecutive years since, the numbers have been approximately 25, 24 and 26.

All this clearly indicates that women do not seek to have an abortion just because they want one. There are compelling reasons and worries in their minds that they know they must deal with themselves. On this occasion, there has been a recognition that we need to do something.

The committee's recommendation is not abortion for all. Rather, it provides for something that has been happening in any event. Illegally, as matters currently stand, with all of the potential consequences of something going wrong. Society needs to take its share of the responsibility for addressing the issue and supporting those who are directly affected. We must attempt to ensure that we do not continue with the kind of attitude that society had in the past. If this debate continues and people take the judgment call seriously, the outcome will accord with their wishes. That will be something of which society can be proud.

Deputy Lisa Chambers: I am grateful for the opportunity to contribute on this historic debate on what is a key issue for women's rights and health care. I found it difficult to put together the words for my contribution because the other committee members and I had spent the best part of the past four months focused on and immersed in this issue. We dedicated our time to listening to the evidence and hearing the facts, be they legal, medical or academic, surrounding this contentious, divisive and emotive subject.

I thank the committee Chair, Senator Noone, for her diligence, patience and expertise. Chairing the committee was difficult. I also thank the clerk and his team, who did a fantastic job.

I feel strongly about this issue, but I will try my best to remain composed. Regardless of whether we realise it, we all know someone who has been affected by the eighth amendment. It may have involved a fatal foetal abnormality or a pregnancy that she deemed for certain reasons to be a crisis in her life. For those engaging in this debate inside and outside the House, it is important to remember that, when they speak, they do not know who is listening, how people have been affected or to whom they are talking.

Approximately 170,000 women have accessed a termination abroad and they could be listening to them when they make their remarks.

One of the matters with which we must grapple is the type of country we want to live in and the type of country we actually live in right now. What values do we hold dear? I want to live in a country that is compassionate, caring, just, fair and equal. Can we really say today that women who find themselves in crisis pregnancies feel as though they are living in a country with those values? Our history in this country of the treatment of women is one that I find shameful; it angers and upsets me. On a regular basis, scandals emerge or we revisit a previous scandal or an atrocity that took place not very long ago. We have had discussions recently about the Tuam mother and baby home and mother and baby homes more generally, the Magdalene laundries, the Kerry babies tragedy and the treatment of Joanne Hayes. These black marks on our society are from the very recent past. Although we have come a long way from those times

and the way that we treated women in this country, which was to lock them up, throw away the key and not talk about it, I wonder how far we have actually come when I recall some of the commentary we had to listen to in the committee room about women and why they make the choices they make. There have been so many negative comments that I could be here all day talking about them. I received a tweet today that reads, “You should now try to identify the murdering mothers who are travelling to the UK for abortions and have them jailed for breaking the law”. That is one of many such tweets and if people want to visit any of the Twitter or social media pages of committee members, they will see the visceral comments with which we have been dealing for the past four months. One individual said to me that if women do not want babies they should close their legs. Another man said that women will use abortion as a form of contraception if we let them do it. Another person said to me that women these days are just too posh to push. These are types of comments we are listening to and it is difficult to believe they are being made today. One would think these are comments from 30 or 40 years ago but they have been made recently.

I do not accept the labelling of people in this debate as being anti-life. I consider myself to be pro-life; we are all pro-life. However, we must be realistic about the difficulties, challenges and crises facing women. The reality is that we must deal with this. We can no longer sub-contract this out to a different jurisdiction, close our eyes and ears and refuse to talk about it because it is too difficult. In particular, I would suggest that Members of both Houses of the Oireachtas must consider whether we are dealing with this properly. Are we happy to continue with the *status quo*? If Members are against the repeal of the eighth amendment, that means they want no change and want to maintain the *status quo*. That means that if a woman has been raped, they are content for her to be forced to remain pregnant against her will. It also means that if a young girl is pregnant as a result of incest, she should be forced to continue that pregnancy. It means that couples who are expecting a much-wanted baby and who receive a diagnosis of fatal foetal abnormality will not be cared for here at home. That is what being against the repeal of the eighth amendment means - that one is happy for the *status quo* to be maintained.

Members of the Joint Oireachtas Committee on the Eighth Amendment of the Constitution were asked to consider the recommendations of the Citizen’s Assembly and to put forward our own recommendations and report. We were not beholden to the Citizen’s Assembly report but were guided by it. We meticulously and painstakingly went through every recommendation and we heard evidence and facts for ourselves. We brought in legal, medical and academic experts in the area and listened for hours to evidence - not to opinion but to facts. We came on a journey together, one of which I am very proud. We showed that as a cross-party committee we could work together to produce a report that I hope will be of some significant guidance to the Minister for Health, his Department and to Government in formulating the question and to the citizens of this country when they ultimately make the decision for this country.

It is worth noting that the committee took a different view to the Citizen’s Assembly on some issues. We did not just follow all of their recommendations but came up with some of our own. We recommended, as a majority, termination of pregnancy without restriction up to 12 weeks. The Citizen’s Assembly recommendation was up to 22 weeks, so we diverged on that issue. We also took a specific vote on non-fatal foetal abnormality in the area of disability and almost unanimously rejected it as a ground for termination. Any suggestion, therefore, that the committee is seeking to use disability as a ground for termination is abhorrent. I totally reject that because it is factually incorrect and misleading and anyone who puts forward that point of view needs to read the committee’s report again, if he or she has not done so already.

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It is also worth noting that some committee members have said publicly that they changed their minds. They came to the committee with one view and left with another and the same thing happened with the Citizen's Assembly. Nobody expected that the assembly would produce the report it did. The commentary in the days following publication of its report was that it was very liberal, that nobody expected it and commentators asked how the members got there. They got there because they were educated on the actual facts, realities and the medical and legal evidence that prevails today. They went on a journey, starting at one point and after hearing all of the facts and the evidence, they produced their report. The same thing happened at the Oireachtas committee. We listened to the facts and evidence and I find it difficult to understand how anybody, having heard the evidence we heard in that committee, could be opposed to repealing the eighth amendment or to at least having some flexibility in the law.

The committee heard lots of expert evidence. We do not have time to go through all of it today but some of it is certainly worth putting on the record of the Dáil. This is the information that we digested and it formed the basis of our decisions. Dr. Abigail Aiken said that between 1970 and 2016, at least 184,000 Irish women travelled to England and Wales to access abortion in a clinic. Those figures came from the UK's Department of Health. Her evidence shows that since 2007, women in Ireland have been accessing the abortion pill which can be delivered by An Post to one's door. Since records detailing the numbers accessing the abortion pill began in 2010, some 5,650 women have had the pill delivered to them in Ireland. Dr. Aiken interviewed some of the Irish women that have accessed the pill at home and asked them for their views. One of the women she spoke to was Edel, a 29 year old mother, who said the following:

God no, I couldn't talk to any doctors about it, definitely not, because I was just so scared. You hear these horror stories of women getting arrested and imprisoned. So I was completely alone. I did go in when I found I was at first pregnant when I didn't know what I was going to do and I went in and said, "okay, I'm pregnant", but I obviously never told them any of my intentions. And their reaction was just like, "great, you're pregnant, we'll put you in for your 12-week scan". But I couldn't say anything because you don't know what they're going to react.

That is the challenge of women taking the pill at home, alone, unsupervised and without access to a doctor. They are afraid to seek help if anything goes wrong because they are afraid they might be imprisoned, shamed and stigmatised.

One of the interesting facts presented to the committee, of which I was not aware, was the average age of those obtaining abortions. The general perception is that those accessing abortion are young, promiscuous women who are sleeping around and who pop over to England for an abortion because it is easy but that is not the case. The data collected shows that the most common age group accessing the abortion pill were between 30 and 34. The majority, at 63%, are mothers. The second largest category of women accessing abortion were in their forties. We do not know the challenges and difficulties these women are facing.

One of the most harrowing accounts of the effect of the eighth amendment on Irish citizens was that of Gerry Edwards and Claire Cullen-Delsol, representing Termination for Medical Reasons Ireland. Gerry spoke about his own and his partner's reaction to getting a diagnosis of fatal foetal abnormality.

It is devastating news to hear. Our hearts are broken and our worlds stop...For those of us who chose to terminate our pregnancies and were forced to travel to lose our babies, we

were basically left to our own devices...We had to make our own travel arrangements and decide if we would go by aeroplane or by car or by boat. How do we get from the airport or ferry port to the hospital? Who will travel with us? If we already have children at home, who will look after them? How do we get time off work? Do we have a passport and can we even afford it?

These are the realities. These are the questions facing parents who have had a devastating diagnosis and are grieving. They are told that doctors here cannot help them and that the best they can do is give them a phone number for a clinic in England. Doctors cannot even pass on their medical records to the clinic but must give them to the parents to take with them as they travel.

It is disgraceful that a modern country would leave grieving families in such situations and that women with much-wanted pregnancies do not receive help in their own country.

This country's legal system is quite remarkable. Under the eighth amendment which criminalises abortion, one can be imprisoned for up to 14 years. The thirteenth amendment specifically allows women to travel to seek an abortion in other countries. The fourteenth amendment which allows women to obtain information here on terminations they must travel elsewhere to procure is, as the phrase goes, an Irish solution to an Irish problem. We are quite happy for women to have terminations, but we are not happy for them to be carried out on Irish soil. It is a case of "not in my back yard". How do we reconcile this? How do we think it is satisfactory? What would happen if there was no United Kingdom? I shudder to think what the consequences would be for Irish women if they did not have access to terminations elsewhere.

We should remember that the eighth amendment does not affect all of us equally. There are women who cannot travel. They might not be able to afford to travel or they might be too ill to do so. Some women have mental health issues that mean that they cannot just get on an aeroplane. The eighth amendment has an even more devastating impact for some women. We need to address the situation of women who are left without assistance in this country, including those who take the pill alone in their homes and are afraid because they do not know what the impact will be and do not know if they can go anywhere for help. Many of the women who take early morning flights travel on their own because they are afraid to tell their loved ones where they are going. Some are mothers who have to try to arrange care for their children at home. Those who cannot travel are left here in fear and loneliness and with the shame and stigma we attach to them.

Dr. Brendan O'Shea of the Irish College of General Practitioners outlined to the joint committee how he and his colleagues who provide front-line services for many women with crisis pregnancies dealt with this issue. He gave an example of the scenario that could present at his GP office:

Sandra is 38 years of age and presents to her GP. She has three children but separated from her husband three weeks ago as he had become increasingly abusive towards her and her children. The GP has become increasingly concerned about Sandra's isolation and lack of supports ... Before the GP performs a pregnancy test, she explores Sandra's feelings and asks if she would be happy if she found out that she was pregnant ... [When it is confirmed that she is pregnant] Sandra looks despondent and says she does not want to be pregnant.

It is worth remembering that we are not talking about the happy circumstances in which we

hope most women will find themselves. We are talking about the crises in which people find themselves.

The delegates from the Irish College of General Practitioners confirmed at the joint committee that “GPs cannot actually refer to or make an appointment at a clinic in the UK on behalf of a woman who chooses an abortion.” They mentioned that while general practitioners “may provide a copy of the patient’s medical records to the patient,” they cannot transfer those records to the clinic. They clarified that women who returned to Ireland after having an abortion “do not have access to post-abortion services that are available in the country where it was performed” and might be reluctant to present to Irish health services owing to taboo and stigma. This can put them at risk of physical ill health. Medical professionals who are dealing on the front line with women with crisis pregnancies have told us that the legal system, as it stands, presents a threat to the well-being, lives and health of such women. Are we content to allow this to remain the case?

The joint committee went on a journey before it reached the conclusions it reached. Does anybody think that when we were voting, we made our decisions lightly? That is absolutely not the case. We were lobbied heavily throughout the process. Some of us were personally threatened during it, but at the end of the day, we had to make the choice that we felt was right based on the evidence and facts before us. Any suggestion we somehow placed no value at all on the life of the unborn child and did not debate the issue at all is completely incorrect. We discussed it at every opportunity and posed questions on that very basis. We faced up to such difficulties and it was not an easy decision. These are not pleasant situations. There are times when life is neither simple nor straightforward. It gets messy and difficult.

That the mother and the baby can be equal at all times is simply not possible. Where a mother’s life or health is at risk and she has children to care for at home, that has to have a bearing. We cannot say a standing, living and breathing woman with children at home is the same as a foetus. She is not. She cannot be the same. Equally, we cannot dismiss the right of the unborn. Both need to be considered. We considered both and still came to the conclusions to which we came. Our laws must adapt and change with our society. Our society is changing. People are listening to women and their struggles. Women have become stronger in making their voices heard and advocating for the health and medical services they know they need. The marriage equality referendum showed us that, as a nation, when required, we had the bravery and compassion to embark on major social change and make our society fairer and more equal. In some ways, technology and medicine have already passed us out. The pill is being delivered by the national postal service to women in their homes. We are a little late to the game. As Dr. Peter Boylan put it at the joint committee, “the genie is out of the bottle.” Our laws must catch up to where we are today. Right now, they do not protect women. They do not protect mothers, daughters, sisters and partners. They do not protect me or anybody else in this House. In fact, they directly put lives and health at risk when difficult and tragic circumstances arise. As Dr. Rhona Mahony said at the joint committee, it is very difficult for doctors and consultants to make the call. How does one decide when a woman is on the verge of death? When does a risk to her health translate into a risk to her life? Dr. Mahony’s evidence to the committee, as the master of the National Maternity Hospital and a practising consultant with years of experience of working in maternal care, was that it is too difficult to make this call. There are times when what might have started out as a threat to the health of a woman who is okay can within hours become a serious risk to her life, at which stage it may be too late for doctors to act. Across the board in the medical profession, doctors fear that if they make the wrong call, they could

be criminalised. They could lose their careers and professions and end up in jail. The same applies to the woman. No doctor acting in good faith to protect the life of a pregnant woman who could be a mother to other children and somebody's partner should ever feel that conflicted when providing medical care for a woman in this country.

It is worth noting that the joint committee made ancillary recommendations. We spoke about the role of sex education and contraception in preventing crisis pregnancies. We will never prevent every such pregnancy. Those who oppose the repeal of the eighth amendment argue that if enough supports were put in place, abortion services would not be needed. We know that is not the case and it is a naive and misleading position to take. We will always need abortion services. We can provide them at home for Irish women, or we can continue to force them to travel or take the pill at home. Abortions will continue to happen, but we can reduce the number of crisis pregnancies. I hope we will do so and think we will. This debate has certainly brought that issue to the fore. We need to be realistic about the real-life issues with which we are dealing. We need to recognise that these services must be provided for Irish women at home in Ireland. We must not force them to travel.

I understand and appreciate that many in this and the other Chamber are feeling uncomfortable about this debate. Some of us have decided. We have come off the fence and know where we stand. We have taken a position. In some ways, that brings us to an easier place. Perhaps we are not being targeted as often now that we have made our decisions. I can appreciate how difficult this debate is for those Deputies and Senators who have not yet decided because the members of the committee have been through this. I urge them to make the right choice for Irish women and families. I do not mean the right choice politically but the right choice to provide the proper health care we need in this country. During the debate ahead I urge everyone to be respectful of the differing views. I will certainly respect them. When somebody takes a view that is in complete opposition to one's own, it is difficult to understand, but we have to be respectful. We have to understand we will never have consensus on this issue, but we can have a respectful and considered debate which I hope will result in the right choice for Irish women.

Deputy Jonathan O'Brien: Like Deputy Lisa Chambers, I attempted to write a speech in preparation for this debate. To be honest, I found it difficult. I will probably ramble for the next 20 minutes as I try to get out everything that is in my head and it will probably come out in no particular order. I could not write a speech. Given everything we have heard in the past four months, it is impossible to explain in a condensed 20-minute contribution why I went into the committee with one point of view and came out with a completely different one. I do not think I could put it on paper or explain it in 20 minutes. To be honest, I do not think I have to explain it to anyone as I have come to terms with it myself. I know the reasons for my change of opinion and they are valid. I will touch on some of them in my contribution.

I was taken by Deputy Clare Daly's comment that the reason some people were surprised by the outcome of the Citizens' Assembly was that they had not been listening up to that point. I was one such person. My parents were very religious and I was brought up to respect my faith. My upbringing was strongly influenced by the church whose influence on my parents was passed on to me. I always considered myself to be pro-life and never questioned or had to question my view on abortion. Part of me probably did not want to question my pro-life position because the questions would have been very uncomfortable. However, I realised when I was appointed to the Joint Committee on the Eighth Amendment to the Constitution that I would have to face these questions and find answers to them.

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Many people have said this issue is a matter of conscience. While I do not disagree with that view, as legislators, we cannot afford to legislate based on our conscience. I am bound by and happy to articulate Sinn Féin party policy. Whether I agree or disagree with it is irrelevant because the forum for expressing agreement or disagreement with policy is internal to the party. I have taken a pledge to represent Sinn Féin and I will articulate the party position. Rather than being a matter of conscience, this issue should be approached as a matter of public health policy.

I have learned that the terminology people use to label themselves and others is not helpful. As I stated, I consider myself to be pro-life. Some people in the pro-life movement would probably disagree and ask how I could describe myself as pro-life given the views I am articulating. I believe all Deputies are pro-life. While my next point may sound idiotic, to be honest I do not care because it is a conclusion I have reached. I also believe all Deputies are pro-choice because they have chosen either to support or not support terminations. There is no contradiction in the statement that everyone is pro-life and pro-choice because I believe we can be both. While others will disagree with that view, it is my personal opinion.

We need to move away from the terminology of pro-life and pro-choice because it does not help the debate. The debate must focus on women's health care and what is best practice based on the evidence presented to us by the medical profession which oversees women's health care. In the months ahead, I hope the debate will focus on this issue.

I do not believe this debate will be as divisive as some have suggested. I draw confidence from the manner in which members of the joint committee conducted themselves in our deliberations and from the proceedings of the Citizens' Assembly. I accept that this is a personal issue on which people have differing and, in some cases, steadfast views. Last night, Deputy Danny Healy-Rae stated he would never change his opinion on abortion under any circumstances. I respect his view because he is entitled to his opinion. I will not make disparaging remarks about any Deputy who takes a different view from me because I probably would have shared Deputy Healy-Rae's outlook on this issue not so long ago.

I was influenced by a couple of aspects of the committee's deliberations. As I stated, regardless of how I may have been influenced as a member of the committee, I am, in any case, bound by my party's position. Nevertheless, I genuinely changed my position on abortion. Last night, one speaker argued that those of us who stated we were on a journey had been forced on this journey by advocacy groups and initiatives such as the abortion bus and the abortion train. I disagree as I was not forced on this journey but willingly took part in the committee's deliberations. My mind was changed by the people who presented evidence to the committee. The evidence presented by people such as Dr. Abigail Aiken, Dr. Anthony McCarthy, Dr. Rhona Mahony, Professor Fergal Malone, Mr. Gerry Edwards and Ms Claire Cullen-Delsol changed my opinion.

Last night, Deputy Anne Rabbitte stated that her one regret was that a vote was taken at the joint committee before all three modules had been concluded. Other members of the committee were also uneasy about taking that vote. I had a logical reason for proposing the vote. Deputies who did not follow the proceedings may not be aware that the committee dealt with three separate modules. In the first module, we considered the eighth amendment, its constitutional impact and how it could be changed and we were presented with six options for change. The second module involved examining circumstances in which terminations would be allowed. I believed there was no point in proceeding to the second module if we did not first decide that the eighth amendment should not be retained in full. If the committee had voted to retain the

eighth amendment in full, it would have been unnecessary to proceed to module 2 and examine the circumstances in which the option of termination should be made available because many of these circumstances could not be provided for if the eighth amendment was retained. We saw the difficulty the eighth amendment presented in 2013 when the Oireachtas sought to introduce legislation to give effect to the judgment in the X case. For this reason, I proposed that the joint committee first decide on whether it wanted to recommend retaining the eighth amendment in full.

At that point, the committee did not vote to repeal or replace the eighth amendment. We took a straightforward vote on whether we supported the retention of the eighth amendment in full and members decided they did not support its retention in full. We then proceeded to consider the various options. The majority view in the committee was in favour of the first option, namely, repeal *simpliciter*. I am aware that the Attorney General is flagging difficulties with the decision taken by the committee. The difficulty with legal advice is that one will never get every legal mind to agree on an issue. The committee decided in good faith to support repeal *simpliciter* based on the legal advice available to it. I believe this was the right option and one from which the Government should not deviate.

I propose to address the issue of allowing terminations up to 12 weeks' gestation and the proposal regarding termination on the ground of rape. I found this to be one of the more challenging aspects of the committee's proceedings. While I cannot speak for all members, the majority of those who spoke did not envisage a scenario in which a victim of rape who became pregnant as a result of that vile act would be forced to carry the pregnancy to full term and give birth. The difficulty became how to legislate for that. I agree with what has been said to date. As Deputy Kelleher said last night, it is virtually impossible to legislate for it. Technically, that is not true. We have seen other options on legislating for it, but we cannot compassionately legislate on the ground of rape without having the 12-week period in place.

Let us consider the other options presented to the committee. We had what was referred to as a certification process whereby someone who was raped and who became pregnant would have to certify the fact either to the police or to the Judiciary. They were the two options presented to us as a possible way of legislating for rape. Several countries have these options in place. There is a certification process carried out by the police for termination on rape grounds in Mauritius, Hong Kong, Cyprus, Latvia, Morocco, Argentina, St. Lucia, Colombia and Uruguay. It is interesting that only two EU countries are on that list: Cyprus and Latvia.

Other countries have a judicial certification process, whereby a victim of rape has to go before a judge and state that she was raped and seek a termination on that ground. The countries that have a judicial certification process in place are: Namibia, Rwanda, Seychelles, Zimbabwe, Eritrea, Bolivia and Panama.

Every other country that has tried to deal with the question has come to the conclusion that the only way to treat women with compassion rather than re-traumatise them by forcing them to go down the route of a certification process is to have a timeframe to access a termination on any ground. The periods we considered were between ten and 12 weeks. The committee came down on the side of 12 weeks. That is how we came up with the 12-week period.

Prior to joining the committee I would never have imagined supporting a report that contained a 12-week period on any grounds to access a termination. However, having examined the evidence, especially on the grounds of rape and incest, it was clear to me that there was no

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other compassionate way of dealing with it. I urge people who have not read the transcripts of the committee and the evidence presented to us to read them. Those who have concerns around the 12-week period should examine the committee's work and the transcripts. Having done that, they would see the clear evidence on which the committee based its decision.

Another area was the issue of risk. The Protection of Life During Pregnancy Act refers to where there is a real and substantial risk to the life of the woman. That was something I had a particular interest in. I asked the same question to everyone who appeared before the committee - Deputy Durkan will testify to that. I asked the medical professionals whether they could categorise risk and whether they could assign risk into categories such as "real and substantial", "serious" or "moderate". The answer was that they could not because risk is different for every individual woman and circumstance. Any attempt to put in place a category of risk into legislation would frustrate achieving what we set out to do, that is to say, protect women's health. The only way to do that was to support the Citizens' Assembly recommendation that there should be no categorisation relating to the risk to health, mental health or life of a woman to ground access to a termination.

That is important as well. Several people have asked why we did not support termination only where there is a real and substantial risk or a serious risk. The answer is that it is not practical when it comes to implementation by the medical profession. We need to listen to the doctors who have to work within the confines of this legislation. We have to take on board their opinion.

The last area I want to touch on is adoption, which was put forward by members of the committee as one of the solutions or one of the reasons we should not have abortion in the State. If a woman who is in a crisis pregnancy makes a decision to go ahead with the pregnancy, gives birth to that child and puts the child up for adoption, then she should be supported in doing that. I do not believe anyone in the Chamber would disagree with that. If that is what a woman wishes to do, then the State should put every support in place to allow someone to do that. However, there is something obscene about forcing a woman to continue with a pregnancy that, for whatever reason, she decides she is unable to continue with in the hope that at the end of the pregnancy there may be someone willing to adopt that child. I find that obscene. It is like saying to a woman that the State is forcing her to be an incubator for the following nine months. Just as we should put in place supports for people who wish to carry on with a pregnancy and put the child up for adoption, we need to put in place the supports for women who do not wish to do so.

That is a summary of four months in 20 minutes. I could go on and on. I concur with Deputy Lisa Chambers on some of the commentary we have received. I am probably one of those who are damned forever now, because I considered myself pro-life and I will probably never be allowed to use that label again. To be honest, given some of the stuff I saw outside the gates today, including some of the vile posters outside the gates at the moment, it is probably not a tag I would ever want to use again. I now consider myself a realist when it comes to women's health care.

Deputy Kate O'Connell: I am going to start by reading Lorraine's story in her words. It was first published almost 20 years ago at the turn of the millennium.

I was 34 when I was widowed. My husband died in an accident. I had four children, from fourteen to four years of age. It was a terrible time and I never thought I'd get through

it - the older kids took it very hard. My family were a great support, taking it in turns to stay over for the first few months, endlessly helping with the kids.

The following year was a big wedding anniversary for my parents and we all got together to plan a celebration. I had hardly been out socially since David's death, but I was looking forward to the party - it was at a hotel, with everything laid on.

By the end of the night I'd had a few drinks alright, but I wasn't drunk, just a bit fuzzy, merry. I took a lift home with a family friend, someone I'd known since I was 19 or 20 years old. There is no easy way to put this - he dropped the others in the car off first, insisted on seeing me to the door, and then pushed his way in behind me. He knew the kids weren't there - I'd told him they were at their cousins.

The horror of that night. I can't tell you. The feelings after he'd gone - shame, disgust, rage, and worst of all - total helplessness. God forgive me, it was worse than David's death - it didn't happen to me, it was done to me. I knew immediately I couldn't do anything about it - I couldn't put the kids or the family through a public court case: everyone always knows who you are by the end. I couldn't do it.

When I realised I was pregnant I felt total despair. I wondered what I had done to deserve it all. My whole sense of who I was seemed to fall apart.

I finally told a friend the whole story, and it was her support, and organising the abortion, that kept me together over the next few weeks. I can't tell you how awful the pregnancy felt for me - to be pregnant from that night. I wanted an abortion as soon as possible. But it took huge organisation with family and kids, and endless lies because no one knew. I hated that. I couldn't have got through it without my friend. She also booked me in with a support agency here before we travelled, and that was very helpful. I realised there that I was going to need help with the rape, and that there was help available.

I felt enormous relief after the abortion, and even felt positive enough to think about how I could pick up the pieces and move on. But the next few weeks were hell - all that pretending - that we'd had a lovely shopping weekend away or the reason why I couldn't go to the function I knew he would be at - it all left me feeling I'd made some awful mess that I was piling lie on lie to cover. All somehow my fault.

It's taken me a long time, and professional help, to accept it wasn't my fault - and to realise I'd lose, and the kids would lose, if I didn't find a way to move on from this.

For me, the abortion will always be a positive factor during a nightmare time. At least I could make that choice. Any other outcome, for me, was so unbearable it was unthinkable.

Some people seem to prescribe that in their opinion they only feel comfortable with terminations being allowed in cases of rape, or incest. On examining that point of view and opinion further, that would indicate that it is "the act" of becoming pregnant that qualifies someone for a termination, not the potential life that is a consequence of that act. If a person agrees with abortion "in certain circumstances", it is not abortion they have an issue with, it is the type of sex women have.

If abortion is only allowed in cases of rape, not only will women have had to endure horrific sexual assault but the onus will then be on them to prove it. A total of 65% of rape survivors

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who presented themselves to a rape crisis centre in 2015 had not reported their rape to an authority. In the Irish context, more than four in ten - 42% - of women have reported some form of sexual abuse or assault in their lifetime. The most serious form of abuse, penetrative abuse, was experienced by 10% of women. Are we saying that because these women had a man, and then a pregnancy, forced upon them that by virtue of the suffering they endured, they are more deserving of a termination? Why must a woman suffer, be violated and terrorised before people feel compassion for her? If a woman who is pregnant as a result of rape procures abortion pills and is caught, she can currently serve a longer sentence than her rapist. If we are going down that route would people think it suitable that we start inquiring as to the violence of the rape, whether it was committed when she was conscious or unconscious, whether she needed medical intervention, were there vaginal tears requiring sutures, cervical or anal surgery?

We heard from many experts in obstetrics and gynaecology, and law, at the committee. There is no “typical victim”; there is no “typical scenario”. Do the people sitting in the Upper and Lower Houses in Leinster House, and outside these walls in the real world, think that “the punishment” that should be meted out to someone for perceived recklessness is parenthood? Does it give the people who want no change comfort to know, that no change means they get what they want, and to hell, literally, with everyone else? Does it make them feel victorious - and what a victory they have had until now - over women because of the power, the control, the pervasive shame and fear that follows us around into our homes, into our bedrooms and into our hospital theatres.

Our Constitution [by virtue of the thirteenth amendment] enshrines a woman’s right to commit an act which is a criminal offence in her own country, as long as it is committed outside the State. By any yardstick this is a bizarre situation.

These are words uttered by the chairman of the Institute of Obstetricians and Gynaecologists in Ireland. What vested interest other than in the health and safety of women and infants has that man? What bias other than one towards safe and compassionate medical treatment could he be accused of? Spelling out rape in law would be “unworkable”, a professor of law from Trinity College Dublin, David Kenny, told us in the committee. There is no diagnostic test to confirm rape, consultant obstetrician and gynaecologist Dr. Peter Boylan told us. “It can take up to two years for rape proceedings to come to court”, Professor Siobhán Mullally from the Irish Human Rights and Equality Commission told us. How do we propose to square that circle? Dr. Maeve Eogan from the Rotunda Hospital told the committee that there is not a definitive or conclusive test that can either confirm or refute that the sexual intercourse has been unwanted. Do people honestly think it would be possible to convene councils of sexual assessment to re-victimise a woman and make her atone for a crime and a sin that was not committed by her but rather to her? Who would sit on such a council?

It was said in this Chamber many years ago that “our duty as a Legislature is...to deter fornication and promiscuity, to promote public morality and to prevent, in so far as we can...public immorality.” Who would we as politicians elect to sit on these councils of chastity? There are indeed medics in the Upper and Lower Houses but none are consultants in the area of obstetrics and gynaecology as far as I know, although to judge from some of the contributions at the committee one would think that some people are eminently qualified in the area of female anatomy, human reproduction and, indeed, the field of public morality.

I wonder how such a council would have judged Lorraine, whose story I have told, with the permission of the Irish Family Planning Association, IFPA, its original publishers. How

would those present and the people of Ireland judge her in her hour of need? Who are any of us, as a majority Christian people in Ireland, to sit in judgment on anyone? Surely the God so many people worship, myself included, is not so cruel as to restrict access for Lorraine to heaven? I find it bizarre that so many of the communications received by Deputies and Senators in the post contain religious pictures and holy Bible passages. We are sent images of Jesus or the Virgin Mary alongside pictures of the sacred remains of a child, or cartoons
4 o'clock that speculate on methods used to terminate a pregnancy. The sick people who are driven to create such literature or to disseminate it widely are no Christians or Catholics that I recognise. They are not respecting life or the potential for life when they print those images out in full colour onto glossy postcards. They are, in their own disturbed way, disrespecting the sanctity and humanity of life. These same people have wished that Members of this House and the Seanad were aborted. That is what they write to us saying that they know God would forgive them for wishing that as if they have a direct line to the man above.

They call us child abusers, murderers and handmaidens of the devil. Their creativity at crafting insults knows no bounds. I picture them gleefully dreaming up awful things to say, carefully folding the contents into an envelope and buying special holy stamps at the post office. I wonder how their God feels about what they say and what they do in his name.

It is when we have been at our most Catholic in Ireland that we have been at our least Christian. The special position of the Catholic Church was sewn into the Constitution in 1937, two years after the Criminal Law Amendment Act, which made the sale, advertising or importation for sale of contraceptives illegal. This Act banning contraceptives had a stereotypically, hypocritically and uniquely Irish flavour to it. It was enacted by Eamon de Valera's Government and, as Emily O'Reilly argues, it was part of a process of asserting the country's "independence" from pagan England. To be really Irish, went the thinking at the time, it was necessary to be both republican and Roman Catholic.

The only voice of protest in the Oireachtas when the special position of the Catholic Church was being debated was that of the poet - we are all very fond of quoting him in here - and Senator, W. B. Yeats, the Protestant, Irish nationalist. Subsequent legislation in the years that followed imposed bans on married women being employed in the Civil Service, local authorities and health boards. The contraception ban meant that women would spend most of their adult lives pregnant, breastfeeding, and protecting their children both *in utero* and outside. All the while, the church and State were colluding to subjugate and intern fallen women in Catholic-run and State-subsidised prisons, punishing them for the sin of sex and the flaw of being female. Irish women were quite literally enslaved, in an act of church and State collusion that could be honestly characterised as nothing other than sexual apartheid. Their babies were sold like puppies to foreign homes or enslaved in industrial schools to be preyed upon by those in power-wielding authority.

In 1943 in Cavan, 35 orphans perished in a blaze, locked into their dormitories as the fire raged. An RTÉ documentary from 12 years ago attributed that loss of children's lives to the nuns not wanting them to be seen in their nightgowns. One of the 50 children who were rescued said that the children were ordered to say the rosary as the fire spread from the laundry to the second and third floors of the building. That was a slaughter of the innocents. Holy Catholic Ireland was a monstrous hoax.

When it came to children out of wedlock, the sin of having sex outside marriage was all-encompassing. The products of such sex were seen as the devil's spawn. As it was women who

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bore the children, who laboured their births and nursed them at their breasts, it was the women who were unavoidably and visibly the most sinful. And what of the absent male parents of such offspring? No doubt some were married men, some single men, some brutal men, some cowardly men and some, I expect, were men of status, influence, and elected office. I studied Yeats again recently and found a speech he made in the Seanad on 11 June 1925 during a debate on divorce legislation in which he made some salient points. "There is no use quarrelling with icebergs in warm water," he said, and:

I have no doubt whatsoever that when the iceberg melts it will become an exceedingly tolerant country. The monuments are on the whole encouraging. I am thinking of O'Connell, Parnell, and Nelson. We never had any trouble about O'Connell. It was said about O'Connell, in his own day, that you could not throw a stick over a workhouse wall without hitting one of his children, but he believed in the indissolubility of marriage, and when he died his heart was very properly preserved in Rome.

Incidentally, that same year, a Tuam workhouse became the Bon Secours mother and baby home, a Magdalene asylum to house the promiscuous and sinful women and their unfortunate offspring. One in four of the little children there would die within a year of birth and, of course, the women were blamed for that too. A report in 1935 stated that the children died from causes traceable to the conditions associated with the unfortunate lot of the unmarried mother. No wonder the poor little outcasts were allowed to die of neglect. There should be a collective national guilt and responsibility for all the wrongs that were done to so many for so long. We conspired to do this to Ireland's children, Ireland's women and Ireland's poor and marginalised. We murdered them in their hundreds through neglect and hate, brutalised them in the name of salvation and enslaved them in the name of redemption.

The electorate is engaged on this issue. They are the ones who are travelling outside our country at a rate of ten or 12 a day. They are not imaginary people. As the Minister, Deputy Harris, said yesterday, they come from Galway, Tipperary, Kerry, Waterford, Louth and elsewhere. They are married. They are in their 20s, 30s, 40s and sometimes 50s. They have children, they have partners, they have mummies and they are mummies. They have sisters and aunts and friends and, thank God, they have votes. They may not tell anyone and may never send an email or write a letter to a local newspaper. They may never report a journalist to the press council or to the Broadcasting Authority of Ireland, BAI, for not discussing abortion in a way that they deem suitable. They may never send a miraculous medal to a politician beseeching him or her to vote for repeal. That does not mean that the people who do engage in such activities are more numerous, more important to consider or more worthy of representation.

Pregnancies come to an end every day, some in the happiest way ever, some in the saddest. Some come to an end in a tragic way, some in a surprising way and some alone and in secret. In January 1984, just three months after the eighth amendment was put into our Constitution, Ann Lovett died in a grotto in Longford with her infant boy. A 1984 letter written by the Roman Catholic Archdiocese of Armagh to poet Christopher Daybell, which was released by the National Archives in 2014, claimed that Lovett's "sad death reflects more on her immaturity than on any lack of Christian charity". How Christian of that man. The poor, frightened, innocent teenager died a few miles from where my father was born, in Drinan, Ballymahon, County Longford.

What did the eighth amendment do to protect Ann Lovett? What has it done since for Miss X, Miss Y and all the other Misses and near misses we will never know about? Why should we

hear about them? Why should we hear about their sex, their shame, their sin and their suffering? Who are we to say that we know best as politicians, when all the medical and legal experts one could shake a stick at have come before us over the past three months begging us to be compassionate and reasonable and to legislate for repeal?

I have been surprised by the overwhelming interest and support that my office has received over recent years from the most unlikely of places. I would hope that other politicians of all parties and none receive the same positive and supportive contact from people in the months ahead, because I have no doubt that those who oppose repeal will seek to make their numbers appear larger, louder and more important than the silent majority that exists quietly in our parishes and constituencies.

Deputy Peter Fitzpatrick: I was very pleased to have the opportunity to serve on the Joint Committee on the Eighth Amendment of the Constitution. I found it very testing and, I have to be honest, sometimes very troubling. The proposal that we are debating here today about repealing the eighth amendment and also the number of weeks at which any legislation will permit abortion to take place is not something that was looked at closely by the committee, regardless of how it is being reported or presented. I want to be honest and do not want to attack anybody personally, but the truth is that the committee spent most of its time simply undermining and attacking the eighth amendment and spent no time at all looking at the good the eighth amendment has done in saving lives. This is a major issue, given what is now being proposed.

Just to set the record straight, committee members invited five representatives from the pro-life side and 28 or 29 representatives made the case for repealing the eighth amendment. The idea that many pro-life people were invited and did not turn up is not true. They were simply never invited. I can perfectly understand why some of the five pro-life representatives invited chose not to appear before a committee they could see was so loaded in one direction and had no real interest in listening to them.

The other groups which were completely overlooked were the families who said their children were alive thanks to the eighth amendment. These are people all over the country who were faced with an unplanned pregnancy and considered abortion. They said that if abortion was available in this country when they found themselves in crisis they would have been very open to the possibility, but because abortion was not available here they had extra time and space to reflect on what abortion would mean and find support which allowed them to reject abortion and keep their babies. Today, their children are living and growing up in Ireland, enjoying their lives thanks to the life-saving eighth amendment. These people will have a tremendous contribution to make to the debate and it is a real shame they were not invited to the committee. Again, I make these points not to attack any of my colleagues on the committee but because it is very important to set the record straight.

The decision before the committee and each and every one of us here today is whether we are going to facilitate taking away a critically important right to life provision from our Constitution. If we go down the road of repeal, it will not save lives. Rather, it will end lives. We all know this to be true. This is why I am so opposed to repealing the eighth amendment.

When one looks at what has happened in other countries, there is no denying that what I am saying is true. Repeal will lead to an English-style abortion law here. That being the case, why is there so little talk about what the law would look like in reality? We only have to look at England to see how abortion affects society. Today in England, one in every five pregnancies

ends in abortion. That is a shockingly high rate but it is not surprising. Once one introduces abortion to a country, it becomes more acceptable and there is more of it. It is the same with every law we introduce.

We must not fool ourselves into thinking that the law on abortion will be any different. If we were to repeal the eighth amendment we would have more abortion in Ireland and more babies would lose their lives. Why is there no spotlight on England's abortion law if it is so wonderful? The reason is simple. Legalised abortion is horrifying. When we resort to slogans like "Choice" we can cover over this reality. There was much talk about trusting women on the pro-choice side, but if the key campaigners for repeal generally trust women they will be open with them about what really happens to a baby during an abortion.

Describing an unborn baby as nothing more than a clump of cells denies reality and misleads women, and everyone personally connected to this debate. The baby in the womb is a highly developed human being even at the earliest stage. I was challenged a number of times by one of my colleagues on the committee for stating that an unborn baby's heartbeat starts after three weeks. In *The Irish Times*, Miriam Lord even came to my colleague's defence for having to endure listening to me make that claim. I want to reiterate my point again today. It is not a claim; it is scientific fact that an unborn baby's heart starts to beat after three weeks. It does not start to beat after seven weeks, as my esteemed colleague stated. An unborn baby's heart is much more than what was described as a pulsating tube. An unborn baby's heartbeat is further proof that a new and unique human life exists.

At just six weeks gestation, the baby's eyes, eyelids, nose, mouth and tongue are forming. By ten weeks gestation, the baby is moving in the womb and 12-week ultrasound scans can show a baby sucking his or her thumb. When we know so much about the development of the baby in the womb, we have two duties as legislators. The first is to ensure that the public is kept fully informed about development. This means that we cannot allow the baby in the womb to be described as nothing more than a clump of cells, which has happened too much to date.

The other duty we have is to acknowledge the humanity of a tiny human being and to ensure that our laws do what they can to protect him or her from harm or attack. This is the reason the eighth amendment was inserted into the Constitution in 1983 and I see no reason we should remove it in 2018. If anything, we know more about the development of the baby in the womb today than we did in 1983 when ultrasound technology was not of today's standard. Back then it might have been possible to dismiss the humanity of a baby, but today we have no such excuses.

There was much talk about the so-called hypocrisy of the Irish law at present. It is easy to make that claim if we bury our heads about what happens in countries where abortion is legal. One of the so-called expert groups invited to give testimony to the committee was the British Pregnancy Advisory Service, BPAS, the largest abortion provider in England. It might be of interest to some people listening to know that it runs the website *abortion.ie*. It was presented to the committee as experts. I am sorry; it is not expert when it comes to discussing the dignity and rights of every human being. It is expert in one thing and one thing only, namely, carrying out abortions where the lives of innocent unborn children are ended.

Thousands of families say their children would not be alive today were it not for the eighth amendment. For the record, as I said, their stories were 100% ignored by the committee, yet it was claimed that the committee spent time considering stories and experiences from all sides. I regard it as totally unacceptable that many pro-abortion group like BPAS were invited before

the committee, but not one person to represent the lives of children saved by the eighth amendment was asked to tell a story of hope against the odds and how the eighth amendment played a central role in the reason a child is alive today.

As a committee, we listened to a doctor from the UK describe how he performed abortions by first using an injection to paralyse the unborn baby and stop it from moving around, followed by a second injection to stop the baby's heart. There was no way one could listen to descriptions like that and come away without feeling that repealing the eighth amendment would be anything other than barbaric in practice. The doctor who described the abortions he performed was not invited to the committee so we could hear about the true nature of abortion. Rather, he was invited to make a case for abortion as a compassionate solution. There is nothing compassionate about the procedures described. It is almost too horrific to imagine. Yet, we are being asked to remove the constitutional provision which prevents babies from being subjected to this in Ireland.

I would not have believed it until I sat on the committee but I have seen the way in which some people would sign up to almost anything once it is packaged as acceptable, and this is true regardless of what is being presented to them. I say this not to undermine any individual, but I find it frightening the way in which the gruesome and horrific procedure of abortion is being dressed up as something compassionate and liberal when every single abortion ends the life of a defenceless baby.

I want to see a respectful debate, but I also want to see an honest one, and the debate to this point has certainly not been that. I am saddened at the way some of the Members of the House have attacked the motivations of pro-life people in recent days. Some of the comments were truly appalling and were made without any justification. I disagree with those seeking repeal and I will always express my views on it. I see no place in this debate for anyone being deliberately abusive or seeking to undermine the character and good name of people on the opposing side. I had hoped that even though we would not agree on the same course of action on this difficult issue, we would at least be able to keep the debate respectful. That did not happen in the past few days and it is a real shame.

As I said at the outset, I was very pleased to be asked to sit on the committee on abortion but the conclusions of the majority of the committee were not based on hearing from both sides of the debate fairly and the recommendations of the committee are not a sound basis on which to bring forward a referendum to repeal the eighth amendment. This is a very testing time for our country. I remain hopeful that the Irish people will vote to protect the life-saving eighth amendment.

We must show that we recognise the need for genuine compassion for every member of our society, born and unborn, healthy and sick, planned or unplanned. We must highlight the excellent care our medical profession has provided to women and their babies. We must acknowledge that the eighth amendment has been a beacon of hope and we must have the courage to do what is truly progressive, namely, cherish and safeguard the eighth amendment as a beacon of hope and commit ourselves to using it as a foundation stone to build a society where every family feels properly supported and where no woman feels so isolated and alone that she feels her only option is to end the life of the unborn child.

That is the kind of Ireland I want to live in, one where every human being matters. If the eighth amendment is repealed, we will end up living in a very different country where our abor-

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tion rate will increase significantly and respect for life will diminish. The way to ensure this does not happen is to speak up for life now before it is too late.

Deputy Micheál Martin: This week's debate is the first step in a process which should lead to a referendum in a few months. There is as yet no clarity on important pieces of legal advice which can only be obtained from the Government. Nonetheless, this is a very important debate and I am grateful to be able to make a contribution. First and foremost, this is an opportunity for each of us to explain how we are going to approach the fundamental decisions which we must take in the months ahead. We must do this not just as legislators but also as citizens and members of a diverse society. Abortion is not an issue on which a unanimous opinion is possible. Radically opposing opinions on the issue are held with great passion, conviction and sincerity. A basic challenge for us is to do everything possible to enable a respectful debate to take place, a debate in which no one will be afraid to add his or her voice and in which we acknowledge the goodwill of people with whom we disagree.

The position of the Fianna Fáil Party is that each member is entitled to vote in accordance with his or her own conscience. I thank my colleagues for the manner in which they have ensured discussions between us have been constructive and focused on answering the many substantive questions which have arisen. In particular, I acknowledge the work of the five Fianna Fáil members of the Oireachtas joint committee. Each one has devoted considerable time not only to contributing at the committee but also to talking to colleagues about the evidence provided. I believe the committee carried out its work well and that it was appropriate for it to seek to concentrate on the expert evidence. In the fact finding stage of a debate that is the right thing to do, rather than emphasise the advocacy which can too often prevent real debate later. The evidence heard by the committee has helped to clarify many issues and focused on the substance of the specific changes to policy we should make and the specific legislative changes required to implement them. I thank the committee for its work and gathering evidence from such a wide range of sources.

In deciding on my position I have read the committee's report, the transcripts of its hearings and written submissions. Most importantly, I have sought to listen to the diverse contributions of women. I am very grateful to the many people who have come to me to give their opinion and colleagues for taking the time to discuss different points. It is unfortunate that the Government has not yet completed work which is necessary to enable us to be more specific on wordings and legislation. However, there is more than enough information available for each of us to be able to decide our attitude to the core recommendations of the committee on the need for a constitutional referendum and the changes that should be made following a referendum.

Those elected to this House carry a responsibility to find a balance between beliefs which should be made law and those which should guide his or her personal actions alone. We must each question how far we are willing to go to impose our personal beliefs on others. During the years I have been on record as being against a significant change in our abortion laws. I did so on a belief that this was the most effective way of affirming the importance of the unborn. While I have supported different proposals to clarify the law and address the threat to the life of the mother, I have been broadly in favour of the law as enabled by the eighth amendment. However, I believe we each have a duty to be willing to question our own views, be open to different perspectives and respond to new information. On an issue as profoundly important as this we must all struggle with complex and discomfiting medical and ethical issues. If our views change, the facts become clearer, we come to understand properly the impact of a policy on others, we must be willing to act accordingly.

No one can dispute the fact that thousands of Irish women have an abortion every year. For the significant majority, that means a journey to Britain – often alone and always separated from the support of their medical professionals. For many, a crisis can become a deep and hidden trauma. As the master of the Rotunda Hospital informed the committee, these journeys can have a significant impact on the health and well-being of the women involved. As has been said in earlier contributions, in an increasing number of cases abortions are happening here. The availability of pills which can cause an abortion in the first 70 days of a pregnancy is widespread and growing and that is not going to change. Therefore, it is untrue to say the issue before us is whether there will be abortion in Ireland. The eighth amendment does not mean that Ireland is a country without abortion. Retaining the eighth amendment will not make Ireland a country without abortion. Nothing we say or do here could make it a country without abortion.

It is also not the case that where legal abortion is provided, there is one international approach to what is allowed. Countries differ significantly in their legislation and also the prevalence of abortion. Rates of abortion appear to link more with societal and cultural issues rather than legal limits. In fact, research published in the medical journal *The Lancet* indicates that some countries have seen a reduction in the number of abortions following liberalisation. The Oireachtas joint committee considered similar evidence from the World Health Organization. The likely cause of this was the fact that women became far more likely to engage with support services at a time of crisis. Fundamentally, there appears to be no sound basis for pointing to other countries and saying Ireland will become like them in changing its laws. The war of claim and counter claim on statistics serves no positive purpose in this debate. What we know for sure is that the adoption of the eighth amendment was intended to remove this issue from the courts and the Oireachtas. It was claimed that it would give certainty, but the growing list of cases both in the courts here and international courts has shown that this never happened. Women known to the public only by a single letter of the alphabet have exposed the cruel inflexibility and unintended consequences of the eighth amendment.

I have always admired the work of obstetrics professionals. I believe their incredible dedication and high standards have helped to dramatically improve care for women and children in hospitals. Individually and as a profession, they are absolutely focused on the care of those in their trust. Their evidence to the committee and elsewhere has had a deep impact on me. There is, of course, no single viewpoint in the profession, but the Institute of Obstetricians and Gynaecologists is clear in pointing to the impact of the current law. The institute's chairperson has said the amendment has given rise to "significant difficulties for doctors practicing in Ireland and has caused grave harm to women, including death." That is something we simply cannot ignore. We all remember the sense of national shock at the death of Savita Halappanavar six years ago. She was a 31-year-old, healthy medical professional who had experienced difficulties during a pregnancy. In the inquiry into her death the current law stood indicted for leading to a situation where her care was not as responsive or urgent as it should have been.

Other cases have revealed a situation where the law has gone to extreme lengths in the attempt to force women to go to full term with a pregnancy and it has done so even where the public has been horrified by the implications. If a family is told of a fatal abnormality during a pregnancy, the law, as it stands and is required to be under the eighth amendment, states they can do nothing. Under threat of a criminal sentence, they must carry the pregnancy to full term, irrespective of the potentially devastating impact it will have. Without constitutional change, it is not possible to address that issue. That is also the case where a woman has been the victim of rape or incest. The law is blind to the permanent damage to the woman which might be

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caused in being forced to carry the pregnancy to full term, again under the threat of committing a criminal offence. There are women who choose freely to carry such pregnancies to term, and for them the law is not relevant. They have a right to be respected for their decision and to be given all the support they need. For many others, however, the law represents a cruel victimisation of women at perhaps the most traumatic moment of their lives. The law, as it stands, denies them the comfort of basic respect and humanity.

Of course, many in these situations choose to travel to have an abortion overseas. When they do this, they do it without the active support of their own doctors, enduring further trauma, incurring serious costs and risking further damage to their mental and physical health. If we are sincere in our compassion for women and if we are sincere in respecting their choices, then we must act.

The eighth amendment has been shown to cause real damage to Irish women. It has caused real harm to the quality of care available to pregnant women at critical moments. It has not and cannot change the reality that abortion is a present and permanent part of Irish life. It seeks to force women to carry a pregnancy to term when they have been the victim of a rape or incest, or when they have received the diagnosis of a fatal foetal abnormality. It requires that pregnant women and doctors must face criminal sanctions. It prevents us from responding in a humane way to help women in the most traumatic situations. For those reasons and following a long period of reflection and assessment of evidence before the Oireachtas committee, I believe that we should remove the eighth amendment from Bunreacht na hÉireann, and I will vote accordingly.

There remains a significant issue concerning whether we should simply remove the amendment or replace it. Before deciding on this, I would like to see the legal advice that the Government says is being prepared. I feel it is likely, however, that we may need to agree a replacement that gives certainty to the Oireachtas's right to legislate. This need not be a complex provision but it may be the only way to prevent significant unintended consequences in future court cases, which are inevitable.

If a referendum is passed, there will have to be legislation. I fully agree with the idea that we must set out in detail for the public the legislation that the Dáil will debate if the people decide to repeal the eighth amendment. I support the logic and the basic approach proposed by the committee, but I want to see proposals about how it might operate and to hear from the Government about the legal advice which it has sought. I agree that there is no legal, practical or humane way to prove rape or incest early on in a pregnancy. Equally, it is clear that the reality of the abortion pill means we are no longer talking about a procedure that involves the broader medical system during the early stages of pregnancy. We must have a system which actively encourages women to seek support from medical professionals as soon as possible. As such, I support the idea of a time-based cut-off near the end of the first trimester. Beyond this, I believe we should make provision for cases of fatal foetal abnormality and serious threats to the health of the mother. The 2013 Act has proven yet again that we can trust our medical professionals and the women who seek their help to respect legal limitations. The claims that the 2013 Act would allow the introduction of UK-style laws have been fully disproven. As such, I believe mechanisms similar to those in place for threats to the life of the mother can be applied in cases of fatal foetal abnormalities and a serious threat to the health of the mother where she does not wish to go to term. These decisions must include multiple medical opinions and a high level of oversight.

If the constitutional requirement to have criminal sanctions to enforce the eighth amend-

ment is removed, we should immediately review how we enforce remaining restrictions. The decisions we will take in the coming months are complex and emotional. The challenge every one of us faces is to consider fundamental issues, and to find a balance between our personal beliefs and the laws we require others to follow. We are also obliged to consider the realities of society today and the many profound concerns that people have with the operation of an amendment adopted over a third of a century ago. The case for change is justified by the full range of evidence available to us, and I will vote for this change.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy John Halligan): Although this is a highly emotive issue and emotions will run high inside and outside this Dáil, it has nothing to do with morals. It is an issue of human rights — women’s sexual reproductive rights. This debate over the next couple of days or weeks needs to be evidence-based, but women’s health must be made a priority.

An average of ten women travel to the United Kingdom per day to gain access to abortion services, at a rough cost of between €1,000 and €1,500 when they can afford it. Since 1980, 160,000 women or more have gone to the United Kingdom and the Netherlands for an abortion. These are the women who gave Irish addresses but very many more did not. We do not know how many. In the past six years, an average of two women per day, totalling more than 5,000, from Northern Ireland and the South have sought access to medical abortion pills through the website *womenonweb.org*.

The guidelines on abortion of the World Health Organization, WHO, state that women’s need for abortion cannot be eliminated. Whether they are self-medicating on potentially dangerous drugs, which have severe consequences, or making the lonely journey abroad, Irish women are having abortions. We need to step up to the plate on this. The evidence is decisive. The country is already well ahead of politicians. A RED C poll in October 2017 indicated that 60% of the people polled supported access to abortion, either outright or within specific gestational limits.

While I welcome the recommendations of the committee and applaud its excellent work, I have concerns on a number of fronts. The recommendation that abortion be denied after 12 weeks’ gestation in cases of severe foetal impairment is problematic. Many severe foetal abnormalities are not diagnosed until the second trimester of pregnancy. Other European countries have legislation to provide an abortion later in pregnancy in cases of severe fatal foetal impairment. We need to do the same.

The position is similar in cases of rape and incest. It is often the case that a pregnancy is not discovered until beyond 12 weeks of gestation. Women coping with the fact that they have been a victim of a sexual crime should not, if they have become pregnant as a result of that crime, face the added distress of being told they must leave the country to gain access to an abortion service. International human rights guidelines protect women on a number of grounds in later pregnancy. They must be examined closely. The United Nations has repeatedly criticised Ireland’s restrictive stance on abortion. Judged according to the International Covenant on Civil and Political Rights, the International Covenant on Economic and Social and Cultural Rights and, more to the point, the Convention on the Elimination of All Forms of Discrimination Against Women, our stance on abortion has been criticised. The circumstances prevailing in this country are inhumane. Moreover, they are still proof that, at times, the long arm of the Catholic Church attempts to remain mightier than the people.

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I brought to the Dáil a number of years ago a number of women who had been brutalised and raped. The former Taoiseach met one of them. After she had been brutalised, bruised and broken, she faced the awful trauma of being told she was pregnant. Yesterday, Deputy Michael Healy-Rae, who I believe to be a fine and genuine politician, stated there is no shame in being pregnant. There is shame and horror when one is forcibly impregnated. Members need to speak to some of these women. No woman in this country can call herself free if she does not have control of her own body. Making abortion illegal does not stop abortion. Instead, it stops safe abortion. If men could become pregnant, abortion would be as easy as getting Smarties or becoming infected by food poisoning. Members should not cod themselves. Abortion would have been in this country 20 years ago if that was the case. To those who claim they are pro-life, if their wife, mother or daughter was brutalised, raped and traumatised, would they tell them they could not have an abortion and have to carry right through to the nine months? That is inhumane and torturous to women.

We cannot persist with the situation where girls and women are fearful to access health services after an abortion either in another country or by taking pills at home. Amnesty International has stated criminalising a procedure only required by women and girls is discriminating and violates their human rights.

If the Dáil decided to ban abortion for the next 20 years, it will not stop abortion. Instead it will put a barbed wire fence around this country, as was illustrated in a cartoon in *The Irish Times* several years ago with women using ladders to climb over the fence. We need to get realistic and pragmatic. Banning abortion is not going to stop it. We must deal with the reality of women who have been raped, women dealing with a fatal foetal abnormality or women who are traumatised and cannot carry a child for nine months. They have human rights. The time has come for all of us to stand up to the plate.

Deputy Lisa Chambers spoke about the vile and horrible correspondence Members have already received. This morning I received images sent to me, calling me a murderer and everything else under the sun. This is coming from those who call themselves Christians. On the one hand, they call me a murderer and abuse me. They send me photographs of myself, a foetus, a photograph of the Lord Jesus, the Virgin Mary or some saint. It is about time the men in this Parliament stood up for women's rights. It is time the men in this Parliament stood up for their wives and the wives of others, their mothers and the mothers of the others, their daughters and the daughters of others. We are relying on the men to do it because we do not have enough women in this Parliament to push this over the line.

I urge Members to speak to somebody who has had to bring the foetus of their child in a shoebox back from England after a fatal foetal abnormality. I urge Members to speak to a woman who has been brutalised, her thighs destroyed, her hands broken, her fingernails torn off, forcibly impregnated but told she must carry the child, no matter the consequences. That is how inhuman this society appears to be. We are relying on decent ordinary people in the Dáil to put morals and religion aside and think of women who are traumatised.

Deputy Richard Boyd Barrett: On a point of order, it was agreed at the Business Committee that the committee member speaking slots, following the leaders' slots yesterday, would be solely and exclusively for the members of the committee. Following that, then other Members could speak.

Deputy Micheál Martin just spoke in a committee slot. When other parties, such as Sinn

Féin and ourselves, asked the Business Committee today if we could put other speakers in the committee slots, we were told categorically, “No”. However, Deputy Micheál Martin was allowed to speak in a committee slot. If it was not a committee slot, it should have gone from Fianna Fáil to-----

Acting Chairman (Deputy Bernard J. Durkan): Leaders have priority.

Deputy Richard Boyd Barrett: That is not the case.

Acting Chairman (Deputy Bernard J. Durkan): I am not arguing with the Deputy. The time is scarce enough and I want to move on.

Deputy Richard Boyd Barrett: Bernard, I want to register a protest.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy has made his point. I am going by the list in front of me. It is too serious a subject for this point.

Deputy Richard Boyd Barrett: I agree but it is also too serious a subject for people to play fast and loose with the discussion.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy should resume his seat.

Deputy Richard Boyd Barrett: Typical.

Acting Chairman (Deputy Bernard J. Durkan): I call the Minister of State, Deputy McEntee.

Deputy Mattie McGrath: I am also on the Business Committee. It was agreed. I checked several times today if any of my colleagues could speak in my committee member slot but I was told “No”. Why is there one rule for one Member and another for others?

Deputy Lisa Chambers: Why are we focusing on this?

Acting Chairman (Deputy Bernard J. Durkan): As the Members present themselves to the House, they-----

Deputy Richard Boyd Barrett: That is not true. It is not the Acting Chairman’s fault or the Minister of State, Deputy Halligan’s.

Deputy Fiona O’Loughlin: What is the big deal?

(Interruptions).

Deputy Mattie McGrath: Excuse me but the big deal is we have a system. We go to the Business Committee, agree speaking slots and abide by them. However, the Fianna Fáil Deputies are getting carried away with their great leader.

(Interruptions).

Deputy Mattie McGrath: We agreed the slots this morning and I expect they will be-----

Acting Chairman (Deputy Bernard J. Durkan): The Deputy will resume his seat.

Deputy Mattie McGrath: I will not. I am not blaming the Acting Chairman.

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Acting Chairman (Deputy Bernard J. Durkan): The Deputy will resume his seat.

Deputy Mattie McGrath: We had agreed speaking slots.

Deputy John Halligan: Will the Members opposite show some respect to the next speaker?

Acting Chairman (Deputy Bernard J. Durkan): Deputy Mattie McGrath is out of order.

Deputy Mattie McGrath: I am not. We agreed the slots in the Business Committee this morning.

Acting Chairman (Deputy Bernard J. Durkan): There is no point of order. I am calling the speakers from the list before me.

Deputy Mattie McGrath: Who changed the list in the last hour?

Acting Chairman (Deputy Bernard J. Durkan): I call the Minister of State, Deputy McEntee.

Deputy Mattie McGrath: Who changed the list in the last hour?

Deputy Micheál Martin: This is unedifying.

Deputy Mattie McGrath: The list was changed.

Acting Chairman (Deputy Bernard J. Durkan): I call the Minister of State, Deputy McEntee.

Minister of State at the Department of the Taoiseach (Deputy Helen McEntee): I thank the chairperson of the Citizens' Assembly, Ms Justice Mary Laffoy, and its members who took the time and effort to engage with witnesses and evidence. I thank them for deliberating on this important issue and the recommendations they made following this. Some feel the Citizens' Assembly was a mechanism or a ploy to delay this issue being brought forward and that it would never come to the conclusion that it did. Quite the opposite was the case. Nobody knew what would come out of this. If anything, it actually strengthens the case made by so many Members in the Chamber and those who disagreed with it.

(Interruptions).

Deputy Helen McEntee: I thank the members of the Oireachtas all-party committee, chaired by Senator Catherine Noone. She did an exemplary job. I thank all Members from across all the political parties for the work they did and for the hundreds of hours-----

(Interruptions).

Deputy Helen McEntee: I have to stop because Members opposite are talking.

Deputy John Halligan: This is ridiculous.

Acting Chairman (Deputy Bernard J. Durkan): Will Members please allow the Minister of State to continue?

Deputy Helen McEntee: They listened to the evidence from those who brought forward medical expertise, as well as lived experience. I know this was particularly difficult for many

people. I thank the committee for its work and its recommendations. I also thank the many women who for years have campaigned on this issue and have been a strong voice on it which has finally been heard.

This is one of the most important issues on which I will have an opportunity to engage with my colleagues in this Chamber. I hope I will also have the opportunity to make a profound difference to many people's lives throughout my political career, however long or short that might be. My personal view is that the eighth amendment has no place in the Constitution and it should never have been put into it. I have listened to many committees and to much of the legal expertise but we do not even have to listen to legal expertise; we just have to read what was said in 1983 by the then Attorney General, Peter Sutherland. He may have had his own views and opinions but he said clearly at the time that the wording was ambiguous, unsatisfactory and would lead inevitably to confusion and uncertainty. He went on to say that it could be argued that neither a fertilised ovum, a fertilised and implanted ovum, an embryo or even a foetus prior to the time when it is independently viable, that is, up to 25 weeks, would come within this definition. He talked about disciplines of medicine, philosophy and theology all being able to arrive at any conclusion and that the consequences were that there could be no constitutional prohibition on abortion prior to this stage in pregnancy. It was said in 1983 that this was not constitutional and should not be put into the Constitution in the first place. I believe that it needs to be removed. It is on those grounds that I support the recommendations made by the all-party Oireachtas joint committee. I support the recommendations to repeal *simpliciter* and the recommendations that it should be unlimited up to 12 weeks.

My own view, and it always has been for what it is worth, is that I should not, nor should any woman, have the right to tell any other woman that she should carry a child for nine months and give birth to that child. I should not have the right to tell any woman what she should do with her own body or to interfere with a woman's bodily integrity or her right to choose, for her own health or personal reasons. I do not believe that anybody, male or female, has the right to tell me what I should do with my body either. That is my personal view and belief. I know many people in this Chamber share that view and belief and that others have a different view and belief. I respect that and think the debate in the Chamber so far has been respectful of all people's views. I see no reason we cannot continue in that respectful manner outside the Chamber.

In saying that, while we can debate each other's views and opinions, what we cannot debate or what we can deviate from is the reality and the facts. The Minister, Deputy Harris, outlined it perfectly yesterday. He outlined the number of people within each county. The overall figure is that 170,000 Irish women have had abortions since the 1980s. Those are people's sisters, mothers, aunts, cousins and friends whose rights do not exist under our Constitution, and that cannot continue. If one breaks that down even further, while I know there are different, more conservative figures, the figures the committee has show that 4,000 Irish women travel abroad every year with their spouse, partner, friend, or family member, or alone, for a termination and then come home. If something goes wrong, they do not have proper medical support to back them up.

I will always remember a story told by my sister. She was in a bed in an emergency department and there were curtains around the bed. There were people in beds either side of her and she could hear what was happening. There was a woman in one of the beds next to her who would not explain what was wrong with her. The doctors were trying to find out what had happened. Eventually, after a number of hours, she explained that she had had a termination. That woman was afraid to say that she had a termination for fear of what would happen, that

the gardaí would be called, that there would be repercussions or that the doctors would not help her. That cannot be allowed to continue. Similarly, we hear discussions about the abortion pill. Anywhere from 1,100 to 1,800 people access this. It is not legal in this country but it is safe. However, for women who have difficulties, they have that same difficulty where they do not want to go to a doctor or seek help for fear that they would be reprimanded. It leaves us where we are today.

We have to ask the question, what do we do? Do we continue to do what we have always done in this country? I do not need to get into the Kerry babies case or any other cases because they have been mentioned. It is not that they are not important. They are important but we know what happened in the past and we have to ask ourselves whether we want to allow that to continue. Do we allow ourselves to look the other way and pretend that those women do not exist or do we, for the first time as legislators, give women the choice and opportunity to make the decision that is right for them? Like so many in this Chamber, I will be voting to repeal the eighth amendment and I will vote in support of the recommendations.

To touch on the recommendations briefly, I do not think there is any other way but repeal *simpliciter*. Article 40.3.3° does not belong in the Constitution. It needs to be taken out of it and we need to be able to legislate for it. On unlimited access up to 12 weeks and the idea that we could legislate for rape, incest or any other kind of issue, experts addressed that in the committee. Dr. David Kenny said it would be unworkable and Dr. Peter Boylan said that there is no diagnostic test to confirm rape and that we already disempower people who are already disempowered, traumatised and, in many cases, will never speak about what they have been traumatised by. We cannot legislate for it, given that timeframe. Every woman needs to be given the right to make her own choice irrespective of what has happened to them. Finally, there are recommendations about sexual education and making contraception more freely available to those who need it. I agree with that. We need to support it wholeheartedly. We have to ask ourselves whether we want to continue to look the other way and pretend that abortion is not happening, putting women's lives at risk and ensuring they do not have the same rights as every other person in the country. I do not think we can do that any more. We have to trust women to make decisions that are right for them.

Deputy Seán Crowe: I thank the Joint Committee on the Eighth Amendment of the Constitution for all its hard work on this hugely important issue and for producing what I believe to be a detailed, informative and worthwhile report. The majority of the members conducted themselves with dignity, compassion, and thoughtfulness throughout the hearings. Unfortunately, a small minority acted disgracefully in an attempt to undermine the work of this Oireachtas committee. As a Chair of an Oireachtas committee, I commend Senator Catherine Noone, who had the difficult job of chairing this committee, but who did an extremely good job. I thank my colleagues, Deputies Jonathan O'Brien and Louise O'Reilly and Senator Paul Gavan. I thank the Citizens' Assembly for the work it has carried out on this issue.

I fully support holding a referendum on repealing the eighth amendment at the earliest possible date. I will vote in favour of the repeal Bill when it comes to the Dáil, and I will actively campaign in favour of repeal in the referendum. This is a women's health issue. It is an extremely sensitive, complicated, and personal issue and it should not be in Bunreacht na hÉireann. It is an extremely personal issue. I know there are wide-ranging views in society and I respect them but it is time for a referendum. The eighth amendment was inserted into Bunreacht na hÉireann in 1983, as other speakers have said. Ireland was a very different place then. It was in this period that Joanne Hayes was brutalised and wronged by An Garda Síochána.

chána, and her case reveals the horrific way in which women all over this country were treated by our society. A few months after the referendum Ann Lovett, a 15 year old girl from Granard in Longford, died giving birth beside a grotto in Granard. Many decades later, I still have the image in my head of that child dying at that grotto. The public was outraged at the death of this young, vulnerable woman, but in death she was forgotten. Compassion and understanding were set aside by the State and the church.

It will come as some shock and is probably hard for many people to believe that, in this period in the 1980s, the State and the Catholic Church were imprisoning women in Magdalen laundries. The eighth amendment was conceived, debated and inserted into the Constitution in this toxic and repressive moment of our history. I commend all the women who have fought for and continue to fight for equality and an inclusive, understanding and compassionate Ireland. Women now of child bearing age were born after the last referendum and have not been able to vote on this issue which massively affects their health and lives.

I hope that, collectively, we recognise the personal nature of this issue and that the respectful debate we are having is also reflected in the referendum campaign. This is not some abstract and philosophical debate; this is both a fundamental human right and a health care issue.

The eighth amendment prohibits access to a basic medical treatment in any developed society. Professor Malone, Dr. Peter Boylan and Dr. Rhona Mahony, masters of maternity hospitals in this State, all said at the committee hearings that the eighth amendment is an impediment to them doing their job. The X case in particular brought into sharp focus the worst effects of this prohibition, when a child who was pregnant as a result of rape was dragged through the courts by the State to force her to continue the pregnancy from rape to full term. That case highlighted the callous nature of the State at the time. I was reared in Rathfarnham and the
5 o'clock Garda station involved in the case was 100 yd down the road. I can recall what happened. Decades later, we still force victims of rape who become pregnant to carry a pregnancy to full term. Even in the public outcry following the X case, the Oireachtas failed to give leadership and make the necessary legislative changes.

In 2012, another tragedy rocked Ireland - the death of Savita Halappanavar. Her avoidable death, after she was refused an abortion, even though a miscarriage in her pregnancy was inevitable, was a watershed moment. We have a long and difficult history of legislation discriminating against women, and we need to end this injustice. Repealing the eighth amendment will be a major part of this. I can relate to, and understand that, the public are angry that politicians have stalled, prevaricated and failed to legislate for a referendum. I have no doubt the public are way ahead of politicians on this sensitive issue.

Let us not try to fool ourselves. Abortion is a reality in Ireland. Abortion pills are available here. They can be ordered online and taken by women without medical supervision. Women can go to England to have abortions. This is an English solution to an Irish problem, but it is no solution. According to the Irish Family Planning Association, between January 1980 and December 2016, at least 170,216 women and girls travelled from this State to access abortion services in another country. The women who availed of these abortion pills and abortion services in England are not strangers. They are our family, friends, neighbours and fellow citizens. There are women older, younger and the same age as me who have needed abortions and who have been forced to leave Ireland for them or to have them illegally here. That is wrong, it is an injustice and it has traumatised women and couples, yet many women have been shamed for this decision or feel shame for having an abortion. I want to say to any woman who is listen-

ing and who has had an abortion: Do not feel shame. You have done nothing wrong apart from seeking medical care. You have suffered an injustice and the only shame is that in Ireland, your country and your home, you were not able to receive the appropriate and compassionate health care you desperately needed and wanted.

Sinn Féin policy accepts the need for abortion to be available where a woman's life, health or mental health is at serious risk or in danger, and in cases of rape or sexual abuse. I have heard personal testimony from women who have had to carry a pregnancy with a fatal foetal abnormality. I cannot understand how any society can be so cruel that women whose pregnancies are affected by this fatal condition are forced to carry their pregnancies to full term. Women will choose to carry these pregnancies to full term, which is their right, and they should receive all the necessary supports to allow them to do that with dignity and compassion. However, many others will not, and cannot, carry these pregnancies to full term, and they should also receive all the necessary supports in their country to allow them to end the pregnancy with dignity and compassion.

The key issue is choice. I have always believed it should be a woman's choice. It is incumbent on us all to ensure a referendum on repealing the eighth amendment is held as soon as it is legally and physically possible. It is my belief that the referendum should be in May. The date chosen must reflect the need to ensure that the referendum will be inclusive and that everyone will have an opportunity to vote. It is time to set this up, to have a public, State-wide debate, to hear from the medical experts, and for the people to decide whether to repeal the eighth amendment. This is about compassion and wanting to support or exclude women. I want to show that compassion and I want to support my sisters, colleagues, friends, neighbours and young and old people who find that they need to have an abortion. I want to be there by their side and we all need to do that.

Deputy Kathleen Funchion: I genuinely welcome the opportunity to contribute to the debate. I know we often start our contributions with a line like that but I feel strongly and passionately about this. It is probably one of the most important issues that we will ever discuss in the Chamber. My colleague, Deputy Crowe, touched on the history of how the State has treated women. If we look at how we have treated women and children over the years, unfortunately, we do not have a good track record. There have been several apologies on behalf of the State over the past number of years, including to the survivors of the Magdalen laundries. The Taoiseach rightly apologised to Joanne Hayes yesterday. However, if we are genuinely sorry about how we treated women over many years, then let us take the opportunity to amend the relevant legislation and not just come into the House saying that we are sorry and that it is tragic. Let us do something positive and show women that we want to stand up for them and ensure they have equal rights.

I thank the committee members. They had a difficult job and I do not know how they did it. It was extremely stressful for all of them and, in particular, I thank my own colleagues, Deputies O'Reilly and Jonathan O'Brien and Senator Gavan. The recommendations in the committee's report must be supported and a referendum must be held to remove the clause from the Constitution. The eighth amendment affects more than just a woman's choice to terminate a pregnancy in Ireland; it goes much further than that and impacts on the provision of health care for women in pregnancy, as it places restrictions on the treatment doctors may provide. That issue sometimes gets lost in the debate. It is about basic health care. We would not deny such health care to a group of men, so why should we deny it to our women?

The ability of doctors to provide the best medical care to pregnant women is often hindered by their fear of prosecution. They should be able to make clinical decisions without facing criminalisation. This criminalisation also impacts on a woman's decision to access medical care following an abortion. Such criminalisation has not prohibited women from accessing abortions abroad and many people have said that this will continue to happen. Women will continue to travel and to use unsafe abortion methods at home. Many abortions are unsafe with inadequate access to pre and post-abortion services when women access abortion pills online because they have no other choice. I cannot imagine what that must be like for a woman alone at home who is extremely vulnerable and scared and who does not know what will happen. When they take these pills, they have no idea what is in them. They have no medical care beforehand and they are terrified to go to a doctor or a hospital afterwards if they need to. This is supposed to be modern Ireland but this practice seems to be a form of torture and a barbaric measure.

Crisis pregnancy is not restricted to one particular cohort of women. When we are dealing with such a pregnancy, women need to be treated in an informed, caring and non-judgmental environment. They need to be given the space, time and respect to have a discussion with their partner, family, friends or whomever they choose, and their doctor. It should be up to them and their doctors and nobody else. We need to trust women to make the best decisions based on their individual set of circumstances. We need to ensure our women are in receipt of the best medical care at all times, and the Constitution is an unsuitable place for limiting or regulating health care for any person in any form.

I fully support the recommendations of the committee. I cannot wait to campaign on the referendum and I call on all colleagues here to support it. One of the things that struck me yesterday and today is how many people seem to be in agreement in a positive manner on this issue. It is one of the best debates I have ever witnessed in the Dáil. I urge people who feel like that to come out and campaign, including those listening and watching, because we need to win this referendum. We need to do it for this generation of women and the next. We cannot afford to keep letting down women in this country and we cannot keep coming in to this Chamber and apologising for these things, crying and saying it is terrible and tragic, when we continue to allow it to happen. Let us stand up for the women of this country and ensure we repeal the eighth amendment in the referendum.

Deputy Pat Buckley: It is a privilege to stand in the Chamber and talk on a very sensitive issue but also one that is long overdue to be dealt with. The first point I want to raise is the history of this country when it comes to women's rights, which has been abysmal and shameful, and I think everybody has a part to play in that. I want to pay tribute to everybody who took a stand in 1983, which includes women and men. If anybody wants to know how old I was in 1983, they can Google it.

I am a realist when it comes to this matter. One of the issues that has struck me over the years - I have a personal interest in it - is that which relates to the mother and baby homes. It was not too long ago that women were treated in this way - Members can hear how I feel in my voice. A mother wants to hold on to her child and is forced to breast-feed him facing a wall, and the child is then ripped from the mother's chest and it takes 45 years to find that child. We know who is responsible for this. It is ludicrous, criminal and downright shameful that it happened in this country. This is what is so important about this debate. It is about women's rights, about families' rights and also about men's rights, given we are partners in many what we would call marriages. It goes across a broad spectrum.

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I am very open and I listen to all sides of the argument. I am lucky enough to have a wife, I have a daughter, my mother is still alive and my mother-in-law is still alive. We spoke about this in depth. We need to look at this with realism. I would hate to see my daughter being in a predicament where the State dictates to me, my wife, my mother or my mother-in-law and says, "You cannot do this", knowing that my daughter's life could be in jeopardy. These are the realities of what is happening in life. I am serious. Do we want to go back to that? My God, it is probably one of the most shameful parts of the history of this State. I appeal to people out there to be realists when it comes to this. It is not about our political careers; it is about doing the right thing. That is what we are elected to do. If we were playing on a team and there was a match, obviously, there would be an opposing set of fans and we can understand that. However, this debate is bigger than personal issues. We are setting down a marker here for the future. Let us have a proud history from 2018 and let us not go backwards anymore. I would certainly be ashamed and disgusted, as an elected representative, if we did that. We are in here to do a job, which is to work on behalf of the people and move things forward. We are supposed to be a progressive society.

A word I have listened to in the past number of days in this debate and also during the committee debates is "shame". Shame should not come into it. It is about education. The State has again let the people down in that it has not educated society enough. This grieves me. Again, it goes back to what I said - education and realism. I have heard many individual cases, although I do not like to pick out individual cases of rape, incest and medical conditions. It should not come to that. It is about making the right choices as adults and as human beings. In 2018, it should be about women having a right to decide what they are able to do with their own bodies. In the last 12 months, when out canvassing, this has probably been the most topical issue one is faced with at the doors. Often the first question that is thrown at me when people come to the door is "What is your stance on repealing the eighth?" My answer has always been that it has to be repealed.

I thank everybody who was involved in all aspects of the committee. I want to pay special tribute to my Sinn Féin colleagues, Senator Paul Gavan, Deputy Louise O'Reilly and Deputy Jonathan O'Brien. I know it has been strenuous for everybody but when people believe in something and believe in getting it right, they work hard and they do it to the best of their ability.

I want to finish with a quote that will possibly open Pandora's box but I think it is the most inclusive way of reflecting what has gone on here during the debates in recent days and weeks. It states, "People have different reasons for the way they live their lives. You cannot put everyone's reasons in the same box." This makes sense in that we will all be judged equally and individually but we will never all agree. In my view, I hope and pray that when this debate is over, it will be for the people outside to choose, not us inside here. I appeal to the electorate to do the right thing.

Deputy Richard Boyd Barrett: I wish to share time with Deputy Barry.

Acting Chairman (Deputy Bernard J. Durkan): Is that agreed? Agreed.

Deputy Richard Boyd Barrett: I always feel distinctly uncomfortable when we are discussing these issues in the House because they should not be discussed here. They should never have been discussed in here because our considerations, our agonising, our viewpoints and our debates and our considerations are being had not over our own lives but over other people's

lives, women's lives. I do not think we have now, or have ever had, the right to agonise over the lives, bodies and futures of other people, other women, but that is what has happened. That is why I still feel uncomfortable, even now. I just want the referendum and I think that is what people out there want.

We just want the referendum so it will no longer be the case that church, State, politicians or anybody else can poke their noses into the private business of women and are given the right to interfere with the lives, the futures, the bodies or the medical treatment of women. That is what we have at present and we are still debating to what extent should the State retain the right to tell women what to do. That debate, tragically, is not over. Even with the expressions of support for the notion that women should make their own decisions, when we actually look at the details of what we are going to be considering after we repeal the eighth, we note there will still be a debate about up to what point will women have the right to decide their own lives. Will it be 12 weeks or 22 weeks? Will there be certain conditions where women have the right to decide but other conditions where they do not have the right to decide? At the moment, that looks the most likely outcome, even from people who are saying the past was unacceptable, and that it was wrong that church and State should dictate to women, criminalise them, stigmatise them and force them out of the country under a shadow of shame, criminality and stigma, the 170,000 women who have been driven out of this country under those clouds, with all the suffering, the hardship and the trauma they had to endure for those years because certain people believed they had the right to dictate to women about their lives, their futures and their bodies. Even if we repealed the eighth amendment, it would be far from clear what the attitude of the people in here, who should not have the right to decide but tragically do, would be as regards the conditions under which women would be allowed to decide. Our position has always been clear - only women have the right to decide. Let them do so. Trust women to decide on their own lives and their own futures. Let them decide what health care and procedures they can have and whether to have children. Let us support women in those choices.

Repealing the eighth amendment is the first thing that we must do and nothing should be allowed to delay that, given the terrible hardship, suffering and stigma it has imposed on women. Even after that, however, those who are calling for repeal might still decide that women should not be allowed a choice after 12 weeks. While allowing women to decide up to 12 weeks without having to give any reason or explanation would be a considerable step forward, the proposal appears to be that, beyond 12 weeks, we will be allowed to tell them what to do with their lives and what medical procedures they can have. That is wrong. We cannot say that we will let women decide and trust them or that we have mistreated women in the past and then say that the major change will only be to allow them to decide up to 12 weeks, after which all sorts of conditions would apply and other people and laws would decide whether they had a choice.

This is not an ideological or left-wing political position. The only morally supportable position is one of allowing women the right to have access to abortion, if that is what they decide, as soon as possible and as late as necessary. Anything else is other people telling women what to do.

The shameful and dark history of what that has meant is part of an architecture of oppression of women. The flip side of the eighth amendment coin is the same logic that informed the Magdalen laundries, Bethany Home and persecution by the State of women who had children outside the conventions or rules of the Roman Catholic Church. The hypocrisy of many of those on the so-called pro-life side enrages me. Not only have they fought for the right to tell a woman she has to go through with a pregnancy regardless of her circumstances or wishes,

but they also persecuted women who actually had children. They imprisoned and abused them. They did not support them. Instead, they stigmatised single mothers and people who had children outside wedlock. It is a dark and shameful history. The only way that we can break from it is by letting women decide. Only they can decide their own futures.

If we want to support women further, we should support their right to have children. An important part of the debate, although one in respect of which the committee came down on the wrong side, is the issue of social and economic grounds. Even though the Citizens' Assembly accepted that social and economic grounds were a legitimate reason for people not to continue with a pregnancy, the all-party committee did not agree. That is wrong. We live in a society in which, because it does not guarantee that people will not have to live in poverty, many do not know whether they will have a roof over their heads or be able to afford child care. The State wants the right to tell them to go ahead with a pregnancy and have a child even though it refuses to provide the supports that would guarantee that child a roof overhead, proper health care and everything else that is needed to raise children. There is deep hypocrisy in that. I wish that those who still believe they have the right to dictate to women would be more active in fighting for the things that support women who choose to have children while also respectful of the rights of others to access abortion because of economic or health reasons, the circumstances in which they got pregnant, tragic cases of fatal foetal abnormality and so on. Incredibly, they instead believe that they can tell women what they can and cannot do and try to force them to continue with their pregnancies. It is unconscionable.

While I am glad that we have finally reached the point of possibly getting the eighth amendment out of the Constitution, thereby allowing us to at least put that dark chapter behind us, the issue does not end there. Every Deputy needs to consider the decisions that we will have to make after repeal. In particular, do we really mean it when we say that none of us has the right to impose or decide the futures and lives of women? If we do, then we have no right to impose restrictions, rules and limits on when that right can be vindicated.

Deputy Mick Barry: Access to safe abortion facilities is a democratic and civil right for women. When a woman becomes pregnant, it must be her choice, in consultation with her GP, as to what happens next. It should not be a choice that is made by politicians, priests, policemen or anyone else. Abortion is a democratic and civil right that was won in Britain 50 years ago, the United States 45 years ago and France 43 years ago. Eighteen days ago, the bells chimed at midnight and everyone turned to one another and wished them a happy new year. It is 2018, and women in Ireland are still waiting for abortion rights and their democratic rights. Women in Ireland must sometimes wonder what year, or century, this is meant to be.

Abortion rights are an excellent litmus test of a society's character. Invariably, the more reactionary the regime, the more restrictive the abortion rights under it and *vice versa*. History tells us that abortion was outlawed in the Chile of General Pinochet but legalised in the Spanish Republic that did battle with Franco. Abortion in apartheid South Africa was allowed only on the grounds of a threat to the life of the mother. Does that sound familiar? However, abortion in post-apartheid South Africa is available on request in a variety of circumstances.

It is commonplace for centre-right politicians and some lazy journalists to refer to the existence of two extremes on either side of this debate. This is nothing new. In their day, the suffragettes were labelled "extreme", as were the women who campaigned for the legalisation of contraception and the right to divorce. A woman who asserts her right to control her own body is not an extremist. She is merely a sane and sensible member of the human race. The only

extreme position in this debate is the one held by those who argue that women should continue to be forced to go abroad, who say that women who take abortion pills must be denied medical help and supervision, and who refuse to close the door on the principle that women, in certain circumstances at least, should be forced to bear children against their will.

The Minister for Health gave some interesting information last night which showed abortion to be a reality that exists in every county in this Republic. It is also the case that a majority of people in every corner of this country supports change to the abortion laws. Last year's Amnesty International-Red C poll found that a majority of people supported abortion on request up to 12 weeks in Dublin, Leinster, Munster and in Connacht-Ulster. In Connacht-Ulster, 53% of people polled supported such a change. Interestingly, the poll showed a high level of support for that change among men. I am a 54 year old man and I have listened carefully to what is being said by friends and men of my own age with whom I am in touch and there has been quite a change in recent times. I detect that a lot of men are taking the attitude that it is a woman's right to choose, that they do not have the right to say otherwise and they are supporting change on that basis.

Interestingly, Red C and Amnesty International also found that 57% supported the right to abortion on socioeconomic grounds, a proposition which, unfortunately, was too radical for the Oireachtas committee. All along the line the people are more radical than the politicians, particularly the Fianna Fáil and Fine Gael politicians, on this issue. After 35 years of the eighth amendment, with no woman of childbearing age today having had the right to have her say on the issue, the country is in the mood for change. Meanwhile, however, the Taoiseach prevaricates and an entire tranche of Deputies wrestle with their consciences and go into something resembling a state of hiding. Moreover, we are told there may not be a Dáil majority in favour of abortion on request up to 12 weeks. In these circumstances the movement for change and all of its supporters must remember how change was won in other countries. In the US, legalisation of abortion came in 1973 under a conservative, anti-abortion President, namely, Richard M. Nixon. Nixon was compelled to introduce change in the wake of an historic court ruling, which itself came in the wake of more than a decade of social revolt and grassroots activism. The 1960s produced the black civil rights, anti-Vietnam war and second-wave feminist movements. The feminist movement organised events like the 1970 women's strike for equality, which brought 50,000 men and women onto the streets of America's cities to demand equal pay, free child care and abortion on request. The Chicago women's liberation movement launched the Jane campaign. In a society where 10,000 women died every year from back-street abortions, the Jane campaign trained women to provide 11,000 safe abortions themselves in defiance of the law. I must pause for a moment to salute the activists of ROSA and Women on Web who have followed that example of civil disobedience with their abortion pills campaign in recent years that has done so much to put change onto the agenda here. It was actions such as the Jane campaign and their impact on public opinion which won abortion rights for women in the US despite a conservative political establishment.

Here, it is a mass movement and its impact on public opinion which has put the repeal of the anti-abortion laws and the legalisation of abortion rights onto the agenda despite the conservative nature of this Dáil. That movement will learn the lessons from the US and other countries and rather than step back at this juncture, it will step up and increase the pressure for change. That is the key message on which I want to end. To everyone who wants change on this issue, to every woman and young person, we say that now is the time to get organised. If they are in school or college, they should talk to their school friends and classmates and get them organ-

ised. If they are in a workplace, they should get organised. They must talk to their families, friends, neighbours and their communities and get organised and make demands of the Government, the Dáil and the politicians. Those demands are that we have a referendum to repeal the eighth amendment and that nothing be inserted in the Constitution that restricts the provision of full abortion rights. We will fight and organise to win that referendum. While 50% plus one is all we need to win it, let us have a resounding majority and give the Government and politicians no excuse not to introduce abortion rights when it comes to legislate in the autumn. The second demand is that the date for a May referendum be announced before St. Valentine's Day, with a referendum commission in place. The third demand is for a copper-fastened guarantee that if the ban is repealed then at a minimum, legislation to allow abortion on request up to 12 weeks will be enacted. Last but not least, we demand that the repressive Protection of Life During Pregnancy Act 2013, which criminalises women who have abortions and threatens them with up to 14 years in prison, be scrapped. There can be no more delays. It is time for change and time to get organised.

Deputy Maureen O'Sullivan: I will begin by acknowledging all of the correspondence - emails, letters and phone calls - I have received, not just from my constituents but from all over Ireland and even from outside Ireland, expressing a wide range of views. Some were for repeal while others were against it, some were pro-choice, others were pro-life while still others held views in between. Regardless of my own views, I respect all of those views. I hope that the debate over the next few months will be respectful and dignified. The Minister for Health's speech last night really set the tone in terms of dignity and respect and I hope the debate continues in that vein. Certainly at times we have seen a lack of respect and dignity relating to the matter of abortion. I know that there are very strongly held views, intense passion and commitment on all sides. I have listened to a wide range of views and have tried to be open to all of them. I have listened to women hurt by abortion, women who regretted having an abortion, women who were glad that they did not go ahead with an abortion, women for whom having an abortion was the right decision and women who regretted not being able to have an abortion in Ireland. The reality, as we know, is that Irish girls and women have had and are having abortions, legally or illegally. They are using the Internet to access medicines or are travelling to another jurisdiction for an abortion. The irony is that Irish women have the right to travel to have an abortion but do not have the right to have one here. Of course, it is only those Irish women who can afford it and who have the means that can travel for an abortion.

We have heard data over the last day or two which show that more than 3,000 women travelled to England and Wales in both 2015 and 2016 for an abortion. We do not know how many women travelled to other jurisdictions. It was very telling when the Minister gave details last night on each of the counties in Ireland. What was significant was the fact that women from every part of Ireland are travelling for abortions. We were also given figures for the numbers accessing abortion pills online. The women who travel abroad and those who use the online facilities are not getting medical care here in Ireland. We all know of difficulties that can arise for the women who travel. I have a terrible fear for those who access pills over the Internet, whether they are abortion or other types of pills, because the area is unregulated. There is no medical supervision of women who take these abortion pills and there can be negative consequences. In both cases, if there are complications there can be a reluctance to seek medical services or counselling services here because of the stigma felt by women who have had abortions or used pills.

We gave the Citizens' Assembly a job to do and it did it. Having been a member of the

Constitutional Convention, I know the process. I am familiar with the round-table discussions, the engagement and the respectful listening to a wide range of views. There is time for questions and discussion and there is time to reflect before a vote is taken. I respect that process because I was part of it on another occasion. The citizen members of the Citizens' Assembly and the Constitutional Convention were chosen professionally with a balance of age, gender, profession and socioeconomic background to ensure there was a good representation. I believe the assembly's recommendations have to be taken on board in a referendum and in further legislation. I remind the House that 87% of members of the assembly recommended that Article 40.3.3° should not be retained, with 56% of members saying it should be replaced or amended and 57% of members saying it should be replaced with a constitutional provision authorising the Oireachtas to legislate to address the issues of termination of pregnancy, the rights of the unborn and the rights of pregnant women.

The current wording has been causing a great deal of difficulty for women and for the medical profession. Last weekend's media coverage of the death of Peter Sutherland included some articles that highlighted such difficulties and referred to the doubts expressed by Mr. Sutherland at the time of the referendum about the wording that was being proposed. Those doubts were shared by his successor as Attorney General. All of them related to the unintended legal consequences, the complicated law case situations we have seen and the medical uncertainty we know about.

We know that abortions are carried out in Ireland. The current criminalisation affects the decision-making of doctors and nurses, who need to be able to make clinical and medical decisions without fear of ending up in prison. Pregnant women deserve the highest standards of medical care. I have paid particular attention to the views of members of the medical profession, many of whom have spoken out about the prescriptive and restrictive nature of the current law, which has been harmful to women. They have also highlighted the potential of the 14-year prison sentence that hangs over their profession.

I have met and listened to women who have had pregnancies affected by fatal foetal abnormalities. They told me about the stress and pain of knowing that their babies had little or no chance of life outside the womb. Those who decided to travel overseas for abortions had to contend with additional stress. I also met women who decided to continue with their pregnancies because they wanted to hold their babies for whatever amount of time possible, if indeed it was possible to do so for any period of time. Both groups deserve to get the medical care they need in Ireland.

We have not really heard the voice of the father. We have heard that women must be allowed to make decisions about their bodies, but I think the role of the father must also be taken on board. I have met and heard from fathers who did not want their partners to have terminations. They were prepared to take the baby on board when he or she was born. Equally, some fathers want terminations but their partners do not. While this is primarily an issue for women, there has to be a space for male voices.

I acknowledge the work of the Joint Committee on the Eighth Amendment of the Constitution. I appreciate that it was criticised by some people who felt that all views were not investigated thoroughly. I believe a referendum would give all our citizens an opportunity to have their say by voting. We live in a democracy. The results of the referendum, and whatever else follows, have to be respected.

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One of the ancillary recommendations of the joint committee is that “improvements should be made in sexual health and relationship education, including the areas of contraception and consent, in primary and post-primary schools”. I suggest that awareness of one’s sexuality, assertiveness and self-esteem should also be part of sexual education programmes so that girls and boys have the comfort of saying “No”. As a former teacher, I am familiar with these programmes. They should be included in the social personal and health education programme, but that is very hit and miss. It depends on the school, on the principal and on other factors. It also depends on the willingness of the teacher to get involved, on the skill set of the teacher and on the extent to which he or she is comfortable with doing this work. Of course all of those factors are contingent on whether teachers have been trained in how to deliver these programmes. These classes cannot be an add-on to fill up teachers’ hours at second level.

There is a need to consider the role of outside agencies and community organisations in coming into schools to work on these programmes. I have been working with schools in my constituency on reducing substance misuse. I have made the point that intervention and awareness programmes need to be delivered in schools. The community needs to be involved in these programmes for the reasons I outlined when I spoke about teachers delivering sexual education programmes. There has been an increase in sexually transmitted diseases among young people, especially those who are under the influence of legal or illegal substances. We have numbers that show how many people avail of the services of the Rape Crisis Centre. Very sadly, some people do not avail of those services. That is the reality of life. I support the ancillary recommendation in this area.

Another ancillary recommendation of the joint committee relates to “improved access to reproductive healthcare services”, including “perinatal hospice care”. I think girls and women from lower socioeconomic groups lose out badly when it comes to access to reproductive health care.

It is interesting to read about the Netherlands, which has liberal abortion laws but low abortion rates. It has the highest rate of planned pregnancies in the EU. There are liberal and extensive education programmes in Dutch schools. Comprehensive health care and excellent counselling services are offered to people in the Netherlands with crisis pregnancies.

When we were debating Deputy Clare Daly’s Bill a few years ago, I said I was not in favour of abortion with no time limits. I am glad, therefore, to see that the recommendation refers to specific time limits. At that time, I was in favour of the availability of abortion for people who have been raped. Having read the committee’s report, I accept, for the reasons explained in the section of the report that sets out the difficulties relating to rape, that it would be unreasonable for a precondition to be included. I hope any girl or woman who has been raped would refer it to the authorities, but we know that does not always happen. We do not want to make these situations any more difficult. The decision has to be made between the girl or woman and her doctor. The medical quote that summed this up for me came from the master of the National Maternity Hospital, Dr. Rhona Mahony, when she said: “What we as doctors require is clinical flexibility in order that women and their doctors can make appropriate decisions in the very difficult circumstances that arise from complications in pregnancy”.

It would be great if there were no unplanned pregnancies, crisis pregnancies or pregnancies with fatal foetal abnormalities in this country. I would love to live in such a country, but that is not the reality. The reality is that Irish girls and women are deciding to avail of abortion. They are doing so in a limited way here, but they are mainly doing so abroad by travelling to another

jurisdiction or by accessing pills from other countries. It does not make sense to have the right to travel for an abortion without being able to avail of abortion services here. Ireland cannot leave it to the NHS and to private clinics in England, Wales and other jurisdictions to help Irish women who decide to have abortions.

As this has been such a divisive and difficult issue over the years, part of me thinks it might be positive to have a moratorium on further discussion and debate, especially given that so much has already been said. However, I appreciate that the public needs access to the information that was made available to the joint committee. I accept that a moratorium will not happen, so I suggest that we need to get on with the referendum. The recommendations of the joint committee should be put to the people to decide on them. We need to pursue that as soon as possible.

I have listened to people outlining the various reasons the referendum should be held in May. While I agree with that principle, I think it should apply to all referendums we hold in this country to encourage younger voters who take off for the summer months, perhaps to work abroad, to vote in such polls.

Last night, the Minister for Health said that girls and women facing crisis pregnancies are “left in a lonely and scary place” when they decide to travel overseas for abortions or to access abortion pills. It is also scary and lonely for those who continue with unplanned or unwanted pregnancies, particularly for young teenagers who become pregnant. All of those people deserve the best medical care in Ireland. They should be given the space to make the decisions that are best for them in conjunction with their doctors. They should be able to do so in a calm and non-judgmental atmosphere without coming under undue pressure to make decisions with which they are not comfortable. The terms “pro-choice” and “pro-life” are not helpful because we all value life. However, we are also in favour of being able to make choices and decisions.

Deputy Marcella Corcoran Kennedy: I welcome the opportunity to speak on this important report. I must be honest, however, by stating that I would prefer if I did not have to think about repealing the eighth amendment of the Constitution. It would have been preferable if the Constitution had not been amended in the first instance. Moreover, I would prefer if there was no need for abortion, all pregnancies were carried to full term without complications or the devastating news of fatal foetal abnormality, people who did not want to become parents used contraception all the time, girls and women were not raped and there were no victims of incest. I could go on but irrespective of what my preferences are, the reality is that abortion takes place in Ireland every day both legally - for medical reasons - and, more worryingly, illegally.

There is nothing new in unintended pregnancies. Our history of dealing with unintended pregnancies by putting girls and women into Magdalen laundries, mother and baby homes, industrial schools, county homes and other residential institutions is appalling testimony to that. In the 1980s, we had the Kerry babies tragedy and the persecution of Joanne Hayes and the tragic deaths of Ann Lovett, a 15 year old girl who died as a result of a secret birth, and her baby son. The 1990s brought the X case, which involved a pregnancy as a result of the rape of a 14 year old girl. We had the C case, the Miss D case and A, B and C v. Ireland. In 2012, we had the needless death of Savita Halappanavar as a result of a septic miscarriage. We also have evidence of women being kept alive against the wishes of their families. Many wanted pregnancies ended in unnecessary symphysiotomies in the 1950s, 1960s and 1970s which were carried out on women instead of caesarean sections. Furthermore, for decades women were considered unclean after delivering their babies and were required to be churched by lying pros-

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trate on the altar of their local church after birth. Society's track record on how it treated our pregnant women is shameful and it is long past time that we addressed this issue.

Irish women travel abroad for abortions every day and women in every county take abortion pills at home every day. The harsh reality is that there are women and couples for whom abortion is the only option and we know that criminal laws do not deter women from seeking abortion. Where does this leave me, as a legislator and lawmaker? I have followed this debate carefully for many years. Most recently, I listened to and read the evidence provided to the Citizens' Assembly and joint committee hearings. I reflected on what I would have done if I had had an unintended pregnancy. I do not have an answer to that question because I have never faced making that decision. However, I would like to believe I would not have made a decision to travel for an abortion as I have never thought I would want to have an abortion. The question I must ask is whether I have the right to impose my view on other women, their partners and husbands. As a legislator, I am expected to make decisions and I am charged with making a decision on this most difficult subject.

What should I do after carefully considering the medical and legal evidence? Do I support the committee recommendation? Do I agree to give the people an opportunity to make a decision to repeal the eighth amendment and, if so, for what will the Oireachtas legislate if the referendum is carried? The easy option for me, as a politician, would be to sit on the fence and say nothing. However, I must ask what that course of action would say about me, as a lawmaker. If I were to say nothing publicly or disagree with the joint committee's recommendations, would it mean I was happy to allow the *status quo* to continue? This would mean that we, as a society, would continue to allow illegal and dangerous abortions to be carried out every day in every county and continue to force our women, daughters, sisters, nieces, wives and girlfriends to travel abroad to access abortion. Women are prepared to put themselves at risk of prosecution by buying abortion pills online, having made the agonising decision to do so. Moreover, they put their lives at risk when doing so because abortion pills purchased online are unregulated. They often undergo the experience alone, telling no one. Do I want this unsafe approach to women's health care to continue to be the norm?

I can only imagine the trauma of a woman who has taken abortion pills. Having suffered a miscarriage, I know the physical and mental pain of that loss. We now know that many of these women are excluded from our health care system because they fear prosecution if they go to their doctor. Some political parties have given their members the option of voting with their conscience on this matter. As a lawmaker, I must ask if my conscience would be clear if I stayed quiet on the findings of this report or voted against legislation to hold a referendum.

As legislators, when we hear the Minister for Health, Deputy Harris, cite figures regarding the number of women in each county who we know have had abortions abroad, we must accept that continuing to export our problem is not acceptable. There are many more women who have abortions abroad whom we do not know about. However, we know that in 2017 alone, 3,265 Irish women travelled to the United Kingdom and others travelled to other countries such as the Netherlands. More than 1,200 of the women who travelled to the UK were married, in civil partnerships or in a relationship, while 85% of them were between three weeks' and 12 weeks' pregnant. It is estimated that at least 170,000 Irish women have travelled to other countries for abortions since 1980.

It is now 2018 and I want all our women to have equal access to the health care they need in all circumstances, particularly at the most vulnerable time of an unintended pregnancy. Fur-

thermore, our health care providers deserve certainty in their day-to-day care of women who need their services and must be able to deliver these services without fear of prosecution.

At this point, it is appropriate to highlight that there is a non-judgmental source of factual information available to citizens. Positive Options, which is funded by the HSE's crisis pregnancy programme, encourages women and their partners and families experiencing and unintended pregnancy to avail of the services of a State-funded counsellor for free, trustworthy and non-judgmental counselling at one of more than 50 centres nationwide.

Despite my personal feelings on abortion and having considered the evidence, particularly the medical evidence and lived experiences of those who gave evidence to the joint committee and Citizens' Assembly, I accept the finding of the report of the joint committee, which was more conservative than the recommendation of the Citizens' Assembly, to hold a referendum to repeal the eighth amendment. Women's health care should have no place in the Constitution. A woman's health care should be a matter for her and her doctor. If the eighth amendment is repealed, women will have more time to consider their decision. They will also benefit from non-health considerations, for example, in respect of travel restrictions and financial concerns. Women will receive follow-up care, including contraceptive advice and the provision of contraceptives in a timely manner. As in other countries, terminations would take place earlier in the gestation cycle, which would avoid surgical rather than medical termination.

Evidence provided at the joint committee illustrated that where abortion is legalised, the termination rate declines. Furthermore, in countries where abortion is banned, the rate of women dying remains high. While I have some difficulty with the 12-week gestational timeframe, the proviso that it be availed of through a general practitioner-led service in a clinical context provides me with some reassurance.

An important aspect of the report relates to ancillary services which arose from the recommendations of the Citizens' Assembly. These relate to decriminalisation, better availability of contraception, an overhaul of sex education and better counselling and obstetrical care, all of which I support and should be discussed in greater detail.

I hope we will have a calm and respectful debate and that we, as legislators, will lead by example. Furthermore, I sincerely ask Deputies who wish to contribute to the debate to read the report in advance. It is not lengthy and sets out clearly the rationale of the committee members in making their recommendations. I hope we will have a referendum as soon as possible and we will have a good turnout. I also hope the women of the country and the men who love them will vote to repeal *simpliciter* in order that they can enjoy full and equal access to health care in their own country when they need it. That is what I intend to do.

I thank the chairperson, Senator Noone, and members of the joint committee who undertook the work of examining the first report and recommendations of the Citizens' Assembly chaired by Ms Justice Mary Laffoy. Both the committee and the Citizens' Assembly examined the evidence on this most complex and emotive issue with careful consideration and thoughtful deliberation and I acknowledge and thank their members for this work. Many women and advocates, including those who have lived through the experience, have campaigned long and hard on this issue and I thank them also.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I agree with Deputy Corcoran Kennedy on the importance of

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Members' placing on record their position on this issue and all other issues. As abortion has been the most dominant issue in my political life, I believe it is more important still that Members do so on this issue. I have listened to most of the debate and, with few exceptions, it has been worth hearing.

I acknowledge the efforts of the Ceann Comhairle. He is nearly the father of the Dáil at this stage. I also acknowledge the efforts of those who sat on the committee, took part in the hearings and heard evidence from witnesses over several weeks. It is often a thankless job but I think it was worthwhile.

It is worth pointing out that when we discuss the findings of the committee we should also recognise what has changed. I was a child of the 1980s and I have vague recollections of the referendum that took place in the early 1980s. Peter Sutherland has been referred to. He recognised that the conflict of rights proposed in the eighth amendment between the mother and the unborn child could lead to an adverse situation. Ultimately, that was what happened with the X case and the legislative reaction that the Oireachtas belatedly took some years ago with the Protection of Life During Pregnancy Act. That was a difficult time.

As a man, I am conscious that I will never find myself in the position of being asked to carry a crisis pregnancy. However, I agree with Deputy Maureen O'Sullivan and other speakers that it is more than simply a women's health issue. It should be acknowledged that, first and foremost, it does affect mothers.

I will never forget what Deputy Marcella Corcoran Kennedy referred to, the practice of churching, and when my mother explained it to me for the first time. My mother is someone who goes to mass every day of the week that there is mass. She was shamed by the practice that was carried on in her name and in the names of so many Catholics throughout the country for so long. Thankfully, it does not happen anymore.

I was fortunate to grow up in a safe, loving and encouraging family in the 1980s as part of a community in south County Kilkenny. I often laugh when I think back to my father's siblings, who are now gone, and what they would think if they could see me in the Oireachtas now. I did not come from a political background. However, I came from a background that was steeped in current affairs and the events of the 1980s. It was a strange time. Ireland was struggling to reimagine itself and look towards a more liberal future. In the 1980s much of our society was controlled by the church and many of the attitudes of the public were controlled by what was preached at them over the weekend.

I have a vague recollection of the Kerry babies scandal. I can remember the RTÉ news coverage, which became measured after some time, when those involved became conscious of the fact that younger ears were listening. The reporting was couched in the language that made it seem acceptable, but it can never be acceptable. I also remember seeing the statue of the Virgin Mary in Granard and the dreadful case and what happened to the young woman. I never look back on the old days and think that Ireland was a super place in which to live, but I was fortunate because I grew up against that background with a secure family.

I want to spell out clearly what my issues are with the report of the committee. I cannot ever support the conscious purposeful destruction of a viable pregnancy. Contrary to much media speculation at the time, I had no problem supporting the Protection of Life During Preg-

nancy Bill. I have no problem with amending our Constitution and laws to place on an equal footing the health as well as the life of a mother. I have no problem placing a choice in the hands of parents who are carrying a child that will not live. They should have the opportunity to exercise a choice that they would rather not have to make. Equally, as a legislator, I cannot support any legislation, inside or outside the House, that would see the purposeful destruction of a viable pregnancy.

We are all products of the background against which we grew up. I am not a particularly Catholic person, despite my name. I am the ultimate *à la carte* version. However, I believe in a society based on rights.

I acknowledge what Deputy Corcoran Kennedy said about the Constitution not being the place to discuss or cover issues of women's health. She is perfectly right about that. However, it is the right place to cover issues of the right to live and exist. All other rights are secondary to the right to be in the first place.

I do not understand the argument from the extreme position of some of the pro-choice advocates. I acknowledge that there are extreme positions on all sides. I find myself in the middle with the vast majority of the public. I cannot understand how a newborn child who is five minutes or five hours or five weeks old can have full rights, but a child not yet born does not have full rights. I do not have the wisdom of Solomon and I do not know when life begins. I certainly do not believe that a fertilised egg is a human being. However, I believe that the proposition from the committee that abortion should be available for up to 12 weeks is problematic. Not only do I believe that it is unacceptable, but I believe there is a considerable chance that if it was put to the public, it would be defeated. Anyone who thinks otherwise does not talk to the public very often. I do my own *vox pop* every day. We all probably do that every day when we go outside the door. The issue for the Protection of Life During Pregnancy Bill was the conflict of rights between the mother and the unborn child. The issue that I hear now relates to the 12 week proposal. It has settled into the public mind and I believe a significant majority of people legitimately hold views and will not support it.

I believe that the people have the right to vote on what should and should not be in their Constitution. I find myself in partial agreement with Deputy Corcoran Kennedy again on whether this should ever have been in the Constitution. I can only vaguely remember those debates and the terrible politicking that went on at the time. I read about it afterwards.

I am conscious of a good friend of mine who was the product of a sexual assault, a rape. It is the most heinous crime that could be committed against any woman or man in many respects. I could not really look him in the face and say that the world would be better if he did not exist. Whether his mother or any woman who finds herself in that position should have the right to a termination is probably not something I am qualified to discuss. However, I am conscious of that when I hear it being debated every time. He is a very successful person. Even if he was not and even if he was sweeping the streets, as my mother would say, it would not matter. I believe firmly that the people want provisions, whether in the Constitution or the law, to allow mothers and their medical advisers, doctors and practitioners to be able to make the decisions they have to make, especially in those emergency situations. Some such decisions have resulted in high-profile cases in recent years. Equally, I believe that significant numbers of people have a problem with introducing in our law a provision that would allow the destruction of a viable pregnancy. I do not think that will change. I hope that the debate here and outside will remain civilised, but I fear from experience that it will not.

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I will finish with my anecdote of the Protection of Life During Pregnancy Bill. Despite water charges, property taxes and so on, the reason I had to put security in my office in Thomastown, Kilkenny, was because of the Protection of Life During Pregnancy Bill. Two elderly men came in quoting the Bible at me. I sat them down and we had a long discussion about what was under consideration in the legislation. I put a question to them about their position if a woman's life was under imminent threat and she had two, three, four, ten, one or no children at home. How do we measure that conflict? How do we adjudicate that conflict? I was struck by the fact that one of the men said "Yes" and agreed that in such cases there should be the capacity for a doctor to make that decision, as provided for in the Protection of Life During Pregnancy Bill.

I was also struck by what was said by the other fellow, who more or less said she should be allowed to die. They had an open row in my office. In my 39 years of life this has been the most contentious issue the country has faced and it will be contentious again, but I hope there will be a civilised discussion. Equally, however, I believe we should be prepared to listen to the other reasoned arguments. That is what I intend to do in the next few weeks and months and hope others will do so too.

Deputy Jim O'Callaghan: I welcome the report of the committee and thank its members for their work on this matter. It was a difficult task, to which they devoted a great deal of time. Having heard from delegates, they produced a report with very decisive recommendations. All of the individuals on the committee deserve to be commended for the time they gave and effort they put into to it.

I speak as a Fianna Fáil Deputy but not on behalf of Fianna Fáil. It is important that every Member of the Dáil lets the public know how he or she intends to vote on the referendum Bill which will be brought before the House and in any referendum, if the Bill is passed. Notwithstanding the fact that each of us has a constitutional right to the secrecy of the ballot in a referendum, I will let the public know how I intend to vote on the referendum Bill and in the referendum. While Members are not required to do so on the second matter, they should do so on the referendum Bill.

I have been a Member of the House for only 23 months and of all the issues that have come before the House, this is the one that has affected me most because it means so much to many. No matter on what side of the debate people are, I have noticed that this issue means a lot to them. That is why it is so important. We need to recognise that we are different from the rest of the country because we are legislators. We make the law in two ways - first, by passing legislation in this House and the Seanad and, second, as a result of giving the people the opportunity to deal with constitutional issues. President de Valera inserted into the Constitution the provision that it could be amended through the vote of the people.

In any debate such as this, even though it is emotional, it is important to understand the law on abortion. The law is very clear: abortion is legal in one very limited circumstance - when there is a substantial risk to the life of the mother. That derives from Article 40.3.3° of the Constitution and is given statutory effect by the Protection of Life During Pregnancy Act 2013. However, the law is too restrictive, does a disservice to Irish women and should be changed.

There are three reasons for my belief the law is too restrictive. First, every year in Ireland a number of unfortunate women who are pregnant are told by their physician that the child they are carrying cannot live outside the womb. People sometimes complain about the terminology used, but such pregnancies occur every year and women are given that diagnosis. It is an ap-

palling situation for any woman or couple to find themselves in and it is cruel of the State to force a woman in those circumstances to leave the country if she wants to have a termination. Fortunately, I have never been in such a position and shudder to think of how awful it must be for any young woman who is told that she is pregnant and looking forward to the birth of her child, but it is perfectly rational for her to determine that she does not want to proceed with the pregnancy, as she cannot cope with it. It is cruel if the State forces her to go through with it and tells her that she has to travel to another country to have a termination. The State should be seen by the public as playing the role of a loving and responsible parent. In a such situation a loving and responsible parent would facilitate a termination.

The second reason for my view that the law is too restrictive is that women in Ireland are the victims of sexual abuse and rape. Each year women are raped and, unfortunately, become pregnant through rape and incest. If I was a woman and that happened to me, I believe I should have the right to a termination in this country. There is an unanswerable argument that the child in the womb is blameless and faultless. Notwithstanding this, if any woman close to me was raped and became pregnant as a result and said she wanted to terminate the pregnancy, I would respect that decision and facilitate and help her in doing so. It is hypocritical to force her to go outside the country to have it.

The third reason for my view is that under the Constitution there is equality of treatment between the mother and the unborn child. That relationship needs to be balanced more in favour of the mother. If there is a significant risk to the health as opposed to the life of the mother and the physician recommends a termination to protect her health, she should be entitled to have one.

The law should be changed because it is too restrictive. There were other views expressed on this issue which I fully respect. If I want to see the law changed, I have to recognise that it cannot be changed if the eighth amendment remains in the Constitution. The circumstances I have outlined cannot be dealt with if the eighth amendment remains in it. It needs to be amended to ensure the circumstances I have outlined can be dealt with in legislation. The constitutional protection provided by Article 40.3.3o prevents any statutory law from being enacted beyond that which is in place. The Constitution contains the monolith of the right to life of the unborn. The only thing that can stand in its way is the right to life of the mother. That is an unusual situation where there are conflicting constitutional rights and I believe grey areas. I know that some people do not view it as black and white. Another constitutional right is freedom of expression, but it is not absolute; it is limited by the requirements of public order and the constitutional right of people to their good name. Because there are conflicting rights this House can pass legislation to reflect those rights and at the same time set out the limitations, but that cannot be done in this instance if the eighth amendment remains in the Constitution. All we can do is state a termination can take place if there is a real and substantial risk to the life of the mother. That is too restrictive and therefore the law should be changed. For that reason, I will vote in favour of the referendum Bill which will come before this House and which will seek a Constitutional amendment to delete or amend the eighth amendment. Subsequently, when there is a referendum, I will vote in favour of the proposal to amend or delete the provision.

It is important that we now consider the issue that has arisen recently as to whether there should be a repeal or an amendment of the eighth amendment. I do not envy the task of the Attorney General, who is a very fine lawyer, in advising the Government on this matter. We must be clear on one thing, however. There is no avenue we can take that is going to eradicate legal risk, or that we can be sure will not result in a legal challenge. We must also recognise that the

status quo has given rise to successful legal challenges and, if it remains, will continue to do so into the future. No matter what happens, if the provision is repealed or amended the likelihood is that there will be a legal challenge. The challenge will be as to whether the personal rights contained in Article 40 of the Constitution provide for rights for the unborn. It will seek to suggest that the unenumerated rights in the Constitution and perhaps the right of bodily integrity include rights that can be conferred on the unborn. We cannot get away from the fact that there may be legal challenge. That is not a reason for us not proceed down the route of deleting the eighth amendment.

The other proposal that has been put forward is that the provision should be amended. I would be slightly concerned about a proposal to amend the Constitution to provide that this one issue should be the exclusive preserve of the Oireachtas. We need to remember that the courts are the fundamental protectors of the rights of citizens. It is one of the great achievements of the Constitution that the courts are there to play a supervisory role in respect of legislation that is introduced by this House. For that reason, I would be loath to have a situation develop in which the courts would have no supervisory role in respect of a fundamental right that is referred to in the Constitution. If we put into the Constitution a provision that the law in respect of this issue shall be the exclusive preserve of the Oireachtas, we need to recognise that the Oireachtas can change. A hundred years from now, we could have an Oireachtas that might be much more extreme on this issue than is the case at present. Just because it gives the exclusive preserve to the Oireachtas does not mean that the rights of the individual are going to be protected.

When cases come before the courts, they do so in a complicated way. We are not just going to have a case dealing exclusively with the question of whether there are unenumerated rights in the Constitution for the unborn, or whether the personal rights still subsist in respect of the unborn. It is going to be much more complicated than that. There will be cases invoking the rights of the family under the Constitution and other constitutional provisions. The idea that a court would be precluded from dealing with one issue in a complicated scenario is not something I would support.

My recommendation is that there should be a referendum Bill brought before the House seeking to delete the eighth amendment. The courts do not live in a separate, parallel universe. They have to interpret the fact that the amendment was inserted in 1983. If the referendum is passed, the courts will recognise that the people have made a decision to take it out. People may ask what will happen next, if it is the case that the people agree to delete Article 40.3.3° from the Constitution. The law will remain as set out in the Statute Book and the Protection of Life During Pregnancy Act. The Oireachtas will have an ability to pass laws to deal with this scenario. We need to be straight with the people, however. No-one can give an assurance as to the type of legislation that would come afterwards. The Government does not have a majority in the Dáil and it is hard to assess the likely outcome in respect of such legislation.

We cannot give an definitive answer as to what is going to happen. I have reflected on and considered my view carefully as I am very conscious of my responsibility and the role I have as a legislator and a person who can facilitate a referendum. It is my strong belief that the eighth amendment has not been of service to the women of Ireland. As my leader said earlier today, the eighth amendment has not prevented abortion in Ireland. I respect the views of other people. However, I will be supporting a referendum to delete the eighth amendment and will be voting in favour of its removal. It will then fall to the Oireachtas, which will have to decide what law will come into place after that.

Deputy Eamon Scanlon: As politicians, we have the job of making decisions on behalf of the electorate on all sorts of important issues. The questions that come before us are rarely as challenging, profound or troubling as the issue of abortion. What will be decided in the coming months will have huge implications for our society for a long time into the future. Thousands of people will be personally affected in their lives, welfare and happiness by what is decided. I must try to speak for the needs of the community I represent and for the good of my society. As a father and grandfather, I must find my voice. In the end, this is about promoting people's happiness and well-being.

It is by considering the happiness and well-being of our loved ones that we can perhaps do our best. My love for my family is unconditional. My love for my daughters is unconditional. I hope I would be there for them in any situation in which they might find themselves. When it comes to crisis pregnancy, that is how any father or mother would feel. We want to be there for our children. I know that I would love and support my daughters no matter what happened to them and no matter what they ever decided. When politicians recite all the relationships they have with women who have made the tragic journey for abortion, I know they mean our daughters, sisters, nieces and friends. However, as a father I feel that the best way I could properly love and support my daughter or any other relation or friend in crisis pregnancy is if I also supported the little child that she was carrying. It is possible that we could want to reach out and care for the welfare of a pregnant, perhaps frightened girl or woman while also caring for the baby which depends on her decision.

That is why I found the Minister, Deputy Harris's speech to be challenging but also sadly lacking in empathy. It is a tragedy that any woman goes abroad for abortion. It is even more tragic when they go for abortion without getting the practical gesture of friendship or support that might have led them to make a different decision. While the Minister is right to remember, county by county, the women who have made the lonely journey, it is wrong of him to dismiss from his memory, county by county, the women who regret ending their pregnancies and the children who did not come back and the damage that it did to many of those women.

It is also wrong that the Oireachtas joint committee and now the Government have failed to acknowledge the obvious, namely, that thousands of lives appear to have been saved by the eighth amendment. Britain allows abortion and one in five pregnancies there results in abortion. Ireland, which excludes abortion, has one in 19 pregnancies ending in abortion, about a quarter of that rate. What does that tell us? What is the reason for this difference if not the difference in our laws? Do all these lives that may have been saved not matter to politicians? It is because they are already born themselves and they do not seem to think it makes a difference whether we have a lot of abortions or relatively few. I am a democrat and, in general, I believe it is a good thing that significant decisions are referred to the people, yet I am troubled by the proposal to ask the people to repeal the eighth amendment. Let us be honest; the majority of politicians here are encouraging people to repeal it. We still do not know what will replace it.

In 1983, the Irish people voted to recognise the rights of unborn babies and their mothers. It was a resounding victory for human rights. Should we now ask them to exclude some members of society from the enjoyment of human rights? Is that a just or responsible question to ask? I wonder if we are losing our humanity.

There is another problem with asking the people to repeal the eighth amendment, namely, that the political class is asking us to trust it and give it complete power to decide in the future how much abortion we have, and when and how. Are we, as a political class, to be completely

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trusted on this issue? I hear a lot of talk from politicians who say they have moved on this issue, but it is noteworthy that they seem to have moved in only one direction and that direction, coincidentally, will perhaps make them popular with some of the media.

It also seems that many of us have failed to listen to the stories of people who have faced challenging pregnancies or the families of children with disabilities who felt pressure to abort children and are now glad they did not. I understand that everybody in the House has the right to be here. They have been put here by the people. They are right to express their concerns and views. I respect theirs and I expect everybody else to respect mine.

Deputy Alan Farrell: I would like to start my contribution like so many others before me by commending the work of the eighth amendment committee, in particular its Chair, Senator Catherine Noone. I also commend the work of the Citizens' Assembly, which continues its deliberations on our Constitution and the matters surrounding it. I commend in particular the members of the eighth amendment committee who found it difficult. I appreciate the difficult conversations and evidence that was heard.

Their deliberations have, however, been repeatedly labelled as biased and I do not agree with that sentiment. Medical practitioners' evidence based on their experience and legal opinion is not bias. Quality will repeatedly beat quantity. It is a disrespectful argument to suggest otherwise. I would like to thank each member for the time and effort they spent debating this matter on behalf of all Members of both Houses of the Oireachtas.

Due to space constraints which have been referenced on a number of occasions in regard to the media and Gallery in the committee room, I was not able to attend but I watched with great interest when my diary allowed. I must record my regret at having declined the invitation to participate in the committee. In hindsight, it was a mistake, but at the same time the members did a tremendous job.

Like many Members of the House and colleagues in my party, I was torn between head and heart in terms of the eighth amendment and a potential referendum. I want to take this opportunity to, as some of my colleagues have done, read the opinion of the Attorney General in 1983, Peter Sutherland, who passed away recently. He said:

Far from providing the protection and certainty which is sought by many of those who have advocated its adoption, it will have a contrary effect. In particular it is not clear as to what life is being protected; as to whether 'the unborn' is protected from the moment of fertilisation or alternatively is left unprotected until an independently viable human being exists at 25 to 28 weeks. Further, having regard to the equal rights of the unborn and the mother, a doctor faced with the dilemma of saving the life of the mother, knowing that to do so will terminate the life of 'the unborn' will be compelled by the wording to conclude that he can do nothing. Whatever his intention he will have to show equal regard for both lives, and his predominant intent will not be a factor. In these circumstances I cannot approve of the wording proposed. ... In the event that the Supreme Court is called upon to construe the proposal, it could come to a number of different conclusions as to the definition of the class which is afforded protection.

We know that the Supreme Court pierced the eighth amendment of the Constitution a number of years later. This was the flaw within it.

The Citizens' Assembly and committee have studied the issue a great deal and have recog-

nised that it would be almost impossible for us to insert into the Constitution a provision which has been consistently indicated in polling as being acceptable to many in the State, namely, cases of rape, incest and fatal foetal abnormalities. However, it is very clear from their deliberations that it would not be feasible for us to insert such a provision because consultants, including the masters of two maternity hospitals, explained how the complexity of health conditions would make it impossible for the medical practitioners in the performance of their duties if they had to have one eye on the Constitution and, perhaps, regulation should we insert a clause into the Constitution to allow for abortion in the three instances to which I referred.

It is clear from both reports that the eighth amendment has no place in our Constitution. I recently read the letters page in *The Irish Times* and saw a letter from a constituent of mine whom I have met on a couple of occasions. I was struck by the letter because the person is in his late 80s. He is a former well known medical practitioner and was known as a pro-life advocate until a few years ago. I was very surprised that he indicated that it is, as I believe, that the eighth amendment has no place in the Constitution because it should be a matter for the Legislature on the basis that the complexities around pregnancy and human life in general cannot be dealt with by a blanket ban when there are so many examples and reasons it is not appropriate to have the eighth amendment in place.

On Monday last, I listened to one of my colleagues break down during their contribution to the Fine Gael Parliamentary Party meeting, and then another and another. There was an unmistakable quiver in the voices of many contributors at that meeting, and again today and yesterday in the House. I listened to the passion about life and about equality, liberty and freedom of choice on both sides of the debate. In certain instances, one can learn a great deal from the expression on a person's face when one listens to, broadly speaking, raw and unbridled emotion. One hears stories of how torn are some Members of this House and the Seanad. We have listened to friends and relatives over the past number of weeks and months. It is very clear that they, like me, are torn between head and heart.

After the parliamentary party meeting on Monday, I lay awake until 5 a.m. or thereabouts. I was consumed by the cyclical argument that it is wrong for us to ship our women to the UK and further afield or expect them to buy a pill online, or worse, to carry a baby who will never breath, cry or hold his or her mother's hand. Even worse is to force someone to carry the child of a rapist or a pregnancy which is the result of incest. In these circumstances, we are expected to impose the views of those who voted 35 years ago on women of child bearing age today. That is wrong, and I believe I am not the only one who thinks so.

I would not have said any of this a few years ago, but I believe we can no longer accept that shipping women to the UK and further afield is acceptable nor is it acceptable to fail to provide proper health care to the women of Ireland when they come home. How is it acceptable to us as a society to expect grieving parents to ship their baby home in a box? Where is the humanity or the Christianity in that?

Human life is precious but it is also extraordinarily complex. Sometimes, pregnancies go wrong. Undoubtedly, the eighth amendment has stopped women from availing of terminations and thus, it has saved lives. On other occasions, however, it has interfered with doctors in the performance of their duties and cost lives. We do not hear about the former but we hear very much about the latter in very tragic circumstances.

The other issue which is of concern to me and which both the Citizens' Assembly and the

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committee spent a great deal of time discussing was the prevalence of abortion pills. One UK provider stated that it had shipped approximately 1,800 pills to Ireland in 2016. Those pills are dangerous when used unsupervised, and we must regulate them in the public interest. That is our job. That is the job of the Houses of the Oireachtas. We should not and cannot shirk from that responsibility, but we cannot do that under Article 40.3.3°. We cannot regulate a pill which is readily available in every house in this country should people wish to go online and buy it. That could, potentially, result in a woman's death, or worse, the death of a woman with catastrophic consequences for her family, among other awful outcomes. Regardless of one's view on the morality of the situation or the views of those who voted in 1983, we have a scenario that did not exist then and it shows the futility of the constitutional ban. If we could remove the ban we could facilitate a proper medical and diagnostic analysis of those pills and we could make a decision to ban them, regulate them or limit their availability to medical practitioners who ultimately should be the ones who determine whether they should be made available. Allowing the situation to continue and for the pills to come into this country unfettered is completely wrong.

I clearly intend to vote in favour of the enabling Bill to allow the people of Ireland to determine the future of the eighth amendment. With no one person under the age of 53 ever having voted on this matter, I believe it is the minimum Members of this House should do because we are all democrats. The people own the Constitution and we are merely its custodians. We should let the people decide and take steps thereafter if they decide to repeal the eighth amendment. That is a decision for the Irish people. No doubt colleagues on both sides of this debate are under enormous pressure from their electors to vote against the enabling Bill whenever the wording is produced. The reality is that those who shout loudest are sometimes not in the majority on either side of the debate but the fundamental principle of living in this Republic with its ideals means that we should afford the opportunity to the people themselves to determine what should be in the Constitution. We are merely the custodians of the Constitution and we facilitate access to it from time to time to allow the people decide whether it should be changed. Therefore, we should do that.

I know of many of my colleagues who hold opposite views to my own on a constitutional ban on abortion will still facilitate the Bill. That takes great courage and I thank them for doing so. Even if they do not agree with my position I know some who will facilitate a vote.

I wish to touch upon the tone of this debate which has been almost entirely respectful. Members should be commended on that. Perhaps in vain, I hope that if the enabling Bill is passed, the public debate will be equally respectful. However, like some other speakers I wish to reference the content of some of the correspondence I have received of late, including one which greeted me when I randomly visited my constituency office last night. I will not read the entirety of it but I wish to reference one or two extracts for the purpose of illustration:

The pro-choice women in government can find a budget and an agenda to murder babies. Pro-choice women plan on emotionally manipulating the Irish people into facilitating murder. They plan to play with the electoral fears around pregnancy. You should hold your head in shame. You are a deceiver. You are a disgrace. These women - it is like panto season is alive and kicking in Dáil Éireann right now with the good, the bad and the downright dowdy. The women in government and on the Opposition benches are attempting to make a fool of all the women in this country. They think we are all stupid. You are living in cloud cuckoo land. I am pretty sure Kate, Claire, Bríd, etc., would not know how to spell the word love. The female snakes in government and opposition are plotting and scheming. Women who avail of abortions in the UK have no moral compass, are not happily married,

have other deeply rooted issues in their psyche, are not happy with their lives. They do not know the meaning of the word love. They have chips on their shoulder. They are disgusting. How dare they? How dare you? Let's face it, they are female emotional manipulators and the men, you are gutless passengers. I am praying to the holy spirit to guide you.

That is not all from one email, it is from a few correspondents.

I thank my colleagues for listening to me, being respectful and not interrupting. I again thank the members of both the Citizens' Assembly and the Joint Committee on the Eighth Amendment of the Constitution for their recommendations which, broadly speaking, are uniform with some small alterations. I sincerely hope that those who might be listening or will read the debate in this Chamber will understand that a ban on abortion has no place in the Constitution and that if there was to be an outright ban or a partial ban then it should be legislated for. We cannot ever foresee the events of the future but we can look to the past and assess and evaluate what has happened since 1983. Peter Sutherland suggested that life was viable at 25 to 28 weeks but in fact it is now viable at about 23 weeks because medical science has advanced extraordinarily. To me, that would mean that unless a baby had no chance of life outside of the womb there would be no particular reason for a termination to take place after 23 weeks if life was feasible thereafter. We are legislators put here by the people to make decisions on their behalf but sometimes we need to ask them to make a decision for us. That is why facilitating the passage of a Bill enabling a referendum on the Constitution is so important and critical to the future of this debate, which has troubled Members of this House and the Seanad for the past 30 years. I again thank those who have contributed to this discussion so far. I look forward to the production of the Bill enabling a referendum.

Deputy Danny Healy-Rae: This is a very serious, contentious matter. This debate is being watched and listened to all around the country and beyond. Since I came up here almost two years ago, it has dominated many days and weeks in this Chamber. There have been many discussions about it. Many people have different views and are able to articulate them in this Chamber, the Oireachtas committee and the Citizens' Assembly. Right around the country, everyone is talking and can articulate his or her view. However, the small baby who has begun its journey into this world cannot express a view, say a word or be asked to be let live. I am standing up for the right of that baby to be allowed to live and to continue the journey into this world. Life is a precious gift and sometimes there is only the breadth of one's nail between being dead and alive. I believe God alone decides or should decide when we come into this world and depart it.

Many people, including children, fight illness bravely to try to stay alive. Indeed, it is heart-breaking when a mother, father or any family member loses a child to cancer or many of the other illnesses that take people suddenly out of this world. Many women try very hard to start a family and go to enormous effort and expense to conceive. I know of one woman who tried so hard to have a child that she jeopardised her own life in that quest. Recently I met a family who were very down as they were going to have to give up a three-year-old boy they had fostered for the past two years. They are heartbroken. Many couples who cannot have children would gladly adopt. Sometimes, they even fail in doing that.

I love life myself. Both Eileen and I are lucky enough to have had six children. My son Johnny and his wife Caroline now have two children. I love my grandchildren very much and have watched them grow and get strong and sturdy from when they were born, when they were so small. I recognise the care and attention they need every minute and hour of every day when

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they cannot yet fend for themselves. I love all children; they are our future. In the same way, I care for all women and girls. Women give so much to their children, husbands, partners, homes, work, business, politics and everything else. As I was criticised recently by other politicians for trying to get sick elderly people into hospital who needed urgent medical intervention to stay alive, it is incumbent on me to argue for the survival of the small tiny baby inside a womb starting the journey into this world.

From the moment of being conceived, the baby has a right to life. The eighth amendment gives an equal right to life to the mother and baby. Many good, decent, hard-working people in this country share my view. I firmly believe that life begins when a baby begins to grow inside a woman. I believe it is a crime to take a life, inside the womb or outside it weeks later.

In the context of this debate, it must be remembered there are all kinds of contraceptives and devices to prevent pregnancy and which women did not have in times gone by. Large families were reared and brought up in my parish and, indeed, neighbouring parishes. In our parish, there were 17 Lovetts, 22 Cahills and 16 Sullivans, and my grandfather had 12 children. They certainly did not have very much but the one thing they did have was love for one another. They cared and looked out for one another. In bygone days, young girls were frowned upon if they became pregnant and they were even locked away. That was very wrong. I am glad we have moved a long way from that. It was almost 50 years ago. All pregnant girls and women deserve broad respect.

I reject the selective way the Citizens' Assembly was set up. Indeed, there was no representative at all from Kerry and several other counties. The members were not elected by anyone. They were selectively put in place, which was wrong. The Oireachtas committee was biased in the way it operated and the view of the pro-life people was not properly taken into account. Of course, all the people around the country will have a democratic right to decide in the referendum. What is critical, however, is the wording on which this Dáil will ask people to vote. It is not necessary to repeal the eighth amendment, which has served the mothers and babies equally well for many years. Article 40.3.3° protects the life of the mother should the pregnancy endanger her life. The question has not been answered as to what will replace the eighth amendment if it is removed. That is the real worry.

Many people do not know what happens when an abortion is carried out. People should educate themselves on this. Many people have not done so. It is really hurtful. It is really so bad. What the abortionist does is inject the baby twice, first to paralyse it and then to stop its heartbeat. I believe that is murder. I believe that is wrong. I could not do that. I will not be part of that.

In the course of this debate, a Deputy mentioned something about little Molly and 3,500 children who are homeless. I certainly hope that the Deputy did not mean that those children should not be alive but, nevertheless, the Deputy mentioned it in the course of the debate last night. Another Deputy mentioned former bishop Eamonn Casey. I do not know why his name should be mentioned in this debate at all. What I would say to that person is that Eamonn Casey did a lot of good for a lot of people, in England, Galway and Kerry. If some of the Deputies seeking abortion in this Chamber lived to be as old as Methuselah, they would never do as much good for people as Eamonn Casey, who is now deceased, did for people in his life.

Dáil Éireann
Topical Issue Debate

Agriculture Scheme Payments

Deputy Eamon Scanlon: I want to voice the concerns of 33 landowners who farm the Killery Mountain on the Sligo-Leitrim border and to request an urgent investigation into the current position as to why the Department of Agriculture, Food and the Marine is only partially paying basic payment scheme, BPS, and areas of natural constraints, ANC, payments to these farmers.

7 o'clock There are up to 1,000 ha of commonage on the mountain in which 33 farmers have shares. These landowners are being penalised following a major gorse fire which started on 3 May last year. It took 32 hours to quell the fire which spread over 4,000 ha of outstanding beauty. Four fire brigades from Sligo and two from Leitrim dealt with the fire, assisted by the Coast Guard as well as fire officers from Donegal and local farmers who alerted the fire services in the first place. The commonage shareholders also made every effort to get the fire extinguished.

Payments for 2017 were withheld from the farmers until Christmas week. Most of them received very little with some losing out between €4,000 and €10,000. I first contacted the Minister on this issue in November 2017. I did not receive an acknowledgement from his office at the time. Unfortunately, a substantive response from the Minister is still pending. Information was obtained through individual representations to the Department on behalf of the farmers regarding their payments.

In early December, I was advised by the Department that it actively investigates incidents of illegal burning using satellite imagery. Land burned between the period of 1 March and 31 August of any given year is not eligible for payment under the BPS. The Department informed me that to qualify for payment under the BPS, an application must have an eligible hectare of land in respect of each entitlement held. It also stated that, with respect to the farmers in Killery Mountain, the lands in their BPS applications had been identified as having been burned outside the permitted timeframe and, accordingly, such lands would not be eligible for the purpose of the BPS payment which has created an overclaim on the BPS applications.

These farmers have been written to by the Department outlining the current position with regard to their BPS applications and setting out the options available to them on the overclaim parts, including the right to seek a review. The correspondence stated where land has been burned that is not suitable for agricultural activities, such as grazing or cultivation, it is, therefore, not eligible. It was apparent during the closed season for burning that there was widespread burning vegetation, according to the Department. It confirmed by press release on 17 May that it was investigating the illegal burning of lands. It also stated farmers who included illegally burned land in their 2017 BPS applications should remove the land, and that inclusion of same would result in reduced payments and penalties under the scheme.

All of the farmers, individually and collectively, do not accept this and are seeking an urgent appeal. If this decision is not overturned, it could affect the farmers' payments for three to four years until the grass regrows. That is not acceptable. What is the current status of the investigation? Will the Minister provide the House and the landowners with an update?

There is much access to the mountain for walkers and campers, making it difficult to pin-

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point exactly how the fire started. In excess of 60 gorse fires occurred between March and May of last year, according to the Irish Wildlife Trust. It was unseasonably warm and dry in the region in question during that particular time. To be honest, it was the only bit of summer we got. It is completely unfair to penalise the farmers in question or to assume they had any part in starting the gorse fires.

The Sligo Way is a waymarked long-distance walking route which starts at Lough Talt on the Sligo-Mayo border, continues along the line of the Ox Mountains for approximately 80 km, and ends at Dromahair, County Leitrim. Some of the property traversed by the Sligo Way is private property. Access is available by kind permission of all the landowners and farmers on the route. Persons entering by permission do so with the consent of the landowners. No matter how often they enter or in what numbers, they do not do so as of right. Up to 60 people a day could access this walkway with 5 km of it spanning across the commonage land in question. After the fire, the Minister for Rural and Community Development, Deputy Ring, gave a €54,000 grant to repair some of the stands along the walkway. In May 2017, the Sligo Camino attracted 600 walkers from 25 counties to walk the 25 km route.

An Ceann Comhairle: Has the Minister of State ever walked the Sligo Camino?

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): It is on my bucket list. I welcome the opportunity to address this matter on behalf of the Minister for Agriculture, Food and the Marine, Deputy Creed. I hope the Deputy will accept the Minister's apologies for not being able to take it in person.

The range of schemes available to farmers, such as the BPS, greening and the ANC scheme are vital supports which help to underpin the continued development of a competitive and sustainable agrifood sector. These payments also provide a significant financial boost for individual farmers and the wider rural economy. It must also be noted that under EU regulations, all applications under the BPS and ANC scheme are subject to robust administrative checks prior to payment. Only valid applications under the BPS and ANC which fully comply with the requirements of the EU legislation are paid. The main element of these administrative checks is an area assessment. This is achieved by using the detailed database of individual land parcels known as the land parcel identification system, LPIS, which currently records electronically more than 1 million individual land parcels. It is essential it is up to date and accurate.

Ineligible features, such as buildings, rock, scrub, land burned between March and 31 August, bog lands unfit for grazing or lakes, are excluded from payment. The integrity of the Department's LPIS and payment system is subject to frequent audit by the EU authorities. Any weaknesses in the system, such as failure to detect ineligible land parcels, leaves Ireland exposed to serious financial penalties which can run to tens of millions of euros. We recently had to pay €60 million in a disallowance and further audits are now under way.

With regard to the BPS and greening payment, advance payments began issuing on 16 October 2017. This is the earliest that payments can commence for these schemes under the governing EU regulations. It is worth noting that Ireland is among the earliest in the European Union to pay the BPS. In addition, the level of the advance payment was, following contact with the European Commissioner for Agriculture and Rural Development, Phil Hogan, set at 70% for 2017 rather than the normal 50%.

On 16 October 2017, BPS payments worth some €700 million were issued to 111,000 farm-

ers. Regular payments have continued since then, including 30% balancing payments delivered on 1 December. To date, in excess of 122,000 farmers, representing 99% of eligible applicants, have received payments amounting to more than €1.05 billion. ANC scheme payments commenced on schedule on 20 September 2017. Payments totalling €200 million have been made to in excess of 93,500 farmers. The Department has been effective in issuing payments to farmers amounting in total under the BPS and the ANC scheme to €1.25 billion over the past four months.

Moving to the question of land eligibility, applicants under BPS are paid annually on the basis of the number of entitlements held with the requirement to have an eligible hectare of agricultural land per entitlement. In this context, an eligible hectare is land that is used for an agricultural activity. Ineligible features, such as buildings, rock, scrub, land burned between 1 March and 31 August, bog lands unfit for grazing, lakes etc., are excluded from payment.

Where land has been burned, it is not in a state suitable for an agricultural activity such as grazing or cultivation and, therefore, it is not eligible, except where controlled burning is carried out. It is specified in the 2017 BPS terms and conditions that under section 40 of the Wildlife Act 1976, as amended by the Wildlife (Amendment) Act 2000, growing vegetation cannot be burned between 1 March and 31 August of any given year on any land not yet cultivated. These terms and conditions were circulated to all farmers in early March 2017.

It was apparent during the closed season for burning in 2017 that there was widespread burning of vegetation. Accordingly the Department confirmed via press release on 17 May that it was investigating the illegal burning of land. It was also publicised that such land is not eligible for payment under the BPS and other area-based schemes. Farmers were also advised that if they had included illegally burned land in their 2017 BPS application already submitted to the Department, they should remove this land by means of submitting an amendment form. Inclusion of illegally burned land in the 2017 BPS application could result in reduced payment and penalties under this scheme and the other area-based schemes.

The Department actively investigated incidents of illegal burning using the most up-to-date technology and satellite imagery. During that investigation, the Department identified lands that were included in some 2017 BPS applications, including by farmers on the commonage mentioned by the Deputy, which have been subject to burning after the permitted timeframe and would, therefore, be deemed ineligible for payment under the 2017 BPS. Accordingly, over-claims arose as the area declared in the 2017 applications by a number of these applicants was greater than the maximum eligible area of the parcels determined by the Department.

Deputy Eamon Scanlon: There were 80 burnings on mountains during 2017. These farmers kindly gave permission to have this walkway put in place, supported by Sligo Leader, Sligo County Council and Leitrim County Council. After that, last April or May, there were three or four weeks of good weather. It was the only summer we got. One could not burn land since then because one would not be able to light it because it was raining. These farmers are being victimised. None of them started the fire and they have sworn affidavits relating to that too. Some 600 people walked the Camino trail that weekend. I asked a farmer today how many people use the stretch of trail here. Some 60 people a day walk that particular stretch across the Killery Mountain because it is beautiful countryside. I do not think any of those walkers, because they respect the rural areas, would start a fire deliberately and no farmer would start a fire deliberately outside the burning time. It was probably an accident where a cigarette butt, a bit of glass or whatever else started that fire. These farmers are now being heavily penalised for

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something they did not do. It is affecting them and their families. It is an area with poor quality land and this penalty affects not only the land on the mountain that they have lost because of fire but also the lowlands they have. The Department should make a case relating to this. I know it will not stop here because these farmers have taken advice on this and will push it as far as they can.

Deputy Damien English: I will pass that on to the Minister, Deputy Creed. The Department has processed the 2017 applications concerned, for these farmers, based on the reduced area on the over-claimed parcel and has made payments accordingly. There has been some payment. The applicants have been written to by the Department outlining the current position in regard to their BPS applications and setting out the options available relating to the over-claimed parcels, including the right to seek a review. Some have done that. The details of the parcels concerned were outlined on the maps sent to the applicants. A number of farmers on the Killery commonage have been included in this process. Should the applicants concerned seek a review, they have been advised to submit any supporting documentation which they deem relevant for review by the Department. As the Deputy mentioned, a number of appeals have been received. These appeals are being reviewed and the applicants concerned will be contacted directly about the outcome of their appeals. I do not have the information to hand about the result of that but I am sure the Department will take on board the information.

It is the Minister, Deputy Creed's top priority to make the highest level of annual payment possible to the most farmers on the earliest date possible in accordance with EU legislation. Unfortunately, some farmers submitted lands for payment that had been burned during the closed season for burning and payment was not made on such land. The Deputy mentioned those farmers and the reasons for whatever happened to the land are probably being investigated. The farmers in the Killery commonage have been written to. It is open to them to submit appeals, which will be dealt with by the Department as a matter of urgency. I ask that the Deputy encourage any of those who have not made an appeal to do so. The Minister, Deputy Creed, made that clear. Some have but not all. They have been paid on the balance of their applications. The lands concerned, will, all other things being equal, be eligible for payment under the BPS in 2018. I will make it clear to all involved that the burning issue relates to one year only. Provided nothing else changes, that land is also eligible for this year, 2018, and it will be important for farmers to get that in order. I will mention the urgency with which decisions on these appeals need to be made.

Flood Risk Management

Deputy Catherine Connolly: I praise the men on the ground in Galway, as well as some women who were there, who reacted to the flooding that happened. I will come to the flooding itself, the council's response and, more importantly, the response from the Department. My purpose in raising this is that we can learn, we can prevent future incidents and we can clarify precisely what resources are available to help Galway city and indeed the county. I have shocking pictures of the damage done in Leenane in County Galway. I praise the council employees on the ground. Rinne siad obair na gcapall ar an oíche. I also praise the Civil Defence. I pick these out in particular because I will be very critical of how the management handled the flood on the night. The fire brigade had had to cope with a person going into the water at 7 p.m. It saved that person. Many things happened with which the people on the ground to deal. The workers had to cope with extraordinary difficulties. I was there at 6 p.m., went home at 2 a.m.

and came back again in the morning. I also praise the work that happened the next day. It was brilliant. People went door to door and did everything right.

On the night in question, I could not find who was in charge on the ground for a long time. I have an office which flooded, although that is immaterial. Many businesses and houses were destroyed. I could not find out who was in charge. Traffic continued to go through the floods on Fr. Griffin Road, down the docks and so on. Nobody took charge on the night in the immediate aftermath. I saw a report from the council that was eventually produced for the council meeting six days later and which was given seven hours into the meeting. It outlines a number of things which I will not go into in detail. The final paragraph of the report really concerns me, and I draw the Minister of State's attention to it. It is called learning and recommendations. It stated that a full inter-agency review of recent weather events should be carried out. I would have thought that would have been carried out already. There is discussion about the storms, Ophelia, Brian and Eleanor and how a review should be carried out, and not only that it should be carried out, but how agencies are giving themselves three more months to carry it out. The report states that agencies should develop an emergency response plan for the management of future flood events. I would have thought that was in place. It is a recommendation of this report to take actions such as the issuing of sandbags, temporary defences, traffic management and notification to the media. The recommendation corroborates my experience on the night that nobody was in charge. It certainly happened after the event. My criticism is of the senior management of the council and the gardaí. The traffic going through the flooded streets added to the chaos and increased the damage.

Further, the actions taken as a result of pressure in Salthill over the last years saved that area to some extent, whereas in the city, the car park in Jury's Inn was under flood water, as were Flood Street and other streets. There was a very high tide but anybody could see that there was a high tide at 5 p.m. The wind blew up but there was a warning. It is extraordinary. The report of the meeting is a blaming game, not by me but by the city manager, blaming the Department of Communications, Climate Action and Environment. He said that the Department issued a warning but did not tell Galway. That was the response and the city council was omitted from that. Will the Minister of State clarify the Department's reaction with regard to resources being provided for those who have suffered in Galway and the county? What report does the Minister of State have? What is the extent of the damage?

Deputy Damien English: I thank Deputy Connolly for raising the issue. It was actually raised with the OPW so I am taking the debate on behalf of the Minister of State, Deputy Moran, because he could not make it on short notice. It affects my Department as well. If I had known on time, I could maybe have brought more information to the Deputy to discuss this but I can certainly add to this conversation directly at a later stage if the Deputy wants. We want to learn from all these events, with a mission to prevent them in the future and to deal with them and every possible scenario. The National Emergency Co-ordination Centre reviews exactly what happened at a local level and national level and tries to learn from that. We have proven over the years, certainly with Storm Ophelia, that we can address and handle these issues. If there were any failings in the Galway situation, we will learn from and address that.

On behalf of the Minister of State, Deputy Moran, the Government's behalf and my own, I express my sympathy to the people in Galway who had their houses and businesses flooded recently. The Department of Housing, Planning and Local Government is the lead Department with responsibility for co-ordinating the national emergency response for severe weather events such as storms Ophelia and Eleanor. It has a co-ordinating role across various Departments and

agencies when there is a national emergency. In early January, the severe weather assessment team in my Department was actively monitoring forecasts and warning updates from both Met Éireann and the OPW regarding severe weather and tidal conditions. They linked with the local authorities most likely to be affected regarding their preparedness and the support available at national level, if required. My Department also liaised with relevant agencies in disseminating public safety information messages through broadcast and various social media. Social media and traditional media played a major role in helping us to get the message out with yellow, orange or red warnings relating to Storm Ophelia. I thank them for their support. Like the Deputy, I also thank all the people involved in the response on the ground in the clean-up afterwards and in helping others as well. The process of getting information out is essential as well. We do not always agree with the media in this House but when it comes to weather events, they provide an essential service and I compliment them.

Affected local authorities, including GCC, activated their inter-agency local co-ordination groups and internal crisis management teams to consider the forecasts and updates regarding Storm Eleanor and the potential threats, including high tides. Every local authority has a local co-ordination group and they meet during these events. The Galway group met twice that night to deal with the outcome and the aftermath. Even with all the warnings and predictions that had been made, the water levels were more than 1 m higher than anyone could have predicted. A sudden change in wind direction and an increase in wind speed of 42 knots between 5 p.m. and 5.30 p.m. combined with the high tide, heavy rainfall and the storm surge caused the severe flooding. There was also a full moon leading to high tides. That is why the OPW and Met Éireann were issuing warnings and potential flooding was forecast a few days in advance. GCC crews with assistance from the Defence Forces worked through the night and provided assistance to those affected by flooding, including the provision of pumps, collection of flood damaged contents and provision of dehumidifiers. Staff from other agencies and local residents came together to work hard as well. Everyone chips in to do what they can when these events happen. It is accepted generally that everybody did their job correctly to deal with the flooding aftermath. The Deputy's concern is that it happened in the first place. With all the predictions in the world, we cannot always predict where flooding will hit. Warnings are given but, again, we will review what happened and we will learn from this. A proposal to deal with this was brought to Government after the event on 2 January. The national co-ordinating committee will review the response as well.

Deputy Catherine Connolly: I reluctantly say that the Minister of State's response is disappointing. I realise he is stepping in on behalf of the Minister but I asked a specific set of questions. What resources will be made available? What is the extent of the damage that has been communicated to his Department? We need answers to them. Perhaps the full moon on the night explains some of the bewilderment on the part of senior management. There was fault in respect of the reaction. No meeting was convened urgently because they did not believe anything would happen. In the report of the meeting, the manager blamed the Department for the lack of warning. Staff could not have reacted because they say that they did not know. I live in the Claddagh in Galway and we are surrounded by water. Anybody could see that the water was extraordinarily high. The water was monitored up to 4.10 p.m., which was the last time the level was recorded. I have a file on Leenane but I do not have the time to outline the damage to hotels, private houses, the craft shop and the sea wall. I pay tribute to the OPW whose engineers have inspected the damage. What resources will be provided and when will they be provided?

There is an AquaDam in the Spanish Arch in Galway but it was not fully inflated on the night. Questions have to be asked about the cost of that and the Minister of State should check it. The AquaDam is punctured. It is like a bicycle tube that has been mended using a repair kit. It has been bandaged numerous times. These are serious questions. It cannot be inflated to its full height because of all the problems with it. I do not wish to find fault but, since I live in Galway, I want to know practically how we can avoid this again. There is a responsibility on us locally to a certain extent but the major responsibility lies with the local authority and the Government. What will happen in this flood risk area, particularly for businesses? My office, for example, is next door to a dentist's surgery and her livelihood has been put in jeopardy. There is a carpet shop nearby and there are many dentists with seriously expensive equipment located on the docks. They have no insurance.

Deputy Damien English: I have no problem getting more information on this for the Deputy and sitting down with her at a later date. She has raised questions that I will put to GCC as well. The national co-ordinating group assesses the fallout from all these events and makes changes accordingly. However, warnings are given on a regular basis and the OPW, Met Éireann and the Department are involved in that. They are issued through the media and every local authority knows what it has to do when it is notified.

The Deputy mentioned the full moon in a comical way but I will not because the moon affects tides. High tides, high winds and the sea surge at the same time caused this flooding. It could not have been predicted precisely but we have mechanisms in place to react. The Deputy raised issues about this and I will have them checked out as well. There are various schemes in place for the clean-up following such an event. The Minister for Employment Affairs and Social Protection ensured her Department's scheme was up and running straightaway. This will provide assistance to households affected by Storm Eleanor. A number of households have been assisted. There are different stages to the scheme relating to initial damage and structural damage to the house. The Irish Red Cross is administering a humanitarian flooding scheme on behalf of the Government to assist small businesses. Its aim is to get businesses back up and running but it does not deal with loss of goodwill and earnings. That scheme is available to businesses in the Galway region as well.

Local authorities are told by the Department that there is no restriction on cost in dealing with the fallout from a disaster such as this. They react accordingly in the days after during the clean-up and in addressing prevention measures for the future. Capital works that will have to be carried out in Galway fall to the OPW. I have a list of allocations under various schemes but I do not have time to outline them.

An Ceann Comhairle: I take it the Minister of State will meet the Deputy.

Deputy Damien English: I am happy to meet her to discuss this.

Respite Care Services Provision

Deputy Fergus O'Dowd: I thank the Ceann Comhairle for the opportunity to raise this important issue. It is at least the third time he has allowed this issue to be discussed. Progress has been made but we are at an impasse. Listeners to "Morning Ireland" earlier heard a mother, Jacinta, whose son, Sam, has met the Taoiseach and the Minister for Health. The Minister of State at the Department, Deputy Finian McGrath, has visited the constituency. All the Depu-

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ties representing the constituency have backed the call for proper respite care to be provided to people in County Louth. The service is inadequate and families are suffering greatly. Unfortunately, Jacinta, as a recent television programme showed, was assaulted and the programme showed what she is going through to help, support and keep the son she loves in a loving, caring and compassionate home. This is being denied to her by the refusal to provide the respite care services that were promised.

I was informed in reply to a parliamentary question I tabled earlier this year that following the budget, negotiations were in train between the HSE and service providers to provide respite care. Jacinta told me that when she contacted the potential providers they said no such contacts had been made. I will bring the parliamentary question to the Ceann Comhairle's attention following the Minister of State's reply. False and misleading information was given to me, which I gave to that caring mother. The community cares so much about people with disabilities and they try to keep family members at home. They dedicate their lives to supporting them. It is unacceptable that a misleading reply would be so given and I await the Minister of State's response on this issue.

We need to have a caring society and the political system would not have it otherwise, but there is no possibility of respite care being provided until due process, which has not commenced, has been gone through. I went to the extent of contacting service providers in County Louth today, having visited the property of one of them last year in the company of some family members. They believe that, because of the exceptional measures and the lack of proper respite care in County Louth, the HSE should make an emergency and urgent application for exceptional funding for a temporary period, be it three or six months, so respite can be offered to these families. In the meantime, obviously, the longer and more competitive procurement process can continue.

It is not unusual for the HSE in exceptional circumstances to seek, for a temporary period, services for care of the elderly or people who are very ill. For example, for the winter beds initiative it rings up nursing homes all the time and takes beds from them. These beds will be available in County Louth for these unfortunate people if the HSE officials have the strength and commitment to do that. I intend to pursue them fully, ruthlessly and relentlessly until the service is provided because it is a denial of basic, fundamental human rights when the money is provided by the political system but no initiative has commenced or has been processed as of this day.

Minister of State at the Department of Health (Deputy Catherine Byrne): I am taking this issue on behalf of the Minister of State, Deputy Finian McGrath. I have just been made aware of the letter referred to by Deputy O'Dowd and perhaps I will get a chance to deal with that shortly.

I thank Deputy O'Dowd for raising this important issue and for giving me the opportunity to outline the position in regard to the provision of respite services in County Louth. As the Deputy is aware, the Government's ongoing priority is the safeguarding of vulnerable people in the care of the health service. We are committed to providing services and supports for people with disabilities, which will empower them to live independent lives. As part of its ongoing service provision, this year the HSE will provide over 182,000 respite nights and 42,500 day respite sessions to families in need right across the country.

Both the Minister of State, Deputy McGrath, and the Minister, Deputy Harris, accept the

urgent need for increased respite care throughout the country, which is why an additional €10 million has been secured to specifically enhance respite care in the disability sector. In terms of respite houses, €8 million will be used to provide ten new dedicated respite houses which are coming on stream this year. There is one in each HSE community health organisation, CHO, area and three in the greater Dublin area, which will add 19,000 extra respite nights in a full year. In addition, a further €2 million extra funding will be used for innovative respite solutions, such as home sharing and extended day services, in order to provide assistance where people need it most.

Following the necessary procurement process, the HSE will work with HIQA to ensure registration of these facilities in a timely manner. Obviously, this all takes time but I can assure the House that every effort will be made to bring these additional services on stream as soon as possible. Many people with disabilities are being cared for by very elderly parents who are finding it very hard to cope. Other carers simply do not have the hours in the day to look after the other members of their families and, as importantly, their own health and well-being.

The Minister of State, Deputy McGrath, has made it clear this money must be ring-fenced for respite services within the disability sector and must be targeted at those who are most in need. The provision of respite services has come under additional pressure in recent years. More children and adults are now seeking access to respite and the changing needs of people with a disability are also having an impact as they, along with the rest of the population, live longer lives. A Programme for a Partnership Government recognises the need for respite services to be developed further and we are fully committed to ensuring this happens.

In the context of respite services in County Louth, discussions are ongoing at CHO area 8 level regarding the emerging need for additional respite services and the options to be developed to meet these needs. The HSE continues to work with agencies to explore various ways of responding to this need in line with the budget available. The additional funding for 2018 will include the development of respite services in CHO area 8, including County Louth. Scoping out the most effective way of commissioning respite services as part of this new money will be an immediate priority for the HSE in order to ensure services are brought on stream without delay. The Deputy will appreciate that proposals can only be considered within the funding available to the HSE and must adhere to a rigorous procurement process.

Deputy Fergus O'Dowd: I thank the Minister of State for her reply. I accept and acknowledge she is blameless in this matter and this is not her area of accountability. However, my views have not changed. This is departmental gobbledygook and it is unacceptable. While I am not being pejorative towards the Minister of State, whom I respect, I reject the rubbish she has been given to read out, which suggests I have to tell the mother of that child and other parents that nothing is going to happen, because that is what it means. The money is there. The problem is that the process will continue until perhaps the third quarter of this year before anything happens.

I want to be constructive. I ask the Minister of State to bring my comments back to the Department. I ask her to listen to what was said on "Morning Ireland" this morning during the interview with the mother of that child and another mother who accompanied her, who spoke in tears about her two sons who are now in their 20s and cannot and did not get respite. I repeat what I have said, namely, the HSE should make an immediate and urgent application given the exceptional circumstances which apply. Last April the HSE responded in writing to me about all the things it was going to do but it did none of them. As an exceptional measure, I would

ask it to do this now.

I spoke to two of the service providers today. Different service providers will be able, if asked, to provide a quote to the HSE if the HSE wants to do that. I will be back here next week on this issue. I am talking to the Secretary General of the Department of Health, the Minister for Health, the Taoiseach and the whole damn lot of them. They are not doing their job in this case. It is unacceptable that, after due process in the Department, after the political system has said this money is being provided, it is not being used.

Deputy Catherine Byrne: As the House is aware, I came with a prepared speech and I was not aware of the letter to which the Deputy referred. I will certainly raise all of the issues with the Minister of State, Deputy Finian McGrath, who apologises for not being here this evening. I fully concur with Deputy O'Dowd.

Deputy Fergus O'Dowd: I accept that.

Deputy Catherine Byrne: Even in my own constituency, I have had people ring me in regard to respite care, particularly for children, which astonished me. The children are in their teens now and there is a need for the HSE to up its game to make sure respite is available for those families, who are struggling on a daily basis in trying to deal in particular with older children and youths. The difficulty is that, at some stage in their disability, they can become very agitated and angry, and this can lead to a lot of concern, particularly where older parents are looking after children. I will bring the Deputy's very strong views back to the Minister of State, Deputy McGrath. The Deputy might send on to the Minister of State a copy of the letter.

Organ Donation

Deputy Louise O'Reilly: The issue I want to raise was brought to my attention by a woman who lives in my constituency. Her name, which she has given me permission to use, is Nicola McKenna. I met Nicola when I was out canvassing and we had a chat. Although she is very unassuming about it, Nicola is quite an amazing person. She donated a kidney to one of her siblings so she is a living donor. It is such a wonderful thing to do. We have all been inspired by following Orla Tinsley on social media and while I know Ms Tinsley's situation is not exactly the same, to be able to donate a kidney to a sibling, a relative or a friend is a marvellous thing to do.

I am aware of the way the scheme operates as I previously asked a parliamentary question on it. The reply reads:

The Policy for the Reimbursement of Expenses of Living Donors provides for the reimbursement of accommodation and travel expenses ... up to a maximum of €6,000. In addition, the scheme reimburses loss of earnings incurred by salaried/waged donors ... for up to 12 weeks after the donation, up to a maximum of €10,000.

The final part of the reply was the most disappointing. It states, "There are no plans to further alter the scheme."

Nicola does not work outside the home. She works incredibly hard looking after her children but she is not in formal paid employment. Therefore, she cannot benefit from this scheme, which reimburses the loss of earnings incurred by salaried or waged donors. She incurred sig-

nificant expenses. People who work in the home do work even if it might not be in the formal economy. She was not able to do that work, but it still had to be done and her children still had to be cared for. As such, she incurred additional expenses while recuperating after doing what was a marvellous thing, yet she is not covered by the scheme.

I genuinely believe that this is an oversight. Given that the numbers involved are small, no one in the Department of Health or any other Department would deliberately seek to exclude these people. They simply fell through the net. Excluding people who do not work outside the home is unfair. We should be encouraging people to become living donors. I would encourage anyone to do it. I have only one sister but I would like to think that, if the situation required it, we would do that for each other. Touch wood, we will not need to.

This small anomaly is not the Department's intention but it needs to be rectified. When I raised it previously, I was disappointed with the response to my parliamentary question, given what the bottom part read. I am calling for a very minor alteration of the scheme in light of the fact that we are only discussing a small subset of an already small number of living donors. Consideration should be given to this.

Deputy Catherine Byrne: I will read my reply and then speak again on the issues raised by the Deputy. On behalf of the Minister, Deputy Harris, I thank the Deputy for raising this matter, as it gives me the opportunity to update the House. Most of my reply is probably information that the Deputy already has, but I will read it in any event.

Organ donation is one of the most selfless acts that one person can perform for another. Last year was a record year for organ transplantation, with 311 transplants carried out, well in excess of the previous high of 296. This included 192 kidney transplants. The kidney transplant figure included 51 living kidney transplants, itself a record for a year. I thank the families of deceased donors for their kindness in times of great distress. I also thank the living donors for their significant generosity in giving the opportunity of life-changing transplantation to their loved ones.

The Department of Health introduced a scheme to reimburse the expenses of living donors in 2014. The reimbursement scheme applies to persons who have been selected as potential donors by the living donor programme at Beaumont Hospital and to those who, under the clinical supervision of the national renal transplant programme in Beaumont, travel to the UK for a paired kidney donation.

In line with the European Union (Quality and Safety of Human Organs intended for Transplantation) Regulations 2012, a key principle of organ donation is that it should be voluntary and unpaid. However, it is recognised that most living donors incur some financial losses when donating a kidney. The living donor reimbursement scheme is based on the premise that any reimbursement granted does not provide a financial incentive or award to a potential donor. The scheme aims to minimise financial disincentives for such donors as far as is feasible. It provides for the reimbursement of any loss of earnings incurred by living kidney donors as well as of accommodation and travel expenses incurred as a direct result of their donations. Loss of earnings by salaried, waged and self-employed donors incurred from the time that the donation takes place up to 12 weeks post-donation are eligible for reimbursement. A maximum of €10,000 applies in respect of lost earnings. Reasonable travel and accommodation expenses incurred from when the person has been selected as a potential donor, during the inpatient stay when the donation takes place and for up to 12 weeks post-donation are also eligible for reim-

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bursement. A maximum of €6,000 applies in that regard. Reimbursements under the scheme are exempt from income tax. A donor who is in receipt of a payment from the Department of Employment Affairs and Social Protection will continue to have that payment paid for a period of up to 12 weeks after the donation. The living donor reimbursement scheme acknowledges the great generosity of living kidney donors. It aims to cover some expenses of donors while retaining the voluntary ethos of donation.

In the case of people who do not work outside the home, the provisions in regard to travel and accommodation, as well as payments from the Department of Employment Affairs and Social Protection, apply. Further reimbursement is not provided under the scheme. I will revert on the Deputy's specific issues shortly.

Deputy Louise O'Reilly: That was disappointing. The Minister of State referred to the necessity of not providing a financial incentive or award to a potential donor. I have met the lady in question. Knowing that she would not be reimbursed for the additional cost did not in any way deter her from donating a kidney. Donating is a marvellous thing for someone to do.

A group of people are being discriminated against, and the Minister of State knows as well as I do that women are most likely disproportionately represented in that group. It is a discriminatory practice. While there may not be what would in industrial relations terms be called a de facto loss of earnings, an expense is incurred. Someone must be paid to do the work that Nicola was doing. I should stress that Nicola in no way sought any financial award for this. She gave a marvellous gift to her sibling freely. Following my conversation with her, I am of the view that while the scheme is discriminatory, that is not the Department's intention. There is an anomaly that can be addressed without creating any financial incentive. We are discussing people who could, for example, be caring at home for an elderly relative, children or a family member with special needs. They will have to spend money to get that work done.

It would not be unreasonable to extend the scheme. We are not discussing a large number of people, but a very small one. They are doing a marvellous thing. We all recognise how essential living donors are. There should be some movement on the Department's part in this regard because I do not believe that this anomaly was its intention.

Deputy Catherine Byrne: The Deputy probably already had most of the information contained in my reply. I have listened to and understood her concerns. All I can do is relay most of them to the Minister.

As someone with a person in her family who passed away and donated every organ, I understand the difficulties and stresses people experience during what is a time when no one can really put anything together. Having to go to hospital and see someone on a machine, knowing that he or she will never leave again, is very stressful. Thank God, we have people who donate their loved ones' organs.

We must also be respectful of the people the Deputy mentioned, namely, those who stay at home, mind others and do not go to work. Unpaid work, at any rate.

Deputy Louise O'Reilly: It is an anomaly.

Deputy Catherine Byrne: There were 51 living donors of kidneys last year. I have the statistics with me. Many people are willing to change their lifestyles for two or three months after donating a kidney to a loved one.

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I will raise the issue with the Minister and ask him to reply directly to the Deputy. I cannot give her a commitment that an alteration will happen, but I understand her concerns.

Deputy Louise O'Reilly: I thank the Minister of State.

Deputy Catherine Byrne: I thank the Deputy for her thoughtfulness on this issue. Perhaps it has been overlooked and we should re-examine it.

The Dáil adjourned at 7.50 p.m. until 2 p.m. on Tuesday, 23 January 2018.